

2018-2019 SHI Legislative Recommendations & Priority Issues: Mississippi

1. Provide blanket immunity to minors under the prostitution statute.
 - a. **Problem:** Child sex trafficking victims are immune from criminal liability under the prostitution statute; however, not all commercially sexually exploited youth are being identified as child sex trafficking victims for purposes of receiving this protection. Rather than hinging immunity on victimization, the prostitution statute should be limited in applicability to adults 18 years of age or older.
 - b. **Solution:** Amend Miss. Code Ann. § 97-29-49 (Prostitution) to read: “(1) A person, *18 years of age or older*, commits the misdemeanor of prostitution if the person knowingly or intentionally performs, or offers or agrees to perform, sexual intercourse or sexual conduct for money or other property . . . (3) In addition to the mandatory reporting provisions contained in Section 97-5-51, any law enforcement officer who *encounters a minor under eighteen (18) years of age suspected of engaging in acts under this section may take the minor into emergency protective custody pursuant to _____ - and takes a minor under eighteen into custody for suspected prostitution* shall immediately make a report to the Department of Human Services as required in Section 43-21-353 for suspected child abuse or neglect, and the department shall commence an investigation into suspected child sexual abuse or neglect as required in Section 43-21-35.”
 - c. **State examples:** Florida, Indiana, Minnesota, North Carolina, Tennessee
 - d. **Resources:**
 - i. Shared Hope’s *Seeking Justice* Report: https://sharedhope.org/wp-content/uploads/2018/08/ANALYSIS-OF-STATUTORY-APPROACHES_ver7.pdf
 - ii. Non-Criminalization National State Law Survey: http://sharedhope.org/wp-content/uploads/2016/03/NSL_Survey_Non-Criminalization-of-Juvenile-Sex-Trafficking-Victims.pdf

2. Develop statutory pathways to specialized services for youth survivors of sex trafficking and CSE.
 - a. **Problem:** While current law charges DHS with investigating all child sex trafficking cases, minors are not entitled to specialized services or care. Charging one agency with providing such care and services raises risk that services will not be delivered.
 - i. Congressional enactment of the *Justice for Victims of Trafficking Act* (2015) amended the definition of child abuse under CAPTA and added as a requirement to CAPTA funding that states train child welfare case workers to identify, assess and provide comprehensive services to child sex trafficking victims. Child welfare is also required to identify and track all reports of child abuse involving child sex trafficking.
 - a. Deadline: May 29, 2017.
 - ii. Congressional enactment of the *Preventing Sex Trafficking and Strengthening Families Act* (2015) amended Title IV-E of the Social Security Administration Act to add state plan requirements related to child sex trafficking. To ensure eligibility to receive federal Title IV foster care funding, states are required to show that they have “policies and procedures to identify, document agency records, and determine appropriate services” for any child under child welfare’s care and supervision who the “State has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking or a severe form of trafficking in persons.”
 - a. Deadline: Sept. 29, 2016
 - b. **Solution:** Possibilities for discussion:
 - i. DHS contracting with NGOs to operate as single point of contact and deliver holistic services to identified youth;

- a. State examples: Minnesota, Tennessee
 - ii. Development of rapid response team, tasking multiple agencies and NGO partners with providing 24-72 response to minor, including the provision of comprehensive services (i.e. physical, emotional, and mental health care, legal services, appropriate housing [short and long-term],
 - a. State examples: Connecticut, Delaware, and Boston (SEEN Coalition)
 - iii. Include requirement included under Miss. Code Ann. § 97-3.54.1(4) to: mandate that DHS/CPS provide annual report, including: (1) number of referrals received; (2) number of cases screened in or out; (3) number of cases that the agency provided care and services on; and (4) the type of care and services that were provided;
 - a. State example: Kentucky
 - c. Resources:
 - i. Shared Hope’s *Protective Response Model*: http://sharedhope.org/wp-content/uploads/2014/04/JRC_ResponseModel_Spreads_web.pdf
 - ii. Minnesota’s Safe Harbor program: <http://www.health.state.mn.us/injury/topic/safeharbor/docs/safeharborhandout2018.pdf>
 - iii. SEEN Coalition’s model: <https://www.suffolkcac.org/what-we-do/seen/responding-to-a-csec-concern>
 - iv. Tennessee’s Anti-Slavery Alliance: <http://tnantislaveryalliance.org/>
3. Require comprehensive and specialized training for law enforcement.
- a. State example: Tennessee

Pursuant to Tenn. Code Ann. § 38-6-114(c)(1), “a law enforcement officer who is assigned field or investigative duties shall complete a minimum of two (2) hours of training in a course or courses of instruction pertaining to the handling of human trafficking complaints” Tenn. Code Ann. § 38-6-114(c)(2) further requires that an officer “complete the training hours required by subdivision (c)(1) by July 1, 2017, or within six months from the officer’s date of employment as a full-time law enforcement officer, whichever is later.”

Tenn. Code Ann. § 38-6-114(b) sets out the topics to be covered in the human trafficking training courses, (1) The course or courses of instruction and the guidelines shall emphasize: (A) The dynamics and manifestations of human trafficking; (B) Identifying and communicating with victims; (C) Providing documentation that satisfies the peace officers standards and training (POST) commission requirements; (D) Collaboration with federal law enforcement officials; (E) Appropriate investigative techniques for the particular victim or victim type; (F) The availability of civil and immigration remedies and community resources; and (G) Protection of the victim. (2) Where appropriate, the trainers shall include presentations by human trafficking experts with experience in the delivery of direct services to victims of human trafficking.
 - b. Resources:
 - i. Law Enforcement Training Issue Brief: https://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_6.1.pdf
 - ii. Law Enforcement Training National State Law Survey: http://sharedhope.org/wp-content/uploads/2016/03/NSL_Survey_Law-Enforcement-Officer-Human-Trafficking-Training.pdf