

Coordinating Multi-Victim Human Trafficking Cases

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Presenters:

Pamela Brown Blackburn, Executive Director, Pacific Ombudsman for Humanitarian Law (POHL)

Amy Fleischauer, Director of Survivor Support, International Institute of Buffalo

Stephanie Richard, Senior Policy Advisor, Coalition to Abolish Slavery & Trafficking (CAST)

Aubrey Lloyd, Human Trafficking Team Lead, OVC TTAC

The material presented during today's webinar session will be available on the Human Trafficking Learning Grantees Community and the OVC TTAC Human Trafficking Webinars page.
The session will be recorded and will begin shortly.

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Today's Presenters

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Senior Policy Advisor
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Director of Survivor Support
International Institute of Buffalo



Pamela Brown Blackburn
Executive Director
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Policy, Legal & Service Delivery Considerations



Examples of Large Human Trafficking Cases

- 78 Thai workers, all male adults in Los Angeles, who fled from pineapple farms in Hawaii
- 12 sex trafficking female adults and minors from Mexico involved in active federal prosecution of 9 defendants
- 20+ Deaf male and female labor trafficking victims from Mexico referred by a community NGO partner and immigration attorney
- 4 U.S. citizen sex trafficking victims with the same trafficker, and 1 being the enforcer
- 26 male and female labor trafficking victims who worked on avocado farms and fled to Los Angeles
- 64 labor trafficking victims from China, all working on a large construction project, case exposed after 1 worker fell to his death
- 13 sex trafficking victims from the Philippines, 7 minors, brought by local law enforcement after an early morning raid on a bar/strip club
- 26 male and female restaurant workers identified in 3 different states



Poll #1

Should service providers work with more than one victim in a case?

A. Yes

B. No



Poll #2

Do service providers have a choice to decide the number of victims they work with in a case?

A. Yes

B. No

C. It's complicated



Should service providers handle more than one victim in an HT case?

Pros

- Often similar needs – can build network/system
- Often support systems for each other
- Intimate knowledge of case details
- Ensure consistency of information
- Provides big picture of how the crime was perpetrated

Cons

- Law enforcement preference is to not have victims-witnesses speak
- Potential conflicts
 - Legal
 - Social services
- Social or legal service provider overwhelmed by referral numbers – staff burn out



Poll #3

Do you have a written community plan for responding to large group cases?

A. Yes

B. No

C. It's in my head but not on paper



Preparing for Large Cases

Create a Community Preparedness Plan

- Know your community resources, funding streams, and stakeholders
- Invite those organizations to walk through a mock response internally and with partners



Preparing for Large Cases (continued)

- Preparedness plan should include:
 - Capacity of each organization for case management
 - Points of contact within each service category
 - Agreed upon policies regarding confidentiality
 - Language access
 - Expectations regarding collaboration with legal and law enforcement
 - Consistent check-ins as a group and with a non-involved entity



Preparing for Large Cases (continued)

Resources Available for Large Group Cases Under TVAP



Intake Best Practices – Legal

- Each case must be screened individually, in large cases it is possible that some individuals do not qualify as trafficked. Set expectations accordingly.
- Should be handled by attorneys who are also screening for potential conflicts of interest.
- Screen for possible direct conflicts of interest early on (who was trafficker/who monitored you/recruited you, etc.). Stop interview if direct conflict appears.
- Waiver of potential conflict of interest must be signed before there is an agreement for representation by attorneys in a multi-victim case.
- Set expectations of your service area/who can be served. Have a plan if other potential victims from same case start calling from other states.



Intake Best Practices – Legal (continued)

- After each interview, review notes from prior interviews to develop a sense of the magnitude of the victimization/case.
- Conduct interview with an open mind and open-ended questions; give the client latitude to discuss details that they see as important.
- Keep in mind throughout the intake process that the client may not know the extent of abuse, they may not define it as such, or they may have buried certain details in order to cope.
- Trafficking victims rarely know they are victims.



Intake Best Practices – Social Services

- Sort out “who’s who,” especially when tension is high.
- Utilize task force and coalition partners to help with translation, pick-up, and transportation.
- Triage – injuries, level of fear... Medical providers may be willing to come to your shelter to provide triage.
- Victims may not have documentation.
- Protect individual rights.
- Intake forms and releases should be translated into languages of victims served – eases process.



Ethical Considerations – Legal

- Duty of Confidentiality
 - **Basic Duty:** duty to oppose the sharing of any client confidential information that client does not wish to share. [ABA Model Rules of Professional Conduct 1.6](#)



Types of Conflict of Interest in Group Cases

- Different desires regarding criminal prosecution
- Varying involvement with the commission of the crime of human trafficking
- Different civil remedies
- Conflicting restitution claims
- Varying degree of fitting into the definition of human trafficking
- [See ABA Model Rule 1.7](#)



“What conflict of interest?!
I work here in my spare time.”



Potential Conflict of Interest Waiver – Informed Written Consent

- Written disclosure of the potential adverse consequences of consenting to conflicted representation
- What would happen in the event that an actual conflict arises (e.g., withdrawal and referral to another attorney if conflict arises)
- “Conflict” includes—
 - Direct adversity of interest of two current clients
 - Material limitation on attorney’s representation of a client

[CA Rule 1.7 Conflict of Interest](#)



Victim (who other victims see as perpetrator)

- Overlap can be common for adults and children
- Complications
 - Criminal liability
 - Conflicts of interest
- Referrals and what can be shared?



Accepting Other Attorney's Assistance

- Do your due diligence on legal qualifications, but also on your “gut” feeling of authenticity of motive for involvement.
- Do your due diligence on the client’s “informed” consent to release of confidential files.
- Do your due diligence on ascertaining the client’s wishes as to realizable damages.
- Leveraging a good pro bono program (CAST)



Leveraging Funding/Resources

- Consulates
- Community groups that specialize in the subpopulations you are serving
- Request additional resources from OVC
- Request exception to per capita HHS bar



Developing the Trafficking “Story”

- Success often depends on the provider’s ability to listen carefully without prejudging the facts.
- Documenting an individual victim’s story carefully provides a basis for followup questioning but also a map to determining who may or may not be a trafficking victim.
- Victims of same trafficker often assist each other in recalling details of abuse.
- Trust client if they do not want to involve others.



Successful Collaboration with Social Service Provider

- Individual intake interviews assist in determining who is a trafficking victim for referrals and receipt of social services.
- Maintaining communication with social service providers creates a safe environment for clients.
- Sharing of interpreters also makes clients feel safe and more confident.
- Safe, confident clients share more details of their victimization.
- CAST – Note on Confidentiality



Working with Law Enforcement Agencies

- Know this takes time and effort on your part.
- Prepare to sit with client during their law enforcement agency (LEA) interview.
- Pros of written statement and translation prior to LEA meeting.
 - Review written statement and interview client again for consistency in details.
- Cons of written statements from victims
- LEAs are not necessary for successful applications for a T visa.



Critical Screening Practices

- Indicators that a “Victim” May not be One
 - Once you are successful with either the prosecution or obtaining a T visa for your client, other persons may claim to be clients.
 - Intake interviews need to be meticulous as many may want to join a case simply due to its success.
 - Key facts need to be reviewed carefully to ensure a client is legitimately a victim.
- How do you respond when victims come forward years later/when a case has closed?
 - How can you prepare for this?
 - What are ways to screen?



Q&A



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