



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY- FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 722, RELATING TO HUMAN TRAFFICKING.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

**DATE:** Tuesday, February 9, 2021                      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Clare E. Connors, Attorney General,  
Farshad M. Talebi, Deputy Attorney General

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Chair Yamane and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purposes of this bill are to (1) create a human trafficking program within the Department of the Attorney General, (2) establish a statewide human trafficking coordinator, and (3) require the children's justice program to coordinate the investigation and case management of human trafficking cases.

Successfully combating human trafficking requires a comprehensive multidisciplinary response between law enforcement, state agencies, non-governmental non-profit organizations, and the private sector. Hawaii is in need of statewide leadership in order to thoroughly assess the current problems and develop strategic solutions.

This issue is a priority for the Department of Attorney General, and we respectfully ask the Committee to pass this bill.



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-First State Legislature, 2021 Regular Session**

**House Committee on Human Services & Homelessness**

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice Chair

Tuesday, February 9, 2021 at 9:30 a.m.

State Capitol, Conference Room 329

VIA VIDEOCONFERENCE

by

Judge Christine E. Kuriyama

Deputy Chief Judge, Senior Judge

Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 722, Relating to Human Trafficking

**Purpose:** Establishes a statewide coordinator and program within the department of the attorney general to provide services and assistance to sexually exploited children and victims of human trafficking. Requires the attorney general to submit reports to the legislature. Requires the children's justice program to coordinate the investigation and case management of human trafficking cases, including cases involving the sexual exploitation of children.

**Judiciary's Position:**

The Judiciary strongly supports H.B. No. 722 and appreciates the Legislature's recognition that the commercial sexual exploitation of children (CSEC) is a serious problem here in Hawai‘i and throughout the United States.

The Judiciary supports this bill for the following reasons:

1. The commercial sexual exploitation of our children has become more prevalent in cases before the Family Court. Youth involved in the foster care system are especially vulnerable to becoming involved in sex trafficking. These issues also



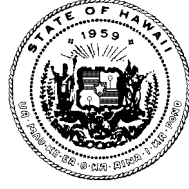
House Bill No. 722, Relating to Human Trafficking  
House Committee on Human Services & Homelessness  
Tuesday, February 9, 2021 at 9:30 a.m.  
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arise in Family Court cases on the juvenile, domestic violence, child abuse, and other calendars.

2. This bill provides for a dedicated statewide coordinator within the Department of the Attorney General who could devote his/her full time and energy to working with stakeholder agencies and nonprofit organizations in developing a comprehensive plan for law enforcement, prevention, and assisting victims of human trafficking. A coordinated and collaborative approach is essential to be able to combat the sexual exploitation of children.
3. This bill provides for a comprehensive plan for public awareness and training on prevention and identification of victims. Being aware of the indicators of human trafficking/sexual exploitation, and knowing what to do, is the first step in assisting victims.
4. This bill provides for an analysis of the existing data specific to the commercial sexual exploitation of children. This data piece is critical to understanding the true breadth and scope of the problem in the State of Hawai'i. Only with accurate data are we able to properly pursue needed funding and allocate resources to effectively respond.
5. This bill provides for the Department of the Attorney General to prepare a comprehensive report to the Legislature prior to the 2022 session on the State's efforts to address CSEC. This will be a significant step in gathering and analyzing information on the State's efforts thus far in addressing CSEC. Much work has already been put forth while there is so much more to accomplish. Having a comprehensive report with the components stated in the bill will provide a detailed inventory of resources, outlined best practices, and recommendations for moving forward.
6. This bill amends HRS Chapter 588, relating to the Children's Justice Program, to include human trafficking and cases involving the commercial sexual exploitation of children.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

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

February 7, 2021

TO: The Honorable Representative Ryan I. Yamane, Chair  
House Committee on Health, Human Services, & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 722 – RELATING TO HUMAN TRAFFICKING.**

Hearing: Tuesday, February 9, 2021, 9:30 a.m.  
Via Videoconference, State Capitol

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

**PURPOSE:** Establishes a statewide coordinator and program within the Department of the Attorney General to provide services and assistance to sexually exploited children and victims of human trafficking. Requires the attorney general to submit reports to the legislature. Requires the children's justice program to coordinate the investigation and case management of human trafficking cases, including cases involving the sexual exploitation of children.

Act 16 (Session Laws of Hawaii (SLH) 2017) brought Hawaii's law into compliance with the Justice for Victims of Trafficking Act of 2015 and the Child Abuse Prevention and Treatment Act of 2010 (CAPTA). Act 16 (SLH 2017), amongst other things, amended section 350-1, Hawaii Revised Statutes (HRS), to add "severe forms of trafficking in persons" and "sex trafficking" to Hawaii's definition of "child abuse and neglect."

The DHS works to ensure that sex trafficked children and youth are identified and receive appropriate services and protections; regardless of parental abuse or neglect. DHS has a contracted provider that provides victim centered, trauma-informed comprehensive services

that are individualized and responsive to the needs, values, culture, and gender identity statewide for minor victims of all forms of human trafficking. The provider also promotes public awareness of sexual exploitation of children through trainings for the community, for DHS staff, and DHS resource caregivers.

Establishing a statewide coordinator and program within the Department of the Attorney General is an important step to address the needs of victims and bring accountability for perpetrators of commercial sexual exploitation of children and human trafficking. However, for the proper administration and enforcement of the program a sufficient appropriation is required for additional staff and funds to operationalize the program.

Thank you for the opportunity to provide testimony on this bill.

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on Health, Human Services &  
Homelessness**

February 9, 2021

H.B. No. 722: RELATING TO HUMAN TRAFFICKING

Chair Yamane, Vice Chair Tam, and Members of the Committee:

The Office of the Public Defender supports H.B. No. 722.

The creation of a statewide human trafficking coordinator within the Department of the Attorney General is needed to address the needs of victims of human trafficking, including sexually exploited children. Our Juvenile Division is often tasked with providing legal counsel and representation to children who may have ended up in the Juvenile Justice System but who are also in need of coordinated and targeted help to prevent or to extricate themselves from sexual exploitation. These issues are very difficult and complex and involve interagency cooperation. These children require specialized therapy and coordinated assistance. We support this measure as we are hopeful that services for the juveniles we help and advocate for will improve and be better able to make a positive difference in their lives through the creation of better counseling programs, case management, and better services for these youth.

Often sexually exploited children end up in the Juvenile Justice System and are assigned a deputy public defender who is tasked with providing legal advice and counsel. Sexually exploited juveniles often have ongoing law violation or status offenses in the Family Court system that necessitate the need for ongoing access to their legal counsel. Sexually exploited juveniles may not always want to open up to judges, counselors or juvenile probation officers, who they often perceive as being part of the system that they may not trust. For any sexually exploited juvenile who has ongoing law violation or status offenses, we will continue to provide legal services and expect that any coordinated system or statewide effort for sexually exploited juveniles will guarantee and facilitate access to legal counsel if requested.

Thank you for the opportunity to comment on this measure.

# TESTIMONY

Harm Reduction Hawaii  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822

RE: HB 722 to be heard on Tuesday February 9, at 9:30AM in conference room 329

## Support with comments

To the House Committee on Health and Human Services

I have had some communications with the AG on this and do hope they will be able to avoid the politics that have undermined efforts to deal with these problems over the last fifteen years.

Solutions require an open minded, fact based approach. Various anti-trafficking commissions and groups have been created by the legislature over the years yet based on the text of this bill it seems they haven't come up with any answers. That is largely because individuals and agencies, often with decades of valuable knowledge and experience, have been excluded from participation.

Working with the harm reduction community I have done everything I could to interest legislators in good information available to try and mitigate the problems identified in this legislation. A handful of members have shown an interest. Yet when the rubber hits the road the legislative proposals that gain traction are generally bad ideas.

A few years ago Section 350-1-1 was amended to comply with Federal rules. Many agencies that deal with youth at risk of trafficking are now burdened with reporting requirements that have a chilling effect on the flow of information from the people (i.e. youth in trouble) to policy makers. Attempting to create better responses to the issues that young people in the sex trades face without listening to them is flying blind.

This HB722 may lead to positive results. If so it will mean that the Attorney General's office's has been willing to do real investigations and not simply parrot back the tropes we see on TV.

I have included an outline below of how we might best proceed.

Very Truly Yours;



Tracy Ryan  
Executive Director, Harm Reduction Hawaii

## **Moving forward to address minors in the sex trades**

- I. Topics must be understood in terms of variables that effect the experience of youth.
  - A. The age of the youth involved, both currently and at outset.
    1. Pre-puberty, (Children under age 11)
    2. Pari-Puberty, (Children age 11 to 15)
    3. Post-Puberty, (Adolescents age 15 to 19)
  - B. The Gender of the youth involved
    1. Boy
    2. Girl
    3. Trans-girl
    4. Other (seldom seen)
  - C. The situation the youth are in
    1. Under the control of a manipulative and/or abusive adult facilitator (pimp/trafficker)
    2. On their own as runaways
    3. On their own, but still with family
    4. Working with other teens who may facilitate and also sell sex without coercion
  - D. The client base buying sex varies, although is generally male
    1. Adults seeking children under age 11 are pedophiles.
    2. Adults seeking children who are pari-puberty are hebephiles.
    3. Adults seeking post pubescent adolescents are ephebophiles.
    4. Teenagers purchasing sex from other teens
    5. Adults purchasing sex from older teens assuming they are adults
- II. Obstacles to assisting minors in the sex trades
  - A. They don't want to be helped.
    1. They may have formed a bond and identification with an adult facilitator.
    2. They may have experienced negative results with social service and government agencies.
  - B. Their identified needs
    1. Age of majority limits many to illegal activities
      - a. Statements such as "I will stop doing this when I turn 18, and can do other work"
      - b. Suppressing prostitution among this group may not solve the problems they have identified, and will likely lead them to other illegal activities.
    2. Services set up by adults without proper input
      - a. Service resistant youth need to be asked to help design programs.
      - b. Youth need to be able to have their requested needs addressed first.
      - c. Access to services should be low threshold and delivered with a minimum of delays and paperwork.
    3. Overemphasis on prostitution as their problem.
      - a. This tends to create programs and laws that focus on a problem not seen by the youth, while ignoring their stated reasons for accessing services.
      - b. Focus on arresting sex purchasers is harmful to many of the youth involved who are older and more likely to turn to other crimes.
      - c. Dealing with traffickers, particularly those who are providing children to pedophiles and hebephiles should be the law enforcement priority.
      - d. Mixing adolescents with children, or self-working youth, with those being controlled is not helpful in developing comprehensive strategies.



- e. Adult men who are attracted to older teens, or who hire them without knowing they may be 17 (rather than 20) should not be put into the same punitive legal status as those who seek out and purchase children.

III. Building a framework of better policies

A. Understand that people may see this through the lens of perspective.

1. Law enforcement will develop theories based on youth who have been involved with the criminal justice system.
2. Rescue agencies will develop theories based on the youth who they provide services to.
3. Outreach workers will develop theories based on what they see in the community.
4. Persons who have worked or who are working as minors in the sex trades, will hold views colored by their specific storyline.
5. None of these points of view can be considered as complete truth. So cooperation is essential.

B. Persons from differing backgrounds must get along

1. People with a reputation for creating or circulating junk science may be problematic.
2. People who engage in name calling and abuse in person or online may be a problem.
3. People working on this project should be civil and honest.
4. People working on this project should take a dispassionate approach to data, despite its emotional impact.
5. Facilitators should be sources of unity and purpose and not of division and controversy.



## HB 722, RELATING TO HUMAN TRAFFICKING

FEBRUARY 9, 2021 · HOUSE HEALTH, HUMAN SERVICES, AND HOMELESSNESS COMMITTEE · CHAIR REP. RYAN I. YAMANE

**POSITION:** Support with amendments.

**RATIONALE:** Imua Alliance supports and suggests amendments for HB 722, relating to human trafficking, which establishes a statewide coordinator and program within the Department of the Attorney General to provide services and assistance to sexually exploited children and victims of human trafficking; requires the Attorney General to submit reports to the Legislature; and requires the Children's Justice Program to coordinate the investigation and case management of human trafficking cases, including cases involving the sexual exploitation of children.

Imua Alliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.

Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal

behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to stop sexual slavery, including by establishing a statewide anti-trafficking coordinator and related program within the Attorney General's office, as well as strengthening statewide services coordination to deliver trauma-informed care to child victims of sex trafficking. As indicated above, sex trafficking victims are

typically trauma bonded to their abusers. Trauma-attached coercion is like Stockholm Syndrome, involving a powerful emotional dependency on the abusers and a shift in world- and self-view that results in feelings of gratitude and loyalty toward the abusers and a denial, dismissal, or minimization of the coercion, violence, and exploitation that victims have suffered. Trauma-attached victims require placement in a coordinated continuum of care to “break” their trauma bonds, receive rehabilitative services, and reintegrate into society in a healthy manner. It is common for victims to need long-term care before recognizing the extent of the trauma they’ve suffered, much less feel emotionally and physically secure enough to participate in criminal investigations.

That said, **we urge your committee to amend this measure’s definition of “human trafficking” to include labor trafficking under part VIII of HRS Chapter 707, sex trafficking under HRS section 712-1202, promoting prostitution under HRS section 712-1203, and solicitation of a minor for prostitution under HRS section 712-1209.1.** Referencing our state’s anti-trafficking statutes in the measure’s definition of human trafficking, alongside the federal laws currently contained in the bill, will ensure that all potential trafficking victims are covered by the scope of the proposed statewide anti-trafficking program.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**

**HB-722**

Submitted on: 2/6/2021 5:16:26 PM

Testimony for HHH on 2/9/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Duane Sosa	Individual	Support	No

Comments:

Aloha!!!

I am in FULL support of HB 722. All & every possible aid & help for those who are victims of Sex Trafficking, especially keiki, should be made available to them.

Mahalo

LATE

**HB-722**

Submitted on: 2/8/2021 10:22:41 PM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen M Radius	Individual	Support	No

Comments:

My name is Karen Radius. I am a retired Family Court Judge. I submit this testimony in my individual capacity as a concerned citizen.

I strongly support this bill and its companion Senate bill.

I serve as the volunteer co-chair of the current Commerical Sexual exploitation of Children (CSEC) Steering Committee. formed by a written agreemnt between the primary state agencies/branches of government serving children and youth, Department of Human Services, Department of Health, Department of Education, Family Court, as well as state and county law enforcemnt agencies. Federal agencies also participate. Our primary purpose was to establish an understanding of the issues facing our youth and families, assess the scope of the problem and determine best practices to provide timely response to the victims, and better coordination between agencies and service providers as well as better communication and effective prosecution of perpetrators who traffick Hawaii's kids.

While much has been accomplished in this area in the past few years, all of the agencies and service providers are stretched thin. All work on this issue is in addition to their regular responsibilites. There is much more attention and focus that needs to be given to this issue.

HB 722 would establish a designated coordinator within the Office of the Attorney General program within the State Attorney General's office who could devote his/her full energy and time to create a system to collect and analyze good data about the scope of the problem and work with the various agencies to create a comprehensive plan . The bill requires the coordinator to make a report to the legislature. This would be intregal to the legislature, agencies and citizens making wise decisions.

While in the past Family Court on Oahu generally had 4 - 6 prostiution cases charged against minors yearly most of whom were arrested in stings. But the problem our youth were facing was hiding in plain sight.. Since June 2017 when DHS established their mandated reporting line to report suspected cases of commercial sex exploitation of minors until Deember 31, 2020 , there have been hundreds of suspected cases reported regarding youth as young as 6 up through age 17, with reports from each of the islands and all neighborhoods.. While not all reported cases are confirmed , one

can clearly see that this is an issue faced by many children and their families. We believe that there may be even even more children caught up in this that have not been reported or located. .

Children exposed to CSEC have a long and difficult road to healing. but they can survive and flourish with the right kind of support.

HB 722 is essential to clarify the scope of what Hawaii faces and to create a coordinated thoughtful plan for our kids and for adults as well.

LATE

**HB-722**

Submitted on: 2/9/2021 3:29:39 AM

Testimony for HHH on 2/9/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexander Quach	Individual	Support	No

Comments:

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice Chair

COMMITTEE ON Health, Human Services, & Homelessness

Tuesday, February 9, 2021

Support for HB722, Relating to Human Trafficking

I am a social work student, an employee at an adolescent sexual abuse treatment facility, and a parent of a four-year-old daughter. I strongly support HB722, Relating to Human Trafficking, which will create case management and investigation services to assist sexually exploited children and victims of human trafficking.

Being sexually exploited can be a very traumatizing moment. This bill's effort to decrease the number of interviews between various organizations, by improving data collection and cooperation, reduces the client's risk of re-traumatization. The prevention of unnecessary revisits of their forced intimate acts.

The client-centered approach to case management in this bill is paramount to deliver the most effective treatment and rehabilitation efforts. This empathetic, genuine, and positive outlook will aid the client's healing process, allow them to feel comfortable to disclose difficult information, and make decisions logically rather than rationally based on fear. Additionally, I appreciate how this bill extends services to bystander victims, the individual's parents or caregivers.

By effectively, properly, and immediately addressing these difficult and vulnerable situations, we have the advantage to heal those who have been hurt and to discipline



those who took advantage of others. I urge the committee to pass HB722. Thank you for this opportunity to testify.

**HB-722**

Submitted on: 2/9/2021 9:05:17 AM

Testimony for HHH on 2/9/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christina Jung	Individual	Support	No

Comments:

Aloha Representatives,

Please VOTE YES ON HB722.

I strongly support HB722 as Hawaii has a high rate of human trafficking that is not been appropriately addressed. The high number of missing children and runaways trapped in prostitution are a serious concern for all parents and children in Hawaii.

I grew up with several victims of childhood sexual abuse and I know how the trauma lasts a lifetime. This bill will help protect the children of Hawaii.

Mahalo,

Christina Jung

Concerned Hawaii Resident