

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 235, S.D. 1, RELATING TO HUMAN TRAFFICKING.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, March 14, 2023

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
David Van Acker, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General (Department) supports the intent of the bill and offers the following comments.

The Department is eager to continue its efforts to combat human trafficking. In 2022, the Department created the Special Investigation and Prosecution Division (SIPD), which contains the Human Trafficking Abatement Section. Currently, the Human Trafficking Abatement Section is participating in several investigative and prosecutorial efforts in partnership with law enforcement agencies across the State.

This bill provides a robust and comprehensive framework for the Department to make efforts to prevent human trafficking, provide increased support and assistance to victims, educate the public, prosecute offenders, and collect data. The bill also requires other state and county departments to cooperate with the Department's efforts. We believe that this type of bill will catapult Hawaii's efforts to fight human trafficking forward.

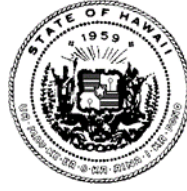
The Department is ready to proactively assist the Legislature in achieving the intent of the bill, especially in the areas where our expertise lies. For example, we will be able to review the criminal statutes related to prostitution and sex trafficking in chapter 712, Hawaii Revised Statutes, assess barriers that inhibit law enforcement agencies, service providers, and government agencies from supporting victims and

holding offenders accountable, and make recommendations for enhancing and collecting some of the data regarding trafficking.

As a newly established division, SIPD's main priority has been to establish consistent relationships with law enforcement agencies, governmental departments, and community service providers. Those relationships will enable SIPD to protect and support victims and prosecute offenders. Once SIPD's law enforcement and community-based support collaborations are well established, the reporting requirements detailed within the bill will be much more productive and helpful to the Legislature. The Department is eager to work with the Legislature to figure out the most effective and efficient use of the state resources to combat human trafficking, especially the commercial sexual exploitation of children.

The Department respectfully submits these comments for consideration. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 11, 2023

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 235 SD1](#) – RELATING TO HUMAN TRAFFICKING

Hearing: Tuesday, March 14, 2023, 9:00 a.m.
Conference Room 329 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and defers to the Department of Attorney General.

PURPOSE: This bill establishes a statewide prevention program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and to victims of human trafficking. Requires reports to the Legislature. Effective 12/31/2050. (SD1)

The Committee on Health and Human Services amended the measure by:

- (1) Clarifying that the Department of the Attorney General shall implement strategies to address accountability for child enticement, commercial sexual exploitation, pimping, and human trafficking through law enforcement efforts, prosecutions, and crime prevention efforts;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion;
and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

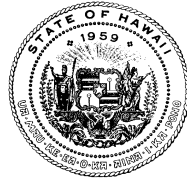
A statewide human trafficking prevention program is needed to coordinate the system's response and to continue to add resources to prevent and respond to the needs of human trafficking survivors.

Act 16, Session Laws of Hawaii 2017 (Act 16), 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 person. Act 16 brought Hawaii's child abuse statute into compliance with the Justice for Victims of Trafficking Act of 2015 (P.L. 114-22).

Since then, DHS Child Welfare Services has continued to collaborate and work with the Judiciary, ATG, state and federal law enforcement, stakeholders, and providers to strengthen Hawaii's response to the trafficking of minors. Some of the lessons learned are:

- Collaboration with other entities is necessary to help locate a victim, as there is often not enough information provided at intake to locate a victim;
- Developing a coordinated response and an information-sharing process is necessary to prevent duplication of efforts by members of the Multi-disciplinary Team;
- Service delivery is difficult for victims that frequently run from a placement, making it challenging to locate victims;
- The coordinated response and information sharing improved the timeliness of reporting to CWS and Susannah Wesley Community Center, especially after-hours;
- Coordination and relationship-building supported successful sting operations; and
- Youth need more placement options, substance abuse, mental health services, ways to keep youth safely connected to their families or Hānai families, and more training for community and family members.

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



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DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SB235 SD1
RELATING TO HUMAN TRAFFICKING.**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: March 14, 2023

Room Number: 329

1 **Fiscal Implications:** N/A

2 **Department Testimony:** The BHA's Child and Adolescent Mental Health Division (CAMHD)
3 provides the following testimony on behalf of the Department of Health (DOH) on SB235
4 "Relating to Human Trafficking" and is commenting to support the intent of the bill.

5 The State of Hawaii has implemented several strategies to address the specific issue of
6 Commercially Sexually Exploited Children (CSEC). There are five multi-disciplinary teams
7 specifically trained to address trafficked youth across the state, a CSEC steering committee made
8 up of multiple state and law enforcement agencies, and therapeutic programming. That being
9 said, the state would benefit from a more coordinated and comprehensive program. Such a
10 program could develop policies, foster interagency collaboration, promote training, disseminate
11 information, and expand the scope of the program to include adults. The program could also stay
12 abreast of efforts in other states as well as on a Federal level while being informed by local
13 activities.

14 Thank you for the opportunity to testify.

15

16 **Offered Amendments:** N/A



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF SB 235 SD1: RELATING TO HUMAN TRAFFICKING

TO: House Committees on Human Services
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: **Tuesday, 3/14/23; 9:00 AM; CR 329 and via videoconference**

Chair Mizuno, Vice Chair Amato, and Members, Committee on Human Services:

Thank you for the opportunity to provide testimony **in Strong Support** of **SB 235 SD1**, which establishes a state-wide prevention program overseen by the Department of the Attorney General to address commercially sexually exploited children and victims of human trafficking. I am Rob Van Tassell, with Catholic Charities Hawai'i.

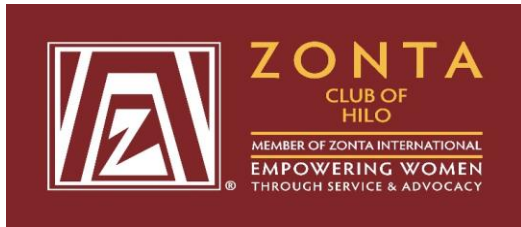
Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 75 years. CCH has programs serving elders, children, families, homeless, and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i. Catholic Charities Hawai'i has experience providing therapeutic services to individuals with complex trauma including victims of sex trafficking. In our experience working with youth, many are unaware of their own vulnerability to being exploited and becoming a victim of sex trafficking.

This is a priority bill for Catholic Charities Hawai'i. We must take action to prevent Hawaii's children from being exploited and becoming victims of human trafficking. This strikes at the very heart of our Ohana—our children. The average age of children when they were first sex trafficked was just 11 years old. 3 out of 4 victims knew their trafficker, who was a family member, friend or significant other. Shockingly, 48,000 + ads were posted for commercial sex in Hawai'i in 2019. This commercial sex with children under 18 years of age is induced by force, fraud, or coercion. These children may not know who to turn to and lack the ability to escape.

Hawai'i needs a comprehensive strategy to prevent this inhumane crime of human trafficking. Hawai'i needs a plan for how to provide more support and help to these victims. There is also a great need for public education so people and children are more aware of this commercial sexual exploitation of children, as well as help available (services, hotlines, websites with information, etc.) This is a crime which is often hidden and which targets highly vulnerable groups like runaways or foster children who may have histories of abuse and neglect. Youth with mental illnesses and substance abuse issues and other groups are also highly vulnerable to the emotional manipulation and lures of the trafficker. An immediate response is needed to confront this issue and develop training on the best practices to prevent, identify and address this issue of grave danger to kids.

This bill provides a comprehensive approach that is essential. Please contact our Legislative Liaison, Betty Lou Larson at 808-527-4813, if you have any questions.





Representative Mizuno, Chair, Representative Amato Vice-Chair, and Committee Members

From: Zonta Club of Hilo, Charlene Iboshi, Advocacy Committee

Testimony In Support of SB 235, SD 1, SSCR1102, Relating To Human Trafficking

The Zonta Clubs across Hawai`i, nationally and Internationally, support prevention and prosecution of Human Trafficking. In Hawai`i, minor sex trafficking has been identified as a crime that is preventable. Prevention and awareness campaigns are key to addressing minor sex trafficking, along with training of those that work with youth, and specialized investigation and prosecution units. January was Human Trafficking Awareness Month, so it is appropriate for the Legislature to recognize the importance of prevention and prosecution, as proposed by SB 235, SD 1.

I was on the Hawai`i Human Anti-Trafficking Task Force prior to the enactment of Human Trafficking Laws. The State of Hawai`i has moved forward by adopting human trafficking laws, funded prevention efforts, and funded a special prosecution unit in the Attorney General's Office. Hawai`i has responded appropriately, but more needs to be done.

Prevention and awareness are critical to reducing the costs and trauma of the youth who are exploited, many times by their own families, friends and boyfriends. Research done by the Arizona State University from 2018 through 2022, and provided to the Legislature, supports the funding for prevention of Human Trafficking, Investigation and Prosecution. Reporting of these crimes are critical for guidance on refinement of the efforts to prevent and prosecute Human Trafficking offenders. Notably, as in sexual assault, child abuse and domestic violence cases, many times the offender is known to the victim. Disclosure is difficult and recantation expected. Rigid guidelines, may prevent capture of the needed data, including "suspected" trafficking.

Any experienced investigator will know that disclosure may arise during a "simple" runaway or truancy report. Hospital personnel may "suspect" trafficking, but may not have adequate resources to follow-up. Funding for prevention, statewide strategies, including multi-disciplinary training, are key to appropriate follow-up for investigation and successful prosecution. More importantly, prevention, even if it is "secondary prevention," may halt the harm done to the youth and the community, including the offenders who exploit the youth and their connections that experience the "generational trauma" of violence.

Importantly, reducing the demand side of the minor human trafficking is critical to eliminating minor human trafficking. “If there were no buyers, there would be no business for the pimps and traffickers and no victims of human Trafficking.” Sex Trafficking in Hawai`i. Part 1, Sept., 2018, Sex Trafficking in Hawai`i.

Additionally, the most common reasons identified by sex trafficking victims for their victimization were drugs (26.8%), money (24.7%), and a place to stay (24.7%). Most sex trafficked victims were female (75%). Relationship to the trafficker were noted as family (25.8%), friend (24.7%), and boyfriend (24.7%). This relationship to the offender explains why this is a crime that hides in the shadows. Sex Trafficking In Hawai`i Executive Summary (2020).

In conclusion, the Zonta Club of Hilo and the Zonta International network, supports prevention and prosecution of human trafficking, and reporting of appropriate data. We know deployment of resources and reporting take time, but ask for passage of SB 235, SD 1.

Mahalo for considering SB 235, SD 1, and the support testimony of the Zonta Club of Hilo, as part of the Zonta International Network.



SB 235, SD1, RELATING TO HUMAN TRAFFICKING

MARCH 13, 2023 · HOUSE HUMAN SERVICES
COMMITTEE · CHAIR REP. JOHN MIZ

POSITION: Support.

RATIONALE: Imua Alliance **supports** SB 235, SD1, relating to human trafficking, which establishes the statewide human trafficking prevention program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and victims of human trafficking.

Imua Alliance is a victim service provider for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 160 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation.

During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.

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. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. 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. Imua Alliance, 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 Imua Alliance 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 fight against sexual servitude, including this bill's codification of a statewide anti-trafficking prevention program in the Attorney General's Office. Slavery has no place in paradise. Together, we can end exploitation on our shores.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

SB-235-SD-1

Submitted on: 3/11/2023 12:44:32 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

SB-235-SD-1

Submitted on: 3/12/2023 11:26:01 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.

SB-235-SD-1

Submitted on: 3/12/2023 12:45:18 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-235-SD-1

Submitted on: 3/13/2023 9:50:33 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Hawai‘i’s keiki are vulnerable to sex-trafficking and commercial sexual exploitation. Foster children and runaways having histories of abuse and neglect are at particularly high risk. Other highly vulnerable groups include LGBTQ+ youth, immigrants, undocumented workers, and youth suffering from mental illnesses and substance abuse issues. Victims are often lured into sex-trafficking through traffickers’ use of emotional manipulation and control, force, fraud, or threats.

In the last decade, the commercial sexual exploitation of children has garnered greater attention in Hawai‘i and throughout the United States. The department of human services has received an increasing number of hotline calls involving witnesses or victims of child sex-trafficking. However, because child sex-trafficking is covert, it is difficult to accurately measure the scope of the problem, and exploited youth do not always identify themselves as victims.

According to Community Against Exploitation Hawai‘i, the only local organization led by and for sex-trafficking survivors in Hawai‘i, children receive the majority of resources and services related to programming, placement, and exit and recovery from sex trafficking. Additionally, once recovered, minors are often afforded opportunities and supported financially by the state. However, national and Hawai‘i specific research shows that it is extremely hard for adult sex-trafficking survivors to start over financially and mentally due, in part, to the severe lack of resources for them in the islands.

To adequately assist all persons who have been sexually exploited, a statewide human-trafficking program is needed to develop and utilize comprehensive interagency case management strategies and protocols, combined with a multi-disciplinary response. Please support SB235 SD1.