



Date Approved:

By: 
Manuel Jimenez Jr, MA, MFT
Behavioral Health Director

POLICY TITLE

PROTECTION OF TRAFFICKING VICTIMS

Policy No: 350-2-1

Effective Date: 10-24-16

Date(s) of Revision(s): N/A

PURPOSE

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

AUTHORITY

NNA/DMC State-County Contract, Section 106g, of the TVPA of 2000, as amended (22 U.S.C. 7104 (g); Substance Abuse Prevention and Treatment (SAPT) Block Grant.

SCOPE

This policy applies to all BHCS service providers, entities, individuals and programs providing substance abuse, prevention and treatment services under a contract or subcontract with BHCS.

POLICY

The Trafficking Victims Protection Act is a far reaching Federal law, initially created in 2000, to address prevention, protection and severe prosecution of traffickers. It is the policy of BHCS to ensure compliance with the terms in Section 106(g) of the TVPA of 2000.

PROCEDURE

BHCS ensures that Contractors receiving funding under the State-County Negotiated Net Amount (NNA) and Drug Medi-Cal (DMC) contract comply with statutory requirements of the TVPA and applicable laws and regulations.

BHCS 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.

Substance Use Disorder (SUD) contract compliance with this policy shall be achieved through the following contract provisions and the county is authorized to immediately terminate a contract, without penalty, if the contractor:

1. Engages in severe forms of trafficking in persons during the period of time that the award is in effect;

2. Procures a commercial sex act with a trafficking victim during the period of time that the award is in effect; or
3. Uses forced labor in the performance of the award of subawards under the award.

BHCS contractor compliance with this policy shall be achieved through:

1. Approval of State-County NNA/DMC Contract by Board of Supervisor or authorized designee agreeing to all conditions set forth in the contract.
2. Attestations to compliance with the Trafficking Victims Protection Act of 2000 at the annual DHCS Monitoring review.
3. During annual Site Visits, the Network Office shall review relevant procedures to assess compliance with the Trafficking Victims Protection Act 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.
5. Training for BHCS service providers on the provisions of the TVPA of 2000 will be provided periodically and will include protocols on:
 - a. How to help in prevention, protection and prosecution;
 - b. Learn about rights, benefits and services available for victims of human trafficking, and;
 - c. How the providers can help, provide information and referrals to victims.

CONTACT

BHCS Office	Current as of	Email
Quality Management	October 2016	QAOffice@BHCS.org

DISTRIBUTION

This policy will be distributed to:

- BHCS Staff
- BHCS County and Contract Providers
- Public (posted to the SUD BHCS webpage)

ISSUANCE AND REVISION HISTORY

Original Author(s): Sharon Loveseth, LAADC; QA

Original Date of Approval:

Approved by: Manuel Jimenez Jr. MA, MFT; Behavioral Health Director

Date of Revision: N/A

DEFINITIONS

Term	Definition
Human Trafficking	Trafficking in persons is modern-day slavery. The common denominator in all trafficking scenarios is the use of force, fraud or coercion to exploit a person for commercial sex or for the purpose of subjecting a victim to involuntary servitude, debt bondage, or forced labor. The use of force or coercion can be direct and violent, or psychological.
Forced Labor	Most instances of forced labor occur as unscrupulous recruiters and employers take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of forced labor. Immigrants are particularly vulnerable, but individuals are also often forced into labor in their own countries.
Types of Forced Labor	
Bonded Labor	Bonded labor or debt labor when victims assume an initial debt as part of the terms of employment, others inherit debt in more traditional systems of bonded labor.
Involuntary Servitude	Victims are trapped in involuntary servitude when they fear that serious physical harm or legal coercion, such as deportation, would result from an attempt to escape their conditions.
Child Labor	Most international organizations and national laws legally allow older children to engage in light work. The hazardous types of child labor are the sale and trafficking of children for bonded and forced labor and the forced conscription of children into armed conflict.

Acronyms	Definition
NNA	Negotiated Net Amount
DMC	Drug Medi-Cal
TVPA	Trafficking Victims Protection Act 2000
SAPT	Substance Abuse, Prevention and Treatment

