

Representing CHIPS, JIPS and Delinquent Children Involved in Human Trafficking

By Diane Rondini-Harness

1. Do your homework

- A. <http://www.doj.state.wi.us/cvs/trafficking.asp>
- 1. Hidden in Plain Sight: A Baseline Survey of Human Trafficking in Wisconsin, Office of Justice Assistance, February 2008
- 2. Human Trafficking: A Guide for Criminal Justice Professionals, Office of the Attorney General, Wisconsin Department of Justice
- 3. Wisconsin Human Trafficking Protocol and Resource Manual, Wisconsin Office of Justice Assistance Violence Against Women Program
- B. Wisconsin Statutes
- C. Federal statutes

2. Talk/Listen/Explain options to client

- A. Consider teen brain/competency issues
- B. Consider behavior exhibited by typical victim
- C. Take the time to build trust and the time to explain legal issues

3. Contact stakeholders to inform them of your representation and your client's wishes

- A. Police Department
- B. FBI, ICE
- C. State/federal prosecutors
- D. Probation officers/social workers

4. Use caution when involving client's family in the decision making process

- A. May be benefiting financially from the trafficking
- B. May be the trafficker, or may have a relationship with the trafficker
- C. Resharing of information may be inaccurate or increase danger for client

5. Advocate for your client as a victim

- A. CHIPS is better than JIPS which is better than delinquency
- B. Affirmative Defense: A victim of Human Trafficking has an affirmative defense for any crime he or she committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted of human trafficking
- C. Victim/Witness protections
- D. Civil options if client is injured as a result of human trafficking

6. Attend interviews and courts hearing for your client in adult and federal court

- A. Police Interviews
- B. DA trial preparation
- C. Jury trials
- D. Grand Juries

7. Secure letters of cooperation/proffers/immunity

Can be used for placement arguments as well as dispositional arguments

8. Seek out support services for your client

See Resources available in Appendix of the Wisconsin Human Trafficking Protocol and Resource Manual

9. Be adversary counsel not a GAL

Wisconsin Statutes Sections 48.23 and 938.23 define counsel as “an attorney acting as adversary counsel who shall advance and protect the legal rights of the party represented...”

10. Prepare client for post-representation issues

- A. Victim/ Witness services and protections
- B. 5th A. protections
- C. Placement protection and supportive services