



ADMINISTRATIVE RULES

TITLE 03—OFFICE OF THE ATTORNEY GENERAL

PART 5—Victims of Human Trafficking and Commercial Sexual Exploitation Program

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Title 03 – Office of the Attorney General
Part 5 – Victims of Human Trafficking and Commercial Sexual Exploitation Program

Chapter 01. Victims of Human Trafficking and Commercial Sexual Exploitation Fund

100 Purpose

The Office of the Attorney General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the “Victims of Human Trafficking and Commercial Sexual Exploitation Fund.” [Miss. Code Ann. § 97-3-54.10]

101 Legal Authority

There is created in the State Treasury a special fund to be known as the “Victims of Human Trafficking and Commercial Sexual Exploitation Fund. [Miss. Code Ann. § 97-3-54.11(1)] The monies in the fund shall be distributed by the Office of the Attorney General, upon appropriation by the Legislature, to fund and assist human trafficking shelters, commercial sexual exploitation shelters and victim service providers under the provisions of Sections 97-3-54.10 through 97-3-54.13. [Miss. Code Ann. § 97-3-54.11(2)]

The Office of the Attorney General shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections 97-3-54.10 through 97-3-54.13. [Miss. Code Ann. § 97-3-54.10]

102 Sources of Funding

The Victims of Human Trafficking and Commercial Sexual Exploitation Fund (“Fund”) is administered and regulated by the Office of the Attorney General and shall consist of:

- (a) Monies appropriated by the Legislature;
- (b) The interest accruing to the fund;
- (c) Monies received under the provisions of Miss. Code Ann. § 99-19-75;
- (d) Monies received from the federal government;
- (e) Donations to the fund;
- (f) Assessments collected pursuant to Miss. Code Ann. § 83-39-31;
- (g) All other monies received by the state from every source for the support of shelters for victims of human trafficking and commercial sexual exploitation; and
- (h) Monies received from such other sources as may be provided by law.

103 Administrative Expenses of Fund

Not more than ten percent (10%) of the monies from the Fund may be used for administrative expenses and other expenses related to carrying out the provisions of Miss. Code Ann. § 97-3-54.10 through § 97-3-54.13; however, the total amount used for administrative and related expenses during a state fiscal year shall not exceed One Hundred Thousand Dollars (\$100,000.00).

104 Annual Financial Reporting for Fund

By January 5 of each year, the Office of the Attorney General shall provide an itemized financial report to the Legislature and State Auditor of all expenditures, statistical data regarding services it has provided, and a report of all service activity with geographical description.

105 Victims of Human Trafficking and Commercial Sexual Exploitation Fund Committee

The Office of the Attorney General shall convene a committee (“Fund Committee”) to develop a strategic plan to coordinate the state’s response to victims of human trafficking and commercial sexual exploitation, to include the administration and disbursement of funds for the support and assistance of service providers for victims of human trafficking and commercial sexual exploitation in the state of Mississippi.

The term of Fund Committee members shall be two (2) years. The Fund Committee shall consist of seven (7) members, who shall be appointed as follows:

- (a) One (1) person to be appointed by the Governor;
- (b) One (1) person to be appointed by the Lieutenant Governor;
- (c) One (1) person to be appointed by the Speaker of the House;
- (d) One (1) person to be appointed by the Attorney General;
- (e) One (1) person to be appointed by the Commissioner of the Department of Public Safety;
- (f) One (1) person to be appointed by the board of a victim services provider; and
- (g) One (1) person to be appointed by the Commissioner of the Department of Child Protection Services.

106 Eligibility for Shelter Providers

To qualify for funds under the program, a human trafficking shelter and/or commercial sexual exploitation shelter provider must meet each of the following minimum requirements:

(a) Be incorporated in the state of Mississippi or recognized by the Mississippi Secretary of State as a private or public nonprofit corporation operating within the state of Mississippi. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least

one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and

(b) Have designed and developed a program to provide the following services in Mississippi to victims of human trafficking and commercial sexual exploitation and their children, if applicable:

- (i) Shelter on a twenty-four (24) hours a day, seven (7) days a week basis;
- (ii) A twenty-four (24) hours a day, seven (7) days a week crisis line to provide counseling, emergency response or suicide watch;
- (iii) Temporary housing and food facilities;
- (iv) Referral services to existing services in the community and procedures to follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;
- (v) Information regarding reeducation, trauma-informed therapy, job counseling and training programs, work force training, housing referrals and other available social services;
- (vi) A Mississippi licensed therapist available on a twenty-four (24) hours a day basis;
- (vii) Provide victim-centered, trauma-informed and culturally and linguistically appropriate care;
- (viii) Utilize evidence-based interventions;
- (ix) Perform background checks and maintain copies of such for each employee and volunteer;
- (x) Ensure adequate safety and security for staff and clients;
- (xi) Require mandatory training for staff and volunteers;
- (xii) Adhere to ethical and professional standards;
- (xii) Require employees and volunteers to maintain confidentiality of any information that would identify individuals served by the shelter;
- (xiv) Shall not discriminate in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry;
- (xv) Collaborate with other nongovernmental and governmental agencies; and
- (xvi) Maintain any required licensure and certification of staff and facility as required by the Department of Mental Health, the Department of Health,

the Department of Child Protection Services or any other regulatory body of the State of Mississippi.

(c) Have established procedures for twenty-four (24) hours a day, seven (7) days a week admission of victims of human trafficking or commercial sexual exploitation who may seek admission to these shelters on a voluntary basis.

(d) Show receipt of local funds in an amount not less than fifteen percent (15%) of the funding amount, which may include in-kind contributions. In-kind contributions are defined as the value of non-cash contributions (i.e. property or services) that benefit the assisted project or program and are contributed by non-governmental third parties, without charge, to the assisted project or program.

(e) Applicants must fulfill any and all general federal grant requirements with regard to financial reporting and accountability as described in 2 C. F. R. 200, including but not limited to, annual audits, detailed description of accounting system(s), document all disbursements and expenditures, proof of conflict of interest policies, statement of drug-free workplace and requirements regarding matching/cost-sharing contributions, consultants and contractors, expenditures, indirect costs, credit card use, timekeeping, travel, property control, allowability of costs and proof of program income.

(f) Applicants must provide the Victims of Human Trafficking and Commercial Sexual Exploitation Fund Committee with a copy of their annual audit prior to funding and annually, during the funding period.

(g) No human trafficking or commercial sexual exploitation shelter shall qualify for program funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.

107 Eligibility for Non-Shelter Providers

To qualify for funds under the program, a non-shelter human trafficking and/or commercial sexual exploitation victim service provider must meet each of the following minimum requirements:

(a) Be incorporated and operating in the state of Mississippi or recognized by the Mississippi Secretary of State as a private or public nonprofit corporation. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and

(b) Have designed and developed a program to provide the following services in Mississippi to victims of human trafficking and commercial sexual exploitation and their children, if applicable:

(i) Certified counseling and/or other emotional support services;

- (ii) Referral service to existing services in the community and procedure to follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;
- (iii) Information regarding reeducation, trauma-informed therapy, job counseling and training programs, work force training, housing referrals and other available social services;
- (iv) A Mississippi licensed therapist available on staff;
- (v) Provide victim-centered, trauma-informed and culturally and linguistically appropriate care;
- (vi) Utilize evidence-based interventions;
- (vii) Perform background checks and maintain copies of such for each employee and volunteer;
- (viii) Ensure adequate safety and security for staff and clients;
- (ix) Require mandatory training for staff and volunteers;
- (x) Adhere to ethical and professional standards;
- (xi) Require employees and volunteers to maintain confidentiality of any information that would identify individuals served by the provider;
- (xii) Shall not discriminate in its provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry;
- (xiii) Collaborate with other nongovernmental and governmental agencies; and
- (xiv) Maintain any required licensure and certification of staff and facility as required by the Department of Mental Health, the Department of Health, the Department of Child Protection Services or any other regulatory body of the State of Mississippi.

(c) Show receipt of local funds in an amount not less than fifteen percent (15%) of the funding amount, which may include in-kind contributions. In-kind contributions are defined as the value of non-cash contributions (i.e. property or services) that benefit the assisted project or program and are contributed by non-governmental third parties, without charge, to the assisted project or program.

(d) Applicants must fulfill any and all general federal grant requirements with regard to financial reporting and accountability as described in 2 C. F. R. 200, including but not limited to, annual audits, detailed description of accounting system(s), document all disbursements and expenditures, proof of conflict of interest policies, statement of drug-free workplace and requirements regarding matching/cost-sharing contributions, consultants and contractors,

expenditures, indirect costs, credit card use, timekeeping, travel, property control, allowability of costs and proof of program income.

(e) Applicants must provide the Victims of Human Trafficking and Commercial Sexual Exploitation Fund Committee with a copy of their annual audit prior to funding and annually, during the funding period.

(f) No human trafficking or commercial sexual exploitation service provider shall qualify for program funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.

108 Requests for Funding Applications

The Fund Committee shall determine the minimum balance threshold for the Fund before publishing any Requests for Funding Applications. Once the minimum balance is accrued in the Fund, the Attorney General's Office will publish a Request for Funding Applications and an application period will be announced. Once the application period closes, applications will no longer be accepted for that particular award period. Requests for Funding Applications will be published no more than once per fiscal year.

All Requests for Funding Applications must be submitted to the Mississippi Attorney General's Office electronically at the following email address:
HumanTraffickingFund@ago.ms.gov.

109 Application Review Process

The Fund Committee shall appoint a three (3) person panel to review all applications for funding. The panel shall consist of three (3) persons not currently serving on the Fund Committee. A board member or employee of a service provider applicant may not serve on the judging panel for that application period.

The 3-person panel shall consider the following, at a minimum, when judging applications for funding:

- (a) The geographic area of service;
- (b) The types of services provided;
- (c) The population of those served;
- (d) The length of time the provider has served victims of human trafficking and commercial sexual exploitation; and
- (e) The current trends and needs identified for human trafficking and commercial sexual exploitation victims in the area served.

It is the intention of the Fund Committee that funding be distributed equitably to qualified shelters and service providers throughout the state.

Awards shall not be granted for any victim service for which application may be made to the Mississippi Crime Victims Compensation Fund, including but not limited to, supplies for sexual assault clinics. Miss. Code Ann. § 99-44-1, *et seq.*

110 Awardee Reporting Requirements and Performance Measures

Each awardee shall be responsible for collecting certain data and submitting performance measure data to the Attorney General's Office periodically, no less than twice per fiscal year. The specific reporting requirements for each award shall be set by the Fund Committee and clearly disclosed in each request for funding application.

Awardees may be required to include a certain percentage match, whether cash or in-kind. The match requirement and amount, if required, shall be determined by the Fund Committee and clearly stated in each Request for Funding Application.

111 Confidentiality of Victim Communications

Any employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under this program, or of any other entity in possession of information which would tend to identify a victim of human trafficking and/or commercial sexual exploitation, shall comply with any and all confidentiality requirements and may be held liable as provided in Miss. Code Ann. § 93-21-125.

112 Confidentiality of Street Address of Shelter

A resident, employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under this program shall not be required to disclose the street address or physical location of the shelter to any public or private agency in a request for funding application. In all cases where the provision of a physical address is required, a post office box address for the human trafficking and commercial sexual exploitation shelter shall be deemed sufficient.

113 Additional Eligibility Requirements

The Fund Committee, in its discretion, may establish further funding requirements for victim service providers, in addition to the minimum requirements set forth above.

Source: House Bill 1559 (2020 Legislative Session); Miss. Code Ann. Sections 97-3-54.10 – 97-3-54.13.

Chapter 02. Emergency Assessment Team Victim Advocates

200 Certification Requirements for Emergency Assessment Team Victim Advocates

(a) An emergency assessment team shall be created for any child suspected to be a victim of human trafficking and commercial sexual exploitation. Pursuant to Miss. Code Ann. §43-26-3(2), “the team shall include, at a minimum: (a) an investigator certified by the Mississippi Human Trafficking Operational Task Force Board, (b) an investigator from the Department of Child Protection Services, and (c) a person certified by the office of the Attorney General as an advocate for victims of human trafficking and commercial sexual exploitation.”

(b) A person certified by the Office of the Attorney General as an advocate for victims of human trafficking and commercial sexual exploitation (Certified Advocate) must complete, at a minimum, 28 hours of training from an established and reputable source, which shall include at least the following:

- (1) 8 hours of basic training, to include education on the types of human trafficking, behaviors of traffickers, trauma-informed care, confidentiality and ethical duties;
- (2) 8 hours of response training. Response training for minor victims shall include knowledge of state reporting laws, implementation of victim needs assessments, screening procedures used to determine the necessity of forensic interviews, and knowledge of statewide and local placement resources for minor victims;
- (3) 4 hours of collaboration training, to include collaboration with law enforcement, medical providers, and other non-profit organizations and legal resources;
- (4) 4 hours of federal and state investigation training to be conducted by the Human Trafficking Task Force Board; and
- (5) 4 hours of onsite child response training.

(c) In addition to the successful completion of the 28 hours of training enumerated in (b) above, candidates for Certified Advocate shall successfully complete a background check (with special considerations for human trafficking survivors), and shall be available to respond to victims days, nights and weekends.

(d) Certified Advocate applicants shall provide written proof of completion of all requirements outlined in (b) and (c) to the Office of the Attorney General before certification shall be issued. The background check may be completed by the Attorney General’s Office.

(e) Upon receipt of all required documentation, the Office of the Attorney General shall have 60 days to certify an applicant for inclusion in an emergency assessment team and shall notify both the applicant and the Coordinator for Services of Victims of Human Trafficking and Commercial Sexual Exploitation at the Department of Child Protection Services of the outcome of the certification process.

(f) Certified Advocates who actively utilize these skills at least twice over the course of one year or who engage in additional training similar to that in (b) shall not require any recertification.

201 List of Certified Advocates

The Office of the Attorney General shall keep a list of all Certified Advocates for emergency assessment teams and may take such actions as necessary to recruit additional advocates when the number of Certified Advocates is low or lacking in certain geographic coverage.

Source: House Bill 1559 (2020 Legislative Session); Miss. Code Ann. Section 43-26-3(2)