



# Freedom Network USA

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VIA EMAIL

## **RE: FY2022 Human Trafficking Funding Recommendations**

Directors Rose and Chon:

Freedom Network USA (FNUSA) commends **OVC** and **OTIP** for providing critical funding for human trafficking service providers. These services are life-saving for survivors fleeing exploitation, and allow survivors to build a safe future for themselves and their families. We appreciate the dedication of your offices in administering these funds so effectively in the past. We will continue to advocate for increased levels of funding to meet the growing awareness of human trafficking and concomitant increase in identification of survivors. Unfortunately, the funding can also be confusing, contradictory, and insufficient. We believe that the growing needs require more funding, but also some new approaches.

As you know, FNUSA is the nation's largest coalition of service providers and advocates working directly with human trafficking survivors in the US. We are committed to the human rights based approach to human trafficking, placing a trafficked person's priorities and narrative at the center of anti-trafficking work. We work to create a coordinated national system in which appropriate and effective high-quality services are available to any survivor, anywhere, anytime—regardless of legal status, geographic location, age, gender, sexual orientation, or type of trafficking experienced.

On behalf of our over 80 [members](#) across the US, I respectfully submit the following recommendations for your program planning in the coming months and years:

- 1. Ensure Coordinated, Client-Centered, Program Requirements and Guidance**  
**OVC** and **OTIP** should take the lead in supporting trauma-informed, client-centered, voluntary programs that include flexibility in the intensity and length of service provision, low barrier program entry, support for both direct victims and their immediate family members, comprehensive services that include sufficient funding for social and legal services, appropriate service provider staffing and training, and demonstrated language access policies.

Currently there are stark differences between the program guidelines issued by **OVC** and **OTIP**. For clients, this can be extremely confusing and distressing when the level and type of services provided changes dramatically when they, for example, achieve Certification or move to a different city or state. We strongly recommend that **OVC** and **OTIP** develop consistent program guidance to create more parity in the services available to survivors.

As you know, some clients need only brief services while others have intense needs that may last for over a year. Due to widespread job losses, illness, and judicial delays (including delays in civil and criminal courts as well as immigration courts and service centers) as a result of the pandemic, survivors often need services for even longer and are returning to services after months or years of independence.

Therefore, FNUSA recommends the following:

- a. Develop joint **OVC** and **OTIP** guidance on minimum standards for service provision, Standards of Care, that are required for all recipients of federal funding for human trafficking services. Deny funding to programs that fail to meet minimum standards of trauma-informed, voluntary services.
- b. Require all grantees to submit their policies and procedures for service provision to a federally-funded training and technical assistance provider for review and feedback to ensure that policies are documented and are appropriate.
- c. Permanently remove the service period and budget limits in the **TVAP Program**, which do not allow programs to design a service plan that is actually responsive to the needs and interests of the client.
- d. Permanently remove limits on funding for criminal record relief legal representation in all **OVC** awards and *remove any such limitations on open awards*.
- e. Develop and share guidance on program administration including templates for common requests, definition of terms (such as “key personnel”), and expected timelines for approval by grant managers (for publications or other materials). Establish a mechanism for reporting inconsistencies or challenges with grant managers anonymously.
- f. Publish a joint list of federally-funded service providers, including **OVC** grantees, **OTIP** grantees, and **TVAP** contractors; including contact details for referrals, demographics served, and types of services provided.

## 2. Align and Coordinate Grant Programs, Give Clear Requirements

In order to provide comprehensive, victim-centered services, programs must engage in three separate activities:

- Build collaborative, supportive relationships with diverse organizations in their communities (including health care providers, housing programs, educational institutions, and ethnic and community based organizations).
- Conduct outreach to identify trafficking survivors (both directly and in collaboration with partners).

- Provide, either in-house or through referrals, comprehensive legal and social services (including medical and mental health care, housing, education and employment support).

We urge **OVC** and **OTIP** to design their programs to ensure support for all three activities, recognizing that the funding needed, capacity of organizations, and sophistication of local networks differ across the US. Grant programs must be designed to both build capacity in underserved areas, and support ongoing service and outreach needs in population centers. They must also allow grantees to combine funding sources in flexible ways to meet the needs of survivors. Grant programs should also be aligned to ensure that services are available when community outreach is funded. Therefore, outreach proposals should include a plan for providing services to identified survivors through other funding sources or partnerships.

FNUSA strongly believes that the **OTIP Trafficking Victims Assistance Program (TVAP)** per capita approach is appropriate only where there are no established human trafficking programs, as it does not generally develop capacity for comprehensive outreach and services. Grants develop sustainable programs when organizations are able to hire and train full-time staff to ensure a high standard of service provision. We recommend that **OTIP** return to their previous approach of funding both longer-term grants in areas that have documented client service needs, as well as a nation-wide per capita program to provide a flexible response to meet gaps in service provision, and to provide additional resources for unusually large cases that overwhelm local capacity.

**Recommended requirements for all TVPA Funding:**

- Require all budgets to include line items for direct service needs (including food, housing, medical care, personal care items, and transportation). Even when partners are identified, there will be needs that are not met by available partners and all providers must be prepared to budget for these expenses.
- Require all grants to include training and outreach plans to ensure collaboration with community based organizations that are most likely to identify potential trafficking survivors. Require budget line items to support these community partners.
- Require all proposals to include a language access plan and a line item for interpreters and translators. Programs that do not have these items in place are likely to engage in discriminatory conduct by failing to provide appropriate services to survivors who are not fluent in English.
- Require all proposals to include data regarding the years of experience in providing direct services to trafficking survivors for both the organization and key staff; number of survivors supported in each of the past 5 years disaggregated by type of trafficking, gender, adult/minor, and US Citizen/LPR or foreign national; and types of services provided by staff vs. partners. This data must come from the provider, not rely on Hotline data. Ensure at least 20% of the total points are allocated to this section of the proposal.
- Either streamline the OJP final budget clearance process to an average of less than 1 month, or allow expenditure of up to 10% of the grant award during the interim.

- f. Eliminate the law enforcement support letter requirement from all services grants.
- g. Eliminate the sustainability plan from the proposal. Direct service providers must rely on a variety of grant funding and donations, and those are almost never predictable over the long term. Instead, focus on the experience and expertise of the provider, the details of their program, and the strengths of their partnerships.

We recommend changing the **OJP ECM Task Force** grant to support community partnerships:

- a. Allow **ECM grants** to develop comprehensive community collaborations *instead of* law enforcement-service provider collaborations, with multiple tiers of funding.
- b. Tier One grants should support developing collaborations and building the capacity of the partners to address human trafficking. These awards should be smaller, but for a longer period of time (approximately 5 years, perhaps an initial 3 year award with an optional non-competitive continuation award for programs that meet initial benchmarks of progress), and include targeted technical assistance and mentoring. Funding should be distributed to all of the community partners, and they should reflect communities most at risk of trafficking.
- c. Tier Two grants should support communities with developed collaborations, ongoing training for partners and community organizations, significant direct outreach efforts designed to identify survivors, and comprehensive social and legal services for all trafficking survivors in a defined geographical area. These awards would be typical 3 year awards and applicants could continue to apply for awards.
- d. Require that all program elements work toward the goal of identifying and serving survivors of human trafficking. Do not approve the expenditure of funds on activities designed solely to charge and/or prosecute cases with no victims or to conduct outreach that has not proven successful at identifying survivors. Congress has appropriated these funds “to develop, expand, or strengthen victim service programs for victims of human trafficking,” and the funds must not be diverted to activities that are unrelated to victim services. 22 USC 7105(b)(2)

We recommend amending the **OVC Services** grants in these ways:

- a. Clarify budget requirements for OVC meetings (one trip to DC per year or only one trip during the first year of funding).
- b. Reinstate the **Comprehensive Services** grants, and the requirement that grantees provide a detailed plan for holistic services for all trafficking survivors through in-house staff, collaborative partners, or contracted services. The current Enhanced Services grants have insufficient requirements and risk leaving survivors with limited support or for some sub-populations of survivors to have unequal access to services.
- c. Add a grant for Foreign National Minors. Providers continue to report a steady influx of foreign national minors who have experienced labor and/or sex trafficking. Specialized providers are needed to navigate the complex multi-system involvement of these survivors, many of whom must navigate: the Unaccompanied Refugee Minors program, child welfare systems, criminal legal systems, immigration systems (USCIS and/or EOIR), school placements.

- d. Ensure that **Human Trafficking Housing Grants** are required to include the full-range of comprehensive services, or have an MOU or contract with a partner to provide those services. Many services grantees are reporting that the HT Housing providers are providing only housing and are referring survivors to another provider for comprehensive services without collaborating with the non-housing provider.

We recommend amending the **OTIP TVAP** program to in these ways:

- a. **OTIP** must allow services for all derivatives of survivors with grant funds.
- b. **OTIP** should begin awarding competitive grants to direct service providers that are providing support to foreign national survivors of human trafficking. These grants should have the same requirements as the OVC Comprehensive Services grants.
- c. **OTIP** should maintain the TVAP national per-capita model to fill in gaps and to provide additional support to large cases. The per capita approach must include strong mentoring to ensure that providers appropriately serve this population. We recommend a regional approach to ensure the grantee is able to develop local relationships.

### 3. Vary Grant Award Levels to More Equitably Distribute Funds

We recognize that the current appropriations are simply insufficient to meet all of the needs of all trafficking survivors in the US. We also know that survivors are more likely to be identified (although not necessarily more likely to be trafficked) in urban areas with a concentration of service providers, law enforcement, and community members that have received training to identify human trafficking. However, we also note that needs exist in all states, that providing services in rural areas can be more expensive (per person) than in urban areas with public transportation and publicly financed services, and that limited grant funds must be divided as equitably as possible.

We commend **OVC's** integration of varied funding levels into their grant programs. Grants should give larger or more established programs the resources needed to support their large caseloads, and give smaller and newer programs the stability needed to build their expertise.

Additionally, grants and program guidance must allow providers to use multiple sources of funds to fill remaining gaps. The current program guidance that strictly limits enrollment of foreign national clients in either the **OVC** or **OTIP** grants does not take into account caseload limitations, fluctuating needs, and program limitations. If **OTIP** continues to rely on the **TVAP** per capita model for all foreign national survivors, there should be additional flexibility to meet client load surges in **OVC** funded programs, especially those funded under current limits.

We recommend the following changes to the **OVC** and **OTIP** grant programs:

- a. Grant award amounts should be tiered, providing less funding to new and small programs. An appropriate amount would be \$50-\$200K annually for those programs with fewer than 2 years of operating experience or serving fewer than 20 survivors annually. This provides the stability a program needs to develop, without

the federal government making a large investment in an unproven organization or giving unnecessarily large grants to programs that provide vital services to a small number of people.

- b. Larger and more established organizations should be eligible for larger grant awards, approximately \$300-\$500K annually. This supports a large program that can demonstrate consistently providing effective, trauma-informed, voluntary services for a significant number of survivors for at least 5 years.
- c. The largest organizations should be eligible for the largest grant awards, up to \$600-\$800K annually. This supports a large program that can demonstrate consistently providing effective, trauma-informed, voluntary services for a large number of survivors for at least 5 years.
- d. All grant applicants should be required to specify the service area, list of services to be provided, and maximum number of survivors they will be able to serve with each grant. This will ensure programs receive proportionate funding, allow partners in the same area to distinguish their services, and increase accountability. This also allows programs to seek complementary funding from multiple sources to support comprehensive services for diverse populations, large caseloads, or multiple service areas.
- e. Provide more training, support, and flexibility around the match requirements. Match requirements are complicated, especially due to the pandemic. Grantees should be allowed to use the full market value of any in-kind services provided, even when they exceed the contractor limit. OVC and OTIP should provide additional training and technical assistance on meeting match requirements include examples of a diverse array of match sources, sample documentation, and support in processing approvals for in-kind rates that are above the contractor limit.

#### 4. Ensure Support of All Trafficking Survivors

Survivors of labor and sex trafficking, US Citizen and non-citizen, adults and youth, of all gender and sexual identities and ages need services and support. We believe that it is critically important for **OVC** and **OTIP** to ensure that holistic programs exist across the US that serve all trafficking survivors regardless of the type of trafficking, gender identity, citizenship status or age of the survivor. We also recognize that specialized programs offer unique expertise and experience that compliment broader programs.

We recommend the following changes to the **OVC** and **OTIP** grant programs:

- a. We urge **OTIP** to integrate programs and services for US Citizens and non-citizens, and are eager to work with you to envision a new funding method that complies with the law but does not segregate survivors.
- b. We urge **OVC** and **OTIP** to consider populations served when making grant awards. Priority should be given to programs that serve men and boys, labor trafficking survivors, and LGBTQIA populations.
- c. Support the use of multiple funding sources to meet the needs of all survivors. Grantees should be able to use funding from both OVC and OTIP as long as they are meeting the objectives of both funding sources. When providers exceed the maximum number of survivors they agreed to serve with one grant, they should be allowed to use another funding source to serve additional survivors.

## **5. Discontinue the role of Law Enforcement Agencies (LEAs) in the Enhanced Collaborative Model or Drastically Increase Oversight and Accountability for LEAs**

FNUSA has worked with OVC leadership throughout the lifespan of the ECM, and was hopeful that supporting these LEA-service provider collaborations would build lasting partnerships that would increase identification of survivors and their access to services. However, after decades of funding, these outcomes remain elusive. As a reminder, the purpose of funding authorization that supports OJP's grantmaking is "to develop, expand, or strengthen victim service programs for victims of human trafficking." 22 USC 7105(b)(2).

FNUSA has found that, regardless of the intention and support provided, the ECMs are not operating as an integrated coalition. They are not identifying and serving the same survivors. They may have joint meetings and conduct some joint training and outreach, but they are not working together to identify trafficking survivors and connect them to services. Some LEAs refuse to share information and resources with the service providers. Some LEAs engage in 'john' stings and internet operations designed to arrest sex buyers without ever identifying trafficking survivors or those abusing or exploiting actual humans. Survivors are being arrested or threatened with arrest by ECM-funded LEAs. Prosecutors in ECM Task Forces coerce the testimony of survivors by threatening prosecution or refusing to reduce sentencing recommendations. ECM Task Force members refuse to apply for Continued Presence or to provide T Visa Supplement B Certifications for foreign national survivors. These operations are not accomplishing the objectives of the authorization, are not effective investments, and divert funds that could be used to better address the vast unmet needs of actual human trafficking survivors and the providers who are supporting them.

FNUSA, therefore, recommends that OVC/OJP discontinue the LEA funding within the ECM grant program.

If OVC/OJP continues to fund LEA, they must include the following changes:

- a. Include a Special Condition in all LEA grants that requires implementation of written policies and procedures to ensure that trafficking survivors are not arrested or threatened with arrest and are not mandated into services by any task force members.
- b. Include a Special Condition to require all LEA to submit both their Language Access Plan and an enforceable agency policy that bans sexual contact by employees acting under color of law. No agencies that permit sexual contact during law enforcement actions should receive anti-trafficking grant funds.
- c. Diversion courts and similar approaches that are predicated on the arrest of the crime victim should be unallowable with these grant funds. Only trauma-informed, voluntary services should be supported by OVC/OJP.
- d. Require all ECM grant budgets to reserve at least 60% of the funds for the victim service provider.
- e. All ECM grants should require joint performance reports that enable OJP (or the ECM TTA provider) to ensure that all enforcement actions were designed to

identify victims, victims were not charged or threatened with arrest, LEA are working in collaboration with their service provider partners, and survivors are provided with the full range of services and protections they need. Reports should include:

- i. All citations and charges resulting from funded law enforcement activities.
- ii. Detail how and when service provider partners were included in the planning and execution of all law enforcement activities.
- iii. Comparison of the service provider and LEA data including:
  - Total reports of potential trafficking victims received (disaggregated by type of trafficking (labor or sex), gender of victim, citizenship status of victim)
  - For each reported victim the status of investigation (if the victim was arrested, incarcerated, prosecuted, and/or sentenced, if so for what and why) and service provision (if services are open, closed, or never opened, and why)
  - For each reported foreign national victim, the status of the Continued Presence application and I-914 Supplement B
  - An explanation of any differences in victims being served by the LEA and victim service provider.
- f. All TTA provided by DOJ for ECM grantees should include both law enforcement and service provider presenters. TTA should not be separately provided to law enforcement grantees.

## 6. Collaborate to Fund a Field-Driven National Resource Center

As new providers emerge, and existing programs expand their services, there is limited support to ensure that programs are effective. A National Human Trafficking Resource Center is a critical investment in proactive training and technical assistance. The domestic and sexual violence fields have invested in national training and technical assistance to support the development of high quality services, standards for evaluation and research, and to build a more collaborative environment for providers.

We recommend the following to address these needs:

- a. **OVC** and **OTIP** should collaborate to establish at least one national resource center, which is field-driven, connected to direct service providers, staffed by those with direct services, lived, and program development experience, and an understanding of federal grant funding.
- b. The Center should develop standards of care and guidance on program evaluation in collaboration with **OVC** and **OTIP**. These standards should be integrated into the grant program requirements. Standard evaluation requirements accompanied by TTA support would provide federal agencies with a better understanding of the impact of their funding, effectiveness of their grantees, and emerging best practices.
- c. The Center should host annual meetings for all **OVC** and **OTIP** funded service providers. The joint annual meeting would allow successes, best practices, and innovations to be shared; challenges to be deeply explored; federal priorities and changes to be communicated; and connections among providers to be made. The

Center could also serve as a central distribution point for all federal training materials, including webinars, posters, videos, and other materials.

- d. The Center should provide extensive, pro-active training and technical assistance to all grantees to ensure that voluntary, victim-centered, non-discriminatory services are being provided with federal funds.

## 7. Research, Data and Evaluation

We commend **OVC** and **OTIP**'s commitment to research, data and evaluation. We encourage you to continue collaborating with NIJ and OPRE to support research that has a real and immediate impact on the improved understanding of human trafficking and the delivery of effective, appropriate services. The research should focus on supporting better identification of survivors, establish more effective services, and improve outreach and identification of survivors.

We recommend the following to address these needs:

- a. All research grants should be required to provide guidance on how to put the research into practice which is developed in coordination with a service provider.
- b. Require that research grants include paid consultants with lived experience to guide the design, implementation, analysis, and application of the research.
- c. Better align the data collection requirements for **OVC** and **OTIP** funds. When providers are collecting the same types of data for both programs, the process is easier for providers and the data analysis is more meaningful for the nation.
- d. Develop joint **OVC** and **OTIP** guidance on program evaluation to support grantees in engaging in meaningful evaluation that is useful for both the grantees and the government—including community needs assessments, and both process and outcome evaluations. Grant solicitations should clearly state if research and/or evaluations are required and if a minimum amount of grant funds must be budgeted for that purpose.

We look forward to discussing these recommendations with you and working collaboratively with OVC and OTIP as you work to further strengthen and expand your human trafficking victim services.

Sincerely,



Jean Bruggeman  
Executive Director  
Freedom Network USA