



The Judiciary, State of Hawai‘i

Testimony to the Thirty-First Legislature, 2021 Regular Session

Senate Committee on Judiciary
Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keahokalole, Vice Chair

Wednesday, March 10, 2021, 9:46 am
VIA VIDEOCONFERENCE

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

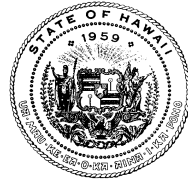
Measure No. and Title: Senate Concurrent Resolution No. 8, S.D. 1, REQUESTING THE HAWAI‘I STATE COMMISSION ON THE STATUS OF WOMEN TO CONVENE A TASK FORCE TO STUDY MISSING AND MURDERED NATIVE HAWAIIAN WOMEN AND GIRLS.

Judiciary's Position:

The Judiciary respectfully supports the intent of Senate Concurrent Resolution No. 8, S.D. 1, which requests that the Hawai‘i State Commission on the Status of Women convene a task force to conduct a study regarding missing and murdered Native Hawaiian women and girls.

The Judiciary is committed to participating in the newly-created task force to effectuate its purpose as stated in this measure.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of S.C.R. 8 S.D. 1

**REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN
TO CONVENE A TASK FORCE TO STUDY MISSING AND MURDERED NATIVE
HAWAIIAN WOMEN AND GIRLS.**

SENATOR KARL RHOADS , CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: March 10, 2021

Room Number: Via Videoconference

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) supports this measure requesting
3 the Hawaii State Commission on the Status of Women (HSCSW) to convene a task force to
4 improve the health of Native Hawaiian women and girls at-risk for all forms of violence
5 including domestic violence and involvement in sex trafficking and the sex industry.

6 The DOH agrees for the director or designee to serve on the task force. The task force objectives
7 support the DOH with information and data that will assist in developing and distributing
8 information to prevent violence, sexual trafficking, and the promotion of health outcomes for
9 Native Hawaiian females. The DOH currently provides trainings and resources to domestic
10 violence partners on teen dating, developing respectful healthy relationships, and a sexual
11 violence prevention train-the-trainer curriculum for educators of middle and high school
12 students. Additionally, the DOH-supported statewide network of family planning providers
13 conduct annual trainings on identifying and screening for domestic violence and abuse of
14 adolescents and women of reproductive age.

15 Thank you for the opportunity to testify on this measure.

SCR8 SD1

REQUESTING THE HAWAI‘I STATE COMMISSION ON THE STATUS OF WOMEN TO
CONVENE A TASK FORCE TO STUDY MISSING AND MURDERED NATIVE HAWAIIAN
WOMEN AND GIRLS

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
Senate Committee on Judiciary

Malaki 10, 2021

9:46 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs **SUPPORTS** SCR8 SD1. Particularly given recent indications that Native Hawaiians may be disproportionately represented among sex trafficking, sexual exploitation, and sex abuse victims – who in turn may be at a heightened risk of being murdered or going missing – **OHA supports the improved data collection, reporting, and analysis envisioned in this measure, as a critical first step to identifying and preventing what may be a serious problem affecting the Native Hawaiian community.**

Recent data indicate that Native Hawaiian women and girls may be disproportionately represented among victims of sex trafficking and sexual exploitation.¹ Most recently, the Hawai‘i Commission on the Status of Women, in partnership with Arizona State University and Child and Family Services, published the third part of a multi-part report examining sex trafficking in Hawai‘i. Although the survey underlying this most recent publication could rely on only a limited sample of 363 willing participants, nearly 27% of participants surveyed were identified as having been sexually trafficked, with 64% of these trafficking victims identifying as Native Hawaiian.² Alarming, 23% of the trafficking victims were first trafficked before the age of 18.³

This recent report supplements data that further demonstrate the high risk for sexual victimization within the Native Hawaiian community. For example, the Sex Abuse Treatment Center has indicated that, between 2001 and 2010, Native Hawaiians represented the largest ethnic group among their intake of sex abuse victims.⁴ Further, a more recent OHA study also revealed that Native Hawaiian girls are vastly overrepresented among juvenile runaways,⁵ and data show that one third of runaway

¹ ARIZONA STATE UNIVERSITY OFFICE OF SEX TRAFFICKING INTERVENTION & THE HAWAI‘I STATE COMMISSION ON THE STATUS OF WOMEN, SEX TRAFFICKING IN HAWAI‘I PART III: SEX TRAFFICKING EXPERIENCES ACROSS HAWAI‘I 5 (2020).

² *Id.* at 4.

³ *Id.*

⁴ DAWNA NELSON, EVELYN YANAGIDA & CAROL PLUMMER SEXUAL ASSAULT VICTIMS IN HONOLULU: A 2001-2010 STATISTICAL PROFILE 24 (2012).

⁵ OFFICE OF HAWAIIAN AFFAIRS, HAUMEA: TRANSFORMING THE HEALTH OF NATIVE HAWAIIAN WOMEN AND EMPOWERING WĀHINE WELL-BEING 74 (2018).

youth will be approached for sexual services within 48 hours of being on the street.⁶ In addition to—and perhaps partially due to—“land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and going inequities”⁷—Native Hawaiian youth may, therefore, be particularly vulnerable to sexual exploitation and abuse.

The potential prevalence of sex trafficking, sexual exploitation, and sexual abuse of Native Hawaiians heightens concerns that Native Hawaiians, and particularly Native Hawaiian women and girls, may be at a higher risk of being murdered or going missing. However, as described in OHA’s report *Haumea: Transforming the Health of Native Hawaiian Women and Empowering Wāhine Well-Being*, there is a need for much better data collection generally on violence perpetrated against Native Hawaiian women, especially young women and girls, including through data disaggregated by age, race, and gender. Such data may be critical to better understanding and addressing the social and systemic contexts of violence against Native Hawaiian women and girls, including their murder or disappearance.⁸

OHA looks forward to participating in this Task Force to better protect and uplift the most vulnerable of Native Hawaiian women and girls. **OHA accordingly appreciates and supports the improved data collection, reporting, and analysis envisioned by this measure, which constitute critical first steps to understanding and addressing the potentially heightened risk of Native Hawaiian women and girls going missing, being murdered, or being otherwise subjected to violence or abuse.**

Accordingly, OHA urges the Committee to **PASS** SCR8 SD1. Thank you for the opportunity to testify on this measure.

⁶ Ho‘ōla Nā Pua, *Re/imagine: A Capital Campaign to Rebuild Pearl Haven*, <https://hoolanapua.org/re-imagine/> (last accessed Feb. 3, 2020).

⁷ ARIZONA STATE UNIVERSITY OFFICE OF SEX TRAFFICKING INTERVENTION & THE HAWAI‘I STATE COMMISSION ON THE STATUS OF WOMEN, *SEX TRAFFICKING IN HAWAI‘I PART II THE STORIES OF SURVIVORS* 9 (2019).

⁸ THE OFFICE OF HAWAIIAN AFFAIRS *HAUMEA: TRANSFORMING THE HEALTH OF NATIVE HAWAIIAN WOMEN AND EMPOWERING WĀHINE WELL-BEING* 7, 84 (2018).



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committee on Judiciary

Re: **SCR8, SD1 - Requesting the Hawaii State Commission on the Status of Women to Convene a Task Force to Study Missing and Murdered Native Hawaiian Women and Girls**

Hawai'i State Capitol, via videoconference

March 10, 2021, 9:46 AM

Dear Chair Rhoads, Vice Chairs Keohokalole, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in support of SCR8, SD1. This resolution requests the Hawai'i State Commission on the Status of Women to convene a task force to study missing and murdered Native Hawaiian women and girls.

Before the reports on sex trafficking in Hawai'i were published, very few people thought sex trafficking was a problem here. The studies revealed just how large the problem is and started our community dialoguing on what we need to do to protect the lives of women and girls.

In addition, last week's *Data Justice* report¹ by Papa Ola Lokahi, a Native Hawaiian health advocacy organization, and the Hawai'i Budget & Policy Center highlighted the lack of adequate data about the Native Hawaiian community and called for the state to improve its collection of ethnic and racial data.

Similarly, at this time we do not have information on missing and murdered indigenous girls and women (MMIWG). The task force requested by this resolution would be an important first step toward filling these gaps in data about Native Hawaiian women and girls.

However, we do know that rates of gender-based violence are higher for indigenous women. We know that Native Hawaiian women are more economically vulnerable because of inequity in their pay. We know that trafficking is a contributing factor to MMIWG. We need better information to learn where we our failing indigenous girls and women so that we may, as a community, better protect them.

Mahalo for the opportunity to provide this testimony. Please pass SCR8 SD1.

Thank you,

Nicole Woo

Director, Research and Economic Policy

¹ <https://www.hibudget.org/projects/data-justice>



Planned Parenthood Votes Northwest and Hawai'i

To: Hawai'i State Senate Committee on Judiciary
Hearing Date/Time: Wednesday, March 10, 2021, at 9:46 a.m.
Place: Hawai'i State Capitol, Via Videoconference
Re: Testimony of Planned Parenthood Votes Northwest and Hawai'i in support of SCR 8, SD 1

Dear Chair Rhoads and Members of the Committee,

Planned Parenthood Votes Northwest and Hawai'i ("PPVNH") writes in support of SCR 8, SD 1, requesting the Hawai'i State Commission on the Status of Women to convene a task force to study missing and murdered Native Hawaiian women and girls ("MMIWG"). PPVNH supports policies like SCR 8, SD 1 that meaningfully address the crisis of MMIWG by enhancing data collection and coordination.

Nationwide, the voices of Indigenous and Native people have united to raise awareness of missing and murdered Indigenous women and girls, including Native Hawaiian communities. In 2016, there were 5,712 reports of missing American Indian and Alaska Native women and girls across the country, and we know that murder is the third-leading cause of death among American Indian and Alaska Native women. However, these numbers are likely dramatic underestimations: lack of proper data collection, poor record-keeping protocols, lack of prosecution, underreporting by law enforcement, racial misclassifications, and a labyrinth of jurisdictional disputes all contribute to a lack of quality data on MMIWG. These gaps in data include a dramatic lack of information about MMIWG in Hawai'i's communities, which is particularly concerning because Native Hawaiians are disproportionately represented among sex trafficked and sexual abuse survivors.

Our communities deserve to have more resources dedicated to understanding and addressing the crisis of MMIWG. To do this, Indigenous and Native groups must be a part of meaningful consultations to ensure proper data collection and increased coordination. Tribal nations and Indigenous and Native groups must have the ability to advocate for and access data collection about their citizens when they go missing or are killed. Improved coordination between law enforcement, Indigenous and Native groups, federal partners, and service providers when responding to MMIWG and recording and sharing data is critical to addressing this crisis.

We appreciate this opportunity to support SCR 8, SD 1, which constitutes a critical first step towards addressing Native Hawaiian women and girls going missing, being murdered, or being subjected to violence and abuse.

Sincerely,

Laurie Field
Hawai'i State Director
Planned Parenthood Votes Northwest & Hawai'i



March 8, 2021

Testimony in support of: SCR 8

Submitted by:
Ho'ōla Nā Pua

Chair Rhoads, Vice Chair Keohokalole, and Honorable Members,

Ho'ōla Nā Pua is in support of the convening of a task force within the Hawaii State Commission on the Status of Women that will study and report on missing and murdered Native Hawaiian women and girls.

We know firsthand that good data is imperative to better understanding of a problem. There is a movement to better track the number of missing and murdered indigenous women globally. Native Hawaiians are currently not counted. As evidenced by the statistics provided in this resolution, Hawaii follows the trend of native trauma we see in other states reporting high numbers of murdered and missing indigenous women and children.

There is a lack of comprehensive state and federal data on missing and murdered indigenous people. Often, these crimes are linked to incidents of sexual violence and human trafficking. Rural areas are harder hit due to unique challenges and complexities of limited resources, and there is a strong sense that in native communities there is an underreporting of cases. Though several state and federal task forces have sprouted nationally dedicated to Native Americans and Alaskan Natives, there has yet to be a focus on Native Hawaiians.

By working together on this task force, the entities involved have the opportunity to identify, understand, and tackle the systemic racial and economic disparities that foster cycles of violence, poverty, and crime so that in addition to reviewing past cases, we can stop future ones from occurring.

We are willing and eager to participate on the task force described in the resolution. We urge the committee to support SCR 8 to prioritize our most vulnerable and exploited populations.

Respectfully,
Ho'ōla Nā Pua



We are committed to the prevention of sex trafficking and providing care for children who have been exploited.

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Martha Smith

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Ho'ōla Nā Pua
P.O. Box 22551,
Honolulu, HI 96823
808.445.3131
hoolanapua.org

SCR-8-SD-1

Submitted on: 3/7/2021 12:41:18 AM

Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

Fully support. A task force to conduct a study regarding missing and murdered Native Hawaiian women and girls may help to determine the cause of the problem and recommended solutions.

SCR-8-SD-1

Submitted on: 3/8/2021 9:49:35 PM

Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments:

Please support requesting the Hawaii Commission on the Status of Women to form a Task Force to study the problem of missing and murdered Hawaiian women and girls.

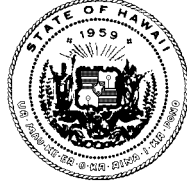
Mahalo for allowing me to present testimony.

Barbara J. Service MSW (ret.)

former Child Welfare supervisor

current senior advocate

the formation of a Task Force



LATE

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

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

In support of SCR8 SD1
Tuesday, March 9, 2021

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports SCR8 SD1, which requests the Office of Hawaiian Affairs and Hawai‘i State Commission on the Status of Women co-convene a task force to **conduct a study** on missing and murdered Native Hawaiian women and girls and to **submit a report** on the study to the Legislature.

The Hawai‘i State Commission on the Status of Women is committed to noncarceral, community-driven solutions to women’s safety.

SCR8 seeks to address the absence of information around the international and national crisis “missing and murdered indigenous women and girls” (MMIWG) in Hawai‘i. SCR8 was inspired by First Nations organizing in Canada and across Indian country in United States. The Commission is concerned about the high rate of gendered violence against Native Hawaiian women and believes a similar, invisible may exist across Hawai‘i.

Women’s advocacy in Hawai‘i has not adequately addressed the unique experiences of Native Hawaiian women. MMIWG is a conversation about sexualization and colonization of Native women. There is a nexus between MMIWG and sex trafficking— a crime which has an intense impact on individual and community well-being. Sexual trafficking and rape are an assault on human dignity.¹ Yet until 2019, there was no state data on the prevalence of sex trafficking victimization among Native Hawaiians or even on the sex market in Hawai‘i.

The Commission functions as the state’s information center on women and girls. In 2018, the agency in partnership with Arizona State University’s Office of Sex Trafficking Intervention and Research embarked to produce the first comprehensive research on sex trafficking in the state’s

¹ See Christine Boyle, *What Makes “Model” Sexual Offenses? A Canadian Perspective*, 4 BUFF. CRIM.L. REV. 487, 492 (2000).

61-year history. The pre-inquiry process of interviews with social service providers and criminal justice personnel indicated that Native Hawaiian women and girls are being sex trafficked in Hawai'i, over state lines, and even across international borders.

In addition, initial peer-reviewed, empirical data shows that Native Hawaiian women appear to be disproportionately victimized:

- 77% of 22 sex trafficking victims were Native Hawaiian, and 100% identified as women²
- 64% of 97 sex trafficking victims were Native Hawaiian, and 75% identified as women³
- Current overrepresentation of Native Hawaiian women and girls in sex trafficking at present may be directly linked vulnerabilities that trace to the overthrow of the Kingdom of Hawai'i—that is, land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities⁴

Our research has also found that sex trafficking victims were more likely to report negative experiences with law enforcement, and that law enforcement has been complicit in sex trafficking in Hawai'i. Sexual exploitation by law enforcement and the threat of criminal sanction of survivors along with few services available has prevented many survivors of sexual exploitation from getting help. This measure allow a new approach to take hold that centers gender equity, racial justice and indigenous sovereignty.

Accordingly, the Commission supports SCR8 SD1 as an important step to radically improve the safety of Native Hawaiian women and children in Hawai'i.

Sincerely,
Khara Jabola-Carolus

² Jabola-Carolus, K. & Roe-Sepowitz, D., *Sex Trafficking in Hawai'i Part II: The Stories of Survivor*, Arizona State University, Jan. 2019.

³ Jabola-Carolus, K. & Roe-Sepowitz, D., *Sex Trafficking in Hawai'i Part III: Sex Trafficking Across Hawai'i*, Arizona State University, Feb. 2020.

⁴ *Id.* at 1.

HAWAII YOUTH SERVICES NETWORK

LATE

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Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 9, 2021

To: Senator Karl Rhoads Chair
And members of the Committee on Judiciary

COMMENTS ON SCR 8 REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO CONVENE A TASK FORCE TO STUDY MISSING AND MURDERED NATIVE HAWAIIAN WOMEN AND GIRLS.

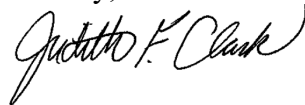
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, has been involved in efforts to address this issue for more than 20 years.

Human trafficking is a serious problem that causes immense harm to victims. We strongly support evidence-based approaches to preventing trafficking and providing services to survivors of trafficking.

The survey conducted in Hawaii that is referenced in the resolution omits some important information about how the study was conducted. ALL of the individuals surveyed were clients of a single nonprofit organization, Child and Family Service. Child and Family Service provides services to families who have experienced or are at risk of child abuse and neglect, individuals with mental health issues, and very low income individuals and families. The participants in the survey are NOT a representative sample of the population of Hawaii and the survey participants are at higher risk of trafficking than our general population. This should be taken into account when considering the survey results.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

LATE

SCR-8-SD-1

Submitted on: 3/9/2021 8:31:08 PM
Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod	Individual	Support	No

Comments:

I STRONGLY SUPPORT SCR 8 - REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO CONVENE A TASK FORCE TO STUDY MISSING AND MURDERED NATIVE HAWAIIAN WOMEN AND GIRLS.

A study from the Hawaii State Commission on the Status of Women and Arizona State University that surveyed sex trafficking victims found that out of 363 people surveyed in Hawaii, 100 were sex-trafficked.

Native Hawaiians disproportionately made up 64% of sex trafficking victims; 83% identified as female and 23% male. The survey was conducted for three months in 2019, and it found that most of the victims lived in Oahu and Maui.

One in 5 had been sex-trafficked as a child averaging 11 years old, while the oldest was 55. Victims of the human trafficking trade had experienced domestic violence, childhood sexual abuse, mental health issues, drug addiction, and homelessness, the study cited. Exploitation is hidden from public view because it occurs in private homes, hotels, vacation rentals, parlors, or the internet.

But it's still unknown how many Native Hawaiian women and girls are missing or killed. Victims of the human trafficking trade had experienced domestic violence, childhood sexual abuse, mental health issues, drug addiction, and homelessness, the study cited. Exploitation is hidden from public view because it occurs in private homes, hotels, vacation rentals, parlors, or the internet.

But it's still unknown how many Native Hawaiian women and girls are missing or killed.

LATE

SCR-8-SD-1

Submitted on: 3/9/2021 10:21:55 PM

Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Greene	Individual	Support	No

Comments:

Aloha Kakou,

Momi Greene From Punal'u, Living in Keahole-Kona In Agreement with Forming The Proper People To Investigate WHY This is So Rampant Amongst The Native Peoples of These Lands and Waterways. We are the Most Destitute Race In Our Own PAE 'AINA .

We are Finished With Being The "LAST IN LINE" ðŸ˜“

Mahalo,

Aunty Momi,

MAUNA KUPUNA

LATE

SCR-8-SD-1

Submitted on: 3/10/2021 4:14:46 AM

Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Support	No

Comments:

As a Hawaiian/Kanaka Maoli and a State of Hawaii voter from Wailuku Maui, i support this resolution to request the Hawaii State Commission on the Status of Women to convene a task force to study the dire situation of missing and murdered Native Hawaiian women and girls.

Kanaka Maoli are 64% of sex trafficking victims in Hawaii.

LATE

SCR-8-SD-1

Submitted on: 3/9/2021 10:44:55 PM

Testimony for JDC on 3/10/2021 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keiko Chen	Individual	Support	No

Comments:

I'm in support of SCR8 SD1. I am a child and adolescent psychiatrist and much of my work has focused on the safety and management of highly traumatized and sexually abused youth and adolescents of Hawaii. Understanding factors that contribute to poverty, substance use, and system wide racial and gender inequality that leads to the victimization of children and women in Hawaii is urgently needed. Thank you for bringing attention to this very important issue.