

**LAW ENFORCEMENT PROTOCOL
FOR JUVENILE VICTIMS OF HUMAN TRAFFICKING/COMMERCIAL SEXUAL EXPLOITATION CRIMES
EFFECTIVE JANUARY 1, 2014
UPDATED JULY 15, 2016**

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) must take the victim into police protective custody. KSA 38-2231.**
 - a. The Department for Children and Families (DCF) must be notified as soon as practical by calling the Kansas Protection Report Center (DCF Hotline) 1-800-922-5330 in all cases where the officer reasonably believes the juvenile is a victim of CSE/HT crimes and provide the location where the DCF assessment of the child can be conducted. DCF will assign a representative to conduct an assessment of the juvenile. KSA 38-2232
 - b. 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.
 - c. 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.