



# **National Advisory Committee on the Sex Trafficking of Children and Youth in the United States**

## **Summary of Meeting**

### **December 10–11, 2018**

**Monday December 10, 2018 | 9:30 a.m.–5 p.m.**

The National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (the Committee) convened for its second meeting on December 10, 2018, at the U.S. Department of Health and Human Services (HHS), Switzer Building, 330 C Street, SW, Washington, DC. Ashley Garrett, Director of the National Human Trafficking Training and Technical Assistance Center (NHTTAC) ensured there were no technical difficulties and advised public participants observing the meeting through Adobe Connect about technical support. Committee Chair Glen (J.R.) Ujifusa, Senior Deputy District Attorney of Multnomah County, Oregon, opened the meeting, held a roll call, and established that a quorum was met.

## **Committee Members**

### **Present Virtually**

None

### **Present In Person**

- Rebecca Bender (Substitute: Angie Conn), Rebecca Bender Initiative
- Justice Bobbe Bridge (Ret.), Center for Children & Youth Justice
- Marissa Castellanos, Catholic Charities of Louisville
- Kimberly Chang, M.D., M.P.H., Asian Health Services
- Governor Mark Dayton (Substitute: Caroline Palmer), Minnesota, Governor Dayton’s Office
- Governor Doug Ducey (Substitute: Tim Roemer), Arizona, Governor Ducey’s Office
- Captain Pi Downsborough, Massachusetts State Police
- Jordan Greenbaum, M.D., International Centre for Missing and Exploited Children
- Stacey Katz, Psy.D., WestCoast Children’s Clinic
- Christine Raino, Esq., Shared Hope International
- Judge John J. Romero, Jr., Second Judicial District Court, Albuquerque, NM Children’s Court Division
- Kathy Sauve, Lutheran Social Services of Minnesota–Brainerd
- Staca Shehan, National Center for Missing & Exploited Children
- Carol Smolenski, ECPAT-USA
- David Strauss, Prevent Child Abuse America, North Dakota chapter

- Glen (J.R.) Ujifusa, Jr., Senior Deputy District Attorney of Multnomah County, Oregon (Committee Chair)
- John Vanek
- Erin Williamson, L.C.S.W., M.P.A., Love146

#### **Not Present**

- Judge Robert Lung, Judicial District, Arapahoe County & Douglas County Justice Centers, Colorado
- Yasmin Vafa, Rights4Girls

## **Other Attendees**

Lists based on registration; attendance not taken at meeting

#### **Federal Participants**

- Katherine Chon (Committee Designated Federal Officer), Office on Trafficking in Persons within the U.S. Department of Health and Human Services (HHS) Administration for Children and Families (ACF)
- Ana Cody, Family and Youth Services Bureau
- Kate Cooper, Office on Trafficking in Persons
- Rosie Gomez, Children's Bureau
- Stacie Harris, Deputy Attorney General's Office, U.S. Department of Justice
- Jerry Milner, Acting Commissioner, Administration on Children, Youth and Families; Associate Commissioner, Children's Bureau
- Jackie O'Reilly, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice
- Elizabeth Pfenning, Office on Trafficking in Persons

#### **Public Participants in the Room**

- Jason Adams, National Human Trafficking Training and Technical Assistance Center
- Ava Donald, National Human Trafficking Training and Technical Assistance Center
- Ashley Garrett, National Human Trafficking Training and Technical Assistance Center
- Jodie Langs, WestCoast Children's Clinic
- Annabelle Thomson, National Human Trafficking Training and Technical Assistance Center

## **Opening Remarks**

Katherine Chon, Director, Administration for Children and Families (ACF) Office on Trafficking in Persons (OTIP) and the Committee's Designated Federal Officer, welcomed everyone to the second meeting and thanked the subcommittee chairs for their leadership. Ms. Chon introduced Stacie Harris, the Associate Deputy Attorney General National Coordinator for Human Trafficking & Child Exploitation Prevention and Interdiction at the U.S. Department of Justice (DOJ), who would be speaking to the Committee later.

## **Welcome and Committee Business**

Committee Chair J.R. Ujifusa welcomed Committee members and reiterated the responsibilities of the Committee, whose main charge is to advise HHS and the Attorney General on practical and general policies regarding improvements in the U.S. response to the sex trafficking of children and youth in the United States. In addition, the Committee is responsible for advising on (1) practical and general policies concerning the cooperation of numerous entities; (2) the development and implementation of successful trafficking interventions and recommendations for safe housing; and (3) best practices and recommendations for states. The Committee's cross-system collaboration protocols and recommendations will include the following strategies: increase identification of victims; collect, document, and share data; help agencies better understand types of trafficking, scope, and population-specific needs; address demand for trafficked children and youth; increase prosecutions of traffickers and purchasers of children and youth; and provide information on the degree of victim interaction with multiple systems.

The Committee discussed creating sample protocols and tools for effective cross-collaborations between systems in order to give states an idea of where they fall in the Committee-established tiers. Mr. Ujifusa noted that it is not the responsibility of the Committee to rank the states among the established tiers.

## **Open Issues**

Mr. Ujifusa reminded the Committee that the outline for their workplan is due to Congress on the January 18, 2019, and explained the importance of each member's input into the working outline draft. Mr. Ujifusa then reviewed the meeting agenda.

### *Membership Update*

Ms. Chon noted that the Committee currently has one vacancy that needs to be filled in 2019, referring to the original charter, which outlines how new members are to be invited and selected. ACF has provided a recommendation for a new member based on the original list of applicants. Mary Powers, Policy Advisor at the Immediate Office of the Assistant Secretary at HHS, was asked to discuss the vacancy with the Committee but was unable to attend the second meeting. Ms. Chon also explained an impending vacancy for a Democratic governor, upon Governor Dayton's retirement in 2019. Ms. Chon noted that HHS will consult with the National Governor's Association to fill the Committee's vacancy reserved for a Democratic governor. Ms. Chon informed the Committee that when both vacancies have been filled, the members will be the first to know.

### *Staff Support*

In a discussion of Committee needs and staff support, the Committee requested technical assistance in between official committee meetings (e.g., subcommittee meetings), and questions were raised about subcommittees, committee representation, and the collection of literature and data.

### *Collection of Information to Inform Committee's Work*

The Committee also discussed how to go about collecting information to inform their work, including their various professional associations and networks, geographical regions, topical webinar series, HHS and DOJ grantees, and local experts. The Committee explored how to access research and literature related to best practices through major organizations such as the National Governor's Association, the Children's Bureau or federal training and technical assistance centers like the Child Welfare Information Gateway and the National Human Trafficking Training and Technical Assistance Center.

The Committee discussed ways to store this information for access by the members over the course of their duties. Several Committee members identified an interest in developing a survey to ensure data collection across the states. Some questioned if there is a need for an Institutional Review Board or Office

of Management and Budget clearance for any survey that the Committee might use to collect information. Ms. Chon and NHTTAC will research and develop next steps about the possibility of gathering information through surveys.

#### *Structure of Interim Report*

Mr. Ujifusa reminded the Committee of the importance of the initial outline, due to Congress January 18, 2019, and that a more detailed discussion about these topics will occur after the outline is complete. Regarding the representation of the Committee between official meetings, members decided that when *meeting outside of official meetings*, members cannot speak on behalf of the Committee, but they can say they are a Committee member. Committee members supported using universal language that includes a standard introductory statement about the work of the Committee and why they may be reaching out to the recipient.

Committee members discussed the usefulness of specific outreach to state child welfare agencies and tribal communities; letters from HHS and DOJ leadership; direct engagement with child welfare commissioners; coordination with HHS regional offices; Congressional and state legislature engagement; and collaboration with key national stakeholders (e.g. National Governors Association, National Association of Attorneys General, National Council of Juvenile and Family Court Judges, National Conference of State Legislatures, and survivor groups). Judge Romero noted that many states express they do not have the funding to implement provisions under the Preventing Sex Trafficking and Strengthening Families Act.

Several Committee members, including Mr. Vanek and Mr. Roemer, agreed to write an initial introduction that speaks to the work of the Committee that may be shared when reaching out virtually or by mail on behalf of the Committee.

#### *Request to Congress*

Mr. Ujifusa noted that a letter had been sent to Congress on behalf of the Committee, requesting an extension of the National Advisory Council original charter's statutory timeline. This request is for the timeline to start when the Committee was officially notified that it could start its activities in June 2018. If the extension is granted, an interim report based on the Committee's initial outline will be due to Congress in 2020.

#### *Vision Statement/Principles for Combatting Human Trafficking*

Mr. Ujifusa expressed the importance of a vision statement written by and shared with others by the Committee members. Mr. Ujifusa noted that a vision statement could be in the introduction of the working outline; Committee members Ms. Castellanos, Captain Downsborough, and Ms. Raino volunteered to work on the vision statement after the official meeting had adjourned.

## **New Business**

#### *Consensus Process*

In a discussion about the consensus process for Committee decisions, it was agreed that there may be times when all members will not unanimously agree on every decision. Thus, the Committee selected a majority "We can live with it" choice as the consensus process.

#### *Discussion of the Draft Interim Report*

The Committee opened up the Draft Interim Report document to look through and live edit as all Committee members were together. Members were provided with the agenda and meeting minutes from the first Committee meeting to ensure all were in agreement with the flow of the draft.

The Committee discussed consistency among the terminology used throughout the Draft Interim Report, specifically the terms “victim” and “survivor.” Several members felt that “survivor” should be used in place of victim because it has a more positive connotation. Committee members involved in the legal field identified the legal difference between the terms and how access to programs and services are specified to a trafficking “victim.” The Committee referred to the original charter for terminology and found “sex trafficking victim” was the term used and agreed to include an explanation that language is imperfect and that all people do not identify with specific words. The Committee continued its discussion on terminology regarding the terms “children” and “youth” as used in their framework. The charter refers to “children” as anyone under age 18 and “youth” as individuals 18–26. After discussing the terminology to be used, the Committee agreed to include a glossary of terms for the reader and to continue to add terms and clear definitions in all official documents created by the Committee. Discussion continued about the introduction of the Draft Interim Report and the language used, and the Committee agreed that the introduction should define the population, identify these children, and explain why they are being highlighted.

The Committee paused the discussion of the Draft Interim Report.

### **Guest Remarks: Jerry Milner, Associate Commissioner of the Children’s Bureau and Acting Commissioner of the Administration on Children, Youth and Families**

Jerry Milner explained the Administration on Children, Youth and Families’ (ACYF) belief that children and youth in the foster care system are more vulnerable to trafficking. Having a strong background in the child welfare system, Mr. Milner hopes to change the way child welfare views success. In order to protect children from their own vulnerabilities, Mr. Milner would like to see foster care move from a reactive system to a proactive system through a focus on prevention of trauma, including human trafficking. He stated that this approach would not only prevent children from becoming more vulnerable to trafficking, but strengthen families as a whole and prevent intergenerational trauma. Mr. Milner also intends to focus on a reduction of trauma within the foster care system, including inter-generational cycles of trauma and trauma response needs of parents. He noted that trauma of removing children from the home, even when warranted, and trauma from moving between foster care placements.

Mr. Milner stated how child welfare’s first priority is the physical safety of children, but that it also needs to address their emotional and psychological well-being. When youth do not have the skills and confidence to transition from foster care, putting them in harm’s way. Reimagining what the foster care looks like would include reducing trauma, reducing running away, and make foster care supportive for entire family and not just for the child.

Mr. Milner described ACYF’s intent to review its annual budget of \$38 million in prevention funds to include programming specifically for prevention work with children and families. This amount is significantly smaller than the approximately \$8 billion–\$9 billion allocated to the states for foster care, adoption, and associated administrative costs. Several states, referred to as “waiver states,” have been allowed some flexibility with their funds typically reserved for foster care so that they may increase the funds for work on prevention. Mr. Milner’s hope is that those waiver states with spending flexibility will show a decreased need for family separation and decrease in trauma to the children.

#### **Jerry Milner Q&A**

Q: How can the Committee help with the prevention of human trafficking aspect?

A: ACYF receives \$38 million for services in the foster care system, which is split in more than 50 ways. ACYF is looking to make the budget more flexible so more funds may be allocated to prevention work,

rather than solely on removals from the family home and adoptions; waiver authority from Congress expires in a year.

Q: Has ACYF examined the waiver versus nonwaiver states' results?

A: Data is still being collected and will be coming when waiver authority ends in September 2019. Mr. Milner noted that the waiver states have all selected different spending focuses. ACYF will focus on what sites are seeing success with their ability to focus on prevention of human trafficking with the families.

Q: How is ACYF looking at racial disparities between youth in foster care?

A: ACYF is aware minorities are disproportionality represented in foster care and in poverty. Mr. Milner noted the United States confuses poverty with neglect; because of this view, these children are removed from their homes at much higher rates. Mr. Milner hopes to work with the private sector and organizations that have a strong sense of the community to support families in their basic needs. Strengthening families happens at the community level, and work should be done to support local services because the community knows best. Programs need to meet the children and parents where they are and be culturally-responsive based on heritage, background, and culture.

Q: How are you supporting the NGOs [nongovernmental organizations] working to strengthen families?

A: Mr. Milner is on the road consistently to see firsthand how local organizations work. Mr. Milner provided examples of Live Well in San Diego and the Safe and Sound program in San Francisco, operated by the San Francisco Child Abuse Prevention Center, and its success in community involvement. Mr. Milner hopes to highlight programs that make use of the community because funding is so limited. ACYF also plans to release an information memorandum on prevention, so thinking becomes more creative and open in adapting principles highlighted in the memorandum. The waivers have supported community-based programs.

Q: How can the Family First Prevention Services Act help states move in a different direction?

A: Mr. Milner noted this act allows for a large change within the foster care system, but it may not be effective if it is just an idea and not paired with other community stakeholders. The act creates a new funding stream that allows states to pay for evidence-based practices for children deemed at risk of entering foster care. Mr. Milner noted this is *not* primary prevention because trauma has already occurred. The use of only evidence-based practices can have its limitations because not all families need evidence based practices; sometimes families just need basic support and a broader continuum of support.

Rosie Gomez also commented that the Children's Bureau Center for States has a constituency group on human trafficking and the Children's Bureau maintains a listserv of its anti-trafficking grantees.

### **Guest Remarks: Stacie Harris, Deputy Attorney General's Office, U.S. Department of Justice**

Stacie Harris spoke to the Committee about the Department of Justice's strong focus on addressing the sex trafficking of children and youth in the United States. Ms. Harris described the high percentage of human trafficking court cases they have seen involving children and youth in 2017, and she raised the question of how to set survivors up for success to prevent reentry into the trafficking situation.

### **Continue Outline of Recommendations of Best Practices for States**

The Committee continued discussion of the Draft Interim Report.

### *State Tiers*

The Committee is charged with creating a two-tier evaluation system for states to assess their ability to serve minor sex trafficking victims. The Committee discussed the level of detail needed and agreed to include descriptions of multidisciplinary approaches in the initial outline and to add details regarding the Tier 1 and Tier 2 logistics in a later document. The Committee also agreed to identify key players in the multidisciplinary approach and to specifically identify their role in the trauma-informed approach. The Committee reached consensus that the outline will not be an exhaustive list of recommendations or best practices; instead, the Committee will continue to build on the outline through the potential time extension and have the ability to add more detail as they receive data, best practices, and information from other stakeholders. The Committee's final product will include a metric that allows states to see where they fall in the tier ranking system as well as recommendations to improve the states' ability to serve victims. The committee also discussed the difficulty of a ranking system as a whole, as some states may be advanced in some areas and needing improvement in others.

### *State Recommendations*

The Committee continued to look through the Draft Interim Report to create the Congressional outline. The Committee discussed the key members of a successful multidisciplinary team as a recommendation for states. Several members highlighted the importance of including lesser-known members of multidisciplinary teams such as judiciary staff in trainings on sensitivity and trauma-informed care. The Committee agreed to discuss other staff or fields that may play a key role in the systemic identification of trafficking victims and those at risk of being trafficked and provide recommendations to train those individuals.

The Committee explored the inclusion of legislation and to what level it should be included in the outline for Congress. Several Committee members agreed a recommendation should include encouragement of states to align their definitions of sex trafficking with the federal definition to ensure both state and federal courts are in agreement. The Committee unanimously agreed that in trainings and in the creation of legislation, there must be survivor input to ensure there is not additional harm for victims when leaving the trafficking situation.

### *Principles versus Recommendations*

As the Committee moved through the outline, they discussed the difference between principles and recommendations for the states. As the Committee breaks down the outline by key player, there are certain principles that should be streamlined across every section, such as trauma-informed care and survivor-centered principles. The Committee noted that a multidisciplinary approach is needed throughout the process of supporting a victim to ensure the basic principles are met. The Committee will continue to explore what they identify as principles and recommendations as they continue to expand the outline after January 2019.

### *Evaluations*

The Committee discussed how to evaluate the states based on the recommendations they will share with Congress. The consensus was that there needs to be constant and ongoing monitoring of evaluations and that data collected in intersecting fields should be reviewed for best practices and finding the gaps in services. The Committee agreed to explore existing screening protocols used by other fields as well as including screening in their recommendations to identify both trafficked children and youth as well as those at risk of being trafficked. The Committee agreed to continue working on the outline through subcommittees for the duration of the day to cover all topics.

## **Next Steps**

The next National Advisory Committee meeting will be a virtual meeting on January 9, 2019, from 1–3 p.m. (EST). Committee members will continue to work on the outline draft as subcommittees and individuals until the next meeting. The next meeting will be the final review of the Committee’s outline before the delivery to Congress and vote to approve submission to Congress. The Committee will also review John Vanek’s draft for official committee language to be used when any requests for information by a Committee member are sent to non-Committee members.

The Committee will hold its next official meeting in person in Arizona, sometime between March and May 2019.

## **Subcommittees**

The official meeting, inclusive of all members, ended at 3:30 p.m. and was followed by subcommittee meetings:

### *Subcommittee 1:*

Marissa Castellanos  
Dr. Jordan Greenbaum  
Stacey Katz  
Kathy Sauve  
Staca Shehan  
Carol Smolenski  
Erin Williamson

Federal Representative: Rosie Gomez, Children’s Bureau  
Subcommittee Co-chair: Dr. Jordan Greenbaum  
NHTTAC Technical Support: Ava Donald

### *Subcommittee 2:*

Justice Bobbe Bridge  
Captain Pi Downsborough  
Judge Robert Lung  
Judge John J. Romero, Jr.  
J.R. Ujifusa  
John Vanek

Federal Representative: Jacqueline O’Reilly, DOJ, Office of Juvenile Justice and Delinquency Prevention  
Subcommittee Co-chair: Captain Pi Downsborough  
NHTTAC Technical Support: Annabelle Thomson

### *Subcommittee 3:*

Rebecca Bender  
Dr. Kimberly Chang  
Governor Mark Dayton (sub: Caroline Palmer)  
Governor Doug Ducey (sub: Tim Roemer)  
Christine Raino  
David Strauss

Yasmin Vafa

Federal Representative: Katherine Chon, Office on Trafficking in Persons

Subcommittee Co-chair: Governor Ducey's Office (Tim Roemer)

Technical Support: Kate Cooper

## **Public Comments**

The full Committee reconvened to listen to all public comments received. Stacie Harris addressed the room first, and then Ashley Garrett read all public comments received via the webinar chat box to the Committee aloud, and provided time for the Committee to respond.

**Stacie Harris:** I had a suggestion for you as far as data gathering. In the past, we have been able to coordinate with meeting hosts to secure some time on their agendas, such as the National Association of Attorneys General. We agree that most people do not fill out our surveys unless it's a yes/no or a short drop down selection menu, so maybe one way to supplement a survey is to meet with conference leaders to learn about some of the gaps in the field of human trafficking.

**Susan Tally:** Indicated that she works at the OVC-funded center for victim research, where they have developed a working definition for practice-based evidence. They are using it in their research synthesis, and she said she was happy to be connected with the Committee and provided her email address. She also referenced CDC's Veto Violence as another resource for the Committee.

**Bethany Gillis:** In terms of evaluation, I think it is important to make a distinction between internal and external evaluations. In Florida, we tried to consistently encourage providers of agencies to partner with outside evaluators, for example, universities, to decrease bias or skewing in data interpretation and process evaluation. Following up, based on some of the conversation you all were having about the survey, I agree that including information from the introduction could provide context. Additionally, maybe attach a document with your outline for some guidance about what areas you are specifically interested in—in terms of gaps and successes.

**Nikki Miller:** Suggested the Committee explore Project No Rest at the University of North Carolina.

## **Adjournment**

The official meeting adjourned at 5 p.m. (EST).