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December 1, 2021

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the House of
Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Initial Report on the State's Efforts to Address the Commercial Sexual Exploitation of Children. In accordance with section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at 586-1500.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clare E. Connors", with a large, sweeping flourish extending to the right.

Clare E. Connors
Attorney General

c: David Y. Ige, Governor
Josh Green, Lieutenant Governor
Legislative Reference Bureau (Attn.: Karen Mau)
Leslie H. Kondo, State Auditor
Craig K. Hirai, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, PhD., President, University of Hawaii

Enclosure

State of Hawai'i
Department of the Attorney General



INITIAL REPORT ON THE STATE'S EFFORTS TO
ADDRESS THE COMMERCIAL SEXUAL EXPLOITATION
OF CHILDREN

Requested by House Resolution No. 83, H.D. 1
Regular Session of 2021

Submitted to
The Thirty-First State Legislature
Regular Session of 2022

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I. **Introduction**

House Resolution No. 83, H.D. 1 (2021), requests that the Department of the Attorney General (“Department”) submit an initial report to the Legislature no later than December 1, 2021, assessing the State’s efforts to address the commercial sexual exploitation of children (“CSEC”) and providing plans and recommendations, including any proposed legislation, for prevention strategies, victim assistance programs, law enforcement efforts, data collection, and public outreach and education programs.

II. **Statewide Coordination Efforts to Address CSEC**¹

There is a growing need and interest for addressing CSEC in Hawaii, demonstrated by numerous informal task forces, committees, and coalitions dedicated to the issue of human trafficking. There is, however, no state appropriated funding dedicated to specifically addressing CSEC through programs or full-time positions.

Recognizing the need for statewide coordination, the Department hired a deputy attorney general as the statewide Human Trafficking Coordinator (“HT Coordinator”), dedicated to prosecuting cases and addressing human trafficking and CSEC.

Currently, various multidisciplinary groups comprised of individuals from the community, governmental agencies, non-governmental organizations, private entities,

¹ Commercial Sexual Exploitation of Children (CSEC) is the buying and selling of minors in exchange for sexual acts and is included in the broader crime of Human Trafficking. The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as: (a) 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; or (b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).

and non-profit organizations have been formed to address the need for prevention efforts targeting CSEC in Hawaii. These include:

- The Hawaii Coalition Against Human Trafficking, convened by the Department of the Attorney General;
- The Honolulu Human Trafficking Task Force that is federally funded through a grant from the Office of Victims of Crime and chaired by the Prosecuting Attorney for the City and County of Honolulu;
- The CSEC Steering Committee that is comprised of members from Oahu-based governmental agencies established through a memorandum of agreement through the Judiciary.
- Statewide Multidisciplinary Teams in each county² established by the Child Justice Program pursuant to chapter 588; Hawaii Revised Statutes (HRS), and
- Two coalitions on the Big Island – the Hawaii Exploitation and Trafficking Unit and the Hawaii Island Coalition Against Human Trafficking.

Despite the number of groups and level of interest in preventing commercial exploitation of children, no groups are formally codified under state or county laws or policies. Additionally, there is a lack of dedicated positions in law enforcement and other government agencies, which leads to less offender accountability and support for victims. Successfully addressing CSEC requires institutional specialization and expertise due to the unique nature of the crime and victim population. Moreover, no standardized statewide training for both government and non-governmental entities has been established through laws or policies, making it more difficult to identify CSEC victims and develop prevention strategies. Although many organizations offer training, a lack of established criteria and standards leads to inconsistent practices statewide. The HT Coordinator has been working on developing a standardized training curriculum through the coordination of various stakeholders.

An additional challenge is that the CSEC specific data is limited for a number of reasons and likely underestimates the true scope of the problem of commercial exploitation of children in Hawaii. Collaborating with the community groups that are already addressing CSEC will allow an increased focus on offender accountability through the criminal justice system and additional resources dedicated to the unique population of CSEC victims and survivors.

² There are two Multidisciplinary Teams run by the Child Justice Center on the Big Island, East and West Hawaii.

III. Data Collection

Based on observations and experience, practitioners in the field conclude that incidents of CSEC and human trafficking are widespread in Hawaii; but data is limited and disaggregated. Hawaii does not have a centralized database or entity tasked with collecting comprehensive data for CSEC, and the data collected by individual entities is limited and imperfect for various reasons. Currently, there are no policies, protocols, or agreements in place that establish a coordinated way to share and collect data.

In attempting to quantify the problem, there are only a limited number of sources that provide a sense of the scope of the problem in Hawaii. In 2020, Child and Family Services (CFS) and partner agencies published a study based on a survey of 363 participants receiving social services on five islands in Hawai'i.³ Key findings of the study include:

- Sex trafficking was reported by more than a quarter (97 of the 363 participants in this study or 26.7%). They were 73% female, 23% male, 1% transgender, and 1% non-conforming.
- 64% of the sex trafficking victims identified as being all or partially Native Hawaiian.
- The highest percentage of participants reported being victimized on Oahu (45.4%) followed by the next highest percentage on Maui (23.7%).
- 23% reported that they were first sex trafficked before they turned 18 years old, and the overall average age of first sex trafficking experience was 11.3 years old.
- 25% reported that their first sex trafficker was a family member.

Another primary source of information about the magnitude of CSEC is data from reporting hotlines. Based on the study of victims of crime, CSEC is an underreported crime due to victims generally not identifying as victims, their relationship or trauma-bond with their trafficker, and their having a deep distrust of the system, resulting in few disclosures and victims not proactively seeking support services.

The Hawaii Department of Human Services (DHS) Child Welfare Services (CWS) created a hotline to report suspicions of child sex and labor trafficking pursuant to chapter 350, HRS, as a form of child abuse and neglect. Between February 2019 and June 2021, CWS received 205 reports of suspected CSEC cases, however, CWS does not have a formal data platform to store and record these statistics.

CWS contracts with the Susannah Wesley Community Center (SWCC) to follow up on these reports and conduct a CSEC assessment to determine whether the

³ The study can be found on CFS's website at:
<https://www.childandfamilyservice.org/traffickinghawaii/>

reported child is a confirmed CSEC victim or not. Of the 205 referrals from the CWS hotline between February 2019 and June 2021, SWCC confirmed 67 cases of CSEC.

Another source of reporting data comes from the National Human Trafficking Hotline (NHTH). According to the 2019 NHTH statistics, only 23 sex trafficking cases were reported in the state of Hawaii, but the NHTH does not distinguish whether these are child or adult victims. The NHTH statistic sheet notes, “The data below does not represent the full scope of trafficking in Hawaii. Lack of awareness of human trafficking or of the National Hotline can lead to significant underreporting....”

Because the nature and source of the current data is limited, the system is underestimating the true scope of the problem, likely resulting in unidentified victims falling through the cracks and consequently not receiving protection, services, and resources that could save them from further victimization. The system could better identify CSEC victims by adopting a statewide assessment tool that can be used by government and non-government entities that come into contact with this high-risk population. With additional coordination and the adoption of a universal assessment tool, more CSEC victims could be identified during numerous points of contact with the system, including law enforcement, courts, hospitals, treatment facilities, schools, and faith-based institutions. More identifications lead to more data that will be available, giving the State a better opportunity to assess the scale of CSEC and determine what prevention efforts are needed.

Recently, the aforementioned multidisciplinary groups have been making a concerted effort to establish a more coordinated approach to collecting and sharing data. The HT Coordinator has identified the different sources of data that are available, as outlined above, and has worked with the Honolulu Human Trafficking Task Force, members of the Hawaii Coalition Against Human Trafficking, and other stakeholders to draft protocols and agreements to implement a more coordinated approach within the available resources.

IV. Prevention, Outreach, and Education

There is an increased awareness and understanding of CSEC in our local communities. While numerous individuals and entities are involved in prevention, outreach, and education efforts, there is no collective and consistent strategy and messaging for the community. Having more collaboration, oversight, and established standards can help ensure the effectiveness, quality, and accuracy of these prevention, outreach, and education efforts.

Because CSEC is highly nuanced, and the reality is very different from what people may see on television and in movies, it is vital to have accurate information and content. The indicators and proper response to CSEC differ from other crimes such as sexual assault, child exploitation, and child abuse. Therefore, consistent and reliable programs must be developed and adopted as a system to improve response.

Further, there is a need to address child sex buyers and the demand market that drives human trafficking. Prevention and education programs targeting the demand are effective tools in reducing commercial sexual exploitation of children. Currently, there are very few programs in Hawaii aimed at addressing the demand component of the crime.

The Department has made training and education a priority for its human trafficking program and have developed and delivered numerous sessions to law enforcement, prosecutors, government agencies, service providers, community groups, state committees, and task forces of various disciplines. These include the 2020 and 2021 Family Court Judicial Symposium, the Office of Youth Services sponsored CSEC Symposium with more than 300 attendees, the Hawaii State Coalition Against Domestic Violence Conference, Booz Allen Rapid Innovation Workshop Panel, Kapiolani Community College, Hawaii State Commission on the Status of Women, and the Women's Legislative Caucus. Also provided was an open training on the new criminal laws (Act 68, SLH, 2021) for statewide stakeholders and practitioners in this field, including law enforcement and prosecutors.

Additionally, the Department has joined partnerships to bring awareness and outreach to the issue of CSEC. In collaboration with the Hawaii Department of Transportation, the United States Department of Homeland Security Blue Campaign, and the United States Department of Transportation, the Department partnered on the Blue Lightning Initiative to bring awareness to human trafficking at the airports. The Blue Lightning Initiative is a partnership between the federal Departments of Transportation and Human Services that provides aviation personnel with a mechanism to identify potential human trafficking. This included Public Service Announcements displayed on digital messaging boards at all airports in Hawaii identifying indicators of human trafficking and providing the Homeland Security Investigations tip line for reporting suspected human trafficking activity.

The Department also partnered with the Department of Homeland Security Blue Campaign on a pilot initiative for Hawaii's Digital Advertising Campaign. The five-month initiative provided digital advertising on social media platforms targeting individuals living in or visiting Hawaii, with the goal of raising awareness of the National Human Trafficking Hotline, and encourage reporting to the Hotline.

V. Victim Assistance Programs

Hawaii has two primary non-governmental victim services organizations providing programs for CSEC victims and two Oahu based residential shelters for CSEC victims. While several governmental agencies provide vital services to CSEC victims, there are no fulltime victim specialist positions dedicated to providing services and support for CSEC victims.

One of the community victim service providers is the Trafficking Victim Assistance Program (TVAP) through the SWCC, which is intended to provide a broad spectrum of victim services and programs statewide that include comprehensive case management, outpatient sex trafficking specific mental health treatment services, training, advocacy, and crisis response. TVAP is funded by the Department of Justice Office of Victim Services, the Victim of Crime Act, and a state contract with the DHS. SWCC subcontracts with several other non-governmental organizations.⁴ SWCC is the only organization that serves victims of all forms of human trafficking, regardless of age, gender, or trafficking type, on the island of Oahu. The majority of its clientele is served under the DHS contract. The funding amount, however, is limited, thereby affecting services provided across the State. On the neighbor islands, services are only being offered to CSEC victims, and there are no services available to adult sex trafficking victims and victims of labor trafficking.

Ho‘ola Na Pua (HNP) is another primary victim services organization. In 2021, it opened Pearl Haven, a long-term residential treatment facility.⁵ HNP’s programs include Hoku group services, the Starfish mentoring program, and educational programs for victims and the community. Pearl Haven’s 32-bed residential treatment program provides trauma-informed therapeutic services for CSEC victims between the ages of 11-17. HNP and Pearl Haven are primarily funded by private donors, however, the Hawaii Department of Health (HDOH) has contracted with HNP for five beds in HNP’s Pearl Haven facility.

The state’s only short-term emergency shelter for CSEC victims, the Hale Lanipolua Assessment Center (HLAC) located on the Windward side of Oahu, is operated by Hale Kipa, a non-governmental organization. HLAC recently lost its federal funding but has obtained short-term funding from the City and County of Honolulu. No other CSEC specific shelters or facilities exist on the other islands.

Because of the unique needs and robust services required to treat the complex trauma experienced by victims of CSEC, state and local agencies need dedicated positions that can focus on supporting this population. For example, with CWS’s responsibility managing the state hotline, abuse and neglect investigations, the foster care system, and other social services involving this population, a dedicated position for CSEC within the DHS would make a significant impact on statewide prevention efforts. Additionally, Oahu’s Family Court has a Girl’s Court diversion program dedicated to CSEC and at-risk girls. The program has been extremely successful. According to the Judiciary, however, it could use another position in order to meet the needs of the CSEC population.

Progress has been made in the effort to bring together victim services providers and identify victim resources. The HT Coordinator has worked closely with SWCC,

⁴ <https://tvaphawaii.org/about-tvap/>

⁵ <https://hoolanapua.org/history/>

HNP, and other community service providers to outline roles and expectations in an effort to foster collaboration. The Honolulu Human Trafficking Taskforce has begun to establish a process to track cases and victims from the initial report and throughout the stabilization and continued care process. Additionally, various entities, including the Department, Hale Kipa, SWCC, HDOH's Child and Adolescent Mental Health Division, the Office of Youth Services, DHS, the Honolulu Police Department, and the Honolulu Prosecuting Attorney's Office have engaged in discussions to establish a CSEC coordinated crisis center shelter for recovered CSEC victims and high-risk children who have run away, are missing from care, or are identified on the street.

VI. Law Enforcement Efforts

Hawaii must increase its law enforcement and prosecution efforts in order to hold traffickers and commercial sexual exploiters of children accountable. Human trafficking crimes are unique in that victims generally do not identify as victims, they commonly have a relationship or trauma bond with their trafficker, they are highly distrustful of law enforcement and the criminal justice system, and they believe they are actively engaged in criminal conduct (prostitution), which results in minimal self-reporting. Additionally, the crime occurs behind closed doors and is often facilitated online or electronically, making it difficult for witnesses to identify the perpetrators and resulting in minimal reporting to law enforcement. Thus, due to the complex nature of CSEC crimes and the victimology of the CSEC population, investigations can be time and resource intensive, and take specialized training and expertise to be successful.

According to the Department of the Attorney General's Hawaii Criminal Justice Data Center's statistics, between 2014 and 2020, there were a total of 19 arrests statewide for Sex Trafficking/Promoting Prostitution First Degree under section 712-1202, HRS.⁶ There was only one conviction in 2015 for Promoting Prostitution in the First Degree, and there have been no convictions since the law became the crime of Sex Trafficking. During the same period, 2014 to 2020, there were 23 arrests for Solicitation of a Minor for Prostitution under section 712-1209.1, HRS,⁷ resulting in one conviction in 2017.

No state or local law enforcement agency has detectives dedicated exclusively to investigating CSEC crimes. Additionally, no state or local law enforcement agency has standardized training for human trafficking, working with victims with trauma, or conducting CSEC specific investigations.

The Department's HT Coordinator has delivered general training to local and federal law enforcement and prosecutors on victim-centered and trauma-informed

⁶ In 2016, Promoting Prostitution First degree was amended to the crime of Sex Trafficking.

⁷ In 2021, the crime was renamed to Commercial Sexual Exploitation of a Minor.

strategies, including to the City and County of Honolulu’s Deputy Prosecuting Attorneys, a select group of Deputy Prosecuting Attorneys from each county, Honolulu Police Department’s Morals Unit, and the Homeland Security Investigations unit. Additionally, the Department has worked in collaboration with the Honolulu Human Trafficking Taskforce to bring expert investigators from other jurisdictions to provide training and technical assistance.

On Oahu, law enforcement and prosecutors have begun establishing investigative protocols, including a “Rapid Response” protocol that brings together representatives from the Honolulu Prosecuting Attorney’s Office, the Department of the Attorney General, the United States Attorney’s Office, the Honolulu Police Department, and the Homeland Security Investigations Unit when a case is reported, or a victim is identified. This allows the agencies to deconflict, assign lead investigators and prosecutors, and track the progress of cases.

The Department has also worked with community service providers to establish better coordination and communication between service providers and law enforcement during the investigative process. Victim advocates and case managers have been actively involved in developing policies and protocols to ensure that law enforcement is taking a victim-centered, trauma-informed approach to investigations and victims feel supported throughout the criminal justice process.

Finally, in 2021, the legislature passed a comprehensive reform bill to the state’s criminal sex trafficking laws (Act 68, SLH 2021). These new laws not only strengthen the state’s ability to protect victims and hold offenders accountable, but with the statutory change in terminology and policy impacts, reflect a shift toward a more victim-centered approach.

VII. Recommendations

The following recommendations are based on the current CSEC landscape in Hawaii, the identified gaps in the system, and what existing needs must be addressed to effectively combat CSEC in Hawaii. The recommendations should serve as a roadmap of both short-term and long-term goals that can be accomplished in a number of ways, including through legislative action, increased funding for resources, additional specialized personnel, adopting formal policies and protocols, and improving our system response through coordinated actions between stakeholders.

- (a) Enact legislation to codify a statewide human trafficking coalition in order to provide long-term stability and success.
- (b) Include child sex and labor trafficking crimes in the Child Justice Program’s (CJC) Multidisciplinary teams, pursuant to chapter 588, HRS.

- (c) Adopt a standardized and validated assessment tool for the various entities that encounter the CSEC population, including a protocol regarding the referral of victims to the appropriate entity for services.
- (d) Develop a process to collect CSEC data that includes lawful ways to share confidential and sensitive information between law enforcement, government, and non-governmental sources. Provide additional funding and resources for the database itself and positions designated to collect data and operate the system.
- (e) Create a statewide human trafficking training program for criminal justice personnel.
- (f) Engage in further discussion about standards for victim service providers to ensure they are properly trained in best practices when serving the CSEC population.
- (g) Increase prevention and education campaigns targeting the demand market and individuals who purchase sex in order to reduce the commercial sexual exploitation of children.
- (h) Establish and fund dedicated CSEC positions at CWS, HDOH, and the Office of Youth Services to serve CSEC victims in the state system, as well as additional positions at the Judiciary's Girl's Court for victims in the criminal justice system.
- (i) Establish long-term funding for the HLAC facility, additional emergency shelter facilities, and specialized foster homes for CSEC victims to serve the unique needs of CSEC victims.
- (j) Provide additional funding for placement of CSEC victims at long-term treatment facilities in order to transition CSEC victims from short-term crisis shelters and give them a better opportunity for long-term stability with their parent or guardian.
- (k) Provide additional resources to DHS, including funding for victim service providers, to increase capacity across the state. Provide additional positions on Oahu as well as full-time positions on each of the neighbor islands.
- (l) Provide additional assistance to CSEC victims for housing, basic needs, continuing education, job training, access to mental health care, and access to medical care. Fill the gaps in services identified by local human trafficking survivors based on their personal experiences and understanding of the local CSEC victim population.

- (m) Discuss the need for specialized human trafficking investigators to ensure effective investigations and prosecutions.
- (n) Incorporate human trafficking training for recruits and incumbent law enforcement officers.
- (o) Promote the use of victim specialists knowledgeable in CSEC to accompany law enforcement whenever contacting victims during a human trafficking investigation.
- (p) The Department will continue to find ways to expand the sources of data and encourage stakeholders to adopt a statewide screening tool
- (q) Develop a state website with a comprehensive list of resources and information regarding human trafficking in Hawaii.
- (r) Create a statewide crisis response protocol with all the agencies and stakeholders when a CSEC victim is identified and is in crisis.