



<p style="text-align: center;"><b>Alameda County</b> <small>ac</small>  <b>Behavioral Health Care Services</b> <small>bh</small></p> <p style="text-align: center;">MENTAL HEALTH &amp; SUBSTANCE USE SERVICES</p>	<p>DocuSigned by:</p> <p>By:  _____</p> <p style="text-align: center;">Karyn L. Tribble, PsyD, LCSW, Director</p>
<p><b>POLICY TITLE</b></p> <p><b>Protection of Trafficking Victims</b></p>	<p><b>Policy No:</b> 350-2-1</p> <p><b>Date of Original Approval:</b> 10/24/2016</p> <p><b>Date(s) of Revision(s):</b> 8/3/2023</p>

**PURPOSE**

This purpose of this policy is to ensure Alameda County Behavioral Health (ACBH) and its contractors are in compliance with the Trafficking Victims Protection Act (TVPA) of 2000.

**AUTHORITY**

- Intergovernmental Agreement (IA) with California Department of Health Care Services (DHCS) for Drug Medi-Cal Organized Delivery System (DMC-ODS) Services
- Section 106(g) of the TVPA of 2000 (22 U.S.Code § 7104(g)) as amended by section 1702 of Pub. L. 112-239
- Substance Abuse Prevention and Treatment Block Grant (SABG)

**SCOPE**

All entities and programs providing substance abuse, prevention and treatment services under a contract or subcontract with ACBH are required to adhere to this policy.

**POLICY**

The TVPA is a far reaching Federal law, initially created in 2000, to address protection, prevention, and prosecution of traffickers. Since then, Congress has passed significant legislation to bring the full power and attention of the Federal government to the fight against human trafficking (e.g., the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, the TVPRA of 2005, the TVPRA of 2008, the TVPRA of 2013, the Justice for Victims of Trafficking Act (JVTA) of 2015, the TVPA of 2017, the TVPRA of 2017, and the TVPRA of 2018). It is the policy of ACBH to ensure compliance with the terms in Section 106(g) of the TVPA of 2000.

**PROCEDURE**

ACBH ensures that Contractors receiving funding under the IA comply with statutory requirements of the TVPA and applicable laws and regulations.

ACBH Contractors shall have procedures in place to ensure that early identification and referral takes place for individuals who are at risk or who are already victims of human trafficking.

**NON-COMPLIANCE**

The County is authorized to immediately terminate a contract, without penalty, if the Contractor engages in non-compliance, defined as follows:

- Engagement in severe forms of trafficking in persons during the period of time that the contract is in effect;
- The procurement of a commercial sex act with a trafficking victim during the period of time that the contract is in effect;
- The use of forced labor in the performance of the contract or subcontract; or
- Acts that directly support or advance trafficking in persons, including the following acts:
  - A. Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.
  - B. Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless—
    - i. exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or
    - ii. the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.
  - C. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.
  - D. Charging recruited employees placement or recruitment fees.
  - E. Providing or arranging housing that fails to meet the host country housing and safety standards.

Non-compliance with statutory requirements of the TVPA and applicable laws and regulations should be reported to the appropriate law enforcement agency (i.e., local police, district attorney, or FBI), along with provider disciplinary action, as appropriate.

ACBH Contractor compliance with this policy shall be achieved through:

1. Approval of the IA by Board of Supervisor or authorized designee agreeing to all conditions set forth in the IA.
2. Attestations to compliance with the TVPA of 2000 at the annual DHCS Monitoring review.
3. During annual Site Visits, the Contracts Unit shall review relevant procedures to assess compliance with the TVPA of 2000.
4. Annual completion of internal audit, including the County Alcohol and Drug Administrator's signed attestation of adherence to all laws and regulations.

## CONTACT

ACBH Office	Current Date	Email/Phone
Quality Assurance	04/06/2023	QAOffice@acgov.org

## DISTRIBUTION

This policy will be distributed to the following:

- ACBH Staff
- ACBH County and Contracted Providers
- Public

## ISSUANCE AND REVISION HISTORY

**Original Authors:** Sharon Loveseth, LAADC; QA

**Original Date of Approval:** 10/24/2016 by Manuel Jimenez Jr. MA, MFT; Behavioral Health Director

Revision Author	Reason for Revision	Date of Approval by (Name, Title)
Torfeh Rejali, QA Administrator	Policy updated to include regulation updates and additional legislation	8/3/2023 by Karyn L. Tribble, PsyD, LCSW, Behavioral Health Director

## DEFINITIONS<sup>1</sup>

Term	Definition
<b>Bonded Labor</b>	One form of coercion used by traffickers in both sex trafficking and forced labor is the imposition of a bond or debt. Some workers inherit debt. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment. Traffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute to bonded labor, or debt bondage, by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker's legal status in the destination country is tied to the employer so workers fear seeking redress.
<b>Child Labor</b>	Although children may legally engage in certain forms of work, children can also be found in slavery or slavery-like situations. Some indicators of forced labor of a child include situations in which the child appears to be in the custody of a non-family member who requires the child to perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving, such as forced begging. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education.
<b>Forced Labor</b>	Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities—recruiting, harboring, transporting, providing, or obtaining—involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person's labor is exploited by such means, the person's prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries.
<b>Human Trafficking</b>	Human trafficking, trafficking in persons and modern slavery are used as umbrella terms to refer to both sex trafficking and compelled labor. Human trafficking can include, but does not require, movement. People may be considered trafficking

<sup>1</sup> U.S. Department of State, <https://www.state.gov/what-is-trafficking-in-persons/>

	victims regardless of whether they were born into a state of servitude, were exploited in their home town, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers' aim to exploit and enslave their victims and the myriad coercive and deceptive practices they use to do so.
<b>Involuntary Servitude</b>	Involuntary domestic servitude is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers—things as simple as a day off. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability. Labor officials generally do not have the authority to inspect employment conditions in private homes. Domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence. These issues, taken together, may be symptoms of a situation of domestic servitude.
<b>Unlawful Recruitment and Use of Child Soldiers</b>	Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor.

**APPENDICES**

None