

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
H.B. NO. 579, HUMAN TRAFFICKING.

BEFORE THE:
HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, January 31, 2023 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

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

Chair Yamane and Members of the Committee:

The Department of the Attorney General (Department) supports the intent of the bill and offers the following comments.

The Department is eager to continue its efforts to combat human trafficking. In 2022, the Department created the Special Investigation and Prosecution Division (SIPD), which contains the Human Trafficking Abatement Section. Currently, the Human Trafficking Abatement Section is participating in several investigative and prosecutorial efforts in partnership with law enforcement agencies across the State.

This bill provides a robust and comprehensive framework for the Department to make efforts to prevent human trafficking, provide increased support and assistance to victims, educate the public, prosecute offenders, and collect data. The bill also requires other state and county departments to cooperate with the Department's efforts. We believe that this type of bill will catapult Hawaii's efforts to fight human trafficking forward.

The Department is ready to proactively assist the Legislature in achieving the intent of the bill, especially in the areas where our expertise lies. For example, we will be able to review the criminal statutes related to prostitution and sex trafficking in chapter 712, Hawaii Revised Statutes, assess barriers that inhibit law enforcement agencies, service providers, and government agencies from supporting victims and holding offenders accountable, and make recommendations for enhancing and collecting some of the data regarding trafficking.

As a newly established division, SIPD's main priority has been to establish consistent relationships with law enforcement agencies, governmental departments, and community service providers. Those relationships will enable SIPD to protect and support victims and prosecute offenders. Once SIPD's law enforcement and community-based support collaborations are well established, the reporting requirements detailed within the bill will be much more productive and helpful to the Legislature. The Department is eager to work with the Legislature to figure out the most effective and efficient use of the state resources to combat human trafficking, especially the commercial sexual exploitation of children.

The Department respectfully submits these comments for consideration. Thank you for the opportunity to testify.



HB579
RELATING TO HUMAN TRAFFICKING
Senate Committee on Human Services

January 31, 2023

9:30 AM

Room 329

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees to **SUPPORT HB 579**, which would create a statewide human trafficking program to develop and utilize comprehensive interagency case management strategies, protocols, and a multi-disciplinary response that is both victim-centered and offender-focused, overseen by the Attorney General, State of Hawai'i.

Established by our state's Constitution,¹ OHA is a semi-autonomous agency of the State of Hawai'i mandated to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are currently Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs. Hawai'i state law recognizes OHA as the principal public agency in the state responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians.² Furthermore, state law directs OHA to advocate on behalf of Native Hawaiians;³ to advise and inform federal officials about Native Hawaiian programs; and to coordinate federal activities relating to Native Hawaiians.⁴

Recent data indicate that Native Hawaiian women and girls are disproportionately represented among victims of sex trafficking and sexual exploitation.⁵ The 2020 report from the Hawai'i Commission on the Status of Women, in partnership with Arizona State University and Child and Family Services, published the third part of a multi-part report examining sex trafficking in Hawai'i; although the survey underlying this most recent publication relies on a limited sample of 363 willing participants, nearly 27% of participants surveyed were identified as having been sexually trafficked, with 64% of these trafficking victims identifying as Native Hawaiian.⁶ Alarming, 23% of the trafficking victims were first trafficked before age of 18.⁷

¹ HAW. CONST., art. XII, §5 (1978).

² Haw. Rev. Stat. § 10-3(3).

³ Haw. Rev. Stat. § 10-3(4).

⁴ Haw. Rev. Stat. § 10-6(a)(4).

⁵ Arizona State University Office of Sex Trafficking Intervention & The Hawai'i State Commission on the Status of Women, Sex Trafficking in Hawai'i Part III: Sex Trafficking Experiences Across Hawai'i 5 (2020).

⁶ *Id.* at 4.

⁷ *Id.*

The 2020 report also comports with other data further demonstrating the high risk for sexual victimization within the Native Hawaiian community. For example, the Sex Abuse Treatment Center has indicated that, between 2001 and 2010, Native Hawaiians represented the largest ethnic group among their intake of sex abuse victims.⁸ Further, an OHA study also revealed that Native Hawaiian girls are vastly overrepresented among juvenile runaways,⁹ and data show that one third of runaway youth will be approached for sexual services within 48 hours of being on the street. In addition to—and perhaps partially due to—“land dispossession, exposure to sexual violence, hyper sexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities”—Native Hawaiian youth may therefore be particularly vulnerable to sexual exploitation and abuse.

Accordingly, OHA greatly appreciates the purpose and intent of this measure to establish institutional infrastructure that can address the sexual exploitation of our keiki. We urge the committee to **PASS** HB597. Mahalo for the opportunity to testify.

⁸ Dawna Nelson, Evelyn Yanagida & Carol Plummer Sexual Assault Victims in Honolulu: A 2001-2010 Statistical Profile 24 (2012).

⁹ Office of Hawaiian Affairs, Haumea: Transforming the Health of Native Hawaiian Women and Empowering Wāhine Well-Being 74 (2018).



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Support with Amendments re: HB579

Dear Chair Mizuno, Vice Chair Amato, and Honorable Members:

The Hawai‘i State Commission on the Status of Women **supports the intent of H.B. 579**, which would establish a statewide human trafficking prevention program to provide services and assistance to commercially sexually exploited children and to victims of human trafficking, collect data, and report to the Legislature.

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

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

Requested Amendments

Preamble

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

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

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

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

Finally, the preamble states that this program must be “victim-centered.” An entity that is currently charged with criminalizing victims cannot be truly victim-centered. Historically and in 2022, the Department of the Attorney General has opposed the decriminalization of commercially exploited people (nee prostitutes), which has caused advocates and survivors to question whether this human trafficking prevention program is appropriately housed. There is also no data that the state has been able to differentiate at scale between what the state views as elective “prostitutes” (i.e., criminals) and sex trafficking victims. Therefore, we believe that **this measure must be passed in conjunction with HB1251**, which would protect commercially sexually exploited people and sex trafficking victims from criminalization and which the Department of the Attorney General worked collaboratively with advocates to draft over the past year.

Accordingly, we ask that the Committee pass this H.B. 579 with amendments.

Mahalo,

Khara Jabola-Carolus
Executive Director



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 579: RELATING TO HUMAN TRAFFICKING

TO: House Committee on Human Services
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: **Tuesday, 1/31/23; 9:30 am; via videoconference**

Chair Mizuno, Vice Chair Amato, and Members, Committee on Human Services:

Thank you for the opportunity to provide testimony **in support of HB 579**, which establishes a state-wide prevention program overseen by the Department of the Attorney General to address commercially sexually exploited children and victims of human trafficking. I am Rob Van Tassell, with Catholic Charities Hawai'i.

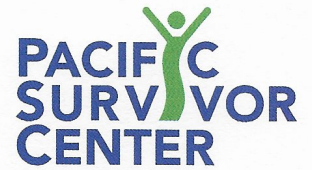
Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for 75 years. CCH has programs serving elders, children, families, homeless, and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i. Catholic Charities Hawai'i has experience providing therapeutic services to individuals with complex trauma including victims of sex trafficking. In our experience working with youth, many are unaware of their own vulnerability to being exploited and becoming a victim of sex trafficking.

Catholic Charities Hawai'i supports this bill. We must take action to prevent Hawaii's children from being exploited and becoming victims of human trafficking. This strikes at the very heart of our Ohana—our children. The average age of these children when they were first sex trafficked was just 11 years old. 3 out of 4 victims knew their trafficker, who was a family member, friend or significant other. Shockingly, 48,000 + ads were posted for commercial sex in Hawai'i in 2019. This commercial sex with children under 18 years of age is induced by force, fraud, or coercion. These children may not know who to turn to and lack the ability to escape.

Hawai'i needs a strategy to prevent this inhumane crime of human trafficking. Hawai'i needs a plan for how to provide more support and help to these victims. There is also a great need for public education so people and children are more aware of this commercial sexual exploitation of children, as well as help available (services, hotlines, websites with information, etc.) This is a crime which is often hidden and which targets highly vulnerable groups like runaways or foster children who may have histories of abuse and neglect. Youth with mental illnesses and substance abuse issues and other groups are also highly vulnerable to the emotional manipulation and lures of the trafficker. An immediate response is needed to confront this issue and develop training on the best practices to prevent, identify and address this issue of grave danger to kids.

This bill provides the comprehensive approach that is essential to address this hidden issue and help the children sucked into sex trafficking. We urge your support. Please contact our Legislative Liaison, Betty Lou Larson at (808) 373-0356 or bettylou.larson@catholiccharitieshawaii.org if you have any questions.





January 29, 2023

Testimony in Support of HB579

Dear Members of the Women's Legislative Caucus and Fellow Representatives,

On behalf of Pacific Survivor Center, I respectfully submit this letter in support of passage of House Bill 579 establishing a statewide prevention program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and to victims of human trafficking.

For the past decade, Pacific Survivor Center has ensured trauma-informed healthcare services to both adult and juvenile victims of human trafficking in Hawai'i. Our patients have experienced complex challenges that require long-term multifaceted services. Centralizing resources through the Attorney General's Department will facilitate coordinated interagency collaborations to ensure victims receive the vital services they require to heal and become survivors.

Pacific Survivor Center supports the passage of HB 579 as a way to address the needs of victims of human trafficking through the development and implementation of a statewide human trafficking prevention program. PSC is deeply committed to educating, empowering and prevention exploitation and to that end we created the Sex Trafficking Outreach and Prevention Program (STOPP) as a free community resource for schools and youth serving organizations. PSC worked with Hawai'i's foremost CSEC experts to create a locally-focused resource to serve the highest needs schools and youth across the state.

We look forward to passage of HB579 and would welcome an opportunity to collaborate in efforts to prevent sex trafficking and exploitation in Hawai'i.

Respectfully,

A handwritten signature in black ink that reads "Gwentyth Claughton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gwentyth Claughton
Executive Director
Pacific Survivor Center

Testimony In Support of HB 579, Relating To Human Trafficking

The Zonta Clubs across Hawai`i, nationally and Internationally support prevention and prosecution of Human Trafficking. In Hawai`i, minor sex trafficking has been identified as a crime that is preventable. Prevention and awareness campaigns are key to addressing minor sex trafficking, along with training of those that work with youth, and specialized investigation and prosecution units. January is Human Trafficking Awareness Month, so it is appropriate for the Legislature to recognize the importance of prevention and prosecution, as proposed by HB 579.

I was on the Hawai`i Human Anti-Trafficking Task Force prior to the enactment of Human Trafficking Laws. The State of Hawai`i has moved forward by adopting human trafficking laws, funded prevention efforts, and funded a special prosecution unit in the Attorney General's Office. Hawai`i has responded appropriately, but more needs to be done.

Prevention and awareness are critical to reducing the costs and trauma of the youth who are exploited, many times by their own families, friends and boyfriends. Research done by the Arizona State University from 2018 through 2022, and provided to the Legislature, supports the need for funding for prevention of Human Trafficking, Investigation and Prosecution. Reporting of these crimes are critical for guidance on refinement of the efforts to prevent and prosecute Human Trafficking. Notably, as in sexual assault, child abuse and domestic violence cases, many times the offender is known to the victim. Disclosure is difficult and recantation expected. Rigid guidelines, may prevent capture of the needed data, including "suspected" trafficking.

Any experienced investigator will know that disclosure may arise during a "simple" runaway or truancy report. Hospital personnel may "suspect" trafficking, but may not have adequate resources to follow-up. Funding for prevention, statewide strategies, including multi-disciplinary training, are key to appropriate follow-up for investigation and successful prosecution. More importantly, prevention, even if it is "secondary prevention," may halt the harm done to the youth and the community, including the offenders who exploit the youth and their connections that experience the "generational trauma" of violence.

As important, the demand side of the minor human trafficking is critical to reduction of human trafficking. "If there were no buyers, there would be no business for the pimps and traffickers and no victims of human Trafficking." Sex Trafficking in Hawai`i. Part 1, Sept., 2018, Sex Trafficking in Hawai`i.

Additionally, the most common reasons identified by sex trafficking victims for their victimization were drugs (26.8%), money (24.7%), and a place to stay (24.7%). Most sex trafficked victims were female (75%). Relationship to the trafficker were noted as family (25.8%), friend (24.7%), and boyfriend (24.7%).

In conclusion, the Zonta Club of Hilo and the Zonta International network, supports prevention and prosecution of human trafficking and reporting of appropriate data. We know deployment of resources and reporting take time, but ask for passage of HB 579.

Mahalo for considering the testimony of the Zonta Club of Hilo and the Zonta International..

HB-579

Submitted on: 1/27/2023 4:01:59 PM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bethany Hall	Individual	Support	Written Testimony Only

Comments:

I am in favor of HB579 due to the growing need to service Hawai'i exploited youth. Greater measures in trafficking prevention are desperately needed in our state given our extremely high numbers according to studies conducted by Dr. Dominique Roe-Sepowitz. Much of our local youth have increased risk factors due to the current rates of domestic violence, sexual abuse and substance abuse in homes.

We need to support the current programs available locally through organizations such as Ho'ola Na Pua as well as collaborating to create new, effective programs and systems to eradicate this issue from our islands.

HB-579

Submitted on: 1/28/2023 12:10:38 PM

Testimony for HUS on 1/31/2023 9:30:00 AM

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

Comments:

Yes, yes, yes!!! Stand in STRONG SUPPORT!!!

HB-579

Submitted on: 1/29/2023 9:54:58 PM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lea Minton	Midwives Alliance of Hawaii	Support	Written Testimony Only

Comments:

Midwives Alliance of Hawaii stands in support of HB579 and urges the Human Services Committee to pass this bill. Human Trafficking is absolutely preventable and Hawaii needs to invest in prevention programs to increase the safety and well-being of our community. Victims of human trafficking require multiple wrap around services and should be coordinated throughout the State.

Thank you for this opportunity to testify.

Mahalo,

Midwives Alliance of Hawaii

HB-579

Submitted on: 1/30/2023 11:25:36 AM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alec Marentic	Individual	Support	Written Testimony Only

Comments:

I support the intent of this bill.