



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

**DATE:** Wednesday, February 15, 2023      **TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 235

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

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Chair San Buenaventura 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.

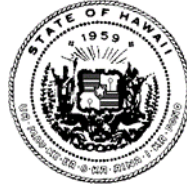
The Department is ready to proactively assist the Legislature in achieving the intent of the bill, especially in the areas where our expertise lies. For example, we will be able to review the criminal statutes related to prostitution and sex trafficking in chapter 712, Hawaii Revised Statutes, assess 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

February 13, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 235](#) - RELATING TO HUMAN TRAFFICKING.

Hearing: February 15, 2023, 1:00 p.m.  
Conference Room 225 & Videoconferencing, State Capitol

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

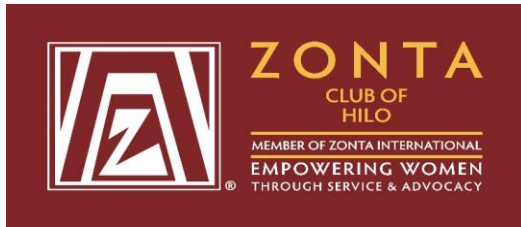
A statewide human trafficking prevention program is needed to coordinate the system's response and to continue to add resources to prevent and respond to the needs of human trafficking survivors.

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.



Senator San Buenaventura, Chair, Senator Aquino, Vice-Chair, and Committee Members

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

Testimony In Support of SB 235, 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.

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 HB 579.

Mahalo for considering SB 235 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: RELATING TO HUMAN TRAFFICKING

TO: Senate Committee on Health Human Services  
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i  
Hearing: **Wednesday, 2/15/23; 1:00 PM; via videoconference**

Chair San Buenaventura, Vice Chair Aquino, and Members, Committee on Health and Human Services:

Thank you for the opportunity to provide testimony in **Strong Support** of **SB 235**, 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 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](mailto:bettylou.larson@catholiccharitieshawaii.org) or (808) 373-0356, if you have any questions.





‘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

**Support with Amendments re: S.B. 235**

Dear Chair San Buenaventura, Vice Chair Aquino, and Honorable Members:

The Hawai‘i State Commission on the Status of Women **supports the intent of S.B. 235**, which would establish a statewide human trafficking prevention program to provide services and assistance to commercially sexually exploited children and to victims of human trafficking, collect data, and report to the Legislature.

The Commission on the Status of Women is a member of the O‘ahu Commercial Sexual Exploitation of Children Steering Committee and serves as co-chair of the Missing and Murdered Native Hawaiian Women and Girls Taskforce in partnership with the Office of Hawaiian Affairs. While technically it is true that “anyone can be trafficked,” the Taskforce’s year-long investigation found that the majority (43%) of sex trafficking cases in Hawai‘i are Native Hawaiian girls trafficked in Waikīkī, O‘ahu.<sup>1</sup> This bill is squarely a Native Hawaiian issue and gender equality issue.

As a key stakeholder, the Commission respectfully requests the following amendments to strengthen this measure:

**Requested Amendments**

**Preamble**

The preamble states that “sexually exploited children often do not have the ability or resources to escape and start a new life.” This statement is not accurate. According to Community Against Exploitation Hawai‘i (CAXHI), the only local organization led by and for sex trafficking survivors in Hawai‘i, children have the majority of resources related to programming, placement, and exit and recovery services. Once recovered, minors are often afforded opportunities and supported financially by the State, including with mental health treatment. Adult sex trafficking survivors however do not have similar resources to CSEC survivors. This is troubling because Hawai‘i-specific and national research shows that it is extremely hard for adult sex trafficking survivors to start over both financially and mentally due to limited resources on the islands. The Commission asks that the preamble be amended to accurately reflect the long-term prioritization of children at the expense of adult victims, and the continued neglect of adult sex trafficking survivors.

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<sup>1</sup> Cristobal, N. (2022). Holoī ā nalo Wāhine ‘Ōiwi: Missing and Murdered Native Hawaiian Women and Girls Task Force Report (Part 1). Office of Hawaiian Affairs; Hawai‘i State Commission on the Status of Women: Honolulu, HI.



Sec. 11 (A)(i) regarding Data Collection:

- **ADD: Total number of National Center for Missing and Exploited Children CyberTip reports (Child Sexual Abuse Material and luring/enticement) to the Department of the Hawai'i Attorney General Criminal Justice Division Internet Crimes Against Children**
- **ADD: Total number of National Center for Missing and Exploited Children CyberTip cases reported to the Hawai'i Attorney General Criminal Justice Division Internet Crimes Against Children that were closed by arrest**
  - Rationale: The preamble purports to be “offender focused” but there is not enough data required by this bill that tracks accountability and male demand to exploit children and adults. Sex buyers and online predators are the direct and indirect cause of all harm in sex trafficking and commercial sexual exploitation. 2) Advocates are concerned that there may be a large number of influx cases yet a small number of arrests so request data to better understand the impact to Hawai'i.
- **ADD: The number of arrests, prosecutions and convictions in the State, delineated by county, disaggregated by race, for crimes related to human trafficking, commercial sexual exploitation or the commercial sexual exploitation of children;**
  - Rationale: Advocates in jurisdictions like Seattle have observed racial profiling of “offenders.” Second, advocates need to better understand exploiter demographics in order to design prevention.
- **ADD: The total number of arrests of active duty military and National Guard personnel through Internet Crimes Against Children Operation Keiki Shield or other proactive investigations that involve the Hawaii law enforcement agencies;**
- **ADD: The total number of recovered children that had been previously recovered (repeat runaways/missing kids)**
- **ADD: The total number of adults suspected to be victims of sex trafficking**
  - Rationale: We must stop putting women last and treating women in the sex trade as “elective” prostitutes or criminals when the majority of prostituting people are exploited and victims. Children are a key concern but the overwhelming majority (76%) of sex trafficking victims surveyed in Hawai'i in 2020 were first trafficked as adults (Jabola-Carolus & Roe Sepowitz, 2020).
- **AMEND: (a)(2)Implement statewide strategies to address offender-accountability for child enticement, commercial sexual exploitation, pimping, and human trafficking through law enforcement efforts, prosecutions, and crime prevention efforts.** This statement unamended is too vague and could result in the harmful criminalization of sex trafficking victims and commercially sexually exploited people.

Finally, the preamble states that this program must be “victim-centered.” An entity that is currently charged with criminalizing victims cannot be truly victim-centered. Historically and in 2022, the Department of the Attorney General has opposed the decriminalization of commercially exploited people (nee prostitutes), which has caused advocates and survivors to question whether this human trafficking prevention program is appropriately housed.

Although many of us have worked hard to create a paradigm shift, there is no evidence yet that the state has been able to differentiate at scale between what the state views as elective “prostitutes” (i.e., criminals) and sex trafficking victims. Therefore, we believe that **this measure must be passed in conjunction with H.B. 1251**, which would protect commercially sexually exploited people and sex

trafficking victims from criminalization and which the Department of the Attorney General worked collaboratively with women's rights advocates to draft over the past year.

Accordingly, we ask that the Committee pass this S.B. 235 with amendments.

Mahalo,

Khara Jabola-Carolus  
Executive Director



February 15, 2023

Senator Joy San Buenaventura, Chair  
Senator Henry Aquino, Vice-Chair and  
Members of the HHS Committee

**Re: S.B. No. 235 Relating to Human Trafficking**

**Hearing: Wednesday, February 15, 2023, in Conference Room 225 &  
Videoconference**

Dear Chair San Buenaventura, Vice-Chair Aquino and Members of the HHS Committee:

Hawaii Women Lawyers supports **S.B. No. 235**, which proposes to establish the statewide Human Trafficking Prevention Program (HTP) overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and victims of human trafficking and requires reports to the legislature.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

The proposed bill recognizes the significant importance of providing a robust and comprehensive framework for the Department of the Attorney General to make efforts to prevent human trafficking, provide increased support and assistance to victims, especially children, educate the public, prosecute offenders, and collect data. The bill also requires every public official and state and county department to render all necessary assistance and cooperation within the official's or department's jurisdictional power to share information and to assist the program in carrying out its duties.

Many children in the State are vulnerable to sex trafficking and commercial sexual exploitation. Recent data indicates that Native Hawaiian women and girls are disproportionately represented among victims of sex trafficking and sexual exploitation. Also, it is clear that 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. Moreover, sexually exploited children often do not have the ability or resources to escape and start a new life.

We also urge the legislature to budget the necessary funding for implementation of the HTP program.

We believe that this type of bill will catapult Hawaii's efforts to fight human trafficking forward.

For the above reasons, Hawaii Women Lawyers supports S.B. No. 235 and respectfully requests that the Committee pass this measure. Thank you for the opportunity to testify in support of this measure.



## SB 235, RELATING TO HUMAN TRAFFICKING

FEBRUARY 15, 2023 · SENATE HEALTH AND HUMAN SERVICES COMMITTEE · CHAIR SEN. JOY A. SAN BUENAVENTURA

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports SB 235, 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](mailto:kris@imuaalliance.org)**

**SB-235**

Submitted on: 2/11/2023 3:47:07 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

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

Comments:

Stand in Support

**SB-235**

Submitted on: 2/12/2023 2:24:58 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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. And that’s all great. 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 inter agency case management strategies and protocols, combined with a multi-disciplinary response. Please support SB235.

**SB-235**

Submitted on: 2/13/2023 1:17:08 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Savani Aupiu	Individual	Support	Written Testimony Only

Comments:

**I am in support of SB 235 which establishes a statewide prevention program to provide services and assistance to commercially sexually exploited children and to victims of human trafficking. Human trafficking is a global crisis. It destroys families, preys on the vulnerable, and undermines our most basic human rights. From my understanding, three studies on human trafficking have been conducted in Hawaii and the findings reveal that over 60% of those trafficked are native Hawaiian, 50% reported that a family member was involved, 23% of the victims were first trafficked as a child, and two-thirds of the victims were homeless at some point. Human trafficking continues to increase at an alarming rate and we need to act faster than we have in the past. Creating a statewide prevention program is absolutely necessary. I believe that if we adhere to the plan outlined in this bill and hold ourselves accountable with annual reports to the legislature we will be able to make positive gains and bring more awareness to a problem that is bigger than we realize.**