

4006-13
#33-21-000028

MEMORANDUM OF UNDERSTANDING
BETWEEN
SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS
JUVENILE INTAKE AND ASSESSMENT CENTER
AND
CITY OF WICHITA POLICE DEPARTMENT

The following document provides for the understanding of the collaborative scope of services between the Juvenile Intake and Assessment Center (JIAC) and the City of Wichita Police Department.

WITNESSETH:

Whereas, the Kansas Department of Corrections – Division of Juvenile Services has recommended the development of a memorandum of understanding with community partners/agencies (Standard JIAS-01-103), and

Whereas, collaborative services will provide for safety and security of residents/offenders in the City of Wichita and Sedgwick County.

NOW, THEREFORE, the parties hereto jointly resolve and agree:

I. That the following definition shall be recognized:

“Received by JIAC”: K.S.A. 38-2232 (c) states: Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. This MOU uses the term “received by JIAC” to reflect physical custody.

II. That it is the intent and purpose of this memorandum that there be cooperation among signatories to ensure the maintenance of a collaborative and professional relationship in addressing the work and processes required of the partners inclusive of but not limited to the following:

A. JIAC is available to provide continuous access to law enforcement for intake and assessment services for youth brought to the facility for the following reasons:

1. Juvenile Offenses
2. Status Offenses
3. Out of State Runaways – Shall be processed at JIAC and held in detention until arrangements can be made to transport them to their home state.

4. District Warrants, Two-tiered warrants, "no good service" warrants determined by review of court documents that service was not good on the summons, Commitment orders, court ordered sanctions (district or municipal court) or when there is probable cause to believe a warrant exists.
 5. Agreement to Appear (ATA)
 6. Notice to Appear (NTA) – JIAC does not monitor, report or make any determinations on whether or not a youth is brought to JIAC or issued an NTA in regard to K.S.A.38-2330 (d)(2)(A) and (B).
 7. City of Wichita Municipal Court Warrants (Traffic and Tobacco) – The officer will contact parent/custodian and transport the juvenile to a Patrol Station. The officer will fill out a "blue sheet" and provide the Designated Appearance Date to the individual. The juvenile will be released to parent/custodian after processing. If the warrant is a City of Wichita DUI or Evade/Elude warrant and has a bond amount, then the juvenile will be transported to JIAC.
- B. Local Runaways – Runaways with no new charges shall be taken directly to the Wichita Children's Home. When youth are refused admission to the Wichita Children's Home (WCH), the admitting law enforcement officer must furnish JIAC a copy of the WCH refusal form completed by the WCH staff.
- C. Intake Processes
1. Police Presence – If JIAC staff deem the level of aggressiveness or number of youth creates a potential for violence towards staff or other youth in the facility, then WPD will remain in the building until the placement decision is made and initiated.
 2. Required Youth Information – Before receipt of the youth by JIAC, with law enforcement still exercising custody, JIAC staff will receive from the arresting agency:
 - a. Youth's identity
 - b. Youth's date of birth
 - c. Youth's parent/guardian identification, address and phone number
 - d. Time and date of youth arrest
 - e. Any assigned case number related to arrest/detainment
 - f. Completed and signed Kansas Standard Arrest Report OR curfew form (if there is a curfew violation)
 - g. Completed narrative section describing circumstances of arrest
 - h. Youth's medical status
 3. Medical Criteria for Admission to JIAC – All youth presented at JIAC for intake are required to meet a minimum level of physical and mental health as part of the intake process.
 - a. The law enforcement officer, in collaboration with the intake staff, shall identify any known or reasonably inferable physical or mental health

concerns that would prohibit admission. Law enforcement officers shall be required to attest to a list of medical/mental health criteria prior to releasing the youth to JIAC. Intake staff responsible for adhering to admission requirements for custody placement options (ie. Juvenile Detention, Juvenile Residential, Wichita Children's Home), shall make the final determination of whether additional steps are needed, including medical evaluation and clearance from a physician\authorized medical staff or a qualified mental health professional prior to receiving the youth.

- b. If any of the following circumstances are determined to be present, the arresting law enforcement agency is required to take the youth for the necessary medical or qualified mental health professional clearance. The medical service provider at the Juvenile Detention Facility, when available, may be utilized for medical clearance when placement of the youth is anticipated to be the Juvenile Detention Facility or the Juvenile Residential Facility.
 1. Physical injury that appears to need immediate medical care.
 2. Signs of acute illness that appear to need immediate medical care.
 3. Signs of intoxication with significant impairment in functioning.
 4. Has taken medications, illicit drugs, unknown substances and/or substances that pose a significant and immediate health risk.
 5. Displaying warning signs and symptoms for suicide or a mental health crisis that appear to need immediate medical care or a psychiatric assessment.
 6. Has been subjected to a stun gun, a taser or other conducted energy weapon, chemical sprays, or a full body restraint device during or subsequent to the arrest.
4. Transportation – Transports of youth (received by JIAC) to any other facility (i.e. Psychiatric hospital, COMCARE Crisis), to court or home shall be completed by the arresting law enforcement agency or parent/guardian. JIAC staff is only authorized to transport received youth to a shelter facility when the youth is in police protective custody.
5. Searches – Searches of youth shall be completed prior to bringing to JIAC and JIAC staff may request an additional, on sight, search to ensure safety and security are maintained.
 - a. JIAC staff responsible for admission searches of youth, will ensure any identified contraband found in these searches is reported to the arresting law enforcement agency.

- b. JIAC staff responsible for facility searches. will ensure any identified contraband found in these searches is reported to the Sedgwick County Sheriff's Department.
6. Holding Rooms – JIAC's approach is to utilize the least restrictive means to manage youth behavior. At times, law enforcement assistance may be required to address youth behavior, as requested by JIAC. Holding Rooms are available for placement of youth that warrant additional security, but are not to be used as punishment.
7. Fingerprinting and Photographing – These functions are conducted at JIAC under an administrative order (Administrative Order 07-1 attached as Appendix A) as a courtesy to law enforcement.
8. DNA Collection – Buccal samples for DNA identification are collected by JIAC as a courtesy to law enforcement in accordance with K.S.A. 21-2511.
9. Human Trafficking Identification and Response – JIAC staff, who suspect a youth has human trafficking involvement, will notify the Exploited and Missing Children Unit (EMCU) per local protocol (Human Trafficking Notifications attached as Appendix B). EMCU will contact the Kansas Bureau of Investigation (KBI) to initiate the Immediate Response Assessment for youth believed to be a victim of human trafficking (Office of the Attorney General letter dated 11-12-20 attached as Appendix C).
10. Police Protective Custody (PPC) – JIAC's approach is to identify the safest and least restrictive environment for youth placement options. Consideration for police protective custody may occur if the intake worker has reason to believe that it is in the youth's best interest not to release the youth or conditionally release the youth to a parent, legal guardian or other adult.

JIAC requests to Law Enforcement in PPC situations include:

1. Complete the PPC Section of the Release/Placement Form.
2. Sign the Release/Placement Form
3. Law enforcement has the option to complete a separate application which can be provided to JIAC to attach to the documentation.

D. Information Sharing

Agencies shall work collaboratively to ensure information is correct and reliable. Information sharing shall be of a professional and official nature and restricted to the information needed to carry out the duties of the involved agencies. Arrest reports will not be released by JIAC to other parties unless as directed by facility processes or valid court orders with the exception of the District Attorney's Office who is granted access to arrest reports for youth detained on new charges. Requests to be added to distribution

lists shall be reviewed by the JIAC Program Manager in accordance with K.S.A. 75-7023. Other sharing of information includes:

1. Daily Summary Report Distribution
2. Access to JIAC Assessment Summary Reports in the eCorrections information management system (portal access) for law enforcement use, not to extend to employment background checks.
3. Access to juvenile mugs through an application maintained by Sedgwick County or upon request to JIAC.
4. Process decisions - Information may be shared with law enforcement or School Resource Officers about a youth's legal status to facilitate decision making regarding arrest or issuance of an ATA or NTA.
5. Human trafficking notifications to the Exploited and Missing Child Unit (EMCU) according to local protocol.
6. ATA outcomes are shared with the ATA Oversight Committee.
7. NTA outcomes are shared in a weekly report distribution.
8. ATA and NTA information is updated and available on an annual basis.
9. Kansas Juvenile Disposition Reports (KJDR) are available to the law enforcement liaison in OnBase.
10. Daily KJDR summary distribution.
11. Monthly report to the Juvenile Intervention Unit on firearm/weapon involved intakes.
12. All other requests for data shall go to the Deputy Director of Juvenile Services for review/approval.
13. Requests for court case information shall go to the law enforcement liaison.

E. Facility Logistics – JIAC requires law enforcement to secure firearms prior to entering the facility. Should there be a need for law enforcement to respond in another area of the Juvenile Detention complex, they may obtain their firearms and re-enter the complex through the public entrances.

III. That, in those situations where roles and responsibilities are not clearly defined, JIAC and the Wichita Police Department staff will work collaboratively for a positive outcome or defer to the opportunity to address issues or inconsistencies in regularly scheduled or as needed meetings to develop or refine necessary processes.

TERM

The term of this partnership agreement is ongoing with, at least, annual review of contents. If an update to this partnership is deemed necessary, agreement will be identified by signatory approval by representatives of both entities.

TERMINATION

This Memorandum of Understanding may be terminated at any time by either party upon sixty (60) days' written notice to the other party.

AMENDMENT

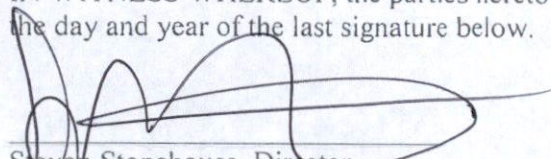
This Memorandum of Understanding may be amended by mutual written consent of the parties.

NON-BINDING

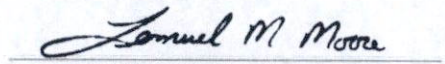
Both parties to this Memorandum of Understanding acknowledge and agree that this is not a binding agreement or contract upon either party.

It is specifically agreed between the parties executing this MOU that it is not intended, by any provisions of any part of this MOU, to create a third-party beneficiary of the public or any member of the public, or to authorize anyone not party to this MOU to maintain a suit for damages pursuant to the terms or provisions of this MOU.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the day and year of the last signature below.


Steven Stonehouse, Director
Department of Corrections

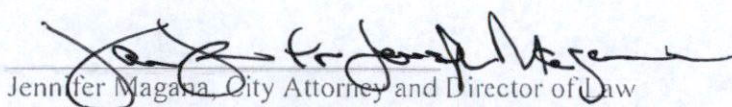
8/5/22
Date

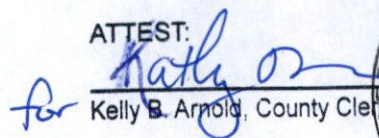

Lemuel Moore, Chief of Police
City of Wichita


7-28-22
Date

APPROVED AS TO FORM ONLY:


Kirk Sponsel, Assistant County Counselor


Jennifer Magana, City Attorney and Director of Law

ATTEST:

for Kelly B. Arnold, County Clerk



[Faint, illegible text]

James M. Moore

[Faint, illegible signature]

ATTEST:

[Signature]
Kelly B. Arnold, County Clerk



07 MV 32

FILED

187

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS

780 JAN 18 12 30 20

COPY

ADMINISTRATIVE ORDER

07-1

Pursuant to K.S.A. 38-2221(a)(1) and K.S.A. 38-231³(a)(1) any juvenile taken into custody shall have their fingerprints and photograph taken upon such juvenile's appearance at the Sedgwick County Juvenile Intake and Assessment Center. Further, said photographs and fingerprints shall be made available to any repository designated by the State of Kansas for the collection of such fingerprints and photographs.

IT IS SO ORDERED

Dated this 18th day of January, 2007

JAN 18 2007

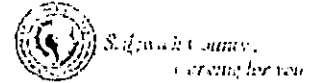


Michael Corrigan
Michael Corrigan
Chief Judge

Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.
Dated this 18 day of JAN 2007
CLERK OF THE DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS

Marion H. S. O.

Sedgwick County Department of Corrections
Juvenile Services
Juvenile Intake and Assessment Center



Human Trafficking Notifications

Business Hours: Call EMCU at 660-9478

After Hours: *Only if a youth is involved in human trafficking or knows of someone in immediate danger*

Call 9-1-1 and request an officer to respond to JIAC and make an initial report

-Notify (email) Jodi Tronsgard for all intakes involving suspected human trafficking

-For non-urgent matters, email EMCU (CC Jodi Tronsgard, Alex Allbaugh, and the supervisors):
EMCU@sedgwick.gov

-Save EMCU notification email to intake record filing cabinet in eCorrections

-Send assessment summary to KSPRC for all human trafficking concerns

(Mental Health team – eCorrections automatic notification for youth released to JRF/JDF)

Appendix C



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPICKA, 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.lynch@kbi.ks.gov.

Sincerely,

Derek Schmidt
Kansas Attorney General

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.

September 11, 2020