

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
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February 28, 2012

To: The Honorable David Ige, Chair
Senate Committee on Ways and Means

Date: Tuesday, February 28, 2012
Time: 9:15 a.m.
Place: Conference Room 211, State Capitol

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

Testimony for Senate Bill 2123 SD1, Relating to Human Trafficking

I. OVERVIEW OF PROPOSED LEGISLATION

The present bill proposes the creation of a task force to address holistically the issues created by the human trafficking problem. This task force would consist of various agencies currently involved in the process of coordinating services, to be led by the Office of the Attorney General.

The Office of Community Services supports this bill, with a few comments.

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. COMMENTS ON SENATE BILL

We believe that this is a much more realistic approach, and provides an opportunity and a formal workspace for the agencies who are asked to participate to take their responsibilities seriously and propose new legislation for the 2014 Legislative Session. Additionally, a Task Force with the blessing of State government will help assure that the recommendations will be considered more seriously.

We believe it is important to put on the record that there is a Hawaii Coalition Against Human Trafficking (HCAHT) that is composed of representatives of government agencies and social service NGOs. The composition of the present HCAHT and the composition of the Task Force proposed by SB2123 SD1 are virtually identical. A merger of HCAHT and the Task Force would be seamless and advantageous.

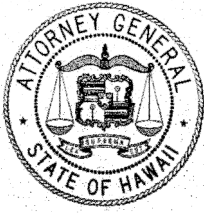
To consider the breadth of enforcement agencies and legal ramifications, we suggest you amend the bill to include appropriate Federal Agencies, such as the Federal Bureau of Investigation, the U.S. Attorney's office, or other appropriate agencies. As the State has no jurisdiction over Federal agencies, we would also suggest this be phrased in terms of an invitation.

We also think it is important to note that HCAHT has prepared a very well-written protocol for handling human trafficking cases from the three distinct perspectives of local law enforcement (police), social service NGOs (CBOs, Community Based Organizations), and county prosecutors. This protocol, the "HCAHT Member Guidelines for Responding to Human Trafficking in Hawaii," done in December 2008 under a federal Department of Justice grant, is currently a confidential document because it contains personal contact information of law enforcement personnel. If a redacted version of this document were published we are confident it will help Legislators and other interested persons gain a more thorough understanding of the issues presented on a daily basis by trafficking.

We at OCS have some concerns about Section 2(c) (3) of the present version of the bill. It sets forth a delineation of authority and responsibility between the Department of Human Services (DHS) and OCS. One problem with the delineation that is set out is that a trafficking victim would be assisted by an agency contracted by OCS until that person receives certification to stay in the United States, at which time the person seemingly becomes a "qualified immigrant" under the bill. (The term "qualified immigrant" is not defined in the bill, nor does the bill refer to a definition in some other provision of law.) Unfortunately, this means that a person might have a case manager and a cluster of service providers at one agency, and then be required to move to new providers under DHS. This would be very disruptive and would likely lead to financial inefficiencies as well.

Further, with funding being so difficult to secure and keep, it appears that this delineation should not be written into a statute at present, but rather should be considered by the Task Force, and that the Task Force be asked to propose a service plan continuum mindful of any delineation in its report.

Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

S.B. NO. 2123, S.D. 1, RELATING TO HUMAN TRAFFICKING.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 29, 2012 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Staci I. Teruya, Deputy Attorney General at 586-1450.

Chair Ige and Members of the Committee:

The Department of the Attorney General (the “Department”) is providing comments for the first time, because this version of the bill is substantially different from its original version. Previously the Committee on Human Services deleted the contents of the bill and inserted language to establish a working group within the Department. The purpose of the working group is to develop a comprehensive state plan to coordinate services for survivors of human trafficking who are awaiting government certification as a victim of a severe form of trafficking.

We have two concerns. First, there may be an inconsistency within the bill as section 1 of the bill refers to survivors of human trafficking “who are waiting for government certification as a victim of a severe form of trafficking” while section 2 of the bill refers generally to survivors of human trafficking. It is not clear whether the bill is limited to victims awaiting certification or whether it includes all survivors of human trafficking.

Also, while we support the intent of this bill, the bill directs the working group to create a state plan to coordinate services for survivors of human trafficking and requires the Department to oversee the working group and coordinate the development of the state plan. The Department, however, does not have the expertise or resources to provide social or job training services.



The PACIFIC ALLIANCE
to STOP SLAVERY

DATE: February 28, 2012

ATTN: SENATE COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair
Sen. Michelle Kidani, Vice-Chair
Sen. Suzanne Chun Oakland
Sen. Donna Mercado Kim
Sen. Donovan M. Dela Cruz
Sen. Ronald D. Kouchi
Sen. J. Kalani English
Sen. Pohai Ryan
Sen. Will Espero
Sen. Jill N. Tokuda
Sen. Carol Fukunaga
Sen. Glenn Wakai
Sen. Gilbert Kahele
Sen. Sam Slom

RE: TESTIMONY IN STRONG SUPPORT OF SB2123 - RELATING TO MINORS

Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of SB2123 SD1. 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 testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often 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.

Developing a state plan for services related specifically to victims of Human Trafficking is of the utmost importance. We respectfully urge you to pass this measure.

Sincerely,



The PACIFIC ALLIANCE
to STOP SLAVERY

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

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

TESTIMONY FOR SENATE BILL 2123, SENATE DRAFT 1, RELATING TO HUMAN TRAFFICKING

Senate Committee on Ways and Means

Hon. David Y. Ige, Chair

Hon. Michelle N. Kidani, Vice Chair

Wednesday, February 29, 2012, 9:15 AM

State Capitol, Conference Room 211

Honorable Ige 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 SB 2123, SD1, 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 of Office of the Attorney General to establish a working group to coordinate services for survivors of human trafficking in new and existing communities, including a mandate that the Attorney General regularly report its progress and findings to the State Legislature.

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 this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: WAMtestimony@Capitol.hawaii.gov
Hearing on: Wednesday, February 29, 2012 @ 9:15 a.m.
Conference Room #211

DATE: February 24, 2012

TO: Senate Committee on Ways & Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Support for SB 2123 SD 1 Relating to Human Trafficking

Honorable Chairs and members of the Senate Committee on Ways & Means, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii. We strongly support this bill that would strengthen the laws in Hawaii regarding human trafficking.

The Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services with respect to the victims. We are working to raise awareness within the Catholic community about the problem, including education, to help people in the community identify and understand the problem of human trafficking.

Trafficking victims need, first and foremost, safety and security. According to recent news stories, many are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs; however, there is so much more to be done.

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure although we respectfully leave the legal aspects to the experts.

Mahalo for the opportunity to testify.



Email to: WAMtestimony@Capitol.hawaii.gov
Hearing on: Wednesday, February 29, 2012 @ 9:15 a.m.
Conference Room # 211

DATE: February 27, 2012

TO: Senate Committee on Ways and Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Support for SB 2123 SD1 Relating to Human Trafficking

Honorable Chairs and members of the Senate Committee on Ways and Means, I am Allen Cardines, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly support passage of SB 2123 SD1.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection. As an organization that cares about the ohana, we find this both apprehensible and unacceptable.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. Often they seek to escape their personal struggles with the hope of finding opportunity and a brighter future in Hawaii. It is in these types of environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel, at no immediate expense, for employment and housing. When they reach Hawaii, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their lives.

Hawaii Family Forum has placed the elimination of trafficking as an important priority in the areas of public advocacy and education both to the wider community and to trafficking victims. Let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking.

First, faith-based organizations act from a theological and philosophical perspective. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies which offer an expertise that expands the possibilities for outreach and service, an asset not to be underestimated.

Finally, faith-based organizations have untapped resources which can assist in the fight against human trafficking. While we see the effort as a partnership with the government and the faith-based community, please know that those of us in the faith-based community will be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

Please pass this measure. Mahalo!

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: launahele@yahoo.com
Subject: Testimony for SB2123 on 2/29/2012 9:15:00 AM
Date: Sunday, February 26, 2012 8:49:04 PM

Testimony for WAM 2/29/2012 9:15:00 AM SB2123

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Benton Pang
Organization: Individual
E-mail: launahele@yahoo.com
Submitted on: 2/26/2012

Comments: