



**WRITTEN 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:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Friday, March 3, 2023

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 211

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

(For more information, contact David Van Acker,
Deputy Attorney General, at (808) 586-1266)

Chairs Rhoads and Dela Cruz and Members of the Committees:

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.

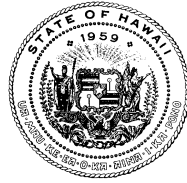
This bill provides a robust and comprehensive framework for the Department to make efforts to prevent human trafficking, provide increased support and assistance to victims, educate the public, prosecute offenders, and collect data. The bill also requires other state and county departments to cooperate 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.



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

**Testimony COMMENTING on SB235 SD1
RELATING TO HUMAN TRAFFICKING.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENAT COMMITTEE ON WAYS AND MEANS

Hearing Date: March 3, 2023

Room Number: 211

1 **Fiscal Implications:** N/A

2 **Department Testimony:** The Department of Health (DOH) supports the intent of SB235
3 “Human Trafficking.”

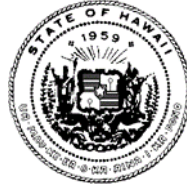
4 The subject matter of this measure falls partially within the scope of the Department’s
5 Behavioral Health Administration (BHA) whose statutory mandate is to assure a comprehensive
6 statewide behavioral health care system by leveraging and coordinating public, private and
7 community resources. The BHA’s Child and Adolescent Mental Health Division (CAMHD)
8 provides the following testimony on behalf of the Department.

9 While the State of Hawaii has multiple efforts to respond to Commercially Sexually Exploited
10 Children (CSEC) such as the a) CSEC steering with multiple state and law enforcement
11 agencies; b) five multi-disciplinary teams specifically trained to address trafficked youth across
12 the state, as well as c) therapeutic programming, the state would benefit from a more coordinated
13 and comprehensive program. Such a program could develop policies, interagency collaboration,
14 training, dissemination of information, expand the scope of the program to adults and stay
15 abreast with local, other state’s activities as well as Federal efforts.

16 Thank you for the opportunity to testify.

1 **Offered Amendments: N/A**

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 1, 2023

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

FROM: Cathy Betts, Director

SUBJECT: **SB 235 SD1 – RELATING TO HUMAN TRAFFICKING**

Hearing: Friday, March 3, 2023, 10:00 a.m.
Conference Room 211 & 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.



SB235 SD1
RELATING TO HUMAN TRAFFICKING
Senate Committee on Ways and Means

March 3, 2023

10:00 PM

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB235 SD1, which would require the State of Hawai‘i Department of the Attorney General to develop and implement a program that would work toward the prevention of human trafficking, while providing increased support and assistance to the victims of human trafficking and victims of the commercial sexual exploitation of children.

Violence against Native Hawaiian women and girls¹ is a crisis here in the homeland of the Native Hawaiian people – a crisis, that due to a sheer lack of data, has been obfuscated and left to be underwhelmingly misinterpreted.² Yet, here are some of the known facts of this crisis:³

“More than a quarter (1/4) of missing girls in Hawai‘i are Native Hawaiian;

“Hawai ‘i has the highest rate of missing persons per capita in the nation and the average profile of a missing child is: 15 years old, female, Native Hawaiian, missing from O‘ahu;

“The majority (43%) of sex trafficking cases are [Native Hawaiian] girls trafficked in Waikīkī, O‘ahu;

“38% of those arrested for soliciting sex from a thirteen-year-old online through Operation Keiki Shield are active-duty military personnel;

“In 2021, the Missing Child Center Hawai‘i assisted law enforcement with 376 recoveries of missing children. These cases are only 19% of the estimated 2,000 cases of missing children in Hawai‘i each year;

¹ Native Hawaiians, generally, experience violence at rates disproportionate to their population size. While Native Hawaiian men and boys also face violence at a higher rate than other main ethnic group in Hawai‘i, Native Hawaiian women and girls face violence at an even greater rate.

² HCR11 HD1 SD1 (SLH 2021).

³ OHA and CSW, Holoī Ā Nalo Wāhine ‘Ōiwi: Missing and Murdered Native Hawaiian Women and Girls Task Force Report, 2022. (hereinafter cited to as “MMNHWG Report”).



SB235 SD1
RELATING TO HUMAN TRAFFICKING
Senate Committee on Ways and Means

“On Hawai‘i Island, [Native Hawaiian] children ages 15-17 represent the highest number of missing children’s cases, with the most children reported missing in area code 96720, Hilo;

“From 2018-2021, there were 182 cases of missing [Native Hawaiian] girls on Hawai‘i Island, higher than any other racial group;

“57% of participants served through the Mana‘olana Program at Child & Family Services are Native Hawaiian females who have experienced human trafficking.”⁴

In 2021, pursuant to House Concurrent Resolution No.11 HD1 SD1 (SLH 2021), the Hawai‘i State Commission on the Status of Women (CSW) convened a task force, in partnership with OHA, to study the crisis of missing and murdered Native Hawaiian women and girls. These findings, through the collaboration of OHA, CSW, and Papa Ola Lōkahi, were compiled into the first part of a two-part report titled, Holoī Ā Nalo Wāhine ‘Ōiwi: Missing and Murdered Native Hawaiian Women and Girls Task Force Report and published in December 2022.⁵ The findings of this task force, as expressed within this report, emphasizes the **“critical need for more structured, systematic, and streamlined data collection between governmental agencies.”⁶**

In addition, this report has also found that **“data that does exist regarding the systemic inequities that lead to missing and murdered Native Hawaiian women and girls”** is not adequately and effectively disaggregated, nor stored, **“in a way that allows for multivariate analyses or analyses that can look at multiple variables (i.e. RACE AND sex AND age) at once.”** Accordingly, the lack of appropriately disaggregated data is a significant hurdle in effectively understanding the problem and advancing necessary solutions.

This crisis must be addressed by ALL OF HAWAI‘I working in concert to end this crisis, forever. OHA was established as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians with the mandate to forever pursue and advance the betterment of conditions of Native Hawaiians.⁷ While Native Hawaiian women and girls are disproportionately

⁴ Id. at 5.

⁵ Digital copy available here: https://www.oha.org/wp-content/uploads/MMNHWG-Report_Web.pdf.

⁶ MMNHWG Report, p.18, 2022.

⁷ Haw. Stat. Con. Art. XII, Sec. 5 and 6 (1978); HRS §10-3 (1990).



SB235 SD1
RELATING TO HUMAN TRAFFICKING
Senate Committee on Ways and Means

represented among the missing and murdered women and girls of Hawai'i, this crisis is not solely a Native Hawaiian issue that must be addressed by Native Hawaiians alone. The inequities and disparities endured by the Native Hawaiian people are the result of historical injustices and the legacy systems of oppression and institutionalized racism that persist from the surviving vestiges of a time that attempted to overtly annihilate Native Hawaiian identity - ethnocide.⁸ These ongoing negative impacts of settler-colonialism must be addressed holistically and as a concerted effort by every actor that contributes, whether intended or not, to the system of abuse, if these negative impacts are ever to be abolished; **and they should be.** **OHA affirms that it is the responsibility of this State to protect Native Hawaiian women and girls – this measure proposes the establishment of a critical component of a greater mechanism for positive change that is intended to put an end to this crisis, for which all of Hawai'i is responsible.**

OHA appreciates the opportunity to provide its support for this measure and **urges the Legislature to PASS SB235 SD1.** Mahalo nui loa.

⁸ “If we are ever to have peace and annexation the first thing to do is to obliterate the past,” stated, Samuel Mills Damon, Vice President of the Provisional Government) and Executive Council member of the Republic of Hawai'i, Council of State (Provisional Government of the Hawaiian Islands, 1895). 26 November 1895. Hawaii State Archives Series 424 Vol. 4.

SB-235-SD-1

Submitted on: 2/28/2023 7:30:05 PM

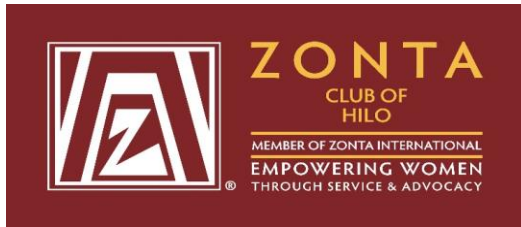
Testimony for JDC on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB235. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member



Senators Rhoads and Dela Cruz, Chairs, Senators Gabbard and Keith-Agaran, Vice-Chairs, and Committee Members

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

Testimony In Support of SB 235, SD 1, 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.



CATHOLIC CHARITIES HAWAII

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

TO: Senate Committees on Judiciary and Ways and Means
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: **Friday, 3/3/23; 10:00 AM; CR 211 and via videoconference**

Chair Rhoads, Chair Dela Cruz, and Members, Committees on Judiciary, and Ways and Means:

Thank you for the opportunity to provide written 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.

Catholic Charities Hawai'i strongly supports this bill. 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 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 bettylou.larson@catholiccharitieshawaii.org or (808) 373-0356, if you have any questions.



SB-235-SD-1

Submitted on: 3/1/2023 8:14:48 AM

Testimony for JDC on 3/3/2023 10:00:00 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: 3/1/2023 8:22:35 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Oppose	Written Testimony Only

Comments:

My concerns with SB 235 are as follows

Calls to human trafficking hotlines are not the same as actual cases of human trafficking. It does not make sense to use calls to a hotline to measure human trafficking. It also does not make sense to include data from a trafficking hotline with actual confirmed cases of trafficking. Having data from a hotline would make any statistics non descriptive of the actual issue of concern, that being childhood sexual exploitation.

Human trafficking hotlines do not provide any services to victims of trafficking.

Hotlines have no mechanisms to remove people from their counts if they return home.

Hotlines do not control for the same person being counted multiple times. A person who repeatedly runs away can be counted every time they run away.

Public awareness campaigns increase calls to trafficking hotlines. Oftentimes behavior that is not trafficking gets called and reported like parents of mixed race children simply being out in public with their children.

The on going conflation of consensual adult sex work and human trafficking is extremely harmful to both sex workers and victims of trafficking. Oftentimes you see resources that could be going to help victims being used to pursue further criminalization of consenting adults. This conflation also leads to policy recommendations that put both sex workers and trafficking victims at an increased risk for violence.

SB-235-SD-1

Submitted on: 3/2/2023 1:44:15 PM

Testimony for JDC on 3/3/2023 10:00:00 AM

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

Comments:

Stand in Support