



## Human Trafficking Advisory Board Meeting

### MINUTES

July 18, 2019

1:30 PM

Jayhawk Tower, Florentine Room,  
700 Jackson Street, Topeka

#### Board Members Present:

Jennifer Montgomery, Dorothy Stucky Halley, Marc Bennett, Sharon Sullivan, Allison Farres (for Karen Countryman-Roswurm), Kirk Thompson, Hannah Britton, Ed Klumpp, Kent Bauman, Rebekah Gaston, Jeff Richards, Diana Schunn, Jennifer Hansen, Ed Howell, Sean Kilcoyne, Dax Lewis, Dale Mattern, Hon. Eric Smith, Kris Wade.

#### Guests:

Craig Paschang, Parker Roth, Tyra Miles, Heidi Lynch, Lucy Bloom, Amber Cunningham, Sara Shipman, Barry Feaker, Allen Smith, Mike Jensen, Jim Johnson

**Welcome and Introductions**—Jennifer Montgomery opened the meeting at 1:30, and asked everyone to introduce themselves. After board members introduced themselves, the same was asked of all guests.

**Approval of Minutes**—After review of the minutes, Dorothy Stucky Halley asked for any changes to the minutes. Minutes were passed as submitted.

#### Committee Reports:

**Victim Services Committee Report**—Dorothy Stucky Halley reported there was a recommendation to HTAB from the Victim Services Committee that the funding of Staff Secure Facilities (SSF) be a legislative priority for HTAB this year. The focus on SSF funding is something that was recommended last year from the Victim Services Committee and the Law Enforcement Committee.

**Law Enforcement Committee**—Jennifer Montgomery reported the Committee would be meeting shortly regarding changes to the Protocol. She also reported on training that has occurred, as well as upcoming training opportunities for law enforcement. Work is being done toward Train the Trainer Interdiction training that will be provided in the future, as a second wave after the Interdiction Training that was provided this year. Prior to that, there will be 10 multidisciplinary trainings across the state, organized through the OAG and DCF. Dax Lewis reported the Interdiction training that he attended is a good training—another tool in our toolbox. The struggle will be having at least 3 to go train at any given time: 2 LEO's and 1 VS to train. There will be some challenges in coordination. Ed Klumpp reported he also provided one training in Linn County; another in Franklin county, with 26 in attendance at Franklin County.

**Public Awareness and Prevention**—Jennifer Montgomery reported that Phase II Demand an End Campaign will focus on outreach to school campuses.

**Agency Updates:**

DCF—Rebekah Gaston reported that DCF is trying to spend their funds more strategically than in the past re: EES and TANF grant funds. Kent Bauman added that they are collaboratively working on the Rapid Response Process. In addition, they are working with OAG, Ed Klumpp, KDOC and others to provide multidisciplinary trainings.

DOL—no report

KDHE—no report

KBI—Kirk Thompson reported they are focusing on HT in training, and starting to get more case work.

**Other:** Allison Farres reminded HTAB that the WSU Annual Conference is coming the last week of January.

**Report on *Beyond Discourse*, KU human trafficking research conference held in April –**

Dr. Hannah Britton: Up to this point, conferences have really been focused on the need for resources for providers. KU had their first conference on trafficking in 2013. At the 2019 conference, the focus was specifically looking at research methodology. At the end of the conference, there was discussion about discourse; very concerned about how trafficking is being framed. Findings included: the need to continue to strive to have more research with survivors being integrated into that process. This will inform the research re: Who gets a bed and who doesn't; more focus on immigration and trafficking; labor exploitation and continuum to trafficking; critique: where is the money going and who is benefiting? Hannah reported researcher Amy Farrell challenged the conferees—how do we get all LEO's trained; often labor is excluded and needs to be central to the conversation; the seduction of quantification; the center for migration research. Hannah reported that KU welcomes your input into those working groups. Hannah reported she hopes to get the research staff at KU to provide a summer training.

**Preliminary legislative discussion:** Dorthy noted that this portion of the agenda is regarding getting the board members to be thinking about HT potential topics and become more informed about the nuances in the conversation: this is not about taking a vote on these items today. Jennifer added that the game plan is to start an ad hoc committee.

Allison Farres provided a report, representing WSU CCHT. She reported that Dr. Karen Countryman-Roswurm has been working on the vacatur and expungement pieces of legislation for the past year, and has been working with Kate Mogelescu. Allison reports that Karen is now examining the details of the legislation held over from last legislative session. She believes there are some gaps in this piece—the language would exclude a lot of adult women; putting the burden on the victim to prove they are a victim.

Current language on expungement in this proposed legislation may actually exclude the exact things that will be needed. The best practice is getting ahead of all of this, and produce safety valves for all victims. Allison believes there needs to be more discussion about safety valves. SV are aimed particularly at “bottom” girls: creates law that you don't have to identify for us to treat you like a victim. Affirmative Defense issues re: kids who are charged as adults is also concerning. We can't separate kids and adults—don't put limitations on expungements via age.

DA Marc Bennett: Marc expressed several concerns. Under our current system, once a case is in judgement, we allow expungement down the road. Expungement at time of sentencing or 1 month later is a sizable change. Marc noted that Rep. Jennings' Committee is currently reviewing the current system. If they get rid of the grid system, we might need to adjust everything. Marc reported that he believes by changing and creating these protections at this time could create unintended consequences. We need to consider that such a change could allow some criminals to take advantage of this potential change. Marc posed several questions: If what I do is not a crime, then can my co-defendant be charged? Will criminals be even more motivated to involve HT victims? What about the victim of someone still seen as a victim? Marc reported he would like more focus on wrapping needed services around victims. That will take funding, and we need to focus on that. Marc also noted that we need to focus on the things driving crime. He believes there is a crisis regarding lack of mental health and addiction services and resources. He asked what are we doing as a state to flood resources to those needing them, and is concerned that as a state we've lost that vision.

There was further discussion regarding whether there are other crimes than HT where the victim's actions result in victims being criminalized. Ed Klumpp noted that there is no desire to see someone convicted of a crime when they were truly forced to commit the crime. If we're going to go down this path, we need to have some way of distinguishing these. Always and never are the two words that are concerning. SB 154 talks about purging; SB 227 talks about expungement. In the past, association has been against purging, but consider expungement. Ed also questioned why we would propose that buyers get protected, as is the case in both SB 227 and SB154? Prime facie, also is a problem, as it then becomes a challenge to the state to prove something did NOT happen, which is always next to impossible to prove in court. In the Self-defense model—he or she must have some showing of self-defense. Ed also asked what is the duration of this protection? If the victim had not been involved in trafficking for 3 years and reengages in trafficking, then what? Ed expressed concern that it will render the criminal justice response ineffective. There is nothing that prompts the middle victim to testify against the person who coerced them.

Discussion regarding Staff Secure Facilities: Ed Klumpp expressed concern that we can't continue to expect an LEO to go through all the necessary steps to put a child in for 3 days, only to not keep them long enough to stabilize, and instead have them go back to the life. This is not working as it was designed or intended. Kansas has only 1 facility now, and it is so inconvenient, and only 3 days, that most LEO's find it unworkable. We need to have resources for strong mentoring and long term assistance. We have to replace that, and address basic needs. We have a few programs locally; from a statewide basis, very little available. We need more therapeutic foster care, and an overhaul of our system. The solution is not within the justice system. We need the SSF to be what was intended. And SSF is only a part of the answer. They are a start. We need to get the supports in place to then get HT victims safe and back out. We need to be looking at the big picture.

Jennifer thanked Allison, Marc, Ed, and others for bringing up important considerations. Members and guests were reminded to let Jennifer or Dorthy know if they have interest in being on the ad hoc legislative committee. Legislative committee members were identified.

The next meeting date was scheduled for October 15. Sharon Sullivan moved we adjourn. Motion passed.