

## APPENDIX H: DATA COLLECTION AND INFORMATION SHARING - ITEMS FOR CONSIDERATION

The Data Collection and Information Sharing subcommittee recommends the following guiding principles for the District Attorney's Offices Multidisciplinary Teams.

### Guiding principles

- i. The subcommittee agreed that the basic principles of a case coordinator and multidisciplinary team approach should be recommended for both adults and minors.
- ii. Case coordinators and multi-disciplinary teams could be located within each county or within regions across the state. The subcommittee agreed that a statewide coordinator and multi-disciplinary team would be too onerous.
  - Note: There are examples of multidisciplinary information sharing/review processes in the state that could guide this model. The child fatality review team utilizes multidisciplinary model – Legislature gives authority to DA's to compile information from medical examiner, medical files, service provider records and case/government agency records for review by the review team. The legislature also grants team members access to review this information covered under the Health Insurance Portability & Accountability Act of 1996, also known as "HIPAA".<sup>68</sup>
- iii. There was some disagreement about where the case coordinator should be located. There were positive and negative aspects to locating the case coordinator with in the county District Attorney's office. It might also be possible to house human trafficking case coordinators out of the Massachusetts Office for Victim Assistance.
- iv. The subcommittee discussed whether a single coordinator could handle both adult and minor cases. There are benefits to someone who understands all types of trafficking and is holistic in their approach. But the volume of cases could become overwhelming in some counties or regions and the law is different between adults and minors so different areas of specialization might be needed.
- v. It is essential that each case coordinator is connected to both state and federal partners and victim service providers and has positive working relationships with all partners.
- vi. The subcommittee recognized that it may be necessary for the case coordinator to vet referrals before being sent to the multidisciplinary team, but recognized that vetting comes with challenges that necessitate a high level of skill for each case coordinator.
- vii. For both adults and minors a multi-disciplinary team approach requires multiple law enforcement and victim service providers to work together as a team. The multidisciplinary team would need to agree on what the goals are for cases generally and for individual cases.
- viii. While some models for the case coordinator and multi-disciplinary team exist in Massachusetts, most agencies do not have experience working collaboratively on human trafficking. As a result, the subcommittee recommends that model with associated referral systems and data collection and information sharing be piloted in one county, with evaluation and reassessment before being established statewide.

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68 Health Insurance Portability & Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat 1936

In addition to identifying who should be involved in the process and what information should be collected, the subcommittee also identified some potential challenges to the data collection processes:

- a. We must strike a balance between having enough information in the system to make it useful and protecting the confidentiality of victim information and information about ongoing investigations. More clarity is needed about how information in the system will be used. All users and those who may have data on their experiences entered into the system must understand how that data will be used by various agencies/organizations and how that data will not be used.
- b. Information on human trafficking will likely have to be entered twice. Most agencies and service provider have their own internal records management or case management systems. A new system would require them to enter this information a second time. There would have to be a benefit of entering this information into a shared system. The group was interested in the possibility that some information could be automatically populated from existing data systems. For example, DCF currently allows for limited access to their system that is conditional around service provision.
- c. It is easier to share data on children. The 51A process mandates filing information with the understanding of the fact that this information will be reviewed and shared where appropriate. Adults generally must consent to have their data shared or entered into a system used by multiple agencies or organizations.
- d. There are conflicting needs regarding victim/suspect identification – the need to keep victim identification and information about ongoing investigations confidential and the need to include names in an information sharing system to make it operationally useful. Members of the subcommittee raised concern about information in the data collection system or information sharing process being discoverable in legal proceedings. Law enforcement generally tries not to know what specific services victims are receiving to prevent information about victim mental or physical health or history unnecessarily entering the court process.
- e. There are challenges recording information about exploited immigrant populations. For example, it would be potentially helpful to have information on immigration status (this may determine types of services available and protections needed from law enforcement) but this information puts victims at risk and they may be less likely to come forward if they know that information would be entered in a shared database. Law enforcement agencies throughout the state operate with different rules about recording immigration status of victims or offenders. The subcommittee raised concerns about ICE/HSI having access to immigration status information about potential victims.
- f. It is extremely unlikely that federal law enforcement partners would agree (or get permission) to enter information about ongoing investigations (or closed investigations) in a state information sharing database. Federal agencies did express interest in having the ability to access information about human trafficking that is collected by state and local agencies and organizations.
- g. Trust and strong working relationship among those who will potentially have access to information in the data sharing system is critical.
- h. Some agencies may not be willing to participate. Getting agreement to share information across multiple partners including victim service providers, local law enforcement and federal law enforcement will be very challenging. Law enforcement will have particular concerns about sharing any information that involves an ongoing investigation or intelligence on a criminal enterprise.
- i. Information technology departments within participating agencies would have to participate in conversation about the development of the system but they would not likely be able to develop or manage the system themselves.
- j. Need expertise of organizations with experience working with government agencies to develop a request

for proposals that document what the state would want a vendor to do in creating an information sharing system. Experts would need to be well versed in the issues related to federal and state laws governing information in an intelligence sharing system (e.g. 28 CFR part 23). Possible that the system will need to meet National Crime Information Service Standards (e.g. every terminal that has access to the data has to meet security standards to access the information, standards about records schedule for pursuing and accessing information). It might be possible to work with the state Fusion center to help coordinate the development of a human trafficking data system.

- k. Building a system with the appropriate security controls to convince people to enter data will be expensive.
- l. A data collection system or database program can only be successful when those who enter information into the system agree to a process for routinely and systematically entering and updating the data. Data collection systems fail despite sophisticated designs because those who utilize the system do not regularly enter and update data. The data collection and information sharing process should support and enhance existing agency operations and activities.
- m. The subcommittee did not identify any existing platforms for data collection that could be modified to collect data on human trafficking from government and non-government agencies statewide. As a result, the development of a data collection and information sharing system will likely be costly.



## APPENDIX I: DATA COLLECTION AND INFORMATION SHARING SYSTEM CONSIDERATIONS

### Guiding principles

The subcommittee identified a series of principles to help guide the development of a data collection and information sharing system. The system should:

- a. Collect information for victims and suspects into a single system – though access to victim or suspect information might be restricted by user or user groups. Previous data collection efforts in the Commonwealth have been plagued by the problem of victims being recorded in multiple systems with no way to determine the extent of double counting.
- b. Have a look up system so you could see if a person was already in the system.
- c. Have access controls over specific data fields so that information can remain protected or confidential when needed. Who enters data and who has access to view data are two separate questions.
- d. Include the ability to enter information about persons who are at risk for trafficking that could be kept separate and information de-identified. Service providers may want to collect and track some basic information about this population but may not want this information shared with law enforcement. Law enforcement may have similar interest in ongoing investigations where victims or suspects have not been identified or trafficking confirmed.
- e. Limit system access to a single individual within an agency or organization that has been properly trained on the system requirements. The subcommittee was concerned that too many users threaten the security of the system, raises concerns about breeches of confidentiality, and may result in poor data quality. The person entering information should have sufficient knowledge of cases, clients or investigations to ensure data entry is accurate and complete. Additionally, the responsibility of data entry should not distract a professional from their regular duties. There was a recommendation from the group that the Victim-Witness Advocate, mental health clinician or crime analyst within law enforcement may be the most appropriate roles for human trafficking data entry.
- f. Designate a person or agency (maybe within the AG's office) to have access to oversee access and use of the system. This person would likely need to have the capacity to view all the information in the system.
- g. Restrict access within each agency/organization that reports information into the system to a single person who has been trained to enter information and follow appropriate security controls.
- h. Allow information to be shared even in situations where federal law enforcement are involved. This is will require agreements from federal agency leadership.
- i. Be accompanied by protocols that are informed by appropriate statute and legislation concerning information sharing to guide data collection and information sharing. Protocols should comprehensively outline the confidentiality controls and regulations for the data entry and information sharing.
- j. In most municipal law enforcement agencies in the Commonwealth, IT officers can make changes to internal records management systems to add fields to capture information about human trafficking.

## **Potential Data Fields**

- Person information
  - First and last name of victim or suspect (protected information, names could be replaced with unique identifiers in the system)
  - Home address/city
  - Basic information about victim or suspect
    - Age range (classification as juvenile or adult)
    - Gender
    - Race
    - Citizenship (collected in federal systems but may not be needed in state system)
    - Custody status for children
    - Abuse/trauma history
    - Criminal history
    - Gang affiliation
    - School/work affiliation
    - Indicators of substance abuse
    - Involvement with DYS, DCF, other government agencies
    - Indication of how person was identified
    - Arrest been made
      - Date
      - Arresting agency
      - Bail status
      - Arrest charge
      - Prosecution status, charges, adjudication, sentence
    - Narrative about victim or suspect information such as risk factors, history of running away, aliases, known associates
    - Indication of types of services provided or needed
- Incident or characteristics of the victimization information
  - Date, time and location of incident or victim identification
  - Location of incident or victim identification
  - Type of trafficking involved
    - Sex
    - Labor
  - Characteristics of the trafficking/exploitation
    - Recruitment
    - Movement
    - Type of exploitation
  - Narrative
- Agencies involved