



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

November 12, 2020

Dear Kansas Sheriffs and Chiefs:

As you know, human trafficking is not isolated to any one part of the state and occurs in both rural and urban areas. The U.S. Department of Justice has identified Kansas as an originating state for human trafficking. More than 80% of trafficking in our state involves domestic victims and the majority of these are children. Over the past few years, we have adopted new laws that seek to protect and rescue victims from this heinous crime.

Law enforcement officers have additional duties under our law when it comes to juvenile victims of trafficking. We are writing to let you know that the Human Trafficking Protocol for Recovered Juvenile Victims has been amended. The updated protocol is attached.

The changes include:

1. Section 1.a.: Effective immediately when law enforcement takes a juvenile into custody who they believe to be a victim of human trafficking the officer must contact the KBI instead of the DCF Contractor to initiate the Immediate Response Assessment.
 - a. The phone number provided in the protocol is directly to a KBI employee assigned to the Criminal Intelligence Unit.
 - b. The KBI will make contact with the appropriate DCF designee to conduct the Immediate Response Assessment and advise the officer of the approximate response time.
 - c. The KBI will also obtain a few details of the event to initiate appropriate intelligence information to be entered into the intelligence database.
 - d. The KBI can also check any information the officer may have on the current case against intelligence data from other cases to identify potential connections to other investigations. For example: Suspect names, nicknames, vehicle information, etc.
 - e. The KBI will also offer investigative support if needed.
2. The remainder of the protocol remains unchanged, including the requirement for the officer to report the incident by phone to the DCF Protection Report Center. (See item 1.b.)

Please post and distribute this information within your agency.

As always, thanks for your tireless work to protect Kansas citizens and your ongoing partnership in the fight against human trafficking. If you are interested in human trafficking training for your agency, please contact Jennifer Montgomery who serves as the law enforcement liaison and Director of Human Trafficking Education and Outreach for the attorney general's office. She can be reached at (785) 296-6115, or jennifer.montgomery@ag.ks.gov. The contact for the KBI is Heidi Lynch, Missing Persons and Human Trafficking Analyst. She can be reached at (785) 296-4017, or heidi.lynnch@kbi.ks.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek Schmidt", is written over a horizontal line.

Derek Schmidt
Kansas Attorney General

A handwritten signature in blue ink, appearing to read "Kirk Thompson", is written over a horizontal line.

Kirk Thompson
Director, Kansas Bureau of Investigation

Attachment

**LAW ENFORCEMENT PROTOCOL
FOR JUVENILE VICTIMS OF HUMAN TRAFFICKING/COMMERCIAL SEXUAL EXPLOITATION CRIMES
UPDATED EFFECTIVE SEPTEMBER 11, 2020**

Kansas law requires certain actions for juveniles who are subjected to any form of commercial sexual exploitation, human trafficking or aggravated human trafficking (KSA 21-6422, 21-5426). The law provides that those juveniles be treated as victims whenever possible rather than juvenile offenders (KSA 38-2231). Discretion should be used in the initial placement of juveniles who are HT victims, and who have not committed a serious offense, to provide them placement in the staff secure facility or other appropriate placement. The following protocol will assure law enforcement complies with these laws:

1. A law enforcement officer who reasonably believes that a juvenile is a victim of commercial sexual exploitation, human trafficking or aggravated human trafficking (CSE/HT) shall take the victim into police protective custody. KSA 38-2231(b).

- a. A Kansas law enforcement officer who places a juvenile into police protective custody, who they believe to be a victim of CSE/HT, shall contact the Kansas Bureau of Investigation Criminal Intelligence Unit (KBI-CIU) at 1-785-296-4017 (24/7) to share and receive intelligence information related to the investigation and, if necessary, to facilitate a Department for Children and Families (DCF) Immediate Response Assessment (IRA) to determine safety, placement, and treatment needs for the child. (KSA 38-2232(b)(2)). The (KBI-CIU) will provide support to DCF and law enforcement with documenting CSE/HT events and facilitating the Immediate Response Assessment.
- b. The Department for Children and Families Protection Report Center (DCF Hotline) shall be notified as soon as practical by calling 1-800-922-5330 (24/7) to make a report in all cases where the officer reasonably believes the juvenile is a victim of CSE/HT crimes. KSA 38-2232
- c. Work with juvenile intake through your normal juvenile intake processes. Ideally law enforcement, Juvenile Intake, and DCF will work together to determine the best placement option for the juvenile's overall circumstances.
- d. Initiate collection of evidence and investigation of the related crimes including a Sexual Assault Nurse Exam and other medical examination of the victim as the case dictates.

2. When the juvenile is in police protective custody as a Human Trafficking/Commercial Sexual Exploitation (CSE/HT) victim and there is no existing court ordered custody, warrant, probation violation order, or new criminal offense accusation:

- a. Work with Juvenile Intake and the DCF contact under 1.a. above to determine proper placement of the juvenile. Law enforcement may take the juvenile to a licensed staff-secure facility if this is feasible and if space is available. KSA 38-2232(b)(2). Make sure DCF is advised of the placement location of the child.
- b. Law enforcement may not place the juvenile into a detention facility or other secure facility if the sole reason for custody is that the juvenile was a victim of CSE/HT crimes. KSA 38-2232(a)(4) and (b)(4)

3. When the juvenile is in police protective custody as a Human Trafficking/Commercial Sexual Exploitation victim and there exists a court ordered custody, warrant, probation violation order, or new criminal offense accusation:

- a. The normal Juvenile Intake procedure for your jurisdiction is followed on criminal offenses or other CINC issues.
- b. The priorities for placement decisions are: 1) Court orders; 2) DCF already has court ordered custody of the juvenile (DCF retains custody and placement decisions); 3) Criminal offender detention; and 4) CINC or Human Trafficking/Commercial Sexual Exploitation Victimization.
- c. If priority 3 applies and the juvenile is not placed in a detention center as a public safety risk, follow #2 above.

4. Transportation: Law enforcement is responsible for transporting the juvenile to the selected placement unless your local arrangements with juvenile intake dictate otherwise, or if the juvenile is under court ordered custody of the DCF. DCF is prohibited by statute from transporting juveniles without court ordered DCF custody.