



STATE OF KANSAS
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February 14, 2014

To Kansas Law Enforcement Officers:

The new anti-human trafficking law enacted last year by the Legislature establishes new requirements for law enforcement in handling juvenile victims of trafficking-related crimes. The Attorney General's Human Trafficking Advisory Board has developed and approved the attached Law Enforcement Protocol to assist law enforcement agencies throughout Kansas in working with human trafficking victims.

Thank you for your commitment to public safety and to combating human trafficking and child exploitation in our state. If you have any questions, please contact me or Assistant Attorney General Pat Colloton with the anti-Human Trafficking Unit in my office.

Sincerely,

A handwritten signature in cursive script that reads "Derek Schmidt".

Derek Schmidt
Kansas Attorney General

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

The law changed for juveniles who are subjected to any form of commercial sexual exploitation, human trafficking or aggravated human trafficking (KSA 21-6422, 21-5426). The new laws provide 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 the new 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 in all cases where the officer reasonably believes the juvenile is a victim of CSE/HT crimes. (See contact information in item 5 below.) The DCF contact will initiate the response by their Rapid Response Team who will conduct an assessment of the juvenile. KSA 38-2232
 - b. Work with juvenile intake through your normal juvenile intake processes. They will help you work through the DCF/Intake process in all cases, even when the only reason for custody is the victimization of CSE/HT crimes. Ideally law enforcement officers, Juvenile Intake, and the DCF's Rapid Response Team will work together to determine the best placement option for the juvenile's overall circumstances. Under the law, absent a court order, the final placement decision rests with law enforcement.
 - 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 in your determination of 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 clear arrangements with the DCF Rapid Response Team on where they will meet with the juvenile to conduct their assessment.
 - 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)
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 generally 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.
5. **DCF 24/7 contact for the above requirements are:** *For the Kansas City and far eastern areas of the state, including the counties of Allen, Anderson, Atchison, Bourbon, Brown, Chautauqua, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte: Kaw Valley Center (KVC) 1-913-621-5753. For all other counties: St. Francis Community Services 1-888-732-4673*