

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 20, 2022

TO: The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Cathy Betts, Director

SUBJECT: **SB 3638 SD1 – RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.**

Hearing: February 23, 2022, 10:05 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Department of the Attorney General, and provides comments regarding data collection.

PURPOSE: The bill requires the Department of the Attorney General to provide annual reports to the Legislature on available data pertaining to the commercial sexual exploitation of children. Appropriates moneys. (SD1) The SD1 amended the measure by:

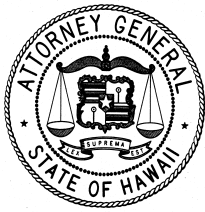
- (1) Clarifying that the Department of the Attorney General shall submit an annual report to the Legislature containing available data from entities that collect and are willing to provide data pertaining to the commercial sexual exploitation of children in the State to the Department, which will cover the immediately preceding fiscal year;
- (2) Requiring the Department of the Attorney General to post a copy of the annual report on its website;
- (3) Clarifying every public official and every state and county department or agency, as applicable, may share information with and provide assistance and cooperation to the Department of the Attorney General to carry out its reporting duties; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

DHS collects intake data from the Child Welfare Services Branch (CWS) child abuse and neglect hotline and CWS's labor and sex trafficking hotline. The information provided to our hotline numbers comes from various sources, though primarily, this data is from mandated reporters. Once information is reported to the hotline(s), it is cross-reported to law enforcement. The report is investigated, and if allegations are confirmed, the cases either become CWS cases or are transferred to a contracted provider for follow-up.

Other county and state governmental entities may collect data regarding the CSEC population. Under a current Memorandum of Understanding (MOU) with the Children's Justice Center (CJC) and current DHS administrative rules, limited data sharing is allowed for investigation, criminal prosecution, service delivery, and treatment services for the victim.

For the Department of the Attorney General to have non-duplicative data, specific guidelines would need to be developed for data collection, data sharing, and data reporting for these proposed reports to be accurate and useful. Additional resources are likely needed. DHS agrees that this data is necessary to improve the response and improve services for this population.

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



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 2638, S.D. 1, RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 23, 2022 **TIME:** 10:05 a.m.

LOCATION: State Capitol, Room 211, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Farshad M. Talebi,
Deputy Attorney General, at (808) 586-1173.)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

This bill would require the Department to provide an annual report to the Legislature containing available data in several categories pertaining to the commercial sexual exploitation of children in the State in an attempt to more accurately measure the scope of the problem in Hawai'i. The bill appropriates an unspecified amount of money for fiscal year 2022 to 2023 to be expended by the Department to fulfill the annual reporting requirements.

An annual report to the Legislature providing statewide data pertaining to the commercial sexual exploitation of children would be helpful in assessing and improving the State's anti-trafficking response. Although the Department currently has a deputy attorney general who acts as a statewide coordinator, the Department would need additional resources to carry out the requirements in this bill. However, if the Department receives funding for the sex and human trafficking unit proposed in Senate Bill No. 2930, the Department would have a dedicated coordinator to collect the requisite available data and provide an annual report to the Legislature.

The Department appreciates the opportunity to testify, and respectfully requests the passage of this bill.

DAVID Y. IGE
GOVERNOR



LATE

CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2638, S.D. 1

February 23, 2022
10:05 a.m.
Room 211 and Videoconference

RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2638, S.D. 1, appropriates an unspecified amount of general funds for FY 23 for the Department of the Attorney General to fulfil the reporting requirements to the Legislature containing data specific to the commercial sexual exploitation of children.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

HAWAII YOUTH SERVICES NETWORK

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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 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's Justice Center of Maui

Get Ready Hawai'i

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

February 20, 2022

To: Senator Donovan Dela Cruz, Chair,
And members of the Committee on Ways and Means

TESTIMONY IN SUPPORT OF SB 2638 SD 1 RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2638 Relating to the Commercial Sexual Exploitation of Children.

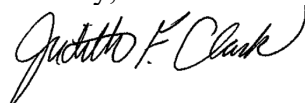
Good quality data about children and youth who are survivors of commercial sexual exploitation is an essential tool needed to address their needs and issues. The scope of data requested will be valuable in increasing professional and community awareness and understanding of the problem.

HYSN doubts that all of the data specified is currently collected. Funding will be needed for data collection, analysis, and training of service providers.

This information will be valuable to planners, service providers, and community members. HYSN currently receives federal funding for outreach to runaway, homeless and street youth who are at risk of sexual exploitation and trafficking. Access to the report would help us to improve services to this population and increase the sustainability of the program.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



Executive Director
Cindy Shimomi-Saito

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Date: February 15, 2022

To: Senator Donovan Dela Cruz, Chair
Senator Gil Keith-Agaran, Vice Chair

From: Lynn Costales Matsuoka, Associate Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of SB 2638 SD1
Relating to the Commercial Exploitation of Children

Hearing: February 23, 2022, via video conference 10:05 AM

Good Morning Chair Dela Cruz, Vice Chair Agaran, and Members of the Committee on Ways & Means:

The Sex Abuse Treatment Center (SATC) is in support of SB 2638 SD1, Relating to the Commercial Exploitation of Children.

This bill would require the Department of the Attorney General to provide annual reports to the Legislature on specified data pertaining to the commercial sexual exploitation of children.

While we have concerns regarding the process and source of data collection, we support requiring the Attorney General's office to provide annual reports to the Legislature. The information reported to the Legislature will ensure that the necessary law enforcement and human services resources are directed towards helping these victims and survivors.

The SATC supports SB 2638 SD1. Thank you for your consideration.

LATE



SB 2638, SD 1, RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

FEBRUARY 23, 2022 · SENATE WAYS AND MEANS COMMITTEE · CHAIR SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: Imua Alliance **supports SB 2638, SD 1**, relating to the right the commercial sexual exploitation of children, which requires the Department of the Attorney General to provide annual reports to the Legislature on data pertaining to the commercial sexual exploitation of children.

Imua Alliance 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 (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 ability to stop sexual slavery, including this measure's effort to improve data sharing about the sexual exploitation of children. 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-2638-SD-1

Submitted on: 2/21/2022 5:35:22 PM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Support	No

Comments:

Any one that commites thsi Act should get the Death penalty!!!