

## Web Conference: MEETING HUMAN TRAFFICKING CASEWORKER REQUIREMENTS

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**Presenters:**

**Emily Austin, Director of Advocacy Programs  
California Coalition Against Sexual Assault (CALCASA)**

**Imelda Buncab, Training & Technical Assistance Coordinator  
California Coalition Against Sexual Assault (CALCASA)**



## OBJECTIVES

By the end of the web conference, participants will:

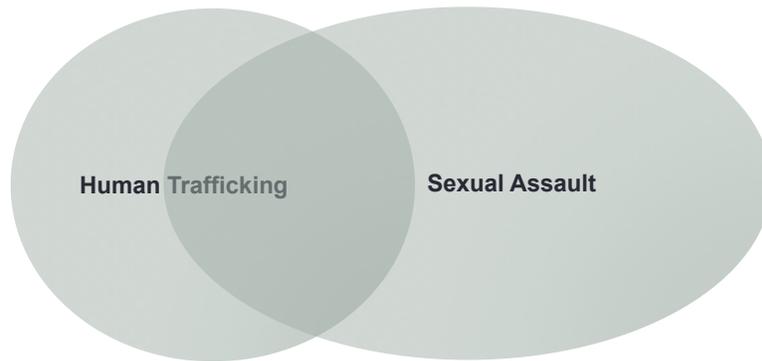
Define privilege communications

Describe differences and similarities of SA Victim Advocate  
Privilege and Human Trafficking Caseworker Privilege

Identify additional requirements to meet Human Trafficking  
Caseworker Privilege



## How do SA and HT intersect?



## Why this web conference?

- Questions from the field about when the HT privilege applies
- Similarities between types of privilege



## PRIVILEGED COMMUNICATIONS

- Identify parties to communication
- Define type of communication
- Stress confidentiality



## Who Claims Privilege?

	Human Trafficking	Sexual Assault
Victim	✓	✓
Authorized Representative	✓	
Counselor/Caseworker	✓	✓



## Who Claims Privilege?

	Human Trafficking	Sexual Assault
Claim after death	✓	✓
Advocate charged to claim	✓	?
Inform of limitations	✓	?
Judge may compel disclosure	✓	✓



## Who Certifies?

Human Trafficking	Sexual Assault
Organization best practices that cover guidelines	CalOES certification of agency training, not individuals
Not structured	More formal, audits



## Human Trafficking Caseworker Type 1

“Human Trafficking Caseworker” means any of the following:

### CASEWORKER TYPE 1

An employee OR volunteer working with DV shelter-based program

#### AND

- Who meets one of the following requirements:
  - is a psychotherapist
- OR**
  - has a master’s degree in counseling or a related field;
- OR**
  - has one year of counseling experience, at least six months of which is in the counseling of human trafficking victims
- OR**
  - Has 40 hour training and is supervised by a counselor who meets the criteria in subsection (b or c)

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## Human Trafficking Casework Type 2

### CASEWORKER TYPE 2

An employee OR volunteer working for an organization that provides victim and witness assistance to human trafficking victims

#### AND

- Who meets one of the following requirements:
  - Is a psychotherapist
- OR**
  - has a master’s degree in counseling or a related field
- OR**
  - has one year of counseling experience, at least six months of which is in rape assault counseling
- OR**
  - Has the minimum training for human trafficking counseling required by guidelines established by the California government
- AND**
  - is supervised by an individual who qualifies as a counselor under subsection (a, b, or c)

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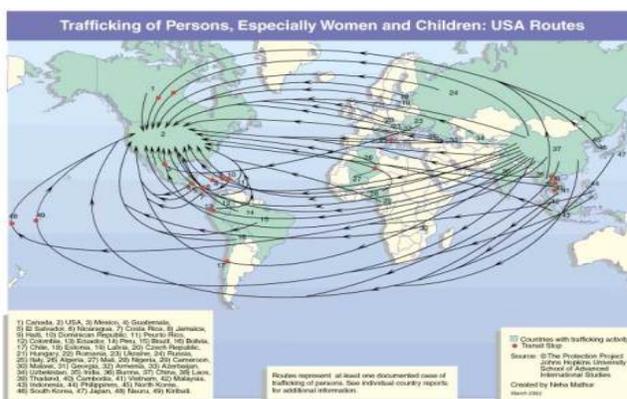
## Human Trafficking Caseworker Training

- Shall include, but need not be limited to, the following areas:
  - History of human trafficking
  - Civil and criminal law as it relates to human trafficking
  - Societal attitudes towards human trafficking
  - Peer counseling techniques,
  - Housing
  - Public assistance and other financial resources available to meet the financial needs of human trafficking victims
  - Referral services available to human trafficking victims
  - A portion of this training must include an explanation of privileged communication.



## History of Human Trafficking

- Global
- Country
- Local



## Civil & Criminal Laws: Human Trafficking

- International
  - UN: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (The Protocol)
- Federal/US
  - Trafficking Victims Protection Act 2000
    - Prosecution, Protection, Prevention
- State
  - CA Assembly Bill 22
  - CA Penal Code 236, 236.1
  - CA Senate Bill 1193
  - CA Civil Code 52.6



## Societal Attitudes Towards Human Trafficking

- Address misconceptions about trafficking
  - Trafficking requires transportation: No movement is required
  - You can consent to human trafficking: Cannot consent to illegal acts
  - Victims cannot be paid for work: Lack of payment is NOT an element of a trafficking crime. Some trafficking victims do receive money.
  - Victims are from another country: Can be US citizens, foreign nationals, undocumented
- Clarify Trafficking vs. Smuggling
- Clarify Trafficking vs. Labor Exploitation



## Know What You Need to Know

- Know your role
  - Case Managers conduct needs assessment, service planning & implementation, and supportive counseling and educational services
- Know your obligations
  - You must keep an accurate, current record of services to ensure an appropriate standard of care; to maintain accountability for the advancement of each client's case; to protect organization against any liability; and to maintain continuum of care
- Know your scope of practice
  - Case Managers are NOT legal advocates or psychotherapists, even if they have legal or psychological training. What matters is your ROLE in serving the client
  - Solicit only the information you need to perform your respective duties as a Case Manager



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## Certification

I certify that I have read and understood the above mandatory social service training that includes the following topics:

- 1. Human Trafficking Laws
  - 2. Victimology
  - 3. Counseling Techniques
  - 4. Client and System Advocacy
  - 5. Referral Services
  - 6. Privileged Communications
- Name: \_\_\_\_\_ Signature: \_\_\_\_\_
- Date: \_\_\_\_\_



## In conclusion

- Most cases of trafficking will contain an element of sexual assault and thus SA counselor privilege will apply
- For the few cases where there is no sexual abuse, HT case worker privilege may apply when the agency has added the HT privilege elements to their training



**Questions? Comments?**



## RESOURCES

- Coalition to Abolish Slavery and Trafficking - <http://www.castla.org/homepage>
- Polaris Project - <https://polarisproject.org>
- Rescue & Restore, US Dept. of Health and Human Services (DHHS) Administration of Children and Families, Office on Trafficking in Persons - <http://www.acf.hhs.gov/endtrafficking/programs/rescue-and-restore>
- Office for Victims of Crime, US Dept. of Justice – <https://ovc.ncjrs.gov/humantrafficking/>



## CONTACT INFO:

**Imelda Buncab**  
**Training & Technical Assistance Coordinator**  
**Direct Line: 916-446-8184**  
**Email: [imelda.buncab@calcasa.org](mailto:imelda.buncab@calcasa.org)**

**Emily Austin**  
**Director of Advocacy Program Programs**  
**Phone: 916-446-2520**  
**Email: [eaustin@calcasa.org](mailto:eaustin@calcasa.org)**