

# SECTION 4

## Recommendations for Establishing Standards, Certification and Grant Funding



### Summary of Recommendations

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**Recommendation #1:** Establish standards for organizations and professionals who provide direct services to victims of human trafficking and who belong to one of the following five professional sectors:

- a) Community-based victim advocates
- b) Treatment providers (behavioral health)
- c) Housing program providers
  - *Includes group homes, shelters, residential treatment facilities, therapeutic foster care, and Division of Youth Corrections facilities as applicable for both adults and minors*
- d) Case managers
  - *Based both in state and county departments of human services and within the community*
- e) Social services providers
  - *Based both in state and county departments of human services and within the community*
- f) Any professional sectors that may be required to participate on a response team as enshrined in proposed Safe Harbor legislation that is not covered by the five named sectors above. Recommendation 1f would only be included, if safe harbor passes into law with the inclusion of a response team.

**Recommendation #2:** Develop guiding principles for all professionals who might engage with victims of human trafficking.

**Recommendation #3:** Explore a certification process that would only be applicable to the five professional sectors defined above. Any certification process that may be developed and/or adapted would take the following issues into consideration:

- a) Existing regulatory systems that already exist in Colorado.
- b) The need for a unique and specific process for each professional sector.
- c) Provision to address the challenges that rural communities may face in meeting standards to be certified.
- d) Clear process for service referrals.
- e) The potential funding costs associated with the establishment and oversight of any certification process.

**Recommendation #4:** Investigate possible funding sources for a grant program, and if reliable and ongoing funding sources are found, establish a grant program to a) assist service providers in meeting the needs of victims of human trafficking; b) assist agencies in meeting the standards put forth by the Council and c) use a portion of funds to research and evaluate the efficacy of the standards and any certification process developed.

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## Introduction

The crime of human trafficking is complex and the needs of human trafficking victims are unique and far-reaching. In reality, human trafficking often involves multiple, repeated victimizations. Victims may present with acute medical conditions or suffer from medical neglect. Others have experienced prolonged mental abuse at the hands of their trafficker. Often victims of this crime develop strong trauma bonds and suffer from Stockholm syndrome<sup>45</sup> due to the power and control mechanisms exerted by their exploiter. The level of complex trauma experienced by some victims is similar to that of torture survivors.<sup>46</sup> As a result, victims of this crime suffer from a multitude of negative physical and mental health outcomes such as depression, anxiety, self-hatred, dissociation, substance abuse and PTSD.<sup>47</sup> Many foreign-

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<sup>45</sup>Stockholm syndrome is a psychological phenomenon in which a hostage [victim] expresses empathy, sympathy and positive feelings towards their captor [perpetrator], sometimes to the point of defending and identifying with the perpetrator. These feelings are generally considered irrational in light of the danger or risk endured by the victim, who essentially mistakes a lack of abuse from their captures for an act of kindness. Stockholm syndrome can be seen as a form of traumatic bonding, which does not necessarily require a hostage scenario, but which describes strong emotional ties that develop between two persons where one person intermittently harasses, beats, threatens, abuses, or intimidates the other. For more information on Stockholm Syndrome, see de Fabrique, et al. (2007). Understanding Stockholm Syndrome. FBI Law Enforcement Bulletin. 26(7), 10-15. Retrieved on November 12, 2015 from <https://leb.fbi.gov/2007-pdfs/leb-july-2007> and Task Force on Trafficking of Women and Girls. (2014). *Report of the Trafficking Task Force on Trafficking of Women and Girls*. Retrieved on October 25, 2015 from <http://www.apa.org/pi/women/programs/trafficking/report.pdf>

<sup>46</sup>Hopper, E. (2004). Under-identification of Human Trafficking Victims in the United States. *Journal of Social Work Research and Evaluation*. 5(2), 125-135. Retrieved on November 12, 2015 from [http://www.traumacenter.org/products/pdf\\_files/underidentification\\_traf.pdf](http://www.traumacenter.org/products/pdf_files/underidentification_traf.pdf)

<sup>47</sup>For more information on the impact of trauma on victims of violence, see Williamson et al. (2010). Evidence-Based Mental Health Treatment for Victims of Human Trafficking, Office of the Assistant Secretary for Planning and Evaluation, US Department of Health and Human Services. Retrieved on November 12, 2015 from <https://aspe.hhs.gov/basic-report/evidence-based-mental-health-treatment-victims-human-trafficking>  
Herman, J.L. (1992). Complex PTSD: A Syndrome in Survivors of Prolonged and Repeated Trauma. *Journal of Traumatic Stress* Vol 5, 377-391.

national victims have unstable immigration statuses, often as a result of their trafficking situation, which can limit access to the necessary physical, mental and emotional care. Some victims face language barriers and lack the social supports that one turns to in times of crisis, such as family and friends. Other victims cannot rely on such supports because the trafficker is a parent, close relative or family friend.

Due to the complex nature of victimization these individuals experience, it is the responsibility of the Council to develop a response that is multifaceted and takes into consideration the many, varied and often long-term needs of trafficking victims. This victim population is unique from other crime victims and therefore requires a distinctive and individualized response. It is for these reasons and many more that the Human Trafficking Council was established and why the Council was given the task to address the potential need for standards for organizations that serve this victim population.

Through HB 14-1273, the Colorado General Assembly tasked the CHTC to make recommendations on whether to establish standards and a process for the certification of organizations that provide services to victims of human trafficking and whether to establish a grant program to which organizations that provide services to victims of human trafficking may apply.<sup>48</sup> In order to address these mandates, the Council formed the Standards and Certification Task Force (SCTF) to research the concepts of and the need for standards, certification processes and grant program(s) and to provide recommendations to the Council.

To begin the process, the SCTF conducted a joint desk review with a research team (comprised of anti-trafficking leaders from across the globe) of existing documents (frameworks, policies, protocols, etc.) that outline standards, practices and/or certification processes for service providers who engage with human trafficking victims. The desk review yielded the discovery of 52 documents originating from a variety of countries and agencies but only five that were specific to the United States. Of the U.S. documents, the federal government issued two while the other three documents were developed for or by the states of New York, Wisconsin and Ohio. A structural analysis of these documents using a basic matrix framework ascertained the level and depth of information they provide on a wide range of service and care provision

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<sup>48</sup> C.R.S. § 18-3-505(4)(a)(I)-(II).

categories, such as health care, education, legal assistance, and organizational and staff competencies. From that analysis the following themes arose:

1. A tendency towards general guidelines or best/promising practices that programs should strive towards or a focus on a specific service area such a mental health.
2. A focus on gaps in services rather than providing minimum service requirements for programs.
3. Few minimum standards were present.
4. No adherence mechanisms were outlined.
5. Documents rarely differentiated between victim populations (i.e. male/female, adult/minor, domestic/foreign national) but were more general in nature.

The desk review revealed that there has been limited work previously accomplished in this arena. Therefore, the SCTF sought to develop a thoughtful and detailed process to answer the question of whether to establish standards and/or a certification process. The desk review did, however, provide a baseline of information that the SCTF could build from in order to formalize the concepts of standards for service providers.

### **Standards for Organizations that Provide Services to Victims of Human Trafficking**

It is the recommendation of the Council that standards for organizations that provide services to victims<sup>49</sup> of human trafficking be established. However, it is the opinion of the Council that standards should apply to only a subset of professional sectors. The Council further recommends that standards **only** apply to those organizations and professionals who provide direct services to victims of human trafficking and who belong to one of the following professional sectors:

- Community-based victim advocates
- Treatment providers (behavioral health)

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<sup>49</sup> Throughout the document the term “victim of human trafficking” will be used rather than “survivor of human trafficking.” The Council recognizes sensitivities in using terminology such as “victim” or “survivor,” as they carry different connotations. The Council considers it a promising practice to be sensitive in using these and other terms. Professionals engaging with an individual experiencing exploitation should honor whichever term the individual deems most appropriate. Furthermore, the Council encourages the use of survivor language whenever possible (i.e. when providing public comment about this issue, when working directly with clients, etc.). For the purposes of this document, however the term “victim” will be used as it has a legal connotation that is important to capture in this framework.

- Housing program providers
  - *Includes group homes, shelters, residential treatment facilities, therapeutic foster care, and Division of Youth Corrections facilities as applicable for both adults and minors*
- Case managers
  - *Based both in state and county department of human services and within the community*
- Social services providers
  - *Based both in state and county department of human services and within the community*

Besides the sectors listed above, it is the recommendation of the Council that standards be developed for any professionals that may be required to participate on the response teams that would make decisions regarding the treatment and placement for suspected and identified juvenile sex trafficking victims referenced in the proposed Safe Harbor policy recommendations outlined in section three of this report. This particular recommendation would only apply if the response team concept is included in the final version of Safe Harbor legislation and if said legislation is approved by the General Assembly during the 2016 legislative session.

In addition, the Council recommends guiding principles be established for all professionals who might engage with a victim of human trafficking. This recommendation is made in recognition that human trafficking is a new field where promising practices are only just emerging. As the field is still in its infancy, many professionals in the community lack the experience of working with this victim population. Therefore, there is a great need for training and guiding principles for all sectors to assure victims receive the best possible care. To guide this process, the Council found it important to develop a working definition for both “standards” and “guiding principles” to ensure clarity of the intent behind each term. The definitions of these terms are listed below.

**Definitions:**<sup>50</sup>

**Standard:** A mandatory, minimum action or rule designed to achieve the best outcomes for survivors of human trafficking. Actions will be measurable and trackable.

**Guiding Principle:** A general philosophy and/or recommendation designed to achieve the best outcomes for survivors of human trafficking. A guiding principle is not mandatory; rather practices to strive towards.

The anti-human trafficking efforts in Colorado are growing rapidly as many agencies are interested in working with this victim population. Although there is a great need for additional direct service providers, there is an equal need to ensure human trafficking victims receive the best and most appropriate services to meet their needs and that their experience with service providers does not result in further traumatization. Standards and guiding principles can play a key role in helping professionals provide services to this victim population that will result in positive outcomes. The establishment of standards and guiding principles will also develop a common language among professionals who work with victims of human trafficking. The utility of a common vocabulary will help create a continuity of care and consistency across systems and service providers that does not currently exist. It is widely understood that no one organization can meet for all the needs a single victim might require. As such, victims of human trafficking must engage with a variety of systems and providers. At present, this often results in widely varied experiences and outcomes for the victim, ranging from positive to very negative. As standards and guiding principles help establish a common language across and within agencies; the result should be better outcomes for victims. Victims should receive consistent treatment that is based on a shared understanding of victim assistance and the needs of this population. The Council recognizes that any standards developed should not be stagnant. Standards will have to evolve over time, based on a growing body of literature and the emerging of promising practices. It is the intention of the Council to create an extensive network of service providers that are equipped with knowledge and experience to assist human trafficking victims in the best ways possible.

To achieve this goal, the Council requests additional time to fully develop the standards that would apply to each specific professional sector mentioned above. The Council is currently

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<sup>50</sup> The term “survivor” is used in this section in recognition that survivor language is a term that the Council encourages to use and these definitions will be included in the final document on Standards for Service Providers.

considering a number of categories for standards, which may include but are not limited to the areas of:

- Standards for assessment
- Training standards
- Emergency response standards
- Standards for survivor peer support
- Standards for trauma informed care
- Ethical standards
- Program monitoring and evaluation standards
- Shelter and short term housing standards for adults and minors
- Long-term residential housing program standards
- Case management and victim advocacy standards
- Standards for working with the media

The Council wants to ensure that the standards developed are responsive to and inclusive of those service providers that would be most affected and are subject matter experts in the victim services field. It is the recommendation of the Council to establish working groups comprised of these experts along with the current Standards and Certification Task Force to tackle the issue of developing the most appropriate standards for each of the five sectors. These working groups will spend the next year researching what is already in place in the sector, the specific standards that should be established, and the most appropriate avenue to ensure adherence to the standards. The Council has given the SCTF the goal to provide a full list of recommendations for standards and guiding principles to be included within the 2016 Human Trafficking Council Report.

### **Exploring the Establishment of a Certification Process**

Victims can and are being identified by a wide-range of front-line professionals, including but not limited, to: law enforcement, educators, health care providers, child welfare, social service providers, victim advocates, and district attorney offices, etc. Identifying a victim of trafficking is only the first step. The next step (and often more challenging) is to refer that victim to appropriate service provider(s) who can meet the many needs of that victim. Currently, there is no streamlined process for professionals to discern the quality of service by providers for this victim population. In practice, several of the larger jurisdictions in Colorado that have had more time, resources, and gained more experience in this field, have developed processes to vet individual providers. This knowledge developed over time without shared guidelines. Service

providers were used with merely the *hope* that their services and expertise would result in positive outcomes for the victim. The Council recognizes that other jurisdictions lack the time and resources to vet individual providers and evaluate their ability to provide the levels of service a victim of trafficking requires. The Council further recognizes that gaps exist in the current way victims are connected or placed with service providers. There is no mechanism to share knowledge across systems about experiences (positive and negative) with services providers, which results in inefficiencies and ineffectiveness of resources.

Therefore, it is the recommendation of the Council that a process for the certification of organizations that provide services to victims of human trafficking be explored by conducting further research into how such a process should be implemented (see items to be considered in the box below). If established, it is recommended that the certification process would only be applicable to the five professional sectors defined earlier in this report, for which standards will be developed. Reasons for establishing a certification process include:

- The creation of a streamlined, reliable, and comprehensive process for agencies to be vetted by a third party regarding their service provision, experience, and training to work with this population.
- Professionals who are looking for referrals or placement for their clients can refer to a list of certified providers, which would increase confidence that their client will receive the appropriate services they need.
- The establishment of a certification process will eliminate any duplication of vetting efforts by multiple professionals, as it will be conducted by a specific agency, making the entire referral system more efficient and effective.
- A certification process would attempt to minimize the risk that trafficking victims could be re-traumatized by being placed with a provider who is untrained and/or lacks the experience to work with victims of human trafficking.
- A certification process will help increase the pool of suitable services being provided and will result in more positive outcomes for trafficking victims.

Another key benefit to instituting a certification process is the ability to continually push out the latest promising practices that emerge from this new and evolving field. For many service providers, engaging with human trafficking victims is still relatively new. There are very little



evidence-based practices that currently exist. As the field evolves and more evidence-based practices emerge, a certification process should allow swift and easy dissemination of these practices as well as the ability to integrate new promising practices into standards across disciplines. It is the hope of the Council to create a certification program that raises the level of services victims of this crime receive while also being nimble enough to adapt and evolve with the evidence based practices that grow over time.

The Council further recommends the following items be taken into consideration in the development of a certification process:

1. Research should be conducted on the use of a multi-pronged approach for developing a certification process, which may use regulatory systems in the state of Colorado, such as but not limited to the Department of Regulatory Agencies' (DORA) auditing processes and Colorado Department of Human Services (CDHS) Volume 7 Rules and Regulations.
2. Consideration should be made for the development and adoption of varied levels of certification. A distinct certification process should be established for each of the five professional sectors.
3. Specific provisions should be written into the certification process to address the challenges that rural communities may face in meeting standards, specifically related to accessibility of services. Consideration should be made for accessibility plans that use non-traditional methods of service delivery, such as the use of technology.
4. A certification process should include a clear process for service referrals that includes a strong recommendation for agencies to use certified providers for service delivery but not make it mandatory.
5. Research should be conducted on the potential funding costs associated with the establishment and oversight of a certification process.

The Council recognizes the complexities of establishing a certification process, and the fact that there are many regulatory bodies that already exist in the State. As such, identifying potential avenues for any certification process should be done thoughtfully. In addition, the Council acknowledges that the cost of a new certification process could be high. In recognition of all these factors, the Council requests that additional time to be given to the Standards and Certification Task Force to address the above items. This additional time will allow the Council

to gather further research and develop a robust plan for certification, including the development of an implementation strategy.

### **Establishing a Grant Program**

The Council has reached a consensus that establishing a grant program for organizations that provide services to victims of human trafficking would be beneficial in Colorado. The Council requests that the General Assembly give the Standards and Certification Task Force until May of 2016 to investigate possible funding sources and provide a final recommendation. It is the opinion of the Council that a grant program is necessary due to the fact that providing services to this victim population can involve very high, long-term costs. A fund would help service providers pay for startup, training, and ongoing program costs (possibly in conjunction with other funding sources). The Council further recommends that a portion of the grant program funds be used to assist agencies in meeting the standards put forth by the Council. It is the hope of the Council that using funds for this purpose will create agency support for, and implementation of, the recommended standards. In addition, it will support the creation of a large pool of certified agencies that have the capacity and resources to serve this unique victim population. Finally, the Council encourages a portion of the funds to be designated towards funding evaluation and research on the efficacy of the standards and any certification process established.