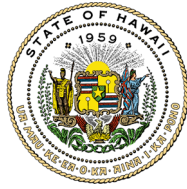


DAVID Y. IGE  
GOVERNOR



KENNETH S. HARA  
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STEPHEN F. LOGAN  
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DEPUTY ADJUTANT GENERAL

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
**OFFICE OF THE ADJUTANT GENERAL**  
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HONOLULU, HAWAII 96816-4495

## STOP SCHOOL VIOLENCE PROGRAM

TESTIMONY ON SENATE BILL 2187  
RELATING TO SEX TRAFFICKING

PRESENTATION TO THE HOUSE COMMITTEE ON JUDICIARY

BY

PATRICIA KICKLAND  
PROGRAM MANAGER, STOP SCHOOL VIOLENCE PROGRAM  
FEBRUARY 7, 2020

Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and members of the Committee on Judiciary:

I am Patricia Kickland, Program Manager for the Students, Teachers, and Officers Preventing School Violence ("STOP") program. STOP is a federal grant-funded program, under the State of Hawaii Office of Homeland Security, that seeks to prevent targeted acts of school violence, including but not limited to school shootings and bombings. Targeted school violence includes incidents where an attacker chooses a school, or a person within a school, as the intended victim.

STOP provides written testimony in **SUPPORT OF THE INTENT** expressed in this Bill, as long as its implementation does not impact or replace the priorities set forth in the Executive Budget. We defer to the agency with direct responsibility for implementation.

This Bill seeks to include coercion as an additional means by which sex traffickers may be found guilty of a crime when they victimize children and adults. Child victims sometimes face home life situations that are dangerous for the child, run away from home, end up homeless, seek help from adults to survive, and then suffer abuse at the hands of the people they trusted. Child victims then face barriers to leaving the adults and criminal organizations that abuse them. One of those barriers is a lack of safe spaces and trusted adults for children to turn to for help. To combat sex trafficking, we all must make safe spaces available for children rather than leave child victims to the false mercy of traffickers. School should be one such safe space.

When child victims attend schools, or return to schools after having left and suffered abuse, child victims have the opportunity to ask teachers or counsellors for help. The traffickers, on the other hand, are not pleased when children have support. When children are involved in a nurturing school environment, traffickers face losing control over their victims. The individual child victim of trafficking, and the school communities that help them heal, both become at risk for targeted violence. Targeted violence may come from without, such as a shooting attack. Targeted violence also may come from within, such as bullying or peer pressure to return to the trafficker.

STOP supports this Bill because it will help prevent both types of attacks.

Thank you for the opportunity to submit testimony in support of SB 2187

Patricia Kickland, Program Manager  
STOP School Violence Program  
Office of Homeland Security  
Office: 808-628-2338



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

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ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
**Thirtieth State Legislature**  
**Regular Session of 2020**  
**State of Hawai'i**

February 7, 2020

**RE: S.B. 2187; RELATING TO SEX TRAFFICKING.**

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 2187. This bill is part of the Department's 2020 legislative package.

The purpose of S.B. 2187 is to clarify Hawaii's sex trafficking laws to expressly include "coercion" as a means of advancing prostitution. Currently, Section 712-1202(a), Hawaii Revised Statutes ("HRS"), only states "advancing prostitution...by force, threat, fraud or intimidation," and there have been instances when our courts indicated that a particular set of facts did not fit within these existing definitions. One example was where a victim was told she could not eat (or sleep) until she finished a certain amount of work.

Adding the term "coercion" would also bring Hawaii's sex trafficking statute in-line with the federal code, which defines "severe forms of sex trafficking in persons" as:

"...sex trafficking in which a commercial sex act is induced by force, fraud, **or coercion**; or in which the person induced to perform such act has not attained 18 years of age..."

22 U.S. Code §7102(11)(a), emphasis added. And because the term "coercion" is not otherwise defined in the HRS, the Committee may also wish to consider all or part of the federal definition of coercion:

(3) COERCION. The term "coercion" means—

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of the legal process

22 U.S. Code §7102(3)(a). Federal code also defines “abuse or threatened abuse of the legal process” [22 U.S. Code §7102(1)], but this is likely already encompassed under Hawaii’s inclusion of the terms “threat” or “intimidation.”

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2187. Thank you for the opportunity to testify on this matter.

**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**

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Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE KARL RHOADS, CHAIR  
THE HONORABLE JARRET KEOHOKALOLE, VICE CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawai'i**

February 7, 2020

**RE: S.B. 2187; RELATING TO SEX TRAFFICKING.**

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of S.B. 2187.

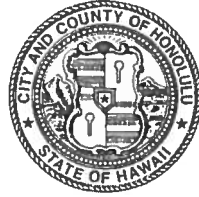
The purpose of S.B. 2187 is to include coercion as a means of committing the offense of sex trafficking.

Sex trafficking is often the product of not only force, threat, fraud or intimidation, as H.R.S. 712-1202 currently recognizes, but also coercion. This amendment to the offense of sex trafficking acknowledges this and incorporates it into the definition of the offense. This will allow for the apprehension and prosecution of individuals who coerce their victims into advancing prostitution.

For these reasons, the Office of the Prosecuting Attorney supports the passage of S.B. 2187. Thank you for this opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
CLYDE K. HO  
DEPUTY CHIEFS

OUR REFERENCE WO-KK

February 6, 2020

The Honorable Gregg Takayama, Chair  
and Members  
Committee on Public Safety, Veterans,  
and Military Affairs  
The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chairs Takayama and Lee and Members:

SUBJECT: House Bill No. 2710, Relating to Protective Orders

I am Walter Ozeki, Major of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of House Bill No. 2710, Relating to Protective Orders, and offers the following comments and concerns.

The HPD wholeheartedly supports the legislature's attempt to provide additional tools to law enforcement to help ensure the safety of petitioners who have been awarded protection orders. The ability to search a person and his/her vehicle and residence for firearms without a warrant once convicted of violating a protection order would be a tremendous benefit to law enforcement. This would go a long way towards disrupting the escalation of violence, especially since the perpetrators in these instances have already demonstrated their unwillingness to abide by the restrictions specified in the court ordered protection order.

The Honorable Gregg Takayama, Chair  
and Members  
The Honorable Chris Lee, Chair  
and Members  
February 6, 2020  
Page 2

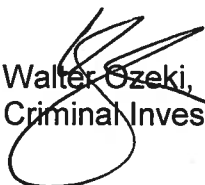
The HPD's concern with this bill is that it may constitute a violation of a person's constitutionally protected rights and the rule of law with regard to warrantless searches. This is done without absolving the law enforcement officer who engages in the search from liability both criminally and civil.

It also calls into question the admissibility of any evidence that is recovered as a result of the warrantless search. As stated, a warrantless search shall be permitted if the law enforcement officer "has reason to believe acts of abuse or malicious property damage by the person are imminent." This is a smaller standard than probable cause. Since in most of these instances any evidence will be seized at a standard that is lesser than probable cause, the majority of evidence seized under this section will not be admissible in court as stated in the bill as follows, "A firearm seized as a result of the search shall not be considered in any subsequent conviction if the court finds there was not probable cause for the search." The possibility exists that a firearm seized may be connected to an unrelated, more serious crime that could include homicide and that firearm will then be rendered inadmissible in any court proceeding addressing the more serious crime.

The HPD is in support of House Bill No. 2610, with due regard to the concerns that have been provided in our testimony.

Thank you for the opportunity to testify.

Sincerely,

  
Walter Szeki, Major  
Criminal Investigation Division

APPROVED:



Susan Ballard  
Chief of Police



## SB 2187, RELATING TO SEX TRAFFICKING

FEBRUARY 7, 2020 · SENATE JUDICIARY  
COMMITTEE · CHAIR SEN. KARL RHOADS

**POSITION:** Support.

**RATIONALE:** IMUAlliance supports SB 2187, relating to sex trafficking, which includes coercion as a means of committing the offense of sex trafficking.

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 (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. 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. 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 measures to advance our state's ability to crack down on sexual slavery, such as this measure's inclusion of coercion as a means of committing the offense of sex trafficking. Currently, HRS §712-1202(b) defines the sex trafficking of an adult in the following manner: "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." **Adding the term "coercion" would expand this definition to include acts that are commonly used by traffickers to keep victims of sexual exploitation within our state's prolific slave trade, including nonphysical coercive tactics** like isolation, monopolization of perception, induced debility or exhaustion, demonstration of omnipotence, degradation, and punitive enforcement of trivial demands. These coercive tactics reinforce the submission of trafficked persons to their traffickers even in the absence of physical force or restraints, creating extreme psychological stress that can lead to acute and chronic physical, emotional, and mental health problems, and compel exploited individuals to remain in traumatic situations.

**SB-2187**

Submitted on: 2/3/2020 5:47:09 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

STRONG SUPPORT - one of the best bills introduced this session - THANK YOU!

**SB-2187**

Submitted on: 2/5/2020 10:00:31 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ceborah Guanzon	Individual	Support	No

Comments:

I support this bill because by legal definition sex trafficking is the use of force, fraud or coercion to engage in commercial sexual exploitation of any person.

**SB-2187**

Submitted on: 2/4/2020 7:04:39 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marci Lopes	Individual	Support	No

Comments:

**SB-2187**

Submitted on: 2/4/2020 2:06:39 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

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

Comments:

**SB-2187**

Submitted on: 2/4/2020 9:15:23 AM

Testimony for JDC on 2/7/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ralph Sherman	Individual	Support	No

Comments:

I support this bill because by legal definition sex trafficking is the use of force, fraud or coercion to engage in commercial sexual exploitation of any person.

**SB-2187**

Submitted on: 2/3/2020 5:41:18 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

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

Comments:

I support passage of this bill to include coercion as a means of committing sex trafficking. The specific definition of sex trafficking includes the use of force, fraud and/or coercion. This has been established on a Federal and state level and Hawai'i should comply with this criteria.

Respectfully submitted,

Melody Stone, founder Hawai'i Island Coalition Against Human Trafficking, Hawai'i Island Safe Net