

# **An ECM Guide to Confidentiality and Information Sharing**

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## PURPOSE

**Confidentiality and privilege** are central to trauma-informed and victim-centered work.

Social service professionals, legal service providers, healthcare staff, law enforcement and prosecutors within an Enhanced Collaborative Model (ECM) human trafficking task force each have distinct obligations related to privacy, confidentiality and privilege.

This guide provides ECM task force members with the unique mandates and considerations of each discipline to support a greater understanding of the scope and limits of all project partners.

### How to Use This Guide

In this guide, summaries of each discipline's ethics, professional obligations, statutes, and day-to-day practice give additional context to help prevent common misunderstandings, assumptions, and points of tension or conflict. Task forces can pull out their discipline-specific information to share with partners, to open the door for further conversation, or look at the overarching obligations of the other disciplines directly to clarify how and when their partners may engage when sharing information and why.

**Note:** This guide serves as an overview of these concepts. Distinct state and local statutes impact each profession's confidentiality obligations and any additions or exceptions to those obligations. Jurisdiction-specific knowledge is critical to ensuring task forces can engage in productive conversations about privacy, confidentiality and privilege, grounded in what these obligations look like for them in their specific communities.

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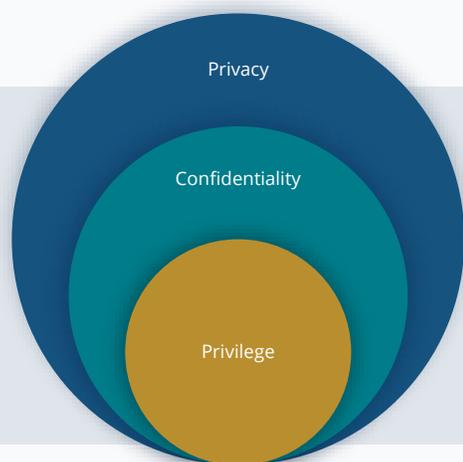
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## KEY DEFINITIONS AND TERMS



While **privacy** is a broader concept, **confidentiality** and **privilege** are more limited and specific to certain professionals and settings.

### Privacy

Privacy is the right of an individual (in this case, a victim of human trafficking), to control who has access to their personal information and any details about their lived experience (Office for Victims of Crime [OVC], n.d.).

### Confidentiality

The act of protecting (i.e., not disclosing, revealing, or sharing without consent) private victim information, established through federal and state statutes and regulations, ethical principles, and program policies. Confidentiality is an **ethical duty** and professional obligation on the part of the helping professional. It is rarely absolute and does not protect information from being used in legal proceedings. It is required to disclose the **limitations of confidentiality** to all people served (OVC, n.d.).

## Privilege

Privilege is a **legal duty** that describes protected communication between certain professionals and victims as defined by statutes. Privilege lies with the victim themselves, and it is up to them and only them to waive privilege when it comes to disclosure. Even if it is relevant to a case, privileged communication cannot be used as evidence in court without the consent of the victim, an exception to the normal rules of evidence. Some examples of established privileged communications are those between a psychotherapist and patient, physician and patient, and attorney and client. In some states, communications with domestic violence and sexual assault counselors are included (OVC, n.d.). States such as California have also enacted and established human trafficking victim-caseworker privilege (Protection and Prevention Act, AB 1735, 2019).

## Limits to Confidentiality

Generally, exceptions and limits to confidentiality include state mandatory reporting for children and vulnerable adults, duty to warn laws, warrants and subpoenas.

State-mandated reporting laws require certain professionals to report abuse and neglect concerns for all children and vulnerable adults, including older adults, dependent adults, and adults with disabilities. Mandated reporters often include social workers, teachers and school personnel, childcare providers, healthcare providers, law enforcement and public safety professionals, among others.

Most states have duty to warn laws, which require medical and mental health professionals to report anyone who may pose a danger to themselves or others.

Warrants are legal documents issued by a judge and give law enforcement the authority to perform specific acts, such as entering private property or making an arrest. Subpoenas are court orders, which when signed by a

judge, may require a person to appear in court to testify or produce documents. The party subpoenaed has the right to challenge it, so it is important to note that a subpoena being issued does not always equal a mandate to share.

\*Review the requirements of the laws in your state to understand fully the limits of confidentiality in your community.

## **Informed Consent**

Informed consent is a process that ensures the victim has all the information they need to decide whether they want to share information or not. The process includes reviewing the protection that exists for the victim depending on who they are working with, what legal obligation that person has regarding the information, what information the provider has, what may be documented, what sharing that information could mean and what potential risk or harm the victim could experience because of sharing.

## **Releases of Information**

Release of information forms, sometimes called Consent for the Release of Information, are signed by victims if they decide to allow the sharing of information. When signed, releases of information provide documentation of their written consent. The release form specifies what information will be shared, with whom, and for what purpose. The information can range from general summaries to detailed records. Common purposes include legal proceedings, coordination of care, or service referrals. The release form should specify how long the consent is valid and is always time limited. This ensures that information is not shared indefinitely without the victim's ongoing consent.

# ETHICAL AND PROFESSIONAL OBLIGATIONS

All anti-trafficking professionals have some level of obligation to keep information private. Whether that is due to the task force Memorandum of Understanding (MOU), professional obligations, statute, or all three depends on the role and discipline of the task force member. The sections below explain the function of privacy, confidentiality and privilege in the most common roles among task force members, highlighting ethical and legal standards and detailing how this impacts that role’s day-to-day work.

## AT-A-GLANCE: Discipline-Specific Privacy, Confidentiality and Privilege

Discipline	Type of Obligation	Professional Impact of Non-Compliance
<a href="#"><u>OVC Anti-Trafficking Grant-Funded Community-Based Caseworkers and Advocates</u></a>	Confidentiality, an ethical duty, and/or privilege, a legal duty (based on state laws and adherence to the VAWA confidentiality provision)	Risk termination by employer, face sanctions from the professional board and/or lose licensure
<a href="#"><u>Law Enforcement</u></a>	Privacy	Risk integrity of the investigation and overall safety of witnesses
<a href="#"><u>Prosecutors</u></a>	Privacy	Risk of discipline by employer, disbarment, or suspension
<a href="#"><u>Healthcare Professionals</u></a>	Privilege; a legal duty	Risk termination by employer, face sanctions from professional boards and/or lose licensure, fine for breach of confidentiality
<a href="#"><u>Civil Attorneys</u></a>	Privilege; a legal duty	Risk termination by employer, potential case dismissal, legal penalties, disbarment or suspension



## Community-Based Caseworkers and Advocates

### Ethical and Professional Obligations:

[OVC Model Standards, Social Workers' Ethical Responsibilities](#)

[to Clients, CARF Accreditation Standards](#) or [COA Accreditation Standards](#)

### OVC Anti-Trafficking Victim Service Provider Grantee Requirements:

OVC anti-trafficking grantees (and any “subrecipient” at any tier) that provide services to trafficking survivors must have, or be actively working with OVC to establish, privacy and confidentiality policies and procedures that conform with the requirements of 34 U.S.C. 12291(b)(2). Section 12291(b)(2) is the confidentiality and privacy condition applicable to awards under the Violence Against Women Act of 1994, commonly referred to as the “[VAWA Confidentiality Provision](#).”

### Relevant Statutes:

Victim rights established by statute can also vary by state. The following resource provides victim rights information for each state: [National Crime Victim Law Institute's Victim Law Library—Rights by Jurisdiction](#).



### In Practice

Community-based caseworkers and advocates<sup>1</sup> explain their confidentiality or privilege to victims before delivering services and throughout the duration of service-provision. They obtain permission or *informed consent* before conducting any assessment, intervention, or information sharing, ensuring the victim understands the nature, risks, benefits, and alternatives involved.

<sup>1</sup> Staff at community-based organizations who offer social services to survivors of trafficking may be called caseworkers, social workers, or advocates, among other titles, depending on where they are located, their agency's primary mission and accreditation body, and job duties specific to the services they offer. Their obligations may vary slightly based on these role distinctions and the standards connected to their educational background. These are all important aspects to name when having conversations with task force partners.

Caseworkers and advocates address confidentiality and its limits during their initial conversation. They communicate that everything they discuss together will remain confidential, with some clear exceptions. Caseworkers and advocates are transparent about their role as a [mandated reporter](#)<sup>2</sup> and other obligations, such as the [duty to warn](#),<sup>3</sup> which, in certain instances, may limit their ability to keep what is shared confidential. Caseworkers may check if the victim is comfortable with signing time-limited releases of information so they can communicate with any external partners who may also be working on the case. These time-limited and specific releases are required for the caseworker or advocate to share information about the victim with anyone outside their agency. Caseworkers cannot share basic information without a release, such as whether a specific victim has entered their program.

### **Note: Systems-Based Advocates Do Not Have the Same Confidentiality Obligations**

Systems-based advocates (such as victim-witness advocates within a law enforcement agency or prosecutor's office) do not uphold confidentiality in the same way as victim service caseworkers or advocates outside of those systems. Instead, they follow the same rules as law enforcement or prosecutors on disclosure. This is important to distinguish so victims can make informed choices about how and with whom they share information. Systems-based advocates are required to share any new or relevant information with the prosecution as it is disclosed to them. This is important for all multidisciplinary partners to know as they uphold their own professional confidentiality obligations while engaging in case debriefs with their systems-based counterparts.

## **What does it mean to conform with the requirements of the VAWA Confidentiality Provision?**

OVC anti-trafficking victim service grantees must adhere to the legal protections under the Violence Against Women Act (VAWA), which prohibits

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<sup>2</sup> Mandated reporters are people required by law to report suspected or known instances of abuse. In most states, mandated reporters are designated by their profession (National Association of Mandated Reporters, 2025).

<sup>3</sup> "Duty to warn" situations apply when a victim may be at risk of seriously harming themselves or others (National Conference of State Legislators, 2022).

the disclosure of personally identifiable information (PII) about victims of domestic violence, sexual assault, and human trafficking without their informed, written consent, keeping their details private and secure.

For specialized technical assistance on meeting confidentiality requirements, anti-trafficking grantees can reach out to the National Network to End Domestic Violence at [htconfidentiality@nnev.org](mailto:htconfidentiality@nnev.org).

## What is Personally Identifiable Information (PII)?

Personally identifying information includes a victim's name, address, other contact information, and social security number, but it also can include information such as an individual's race, birth date, or number of children if, in the circumstances, that individual information would identify the victim.

### Related Resources

U.S. Department of Justice, Office on Violence Against Women:

- [Frequently Asked Questions \(FAQs\) on the VAWA Confidentiality Provision \(34 U.S.C. § 12291\(b\)\(2\)\)](#) (document)

Confidentiality Institute:

- [Summary of U.S. State and Territorial Laws Related to Advocate Confidentiality & Privilege](#) (chart)

Safety Net Project:

- [Human Trafficking and Confidentiality Toolkit](#) (web page)
- [FAQ's on Survivor Confidentiality and Partnerships](#) (web page)
- [Survivor Confidentiality and Privacy: Releases and Waivers At-A-Glance](#) (web page)
- [How to Respond to a Subpoena](#) (web page)



## Law Enforcement

### **Ethical and Professional Obligations:**

[Law Enforcement Code of Ethics](#)

### **OVC Anti-Trafficking Law Enforcement Grantee Requirements:**

If the lead law enforcement grantee of an ECM task force, the investigative agency must have written policies and procedures in place that address how it will maintain the confidentiality of victims' names, addresses, telephone numbers, or any other identifying information, including how this information will be protected when information is shared between partners. In addition, the recipient must submit a signed, written certification that data privacy and sharing protocols comply with the confidentiality and privacy rights and obligations of federal law or the grantee's jurisdictional laws, court rules, or rules of professional conduct applicable to the work performed by the recipient. The recipient agrees to provide OJP with all documentation required for grant monitoring purposes.



### **In Practice**

When a crime is reported, law enforcement officers or their designated victim-witness advocates provide victims with information about their rights, including rights to privacy and the right to receive notifications about important developments in their case, such as court dates, plea agreements, and sentencing. Victims have the right to protect their personal information in law enforcement reports, and in some states are entitled to additional protection through state Address Confidentiality programs.

When reporting the crime to law enforcement, victims may share highly sensitive and personal information. In addition to treating victims with dignity and respect by maintaining their privacy, keeping victim information confidential helps protect anyone associated with the case from potential retaliation or further harm by the trafficker and their networks. Law

enforcement will share information pertinent to the investigation with other relevant partner law enforcement agencies, including the prosecution, so that the investigation can move forward. However, they are generally discreet with details when communicating with their other multidisciplinary partners within a task force to mitigate safety risks and to ensure that their investigation is not compromised before an arrest and indictment are made. Parameters around this discretion can vary by state, locality and internal departmental policy, which makes it even more important to include expectations around information sharing in any task force MOU, and/or confidentiality and information sharing protocol or agreement.

Law enforcement may reveal or withhold information to serve the purpose of the investigation and to seek justice, but there are times they may be required to disclose some highly sensitive or personal information as required by law. For example, they must maintain transparency of non-personally identifying information with public records requests in compliance with state and federal law. Law enforcement must also share any evidence that may be favorable to the defendant, known as “exculpatory evidence”, with the prosecutors as it may have to be turned over to the defense under the Brady rule, discussed in more detail below.

## Related Resources

Victim Law:

- [About Victims' Rights](#) (web page)

International Association of Chiefs of Police:

- [Victims' Rights Jurisdiction Profiles](#) (web page)

National Crime Victim Law Institute:

- [Right to Privacy Video](#) [YouTube video]



## Prosecutors

### **Ethical and Professional Obligations:**

[Criminal Justice Standards: Prosecution Function](#) and [National Prosecution Standards](#)

### **OVC Anti-Trafficking Law Enforcement Grantee Requirements:**

If the lead law enforcement grantee of an ECM task force, the prosecutor's office must have written policies and procedures in place that address how it will maintain the confidentiality of victims' names, addresses, telephone numbers, or any other identifying information, including how this information will be protected when information is shared between partners. In addition, the recipient must submit a signed, written certification that data privacy and sharing protocols comply with the confidentiality and privacy rights and obligations of federal law or the grantee's jurisdictional laws, court rules, or rules of professional conduct applicable to the work performed by the recipient. The recipient agrees to provide OJP with all documentation as required for grant monitoring purposes.

### **Relevant Statutes:**

Prosecutors must also adhere to [Brady and Giglio](#) rules pre-trial, which require turning over all exculpatory evidence. [Grand jury](#) rules of secrecy also apply.



### **In Practice**

Like law enforcement, prosecutors balance victims' rights and seek justice to hold traffickers accountable. They often get records sealed and redact names to protect the victim's privacy. Prosecutors weigh risk when considering what information to share and with whom, particularly if it might tip off a target and compromise the case. Complex intimate partner and familial relationships are examples of when this may come into play. Others include not revealing the name of a witness or confidential informant to reduce the likelihood of harassment or the source of information. This is particularly true if there is evidence to be collected to avoid the risk of it being destroyed.

State and federal prosecutors also comply with their Brady and Giglio obligations to ensure a fair trial. These obligations require prosecutors to disclose any evidence that could be favorable to the defendant, including evidence that proves innocence and information that could impeach the credibility of witnesses.

**Grand Jury:** A grand jury is a group of citizens who meet to examine the evidence against individuals who may be charged with a crime. The grand jury's work is done in complete secrecy. Only a prosecutor, a stenographer, and the witnesses subpoenaed to deliver grand jury testimony are allowed in the grand jury room; however, the prosecution must turn over the grand jury testimony of a witness before that witness testifies at trial. This means there is a layer of confidentiality and disclosure that can often feel confusing for those outside of the criminal legal system. It is often helpful for systems-based advocates within prosecutors' offices to explain this to victims as they navigate this part of the criminal legal process.

## Related Resources

National Crime Victim Law Institute:

- [Use of Pseudonym to Protect the Victim's Identity in a Criminal Case: The Legal Arguments](#) (flow chart)
- [Checklist for Sealing Documents in Criminal Proceedings](#) (document)

Office for Victims of Crime:

- [What's Going On: Your Rights and Who You'll Meet](#) (document with helpful information for child victims and witnesses)



## Healthcare Professionals

### **Ethical and Professional Obligations:**

[Ethical principles of psychologists and code of conduct](#)

[AMA Code of Medical Ethics](#)

### **Relevant Statutes:**

The [Health Insurance Portability and Accountability Act \(HIPAA\)](#) is a federal law that helps protect the privacy of individuals' health information.

CAST, in partnership with the University of Arkansas School of Law's Human Trafficking Clinic provides a general overview of the types of privilege available for specific providers in each state, including healthcare staff: [National Survey of State Law Privileged Communications Relevant to Human Trafficking Services](#).



### **In Practice**

Licensed mental health professionals and medical providers are bound by HIPAA, which protects the privacy of individual health information. HIPAA influences how medical and mental health providers interact with law enforcement and other systems when they encounter victims of crime. Generally, HIPAA prohibits healthcare providers from disclosing protected health information (PHI) without the patient's written authorization; however, HIPAA is written to protect individual confidentiality, not to prevent the reporting of trauma and crimes. (National Human Trafficking Training and Technical Assistance Center, n.d.). The HIPAA Privacy Rule protects individuals' privacy while allowing important law enforcement functions to continue.

The occasions in which healthcare providers can disclose PHI without a client's written authorization are specific and must fall under the guidelines for required disclosures, including mandated reporting of abuse or neglect, court orders, or relevant subpoenas, among other narrow scenarios (U.S.

Department of Health and Human Services, 2022). This ensures the information shared is relevant and necessary for the legal inquiry.

If there is a serious and imminent threat to the health or safety of an individual or the public, providers may also disclose PHI to law enforcement to prevent or lessen the threat. In addition, certain laws require providers to report specific types of injuries or conditions, such as gunshot wounds or suspected abuse. Some states have specific statutes that mandate reporting of human trafficking, while others may include it under broader categories of abuse or violence. Providers must ensure that any disclosed information is limited to the minimum necessary to achieve the purpose of the disclosure. It is important to note that some trafficking situations will not fall under mandatory reporting requirements, depending on the age and circumstances of the victim.

Medical and mental health providers generally explain the limitations of confidentiality to the patient before starting a conversation that might lead to disclosure. If disclosure of PHI is not mandated by law or otherwise permitted by HIPAA, the provider must ask the patient for consent to disclose PHI. This is true if the provider is disclosing PHI when speaking with service providers or trying to access legal, housing, and law enforcement resources for the patient, such as calling the National Human Trafficking Hotline. Ideally, the consent is in a written authorization, but it may be in verbal form, which is then documented in the medical record (Powell et al., 2017).

## What is Protected Health Information?

HIPAA defines PHI as “individually identifiable health information,” which is information, including demographic data, that relates to the individual’s past, present or future physical or mental health, the provision of healthcare, and payment for the provision of healthcare. PHI includes many common identifiers (e.g., name, address, birth date, Social Security Number).

## Related Resources

U.S. Department of Health and Human Services:

- [Health Information Privacy: HIPAA for Professionals](#) (web page)

National Human Trafficking Training and Technical Assistance Center:

- [Mandatory Reporting and HIPAA Compliance](#) (document)

Jones Day:

- [Human Trafficking and Health Care Providers: Legal Requirements for Reporting and Education](#) (white paper)

Journal of Human Trafficking:

- [Human Trafficking and HIPAA What the Health Care Professional Needs to Know](#) (journal article)



## Civil Attorneys

### Ethical and Professional Obligations:

#### [The Ethical Obligation to Preserve the Attorney-Client Privilege](#)

### Relevant Statutes:

The statutory source of attorney-client privilege varies by state. When federal law controls, [Federal Rule of Evidence 501](#) provides that federal common law governs claims of privilege.



### In Practice

Attorney-client communications are privileged if the party seeks and the attorney renders legal advice. To be privileged, the communication must not be shared with any third party and must pertain to the legal advice requested. Like other disciplines, the purpose is to encourage open communication and to ensure the attorney has all the relevant information to support victims in offering sound and effective legal advice. It is important to note that privilege lies with the victim. When protecting privileged communications or information, a lawyer asserts privilege on a victim's behalf. Victims can choose to disclose privileged information themselves, but this does not affect the attorney's need to assert privilege on their behalf.

There are some exceptions to privilege, depending on where an attorney practices. In some states, lawyers are mandated reporters. In other states, only certain lawyers are mandated reporters, like prosecuting attorneys appearing on behalf of minors. It is important for lawyers to consult respective state laws and rules of professional conduct. Attorney-client privilege does not protect communications intended to further a crime or fraud.

At the outset, attorneys will often share their limits of privilege under state law, including mandatory reporting obligations, if they exist. They may also

ask the victim for permission to share information with task force members, if it is beneficial to support their case. Attorneys generally will share the potential risks and benefits of sharing information with the team, especially if any information triggers prompt mandated reporting.

## Related Resources

Victim Rights Law Center:

- [Attorney-Client Privilege, Work Product, and Confidentiality: An Overview](#) (document)

Coalition to Abolish Slavery & Trafficking:

- [Legal Quick Tips: Understanding Privilege in a Multi-Disciplinary Field](#) (document)

Office for Victims of Crime Training and Technical Assistance Center:

- [Human Trafficking, Domestic Violence, and Sexual Assault: Strategies To Strengthen Community Collaboration To Respond to Survivors' Needs](#) (webinar)

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## **BENEFITS OF CONFIDENTIALITY AND PRIVILEGE**

Confidentiality and privileged communication have many benefits for collaborative work, the most important of which is the environment they provide to build trust and rapport with victims. Knowing that information is protected can encourage disclosure when a survivor feels uncertain, afraid or even embarrassed. With the knowledge of the protections and limitations of confidentiality and privilege provided at the start, crime victims can make an informed decision about sharing their lived experiences.

Confidentiality and privilege also ensure evidence collection happens with minimum bias and service planning can encompass the full range of victim needs.

For ECM partners, understanding the parameters of confidentiality and privilege reduces the risk of assumptions or misconceptions about other disciplines and their intent as they share information. Confidentiality also ensures that the integrity of the investigation and victim safety are not compromised. When there is knowledge of informed consent for information sharing through time-limited releases of information, a transparent process can guide and foster ethical collaboration. This enhances planning, improves operations and minimizes conflict between partners, especially in critical moments that impact victims' safety and service needs. Finally, knowledge and respect for the different disciplines' privacy, confidentiality and privilege requirements support task forces in upholding their values regarding victim-centered approaches to care.

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## MAINTAINING CONFIDENTIALITY BASICS

**1** Does this conversation put the victim's right to confidentiality and privacy at risk?

**2** Suspend conversation and if appropriate, obtain a signed, time-limited, written release of information with clear parameters about what will be shared and why.

**3** If you are not able to obtain a release, provide transparency about why you are not able to discuss.

**4** Explore if it is possible to speak in general terms, without discussing specific case information, to meet task force goals.

### Before You Share: Questions To Consider

#### Has the victim provided written informed consent?

Is the written consent reasonably time-limited?

Does the written consent identify specifically what can be shared with the relevant partner agency?

Is the victim aware of the limits to confidentiality?

Is the victim aware they can revoke their release of information at any given time? Are partners aware of this right?

**Are there separate MOUs or confidentiality agreements created and signed for ECM case reviews, where multiple agencies are present and discussing the specifics of a case?**

If so, is each agency considering its unique professional obligations before participating in these discussions?

## **Assumptions That Can Lead To Conflict**

When there is a lack of open communication about each discipline's ethical and professional obligations and how they translate into daily practice, assumptions can be made about why information is not being shared. This can cause tension within a task force.

The table below describes some potential assumptions and clarifies the discipline-specific realities that inevitably impact collaboration within a task force.

**ASSUMPTION:** Law enforcement might assume that social service providers are anti-law enforcement and don't share information about cases because they don't trust or like them.

Law enforcement may also assume that service providers block access to victims.

**REALITY:** Social service providers do not have a release of information, and/or the victim is not yet ready to engage with law enforcement, so they did not provide written consent. If providers were to share information without a release, it would be a breach of confidentiality, and they would lose trust and risk losing licensure or their jobs.

**ASSUMPTION:** Social service providers might assume that law enforcement just wants information so they can arrest someone, doesn't care about the referred victims who do come forward, or chooses to keep them in the dark about the status of the open human trafficking investigation.

**REALITY:** Law enforcement is tasked with seeking justice while upholding victims' rights. Law enforcement makes decisions about what to withhold to maintain and preserve the integrity of the investigation, which may mean that details about evidence obtained during the lengthy discovery process are not shared.

Note: Given the above, law enforcement should establish a cadence for notifying victims about the status of an investigation in compliance with victims' rights laws (with transparency about what they can or cannot share) when possible.

**ASSUMPTION:** Legal providers might assume that law enforcement is not interested in upholding victims' rights throughout the discovery or trial process, as their priority is the trafficker.

**REALITY:** Law enforcement must uphold crime victims' rights and other mandates related to their investigative processes, such as the secrecy of the grand jury and Brady or Giglio statutes that require disclosure of exculpatory evidence, which may sometimes conflict with each other.

**ASSUMPTION:** Legal and service providers might assume that prosecutors are only interested in winning the case and, therefore, do not share information and evidence because a successful prosecution is prioritized over what is best for the victim.

**REALITY:** Prosecutors have an ethical duty to seek justice and must follow victims' rights laws to keep a victim reasonably informed. Prosecutors often cannot disclose evidence due to confidentiality rules, such as the secrecy of the grand jury, or may choose to withhold information to maintain the integrity of the criminal justice process.

Conflict can arise when maintaining confidentiality, putting partners at odds with each other. Some examples include —

**POTENTIAL CONFLICT:** In group settings, a task force partner may withhold information due to a lack of consent, which can cause friction with the other agencies in attendance, as each has its own priorities. One example may be when a service provider cannot confirm or deny that a victim has started to receive services, but the referral partner is concerned about that victim's stability and wants to know the status of their referral.

**MITIGATION STRATEGY:** Clear communication is pivotal, along with the centering of the victim, who may be in contact with both parties and who can be offered the choice to provide an update on their involvement directly with the referring partner.

**POTENTIAL CONFLICT:** In some instances, a victim may consent to the victim service advocate speaking with one partner but not the other, even though the whole group is working on the case together. This can result in tension and potentially triangulation, leading to conflict among task force partners.

**MITIGATION STRATEGY:** In these situations, it is even more important that task force partners communicate their limitations, given the circumstances. Victim service providers should remind task force partners regularly that they are limited in sharing information based on the victim's consent. With all victims served, they can continue to check in with the victim to gain consent to share information with partners, if appropriate.

**POTENTIAL CONFLICT:** Law enforcement partners may withhold information about new witnesses or potential evidence from task force partners to protect the confidentiality of the witness or the integrity of the evidence. This can cause other task force members to feel they are not trusted or considered part of the team.

**MITIGATION STRATEGY:** Clearly defining the roles of each task force member and the rules and regulations that govern those roles can mitigate distrust. Law enforcement should make clear that they value their task force partners and only withhold information when required by law or to maintain the integrity of a case.

## Maintaining the Balance: Protecting and Sharing Information

While collaboration is often crucial in a multidisciplinary team, it is important to maintain the balance of protecting and sharing information to remain victim centered. This balance can be achieved by ensuring information sharing is consent-based, focused, and necessary to provide effective care. Protecting information includes using secure and appropriate channels and platforms for sharing information, such as encrypted emails, password-protected files, and designated workstations. Specific task force partners can engage in case debriefs or collaboration with informed consent, if it benefits the victim and streamlines their interaction with the multidisciplinary team.

The [Development and Operations Roadmap for Multi-Disciplinary Task Forces](#) discusses task force confidentiality on pages 33 and 34.

## Information Sharing in Group Settings

MOUs, confidentiality agreements and information-sharing protocols can provide clear parameters for sharing information in a task force group setting. These parameters support and set expectations so that each discipline understands the professional obligations of its partners. MOUs generally state the task force's vision, mission, and objectives and delineate member roles and responsibilities, including upholding agency-specific confidentiality obligations. Protocols further detail how confidentiality will be maintained and if and *how* information can be shared in group settings. When task force partners sign on to a confidentiality agreement, they agree to adhere to the standards of the protocol, which support them in meeting their general responsibilities outlined in the task force MOU.

**Sometimes members of task forces think they can share any/all information with each other simply because they have an MOU. This is not true!**

MOUs, confidentiality agreements, and information-sharing protocols do not supersede agency and discipline-specific obligations around privacy, confidentiality, and privilege.

Community-based victim service advocates cannot share PII without a release from the victim. This applies even when a confidentiality agreement is developed, or an MOU is signed. The victim must still consent for the non-profit victim service advocate to talk with the team about their case, still has the right to choose which aspects of their case are discussed and decide which team members are part of the discussion. In some instances, all parties may not be listed on a release of information. In this case, the parameters of the confidentiality agreement can define how a group speaks about cases more generally, discusses general trends and hypotheticals, and how each agency may respond in various situations without including any PII.

### **Not sure where to start?**

IACP's Protocol Checklists on [Confidentiality](#) and [Information Sharing](#) are a helpful starting point as task forces develop or refine their protocols.

## **Breaches of Confidentiality**

Task force confidentiality protocols should include clear processes in the event of a breach of confidentiality. Effective confidentiality protocols describe what qualifies as a breach and include specific procedures for identifying, managing, and reporting an inappropriate breach. Roles should be identified clearly within the identification, reporting, and repair processes of any breach of confidentiality, including if and how the Task Force Coordinator/Director may be involved in the role of mediation moving forward. Processes may also vary depending on the specific context of each setting, whether within a large task force meeting, within subcommittees, or within the task force leadership team, and should be noted in the protocol accordingly.

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## REFERENCES

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