



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

SENATE COMMITTEES ON HUMAN SERVICES AND ON JUDICIARY

**DATE:** Tuesday, February 15, 2022 **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Farshad M. Talebi, Deputy Attorney General

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Chairs San Buenaventura and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

This bill would require the Department to provide annual reports to the Legislature on specific data pertaining to the commercial sexual exploitation of children in an attempt to more accurately measure the scope of the problem in Hawai'i.

While an annual report to the Legislature providing statewide data pertaining to the commercial sexual exploitation of children would be helpful in assessing and improving the State's anti-trafficking response, the Department has concerns about the bill as written and provides the following recommendations.

Section 2 of the bill requires the Department to provide "data specific to the commercial sexual exploitation of children" as listed in that section. Page 2, lines 19-20. The Department does not collect data related to the commercial sexual exploitation of children and there is no existing statewide database for this purpose. Additionally, the Department has no authority to direct state and county departments or agencies, as well as government-contracted providers to collect the specific data outlined in bill. The data available to the Department is limited to what other entities are willing to provide to the Department and thus, may not include all the existing data that is collected by various entities.

Because the Department is limited in what it will be able to report to the Legislature, we suggest that at page 2, line 11, “specified data” be changed to “available data”.

We also suggest that on page 2, lines 19-21, the wording “. . . data specific to the commercial sexual exploitation of children that covers the immediately preceding fiscal year, including the following: . . .” be amended to read as follows:

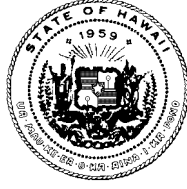
. . . available data from entities that collect and are willing to provide data pertaining to the commercial sexual exploitation of children to the department that covers the immediately preceding fiscal year. If available to the department, the data in the report should include the following: . . .

Lastly, although the specific data in the report proposed by the bill would be helpful in assessing and improving the State’s anti-trafficking response, we also suggest adding a subsection that makes it clear that entities are encouraged, but not required, to collect this specific data.

While we offer the suggestions above, our concerns remain. The Department is not aware of what data currently exists, what specific data other entities are currently collecting, what data other entities are willing to collect in the future, or what data must remain confidential. Like our Department, other entities may not have the resources and personnel to take on this additional responsibility.

We appreciate this opportunity to provide comments on this bill.

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 12, 2022

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

The Honorable Joy A. San Buenaventura, Chair  
Senate Committee on Human Services

FROM: Cathy Betts, Director

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

Hearing: February 15, 2022, 10:00 a.m.  
Via Videoconference, State Capitol

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

**PURPOSE:** The bill requires the Department of the Attorney General to provide annual reports to the Legislature on specified data pertaining to the commercial sexual exploitation of children.

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

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

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

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

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

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

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON HUMAN SERVICES AND JUDICIARY  
ON  
SENATE BILL NO. 2638

**LATE**

**February 15, 2022**  
**10:00 a.m.**  
**Via Videoconference**

RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

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

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

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

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

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

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

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

Thank you for your consideration of our comments.



## SB 2638, RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

FEBRUARY 15, 2022 · SENATE HUMAN SERVICES  
AND JUDICIARY COMMITTEES · CHAIRS SEN. JOY  
A. SAN BUENAVENTURA AND SEN. KARL RHOADS

**POSITION:** Support.

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

Imua Alliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 160 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.

Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims

with whom we work are misidentified as so-called “voluntary prostitutes” and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. At least 23 percent of trafficking victims in Hawai‘i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki’s initial exposure to exploitation being 11. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai‘i.

In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O‘ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU’s findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone.

Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, “I can’t be raped. Only good girls can be raped. I’m a bad girl. If I *want* to be raped, I have to *earn* it.”

Accordingly, we support measures to advance our state’s ability to stop sexual slavery, including this measure’s effort to improve data sharing about the sexual exploitation of children. Slavery has no place in paradise. Together, we can end exploitation on our shores.

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



# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 1, 2022

To: Senator Joy San Buenaventura, Chair,  
And members of the Committee on Human Services

Senator Karl Rhoads, Chair  
And members of the Committee on Judiciary

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

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

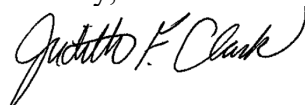
Good quality data about children and youth who are survivors of commercial sexual exploitation is an essential tool needed to address their needs and issues. The scope of data requested will be valuable in increasing professional and community awareness and understanding of the problem.

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

**HYSN strongly recommends an amendment requiring posting of the report on the Attorney General's website** to make this valuable information available to planners, service providers, and community members. HYSN currently receives federal funding for outreach to runaway, homeless and street youth who are at risk of sexual exploitation and trafficking. Access to the report would help us to improve services to this population and increase the sustainability of the program.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

Executive Director  
Cindy Shimomi-Saito

**ADVISORY BOARD**

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Joshua A. Wisch

Date: February 15, 2022

To: Rep Karl Rhoads, Chair  
Rep Jarrett Keohokalole, Vice Chair

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

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

Hearing: February 15, 2022, via video conference 10:00 AM

**LATE**

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Good Morning Chair Rhoads and Vice Chair Keohokalole, and Members of the Committee on Judiciary:

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

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

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

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

**SB-2638**

Submitted on: 2/11/2022 4:30:44 PM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel Mitchell	Individual	Support	No

Comments:

I support SB2638

Because witout understanding the problem we can not fix it.

Sam Mitchell Maikiki NB10

**LATE**

**SB-2638**

Submitted on: 2/14/2022 11:17:12 AM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in Support.