



POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

LATE
Testimony

**TESTIMONY IN SUPPORT OF SB 2123
PRESENTED TO THE HUMAN SERVICES AND LABOR COMMITTEES
MARCH 15, 2012**

Mr. Chairs 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 48,000 calls from across the nation. We have also provided victim services to more than 500 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 Senator Chun Oakland for introducing SB 2123. 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 feed 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.

SB 2123

SB 2123 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 a victim services plan. 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.

SB 2123 would begin to create a similar system in Hawaii where the Office of the Attorney General would oversee a working group specifically charged with developing protocols and coordinating the delivery of services to victims of 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.

Recommended Amendments

Polaris Project would ask the Committees to consider two vital amendments to this legislation. The first would eliminate the dissolution of the working group that would occur on June 30, 2014. It is our belief that such working groups and state plans should continually meet and revise their work to stay as up to date as possible in the fight to end human trafficking.

The second amendment would incorporate language that would mandate the posting of the National Human Trafficking Resource Center Hotline in certain establishments. The posting of the National hotline is critical to reach victims and educate community members about this terrible crime. We believe that the posting of the hotline is another critical component of having an effective victim-centered response to human trafficking.

Support SB 2123

Therefore, we strongly ask you and other members of the Committee to vote favorably upon SB 2123 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.

Proposed Amendments

Additions appear underlined and deletions appear with a ~~strike~~ mark.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to alleviate the current gap in service for survivors of human trafficking by proposing a comprehensive plan that coordinates relevant state-funded programs.

SECTION 2. (a) There is established a working group within the department of the attorney general to develop a comprehensive state plan to coordinate services for survivors of human trafficking.

(b) The attorney general or the attorney general's designee shall oversee the working group and shall coordinate the development of the state plan on services for survivors of human trafficking. The working group shall consist of the following members or their designee:

- (1) The director of human services;
- (2) The executive director of the office of community services;
- (3) A representative from the police department and the office of the prosecuting attorney of each county;
- (4) Representatives from health care providers, social service agencies, and housing providers shall be requested to serve by the attorney general; and
- (5) Other interested stakeholders may be selected by the attorney general.

(c) The working group shall create a state plan on the coordination of services for survivors of human trafficking. The activities of the working group shall include but not be limited to:

(1) Gathering and disseminating information to law enforcement agencies and the offices of the prosecuting attorney in each county, the department of the attorney general, the department of human services, the office of community services, nonprofit organizations, and the public on available services for survivors of human trafficking. Services for survivors of human trafficking shall include but not be limited to:

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- (A) Case management;
 - (B) Emergency temporary housing;
 - (C) Health care;
 - (D) Mental health counseling;

- (E) Drug addiction screening and treatment;
- (F) Language interpretation and translation services;
- (G) English language instruction;
- (H) Job training and placement assistance;
- (I) Post-employment services and job retention;
- (J) Transportation services; and

(K) Services to assist the individual and any of the individual's family members to establish permanent residency in the State of Hawaii or other localities in the United States;

(2) Identifying 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 survivors of human trafficking or projects that promote services for survivors of human trafficking;

(3) Designating the department of human services as the appropriate agency to provide services to income-qualified, United States citizens and "qualified immigrants" who are survivors of human trafficking and the office of community services as the appropriate agency to provide services to "disadvantaged, refugee, and immigrant" survivors of human trafficking;

(4) Identifying a single executive department or a division within a department to establish a program for coordinating services for survivors of human trafficking; and

(5) Proposing legislation and making recommendations to the governor regarding human trafficking.

(d) The attorney general shall submit a report of the working group's activities, including recommendations and proposed legislation, if any, to the legislature no later than twenty days prior to the convening of the regular session of 2014. ~~The working group shall dissolve on June 30, 2014.~~

(e) For the purposes of this Act, "survivor of human trafficking" means a person:

(1) 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 those terms are defined in title 22 United States Code section 7102;

(2) Whose prostitution was promoted or advanced by any of the means set forth in section 712-1202(1), Hawaii Revised Statutes; or

(3) Who was subject to performing labor or services by any of the means described in section 707-781(1), Hawaii Revised Statutes.

SECTION 3. Chapter 371, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§371- National Human Trafficking Resource Center hotline; posting requirement; penalty.
(a) An establishment, as defined in this section, shall post in a conspicuous place near the entrance to, or other area where posters and notices are customarily posted on the premises of the establishment, a poster of no smaller than eight and one-half inches by eleven inches in size that states the following:

"If you or someone you know is being forced to engage in activity – such as commercial sex, housework, farm work, or any other similar activity - and cannot leave, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Hawaii law.

The hotline is:

(1) Available 24 hours a day, 7 days a week;

(2) Toll-free;

(3) Operated by a non-profit, non-governmental organization;

(4) Anonymous and confidential;

(5) Accessible in 170 languages; and

(6) Able to provide help, referral to services, training, and general information."

(b) For purposes of this section, "establishment" means:

(1) Any entity that holds a liquor license pursuant to section 281-31;

(2) An airport;

(3) A hospital;

(4) A health maintenance organization;

(5) A clinic;

(6) An urgent care center;

(7) A farm;

(8) A massage parlor; or

(9) A job recruitment center.

(c) The poster referred to in subsection (a) shall be printed in English, Spanish, and any other languages mandated by the Voting Rights Act of 1965, P.L. No. 89-110, in the county where the poster will be posted.

(d) The department shall make available on its public website an electronic version of the poster required by subsection (a) for establishments to print.

(e) Any establishment that violates subsection (a) shall be fined not more than \$1,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action."

SECTION 4. This Act shall take effect on ~~October~~ July 1, ~~2050~~ 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
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Marilyn B. Lee Rep. George R. Fontaine Rep. Sylvia Luke Rep. Aaron Ling Johanson

DATE: Thursday, March 15, 2012

TIME: 11:00 am

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

RE: TESTIMONY IN SUPPORT OF SB2123 SD2 WITH AMENDMENTS Relating to
Human Trafficking

Dear Committees on Human Services and on Labor and Public Employment:

I am a parent, military retiree, and concerned citizen who supports this bill that helps close the gap in services for survivors of human trafficking by establishing a working group and developing a comprehensive plan to coordinate services for survivors of human trafficking. This bill is necessary as authorities administer Hawaii's new human trafficking law. It will also meet many of the needs of human trafficking survivors.

Victims of human trafficking endure trauma upon trauma from the time they enter the trafficking network to the time they are criminalized as "prostitutes" or "illegal immigrants" due to misidentification. How can you help them reduce the trauma? How can you help get the right people to victims in a timely manner? How can you keep victims from falling through systemic cracks? By supporting SB 2123 SD2 and the amendments recommended by the Pacific Alliance to Stop Slavery (PASS).

At the Hickam AFB, Hawaii Commissary there is a full-page poster at the exit informing all who visits the commissary to be aware of human trafficking and what they can do if they should become a witness to this heinous crime. I am so proud of my military family posting these signs at that and other various locations on military installations. Now, we need to spread that commitment with posters, as recommended by PASS, throughout our communities and state.

These signs, just by being posted provide three major benefits for victims and those trying to help victims of human trafficking. First, the posters provide quick information for those with first-hand knowledge as a victim of or a witness to human trafficking for sex or labor. Second, highly visible posters at locations where human trafficking transits or is known to occur such as bars, airports, and farms lets victims and perpetrators know that "Victims of human trafficking are protected under U.S. and Hawaii law." This announcement on posters help take some "power" away from those who would say it is not a crime to fool the unaware and it allows possible witnesses to know that by reporting suspected trafficking they will be taken seriously and something will be done. Thirdly, with the propagation of these posters, perhaps those tempted to take a role in human trafficking or partake in solicitation of trafficked victims will think otherwise about getting involved in such a crime. Perhaps victims will act upon the posters by seeing themselves as a lawful victim instead of a "prostitute", "servant", or "worthless thing."

The Legislature did the right thing by passing the law making human trafficking a crime in Hawaii. Now, it's time to bridge the gaps in the system between victims and comprehensive, healing services. In addition let's take a proactive part through the PASS recommended posters to help bring awareness of the law to those who are most likely to witness human trafficking... the public.

Thank you for taking your valuable time to hear my testimony today.

Sincerely,

Gina M. Snowden

LATE Testimony

Testimony for HUS/LAB 3/15/2012 11:00:00 AM SB2123

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Elizabeth Cook
Organization: Individual
E-mail: hawaiibetsy@yahoo.com
Submitted on: 3/14/2012

Comments:

Girls who are under age are most often being coerced into prostitution by manipulation and force-- they should not be prosecuted as criminals. These girls are often victims of money-hungry men, as seen from research and personal experience. Thank you.

Testimony for HUS/LAB 3/15/2012 11:00:00 AM SB2123

LATE
Testimony

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: V L
Organization: Individual
E-mail: vl@traffickjamming.org
Submitted on: 3/15/2012

Comments:

SB2123 SD2 - In Support

The issue of human trafficking does exist in Hawaii. The victims are here, and the state needs to address their restoration. Currently there are many holes in the system when it comes to victims of human trafficking, particularly for juvenile victims.

Law enforcement in Dallas, Texas also had this problem. Fortunately they discovered that the repeated runaways have a very high risk of being trafficked. Sergeant Bryon Fassett and Detective Cathy De La Paz from the Dallas Police Dept's Child Exploitation Squad spoke at the "Multidisciplinary Response to High Risk Victims" training hosted by Missing Child Center - Hawaii on March 2nd and 3rd, 2010 at Honolulu Community College. According to their stats from 2001-2004, 78-80% (depending on the year) of juveniles involved in prostitution in Dallas were reported runaways. Dallas experiences approx 5,000-6,000 runaways per year, averaging 426 per month in 2006. Hawaii sees approximately 300 runaways per month.

I have talked with many parents of juvenile sex trafficking victims in Hawaii who have run into many hurdles in the juvenile system in regards to law enforcement & the judicial system. Their children have been sex trafficked in Hawaii while being listed as runaways. These hurdles include: runaway reports being lost repeatedly, officers refusing to approach the minors - even when missing children posters are shown. On several instances the runaways have been in the presence of adult men. Law enforcement has repeatedly dismissed the adult men, without identifying them, and then neglected to inform the parents that their daughters were found in the presence of adult men. Despite all of these hurdles there have been excellent officers who have been a great help to the parents and the recovery of their children. Unfortunately, this is not the majority of cases. When children have been placed in the juvenile court system, they have continued to fall through the cracks. The juvenile court system cannot presently place a minor in DH for status offenses (runaway, truancy, curfew, etc..) even if there are multiple offenses and the court has strong reason to believe that the minor is being coerced into sex trafficking. The court does not have residential rehabilitative programs to specifically address sex trafficking victims. The residential programs that do address drug & psychological rehabilitation have very limited space. Many times the parents cannot get their kids placed in these treatment centers (pertinent information is missing from the reports so that the courts & service providers could respond better (such as: presence of adult men, areas of high prostitution, unusual attire for a minor, unusual amounts for money or condoms, etc..)). Therefore, the children are repeatedly running away and traffickers are continuing to pimp them out on the streets, profiting hundreds if not thousands of dollars a day by selling sex with kids in Hawaii.

Hawaii has a trafficking coalition that has been established for over 6 years. Hawaii law enforcement along with other members of the coalition, have been trained by other law enforcement agencies on how to address high risk victims. The coalition has been given the opportunity to develop a plan to address high risk victims, but they have failed to develop a consistent plan, consistently act on a plan, or even adequately follow through on the current protocols when dealing with basic runaway cases. Obviously, budget cuts and other factors have played into these short comings, but there has to be a way to make the issue of trafficking a priority.

It is time for more pressure to be placed on our law enforcement, judicial system, and trafficking coalition to really come up with a plan to help these victims instead of continuing to make excuses.