

# Office for Victims of Crime

## VOCA Administrator Regional Meeting | SUMMARY

<b>MEETING DATE</b>	November 19, 2015
<b>MEETING LOCATION</b>	Albuquerque, NM
<b>MEETING CALLED BY</b>	Marilyn Roberts, Acting Director
<b>TYPE OF MEETING</b>	Regional Administrator's Meeting
<b>FACILITATOR</b>	Ashley Garrett, OVC TTAC, Human Trafficking Team Lead
<b>PARTICIPANTS</b>	VOCA Administrators: Robin Brassie (NM); Tannisha Bell (OH); Dorothy Edwards (NV); Maryellen Garcia (NM); Shelby Foster (NY); Stephanie Pratt (WA); Sher Schrader (NE); Frank Zubia (NM).
<b>ATTENDEES IN PERSON</b>	Yvette Estrada (Program Specialist, OVC); Marilyn Roberts (Acting Director, OVC)
<b>ATTENDEES VIA PHONE</b>	Kris Rose (Deputy Director, OVC); Toni Thomas (Associate Director, OVC); DeLano Foster (Team Lead, OVC); Mary Atlas Terry (Program Specialist, OVC); Kisha Green (Program Manager, OVC); Olivia Grew (Program Specialist, OVC), Kate Peterson (Attorney-Advisor Detailee, OVC); William Petty (Visiting Fellow, OVC); Adrian Wilairat (OVC Technical Writer-Editor)

### APPENDIX

- Agenda

### WELCOME & INTRODUCTIONS – MARILYN ROBERTS, ACTING DIRECTOR, OVC

- Marilyn welcomed participants attending in person, on the phone, and via teleconference and thanked the New Mexico representatives for hosting the meeting.
- Attendees introduced themselves.

### TRAFFICKING OVERVIEW, KRISTINA ROSE, DEPUTY DIRECTOR, OVC

- Kris provided an overview of OVC's human trafficking program. She discussed OVC's 3 major grant programs: Enhanced Collaborative Model, Comprehensive Services, and Specialized Services.
- In Fiscal Year 2015, OVC issued a new solicitation on Training & Technical Assistance on Comprehensive Legal Services for Human Trafficking Victims. Two grants were awarded.
- OVC is committed to supporting survivor-informed work and to making sure that the victims of trafficking advise us. OVC is hosting a second Survivor Forum, in January 2016, at which OVC will pilot a model of a TTAC training: professional development training for survivors who want to be more involved in combatting trafficking. The first Survivor Forum, in January 2014, coincided with the release of the Federal Strategic Action Plan (SAP). DOJ made significant contributions to the SAP, which guides much of OVC's work.
- Human trafficking is a high priority for the new Attorney General.
- Important to focus on state laws being enacted on human trafficking. State legislators have asked OVC for input on what is needed in terms of innovative laws on trafficking. OVC has awarded a grant to the National Conference of State Legislatures (NCSL) to educate state

legislators on trafficking. NCSL's next annual conference should have an extra focus on trafficking.

- TTAC serves as your partner to implement plans in your states to better serve trafficking victims. Take advantage of Ashley Garrett's presence and facilitation of the meeting.

## **DISCUSSION – WHAT ARE THE HUMAN TRAFFICKING TRENDS IN YOUR STATE?**

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Facilitator, Ashley Garrett, OVC TTAC

Marilyn:

- OVC TTAC is a great resource available to you for training and technical assistance.
- Access the human trafficking sections of the OVC website for more resources and information.
- VOCA Administrators have told us that they want to attend these regional meetings, so we will continue to hold them. These meetings are beneficial so that OVC can hear from you and so that you can hear from your colleagues around the country and share information with your staff and those who couldn't attend. We want participation both from people who have not yet attended and from people with interest in the meeting topic. In 2016, one of the meetings will focus on tribal issues, and we will likely invite tribal representatives from the state that is hosting.
- OVC has created the *Faces of Human Trafficking* resource, which consists of 9 training videos, 3 of which we will watch today to frame our discussion.
- Hopefully, NCSL will publicize all the great changes in state laws for trafficking victims.

Ashley:

- The *Faces of Human Trafficking* videos reflect OVC's emphasis on incorporating perspectives of survivors themselves. OVC will send the videos to VOCA Administrators.
- We want to learn how we can enhance our response to trafficking and build upon what you are doing. Share what you are doing in your communities and the barriers/opportunities you see.
- Take advantage of OVC TTAC, which offers education on trafficking and how a task force can help.

### Victim Compensation

- OH: Not seeing many human trafficking compensation claims—conviction of a felony prevents you from receiving compensation.
- NM: In 2013, New Mexico began allowing compensation claims specifically for victims of human trafficking but received only 5 claims last year, even though the New Mexico AG's Office says they know of 46 trafficking victims. New Mexico Compensation Office received \$125,000 from the state legislature to address trafficking and formed a working group with many nonprofits, who educated the office on the importance of addressing the unique needs of trafficking victims (e.g., they need their own shelters). There are so few claims because trafficking victims don't want to report to law enforcement and cooperate with prosecutors. The Office is working on changing the claims procedure, potentially by issuing compensation through emergency funding and using grant funding to hire staff and conduct trainings. The Office has a great relationship with federal agencies.
- NY: Each year, the state receives 15,000 claims, but last year received only 20 claims for trafficking. We know and hear about more victims, but they're not contacting us.
  - NY Compensation Office accepts reporting from a variety of agencies—criminal justice agencies are defined broadly—so reporting is not a barrier.
  - Potential barrier: need to be 18 or older to file your own claim without a guardian.

- New York has launched a trafficking intervention court: if you're arrested for prostitution, judge will reduce charges if you agree to 6 life coaching sessions. Mixed reaction: intent is good, but are 6 sessions enough?
- NE: Only 1 person in the Reparations Office who handles compensation claims.
  - Barriers include cooperation with other agencies/organizations, internal staffing issues, and requirement to be 18 or above to file claim without a guardian.
  - Conducted survey of women ages 18-22 in Nebraska to help determine numbers on trafficking victims. Mailed 5-question survey (English and Spanish) to 4,600 women, 260 responded, and 47 identified as a victim of trafficking.
  - We know the numbers are higher, but it's hard to get data. People aren't reporting, and people don't realize that they are victims.
  - We have conducted much outreach and advocacy on trafficking, but there's still little public awareness regarding compensation.
  - Very small amount of funding available for compensation.
  - Recently updated compensation form to make it much more user friendly.

### Victim Assistance

#### Barriers:

- Difficult to use federal funding to create permanent staffing positions.
- Difficult to get accurate data, because some victims file for claims under other crimes, such as domestic violence.
- Paperwork is daunting for victims.
- Victims don't feel comfortable asking for services.
- Many victims just want financial assistance.
- Offices have to spend so much time searching for appropriate housing for victims.
- So many task forces in some states that it is difficult to know how/who to fund.
- Lack of awareness among state legislators about human trafficking in general.
- Remember to use language that includes individuals such as gender nonconforming, tribal communities, and victims of color.

#### Success:

- Recent change in laws, such as no longer having to prove physical injury to begin claims process for trafficking—just have to show that there is a reasonable belief that the person is a victim of trafficking (NY).

## **DISCUSSION – DEVELOPING STATE WIDE PLANS ON TRAFFICKING AND THE ROLE OF VOCA ADMINISTRATORS**

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Facilitator, Ashley Garrett, OVC TTAC

- Ashley discussed the role of state VOCA offices both as leaders and partners in developing statewide plans.
- Nebraska, NY, and Ohio have trafficking plans.
- Task forces serve as multidisciplinary groups working collaboratively to investigate and prosecute cases; conduct outreach, training, and data analysis; and provide technical resources. They operate for a designated length of time.
- States with statewide plans on trafficking:
  - Some assist coalitions in their anti-trafficking work.

- Some are not directly involved in implementation of the plan.
- Some are encouraged by improvement in state laws, but there is still lack of awareness about the referral process—which is key for trafficking victims to receive services—and establishing a sound legal case.
- The states without statewide plans on trafficking:
  - Some would like to use VOCA funding to develop statewide plans.
  - Some have seen improvements in the ability under state law to conduct training and to launch websites with resources.
  - Some see lack of awareness about trafficking, even from law enforcement.
  - There is a heavy correlation between sexual assault victims and trafficking victims, so hospitals need to become part of the coalitions.
  - Some are thinking of ways to bring together multiple jurisdictions within their states.
- Ashley:
  - None of the statewide plans robustly cover all victims. Thus, states need to incorporate lessons learned and develop strategies to ensure that plans cover all victims rather than focusing on a single population or single crime category. Flexibility is the key because even though all victims have unique experiences, trafficking survivors share commonalities that can contribute to services and responses.
  - State VOCA offices need to talk to state government, attorney general's office, and public safety agencies and share perspectives on victim issues. Try to establish consistency across the state regarding outreach and awareness. Also, take into account advocates' approach to trafficking: they need to be consistent.
  - Build from existing trainings and use statewide academies.
  - Start with basic trainings where appropriate and conduct advanced trainings where they fit.
  - Keep trainings succinct rather than general (eg., don't discuss the entire history of trafficking). Time is precious to service providers.
  - Advocate key activities, discuss who is responsible, and hold them to a timeline.
  - Educate legislators and government agencies on human trafficking and the claims process.
  - Develop outreach materials for state educators, because we know that traffickers target schools. Consider who else should be involved, such as alcohol and tobacco industry, cable companies, and food and hotel industry. All are affected by labor trafficking.
  - Survivors can tell you more than just their story of being trafficked. Ask them what worked? Who was it that you interfaced with during your exploitation? Could that person have asked a question in a different way? And, if so, would you have been open to sharing?
- States:
  - Important to build coalitions and partnerships throughout the states, with the realization that not everyone will be on board.
  - Recognize that groups focused on a single victim population may not want to join, because they may be concerned about diminishing resources.
  - Don't ask programs to focus on human trafficking but rather underserved populations, which enables the state to be more inclusive.
  - Increase awareness about human trafficking to help overcome its stigma.
  - Need to foster relationships with the state education systems.

## **DISCUSSION – HOW CAN VOCA FUNDING BE USED TO SUPPORT HUMAN TRAFFICKING SERVICES?**

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Presenter: Kate Peterson, OVC

Proposed rule update and allowable and unallowable costs:

- OVC is revising and updating the VOCA Guidelines – changing it to a Rule.
- I cannot talk about the Rule, because it is still in draft form and going through review.
- The draft is out of OJP and now with Office of Legal Policy going through legal review. It then must go to the Office of Management and Budget.
- I can talk about current guidelines and what is allowable.
- There is a lot more flexibility with funding than what is thought. There are many misconceptions.
- If an expense is not specifically prohibited in the guidelines, then it is generally / probably allowable, but check with your program manager.
- Legal assistance: any kind is allowed except divorce, tort actions, and criminal defense work. Examples of allowable legal assistance are:
  - Immigration
  - Emergency custody and visitation
  - U Visa, T Visa
  - Expungement – significant for trafficking
- Shelter/Emergency Situations:
  - Cannot be used for relocation, security deposit, ongoing rent, mortgage payments
  - Transitional housing ok but not relocation – but ask for more clarification on this or get approval when not sure
  - For example: could you pay 6 months of a transitional rental cost to a unit? This seems like it would be allowable as long as it isn't rent for the first month or the prior month and is a short term with a plan in place.
  - What about paying for a hotel for a week or a month? That would be allowable under transitional housing.
  - What about transitional housing for a 17 year old, i.e., would that person be considered a minor or not? Depends on the state.
- Substance abuse treatment:
  - Cannot use VOCA for inpatient costs but can use for some outpatient substance treatment costs.
  - May be able to use VOCA victim assistance funding for outpatient substance abuse treatment costs.
  - So long as the substance abuse is related to the human trafficking.
  - Confirm with your grant manager.
- Public presentations:
  - VOCA victim assistance funds can be used for presentations where the purpose is to help public and crime victims to identify victims.
  - Objective is to clarify this in final rule.
- VOCA victim assistance providers
  - Cannot turn away clients based on legal status.
  - Can you use victim assistance funds for billboards? Probably, but will check with OGC.
  - Can use victim assistance funds for materials, such as brochures, pamphlets, and other informational handouts.
  - Can you use victim assistance funds to pay for staff time? It depends. Some restrictions: Eg., supervisors who aren't providing direct services can't be covered.

## Discussion:

- Most challenging areas for states:
  1. Case managers
  2. Legal services
  3. Housing (transitional housing, emergency shelters)
- Availability of shelters might not be the issue: there are examples of shelters not being near capacity. But people don't want to leave surroundings in which they're comfortable. Examine different types of shelter, such as apartments and hotels and in other regions of the state.
- Focus on areas where you know there are apartments/houses to be rented.
- Focus on areas where there are already survivors: communities with a social structure so that survivors feel connected.
- Be sensitive to different groups: sex trafficking survivors often feel uncomfortable staying in hotels as shelters, and immigrants might be apprehensive about law enforcement.
- Show data to receive more funding!

## **DISCUSSION – HOW ARE SAFE HARBOR LAWS IMPACTING VOCA AT A STATE LEVEL?**

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Facilitator: Ashley Garrett, OVC TTAC

Ashley provided an overview of:

- Collaboration with state child welfare agencies and substance abuse treatment programs in delivery of victim services.
- Partnering with juvenile justice agencies in pretrial and diversion programs.

### Safe Harbor laws

- Legislative response to stop criminalizing children for sex trafficking. State laws differ.
- Some state laws provide immunity to prostitution, i.e., if victim is under age 18 she can't be arrested for prostitution.
- Sometimes the court will send victims to a diversion program where they are provided treatment and services.
- Other states – optional immunity.
- Focus on immunity under state law and what it is for.
- Look for whether the state provides immunity and what criminal activity the safe harbor covers.
- If there are mandated / optional services, do they sit in the child welfare or juvenile justice entity? This legal framework is important for referrals.
- How do you deal with situations where parents are trafficking their children? Difficult.
  - Systemic issues: children with no place to go, lack of training on forensic interviewing, and differences in how state laws treat 17 and 18 year old sex trafficking victims.
  - OVC is funding 2 states for Linking Systems of Care for Children: MT and VA

## **NEXT STEPS**

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- Ashley will send some resources, including some of the TA resources and the federal strategic action plan.

## APPENDIX

### OVC VOCA Administrator Regional Meeting November 19, 2015 Albuquerque, New Mexico Agenda

- 7:45–8:00 Registration
- 8:00–8:05 Welcome  
Marilyn Roberts, Acting Director, OVC
- 8:05–8:20 Introductions
- 8:20 – 8:35 Trafficking Overview  
Kris Rose, Deputy Director, OVC
- 8:35 – 8:40 OVC Human Trafficking Video
- 8:35 – 9:45 Discussion: What are the human trafficking trends in your states?
  - Trends on compensation claims
  - Trends on assistance services
  - Unique challenges
- 9:45–10:00 Break
- 10:00-11:45 Discussion: Developing State Wide Plans on Trafficking and the Role of VOCA Administrators  
Facilitator: Ashley Garrett, OVC TTAC
  - Statewide plans – what do they look like?
  - VOCA Administrators as leaders in developing statewide plans
  - VOCA Administrators as partners in developing statewide plans
- 11:45–1:00 Lunch – On Your Own
- 1:00 – 1:05 OVC Human Trafficking Video
- 1:05–2:30 Discussion: How can VOCA funding be used to support HT Services?  
Facilitators: Kate Peterson, OVC and Ashley Garrett, OVC TTAC
  - Proposed Rule Update
  - Legal services
  - Housing services
  - Types of Organizations to Support
    - Multidisciplinary collaboration across service providers, law enforcement and prosecutors (e.g. human trafficking task forces, sexual assault response teams, child advocacy centers)

- SA/DV/other victim service programs and non-traditional service providers (e.g. runaway and homeless youth, migrant worker groups, substance abuse treatment programs)

2:30 – 2:45

Break

2:45 - 3:30

Discussion: How are Safe Harbor laws impacting VOCA at a state level?

Facilitator: Ashley Garrett, OVC TTAC

- Collaboration with state child welfare agencies and substance abuse treatment programs in delivery of victim services
- Partnering with juvenile justice agencies in pretrial and diversion programs
- Potential impact on CVC of perceived “contributory conduct”

3:30 – 3:35

OVC Human Trafficking Video

3:35–4:00

Summary of Discussions and Next Steps