

Conferee Remarks for the 2011 Joint Committee on Home and Community Based
Oversight

Topic: Human Trafficking in Kansas

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Chair of Attorney General Derek Schmidt's Human Trafficking Advisory Board
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Madame Chair and Members of the Committee:

Thank you for the opportunity to speak on the topic of Human Trafficking in Kansas. I am Chair of Attorney General Derek Schmidt's Advisory Board on Human Trafficking and have spent the vast majority of my career prosecuting child sex crimes, including cases of human trafficking.

Human Trafficking in Kansas

I. What is Human Trafficking?

Human trafficking is a crime against humanity. It is plain and simple, modern day slavery, the exploitation of human beings. Human trafficking involves an act of recruiting, transporting, transferring, harboring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. It happens in Kansas. Every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims.

Article 3, paragraph (a) of the UNODC Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as follows¹:

- (a)
- (b) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.
- (c) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be

¹ United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, United Nations Office on Drugs and Crime (UNODC), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol – TIP), 2004.

- irrelevant where any of the means set forth in subparagraph (a) have been used;
- (d) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article:
- (e) “Child” shall mean any person under eighteen years of age.

Summary of the Elements of Human Trafficking – Act, Means and Purpose

Based upon the definition in the Trafficking in Persons Protocol, there are three elements:

The Act (What is done)

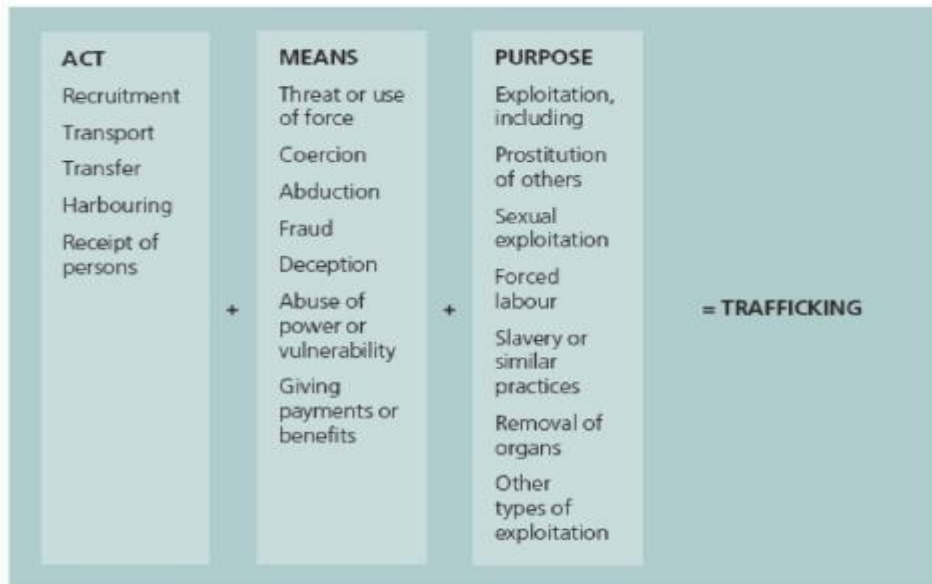
Recruitment, transportation, transfer, harboring, or receipt of persons.

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.

The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices and the removal of organs.



II. Scope of the Problem Generally

Very soon after the establishment of Kansas Human Trafficking Advisory Board in January, 2010, in March of 2010, the Attorney General's Office co-sponsored a Call for Community Action Conference with Renewal Forum, Veronica's Voice, the Kansas City Missouri Police Department, the Catholic diocese of Kansas City and the National Center for the Protection of Children and Families.² Then Senator, Governor Sam Brownback was the keynote speaker.³

The facts presented from the 2010 conference remain: Human Trafficking is a \$32 billion dollar crime industry worldwide, running a close third behind drug and arms dealing. Each year, between 17,500 and 20,000 men, women and children are trafficked into the United States from more than 48 source countries for purposes of sexual or labor exploitation, according to a report released in June 2007 by the State Department's Office to Monitor and Combat Trafficking in Persons. But it is no longer just an international problem. The U.S. State Department estimates that more than 250,000 American citizens and legal residents, most of them children under age 18, are being trafficked within this country.

The impetus for the conference was recognition that the Kansas City area was becoming a hub for traffickers and their victims, of which 80 percent are women and girls. Law enforcement professionals from Dallas told attendees that young girls are lured by traffickers by expressions of affection: "Come, be my girlfriend." Later "Be my girlfriend" turns into "Be his girlfriend, I need money, and he'll pay for it."

Drugs abuse makes victims more difficult to identify and makes the cases more difficult to investigate and prosecute. Physical, emotional abuse and unwanted children distort the ability of the victims to disclose and/or cooperate with authorities. Troubled youth from broken families or in difficult relationships often become victims of trafficking. Children and adults abducted or lured into sexual exploitation or forced labor become disposable. The usual age of a trafficked child's first exploitation is 12-13, with some as young as 9. In these situations, women and children are viewed as disposable commodities.⁴

² Call for Community Action Conference – Abolishing the Sexual Exploitation of Juveniles in Kansas and Missouri, A Multidisciplinary Response to Child Victims of Trafficking/Prostitution, Kansas City Police Academy, March 15-16, 2010.

³ Denzer, M. (2010, April). Kansas City to be a model city in human trafficking fight. *The Catholic Key*. Retrieved from <http://catholickey.com>

⁴ Bales, Kevin, *Disposable People: New Slavery in the Global Economy*, University of California Press, 2004, ISBN 9780520243842. See also, "Not My Life," Dir. Robert Bilheimer, Documentary Film. Premier January 19, 2011. This is a 90 minute documentary sponsored by various United Nations and Non Governmental Organizations including the Polaris Project, International Justice Ministries, Unicef, United Nations Office on Drugs and Crime (UNODC), End Human Trafficking Now, Tostan, Agape International Missions, Free the Slaves, Girls Education and Mentoring Service (GEMS), Goodweave, Uniceff, Lexis/Nexis, BD, Terre des hommes, the Somaly Nam Foundation and End Slavery Now. The film includes a segment on a Wichita victim. Her case was prosecuted in federal court in Oklahoma.

III. Scope of the Problem in Kansas

Human trafficking is occurring in Kansas at a rate in which the state is currently unprepared to address. Both Wichita and Kansas City have been recognized as major originating cities for human trafficking. Officers located in the Wichita-Sedgwick County Exploited and Missing Child Unit report that sex traffickers often pick up runaways within 48 hours of their being on the streets and transport them to either Dallas or Chicago within 72 hours.⁵

In addition to the sex trade, the vast rural areas in Western Kansas are conducive to human trafficking for forced labor on farms and in food processing plants.⁶ While originally noticed in Wichita and Kansas City, human trafficking reports from victim service agencies indicate it is also occurring in many mid-level communities across the state. From July 1 through December 31, 2010, victim service agencies in El Dorado, Garden City, Newton, and Manhattan were faced with providing services to human trafficking victims in their communities, in addition to service agencies in Wichita and Kansas City.⁷

While Wichita and Kansas City have some specialized law enforcement units addressing the problem in their respective communities, the vast majority of Kansas has remained vulnerable ground for human traffickers, with no coordinated linkage to the efforts in the larger Kansas communities. While the number being trafficked could be much higher, the number of actual cases worked as human trafficking cases is approximately 11 to 13 per year in Wichita⁸ with even fewer for the rest of the state.

Both knowledge of the prevalence of trafficking in Kansas and effective response to trafficking remain elusive due to lack of awareness, lack of identification measures, lack of experience in investigating and prosecuting these cases, absence of tracking protocol, and limited strategic response. Kansas law enforcement officers surveyed indicated they feel ill equipped to effectively respond to human trafficking crime and need training in this area. Of those Kansas officers interviewed in a 2009-2010 ongoing face-to-face research survey, 100% expressed a perceived need for training on the following topics associated with human trafficking: current federal and state laws; identifying cases, methods for investigating cases, understanding the rights of victims, and understanding how law enforcement's response to victims impacts the victim's mental health and ability to cooperate with investigations and prosecution.⁹

⁵ Detective Kent Bauman, Wichita, interview, Exploited and Missing Childrens Unit (EMCU), 2009

⁶ Mike Coan, corporate safety director of ConAgra Red Meat, quoted page 160 of *Fast Food Nation* by Eric Schlosser. (2006).

⁷ Victim Service Agency Semi-annual Reports to the Office of Attorney General, 2011.

⁸ Bauman, 2009.

⁹ Luttrell, Vicky. *Human Trafficking in the Midwest: Experience and Perception Among Kansas Law Enforcement Officers – An Exploratory Study*. B.A. thesis. Washburn University, Topeka, 2006. (Unpublished).

The estimated and actual numbers listed below provide a snapshot view of the exploitation potential in Kansas.¹⁰

2300	Estimated Annual Number of Juvenile Victims of Commercial Sexual Exploitation
400	Estimated Annual Number of Adult Victims of Commercial Sexual Exploitation
300	Estimated Annual Number of Victims of Labor Exploitation
2700	American Victims of Exploitation in Kansas
300	Foreign Victims of Exploitation in Kansas
4735	2009 Runaway Children Cases Reported to Law Enforcement
14449	Actual Number of Children with Runaway Episodes
1352	Serious Cases of Abuse (Physical, Sexual, or Psychological) Reported
6052	Registered Sex Offenders in Kansas as of October 7, 2011 ¹¹

As elsewhere in the country, the vast majority of victims of human trafficking in Kansas are not people from other countries, but our own children. Under federal law, any juvenile subjected to commercial sexual exploitation is a victim of human trafficking. This population of juvenile victims of trafficking is at least 250,000 per year nationwide, versus the estimated number of foreign victims at fewer than 20,000.

Human Trafficking News in Kansas

On September 22, 2011, an article appeared in the Wichita Eagle, *Police officials voice concern over spike in local sex trafficking cases*. Wichita Police noted that sex trafficking cases have more than tripled over the past four years, growing in numbers as follows:

2006 – 11 cases
2007 – 10 cases
2008 – 9 cases
2009 – 17 cases
2010 – 22 cases
ytd 2011 – 28 cases¹²

¹⁰ Compilation of statistics and projections: Estimates of the victim populations from the Renewal Forum; runaways from KBI missing children/person, actual runaways based on extrapolation of KBI data using NISMART (DOJ research) multiplier, abuse from US Department of Health and Human Services, registered sex offenders from NCMEC study of state registry.

¹¹ Nicole Dekat, Supervisor/Public Service Administrator II Offender Registration & PI Licensing Unit Kansas Bureau of Investigation.

¹² Statistics from WPD Press Briefing on September 21, 2011. Cpt. Michael B. Allred WPD

The Wichita Police Department gave a media briefing on the numbers that included an explanation for the increase, a discussion on the difficulty in these investigations and a summary of local proactive measures used to combat the problem. An editorial on the spike in numbers followed:

Wichita has a sex-trafficking problem

The idea of Wichita as a hotbed of sex trafficking may seem unfathomable. But the fact that cases have tripled in recent years — from nine in 2008 to 22 in 2010 to 28 already in 2011 — speaks for itself. And it doesn't speak well of Wichita. More staffing next year at the Wichita-Sedgwick County Exploited and Missing Child Unit surely will help, but this trend poses a serious challenge for the community. It's another reason parents need to be attentive to what's going on in their kids' lives, especially online. But its roots are complicated, because many of the girls caught up in this trend start as runaways from abusive homes. Wichita's problem deserves attention from Gov. Sam Brownback, who had such a distinguished record in the U.S. Senate of fighting global human trafficking.¹³

A copy of the WPD Briefing on Human Sex Trafficking from September 21, 2011 is attached to these remarks. A list of Wichita cases from 2004 to 2010 indicating nature of the trafficking and disposition is also attached. Some of the dispositions indicate the difficulties in prosecuting these cases such as lack of cooperation of the victims, no physical evidence, failure to identify any suspect etc.

IV. AG's Human Trafficking Advisory Board – History and Activities

The Attorney General's Human Trafficking Advisory Board (HTAB) was established in January, 2010 under the Six Administration. The impetus for establishing the board arose out of awareness of an increasing number of human trafficking cases originating from Sedgwick County and in the greater Kansas City Metropolitan area. January 10, 2010 was the second annual national Human Trafficking Awareness Day. Formation of the board was announced the same day.

The Kansas HTAB is comprised of a team of experts from a wide range of backgrounds including law enforcement, prosecutors, court personnel, victim advocates, academia, health care, immigration services and other pertinent parties who have expertise in the field. The list of persons on the Kansas HTAB including contact information is attached to these remarks. The following persons currently serve, subdivided under their areas of expertise:

¹³ Holman, R. (2011, September 25). Wichita has a sex-trafficking problem. *The Wichita Eagle*.

Prosecution

1. Christine M. T. Ladner, Chair
Assistant Attorney General
Criminal Litigation Division
Office of Attorney General Derek Schmidt
Topeka, Kansas
2. Marc A. Bennett
Deputy District Attorney
Sedgwick County District Attorney
Wichita, Kansas

Education

3. Laurie Hart, LMSW
Sexual Violence Prevention Education Grants Coordinator
Kansas Department of Health and Environment
Topeka, Kansas
4. Nadia Shapkina
Professor of Sociology
Kansas State University
Manhattan, Kansas

Interviewing Expertise/Child Advocacy Center

5. Diana Schunn, RN, BSN
Executive Director
Child Advocacy Center of Sedgwick County
Wichita, Kansas
6. Helen Swan
CAC Coordinator
Leavenworth Child Advocacy Center
Leavenworth, Kansas
7. Amy Boydston
Executive Director
Kansas Chapter of Child Advocacy Centers
Lenexa, Kansas

Law Enforcement

8. Kirk Thompson
Director, Kansas Bureau of Investigation
Topeka, Kansas
9. Cpt. Brent Allred
Wichita Police Department
Wichita, Kansas

10. Lt. Jeff Weible
Wichita Police Department
Exploited and Missing Children Unit
11. Off. Kent Bauman
Wichita Police Department
Exploited and Missing Children Unit
Wichita, Kansas
12. Det. Dwain Diehl
Wichita Police Department
Wichita, Kansas
13. Sgt. Amy Tracy Osburn
Sedgwick County Sheriff Office
Exploited and Missing Children Unit
Wichita, Kansas
14. Det. Barbara Walk
Overland Park Police
Criminal Department
Investigation Division
Overland Park, Kansas
15. SA Angie Wilson
Federal Bureau of Investigation
Cyber Crimes Task Force
Lee's Summit, Missouri

Victim Services/Advocacy

16. Cheryl Webb
Director of Community Outreach Services
YWCA/Women's Crisis Center
Wichita, Kansas
17. Karen Countryman-Roswurm, LMSW
Founder and Coordinator of the Anti-Sexual Exploitation Roundtable for
Community Action (ASERCA)
Wichita Children's Home/Wichita Child Guidance Center
Coordinator of Anti-Sexual Exploitation Services and Therapist
Wichita, Kansas
18. Kursten Phelps
Immigration and Outreach Project Attorney
Kansas Coalition Against Sexual and Domestic Violence
Topeka, Kansas

19. Carol Nistler
Child Victim Advocate
Johnson County District Attorney's Office
Olathe, Kansas
20. Dorthy Stucky Halley, LMSW
Director Victim Services
Office of Attorney General Derek Schmidt
Topeka, Kansas
21. Sarah Robinson
Executive Director
Wichita Children's Home
Wichita, Kansas
22. Vicky Luttrell
Topeka, Kansas

Immigration and Diversity

23. Kelly Nash
Brian Cave Attorney
Kansas City, Missouri
24. Al Kahill
Executive Director
Harvest America Corporation
Kansas City, Kansas
25. Lewis Kimsey
Kansas Refugee Assistance Program
Kansas Department of Social and Rehabilitation Services
Topeka, Kansas

Victim of Human Trafficking and Service Provider

26. Kristy Childs
Director
Veronica's Voice
Kansas City, Kansas

The purpose of the board was to develop a human trafficking task force to address the issues of human trafficking in Kansas. By utilizing a four pronged approach of Prevention, Protection, Prosecution and Partnership, the Kansas HTAB is exploring:

- The development of a public awareness campaign focusing on the hidden issue of human trafficking;
- The identification of victims of trafficking;

- Providing comprehensive and culturally competent services to victims of human trafficking;
- Appropriately addressing the needs of domestic victims of human trafficking;
- Securing adequate resources and support needed to develop a Task Force to effectively investigate cases of human trafficking;
- Developing a statewide structure for collaborative efforts across disciplines and jurisdictions to ensure prosecution of human traffickers.

The establishment of HTAB began as a three year plan as follows:

Goal 1: To explore the development and implementation of the task force in Kansas

Goal 2: To explore new funding streams to support the task force

Goal 3: To ensure that Kansas is utilizing best practices in addressing the battle against human trafficking through education of legislators, the courts, professionals in the field and private citizens.

- Guidelines for best practices
- Plan for training developed
- Training plan for law enforcement, advocates, professionals and private citizens executed
- Training plan for prosecutors and court personnel executed
- Expertise provided to law enforcement agencies, advocates and prosecutors through the Office of the Attorney General
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Goal 4: To assist victims through community coordinated responses to human trafficking in Kansas

- Coordinated community response teams will be strengthened in communities and will develop strategic plans that are sensitive to the needs of the victim
- Coordinated Community Response Plans will ensure
 - (1) Quality domestic violence and sexual assault services provided to victims requesting services
 - (2) Quality law enforcement investigation so human trafficking
 - (3) Quality prosecution of human trafficking cases.

Goal 5: A public awareness campaign will be conducted.

- Develop material for use in schools and communities to promote awareness and eliminate demand. AS the level of awareness increases in our communities, the board will work to ensure that important policy changes are made to decrease human trafficking on the local level.

On January 10, 2011, Attorney General Derek Schmidt's administration began. General Schmidt was very supportive of the battle against human trafficking during his time in the

legislature, promoting changes to our human trafficking laws to allow for asset forfeiture from traffickers who gained assets from trafficking. He continues to support the work of the board, attending the first available board meeting on January 21, 2011.

The board has met on a quarterly basis, rotating meetings between Topeka and Wichita to accommodate travel for the completely volunteer board.

Thus far, members of the board have presented numerous trainings statewide on human trafficking to law enforcement, victim service providers, media outlets and in the academic setting. The board has developed a brochure on Human Trafficking which is also available on the Attorney General website, www.ksag.org. A copy is attached to these remarks. The board has also developed a public service announcement that is available for presentations.

In May of 2011, the board applied for a substantial grant from the Office of Justice Programs within the U.S. Department of Justice. The proposal was for an Enhanced Collaborative Model to Combat Human Trafficking partnering the Kansas Human Trafficking Advisory Board with the United States Attorney's Office and Veronica's Voice to create a model of anti-exploitation activism for proactive investigations, better victim identification, collaborative efforts from key stakeholders and enhanced community capacity to identify, report, prosecute and accommodate victims. The model was for 1 FTE prosecutor, 1 FTE investigator and 1 FTE human trafficking and victim-witness coordinator position. A great deal of the focus would have been for training to increase capacity of law enforcement officers to recognize human trafficking and identify victims. Data management of the information obtained from the model would have been a great service to more accurately measure the prevalence of human trafficking in Kansas.

Unfortunately, on October 6, 2011, we were advised that we did not receive the funding. To give the Committee an idea of competition for funding, the six grantees were:

City of Arlington, Texas	\$500,000
City of Clearwater, Florida	\$346,259
City of San Jose, California	\$500,000
Erie County Sheriff's Office, Pennsylvania	\$500,000
Metropolitan Police Department (D.C.)	\$500,000
City of Seattle, Washington	\$500,000

From 2010 to 2011, more and more attention has been focused on the topic of human trafficking. Even though we did not receive the grant applied for, the board will continue to work on the issues surrounding human trafficking. The board will next meet October 19-20, 2011 to discuss new avenues of pursuing funding and potential legislative issues. The occasion for the next meeting is centered around the same training event that occasioned the inception of the board. Kansas will again participate in Renewal Forum's Call to Community Action on October 19-20, 2011. The Kansas Attorney General's Office is co-sponsoring the Second Annual Call to Community Action Conference at the

Kansas City Police Academy along with: The Kansas City Coalition Against Sexual Exploitation (KC-CASE), Missouri Attorney General Chris Koster, Veronica's Voice and Renewal Forum. The topic is: Abolishing Commercial Sexual Exploitation in Kansas and Missouri: A Multidisciplinary Response to Victims of Trafficking /Prostitution.

The Committee should be aware that federal efforts are not duplicative. Kansas has been selected for a nationwide human trafficking enforcement project. Kansas and Missouri have been chosen to participate in a nationwide Human Trafficking Enhanced Enforcement Initiative designed to streamline federal criminal investigations and prosecutions of human trafficking offenses. As part of the initiative, a specialized Anti-Trafficking Coordination Team (ACTeam) will be formed in Kansas and Missouri.¹⁴

These efforts will not include typically smaller state prosecutions not covered by the federal initiative whose focus is on developing "high impact" cases. One Kansas child trafficked is one too many. Whether her trafficker is prosecuted under federal or state law should not be a factor into adequately assessing and addressing state tools to battle the problem. A plus in Kansas is the high level of collaboration between state and federal authorities. Prosecutors and law enforcement who fight these crimes already have close working relationships. The potential to achieve maximum prosecutorial potential in the arena of human trafficking is very promising because federal and state stakeholders already work well together in prosecuting child pornography cases.

V. Human Trafficking Laws in Kansas- an Overview

With the advent of the federal Trafficking Victims protection Act of 2000, it did not take long for Kansas to pass its own stand alone crimes against human trafficking. In 2005, the legislature enacted the crimes of trafficking and human trafficking. The current statute is as follows: K.S.A. 21-5426 (21-3446; 21-3447) **Trafficking**. Sec. 61

(a) **Human Trafficking** is:

- (1) The intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor;
- (2) Intentionally benefitting financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth in subsection (a)(1);
- (3) Knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:
 - (A) Causing or threaten gin to cause physical injury to any person;
 - (B) Physically restraining or threatening to physically restrain another person;
 - (C) Abusing or threatening to abuse the law or legal process;
 - (D) Threatening to withhold food, lodging or clothing; or
 - (E) Knowingly destroying concealing, removing confiscation or possessing any actual or purported government identification document of another person; or

¹⁴ Press Release from the United States Attorney's Office District of Kansas. (July 25, 2011). Federal Team Will Target Human Trafficking in Kansas, Missouri.

(4) Knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

(b) **Aggravated Trafficking** is:

(1) Human trafficking, as defined in subsection (a):

(A) Involving the commission or attempted commission of kidnapping as defined in subsection (a);

(B) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

(C) resulting in a death; or

(2) *recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age* knowing that the person, *with or without force, fraud, theta or coercion*, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

The Penalties

Human Trafficking is a Severity Level 2 Person Felony

Aggravated Human Trafficking is a Severity Level 1 Person Felony

UNLESS, the offender is at least 18 and the victim < 14, Off- Grid Person Felony

VI. How Does Kansas Law Rate?

There is a quite an array of proposals nationwide on human trafficking statutes to discuss, but much depends on funding. Missouri unveiled a large legislative package in 2011. Comparisons to Kansas were inevitable. Recently, the Kansas City Star published an article criticizing Kansas' law on human trafficking in comparison to other states.¹⁵ Missouri's extensive package includes much of what Kansas already has, but has much more. Missouri added expansive definitions of coercion, "commercial sex act" so that it is not limited to only when something of value is actually given in exchange for sex, but also when something is only promised. The new Missouri law defines "sexual conduct" and has a very expansive definition of "sexual performance."

The most notable features go to the "holistic approach" to combating HT by helping victims and improving the state's response, including:

- restitution provisions
- affirmative defenses to the charge of prostitution due to coercion
- mandated notification to social services
- civil cause of action for actual damages, court costs, attorney's fees and even punitive damages
- a mechanism for the state to recover damages by giving the attorney general the right to a civil cause of action though the AG retains the primacy of the victim by ensuring that the first money collected goes to restitution

¹⁵ McGraw, M. (2011, September 10). Kansas law falls short in combating human trafficking. *The Kansas City Star*.

- Giving specific procedures for identifying victims, training programs for state employees and contractors, SRS, juvenile courts, state law enforcement, health care professionals and youth shelter administrators.
- Authorizes SRS to evaluate and implement appropriate services for victims to provide services including case management, emergency housing, health care, mental health counseling, alcohol and drug addiction screening and treatment, language interpretation, English language instruction, job training and placement assistance. \$\$\$\$\$

Kansas has:

- Statutes to cover labor trafficking. K.S.A. 21-5426(a)
- Definitions of coercion. K.S.A. 21-5426(a)(3)(A)(B)(C)(D)(E)
- We even have a definition of “peonage” K.S.A. 21-5426(a)(4) and (f) that covers involuntary servitude
- We have statues to cover sex trafficking K.S.A. 21-5426(a) and (b) that covers both adults and minors with enhanced penalties for sex trafficking of minors
- We have proposals for asset forfeiture for the profits of trafficking K.S.A. 60-4104.
- Not by statute, but we have the AG’s Human Trafficking Advisory Board established

We could consider

- Affirmative Defenses to prostitution (coercion), immunity issues
- Safe Harbor laws mandating victim services, \$\$\$\$
- Mandatory restitution
- Civil causes of action akin to the statues for victims of pornography
- Legislating into existence an interagency task force to coordinate implementation of the statutes and efforts to combat trafficking (we have a task force already)

The scoring system referred to in the Kansas City Star article is based upon static factors identified by the Polaris Project, a nongovernmental organization (NGO) set up with money from the 2000 Trafficking Victims and Protection Act. They gave us 4 of 10 points as follows:

Credited Categories:

- **Sex Trafficking statute**
- **Labor Trafficking statute**
- **Asset Forfeiture**
- **Lower burden of proof for sex trafficking of minors**

Categories still needed:

- **Investigative tools**
- **Training for law enforcement**
- **Human Trafficking Task Force**
- **Posting of National Hotline**

- **Safe Harbor – Protecting Sex Trafficked Minors**
- **Victim Assistance**
- **Access to Civil Damages**
- **Vacating Convictions for Sex Trafficking Victims**

The score of only four is somewhat misleading as we have a task force formed. The national hotline number is on the website: <http://www.ksag.org/page/about-human-trafficking-in-kansas> via a link to the Polaris Project.

VII. Current Case Law

The first case to be tried under our aggravated human trafficking statute was *State v. Marlin Williams*, 46 Kan. App. 2d 36, 257 P.3d 849 (2011). (Petition for review filed August 5, 2011). The case came from Wichita. The conviction for aggravated human trafficking is affirmed and the statute was found constitutionally sound. We await the decision of the Kansas Supreme Court.

VIII. Conclusion

So often, during the trainings and presentations on the topic of human trafficking, members of the audience ask, “Do we really have that here?” The answer is a resounding, yes, we have that in Kansas. Tools are somewhat in place to begin a more comprehensive approach to tackle the problem. We have stand alone statutes criminalizing the conduct, but we need to do a much better job at identification of victims and training law enforcement, victim service providers and other members of the criminal justice system on how to handle these cases. We already have some tools in the legislative tool box to assist. Much more should be done. The training and infrastructure needed to accommodate these special victims of exploitation and to prosecute their traffickers is not adequate.