



FOR IMMEDIATE RELEASE

June 21, 2018

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CCASA OPPOSES LEGISLATING CERTIFICATION FOR COMMUNITY-BASED VICTIM ADVOCATES

DENVER, CO – The Colorado Coalition Against Sexual Assault (CCASA) joins Violence Free Colorado (formerly known as the Colorado Coalition Against Domestic Violence) and Rocky Mountain Victim Law Center (RMVLC) in opposing the recommendations drafted by the Colorado Human Trafficking Council that would establish statutory certification for community-based advocacy programs who provide services to victims of domestic and sexual violence. This collective representing hundreds of agency and individual members throughout Colorado urges members of the Council to vote ‘no’ against any recommendation designed to legislate certification standards for community-based advocacy programs.

Within a 24-hour window, CCASA and Violence Free Colorado (VFC) polled a sample of their combined membership to collect feedback from the Executive Directors of domestic violence shelters and rape crisis centers serving communities throughout Colorado to answer the following questions adapted from the Colorado Human Trafficking Council’s (CHTC) recent survey issued on Thursday, June 7th:

1. Should the General Assembly establish standards and a process for the certification of organizations that provide services to victims of human trafficking, including community-based advocates who may already be serving domestic violence and sexual assault victims; and
2. Should the General Assembly establish a grant program to which organizations that provide services to victims of human trafficking may apply for grants, including consideration of how such a grant program may be funded?

At close of business day on Thursday, June 21st, CCASA and VFC collected 60 survey responses where 53 of those surveyed voted ‘no’ to oppose legislating certification for community-based victim advocates (roughly 90% opposition). Many who voted ‘no’ left clarifying comments to explain their position, explanations which are included in this memo for the readers review (see “Membership Insight and Opposition” section for more information). Regarding the second survey question pertaining to grant funding, the reviews from membership were mixed with the most obvious constant being that funding eligibility not be tied to certification standards.

Major Themes of Opposition:

From the survey responses provided, several major themes emerged as repeated and consistent cause for concern voiced by Executive Directors in opposition to the certification of community-based victim advocates. CCASA and VFC members:

1. Believe Certification will create uncertainty and a lack of clarity concerning which programs are and which are not confidential;

2. Believe Certification will obstruct programs ability to recruit and sustain a volunteer base and therefore cause programs to close or the phrase used most often by Executive Directors was "shut our doors;"
3. Believe that the language used in the Council's 2016 Annual Report regarding Certification will cause the General Assembly to amend CRS 13-90-107(k)(I)(II) to establish an additional layer of bureaucracy that many community-based advocates and volunteers will not be able to obtain and therefore remove their status and ability to provide privileged, confidential interactions with victims;
4. Believe Certification is cost prohibitive;
5. Believe Certification will negatively affect rural communities disproportionately;
6. Believe the General Assembly has already legislated sufficient standards for community-based victim advocacy programs and that Certification will only serve to allow systems-based oversight on the nonprofit sector;
7. Believe that an outside certifying agency will not have the same level of jurisdictional specificity and expertise as that which is held by local community-based advocacy programs who are able to customize and tailor trainings to meet the needs of the communities they serve; and
8. Believe that Certification is contradictory to the anti-violence movement which is rooted in grassroots, social change advocacy and therefore is not an appropriate model of training for community-based advocacy programs who often must challenge institutions and systems to best serve survivors.

Membership Insight and Opposition:

The following section of this memo is designed to give the reader greater explanation and clarification regarding the position of the anti-violence field in its opposition to legislating certification for community-based victim advocates. In no particular order, the following quotes were derived from community-based victim advocates who provide direct services to victims of domestic and sexual violence within the state of Colorado and give context to the "major themes of opposition" highlighted above:

1. No. Certification does not equate to confidentiality. For example, if a faith-based Human Trafficking organization completed the CACP training to thereafter become a "Fully Certified Community-based Victim Advocacy" program as outlined in the Councils recommendations, it would still fail to meet the statutory definition of 13-90-107(k)(I)(II) and would not be able to provide confidential services to victims. In this scenario, the faith-based Human Trafficking organization would be certified as a "community-based victim advocacy program" but could NOT provide victims with the confidential services offered by community-based victim advocacy programs. This is an obvious problem. Certification as outlined by the Council will create uncertainty about who holds confidentiality and who doesn't which ultimately harms survivors.
2. No. On behalf of Safe Shelter Board of Directors, Staff, and Volunteers, I am registering adamant opposition to this proposed standard of certification. Domestic Violence Victim Service advocates in the State of Colorado are currently required to meet training standards that assure victim-advocate knowledge of the complexity of domestic and sexual violence and provide the victim advocate privilege, which allows safe service provision to victim/survivors and protection to the staff and volunteers serving them. The current standards are comprehensive and sufficient. Most DV/SA organizations, like Safe Shelter, offer training above what is required and have established lines in their budgets for continuing staff development. No third party certifying agency would provide training as specific or comprehensive as that provided by our organizations, nor would they be situated to meet the continuing training needs of staff as they arise. Further, to expect a victim service organization to send advocates for a multi-day, unpaid

training is unrealistic. Most organizations have adequate staff to meet the community's needs, but I am not aware of any program that can afford to have staff out of office for extended periods of time. To ask volunteers to attend such a training outside of their community is at best unreasonable.

3. No. I cannot stress enough how adamantly I am opposed to any standard for certification of victim advocates. As advocates, we are already required to meet the training standards in order for our victim-advocate privilege to be exerted. This standard is absolutely sufficient. In speaking for our agency, we go above those standards, providing additional training hours above the standards since our interest is not only in the privilege, but ensuring our advocates are well-prepared and well trained, providing the most effective advocacy services possible. There is no outside certifying agency that would do their due diligence on training what we teach that is particular to our area, our rural community, our community's specific dynamics and diversity. To claim that an advocate would be better equipped receiving education and certification from an outside source is ludicrous at best, and particularly insulting. Beyond individual advocate agencies being well equipped to provide exemplary training for their staff and volunteer advocates, certification would most definitely close our doors in a rural community.

Requiring volunteers to attend a 40-hour certification in an outlining area, most likely 6+ hours away would first and foremost, ensure that no one will volunteer for our agency ever again. No volunteers means no crisis services, no crisis services means we're fairly worthless in providing the first line of advocacy and support victims need. Where's the best practice in that. Secondly, if the very rare volunteer comes along willing to leave their home for one week to attend an unpaid 5-day training, to volunteer in an unpaid position, likely taking vacation time off from their paid job to attend this certification class, if and only if this rare volunteer advocate comes along, the advocacy agency then needs to consider the financial burden it places on the advocacy agency to pay for that volunteers lodging, travel and meals for a full week. If we want more than one volunteer, that would mean providing these costs for the 10+ volunteer we already have. Ultimately certification will close our doors. We cannot function without volunteers and no matter the extent of their passion and support for the cause, we, in good faith, could not ask volunteers to do what certification would require.

4. No. The anti-violence movement is rooted in grassroots, social change advocacy. Advocates are often in the position of not only providing supportive services to the victim, but also challenging system beliefs and biases that are re-victimizing. Community based victim advocacy ensures that programs are able to unconditionally challenge, when necessary, government programs created to respond to crime but that may not prioritize victims' needs and rights. Certification will not necessarily train someone on how to do social or systems change work. Certification may increase barriers to individuals doing advocacy, especially survivors, non-English speakers, volunteer advocates, rural advocates, programs situated in communities where there is a large transitional population (i.e. resort or college), people without formal education, and people living in/near poverty from becoming advocates. Should certification become a requirement, it is very possible that victim service agencies would face a loss in advocates, a loss in future advocates, and a significant increase in the cost of operations. How much will certification cost individual advocates or programs? Will programs apply for victim service funds to pay for training or application fees? Will other victim service funding be used to support the administration of a credentialing process? Who will be responsible for determining the criteria for certification and for overseeing the certification process? Finally, certification or licensure of providers in other fields has not guaranteed quality in services. The true measure of quality in advocacy cannot be determined by a particular course taken or how well a person may have passed a test but, rather, how effectively they serve victims of crime.

5. No. Who certifies and by what standards and how does this interact (pos/neg) with state statute requirements about victim advocates for SA/DV? Seems like it could create a weird dual system that is wholly unmanageable and ultimately harms survivors who are unclear who is and is not confidential.
6. At this time no. It is concerning that the process is not clear and how agencies not attaining certification would be impacted. Would existing VOCA/VALE funding be revoked if certification was not obtained? The certification seems incredibly onerous and potentially costly for small agencies with limited funding. Also, would this mean that agencies would be limited in who can be hired to do advocacy work to those with certification?
7. No. The burden on rural organizations to be certified would be substantial. Any certification program would require immense time and money for smaller organization that are already operating on a tight budget. Training offered by organizations in Denver tend to take place in Denver or in expensive ski towns which are located hours away from the small communities in Colorado. Volunteers and staff would have to be sent to attend classes that would cost organizations money for lodging, mileage and food. Additionally, volunteers who are students or work full-time would be unable to take several days off to attend a training making it impossible for them to volunteer which for many of us receiving government grants volunteers are required. Not all organization have volunteers or staff stay throughout the entire year so there would also be a burden when turnover occurred to get new individuals trained and ready to work in a timely fashion. Even if the certification program was offered online there would still be tremendous disadvantages. Each organization knows its community the best. The advocate training we offer is specific to our communities and allows experienced staff to interact directly with the individuals completing the training. Conversations about specific best practices can take place, questions can be asked/answered and guidance can be given in a way no online program could ever compete with.
8. No. This would be a huge burden on our organization to ensure we have volunteers to run our hotlines. As it is volunteers are hard to come by and they are not going to be able to use their vacation time or take off work from their primary jobs to go to a certification training so that they can volunteer. Our organization and its success is reliant on the volunteers that we have. This certification could result in us not being able to serve our clients and ultimately ending up closing us down and shutting our doors.
9. No. No, the general assembly should not place standards or certification for organizations that provide services to victims of human trafficking. The issue of human trafficking is a convoluted one that interplays with domestic violence and sexual assault. Traffickers use power and control techniques as the foundation for human trafficking. Some circumstances of trafficking occur within intimate relationships and family dynamics, having domestic violence, sexual assault, and family violence be a root of the issue. The council would inherently be putting limitation on organizations providing services to victims of domestic violence, sexual assault, AND human trafficking. DV/SA agencies have been providing services to HT victims prior to HT becoming a platform issue for sex assault and human rights violations. I do think education and awareness of HT is beneficial and I believe that acknowledging the interconnectedness of the issue is pivotal along with respecting that agencies have been dealing with HT prior to the current media frenzy surrounding it.

The council must have the foresight to understand the consequences and implications of requiring certification for programs providing HT services and how it would have a detrimental impact on

all organizations providing services to all victims. If the council were to implement certification for human trafficking services, it would be the foothold to begin requiring certification for programs providing all victims services. As I noted above, HT is intertwined with DV and SA, requiring certification from programs will impact programming across the state, particularly rural programs. A certification cannot effectively train the diverse communities, populations and dynamics across the state. The certification will impact services provided to DV and SA victims. The certification will put our advocacy privilege in jeopardy because so often HT is tied to DV and SA which our privilege covers but does not extend to HT. I understand that the council has already outlined 'Best Practice' criteria, but there is a difference in outlining what best practice is for agencies providing services and requiring certification. Also it is unethical that the council name a specific certification agency that service providers will need to use in order to comply with any certification or 'best practice'. Especially if that certifying agency is receiving financial gains from the certification and 'best practice' regulations.

Certification will also impact any service provider with a volunteer base. Expecting programs to have each employee and volunteer who provides direct service to complete specific certification will undercut agencies abilities to maintain and recruit volunteers. It would inherently impact the ability for any program to maintain a volunteer base and provide direct service through volunteers. Which would impact NGO's ability to receive and maintain grant funding.

10. No. Community advocates are equipped with the advocacy tools they need to provide options, validation, and support to those seeking services. There is no need for further certification.
11. No. Many organizations are small nonprofits that rely on a combination of paid staff and volunteers to complete their work. Certification processes would be financially prohibitive and restrictive in recruitment efforts.
12. No. Absolutely NOT! Community-based DV/SA victim advocacy originated in the late 1970s because long-standing systems, including mental health and social services could not, or did not, meet the needs of people experiencing domestic violence and/or sexual assault. Rejecting patriarchal bureaucracy and the limitations of institutionalized response, DV/SA advocacy embraces the feminist principles of empowerment, self-determination, and autonomy, acknowledging that the individual experiencing the violence was the expert in the situation. With confidentiality as the cornerstone, DV/SA advocates work in concert with victims, providing advocacy, on-going support and services that increase safety and well-being. They also work as the agents of change in their communities, challenging systems, institutional response, and societal beliefs. DV/SA advocates have been able to generate changes in systems and society that improve the safety and well-being of DV/SA victims because they work outside the system. Certification infringes on community-based DV/SA advocacy and blatantly disregards its very nature and foundations and places DV/SA advocacy under the control of the system, a mistake that will have countless negative ramifications. It will most certainly bring about the forfeiture of confidentiality and seriously impact the social change advocacy needed to challenge the institutionalized response of systems.
13. No. Establishing these standards could create a real hardship for rural and small and culturally specific organizations. Most, if not all, current Victim Advocates are already required to 30-35 hours of training & education specific to assisting adult & child victims of Intimate Partner Abuse and Sexual Assault. In fact these Advocates are certainly much better versed in victimization issues than any one in the General Assembly.

14. No. This would elevate human trafficking services above other victimizations and give it "state sanctioning" that does not exist for other advocacy. DV and SA advocates are addressed in statute already, with training requirements outlined and confidentiality granted in specific circumstances. Creating this certification is likely to cause great confusion and could force long-time, experienced advocates to become certified, when that is not a requirement of their current positions or beneficial to the survivors they serve.
15. No. Absolutely not. We work very hard to develop a 30-hour training to meet the state mandates that are best practice for sexual assault. The General Assembly has no business directing this as each area is different and should not be regulated by the state. These need to be specialized by the community with best practice offered by the DV and SA coalitions only.
16. No. We already have guidelines from the state statute on the amount of victim advocate training hours (30 minimum), and our agency works with our state coalition as well as all local providers to teach and educate our staff and volunteers with best practice skills and knowledge in SA advocacy, trauma, process, and response. We spend an enormous effort to provide the best care to the victims and survivors who work with us through our 24-hour crisis hotline and walk in services. In addition to those 30 hours, we provide ongoing training throughout the year to maintain and update staff and volunteer skills. This includes specified training covering rural and local items that have not been covered in state level or certified training (that I or my staff have attended).

This model of advocacy was intentionally set up as a grass roots system to make it available to everyone in the community. This includes making it accessible and low cost which for our agency is free. Often our volunteers come from different walks of life and if there was a certification, a charge for the training and/or travel costs, it would prohibit them from being able to attend. Creating a whole new system for human trafficking seems contradictory to this method and model. We need SA/DV advocates to have the skills to filter who needs support and has been trafficked. Why make getting the knowledge and education more challenging. Use current grant funded programs to provide the services. Use avenues like our state SA/DV conference to train advocates (a venue that is LOW cost that many of them are already attending) or provide online education so it is easily accessible statewide. This state has excellent, trained advocates in agencies that have been in existence for up to 40 years. They have a skill base, use that rather than creating another wheel. If you are truly interested in education around human trafficking, use these suggestions, do not silo and isolate it. We have been working to break down the barriers and collaborate with other agencies to provide better services. Collaborate and use that as your model.

17. No. While I feel some oversight is good, getting government involved could lead to conflicts with the role of community based, confidential advocates. Holding confidentiality of victims is of utmost importance and should not be hampered by government involvement.
18. No. I cannot convey strongly enough my opposition to any standard for certification of victim advocates. As an agency we go above and beyond the required training standards to ensure that our advocates are able to provide the absolute most helpful, effective advocacy services to each victim.

A requirement to certify volunteer advocates would create such a hardship for our agency and the volunteers that we would not be able to recruit or retain the essential help of volunteers in our agency.

19. No. DV/SA organizations are already providing training for advocates that meet or exceed state statute requirements. The training provides information necessary to meet the needs of those they are serving in their communities. While some information provided by organizations regarding DV/SA may be similar to that provided in other organizations, the fact that each organization provides this training allows for flexibility, and customization for the needs of the communities they are serving. It is also very likely the expense and time that this proposed certification would require may make it more difficult for organizations to find volunteers who could make that type of financial and time investment. It would also require the same investment for new staff and add a burden to programs that are already underfunded.
20. No. Community based DV and SA Advocacy agencies already fully train their advocates to provide best-practice, trauma-informed care to survivors. To expect that all community-based DV and SA agencies in Colorado, many of which are in rural communities, cover the costs for all Advocates to become "certified" is unnecessary and burdensome. All DV and SA agencies in Colorado that I know of (have been in the field of work for 20+ years) do an excellent job of training their advocates. How would a "certifying agency" know the nuances, culture, and dynamics of all communities in the entire state?
21. No. I strongly disagree with standardizing a certification of victim advocates. There is already training standards in place for our privilege to be upheld. Our agency and I believe, many agencies already go above and beyond in their training requirement + training that is specific to our advocates responding to our specific, rural community. We have a very small staff and rely on our volunteers that have been with our organization for over 10 years to be able to provide the exemplary service we currently do to our clients. Requiring them to obtain a certificate that doesn't even equate to the training they currently have may push them away from volunteering for our organization. We cannot run a crisis response without our volunteers. Our organization currently requires more training than an outside certification agency would require and monitors our volunteers and staff better than an outside agency would.
22. No. Individual agencies serving victims of domestic violence and sexual assault are providing invaluable training to staff and volunteer advocates in order to meet the requirements for privilege as outlined in the statute. Additionally, each community is unique, which cannot be addressed in a "certification process," established by an outside governing authority.
23. No. We already are governed by C.R.S. in hours needed and all agencies that we work with provide many hours of additional training to provide the best services possible. If we have to certify staff and advocates working with the agency, we would lose valuable services to our survivors to pay another agency to keep its doors open. This is NOT necessary, or WANTED. When asked if they would travel for 7 or more hours, one direction, for a 40-hour training and certification, having to stay in a motel and provide food and transportation, and complete recurring re-certifications, every single one said NO. We would lose our very core of advocacy in crisis response, community support in the courts and safehouse, volunteer support in providing transportation, assistance in filling out and filing civil forms. If system advocates wish to have a piece of paper showing they know how to do their work, then let them. This would signal an end to community-based organizations, the very ones that actually hold total privilege.
24. No. This is a very bad idea. Requiring this type of certification goes against our mission because it is patriarchal. It is unnecessary because community-based advocates already provide a high standard of service to victims and any type of certification would not serve to enhance that in anyway. Furthermore, the cost to receive certification would likely mean that rural community advocacy centers would have to shut down. Please vote no on this.

Concerning the second question, “Should the General Assembly establish a grant program to which organizations that provide services to victims of human trafficking may apply for grants, including consideration of how such a grant program may be funded?” answers varied with 56% of survey respondents casting a ‘no’ vote in opposition of the recommendation. Of additional importance, many members selected not to answer this question and left comment instead voicing confusion about the proposed grant program and/or answered ‘yes’ with the caveat that grant funding not be tied to certification and or reduce funding for current or other victim service provision. In no particular order, the following quotes were derived from community-based victim advocates who provide direct services to victims of domestic and sexual violence within the state of Colorado:

1. Should the General Assembly establish a grant program to which organizations that provide services to victims of human trafficking may apply for grants, including consideration of how such a grant program may be funded?
2. No. Not if it's tied to certification, then absolutely not. If there are no ties to certification, any grants for all victim agencies to apply for to serve human trafficking victims is always necessary and appreciated.
3. No. Colorado does not have state, general fund, funding for victim services. If we are going to start, it should be for all types of victimizations, or at least include domestic violence, sexual assault and stalking.
4. No. The concern with establishing a grant program include issues such as whether or not the funding for other victim services would be reduced, the capacity of small agencies to fulfill grant expectations, and what additional governmental red tape would have to be dealt with.
5. No, grant funding should not be connected to certification or organizations that provide services to victims of human trafficking. This could potentially exclude any funding provided to rural communities, not because we don't serve this population but in comparison to specialized programming in urban areas we cannot substantiate receiving that type of funding. Excluding a disproportionate amount of agencies from the opportunity of receiving funding because the council is attempting to ‘pigeon hole’ a complicated and convoluted issue that includes DV and SA into a hot button topic of HT.
6. No. Funding should be accessed through current established SA/DV victim service funding programs. The funding should be included in the pots of money that fund victim service programs. Put more funding into SA, DV, Stalking, Dating Violence, and Human Trafficking funding programs that already do the work.
7. No. There are grant funds available to provide services to victims - including victims of human trafficking. Existing funds through VOCA, VAWA, and other state and federal funds should be utilized first.
8. No. I am not sure why we would create new funding for victims when we have multiple funding streams for victims of SA/DV established. Wouldn't it make more sense to use the current funding streams and expand them, again, rather than recreate the wheel? Every time there is a new subject or topic, this becomes the question and it ends up taking away from the current, established processes. Depending on the need, establish what funds need to be designated and appropriate to our current funding pots- such as VOCA, VALE, OVW Rural, etc., yet do not

make this take away funding from current programming. These funding resources, with all the grant administration and oversight are already in play. As agencies, we are told to collaborate, work together and use our resources wisely, and I would ask the same of our General Assembly. If there is funding needed, make sure to also create review to gather data and information on need so that funds can be appropriately administered. Our current victim services agencies have a great deal of base knowledge that they are using everyday already to supplement the work of human trafficking and supports.

9. Yes. As long as there are no restrictions tied to certification
10. This really isn't a yes or no question as there are many variables to be considered before choosing the appropriate response. DV/SA advocates are already serving victims of trafficking. Housing advocates are already serving victims of trafficking. The General Assembly can consider a grant program for trafficking and then regulate how the people already providing the services can provide the services???. This is backwards. Provide general funds for the programs already serving victims of trafficking and actually ask them to participate in a committee or work group to figure out what that looks like. It seems to me that the people making the decisions about how victims of trafficking can or will receive services are using the process to set themselves up to make money through certification and/or regulation of how services should be provided. Huge conflict of interest issues seem to be overlooked completely. Keeping it simple and broad seems the better choice. Just FYI, if someone on the committee profits from a decision of the committee, it is a conflict of interest!
11. I would not be opposed to a grant program for organizations that provide services to human trafficking victims, however if the program required the certification listed above in question 1 then my answer would be "no".