

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

Prepared for the Senate Committees on GVO/PSM

In Strong Support of SB1038  
Tuesday, February 2, 2018 at 2:45 p.m. in Room 225

Dear Chairs Thielen and Nishihara, Vice Chairs Inouye and Wakai, and Honorable Members,

The Hawai'i State Commission on the Status of Women wishes to mahalo you for holding this hearing today and for the opportunity to testify in **strong support** of SB1038, which would mandate statewide training on human trafficking laws for all criminal justice personnel.

The United Nations describes human trafficking as a “major hazard to women and girls,” who account for 71% of all global trafficking victims.<sup>1</sup> Although unequally prioritized, efforts to combat labor and sex trafficking are equally critical. As a starting point, the Commission dedicated the past year to producing a baseline of knowledge on sex trafficking in Hawai'i.

In 2018, the Commission partnered with the nation's lead research center on sex trafficking, Arizona State University's Office of Sex Trafficking Intervention and Research, to produce the state's first body of empirical quantitative and qualitative data on this hidden crime.<sup>2</sup> No state funding was used in the production of the landmark reports, and the project was conducted while the Commission successfully carried out its mandated functions.

The reports made clear that sex trafficking is real and happening in Hawai'i. Since 2017, one hundred and forty cases of child sex trafficking have been reported to Child Welfare Services. This figure is considered conservative by local criminal justice personnel and service

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<sup>1</sup> UN Women, “Executive Director’s Blog Series: Human Trafficking,” Dec. 5, 2017, <http://www.unwomen.org/en/news/stories/2017/12/op-ed-ed-phumzile-16days-day11>

<sup>2</sup> Roe-Sepowitz, D. & Jabola-Carolus, K., *Sex Trafficking in Hawaii Part I: Exploring Online Sex Buyers*, Sept. 2018. Roe-Sepowitz, D. & Jabola-Carolus, K., *Sex Trafficking in Hawaii Part II: The Stories of Survivors*, Jan. 2019.

providers. The youngest victim reported was six-years-old.<sup>3</sup> These initial findings are a stain on our state.

Positively, the Hawai'i's ranking increased since 2011 by two full grades on the national report card on state laws relevant to sex trafficking.<sup>4</sup> Many of you helped getting us to this point. Today, much work remains to be done. Hawai'i received a "C" grade in 2018.<sup>5</sup>

There have been no convictions of sex traffickers under the state's sex trafficking law (2016) to date. While the Commission does not advocate a criminal justice model as the dominant intervention strategy to sex trafficking, training is important for law enforcement and court-based personnel to appropriately respond to human trafficking, better understand and identify human trafficking, communicate more effectively with victims, and build victim-centered processes. Further, extra care and sensitivity must be employed by criminal justice personnel when working with those bought and sold in the sex trade because sex trafficking victims may have more distrust of the police than most members of the population.

Hawai'i is one of only twelve (12) states that has not enacted laws to require certain public agencies or private businesses to receive human trafficking training. The Commission is well-positioned to serve as the coordinating entity for a training program, with the active cooperation of criminal justice stakeholders. We ask the Committee to pass SB1038.

Sincerely,

Khara Jabola-Carolus

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<sup>3</sup> *Id.*

<sup>4</sup> Protected Innocence Challenge, *Toolkit 2018*, 2018, <https://sharedhope.org/wp-content/uploads/2018/11/2018ProtectedInnocenceChallengeToolkit.pdf>.

<sup>5</sup> *Id.*

**Justin F. Kollar**  
Prosecuting Attorney



**Rebecca Vogt Like**  
Second Deputy

**Jennifer S. Winn**  
First Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766  
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Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE LAURA H. THIELEN, CHAIR**  
**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**  
**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR**  
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND**  
**MILITARY AFFAIRS**  
**The Thirtieth Legislature**  
**Regular Session of 2019**  
**State of Hawai'i**

February 5, 2019

**RE: S.B. 1038 – Relating to Human Trafficking**

Chair Thielen, Chair Nishihara, Vice-Chair Inouye, Vice-Chair Wakai, and members of the Senate Committees on Government Operations and Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney of the County of Kaua'i ("Office") strongly supports S.B. 1038. The purpose of this Bill is to mandate statewide training on human trafficking laws for all criminal justice personnel in Hawai'i. We support this Bill based on the following:

- Sex trafficking as defined by state and federal law is real and happening in Hawai'i --see *Sex Trafficking in Hawai'i: The Stories of Survivors* (Jan. 2019)
- The majority of sex trafficking survivors and family members surveyed by the Hawai'i State Commission on the Status of Women identified a lack of criminal justice personnel who understood the dynamics of sex trafficking and the complexity of childhood sexual abuse, foster care and dating violence (*Id.* at 9);
- The criminal justice system has not been effective in addressing the crime of sex trafficking and has been complicit in allowing and participating in sex trafficking (*Id.*);
- In 2018, Hawai'i received a "C" grade by the national report card on state laws relevant to sex trafficking (*Shared Hope*, 2018);

- Hawai'i is one of only 12 states that has not enacted laws to require certain public agencies and/or private businesses to receive human trafficking training (NCSL, *Human Trafficking State Laws*, 2018);
- To date, there have been no convictions of sex traffickers under the state's sex trafficking law (2016) although various other state laws have been used to prosecute pimps;
- The training and coordination of state and local government organizations is a critical element of anti-trafficking success and adjudication;
- Training is important for law enforcement and court-based personnel to appropriately respond to human trafficking, better understand and identify human trafficking, communicate more effectively with victims, and build victim-centered processes;
- Washington state passed a similar measure in 2015, which was instrumental in the development of a cohesive and concerted response to trafficking across the state; and
- Washington is now one of only ten states to receive an A grade for effective responses to sex trafficking, and was able to raise its score from a C to an A in part due to this foundational training law (*Shared Hope*, 2018; RCW 43.280.095).

For all of the foregoing reasons, the Office of the Prosecuting Attorney of the County of Kaua'i strongly supports S.B.1038. Thank you for the opportunity to testify on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
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KEITH M. KANESHIRO  
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DWIGHT K. NADAMOTO  
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**THE HONORABLE LAURA H. THIELEN, CHAIR  
SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**THE HONORABLE CLARANCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS**

**Thirtieth State Legislature  
Regular Session of 2019  
State of Hawai`i**

February 5, 2019

**RE: S.B. 1038; RELATING TO HUMAN TRAFFICKING.**

Chair Thielen, Chair Nishihara, Vice-Chair Inouye, Vice-Chair Wakai and members of the Senate Committee on Government Operations and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 1038.

The purpose of S.B. 1038 is to allow the State Commission on the Status of Women to establish a statewide training program which would be implemented to assist criminal justice personnel on better understanding of our state human trafficking laws. The Department supports the proposed creation of a statewide program to assist law enforcement and court personnel with training and best practices, as it is consistent with the Department's ongoing support for continuing education on human trafficking. By allowing the commission to coordinate training, S.B. 1038 could provide a unique bridge between various agencies and create a valuable network to ensure expeditious coordination in identifying, investigating and adjudicating human trafficking cases.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 1038. Thank you for the opportunity to testify on this matter.



TO: Chair Senator Laura H. Thielen, Chair  
Vice Chair Lorraine R. Inouye  
Members of the Committee

Chair Clarence Nishihara  
Vice Chair Glenn Wakai  
Members of the Committee

FR: Nanci Kreidman, M.A.  
Chief Executive Officer

RE: SB 1038      Support

Aloha. We support favorable action on this Bill.

Training for responders, and interveners is essential for interrupting risk, danger, trauma and cycles of violence.

Without sufficient information to identify red flags, and warning signs, or understand appropriate ways to be helpful, miscalculation and mistakes can be made that put people further in danger, and don't result in opportunities for safety and change.

Thank you.

**SB-1038**

Submitted on: 1/30/2019 1:19:49 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Comments	No

Comments:

Training and research already taking place. Already numerous opportunities for training law enforcement agencies provided by state and federal agencies.

**SB-1038**

Submitted on: 1/30/2019 6:56:07 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:



# TESTIMONY ON BEHALF OF HARM REDUCTION HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

January 29, 2019

RE: SB1038 to be heard Tuesday February 5, in Room 225, at 2:45 PM

## **OPPOSE**

To the members of the Senate Committees on Government Operations and on Public Safety, Intergovernmental, and Military Affairs.

Dear Senators:

A large number of professional people believe that much of the stuff circulating on TV, the internet and in sex trafficking awareness presentations is false. Creating a state supported training program which is not fact based will do harm.

1. The role suggested for Khara Jabola-Calolus in this bill, is unacceptable to a long list of professional people and academics who are experienced experts in this field. The criticisms of the "research" she has undertaken with Arizona State University by people such as Meda Chesney-Lind the current president of the American Society of Criminology and long-time chair of the UH Women's Studies program should give legislators pause. We feel that putting Ms. Jabola-Carolus in charge of this process would be a disaster.
2. Trainings should be developed by those of us in harm reduction who have decades of real experience in the problems relating to the sex trades.
3. Agencies such as the Youth Outreach Project, the Hawaii Health and Harm Reduction Center, Kulia Na Mamo, and others who are associated with us are the ones that should be turned to in developing any training. We have known persons who sell sex in many different situations, not just through surveys and interviews, or in situations wherein a victim story is to be rewarded. We have prepared a Best Practices Guide and are willing to meet with legislators. We have made positive connections at HPD and may be working with them on harm reduction trainings. Having to compete with dubious sex trafficking trainings ordered by the state is not helpful.
4. During the past 13 months we have held a major conference discussing these issues with international and local experts. We have invited legislators to meet with and learn from a series of sex workers, some of whom have gone through horrible trafficking experiences. The response from our elected officials has been small. Only about six legislators have bothered to listen to any of this. Ignoring the people best able to advise you on these topics while simultaneously promoting someone we hold in low regard is bad policy.

Aloha



Tracy Ryan  
For Harm Reduction Hawaii

**SB-1038**

Submitted on: 1/30/2019 9:18:21 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darlene Ewan	Individual	Support	No

Comments:

**SB-1038**

Submitted on: 2/3/2019 7:36:27 AM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:

**SB-1038**

Submitted on: 2/4/2019 6:13:59 AM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Davidson	Testifying for SWOP-Hawaii (Sex Workers Outreach Project)	Oppose	No

Comments:

I oppose allowing Khara Jabola-Carolus having authority over any information collected regarding human trafficking, or by extension sex work ("prostitution"). Her position is very biased against sex work, and in her distaste for it, she cleverly conflates it with trafficking, insinuating that to have sex for money by choice is comparable to being forced into sexual slavery.

Each of these separate issues is important, and women who have first hand knowledge of these experiences should be spearheading any efforts to identify or quantify each population.

I don't believe Khara or HSCSW\* has that experience or expertise, nor would I trust her to hire someone to collect that data, as she has proven to work on these issues with questionable organizations in the past.

To: Hawaii State Senate's Judiciary Committee  
Hearing Date/Time: Tuesday, February 5, 2019 at 2:45p.m.  
Place: Hawaii State Capitol, Room 225  
Re: Judith Ann Armstrong is in support of SB1038 relating to Human  
Trafficking

Dear Members of the Committees,

I, Judith Ann Armstrong, am in support of SB1038, Statewide Human Trafficking Training. It is important that the people in charge of dealing with the victims of these crimes know not just the law but how to relate to the victims to build their trust for successful outcomes.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,  
Judith Ann Armstrong  
1717 Ala Wai Blvd  
Apt 3006  
Honolulu, HI 96815



# HO'OLA NĀ PUA

*Renewal for trafficked kids through Health,  
Education, Advocacy, and Reintegration.*

Testimony on behalf of  
Ho'ola Na Pua  
Jessica Munoz, President & Founder

Prepared for the Senate Committee on Human Trafficking

In Support of SB1038  
Tuesday, February 4, 2019 at 2:45 p.m.

Dear Chairs, Thielen and Nishihara, Vice Chairs Inouye and Wakai, and Members of the Committees:

Ho'ola Na Pua supports SB1038. SB1038 would mandate statewide training on human trafficking laws for all criminal justice personnel in Hawaii. As advocates working around the anti-trafficking sector for several years, we cannot emphasize enough the importance of a coordinated statewide initiative around training for law enforcement personnel. Law enforcement has a pivotal role in both the identification of victims but also in the garnering of evidence to build cases for successful prosecutions. Having adequate training around the crime of trafficking and understanding the uniqueness of the victims who have been exploited is essential. Across the country, training of law enforcement has proven to be beneficial for the safety of the communities that they serve. We have seen the effect of education and training as you evaluate the progress made in the areas of domestic violence and child abuse identification and response. Ensuring that all law enforcement personnel are adequately trained will help in increasing the identification of those who have been victimized and will empower effective intervention.

Trafficking happens across our islands every-day. In a recent study conducted by the Commission along with Arizona State University- Sex trafficking intervention research division demonstrated that trafficking is not a new crime and that victims often have several encounters with law enforcement that do not always lead to intervention.<sup>1</sup> Nearly two dozen sex trafficking survivors and families of survivors reported deficiencies that included a lack of criminal justice personnel understanding the dynamics of sex trafficking and the complexity of childhood sexual abuse, foster care, and dating violence. We cannot discount the voices of those who have been victimized and need to heed the urgency that a coordinated islands wide effort around increasing identification and education for those tasked with intervening be brought to the forefront of the efforts in curtailing trafficking in Hawaii and building victim centered responses. While there

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<sup>1</sup> (Dominique Roe-Sepowitz & Khara Jobola-Carolua, 2019)(<https://humanservices.hawaii.gov/wp-content/uploads/2019/01/Executive-Summary-Part-II-Sex-Trafficking-in-Hawaii-.pdf>)

may be certain sectors of law enforcement that have been trained, ensuring all law enforcement is trained is a key factor in successful intervention and response. Victims can present in a variety of ways and not always to the one specialized unit that has been assigned to working around trafficking and has received training. As a community-based organization that has provided trainings for law enforcement and judiciary personnel for several years around the islands, we very much support the need for mandated training so that all our law enforcement serving our community receives the same training around trafficking in accordance with the ever-increasing catalog of best practices.

Mahalo,

A handwritten signature in black ink, appearing to read "Jessica Munoz". The signature is fluid and cursive, with the first name "Jessica" written in a larger, more prominent script than the last name "Munoz".

Jessica Munoz  
MSN, APRN-RX, FNP-BC  
President | Founder

Aloha Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs,

Pacific Survivor Center is a Honolulu-based nonprofit whose mission is to advance health and human rights in the Hawai'i-Pacific region. For the past decade we have provided comprehensive healthcare services and forensic evaluations for survivors of human rights abuses including sex trafficking, labor trafficking, immigrant domestic violence and torture.

Through our experience, we know that the majority of sex trafficking survivors endure extensive trauma prior to being trafficked, and that they risk being re-victimized and re-traumatized when they encounter criminal justice systems that fail to identify and understand them and the circumstances of their behavior.

**Pacific Survivor Center supports the proposed measure SB1038 relating to sex trafficking** that would mandate statewide training on human trafficking laws for all criminal justice personnel in Hawai'i.

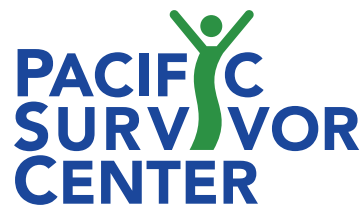
For survivors of sex trafficking, recovery is a long and challenging process. As the findings in the Hawai'i State Commission on the Status of Women's report [Sex Trafficking in Hawai'i: The Stories of Survivors](#) indicate, the lack of resources dedicated to training public agencies including law enforcement and court-based personnel has adversely affected the rate of identification, treatment, and recovery for survivors. Many of our patients had multiple interactions with law enforcement, criminal justice, or healthcare providers before they were correctly identified as victim of sex trafficking and provided with needed services.

Training is essential to ensuring our criminal justice personnel understand the complicated dynamics of sex trafficking. It is also essential to ensuring that personnel respond appropriately and can build victim-centered, trauma-informed processes that ensure victims' recovery while bringing justice and ultimately criminal convictions to perpetrators/traffickers.

Pacific Survivor Center is committed to educating both professionals and the public about the realities of sex trafficking in Hawai'i. We have conducted and trained over 1,000 medical, legal and law enforcement personnel and created a Sex Trafficking Outreach and Prevention Program (STOPP) to educate and empower youth and prevent exploitation before it happens. We have seen firsthand the positive impact that training has on identifying and responding appropriately to sex trafficking in our state, and we support initiatives to increase awareness.

On behalf of Pacific Survivor Center, I thank you again for the opportunity to submit testimony and **reiterate our support for State Bill 1038** mandating statewide training on human trafficking for criminal justice personnel in Hawai'i.

Sincerely,  
Nicole Littenberg, MD, MPH  
Pacific Survivor Center



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### Pacific Survivor Center

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*The Pacific Survivor Center is a Hawaii nonprofit, tax-exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code. Donations are tax-deductible as allowed by law. Federal Tax EIN 27-2936413*



**SB-1038**

Submitted on: 2/4/2019 2:42:05 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



DATE: February 4, 2019

ATTN: SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Senator Laura H. Thielen, Chair  
Senator Lorraine R. Inouye, Vice Chair

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

RE: TESTIMONY IN SUPPORT OF SB1038 - RELATING TO HUMAN TRAFFICKING

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Dear Committee on Government Operations and Committee on Public Safety,  
Intergovernmental, and Military Affairs

The Susannah Wesley Community Center (SWCC) is in support of SB1038 with suggested amendments listed below. SWCC has served (and continues to serve) sex & labor Human Trafficking victims in the state of Hawaii since 2007 and has provided a variety comprehensive social services to the Hawaii community for over 120 years.

We support the bill and it's intention to require statewide human trafficking training to law enforcement personnel and the legal community.

Law enforcement officers are often the first on the scene and interact with trafficking perpetrators and victims in situations that can initially present in a variety of ways - domestic or intimate partner violence; assault; sexual assault; rape; child endangerment or neglect; homelessness; truancy; curfew or runaway status; bullying; identity theft or fraud; shoplifting; theft; robbery; loitering; noise ordinance violations; mental health issues; suicidal ideation; drug overdoses; disorderly conduct; traffic violations; etc... the list of crimes commonly seen by responding officers goes on and is varied.

The thousands of officers across our state should be supported by adequate training to assist them in accurately assessing human trafficking perpetrators and victims. The legal community deserves comprehensive training so their staff is equipped to pursue justice for the victims and prosecute perpetrators with full understanding of the crimes committed.



Our suggestions on amendments include the following:

- The training should be provided by a multidisciplinary team familiar with local nuances, rather than a single entity.

This is to ensure the training is well-rounded and equips the attendees with an understanding of human trafficking from many angles and the nuances of the crime & enforcement in Hawaii.

- The training attendees should have a refresher training every 5 years

The tactics and trends in human trafficking are changing frequently and former attendees will need refreshers to stay current and effective at combating the crime.

We urge you to pass this measure with the suggested amendments.

Sincerely,

A handwritten signature in black ink that reads "Shantae Williams". The signature is written in a cursive, flowing style.

Dr. Shantae Williams  
Trafficking Victim Assistance Program Director  
Susannah Wesley Community Center

**SB-1038**

Submitted on: 2/4/2019 4:28:55 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chelsea pang	Individual	Support	No

Comments:

**SB-1038**

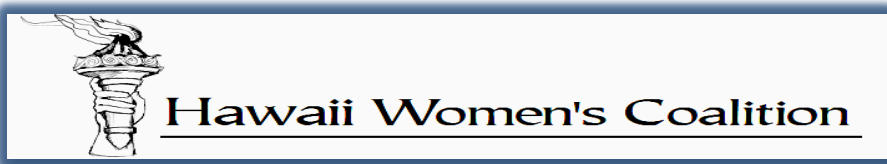
Submitted on: 2/4/2019 5:10:44 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kayla M Rash	Individual	Oppose	Yes

Comments:

**I oppose this bill because I do not believe that the hawaii state commission of the status of women are the appropriate entity to oversee sex trafficking awareness training. They have consistently conflated consensual adult sex work with human trafficking. I'm concerned that training materials they develop will further harm and marginalize my community by not clearly distinguishing consensual acts from sex trafficking. Instead a neutral entity such as the state department of health should work with local harm reduction agencies to develop training.**



COMMITTEE ON GOVERNMENT OPERATIONS

Senator Laura H. Thielen, Chair

Senator Lorraine R. Inouye, Vice Chair

DATE: Tuesday, February 5, 2019

TIME: 2:45pm

PLACE: Conference Room 224

**Support for SB 1038**

Aloha Chair Thielen, Vice Chair Inouye and members,

The Coalition is in support of this bill to train criminal justice personnel on the laws concerning human trafficking in our state. Trafficking in Hawaii is a widespread problem and includes vulnerable children in supposedly safe schools like Mililani and Moanalua High School.

We recognize the courageous step that the Hawaii State Commission on the Status of Women has taken by proposing that the Commission establish such a needed, albeit ambitious, program. We hope that should this bill be enacted into law, that The Commission will be provided with additional resources to accomplish the task.

Please pass this bill. Mahalo for the opportunity to testify,

Ann S. Freed

Co-Chair, Hawaii Women's Coalition

Executive Director  
Adriana Ramelli

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**Date:** February 5, 2019

**To:** The Honorable Laura H. Thielen, Chair  
The Honorable Lorraine R. Inouye, Vice Chair  
Senate Committee on Government Operations

The Honorable Clarence K. Nishihara, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military  
Affairs

**From:** Justin Murakami, Manager, Prevention Education and Public Policy  
The Sex Abuse Treatment Center  
A Program of Kapiolan'i Medical Center for Women & Children

**RE:** Testimony in Support of S.B. 1038  
Relating to Human Trafficking

Good afternoon Chairs Thielen and Nishihara, Vice Chairs Inouye and Wakai, and members of the Senate Committees on Government Operations and on Public Safety, Intergovernmental, and Military Affairs:

The Sex Abuse Treatment Center supports S.B. 1038. Sex trafficking—the commercial sexual exploitation of a minor or the coercive commercial sexual exploitation of any person—is a form of modern-day slavery, with significant and often lifelong medical, psychological, and social consequences for victims.

While no demographic or socio-economic group is immune, some vulnerable populations are especially at risk of being victimized, including runaway and homeless youth and survivors of sexual assault and domestic violence.

A 2018 study conducted by the Hawai'i State Commission on the Status of Women and Arizona State University's Office of Sex Trafficking Intervention reviewed the experience of nearly two-dozen sex trafficking survivors and their families in Hawai'i.

The study found, in relevant part, that there is a need for criminal justice system personnel to better understand the dynamics of sex trafficking, the complexity of factors that place people at risk for exploitation, and Hawai'i's sex trafficking laws which underwent substantial revision in 2016.

We therefore ask that the Committee please pass S.B. 1038, which would require the Hawai'i State Commission on the Status of Women to develop and establish a statewide training program for criminal justice system personnel, with a focus on interdisciplinary, multi-agency coordination, building cultural competency, and developing an understanding of diverse victim populations.



## SB 1038, RELATING TO HUMAN TRAFFICKING

FEBRUARY 5, 2019 · SENATE GOVERNMENT  
OPERATIONS COMMITTEE AND SENATE PUBLIC  
SAFETY, INTERGOVERNMENTAL, AND MILITARY  
AFFAIRS · CHAIRS SEN. LAURA H. THIELEN AND  
SEN. CLARENCE K. NISHIHARA

**POSITION:** Support, with amendments.

**RATIONALE:** IMUAlliance supports and suggests an amendment for SB 1038, relating to human trafficking, which requires the State Commission on the Status of Women to establish a statewide training program on the state human trafficking laws for criminal justice personnel.

IMUAlliance 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 services to 135 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. 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. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. 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. IMUAlliance, 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 IMUAlliance 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 allowing the State Commission on the Status of Women to coordinate anti-trafficking training for criminal justice personnel. That said, **we urge you to delete the phrase "where possible" from page 1, line 15 of the bill.** Allowing this phrase to remain in the measure fails to ensure that the training program coordinated by the Commission will rely on individuals and organizations with an anti-trafficking policy and victim service experience. Under no circumstances should an individual or organization lacking experience working with victims' complex and overlapping trauma be tasked with training law enforcement in how to handle survivors of this horrible crime.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON GOVERNMENT OPERATIONS

Sen. Laura Thielen, Chair

Sen. Lorraine Inouye, Vice Chair

## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, February 5, 2019

2:45 pm

Room 225

## CONCERNS ABOUT SB 1038 - HUMAN TRAFFICKING

Aloha Chairs Thielen and Nishihara, Vice Chairs Inouye and Wakai and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 1038 requires the State Commission on the Status of Women to establish a statewide training program on the state human trafficking laws for criminal justice personnel.

This measure presents concerns for Community Alliance on Prisons. There is a difference between prostitution and human trafficking and a study by Arizona State University's Office of Sex Trafficking Intervention Research and the Hawai'i State Commission on the Status of Women has been criticized by researchers here and abroad for conflating the two.

## DEFINITIONS IN HAWAII REVISED STATUTES:

### *Prostitution*

§712-1200 Prostitution. (1) A person commits the offense of prostitution if the person:

- (a) Engages in, or agrees or offers to engage in, sexual conduct with another person in return for a fee; or
- (b) Pays, agrees to pay, or offers to pay a fee to another to engage in sexual conduct.

## Human trafficking

**§712-1202 Sex trafficking.** (1) A person commits the offense of sex trafficking if the person knowingly: (a) Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another; or (b) Advances or profits from prostitution of a minor; provided that with respect to the victim's age, the prosecution shall be required to prove only that the person committing the offense acted negligently.

After reviewing the study, two respected Hawai`i researchers, Meda Chesney-Lind - Professor of Women's Studies at UH Manoa and President-Elect of the American Society of Criminology and Nandita Sharma, Associate Professor of Sociology at UH Manoa wrote an Op-Ed that was published in the Honolulu Star Advertiser<sup>1</sup>. Here are their scholarly opinions based on many years of research:

*...The authors report that they received 407 "hits" from Oahu during a one week period in March, and 206 "hits" from Hawaii island. They then used highly problematic methods (simply multiplying the number of responses to their ad by the number of all ads on the website) to come up with what they describe as an "astronomical" number of men seeking sex on line. Candidly, this methodology makes no sense whatsoever.*

*That said, their findings do not reveal a demand for prostitution in Hawaii that is surprising, particularly given our location, tourism, and a large military presence. The authors argue their findings indicate "1 in 11 men in Hawaii is an online sex buyer." Actually, in some respects, this number may be close to accurate. Recall that Alfred Kinsey shocked the nation with his 1948 finding that 69% of American men had paid for sex at some time in their life, though a more recent study puts the figure closer to 14%. The 1 in 11 percentage is 9%. So, the researchers' numbers do not seem completely out of line, even as their methodology is flawed (and their study cannot be replicated since the site has been pulled down). Candidly, though, we have long known that there is a robust "demand" for sex work. If there were not, and given all the penalties associated with being a sex worker, we would not have people engaging in it.*

*It is quite a leap to go from these findings, though, to the author's assumption that "sex trafficking" takes place anytime there is a financial transaction for sex. By representing the men responding to ads in the "women seeking men" personals as potential "traffickers" "bribing women for sex" and "using economics to subvert sexual consent," the report's readers are left with the assumption that advertisements for sex work creates "victims of sex trafficking"*

*The report's slippage between "sex advertisements" and "the existence of victim movement and trafficking networks" is problematic. **Numerous researchers, including those working for the US Government Accountability Office, have warned that researchers who equate the existence of sex work with sex trafficking are doing a great disservice to both sex workers and to victims of trafficking.** Sex workers get caught up in police raids searching for "traffickers" while much needed resources to end violence are wasted on moral crusades to change the behaviour of their customers.*

*The authors' ignore such cautions and continue to rely on the general horror associated with "sex trafficking" to advance their dubious political goal of eliminating sex work altogether. Their main policy recommendation is to have a "statewide strategy to address sex buying behaviours in Hawaii" that includes having HPD arrest all "sex buyers." **Assuming their own numbers are correct, this amounts***

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<sup>1</sup> **Column: Methodology, conclusions of sex-trafficking study flawed**, By Meda Chesney-Lind and Nandita Sharma  
Posted on October 18, 2018. <http://www.staradvertiser.com/2018/10/18/editorial/island-voices/column-methodology-conclusions-of-sex-trafficking-study-flawed/>

**to 9 percent of Hawaii's adult male population. This is an astonishingly bad policy recommendation that is not supported by the evidence provided by the study they authored.** Like other criminalization strategies, such actions make the lives of women, men and trans folks engaged in sex work more – not less – dangerous, as many sex workers in Hawai'i have themselves attested to. in the Honolulu Str Advertiser

Conflating sex work and human trafficking is of great concern to Community Alliance on Prisons as we advocate for marginalized and criminalized individuals, along with our partners in the harm reduction community. Good public policy is based on sound research and it is on that research that seasoned advocates rely.

The author of Part 1 of the report from Arizona State University's Office of Sex Trafficking Intervention Research, Dominique Roe-Sepowitz, MSW, Ph.D. said "During a phone interview with Front Page Confidential, Roe-Sepowitz freely admitted her bias but said it has not colored the results of her research. About halfway through the thirteen and a half years she has spent in the end, she said, she was "forced by the sex worker community" to decide where she stood with respect to prostitution. As a result, she said, "I absolutely enter into my work with my own personal bias."  
(...)

Some academics, social workers, and sex workers say the results of the recent study are biased by the worldview of lead author Roe-Sepowitz. An associate professor at the school of social work at Arizona State University, Roe-Sepowitz directs ASU's Office of Sex Trafficking Intervention Research and is a vocal opponent of sex work.<sup>2</sup>

In the same article, University of Hawaii professor Meda Chesney Lind said, "**This study did not look at trafficking whatsoever. It attempted to look at the level of demand for prostitution.**"

Some of Roe-Sepowitz's fellow academics take issue with other troublesome aspects of her methodology. Kimberly Mehlman-Orozco, a professor of criminology and the author of *Hidden in Plain Sight: America's Slaves of the New Millennium*, told Front Page Confidential that she finds the estimate of Oahu's sex market "absolutely preposterous" and added that the study's conclusions "are not supported by that data."

Our concern about the HSCSW providing or contracting for the training is that it is clear there is confusion between sex work and human trafficking. Any training must be unbiased, accurate, and clearly presenting the entire issue by experts who have been researching sexuality issues.

We respectfully ask the committees to hold this measure.

Mahalo for this opportunity to testify.

*Integrity is the essence of everything successful.*

*R. Buckminster Fuller*

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<sup>2</sup> Arizona State University Study of 'Sex Trafficking' in Hawaii Finds...No Evidence of Sex Trafficking in Hawaii, BY STEPHEN LEMONS ON OCTOBER 15, 2018. <https://frontpageconfidential.com/roe-sepowitz-arizona-sex-trafficking-hawaii-study-debunked/>

**SB-1038**

Submitted on: 2/5/2019 11:51:34 AM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melody Stone	Individual	Support	No

## Comments:

I am in strong support of SB1038 relating to human trafficking prevention and intervention. We need to strengthen our laws relating to this issue to eliminate loop holes in order to create safer communities. Please support and approve passage of this bill.

Melody Stone, Hawaii Island Safe Net

**SB-1038**

Submitted on: 2/5/2019 1:34:01 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darin Padula	Testifying for Sex Worker Outreach Project Hawai'i Chapter (501(c)3)	Oppose	Yes

Comments:

Reducing harm, and certainly not causing NEW harm, should be the first principle of the Hawaii Commission on the Status of Women. This will not happen if you support this bill, and so I ask you to oppose SB1038.

Khara Jabola-Carolus is putting in place policy that WILL institute more failed prohibition policies and policing that will destroy lives as it shuffles them through the prison-industrial complex. Adding a side of forced social work, styled as a rescue, into a community that recoils at legislative overreach via puritanical and moralistic legislation. This style of social control has NEVER worked in the history of mankind, can we please bypass a failed War on Sex, and learn from our countries mistakes?

I ask that you consult people from the harm reduction community, people in the sex work industry like myself and others, and help us create legislation that will make Hawaii a better place.

Mahalo,

Darin Padula

**SB-1038**

Submitted on: 2/5/2019 2:00:06 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
arielle skye	Individual	Oppose	Yes

Comments:

I am a veteran, a tax paying citizen & a happy healthy & of sound mind woman who CHOOSES to work in the sex industry & up until recently was able to do so safely and discretely and bills like SB1038 along with FOSTA & SESTA have now made so much more unsafe.

The MAJORITY of individualis in the sex trade are doing so out of FREE WILL & religious zealots are making fals claims, taking away our rights and freedoms with bills like this.

Just cuz these laws are passed doesn't mean we are gonna stop, they are just making it more unsafe for us. I don't need to be "rescued" I'm very happy with my like and my line of work. I just need safety & a way to protect myself as do my clients. It's a two way street.

REDUCING HARM should be the first principle of the HI commission on the status of women, this will not happen if you support this bill.

Please consider communicating with people from the harm reduction community actual people in the sex work industry like myself another's and help us create a legislation that will work for all .

Mahalo

Arielle

**SB-1038**

Submitted on: 2/5/2019 2:40:58 PM

Testimony for GVO on 2/5/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allix Christianson	Individual	Oppose	Yes

## Comments:

I am here to say that this bill is a toxic power grab based on a study done at the University of Arizona, (later disproved by University of Hawai'i) that poorly supports the structure of justice SB1038 claims to intend to teach to law-enforcement. Those that wrote the purposed bill, repeatedly I will clarify, have shown bias to sex workers and show blatant attempts at sabotaging our safety, right to work, provide for children, and rights to healthcare and education. If this bill goes through, you can be assured one thing will happen for sure: a database will be collected, and training will be implemented. That's what the bill promised. But when it goes through, also what will be done a mass rounding up, and whatever else happens behind the curtain of laws and bills. The ability to train and implement lasting and meaningful changes for the safety and well being of voluntary sex workers, as well as prevention, of human trafficking, should fall in the hands of a bipartisan agencies, such as the State Department of Health and harm-reduction outreach. We have seen time and time again what happens when we criminalize. Just like the foster system, the victims fall through the cracks, and are often marginalized and misrepresented by those that have ulterior motives. And, like with the prohibition, much larger, more dangerous markets are created in the power grab. I implore you, listen to the needs of sex workers. We're here, and we are saying they are not trying to help, they are trying to do a cultural cleansing and break hard working families apart, they are trying to put children in foster care, and they will be resulting in the increased Involuntary Sex Trafficking, both of minors, immigrants from the Philippines, Korea , and Vietnam, and sex workers who once practiced safe and consensual trade of sex services.