

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1040, RELATING TO SEX TRAFFICKING.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

**DATE:** Thursday, February 7, 2019                      **TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Erin N. Lau, Deputy Attorney General

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Chair Nishihara and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill and provides the following comments.

The purpose of this bill is to establish a sex trafficking database maintained by the Commission on the Status of Women. (Page 2, lines 17-19). The data for the database will be provided by government agencies. (Page 3, lines 5-7). The database will be accessible to all government entities and non-confidential data may be made accessible to the general public as determined appropriate by the administrator of the database. (Page 3, lines 1-4).

The use and disclosure of confidential information may subject the government agencies and the Commission on the Status of Women to civil and criminal penalties for the unauthorized use or disclosure of confidential information, such as personal health information under the Health Information Portability and Accountability Act of 1996 (42 C.F.R. Parts 160 and 164). In addition, the limitation on the disclosure of government records to the public may conflict with the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes.

To resolve these concerns, we recommend amending paragraph (1) of the new section added by section 2 of the bill on page 2, at line 21, to page 3, line 4, as follows:

- (1) Collect and maintain relevant statewide sex trafficking data; provided that data submission is compliant with the applicable privacy laws governing the source of the data; provided further that all data on the database shall be made accessible to each governmental entity [~~and non-confidential data may be made accessible to the general public as determined appropriate by the administrator;~~] if disclosure and use is consistent with the privacy laws governing the source of the data; and

We respectfully ask the Committee to amend this bill with the above recommended recommendations.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 6, 2019

TO: The Honorable Senator Clarence K. Nishihara, Chair  
Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 1040 – RELATING TO SEX TRAFFICKING**

Hearing: February 7, 2019, 1:15 p.m.  
Conference Room 229, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this measure and offers comments.

**PURPOSE:** The purpose of this bill requires the State Commission on the Status of Women to maintain a database on sex trafficking. Requires reports to the Legislature.

Comprehensive data collection and analytics is needed to understand the magnitude of the problem as well as to develop responsive interventions to prevent and reduce the impacts of sex and labor trafficking in Hawaii. Hawaii's sex trafficking and labor tracking data is limited. In 2015, as required by Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act (2014), Child Welfare Services (CWS) developed and implemented protocols to identify, assess, and determine appropriate services for children in the placement, care, or supervision of CWS, who are at-risk of becoming sex trafficking victims or who are sex trafficking victims. Without specific funding, the CWS relied on funds from the Spouse Child Abuse Special Account to implement new protocols, provide statewide training of case workers, procure crisis response/support/advocacy services for victims, and develop a reporting and tracking system.

Act 16, Session Laws of Hawaii 2017, to conform Hawaii law to federal law, the Legislature amended the definition of "child abuse or neglect" to ensure that mandated reporters of child abuse and neglect report to the department of human services known or suspected child victims of sex trafficking or severe forms of trafficking in persons. Thereafter, the Child Welfare Services Branch began receiving reports of sex trafficked or labor trafficked *minors*.

DHS suggests that the Commission on the Status of Women be given sufficient time or a delayed effective date to secure resources and develop an implementation plan. In addition to identifying where the different data points are currently being collected, to complete the task will require an appropriation for planning, development, and maintenance of the data base.

Thank you for the opportunity to provide comments on this measure.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committee on Public Safety, Intergovernmental,  
and Military Affairs

From: Cheryl Kakazu Park, Director

Date: February 7, 2019, 1:15 p.m.  
State Capitol, Conference Room 229

Re: Testimony on S.B. No. 1040  
Relating to Sex Trafficking

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Thank you for the opportunity to submit testimony on this bill, which would require the State Commission on the Status of Women to maintain a database on sex trafficking. The Office of Information Practices (OIP) takes no position on the substance of this bill, but **has a concern with a provision apparently giving the database administrator the power to determine what information is publicly accessible.**

Proposed section 367-\_\_ (1), at bill page 2 line 21 to page 3 line 3, provides that ‘non-confidential data may be made accessible to the general public as determined appropriate by the administrator. . .’ The provision does not set out any standard for the administrator to use, and thus it appears that the administrator would have the sole power to determine what information was or was not public. Chapter 92F, the Uniform Information Practices Act (UIPA), already sets out standards for when information may be withheld from the public, and there is no reason to think that the UIPA’s exceptions, such as the one protecting individual privacy, would be inadequate in this situation. OIP would therefore

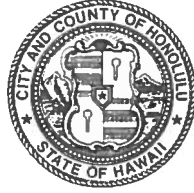
recommend an amendment to make public access to the information consistent with the UIPA's standards while still giving the database administrator the prerogative to determine whether to provide a public version of the database in lieu of providing access to the public information upon request. **OIP recommends the following language:**

**“provided that all data on the database shall be made available to each governmental entity and the data that does not fall under an exception to disclosure in section 92F-13 shall be made available to the general public upon request or, if determined appropriate by the administrator, through public access to a public version of the database.”**

Thank you for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE CT-TA

February 7, 2019

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental, and Military Affairs  
State Senate  
415 South Beretania Street, Room 229  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 1040, Relating to Sex Trafficking

I am Major Calvin Tong of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 1040, Relating to Sex Trafficking.

As it is written, this bill would include the offense of prostitution as sex trafficking, even though it does not meet the Hawaii Revised Statutes for sex trafficking.


The HPD urges you to oppose the Senate Bill No. 1040, Relating to Sex Trafficking.

Thank you for the opportunity to testify.

APPROVED:

  
Susan Ballard  
Chief of Police

Sincerely,

  
Calvin Tong, Major  
Narcotics/Vice Division

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca A. Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS**

**The Thirtieth Legislature  
Regular Session of 2019  
State of Hawai'i**

February 7, 2019

**RE: S.B. 1040: RELATING TO SEX TRAFFICKING.**

Chair Nishihara, Vice-Chair Wakai, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney of the County of Kauai, is in strong support of this measure.

The purpose of this Bill is to require the State Commission on the Status of Women to maintain a database on sex trafficking and require reports to the Legislature.

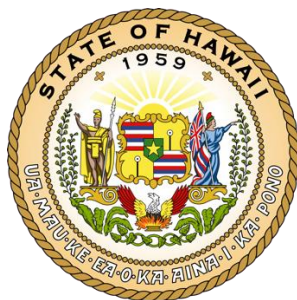
We are in support of this Bill based on the following:

- Agencies serving sex trafficking victims do not report or analyze information that could inform the community;
- A data crisis is hindering the development of effective prevention and intervention resources for sex trafficking;
- Local service providers and advocates report difficulty in securing grant funding for sex trafficking due to a lack of Hawaii-specific data;
- System inefficiencies are widespread but remain largely undocumented;
- Three years ago, only five (5) children were believed to be sex trafficked per year. HSCWS's *The Stories of Survivors* report cited at minimum 83 cases of child sex trafficking victims report to DHS in FY18, and total of 140 to DHS since 2017;



- A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs; and
- Data would also be helpful in educating the greater public about the existence of sex trafficking victims and their unique needs.

Thank you for this opportunity to testify on this bill.



Testimony on behalf of the  
Hawai'i State Commission on the Status of Women  
**Khara Jabola-Carolus, Executive Director**

Prepared for the Senate Committee on Safety, Intergovernmental, and Military Affairs

In Support of SB1040  
Thursday, February 7, 2019, at 1:15 p.m. in Room 229

Dear Chair Nishihara, Vice Chair Wakai and Honorable Members,

The Hawai'i State Commission on the Status of Women writes in **support** of SB1040, which would require the Commission to maintain a database on sex trafficking.

Hawai'i faces a data crisis around sex trafficking. While the public debates the very existence of sex trafficking in the state, our law enforcement-service provider alliance struggles daily to meet the needs of sex trafficking survivors. For example, since 2017, Child Welfare Services has received one hundred and forty (140) reports of child sex trafficking. Until the Commission's January 2019 *Sex Trafficking in Hawai'i: The Stories of Survivors*, this data was not made publicly available.

The state simply cannot manage what it cannot measure. A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs. Accordingly, the Commission requests that the Committee **pass** SB1040 with the following friendly amendments:

Requested Amendments

**1. Addition of Privacy Provision**

(e) The report shall not include the names or other personally identifiable information of any individual victims or offenders and shall be subject to the privacy standards established by applicable federal and state law.

## **2. Addition of Timely Data Delivery Provision**

(f) Any state or private organization or activity receiving state financial assistance shall assist the Commission in complying with this section, including sharing data.

- (1) A covered entity shall act on a data request from the Commission no later than thirty calendar days after receipt of the request.

## **3. Revised Language re: Funding Streams**

(2) (b) (9) The total amount of annual federal and state funds available to address sex trafficking.

## **4. Effective Date**

SECTION 4. This Act shall take effect on ~~July 1, 2019.~~ January 1, 2020.

With the amendments noted, the Commission strongly supports SB1040.

Mahalo,

Khara Jabola-Carolus



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

THURSDAY, February 7, 2019, 1:15 p.m., Room 229

SVB1040 RELATING TO SEX TRAFFICKING

**TESTIMONY**

Barbara J. Service, Legislative Committee, League of Women Voters of Hawaii

Chair Nishihara, Vice-Chair Wakai and Committee Members:

**The League of Women Voters of Hawaii supports SB1040 requiring the State Commission on the Status of Women to maintain a database on sex trafficking.** The description of the statistical data to be collected and maintained makes it clear that the database will not include personally identifiable data, but rather secondary statistical data on the extent of sex trafficking, the characteristics of the population at risk, and other aggregate data about these victims. It is noteworthy that the Commission proposes to act as a “clearinghouse” for other government agencies and the larger social service community, most importantly for response and prevention programs.

We urge you to pass this measure. Thank you for the opportunity to submit testimony.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Thursday, February 7, 2019

1:15 pm

Room 229

### **OPPOSITION to SB 572 - HSCSW SEX TRAFFICKING DATABASE**

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 1040 requires the State Commission on the Status of Women to maintain a database on sex trafficking. Requires reports to the Legislature.

Community Alliance on Prisons **OPPOSES** this measure.

If this sensitive database is established, it should contain accurate, unbiased information, and should be maintained by the Office of the Attorney General, as the head law enforcement officer for the state.

Mahalo for this opportunity to testify.

**SB-1040**

Submitted on: 2/4/2019 1:14:01 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Executive Director  
Adriana Ramelli

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**Date:** February 7, 2019  
**To:** The Honorable Clarence Nishihara, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
**From:** Justin Murakami, Manager, Prevention Education and Public Policy  
The Sex Abuse Treatment Center  
A Program of Kapiolan'i Medical Center for Women & Children  
**RE:** Testimony in Support of S.B. 1040 with Amendments  
Relating to Sex Trafficking

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Good afternoon Chair Nishihara, Vice Chair Wakai, and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs:

The Sex Abuse Treatment Center (SATC) supports S.B. 1040 and respectfully submits amendments for the Committee's consideration.

**Sex Trafficking**—the commercial sexual exploitation of a minor or the coercive commercial sexual exploitation of any person—is a form of modern-day slavery, with significant and often lifelong medical, psychological, and social consequences for victims.

It is our understanding that the different agencies and organizations who interact with and help survivors of sex trafficking and their families keep appropriate data and records on those cases. However, because there is no one program that collects statistical and demographic information from the different agencies and organizations, it can be difficult to establish the prevalence and characteristics of sex trafficking in Hawai'i.

S.B. 1040 would allow the Hawai'i State Commission on the Status of Women to collaborate with government and community partners to maintain a database of this statistical and demographic information. This will allow for a better understanding of the extent of sex trafficking that is taking place in the islands, and assist in the development of well-informed responses and intervention strategies.

We respectfully offer the following amendments, with explanations, for the Committee's consideration:

- Include language on page 2 line 18 to provide that the Commission “shall collaborate with government and community agencies and individuals that

work with sex trafficking victims to maintain a database on sex trafficking,” with corresponding changes elsewhere in Section 2 of the bill.

The collaborative nature of this effort should be recognized and supported, consistent with the existing relationship between agencies and organizations that are committed to responding to sex trafficking in Hawai'i and that would benefit from data collection and sharing.

- Provide that the data to be collected, on page 2 line 20, be “relevant statewide non-identifiable statistical and demographic data,” with corresponding changes throughout Section 2 of the bill.

Additional language should be added, on page 4 line 7, to clarify that “(c) The data maintained by the Commission shall not include identifying information, such as names, dates of birth, addresses, and social security or other government-issued identification numbers.”

The protection of victim identities is important from a privacy and safety standpoint, especially when a victim may be receiving medical or treatment services from an agency or organization contributing data and information to the database. Moreover, the focus of the data collection sought is, to our understanding, for statistical and demographic purposes rather than for case management or tracking purposes.

- On page 4 line 3, eliminate “(7) The total number of native Hawaiian victims.”

This data would be captured in the previous data point, “(6) The race and ethnicity of victims . . .”, and would be redundant.

- On page 4 line 5, eliminate “(9) The total amount of annual federal and state funds available to address sex trafficking.” On page 4 line 8, add that the report to the legislature should include “information about funding opportunities identified for sex trafficking programs.”

This provides the opportunity for the Commission to explain the funding opportunities, rather than just stating a dollar amount which may have no bearing on what could realistically be obtained for sex trafficking programs to address sex trafficking. For example, federal grant programs may broadly target crimes or be focused on populations, and while technically the available funds may be very large, on analysis the amounts available to sex trafficking may be relatively small. These opportunities and limitations should be presented in narrative, rather than statistical, form.

These requested amendments are included in the enclosed draft language (Exhibit A).

Thank you for this opportunity to testify in support of this important measure.



EXHIBIT A  
Suggested Amendments

SECTION 2. Chapter 367, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§367-        **Sex trafficking database; purpose; reports.**    The commission shall **collaborate with government and community agencies and individuals that work with sex trafficking victims to** maintain a database on sex trafficking. The purpose of the database shall be to:

(1)    Collect and maintain relevant statewide **non-identifiable statistical and demographic** sex trafficking data; provided that all data on the database shall be made accessible to each governmental entity and non-confidential data may be made accessible to the general public as determined appropriate by the administrator; and

(2)    Annually review data collection practices within government to ensure agencies are providing data pursuant to this section.

(b)    The commission's database shall include statistical **and demographic** data on the:

(1) Total number of all sex trafficking cases in Hawaii reported to national and local trafficking hotlines;

(2) Total number of sex trafficking cases reported to and handled by governmental agencies and private organizations receiving state funding;

(3) Total number of arrests, prosecutions, and convictions under sections 712-1200(1)(b) and 712-1202;

(4) The age range and average age of victims, offenders, and traffickers;

(5) The sex and gender identity of victims, offenders, and traffickers;

(6) The race and ethnicity of victims, offenders, and traffickers;

~~(7) The total number of native Hawaiian victims;~~

(7) The total number of immigrant victims; and

~~(9) The total amount of annual federal and state funds available to address sex trafficking.~~

(c) The data maintained by the Commission shall not include identifying information, such as names, dates of birth, addresses, and social security or other government-issued identification numbers.

**(d)** The commission shall collaborate with government and community agencies and individuals who work with sex trafficking victims and submit a report to the legislature on the sex trafficking statistics and demographic information, information about funding opportunities identified for sex trafficking programs, and any proposed legislation, no later than twenty days before the convening of the regular session of 2021, and every year thereafter.

**(e)** For the purposes of this section, "sex trafficking" includes offenses under sections 712-1200(1)(b) and 712-1202."



## SB 1040, RELATING TO SEX TRAFFICKING

FEBRUARY 7, 2019 · SENATE PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS ·  
CHAIR SEN. CLARENCE K. NISHIHARA

**POSITION:** Support, with amendments.

**RATIONALE:** IMUAlliance supports and suggests an amendment for SB 1040, relating to sex trafficking, which requires the State Commission on the Status of Women to maintain a database on sex trafficking. Requires reports to the Legislature.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention services to 135 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being

under the age of 16. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including enhancing data collection practices within state government. Hawai'i does not currently have a coordinated continuum of care for victims of sex trafficking. In fact, the crime of "sex trafficking" only came into being under Hawai'i law in 2016. State agencies and service providers are currently striving to establish a network of victim services that is responsive to each victim's unique and individual needs. Yet, in our experience as a victim service provider, we have found that state agencies are reluctant to share information with one another about reported cases, typically because of concerns about protecting victim confidentiality.

In practically every case on which we work, victim confidentiality is crucial to the effective provision of victim services. If a student at a public school is identified as a victim, information relating to that student is kept in the strictest confidence by Department of Education personnel, law

enforcement, and service providers. If a trafficking victim is located at a local massage parlor, we would, again, maintain the strictest standards of confidentiality with regard to the victim's identity, inasmuch as possible, even after the victim's case has been completed. Such concerns should not be an excuse to inhibit interagency collaboration necessary to assist victims, however, nor should they be a barrier to working with private organizations to rescue and restore survivors of our state's prolific sex trade.

Frankly, as the state's only private provider of direct intervention and outreach services (our advocacy team literally meets victims in the places at which they're being trafficked and works to provide a pathway to freedom), we would be willing and able to provide all of the data enumerated in this bill to the Commission as far as our services are concerned, as well as a great deal of additional information, including our regularly updated tally of high-risk sex trafficking establishments. We note that the victim population captured by the data covered by this proposal would not include all victims because private service providers, like ourselves, are necessarily excluded from state oversight. Therefore, we would **encourage the committee to amend the measure to permit the Commission to gather data from private service providers, too, so that the Commission can provide a more accurate snapshot of sex trafficking in its reports.**

Moreover, we hope that this measure will catalyze much-needed discussions about reforming internal data collection practices within departments that knowingly or unknowingly serve trafficked children. The Hawai'i Department of Education, for example, has no comprehensive protocol for handling sexually exploited children identified within the public school system. To close this gap, we are currently training administrators, teachers, counselors, and school-based behavioral health specialists in numerous complex areas in how to create school-level action plans for effectively responding to victims of exploitation. At the same time, we provide a prevention education program in schools to equip students to identify the signs of exploitation and become their own first-responders. The *fewest* number of potential victims about which we have received reports from any school with which we've worked is 12. Last year, we received over *two dozen* reports of potential victimization after a *single presentation*. Again, to better systematize our state's service delivery system for trafficking victims, we must require state agencies to better identify and track victims within the populations for which they're responsible.

**SB-1040**

Submitted on: 2/5/2019 2:57:46 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	No

Comments:

# TESTIMONY ON BEHALF OF HARM REDUCTION HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

February 2, 2019

RE: SB1040 to be heard Thursday February 7, in Room 229, at 1:15PM

## **OPPOSE**

To the members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs.

Dear Senators:

This is ill-conceived. It may well be supported by people who think anything labeled "fighting sex trafficking" should pass, but you should discount that sort of support.

1. The thing that needs to be done is a survey of all the organizations that encounter persons selling sex in the scope of their work. They should be asked about the types of people they service, and the nature of it, as well as numbers served. Weeding out the posers and fakers so that we can find ways to coordinate activities is essential.
2. The survey should be done by a neutral entity such as the State Department of Health or Attorney General's office. It should not be done by the Hawaii State Commission on the Status of Women. The role suggested for Khara Jabola-Calolus in this bill, is unacceptable to a long list of professional people and academics who are experienced experts in this field. The criticisms of the "research" she has undertaken with Arizona State University by people such as Meda Chesney-Lind the current president of the American Society of Criminology and long-time chair of the UH Women's Studies program should give legislators pause.
3. At some point there should be a consensus developed on what is a sex trafficking victim, how that status is to be verified, and what assistance should be offered. Many of us in harm reduction have decades of experience dealing with people in the sex industries. We have seen them in many different situations, not just through surveys and interviews, or in situations wherein a victim story is to be rewarded. We have prepared a Best Practices Guide and are willing to meet with legislators if any are so inclined.
4. During the past 13 months we have held a major conference discussing these issues with international and local experts. We have invited legislators to meet with and learn from a series of sex workers, some of whom have gone through horrible trafficking experiences. The response from our elected officials has been very small. Only about six legislators have bothered to listen to any of this. The meeting we had at the Capitol that included HPD and sex workers as well as advocates was attended by only two legislative aides. An opportunity to learn and develop good policy was lost.
5. In 2017 you passed new rules on reporting under section 350-1 that have made the work done by various outreach and service agencies very difficult. They have had to choose between serving the young people in need or risking a jail term for not complying with your pointless rules.

Aloha



Tracy Ryan  
For Harm Reduction Hawaii



**SB-1040**

Submitted on: 2/2/2019 4:05:39 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekai Quartero	Testifying for K&R Enterprises	Oppose	Yes

Comments:

Aloha Kakou,

I DO NOT SUPPORT SB1040 as presented. SB1040 fails in preserving and enforcing the public's responsibility to provide male and female statutory provisions for responsible conduct absent an amendment to include mutual requirements of leadership and development upon the COMMISSION OF FATHERHOOD as well upon the COMMISSION ON THE STATUS OF WOMEN.

Sincerely,

Robert Quartero

**SB-1040**

Submitted on: 2/4/2019 10:12:55 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

Dear Chair Nishihara, Vice-Chair Wakai, and members of PSM Committee,

Thank you for this opportunity to submit a testimony in SUPPORT of SB1040, which would require the State Commission on the Status of Women to maintain a database on sex trafficking and to report its findings to the legislature.

As you may know, agencies in Hawaii serving sex trafficking victims do not report or analyze information that could inform the community and lack of data is an obstacle to development of effective prevention and intervention resources. Data would also be helpful in educating the greater public about the existence of sex trafficking victims and their unique needs.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Please pass SB1040 and mahalo for this opportunity to testify in support of this important bill.



# HO'OLA NĀ PUA

*Renewal for trafficked kids through Health,  
Education, Advocacy, and Reintegration.*

Testimony on behalf of  
Ho'ola Na Pua  
Jessica Munoz, Founder and President

Prepared for the Committee on Public Safety, Intergovernmental, and Military Affairs  
Thursday, February 7, 2019 at 1:15 p.m.

Dear Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

Ho'ola Na Pua is in support of SB1040. It is absolutely critical for the state of Hawaii to have a centralized data collection entity if we are going to truly curtail and effectively intervene to develop a comprehensive system of care for trafficked persons. Currently, there is a lack of consistency in the way that data is collected, collated, analyzed, and released around all forms of trafficking in Hawaii. As we work to unite both the public and private sectors to engage in capacity building for services for victims, the lack of Hawaii specific data continues to provide a barrier to developing the comprehensive system of care that is needed. The need for data and trend analysis is essential in order to better prevent victimization and successful intervention. This data will also aid law enforcement personnel in both prevention and intervention strategies. Garnering more complete data sets will also help to identify systemic inefficiencies that are often widespread and undocumented.

Three years ago, only five (5) children were believed to be sex trafficked per year. HSCWS's and ASU- Sex trafficking Intervention and Research- *The Stories of Survivors* report cited at minimum 83 cases of child sex trafficking victims report to DHS in FY18, and total of 140 to DHS since 2017.

A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs. With Hawaii specific data, the potential for federal funding for prevention, intervention, and aftercare programs will increase. Several other states receive a significant amount of federal dollars to aid in anti-trafficking efforts; however, they have strong data collection and reporting systems in place. Accountability around how we address the findings of this data in consistent intervals is key toward measuring our collective impact in addressing the problem of trafficking in Hawaii.

Enhanced data collection will also aid in educating the greater public about the existence of a trafficking victim and their unique needs often requiring longer-term supportive programming given their level of traumatization.

Mahalo,

A handwritten signature in black ink, appearing to read "Jessica Munoz". The signature is fluid and cursive, with the first name "Jessica" written in a larger, more prominent script than the last name "Munoz".

Jessica Munoz  
MSN, APRN-RX, FNP-BC  
President | Founder

**SB-1040**

Submitted on: 2/6/2019 1:57:04 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kayla M Rash	Testifying for SWOP Hawaii	Oppose	Yes

Comments:

**The text of SB1040 which would have the Hawaii State Commission on the Status of Women collect data on the prevalence of sex trafficking in Hawaii and maintain a database. We oppose this measure because the study co authored by The Commission on the Status of Women and Arizona State University used flawed methodology that only showed a demand for prostitution not sex trafficking. That study has been criticized by University of Hawaii professors Meda Chesney-Lind and Nandita Sharma. The Commission on the Status of Women has continuously showed an anti-sex work biase by conflating consensual sex work with sex trafficking and we feel that this database will do the same. A study by a neutral entity such as the state department of health or the attorney general's office should be conducted before any such database is established, and input from actual sex workers is essential to any measure concerning us.**

**SB-1040**

Submitted on: 2/6/2019 11:48:21 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-1040**

Submitted on: 2/6/2019 1:06:30 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Balgos	Individual	Support	No

Comments:

**SB-1040**

Submitted on: 2/1/2019 4:41:48 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:



**Chair Nishihara**  
**Vice Chair Wakai**  
**Senate Committee on Public Safety, Intergovernmental, and Military Affairs**

**Thursday, February 7, 2019**  
**1:15 PM**

**TESTIMONY IN SUPPORT OF SB1040 RELATING TO SEX TRAFFICKING**

Aloha Chair Nishihara, Vice Chair Wakai, Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs,

My name is Jun Shin. I am a freshman at the University of Hawai‘i at Mānoa and a executive committee member of the Young Progressives Demanding Action (YPDA). I am testifying as an individual in **support of SB1040 relating to sex trafficking.**

We’ve all heard and seen reports of sex trafficking and want to do something about it. I sure do, the scars it leaves on victims mentally, physically, emotionally is just heartbreaking. Justice needs to happen, for the victims, and for the sake of having no more victims, but I understand that sex trafficking is a very secretive/covert system of exploitation. This bill is an important step in combating sex trafficking effectively.

It’s important to note that currently, agencies who serve victims of sex trafficking do not report or analyze crucial information that would be very helpful in informing the community. A big part in fighting back would definitely be in the field of education, getting the word out and being informed. I’m definitely not an expert, but as one of many concerned member of the community, having data available would be helpful in educating people like myself and the rest of the community about the existence of sex trafficking victims and their unique needs. A centralized database is needed and fast, **I urge you to support SB1040 and pass it out of your committee.**

Thank you for the opportunity to testify,

Jun Shin  
Environmental Justice Action Committee Chair  
Young Progressives Demanding Action (YPDA)  
1561 Kanunu St.  
Cell: 808-255-6663  
Email: junshinbusiness729@gmail.com

**SB-1040**

Submitted on: 2/6/2019 12:40:31 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lindsay Terkelsen	Individual	Support	No

Comments:

I am a resident of Puna, Hawai'i, and I am in support of SB1040 to create a centralized sex trafficking database in Hawai'i.

A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes. These are necessary for policy guidance, training, legislative reporting, and response and prevention programs. As of now, system inefficiencies are widespread but remain largely undocumented. Furthermore, local service providers and advocates report difficulty in securing grant funding for sex trafficking due to lack of Hawaii-specific data.

Data would also be helpful in educating the greater public about the existence and prevalence of sex trafficking victims and their unique needs.

**SB-1040**

Submitted on: 2/4/2019 7:18:14 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments:

I strongly support SB1040 and urge you to pass this bill.

I believe a central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs. Further this could be utilized to assist local service providers and advocates who have difficulty securing grant funding for sex trafficking due to a lack of Hawaii-specific data. The analyses of data could inform the community about the existence of sex trafficking victims and their unique needs.

**SB-1040**

Submitted on: 2/4/2019 5:50:46 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Support	No

Comments:

To Whom It May Concern:

I am writing in to say that I STRONGLY SUPPORT and feel that you all to this bill. I feel that it is important to establish a centralized sex trafficking database to better serve the people that are victims. Currently the agencies that are serving sex trafficking victims do not need to report or analyze information that could inform the community, but to be better help these people there needs to be some kind of information gathered in order to see where their needs are. A data crisis is hindering the development of effective prevention and intervention resources for sex trafficking. Local service providers and advocates have reported that there is difficulty in securing grant funding for sex trafficking due to the lack of Hawai'i specific data and this needs to be addressed. System inefficiencies are widespread but remain largely undocumented. Having data would also be helpful in educating the greater public about the existence of sex trafficking victims and their unique needs especially here in Hawai'i.

Please take this bill into consideration and support.

Thank you,

Nanea Lo

**SB-1040**

Submitted on: 2/6/2019 6:44:12 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Beatriz Cantelmo	Individual	Oppose	Yes

## Comments:

The Hawaii state legislature is considering S.B. 1040, and its companion bill, H.B. 487, which aims to improve the State of Hawai'i's efforts to stop/decrease sex trafficking. I am writing to you to request that you reject this proposed legislation.

I do believe that sex and human trafficking must be criminalized as a matter of international law and that each country and state must ensure that these grave crimes be prosecuted. I also believe that essential resources must be allocated to identifying victims of sex trafficking and that victims of sex trafficking should have access to support services, medical care, and safety. I also do understand that in order to develop and maintain policy development, training and legislative reporting and response, creation of direct services, and prevention programs to support sex trafficking survivors in the state of Hawaii, that both the creation and the maintenance of a database for information collection, and retrieval processes that can identify not only sex trafficked individuals but also sex traffickers are necessary.

Having that said, I cannot support SB 1040 and its companion bill, HB 487, for the following reasons:

1. Both SB1040 and HB 487 defines "sex trafficking" offenses under the Hawaii Statute §712-1200 (1) (b), which is a PROSTITUTION OFFENSE. Human trafficking offense IS A DISTINCT OFFENSE from prostitution between consenting adults under federal and international laws not only with regards to ITS DEFINITION, BUT ALSO REGARDING THE THRESHOLD OF EVIDENCE REQUIRED TO PROVE THE OFFENSES. Per Hawaii Statute, §712-1200 (1) (b) relates to prostitution offenses committed between consenting adults who agreed to have consenting adult sex. §712-1200 (1) (b) is defined as a person who commits the offense of prostitution if he or she pays, agrees to pay, or offers to pay a fee to another to engage in sexual conduct.

2. SB 1040 and HB 487 requests to include and count arrests, prosecutions and convictions per Hawaii statutes §712-1200 (1) (a) and §712-1200 (1) (b). This is misleading, as both statute sections refer to prostitution offenses, but it would wrongly allow data to be collected from consenting prostitution cases between consenting adults to be classified and counted as sex trafficking cases. People who solicit commercial sex from adult consenting sex workers are committing a prostitution solicitation offense (statute §712-1200 (1) (b)) ARE NOT SEX TRAFFICKERS. They are not charged or

convicted for a sex trafficking offense. Adult consenting sex workers who agree to have consenting sex with other adults are committing a prostitution offense (statute §712-1200 (1) (a)) and ARE NOT SEX TRAFFICKED individuals. They are charged and convicted for prostitution.

3. The “study” that was referred to on SB1040 and its companion, HB 487 reported that the state commission on the status of women produced a report that points to sex trafficking as a significant problem in Hawaii, which is quite a different take from the reports produced by the Attorney General of the State of Hawaii and also the FBI National Human Trafficking data. Data collected from the Attorney General of the State of Hawaii for 2014, 2015, 2016 and 2017 are in compliance with the Wilberforce Act of 2008, which is a federal mandatory requirement. It is important to note that FBI National Data Reports for 2014, 2015, 2016 and 2017 pertaining to sex trafficking cases in the state of Hawaii are in alignment with the data gathered and published by the Attorney General Office of the State of Hawaii. The discrepancies of these results occurred for the following reasons:

1. The Hawaii state commission on the status of women’s “report findings” came from a “study” that counted the number of men who answered a fake add of adult consenting sex workers (prostitutes) offering consenting sex work (prostitution) services. Those who answered to the fake add were labeled and classified as sex traffickers. The study also referred to commercial sex between consenting adults as sex trafficking, not prostitution.
2. Both the FBI and the Attorney General offices of all states in the United States are MANDATED to make a distinction between sexual human trafficking, and adult consenting sex work (prostitution), per William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. To comply with the Wilberforce Act of 2008, the National UCR program created two additional offenses in the summary reporting system (SRS) and the National Incident-Based Reporting System (NIBRS) by the UCR program to collect both offenses and arrest data. The definitions for such offenses are:
  - Human trafficking, commercial sex acts: inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such acts has not attained 18 years of age.
  - Human Trafficking involuntary servitude: obtaining a person (s) through recruitment, harboring, transportation, or provision and subjecting such persons by force, fraud or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

4. Should SB 1040 and SB 487 be enacted into law, it is likely to be challenged in court. Federal and International laws clearly recognize and distinguish between sex trafficking and consenting prostitution offenses, charges, and sentencing. The Sex trafficking database collection request in question inaccurately defines sex trafficking as prostitution, and for classifies consenting prostitution between consenting adults as sex trafficking cases, where those who solicit consenting sex work (prostitution) are defined

and counted as sex traffickers, and consenting sex workers (prostitutes) are defined as sex trafficking victims.

5. Federal grant applicants geared to serve real sex trafficked victims are also mandated to make a distinction between sexual human trafficking, and adult consenting sex work (prostitution) in their grant application, per William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. The state of Hawaii would not qualify for federal grants to serve real sex trafficked victims under proposed bills because it defines "sex trafficking" per Hawaii Statute §712-1200 (1) (b) relates to prostitution offenses committed between consenting adults who agreed to have consenting adult sex.

6. Good and solid policy development, budget allocation for services of impacted communities requires accurate and reliable data collection. Using proper terms, make distinct definitions between sex trafficking and commercial sex work between consenting adults (prostitution) is a key foundational element needed to be in the right track in the development of accurate, and reliable sex trafficking data collection for our state.

In closing, human trafficking offense is a distinct crime from prostitution between consenting adults under federal and international law not only with regards to its definition but also regarding the threshold of evidence required to prove the offenses. For purposes of legal clarity and accountability, both SB 1040 and HB 487 must make a clear distinction between human sex trafficking, and consenting prostitution between consenting adults. The bills' provisions must be amended to ensure that the definition of sex trafficking aligns with international, federal and state legal standards, particularly with regard to the definition of the crime and the threshold of evidence required to prove the crime. Additionally, the bills must provide clear guideposts for state officials responsible with the law's enforcement to distinguish between the two offenses (human sex trafficking and consensual prostitution). Furthermore, there should be safeguards in place to ensure that the provisions on human sex trafficking are not enforced against consenting adults engaged in soliciting consensual commercial sex (prostitution). SB 1040 and HB 487 must make amendments to not collect data of consenting adult sex workers (prostitutes) and classify them as sex trafficked victims.

**SB-1040**

Submitted on: 2/6/2019 4:59:41 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Hong	Individual	Support	No

Comments:

- There is a severe lack of data collection efforts to provide statistics and trends on the growing human trafficking problem in the State of Hawaii.
- Agencies serving sex trafficking victims do not report or analyze information which could inform the community.
- A data crisis is hindering the development of effective prevention and intervention resources for sex trafficking.
- Local service providers and advocates report difficulty in securing grant funding for sex trafficking due to a lack of Hawaii-specific data.
- System inefficiencies are widespread but remain largely undocumented.
- Three years ago, only five (5) children were believed to be sex trafficked per year. HSCWS's *The Stories of Survivors* report cited at minimum 83 cases of child sex trafficking victims report to DHS in FY18, and total of 140 to DHS since 2017.
- A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs.
- Data would also be helpful in educating the greater public about the existence of sex trafficking victims and their unique needs.
- Integration of data and collaboration with key stakeholders is necessary to find solutions for the human trafficking crisis in Hawaii.



**SB-1040**

Submitted on: 2/6/2019 5:32:06 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Bitanga	Individual	Support	No

Comments:

**SB-1040**

Submitted on: 2/6/2019 11:28:46 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elton Wong	Individual	Support	No

## Comments:

After reading this bill, I'm surprised that there isn't already a system in place for thoroughly documenting trafficking cases and their victims. With that being said, I do believe that a database for sex trafficking cases and victims is overall a good idea. It will help get the ball rolling on fighting human trafficking by keeping lawmakers and government agencies informed when deciding on future legislation that may have a more direct impact.

I do, however, have some questions and reservations as to the execution of this database. My first red flag was how easily accessible this database will be to other organizations and individuals. Regarding access to all government entities, it would be naive to believe that there is absolutely no corruption in our government, and imagining that any corrupt official could access trafficking victim information so easily is concerning. Regarding the access to the public, I am curious to know what qualifies as "non-confidential" information and who determines what that is. I believe there are some details that we may deem "non-confidential" that could be very sensitive information for the trafficked women that could get them in trouble. The data that can be accessed by other entities should be non-identifiable to protect the women involved.

I also have questions about who will be developing this database, what qualifies them, and how they will be selected. The bill says that the data collection practices will be annually reviewed "within government" but who specifically does this involve? Who will the database team report to? These details should be more clearly outlined in the bill.

I am in support of the intent behind the bill but believe that some of the details of its execution need to be fleshed out. Thank you for your time and consideration of my testimony.

**SB-1040**

Submitted on: 2/7/2019 9:45:01 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert H. Pantell, MD	Individual	Support	No

Comments:

**SB-1040**

Submitted on: 2/7/2019 12:27:22 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darin Padula	Individual	Oppose	Yes

Comments:

Section 3 of SB1040 is another step in inflating sex trafficking data, by instead using data from petty misdemeanor crime of prostitution HRS 712-1200. This is because the HSCSW intends to fraudulently inflate the true issues, in an attempt to get funding. It's a tragedy that such an important issue like the abomination of human trafficking is getting caught up in the moralistic campaign to eliminate all prostitution demand and accessibility under the guise of helping trafficking victims.

Help the victims! Don't create MORE victims by continuing this tiring and futile crusade. Even the very Hawaii Law, HRS 712-1200, in the first paragraph of commentary, states that

COMMENTARY ON §712-1200 History has proven that prostitution is not going to be abolished either by penal legislation nor the imposition of criminal sanctions through the vigorous enforcement of such legislation.

And yet so the HSCSW goes, once more in the breach to wage a war on sex, as if it wasn't the very thing that brought us all into this world. Divorce the puritanical crusade of the HSCSW from the moral imperative of helping ending human trafficking!

**SB-1040**

Submitted on: 2/7/2019 1:33:38 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allix Christianson	Individual	Oppose	Yes

Comments:

I stand in opposition to bill SB1040, as it clearly has ethical issues pertaining to the classification of sex traffickers, including racial/anti-feminist beliefs and is supported by groups who wish to attack consensual sexworkers and wish to use the statistics gathered from consensual sex work to recreate false statistics to garner more funds for their anti-sexwork agenda.

I have concerns about the program they wish to force law enforcement and other professionals to learn to spot and reduce sex trafficking. It carries bias towards women, and shows to support the systematic erasure of a market that factually and historically has proven to be beneficial to society.

**SB-1040**

Submitted on: 2/7/2019 3:30:37 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Davidson	Individual	Oppose	Yes

Comments:

I must oppose SB1040, because the Hawaii State Commission on the Status of Women\* is currently under the influence of a sex worker exclusionary radical feminist agenda. Due to the misleadership of Khara Jabola-Carolus, they have taken an anti-sex work (“prostitution”) stance while conflating sex work with human trafficking, and have used social media and the news media to distribute dangerous ideas that harm not only adult consensual sex workers, but people affected by trafficking as well.

I know this because I am an activist in the growing international Sex Worker Rights Movement. We are adults who consensually work in the sex trades who, along with our allies and advocates, stand up for recognition of our human rights, and better access to justice, safety, and health services. Locally, I am a co-founder of the Hawaii chapter of Sex Workers Outreach Project. Like the Movement, SWOP-Hawaii, and most chapters, are run by women. (@swophawaii on instagram and twitter)

Khara has had no meaningful or even respectful communications with the women of SWOP-Hawaii. Had she consulted women who engage in sex work, she would have learned that the ideas she is able to promote via her platform without our consent, disrupt the lives of sex workers, making survival difficult or even dangerous.

In a discussion of sorts that I had with her online, Khara was in support of new internet censorship laws known as FOSTA/SESTA. They allow people who may have been trafficked to blame and sue websites that unknowingly hosted ads their abuser used to exploit them with. These are the laws that caused Craigslist to shut down its personals pages, as well as dozens of other places, where marginalized people who turn to sex work used to build community, share safety measures (like a “bad date list” of whom to avoid), and most importantly, screen prospective clients.

Without the safety of working indoors online, consulting with other erotic service providers, and utilizing internet resources to check if someone who wants to hire a sex worker is who they say they are, people who depended on that free advertising over multiple channels, are now struggling further to survive. Those who never worked outdoors, must now brave the streets to find customers. This has created conditions for exploitation and abuse. Even force, fraud, or coercion, aka trafficking. “Pimps” and other people with bad intentions are aware of these conditions, and have contacted sex workers, trying to enter or return to their lives.

Prolific writer, and self-identified trafficking victim Laura LeMoon has written about their experiences after FOSTA/SESTA. When I shared a link to Laura’s story, Khara dismissed it and told me how easy it was for marginalized people to find other sites and just start working right away. She’s so wrong.

Laura and other sex workers affected by FOSTA/SESTA were quoted in this article from Vice soon after the guy in the White House signed it into law last year:

[https://motherboard.vice.com/en\\_us/article/bjpgvz/fosta-sesta-sex-work-and-trafficking](https://motherboard.vice.com/en_us/article/bjpgvz/fosta-sesta-sex-work-and-trafficking)

And a recently-released study reveals that San Francisco has had a 170% rise in human trafficking since FOSTA/SESTA forced more sex workers into working outdoors, where they are most vulnerable to not just “pimps”, but harassment from the public, and police:

[https://sanfrancisco.cbslocal.com/2019/02/03/new-laws-forced-sex-workers-back-on-streets-caused-170-spike-in-human-trafficking/?utm\\_campaign=true\\_anthem&utm\\_content=5c58295504d3014050cb31a2&utm\\_medium=facebook&utm\\_source=social&fbclid=IwAR2IjCi7iemcQ\\_66RBywuwaucJFha18oWQLH2z7yUmFLPTsGBEZh4Eq4BGg](https://sanfrancisco.cbslocal.com/2019/02/03/new-laws-forced-sex-workers-back-on-streets-caused-170-spike-in-human-trafficking/?utm_campaign=true_anthem&utm_content=5c58295504d3014050cb31a2&utm_medium=facebook&utm_source=social&fbclid=IwAR2IjCi7iemcQ_66RBywuwaucJFha18oWQLH2z7yUmFLPTsGBEZh4Eq4BGg)

I don’t usually compare Hawaii to other places. I love it here, but I do wish HSCSW\* could be like the San Francisco Department on the Status of Women. In SF they collaborated with the sex worker community and law enforcement to make it safer for sex workers to report violence they may have seen or even been a victim of:

“Created in partnership with the Department on the Status of Women and local sex worker rights organizations, including members of the Sex Worker and Trafficking Policy Impact Committee of the Mayor’s Task Force on Anti-Human Trafficking, the policies are designed to prioritize the safety of sex workers over the prosecution of misdemeanor prostitution and drug related offenses, and to reduce the likelihood that victims of violence will themselves end up arrested or incarcerated.

“Our hope for this policy is to reduce the harm experienced by sex workers, in particular, women of color and transgender women engaged in the sex trades, who have no protections when reporting violence, or experience mistreatment at the hands of law enforcement,” said Johanna Breyer, Executive Director of St. James Infirmary.”

<https://sfgov.org/dosw/san-francisco-announces-prioritizing-safety-sex-worker-policies>

Aside from Khara, I view other fringe players influencing HSCSW\* to be problematic as well. Sherry Alu-Campagna employed someone who has been proven untrustworthy, to be her campaign manager for Congress during the last election. That person I met under the name Kathy Zang, has been operating under another name, “Kathryn Xian”, which might sound familiar from her failed Congressional run years back. (Not to mention Khara’s significant other, Kaniela Ing’s Congressional run and campaign finance scandals recently <https://www.staradvertiser.com/2018/06/20/breaking-news/rep-kaniela-ing-fined-more-than-15k-for-campaign-spending-violations/>)

While Sherry hasn’t proven herself noteworthy, her close relation to that Kathy Zang/Xian person tells me that this group is not operating with facts or evidence, but there is a willingness to enforce their agenda at all costs. This is evidenced by the fact that Kathy Zang/Xian was removed from Hawaii’s Trafficking Task Force for, according to Civil Beat, “hindering progress and hurting the victims they are trying to help”:

<https://www.civilbeat.org/2015/07/friend-or-foe-kathryn-xian-has-become-a-problem-for-anti-trafficking-advocates/>

I could list several other reasons why a group like HSCSW\* and it’s outlying characters should not be deemed in any way knowledgeable - or even concerned - about what is



good for people affected by trafficking. But the major one is the way they willfully ignore, and aggressively suppress fact-based peer-reviewed endorsements of decriminalization of sex work (both charging and paying for sexual services) from well-known human rights and health organizations.

Decriminalization has worked in New Zealand since 2003. While no law will ever end violence or labor rights violations, not being labeled a criminal has given sex workers a better relationship with law enforcement. They can now report any wrongdoing they witness or experience, and enjoy labor rights and human rights (or can fight for them).

<https://www.opendemocracy.net/beyondslavery/fraser-crichton/decriminalising-sex-work-in-new-zealand-its-history-and-impact>

Below I'll close with a list of several respected international agencies that support decriminalization of sex work. But I want to focus on two, because as a queer guy, I see groups like HSCSW\* and other Rescue Industry affiliates referencing the LGBTIQ community in their statements against sex work.

Khara is rumored to be a lawyer, and though she acts oblivious to decriminalization's success while professing expertise on sex work (without self-identifying as a worker):

"But Khara Jabola-Carolus of the Hawaii feminist organization Af3irm said decriminalizing prostitution hasn't worked in countries where it's been tried. We think we should do away with stale ideas like the sex-worker movement that pushes failed strategies and a misunderstanding of prostitution," she said."

(<http://www.hawaiinewsnow.com/story/37220944/sex-workers-advocate-wants-prostitution-decriminalized/>),

Khara is also misrepresenting my community and how sex work intersects with our members. Due to systemic conditions, sex work is sometimes a means of survival for disenfranchised LGBTIQ members. Criminalization does not fill the needs that cause anyone to turn to sex work, nor does it help us exit the sex trade when we are ready.

That's why Lambda Legal, and National Center for Transgender Equality both support decriminalizing sex work.

[https://www.lambdalegal.org/blog/20160526\\_cut-violence-against-our-communities-decriminalize-sex-work](https://www.lambdalegal.org/blog/20160526_cut-violence-against-our-communities-decriminalize-sex-work)

<https://transequality.org/blog/decriminalize-sex-work-to-protect-transgender-lives>

I'm curious how Khara responds to the following groups supporting decriminalization of sex work. Unless HSCSW\* can discredit all of these agencies credibly, I must oppose SB1040:

Global Alliance Against Traffic in Women; World Health Organization (WHO); American Medical Association (AMA); Amnesty International; Lambda Legal; Freedom Network USA; New York Anti-Trafficking Network; The Lancet; American Jewish World Service; National Center for Transgender Equality; Open Society Foundation; United Nations (UN); Human Rights Watch;

American Civil Liberties Union (ACLU).