

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN  
DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809

February 6, 2012

TO: The Honorable John M. Mizuno, Chair  
House Committee on Human Services  
  
The Honorable Karl Rhoads, Chair  
House Committee on Labor & Public Employment

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 1994 - RELATING TO HUMAN TRAFFICKING**

Hearing: Monday, February 6, 2012; 10:00 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H.B. 1994 is to require the Office of Community Services under the Department of Labor and Industrial Relations, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking. Appropriates funding.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of H.B. 1994.

Presently, DHS makes available its full array of services for income-qualified, eligible victims of human trafficking. Under its existing array of services, U.S. citizen adults and "qualified immigrants" are eligible for financial assistance, Medicaid, employment training, food-stamps, child care assistance, vocational rehabilitation and other services offered by DHS. The DHS Child Welfare Services Branch also provides services for child victims of human trafficking where the child victim cannot be reunited

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with family because of concerns related to abuse and neglect, regardless of legal status.

Undocumented adult trafficking victims or others without “qualified legal status,” however, would need to first obtain certification from the United States Citizenship and Immigration Services before accessing most DHS services including financial assistance, food stamps, and Medicaid. Undocumented trafficking victims, however, remain eligible for emergency medical treatment as required by existing federal law.

Some jurisdictions, such as California, have enacted legislation which allows undocumented immigrant victims of human trafficking to access state-funded coordinating services as well as financial and medical assistance conditioned upon receipt of affidavits and other documents from lawyers, physicians and other qualified professionals attesting to the trafficking. Under these models, state-funded services are provided to the trafficking victim for a period of time – 6 months to one year- without first meeting a threshold requirement of reporting a crime to law enforcement or submitting an application for federal certification. This model allows counselors, lawyers, and physicians to work with and stabilize fragile victims coping with immediate and vital concerns related to health and safety. Once stabilized and safe, trafficking victims are more likely to report the underlying crimes and in a better position to make decisions impacting themselves and their families.

Thank you for the opportunity to provide this testimony.



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**OFFICE OF COMMUNITY SERVICES**  
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February 5, 2012

To: The Honorable John Mizuno, Chair  
House Committee on Human Services

The Honorable Karl Rhoads, Chair  
House Committee on Labor & Public Employment

Date: Monday, February 6, 2012

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Mila Kaahanui, MSW  
Executive Director  
Office of Community Services (OCS)

**Testimony for House Bill 1994, Relating to Human Trafficking**

**POSITION:** Supports w/Comments

**I. OVERVIEW OF PROPOSED LEGISLATION**

The current proposal is similar to HB1452 and seeks to amend Chapter 371K, Hawaii Revised Statutes, to include a direct reference to Human Trafficking Survivors as a mandated target population of OCS. The bill would also exceed Federal Standards by providing interim services to such persons, deemed "pre-certified victim(s) of human trafficking," while the person's case is under application for certification by the Federal Government. This vehicle seems to be attempting to alleviate the current gap in service for those waiting for certification by proposing State-funded programs. Any program authorized by the current proposal would be housed in the Office of Community Services, and implemented in conjunction with a number of government partners. The proposed Legislation would also authorize the Director of DLIR to make rules pursuant to the purposes of this act.

**II. CURRENT LAW**

Under current law, OCS is mandated to serve the "disadvantaged, refugee, and immigrant" populations. This mandate does not prohibit OCS from serving any population

under the umbrella of “disadvantaged,” including survivors of human trafficking. This umbrella also allows some flexibility to analyze current socioeconomic and political conditions to make any such determination. OCS currently receives Federal funding from the Office of Refugee Resettlement to service human trafficking victims as certified by Federal Law. OCS also is mandated to serve a coordinating function between governmental agencies to improve efficiency of such services.

### **III. HOUSE BILL**

OCS wholeheartedly agrees, given our experience and mandate to serve the three populations mentioned above, that the service of potential victims of Human Trafficking should be under the purview of this Office.

With this in mind, OCS is pleased to offer the following comments similar to the HB1452 for the committee’s consideration.

HB1994 proposes to add two interrelated, but distinct, provisions. The first is the proposed mandate expansion to designate OCS to provide services for Human Trafficking survivors as defined by Federal law, or those who appear to be Human Trafficking survivors. The second set are procedures for law enforcement agencies to define the treatment and reporting requirements necessary when dealing with Human Trafficking cases.

Generally, in the case of this second set of procedures, OCS plays an advisory role in or has no primary role in these provisions. OCS is also concerned the sections currently marked 371K-C and 371K-D deal primarily with procedural requirements that mention OCS, but do not necessarily all pertain to the powers and functions of OCS alone. These may be subjects more appropriately placed in other sections of the HRS or may be procedures fit to be developed through administrative rulemaking.

Regarding proposed programs and definitions, a key component of effective service to any individual is the ability of the State or provider to rapidly respond. It is, therefore, advantageous for the State to develop a mechanism to serve potential survivors while they are waiting for the sometimes interminably long process that is Federal certification as a trafficking survivor.

Our first specific concern is two-fold and lies with the standard beginning on Page 1, Line 12 that a “pre-certified victim” is defined as a person who “has not yet obtained such certification, or a person who has reported a crime to law enforcement and it reasonably appears to law enforcement that the person is such a victim.” In the case of the former definition, the application process does not automatically mean the person will eventually be certified. Also, with the uncertainty of the length of the Federal process, it will be extremely difficult to budget an appropriate per person figure to ensure OCS can service clients during the entire application process.

In the case of the latter definition, there are no criteria or evidence requirements in the bill to define a “reasonable appearance.” This becomes important if law enforcement believes the potential survivor may be complicit in the criminal activity, or when a potential survivor accuses

another party of such a crime. Although we maintain the presumption of innocence in the accuser, we may be inadvertently presuming the accused party's guilt in order to establish the potential survivor's eligibility for services.

OCS regularly contracts for a variety of services similar to those requested in the bill, and contracting for the purposes of this program would pose few technical issues with the proper support. However, determination and preliminary assessment duty, beginning on Page 3, Line 13, would be a new function for the office and not necessarily within our scope. Any new duty or function would also require proper authority and financial support, and clarification as to what areas each agency making the determination is responsible for. Currently the bill provides for the Division of Criminal Justice Services, OCS, and the referring agency or office to all be involved in such a determination.

OCS also has a concern regarding the confidentiality of client information versus the need for "persuasive evidence" in filling out the United States Custom and Immigration Services' Form I-914 Supplement B. While we understand law enforcement should provide, in as much detail as possible, the particulars of any offense, we would like to ensure only the proper agencies have final access to this information. We suggest the State's general responsibility be limited in this section only to the provision of the form, and specific agencies who may report on or access this information be specifically named.

One area we did not testify upon previously is that of the promulgation of Administrative Rules. Under current law, the OCS Executive Director is authorized to promulgate Administrative Rules subject to Chapter 91, HRS on matters within OCS' scope. A separate clause authorizing the DLIR Director to do so may be duplicative and unnecessary.

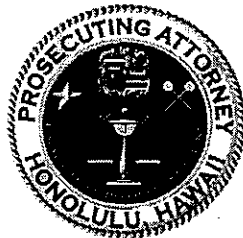
Finally, this bill has some fiscal impact. We would like to have further discussions to ensure that if this bill progresses it is 1) funded at an appropriate level, 2) does not displace the funding priorities of the administration, and 3) OCS is given enough time to gather the appropriate stakeholder input, define roles, and implement rulemaking in order for us to accurately determine an appropriate budgetary amount. Furthermore, if this is an initiative prioritized by the Legislature, OCS would appreciate if this was made a multi-year program to ensure longitudinal, sustainable and quality programming.

OCS appreciates these timely initiatives. We hope they will mitigate circumstances contributing to Hawaii becoming a hub for trafficking activities given our location in the middle of the Pacific, and is grateful for the support and confidence the House has shown in selecting OCS to carry out such programs. We believe in customer service oriented government, and would like to end by saying we endeavor to create comprehensive programming for all our target populations. Because many trafficking survivors will most likely be economically disadvantaged, if this bill or other such programs were to be passed we would of course make available our full range of programs to ensure a continuum of services for these unfortunate persons.

Thank you for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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PROSECUTING ATTORNEY

**THE HONORABLE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES**

**THE HONORABLE KARL RHOADS, CHAIR  
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT**

Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

February 6, 2012

**Re: H.B. 1994, RELATING TO HUMAN TRAFFICKING**

Chair Mizuno and Chair Rhoads, and Members of the House Committees on Human Services and Labor and Public Employment, the Department of the Prosecuting Attorney ("Department") submits the following testimony in opposition to H.B. 1994, Relating to Human Trafficking.

While HB 1994 is a well intentioned effort to provide services for victims of human trafficking it contains numerous unwise, inappropriate, and quite possibly illegal mandates covering Hawaii law enforcement agencies and Prosecuting Attorney' Offices. These mandates, requiring the reporting of potentially confidential and sensitive details of active investigations and prosecutions to a non law enforcement agency would appear to have no precedent in Hawaii law. This is undoubtedly for good reason, as the investigation and prosecution of cases that may constitute crimes involving human trafficking frequently involve protected witnesses and confidential investigations that if revealed prematurely and inappropriately may not only harm these challenging investigations, but also put at risk the very victims that the bill is intended to help.

What is particularly mystifying about the purpose of HB 1994 is that much of what is covered by the proposal is already the subject of protocols established by the Hawaii Coalition Against Human Trafficking (HCAHT), which includes as its members many of the agencies referenced in the bill. These protocols, which are always subject to review and revision to address changes in law or local law enforcement or social services resources can more capably and flexibly address the changing needs of victims. While we can't speak for other HCAHT members, we

believe that the protocols when properly utilized are an effective means of ensuring the proper coordination of both law enforcement and victim services for human trafficking victims.

There are other aspects aside from our general confidentiality and security concerns about this bill that concern us. Mandated reporting between law enforcement agencies, as also proposed in H.B. 1994 may also have unintended consequences. Sharing between law enforcement agencies, particularly involving state or local and federal agencies, has its own protocols that can involve many factors that do not easily lend themselves to state legislation. And one final, but critical point in regard to the mandated transfer of confidential information about human trafficking victims, there appears to be no consideration given to client (victim) self determination in the prescribed procedures. Nowhere do we see a reference to requiring victim consent to sharing information with non law enforcement agencies. Client self determination is a cornerstone concept in the ethical delivery of crime victim services, which even those of us in law enforcement try to respect whenever possible. The lack of its consideration in this bill will certainly raise concerns among victim services agencies.

The next issue of concern in H.B. 1994 is the curious placement of victim services coordination with the Office of Community Services (OCS) within the Hawaii Department of Labor. With all due respect to OCS, we are not familiar with their experience or expertise in delivering or managing crime victim services. Virtually all funding for crime victim services in Hawaii goes through the Department of the Attorney General or the Department of Human Services. Given the sensitive nature of the types of crime covered in this measure, we strongly recommend that funding and oversight for any appropriation contained in this bill be directed to the Department of the Attorney General. This designation seems particularly appropriate given the enactment of H.B. 240 into Act 145 of 2011, which established a priority for cases of Promoting Prostitution under the state's Witness Protection Program, which is administered by the Attorney General. An additional consideration to be factored into placing funding and oversight with Department of Attorney General is the fact many services currently provided to human trafficking victims are funded through their Crime Prevention and Justice Assistance Division. This includes state funding for the Sex Abuse Treatment Center (SATC), additional federal VOCA funds utilized for sex assault services provided by SATC contracted through our Department, VOCA funds for interpretive and sign language services for all crime victims on Oahu, and a newly expanded VOCA position within our Victim Witness Kokua Services Division, which is focused on providing enhanced services to immigrant and human trafficking victims, including assistance with U-Visa and T-Visa certification.

Our final concern with this bill is the requirement that law enforcement and district attorneys (we assume this means the County Prosecutors) provide the law enforcement certification required for T-Visas. While we have yet to provide certification for a T-Visa, we have provided many U-Visa certifications. However our provision of this certification is (of necessity) always discretionary. Our protocols for U-Visas include extensive background checks that may reveal involvement in other criminal activities, for example, that weighs significantly against providing a certification that may eventually lead to a visa applicant receiving citizenship.

For the reasons stated above, our Department opposes H.B. 1994, as currently drafted, and recommends that this be amended as indicated in our testimony.



The PACIFIC ALLIANCE  
to STOP SLAVERY

DATE: February 3, 2012

ATTN: COMMITTEE ON HUMAN SERVICES AND  
COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair  
Rep. Jo Jordan, Vice Chair  
Rep. Della Au Belatti  
Rep. Jessica Wooley  
Rep. Faye P. Hanohano  
Rep. Ryan I. Yamane  
Rep. Chris Lee  
Rep. Corinne W.L. Ching  
Rep. Dee Morikawa  
Rep. Kymberly Marcos Pine

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair  
Rep. Kyle T. Yamashita, Vice Chair  
Rep. Henry J.C. Aquino  
Rep. Scott K. Saiki  
Rep. Ty Cullen  
Rep. Joseph M. Souki  
Rep. Linda Ichiyama  
Rep. Roy M. Takumi  
Rep. Marilyn B. Lee  
Rep. George R. Fontaine  
Rep. Sylvia Luke  
Rep. Aaron Ling Johanson

DATE: Monday, February 6, 2012

TIME: 10:00 a.m.

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

RE: **TESTIMONY IN SUPPORT OF HB 1994 Relating to Human Trafficking**

Requires and appropriates funds for the office of community services, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking.

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Dear Committee on Labor & Public Employment:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of this bill. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii's few services that helps to heal survivors of human trafficking. We attest that there is no sufficient and functional state protocol, specific to the needs of survivors of this crime, when law enforcement or a state/city agency first responds to human trafficking victims.

As a result, survivors fall through the cracks or are re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. This kind of misidentification must stop and Hawaii must accurately and effectively address the handling of human trafficking survivors.

We are aware that the financial component of this bill may hinder passage of HB1994 as written due to the lack of state funds in our current economic recession. As such, we recommend and support the amendments proposed by Imua Alliance which would support the creation of a "state plan" when a human trafficking survivor is in custody. This plan would not necessarily require financial appropriation from the state and would therefore make the passage of HB 1994 more apt to accomplish its most important goal of creating a required state protocol for the effective (non-criminalizing) handling of human trafficking survivors.

**We also highly recommend the following amendments to be made in HB 1994:**

1. We respectfully request that the definition of "Human Trafficking Survivor" as defined on page one, lines 6 through 10 be amended to read as the following:

"Human trafficking survivor" means a person who has had or now has the condition or status of debt bondage, involuntary servitude, severe forms of trafficking in persons, or sex trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 200, 22 United States Code Chapter 78, Section 7102 as amended, or a person whose prostitution was promoted or advanced by any of the means set forth in HRS 712-1202 1a or 1b, or who was a victim of labor trafficking, as defined by HRS 707-781, who was subject to perform labor or services by another, or others, by any of the means described in HRS 707-781 (a) through (k).

2. We also respectfully request that the definition of "Pre-certified victim of human trafficking" be amended to read as follows:

"Pre-certified victim of human trafficking" means a person who has a pending application for federal certification as a victim of a severe form of trafficking in persons as defined in 22 United States Code 7102 as amended (Trafficking Victims Protection but



has not yet obtained such certification, or a person who has reported a crime to law enforcement and it reasonable appears to law enforcement that the person is such a victim.

3. This measure does not require an appropriation for funding and its intent is to set up a state plan to appropriately address services for human trafficking survivors by using existing local services for victims, since the majority of human trafficking survivors are criminalized or misidentified or underserved and not given the services they need to heal. Therefore, we respectfully request the following amendment on page 2, 371-A Section (a) and 371-B Section (b) to read:

"The office of community services shall coordinate with and assist law enforcement agencies, the county prosecutors' office, the attorney general's office, and the department of human services to access appropriate available services for human trafficking survivors."

"In providing such assistance, the office of community services may enter into contracts with non-government organizations for providing services to human trafficking survivors or pre-certified victims of human trafficking as defined in section 371K-A, insofar as funds are available for that purpose. Such services may include, case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language instruction, job training and placement assistance, post-employment services for job retention, transportation services and services to assist the individual and any of his or her family members to establish a permanent residence in the State of Hawaii or any other state in the United States. Nothing in this section shall preclude the office of community services, or any local social services agency, from providing ~~human trafficking victims who are United States citizens or~~ human trafficking survivors, as defined in this part, with any benefits and services for which they may otherwise be eligible. All funds and services delivered through this provision shall be supplementary to, and shall not duplicate benefits provided by federal government programs designed to assist ~~survivors of human trafficking.~~ human trafficking survivors.

4. The reference to "district attorney's office" on page 3 , lines 9-10 should be deleted and replaced by "county prosecutor's office"
5. 371K-C, Section (b) on page 3 should be amended to read:

Upon receipt of such a notification, the division of criminal justice services, in consultation with the office of community services and the referring agency of office shall make a preliminary assessment of whether such human trafficking survivor or possible human trafficking survivor appears to meet the criteria for certification as a victim of severe form of trafficking in personas as defined in 22 United States Code 7102 as amended (Trafficking Victims Protection) or appears to be otherwise eligible for any federal, state, or local benefits and services. If it is determined that the human trafficking survivor appears to meet such criteria, the office of ~~temporary disability~~



~~assistance~~ community services shall report the finding to the human trafficking survivor, and to the referring law enforcement agency or the attorney general's office, and may assist that agency or office in having such human trafficking survivor receive services from a case management provider who may be under contract with the office of community services or from any other available source. If the ~~victim~~ human trafficking survivor is under the age of eighteen, the office of community services also shall notify the department of human services of the ~~minor survivor~~ minor's human trafficking survivor status.

6. With these revisions which would allow this measure to create a state plan or protocol with dealing with human trafficking survivors and giving them the appropriate care, without need for fiscal appropriations, we request that Section 2 on page 5, lines 8 through 15 be completely deleted.

Thank you very much for hearing this much needed legislation.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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## TESTIMONY FOR HOUSE BILL 1994, RELATING TO HUMAN TRAFFICKING

**House Committee on Human Services**

**Hon. John M. Mizuno, Chair**

**Hon. Jo Jordan, Vice Chair**

**House Committee on Labor and Public Employment**

**Hon. Karl Rhoads, Chair**

**Hon. Kyle T. Yamashita, Vice Chair**

**Monday, February 6, 2012, 10:00 AM**

**State Capitol, Conference Room 329**

Honorable Chair Mizuno, Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for HB 1994, relating to services for survivors of human trafficking, which boosts the state's efforts to ensure the well-being of those affected by this horrible crime.

Last year, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking statutes. Significantly, these new laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable.

The IMUAlliance lauds the State Legislature's efforts, last session. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services afforded to victims, especially children. To that end, the IMUAlliance strongly supports the enactment of "services plan" legislation that requires the Office of Community Services under the Department of Labor and Industrial Relations, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking. That said, there are several amendments that we feel would improve the proposed measure from its current form.

First, we encourage the committee to revise the definition of “human trafficking survivor” contained in §371K-A to read: “Human trafficking survivor means a person who has had or now has the condition or status of debt bondage, involuntary servitude, severe forms of trafficking in persons, or sex trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code, Chapter 78, Section 7102, as amended, or a person whose prostitution was promoted or advanced by any of the means set forth in HRS 712-1202(1)(a) or HRS 712-1202(1)(b), or who was a victim of labor trafficking, as defined by HRS 707-781, who was subject to perform labor or services by any of the means described in HRS 707-781(a) through HRS 707-781(k).

Second, in previous hearings, however, the Office of Community Services has expressed concern that these bills, in their current form, do not explicitly state their *planning* intent, which may be necessary before the execution of coordinated benefits services. Accordingly, the IMUAlliance suggests that the current contents of §371K-B of this bill be replaced with the following language:

**225M- Human trafficking services coordination.** (a) the office of planning shall coordinate efforts to incorporate services for victims of human trafficking in new and existing communities in the State, including:

(1) Gathering and disseminating information to law enforcement agencies, the county prosecutors' offices, the attorney general's office, the department of human services, the office of community services, nonprofit organizations, and the public on available services for victims of human trafficking;

(2) Providing a single point of access for individuals or organizations that need assistance or guidance in navigating the processes and regulations of state agencies on services for victims of human trafficking or projects that promote services for victims of human trafficking;

(3) Coordinating the efforts of the efforts of the governor and executive branch to provide input to the legislature on the legislation relating to human trafficking and services for victims of human trafficking.

**(b) Services for victims of human trafficking include, but are not limited to:**

(1) Case management;

(2) Emergency temporary housing;

(3) Health care;

(4) Mental health counseling;

(5) Drug addiction screening and treatment;

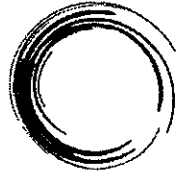
- (6) Language interpretation and translation services;
  - (7) English language instruction;
  - (8) Job training and placement assistance;
  - (9) Post-employment services for job retention;
  - (10) Transportation services; and
  - (11) Services to assist the individual and any of his or her family members to establish permanent residency in the State of Hawaii or the United States.
- (c) The office of planning shall submit an annual report, including the activities of the office relating to services for victims of human trafficking, to the legislature no later than twenty days prior to the convening of each regular session.
- (d) In carrying out the activities set forth in subsection (a), the office of planning may enter into contracts with non-government organizations, insofar as funds are available for that purpose.

If charging the Office of Planning with planning activities is unpalatable, tasking the Office of Community Services with planning oversight would be an acceptable alternative. The same language could be applied, in this case, under the community services designation.

Third and finally, we urge the committee to consider discarding the appropriation component in §371K-E, section two of the bill. This measure predicates improved services coordination on existing facilities and resources, and does not call for the establishment and subsequent funding of new facilities or resources for victims.

Again, the IMUAlliance thanks you for your hard work, in 2011, to stem human trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question, with proposed amendments, will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of HB 1994.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance



# POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF HB 1994  
PRESENTED TO THE HUMAN SERVICES AND LABOR COMMITTEES  
FEBRUARY 6, 2012**

Mr. Chairman and members of the Human Services and Labor Committees; on behalf of the more than 40,000 supporters of Polaris Project, thank you for providing us with an opportunity to speak about the crime of human trafficking. My name is James Dold and I am Policy Counsel for the Polaris Project.

Polaris Project is a leading national organization dedicated to combating human trafficking within the United States by serving victims, raising public awareness, and engaging in policy advocacy at both the State and Federal level. We have been selected by the U.S. Department of Health and Human Services to be its training and technical assistance provider and have operated the National Human Trafficking Resource Center and Hotline since December 2007. During this time our human trafficking call specialists have fielded over 45,000 calls from across the nation. We have also provided victim services to more than 450 survivors of human trafficking since 2004 in our D.C. and New Jersey client service offices.

I would like to take a moment to specifically thank Representative Awana for introducing HB 1994. We greatly appreciate the Hawaii Legislature's concern for and willingness to address the crime of human trafficking, a grave violation of human rights.

### **Human Trafficking National and Global Perspective**

Human trafficking is the modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The United States Government estimates that between 600,000 to 800,000 people are trafficked across international borders for forced labor and sexual servitude each year, 70 percent of whom are women and over 50 percent are children. This does not include those trafficked within their own countries, which is as high as 2 to 4 million persons. Of those trafficked across international borders, up to over 60,000

individuals at a minimum are trafficked into the United States each year. These numbers suggest that the actual figure for the scope of human trafficking is much higher. Experts also estimate that between 100,000 to 300,000 American children are at high risk of being trafficked within the United States for sexual exploitation each year. The State Department estimates that there are roughly 12.3 million slaves in the world today, more than at any other time in the history of the world. Another estimate, by renowned human trafficking expert Kevin Bales, puts the total number of people trapped in modern-day slavery at an estimated 27 million. Most victims suffer a horrific life in which they are repeatedly beaten, raped, starved, chained or locked up, and psychologically tortured. For many, the only way of leaving is by means of escape, rescue, suicide, or murder.

There have been trafficking investigations in all 50 States and incidence of trafficking have been reported in 91 U.S. cities. Human trafficking is a crime that thrives in secrecy and is fed by the insatiable greed of those who see human beings as a commodity to be profited off of. Globally, human trafficking generates over \$32 billion in annual revenue.

In the United States, the crime of human trafficking is so profitable that in recent years we have seen the emergence of organized criminal syndicates and street level gangs implicated in sex trafficking rings. I cannot impress upon members of the Human Services Committee enough, that human trafficking is alive and well in the United States and it affects every corner of our nation. It is also prevalent in Hawaii.

### **Human Trafficking in Hawaii**

Every day we receive calls through the National Human Trafficking Resource Center referencing situations where women and young children are subjected to violence, coercion, and fraud in order for their pimps or traffickers to profit. While we do not know how many victims there are in Hawaii, we do know that the National Hotline has received calls referencing trafficking situations in cities throughout the state of Hawaii. Some of these calls were classified as tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

Human trafficking is a scourge that preys on the most vulnerable among us and exploits those who are in need of protection. And while it may be easy at times to pretend that human trafficking is not a crime that affects every day Americans, I can tell you with absolute certainty that it does. It is a crime of absolute evil.

HB 1994 is a critical component of Hawaii enacting a comprehensive legal framework to combat human trafficking. While many states across the country focused heavily on enacting criminal provisions to fight human trafficking, there was little attention paid



to the creation of victim services. This is in direct contradiction to the UN and federal models to combat trafficking that emphasize a victim-centered response to the crime. At the federal level the 3's Paradigm was created to address this need where attention was placed in three key areas – Prosecution, Protection, and Prevention.

HB 1994 would begin to create a similar system in Hawaii where the office of community services would be specifically charged with developing protocols and coordinating the delivery of services to victims of trafficking. The bill would require them to do so by coordinating and assisting law enforcement and prosecutors once they have successfully identified victims of human trafficking.

The need for this legislation cannot be overemphasized. Victims often times experience severe trauma and may have an inherent distrust of law enforcement because of the brainwashing that occurs while they are trafficked. Therefore, emphasis on victim safety and services will begin to break down those barriers and will ultimately assist law enforcement in their investigations and in the successful prosecution of traffickers.

Similar legislation has been passed across the country as the interplay between victim services and successful prosecution is beginning to become more understood by state governments fighting this insidious crime.

While Polaris Project supports this legislation in its current form, we recognize that fiscal restraints may make it difficult for the legislature to appropriate additional funding. Therefore, we have submitted amendments that eliminate the need for appropriations and focus more on the “creation of a plan to coordinate the delivery of services” rather than mandating the office of community services to create new programs for trafficking victims which may require additional appropriations. By just requiring that a plan be developed, the fiscal impact of this legislation should be kept low – as has been the case in other states where we have successfully passed similar legislation.

### **Support HB 1994**

Therefore, we strongly ask you and other members of the Committees to vote favorably upon HB 1994 and create a truly comprehensive framework to fight human trafficking that focuses on prosecution of traffickers and the rehabilitation of victims. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

-James L. Dold, J.D.  
February 6, 2012

## Edits to Hawaii Victim Services Bill

On Page 2, line 8, after “services” strike the following:

~~may enter into contracts with nongovernmental organizations for providing~~

On Page 2, line 8, after “services” insert the following:

shall develop a plan for the delivery of

On Page 2, line 11, after “371K-A” strike the following:

~~insofar as funds are available for that purpose.~~

On Page 2, line 11, after “371K-A” insert the following:

On Page 2, line 17, after “retention,” insert the following:

legal services,

On Page 3, line 3, after “eligible.” strike the following:

~~All funds and services delivered through this provision shall be supplementary to, and shall not duplicate benefits provided by federal government programs designed to assist survivors of human trafficking.~~

On Page 3, line 7, before “371K-C” insert the following:

(c) The Office of Community Services shall take into account the age, gender, and special needs of victims and accompanying dependent children in formulating plans to provide services to them and in delivering such services.

(d) In developing its plan, the Office of Community Services shall work together with such other state and federal agencies, public and private entities, and other stakeholders as the Office shall deem appropriate.

(e) Plans developed in accordance with subsection (b) shall be submitted for approval to the Department of Human Services, which shall also undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of this section and to ensure that all victims are treated with respect for their human rights and dignity.

On Page 5, line 6, strike the following:

~~371K-E Rules and Regulations. The director of labor and industrial relations may adopt rules pursuant to chapter 91 for the implementation and enforcement of this part.”~~

~~Section 2. There is appropriated out of the general revenues of the state of Hawaii the sum of \$ — or so much thereof as may be necessary for fiscal year 2012-2013 to provide services for human trafficking survivors.~~

~~The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.~~

**New Bill Language:**

**§371K-B on Page 2, Services for victims of human trafficking, should now read:**

**§371K-B Services for victims of human trafficking.** (a) The office of community services shall coordinate with and assist law enforcement agencies, the county prosecutors' offices, the attorney general's office, and the department of human services to access appropriate services for human trafficking survivors.

(b) In providing assistance pursuant to subsection (a), the office of community services shall develop a plan for the delivery of services to pre-certified victims of human trafficking, as defined in section 371K-A. Such services may include case management, emergency temporary housing, health care, child care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, legal services, transportation services and services to assist the individual and any of the individual's family members to establish a permanent residence in the State of Hawaii or the United States. Nothing in this section shall preclude the office of community services, or any local social services agency, from providing human trafficking survivors, as defined in section 371K-A, with any benefits and services for which they may otherwise be eligible.

(c) The Office of Community Services shall take into account the age, gender, and special needs of victims and accompanying dependent children in formulating plans to provide services to them and in delivering such services.

(d) In developing its plan, the Office of Community Services shall work together with such other state and federal agencies, public and private entities, and other stakeholders as the Office shall deem appropriate.

(e) Plans developed in accordance with subsection (b) shall be submitted for approval to the Department of Human Services, which shall also undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of this section and to ensure that all victims are treated with respect for their human rights and dignity.

February 3, 2012

EQUALITY NOW

MEMORANDUM IN SUPPORT OF H.B. 1994

Committee: House of Representatives Committee on Human Services

Hearing Date: February 6, 2012 (10:00 a.m.), Conference Room 329

Honorable Chair Mizuno and Committee Members:

Equality Now is an international human rights organization that works to protect and promote the rights of women and girls throughout the world. Among issues of concern to Equality Now are human trafficking, which disproportionately affects women and girls, sex tourism and other practices that promote the commercial sexual exploitation of women and girls. In the past we have worked with our partners at the Pacific Alliance to Stop Slavery on Hawaii's sex tourism law and last year's bills, H.B. 141 and H.B. 240, which outlawed labor trafficking and strengthened existing anti-prostitution laws respectively.

Equality Now endorses the 4 P's approach to combat human trafficking; prevention, protection, prosecution and promoting partnerships. The passage of H.B. 240 represented a significant step toward easing the prosecution of the johns that create the demand for sex trafficking and the pimps that traffic women and girls to satisfy that demand. The package of bills submitted this year; H.B. 2234, H.B. 2235, H.B. 1994, H.B. 1995, H.B. 2233 and S.B. 2122 if passed will provide the prevention, protection and partnership assistance to effectively combat sex trafficking and will make Hawaii a national model in this regard.

Equality Now strongly supports H.B. 1994. This bill to provide services to survivors of human trafficking is a necessity because trafficking victims are in almost every instance in desperate need of care and cure. The physical and mental abuse to which they have been subjected will require various types of support including medical treatment, mental health counseling, substance abuse treatment and safe housing. Remedial education and job training may be necessary for survivors to achieve self-sufficiency and for non-English speaking survivors language interpretation and translation services and English language instruction may be needed. To fail to provide such services is to invite the exploitation of these survivors again, perhaps even by the same individuals who previously trafficked them. If we do not address the underlying vulnerabilities that initially made trafficking victims susceptible to their traffickers force, fraud, or coercion the relief offered by rescue may prove fleeting indeed.

Services to human trafficking survivors are also essential to enable the successful prosecution of those who trafficked them. A trafficking survivor without secure housing will be subject to intimidation or retaliation by her trafficker. A victim without medical care and mental health counseling might be swayed by the same fraudulent promises that initially lured them into trafficking. Trafficking survivors will need job opportunities to eliminate the possibility that they will be lured back by their trafficker's promise of money, food, clothes and shelter. Indeed, all of the services set forth in section 371K-B have all proved critical whenever trafficking survivors have cooperated in the investigation of their

traffickers and testified against them. Without such assistance the likelihood of obtaining such survivor assistance is greatly diminished.

From the above it can be seen that services to survivors of human trafficking are critical to protecting and healing them, prosecuting their traffickers and preventing them from being trafficked again. H.B. 1994 provides the services necessary to achieve these goals. Section 371K-B (a) also sets forth a simple, yet comprehensive, system to insure that survivors are adequately identified and that they are connected with the services that they need.

In subsection (b) of section 371K-B the office of community services is authorized to enter into contracts with non-governmental organizations to provide the services authorized by H.B. 1994. This public-private partnership will allow the provision of these services by organizations experienced and expert in the treatment of human trafficking survivors. In our experience this is likely to lessen the costs of providing such services because the state will not need to hire new staffers to do this work or expend funds in training existing employees. This provision takes the needs of both trafficking victims and taxpayers into consideration.

Equality Now also notes with approval the provisions of section 371K-D that would require the investigating or prosecuting agencies to provide the necessary forms to permit a non-US citizen or legal resident trafficking survivor to

obtain a visa to remain in the United States. Without such a visa foreign born trafficking victims may be deported before they can assist in the investigation of their traffickers or testify against them.

Equality Now strongly supports H.B. 2235 and urges that it be passed.

Respectfully Submitted:

Kenneth J. Franzblau

Director, Anti-Trafficking Initiatives

Equality Now

250 West 57<sup>th</sup> Street

New York, New York 10019

212-586-0906

TESTIMONY

Harm Reduction Hawaii  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822

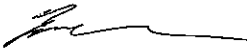
To the House Committee on Human Services and on Labor and Employment  
Regarding HB 1994 relating to posting of notices and fines  
To be heard Monday February 6 at 10:00 AM in conference room 329.

Dear Senators:

This is in the way of a comment.

If money was available to provide services to persons wishing to exit the sex industry don't you think the State should first look into the good professional agencies that have lost funding and cut back on programs and staff in the last couple of years? The organization PASS which is attempting to get government money here is a faith based group whose experience and expertise is held in some doubt by myself and many others who have been involved in the harm reduction coalition. Although there are definite needs specifically for a residential facility for persons exiting the sex industry why would the legislature not want to discuss these needs with organizations such as the Life Foundation, YO project, CHOW project, and others with years of professional experience to determine where scarce resources could best be spent.

Sincerely:



Tracy Ryan  
Executive Director, Harm Reduction Hawaii

(808) 534-1846

tracyar@hawaiiantel.net



**R I C E**  
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February 3, 2012

**COMMITTEE ON HUMAN SERVICES**

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

DATE: Monday, February 6, 2012

TIME: 10:00am

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

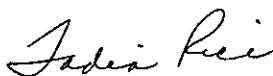
**TESTIMONY IN STRONG SUPPORT OF H.B. 1994 - Relating to Human Trafficking**

Dear Committee on Human Services:

I am very proud that last year the State of Hawaii established laws that now protect the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking (HB 141 and HB 240). Both bills were important steps in rectifying Hawaii's poor record and worse reputation with regard to anti-trafficking statutes. Significantly, these laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations by pimps, johns, owners and managers of prostitution houses, and traffickers themselves, while protecting those who are most vulnerable.

Hawaii's representatives deserve kudos for all these efforts, however lawmakers must continue their battle against human trafficking by passing bills that increase services to victims. Therefore, I am offering testimony in support of HB1994, Relating to Human Trafficking. I strongly support this bill that requires and appropriates funds for the office of community services, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking.

Mahalo for the opportunity to testify in support of HB1994.



Tadia Rice

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1994

Conference room: 329

Testifier position: Support

Testifier will be present: Yes

Submitted by: Todd Hairgrove

Organization: Individual

E-mail: [toddhairgrove@hotmail.com](mailto:toddhairgrove@hotmail.com)

Submitted on: 2/2/2012

Comments:

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1994

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Tana-Lee Rebhan-Kang  
Organization: Individual  
E-mail: [tanalee08@yahoo.com](mailto:tanalee08@yahoo.com)  
Submitted on: 2/3/2012

Comments:

A possible amendment may be needed to address minor immigrants in  
"#167;371K-D Law enforcement assistance with respect to immigration".

Although minors are included in the previous section, no mention is made of  
special assistance to minor immigrants in this section.

## TESTIMONY

**COMMITTEE ON HUMAN SERVICES and COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2012**

**MEASURE:** HB 1994: RELATING TO HUMAN TRAFFICKING  
**HEARING DATE:** Monday, February 6, 2012  
**TIME:** 10:00am  
**PLACE:** Conference Room 329  
State Capitol  
415 South Beretania Street

Aloha...

I am writing to express my **SUPPORT FOR HB 1994** which requires and appropriates funds for the office of community services, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking..

Survivors of human trafficking have experienced unfathomable degradation and abuse by their traffickers/procurors/recruiters. In the case of sex trafficking, they also experience trauma (threats to family, rape, beatings, whippings...) from their pimps and the men who buy them.

It is imperative that all survivors of trafficking, whether US citizens or immigrants, adults or minors, have access to services which will enable them

- to have their physiological needs met, primarily food/water, shelter, sleep, and clothing;
- to be safe, including a secure environment, health, and employment;
- to have a sense of belongingness, including love, friendship, and family; and
- to have a sense of esteem: confidence, self-esteem, achievement, respect, etc.

It is imperative in this process that the survivors be counseled for post-traumatic stress disorder (PTSD).

I implore you on behalf of those who cannot speak for themselves, **provide these services for victims of human trafficking by PASSING HB 1994.**

Sincerely,  
Tana-Lee Rebhan-Kang  
Aiea, Hawaii

***They say we can't end prostitution...DON'T BUY IT!***

Christopher D. Yanuaria  
1800 East-West Road  
Honolulu, HI 96822

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

## COMMITTEE ON HUMAN SERVICES

Rep. Karl Rhoads, Chair

Rep. Kyle T. Yamashita, Vice Chair

## COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Monday, February 6, 2012 10:00a.m.

State Capitol, 415 South Beretania Street, Conference Room 329

### **RE: HB1994 RELATING TO HUMAN TRAFFICKING**

Requires and appropriates funds for the office of community services, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking.

Aloha Committee on Labor & Public Employment:

My name is Christopher Yanuaria, a graduate student at Myron B. Thompson School of Social Work and a Hawaii resident. I am testifying in **STRONG SUPPORT OF HB1994.**

I first become aware of international human trafficking by “talking stories” with a close friend in Hawaii, which led me to advocate against this horrible crime during my undergraduate studies in California. In further exploration of the issue, I have learned that human trafficking was occurring within the U.S., which then led me to move to Washington, D.C. to work directly with survivors of human trafficking as a fellow with the Polaris Project in 2010. I would have never guessed that this issue would bring me back home to Hawaii.

As an aspiring local social worker I have realized that Hawaii does not have a working state system in which these survivors are able to receive specific services needed in order to help in their healing process. With the amount that this crime occurs in Hawaii, as specified by the Pacific Alliance to Stop Slavery (PASS), we need sufficient laws in place to ensure we are correctly identifying trafficked survivors and providing them with proper services.

I am also in support of the amendments proposed by Imua Alliance which would support the creation of a “state plan” when a human trafficking survivor is in custody, and the amendments proposed by the Pacific Alliance to Stop Slavery (PASS).

**I urge you to please support HB1994 and the amendments proposed by Imua Alliance and PASS.**

Mahalo,

Christopher D. Yanuaria

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1994

Conference room: 329

Testifier position: Support

Testifier will be present: No

Submitted by: Bella K

Organization: Individual

E-mail: [Bella96836@gmail.com](mailto:Bella96836@gmail.com)

Submitted on: 2/4/2012

Comments:

Human Trafficking is real and it hurts to many victims and their families. We must stand against such hedious crime and protect these victims. If you have any doubt in your heart, please read the book by a human trackiffing survivor. Her name is Somali Mann. The book tittle is The Road of Lost Innocence. We need your help and support. Thank you.

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1994

Conference room: 329

Testifier position: Support

Testifier will be present: No

Submitted by: Brenda Kosky

Organization: Individual

E-mail: [Brenda.Kosky@gmail.com](mailto:Brenda.Kosky@gmail.com)

Submitted on: 2/4/2012

Comments: