

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WRITTEN ONLY

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Judiciary

S.B. 2579, S.D. 2, H.D. 1, Relating to Minors

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

March 22, 2012

- 1 **Department's Position:** The Department of Health (DOH) appreciates the intent of S.B. 2579, S.D.2,
2 H.D.1 to provide services for the sexually exploited minors, however, we do not support Section 2 of
3 the measure which proposes to amend HRS Section 321-1.3 (d) (2) by expanding the scope of the
4 Domestic Violence and Sexual Assault Special Fund (DVSASF) annual report to the Legislature to
5 include promoting prostitution in the first degree and sexual trafficking. .
- 6 **Fiscal Implications:** The Department of Health does not have the resources, including staff with an
7 expertise in human trafficking, to carry out this portion of the measure.
- 8 **Purpose and Justification:** The Department of Health does not have the expertise or the resources to
9 provide recommendations to address prostitution or sex-trafficking. The DOH would like to respectfully
10 defer other sections of this measure to the Department of Human Services as these sections do not fall
11 within the responsibilities and functions of the DOH.
- 12 Thank you for the opportunity to provide testimony on this measure.

DATE: March 15, 2012

ATTN: COMMITTEE ON HUMAN SERVICES

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

LATE TESTIMONY

DATE: Thursday, March 15, 2012

TIME: 10:30am

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

RE: TESTIMONY IN SUPPORT OF SB2576 SD1 - RELATING TO PROSTITUTION

Dear Committee on Human Services:

I am a parent, retired military member and citizen with a strong belief that second chances are often the best chances. Sometimes a second chance is truly another person's first real chance when they are victims of sex-trafficking. This committee is in a position to give victims a second chance, a true new lease on a life that was once held by a nefarious other.

This bill allows survivors who have been intimidated, forced, or defrauded into prostitution to file motions to petition the court to vacate convictions of prostitution offenses suffered while under the control of their trafficking pimps. Help give these victims a second chance and pass this bill.

Once rehabilitated, victims of sex-trafficking have significant hurdles to overcome when they reenter the work force or return to school. Shame, discrimination, harassment are just a few of the difficulties facing those who just need an opportunity to recover from a very dark past. Instead they currently must expose the worst, most degrading time in their lives each time they go for a job. How many of these rehabilitated victims will be able to use the tools taught through state and charitable groups when they cannot even get the job at which they could succeed? The victimization continues for these survivors in a way uncommon to other survivors. They are criminals "on paper" while they are revictimized in reality.

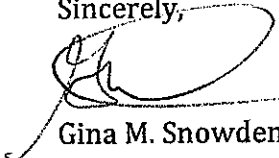
As a retired Airman, I've known military members with criminal records who started their military careers as a second chance to change their lives. Many were later deemed heroes. Many have guided others to success on *their* second chance. All served their country. Why shouldn't sex-trafficking victims who have been arrested for prostitution have the same opportunity? What if sex-trafficking victims wanted to serve in the military where they could continue to grow in an environment of loyalty, camaraderie, and fairness? Due to the nature of an offense such as

prostitution, they would more than likely not be allowed to enlist or obtain a security clearance. What kind of job can these victims expect with such a record that was not of their own doing, but the doing of a pimp/trafficker? Are they doomed to work entry-level jobs and forego schooling because, "What's the point?" Are they doomed as victims to stay at a social/financial level only slightly above that from which they were rescued? This committee can help change that.

I believe, like our own children to whom we implore to do well in school and stay out of trouble so they can have a good future, we act of these victim's behalf. Let's give them another chance to make a good future for themselves. You can help ensure they have an opportunity to get on a path that leads far away from a life not of their choosing toward a good life of vast potential, filled with hope.

Thank you for taking the time to listen to my testimony.

Sincerely,



Gina M. Snowden

LATE TESTIMONY

Testimony for SB2579 on 3/22/2012 2:45:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, March 22, 2012 2:17 PM

To: JUDtestimony

Cc: vl@traffickjamming.org

Testimony for JUD 3/22/2012 2:45:00 PM SB2579

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: V L

Organization: Individual

E-mail: vl@traffickjamming.org

Submitted on: 3/22/2012

Comments:

SB2579 SD2 HD1 - 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.