

SB 2123

Measure Title: RELATING TO HUMAN TRAFFICKING.

Report Title: Survivors of Human Trafficking; Services; Appropriation

Description: 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.

Companion:

Package: None

Current Referral: HMS, WAM

Introducer(s): CHUN OAKLAND, DELA CRUZ, ESPERO, KIDANI, English, Fukunaga, Gabbard, Galuteria, Slom, Taniguchi

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR

BARBARA A. YAMASHITA
DEPUTY DIRECTOR

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

February 14, 2012

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2123 - RELATING TO HUMAN TRAFFICKING**

Hearing: Tuesday, February 14, 2012; 1:25 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2123 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.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this bill.

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

AN EQUAL OPPORTUNITY AGENCY

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
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

February 13, 2012

To: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

Date: Tuesday, February 14, 2012
Time: 1:25 p.m.
Place: Conference Room 016, State Capitol

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

Testimony for Senate Bill 2123, Relating to Human Trafficking

I. OVERVIEW OF PROPOSED LEGISLATION

The current proposal 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.

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

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

Having had the benefit of a hearing on a similar House measure, HB1994, OCS would like to make the following general comments. These measures, in some instances, blur the line between the law enforcement and human service aspects of survivor services. We believe the traditional roles of the individual agencies should be respected. If the intent of this measure is to provide human services programming for this population, we ask that the measure be clarified to ensure law enforcement and crime aspects are left to law enforcement, and OCS simply be the contracting agency for the ancillary services. Secondly, we also respect the vast network of services ranging from sex abuse to domestic violence programming already in existence and available to U.S. citizens. OCS would best serve the public by being the lead social service agency for Human Trafficking victims who were foreign born. This best aligns with our current Refugee plan and Immigrant services package.

SB2123 proposes to add two interrelated, but distinct, provisions to amend existing law. The first is the proposal to designate OCS the mandated lead agency to provide services for Human Trafficking survivors as defined by Federal law, or those who appear to be Human Trafficking survivors. The second set of provisions are legislatively mandated 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 only an advisory role or has no role in the execution of these procedures. 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 pertain to the powers and functions of OCS alone. These may be subjects more appropriately placed in other sections of the HRS or handled 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.

The Honolulu Prosecutor's office, Attorney General, Honolulu Police Departments, several service agencies, and others have already developed an inter-agency protocol to address the needs of Human Trafficking Victims. The protocol has not been generally circulated,

because of the sensitive nature of some of the information it contains. Publication of a redacted version of the protocol may assist in informing this conversation as the bills progress. This will increase awareness in the Legislature, the State and county administrations, law enforcement, the courts, and the service agencies.

If the measure is approved with funding slated specifically for “pre-certified” victims, OCS and the other agencies currently providing assistance can design and procure services at the administrative level using the protocol as a guideline. The agencies could then come back to the Legislature if they see need for further Legislative authorization and funding.

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 if we are given the proper funding support. OCS believes we should not be the decision making entity with respect to determinations, and would recommend law enforcement make determinations subject to the personal information they have collected. Again, the collaborative relationship between OCS and law enforcement agencies should be one of sharing data appropriate to qualify individuals, as well as data reporting and grant making activities.

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 that law enforcement and/or provider agencies may wish to collect, 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. Currently, the responsibility of filling out any forms is delegated to our contracted providers, who have trained staff appropriate for this task. The providers and law enforcement can then share the data OCS requires to qualify the person with the Federal ORR program, and the details of the criminal aspects can remain with law enforcement.

With respect to the promulgation of Administrative Rules 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.

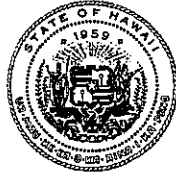
Finally, this bill has some fiscal impact. With regard to finding the correct level of funding, we would like to have further discussions to ensure that if this bill progresses it is 1) funded at an appropriate level, 2) does not displace the funding priorities of the administration, and 3) OCS is given 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. Our experiences with prior measures have shown us the way to effectively confront the human trafficking challenge is through increased coordination and discussion with agencies concerned with the same problem from other perspectives, and we believe this measure would create a focal point for the conversation. 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. 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.

Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT Y. TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor

LATE

February 14, 2012

To: The Honorable Suzanne Chun Oakland, Chair,
The Honorable Les Ihara Jr., Vice Chair, and
Members of the Senate Committee on Human Services

Date: Tuesday, February 14, 2012
Time: 1:25 p.m.
Place: Conference Room 016, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2123 Relating to Human Trafficking

I. OVERVIEW OF PROPOSED LEGISLATION

SB2123 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. The proposal would house a state funded program within the Office of Community Services (OCS).

III. COMMENTS ON THE SENATE BILL

DLIR supports the intent of this measure as long as its passage does not displace the funding priorities of the administration.

The department shares the perspective put forth by OCS in addressing some of its concerns and comments on the measure in its testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515



Keith M. Kaneshiro
PROSECUTING ATTORNEY

Armina A. Ching
FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES**

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

February 14, 2012

Re: S.B. 2123, RELATING TO HUMAN TRAFFICKING

Chair Chun Oakland and Members of the House Committees on Human Services Committee, the Department of the Prosecuting Attorney submits the following testimony in opposition to S.B. 2123, Relating to Human Trafficking.

While SB 2123 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 SB 2123 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 trouble us. Mandated reporting between law enforcement agencies, as also proposed in S.B. 2123 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. While we have no problem with consulting with the FBI on human trafficking case, we must maintain the right as to the timing and method of that consultation.

We have 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 S.B. 2123 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 certifications.

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 cited above, our Department opposes S.B. 2123, as currently drafted, and recommends that it be amended as indicated in our testimony.



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

TESTIMONY FOR SENATE BILL 2123, RELATING TO HUMAN TRAFFICKING

Senate Committee on Human Services

Hon. Suzanne Chun Oakland, Chair

Hon. Les Ihara, Jr., Vice Chair

Tuesday, February 14, 2012, 1:25 PM

State Capitol, Conference Room 016

Honorable Chair Chun Oakland and committee members:

I am Kris Coffield, representing the IMU Alliance, 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 SB 2123, 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 IMU Alliance 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 IMU Alliance 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, the Office of Community Services has expressed concern that this bills in its current form, do not explicitly state its *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 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 requesting that the appropriation component in §371K-E, section two of the bill be discarded. 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 this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

TESTIMONY

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

To the Senate Committee on Human Services
Regarding SB 2123 relating to human trafficking
To be heard Tuesday February 14 at 1:25 PM in conference room 016

Dear Senators:

This bill should be opposed as written. The legislature is continuing down a very questionable path by continuing to allow a small group of anti-prostitution advocacy groups to promote their agenda. I want to remind you that the legislature established the Hawaii Anti-Trafficking Task Force that spent five years studying these matters and did not come up with any such suggestions

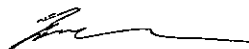
The Youth Outreach Project (YO) has been working with street kids for twenty years. They do regular nightly outreach in Waikiki and elsewhere. They see and know many adult sex workers as well as addicts, the homeless, and others in the street culture. They have the best current information on pimping and related issues.

The Community Health Outreach Workers (CHOW) project does needle exchange. They are out in the Chinatown environment on a regular basis and are well known to all the street people, many of them sex workers, in that area. They have twenty years of knowledge and experience in issues related to prostitution.

The Life Foundation has been around almost thirty years and has former sex workers and other peer counselors in their employ. They also host the quarterly Inter Agency Outreach Workers Coalition meetings. All the organizations on the front lines come to these meetings and share information. PASS was actually invited to come and discuss their programs when they started, but they refused.

The organization PASS which is attempting to get government money here is a faith based group whose experience and expertise is questionable at best. 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

February 13, 2012

EQUALITY NOW

MEMORANDUM IN SUPPORT OF S.B. 2123

Committee: Senate Committee on Human Services

Hearing Date: February 14, 2012 (1:25 p.m.), Conference Room 016

Honorable Chair Chun Oakland 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, S.B. 2122 and S.B. 2123 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 S.B. 2123. 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. S.B. 2123 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 S.B. 2123. 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 S.B. 2123 and urges that it be passed.

Respectfully Submitted:

Kenneth J. Franzblau
Director, Anti-Trafficking Initiatives
Equality Now
250 West 57th Street
New York, New York 10019
212-586-0906



HAWAII CATHOLIC CONFERENCE
6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: HMStestimony@Capitol.hawaii.gov
Hearing on: Tuesday, February 14, 2012
Conference Room # 016

DATE: February 13, 2012

TO: Senate Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Support for SB 2123 Relating to Human Trafficking

Honorable Chairs and members of the Senate Committee on Human Services, 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.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice-Chair
SENATE COMMITTEE ON HUMAN SERVICES

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB2123 – Comments only

Hearing Date and Time: Tuesday, February 14, 2012

Good afternoon Chair Chun Oakland, Vice-Chair Ihara, and members of the Senate Committee on Human Services. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The Hawai'i State Coalition Against Domestic Violence supports the provisions in SB2123 that provide benefits for human trafficking victims. Human trafficking is a form of modern-day slavery in which traffickers lure individuals with false promises of employment and a better life. Traffickers often take advantage of poor, unemployed individuals who lack access to social services. Immigrant women who are caught in violent relationships, are often caught in similar and frightful situations as human trafficking victims. These women come to America seeking a better place for them and their families, some are escaping poverty and perhaps seeking asylum from various forms of persecution. Their batterers often use their immigration status to further intimidate and isolate them. Providing public social services such as cash assistance, food, housing and medical care to these survivors and those of other serious crimes, helps build a bridge of safety and support.

We offer the following recommendations to SB2123, shared by states that have passed similar measures. The bill should specify and include T and U visa applicants and those with T and U non-immigrant status. Under the U visa program, a non-citizen who is a victim of certain crimes---including trafficking and domestic violence--- and who cooperates with law enforcement may be able to apply for temporary legal immigration status. Those who are eligible for U visas have suffered substantial physical or mental abuse due rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, and/or female genital mutilation. The T Nonimmigrant Status (T visa) is a set aside for those who are or have been victims of human trafficking, and protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking. These victims are currently not eligible for programs that are critical to their recovery, safety and self-sufficiency.

1. The bill should define exactly what programs and benefits would be made available, or the mechanism for delivering the services, the scope of services and the duration of eligibility.

Thank you for your consideration.

SENATOR COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair-person

Senator Les Ihara, Jr., Vice-Chair-person

Re: SB 2123 Relating to Human Trafficking

Date : Tuesday, February 14, 2012

Time: 1:25p.m.

Place: Conference Room 016, State Capitol, 415 South Beretania Street

WRITTEN TESTIMONY IN SUPPORT OF SB 2123

ALOHA Chair Oakland, Vice-Chair Ihara, and Human Services Committee Members. My name is Tammy Gautier, a graduate student of Myron B. Thompson School of Social Work at the University of Hawaii Manoa and a Bilingual Care Coordinator of the Susannah Wesley Community Center. The Bilingual Care Coordination and Support Services (BCCSS) program provides behavioral health care coordination services to the limited and or non-English speaking consumers with severe mental illness. **I am testifying in support of Senate Bill No. 2123** for the following reasons:

I have learned the importance of providing community services to survivors of human trafficking through my study at school and my working experience. The process for a survivor to reenter society is a long one based on my own working experience with a sex trafficking victim. I worked with the case for about two years. The major case management services that I provided included interpretation and translation, transportation, linkage to entitlements, medical care, and mental health care.

I also recommend the passage of Senate Bill 2123 because it ensures that social services, community services, and immigration services are consistently provided to the survivors of human trafficking through a coordinated system of care as proposed by the Office of Community Services.

Thank you for this opportunity to testify on this important matter.

Tammy M. Gautier
(808)-440-5825



LATE

DATE: February 13, 2012

ATTN: SENATE COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Senator Josh Green
Senator Sam Slom

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

Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of SB2123 with amendments. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons. We are in communion with Imua Alliance and Polaris Project with regard to this important bill and defer to Polaris Project with their recommendations for amendments to SB2123.

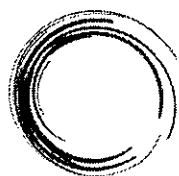
PASS is one of Hawaii's few services that helps to heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are 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.

We urge you to pass this measure with the stated amendments provided by Polaris Project.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

LATE



POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF SB 2123
PRESENTED TO THE HUMAN SERVICES COMMITTEE
FEBRUARY 14, 2012**

Madam Chair and members of the Human Services Committee:

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 Madam Chair 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 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.

SB 2123 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 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.

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.”~~

LATE

~~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.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 11:01 AM
To: HMS Testimony
Cc: nsharma@hawaii.edu
Subject: Testimony for SB2123 on 2/14/2012 1:25:00 PM

Testimony for HMS 2/14/2012 1:25:00 PM SB2123

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dr. Nandita Sharma
Organization: Individual
E-mail: nsharma@hawaii.edu
Submitted on: 2/12/2012

Comments:

I oppose this bill, However, if in fact money is to be spent then it should go to fund harm reduction agencies and not those agencies who are explicitly in the business (literally) of "anti-trafficking."

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 6:38 PM
To: HMS Testimony
Cc: breaking-the-silence@hotmail.com
Subject: Testimony for SB2123 on 2/14/2012 1:25:00 PM

Categories: Red Category

Testimony for HMS 2/14/2012 1:25:00 PM SB2123

Conference room: 016

Testifier position: Support

Testifier will be present: Yes

Submitted by: Dara Carlin, M.A.

Organization: Individual

E-mail: breaking-the-silence@hotmail.com Submitted on: 2/13/2012

Comments:

Strong support!