

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL (HB) 2333  
RELATING TO THE  
STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM  
by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Henry J.C. Aquino, Chair  
Representative Kaniela Ing, Vice Chair

Thursday, February 06, 2014, 10:00 a.m.  
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety is in **support** of HB 2333, the purpose of which is to amend chapter 353E, Hawaii Revised Statutes, to include juveniles and to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders. Additionally, the recommended amendments would specifically identify the "Sex Offender Management Team" as the coordinating body responsible to oversee the development and implementation of sex offender treatment programs in the State of Hawaii.

We offer the following reasons for our support:

1. The complex nature of crimes of sexual offenses and the extreme emotional

- and physical harm on victims necessitates implementation of a statewide integrated sex offender treatment program, based on nationally recognized best practices to sex offender management;
2. The statewide Master Plan for sex offender management programs requires the amendment to include statewide integrated services for juvenile sex offenders;
  3. Nationally recognized best practices in sex offender management include additional areas, other than treatment, such as, on-going assessment, evaluation and supervision;
  4. Standards for service delivery assists in ensuring best practices are implemented, and offender rehabilitation and victim safety are paramount;  
and
  5. The name of the statewide coordinating body should reflect its scope.

Thank you for the opportunity to testify.



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Public Safety**

The Hon. Henry J.C. Aquino, Chair

The Hon. Kaniela Ing, Vice Chair

Thursday, February 6, 2014

10:00 a.m.

State Capitol, Conference Room 309

By

R. Mark Browning

Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2333, Relating to the Statewide Integrated Sex Offender Treatment Program.

**Purpose:** Amends Chapter 353E, Hawaii Revised Statutes (HRS), to include juveniles, to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "Sex Offender Management Team." Exempts the Program from the requirements of Chapter 92, HRS.

**Judiciary's Position:**

The Judiciary respectfully submits this testimony in opposition to House Bill No. 2333. Currently, the Judiciary is a party to the Cooperative Agreement ("Agreement") between the Dept. of Public Safety, Dept of Health, Judiciary, Hawaii Paroling Authority, Dept. of Human Services, and Office of Youth Services, executed May, 2008. A characteristic of the Agreement is recognition that there is a significant divide between treatment of juveniles and treatment of adults. This recognition is blurred in this bill; a change that will have unintended negative consequences to the community.

The bill amends a statute that was designed just for adults. By adding the term "juvenile," the bill no longer reflects best practices since best practices recognize the need for particular treatment modalities for juveniles and that failure to do so backfires on the



community--juveniles are not treated adequately or, worse, are treated in a manner that ensures re-offending.

The first circuit of the family court has a dedicated juvenile sex offender court officer unit based on research that show that there are profound differences between adults who are sex offenders and juveniles who are labelled "sex offenders." In previous years, this research data have been compelling enough to thwart efforts to include juveniles in adult sex offender registries (including in this state).

In sum, lumping juveniles and adult sex offenders in a "continuum" is not considered "best practices." This bill, by including juveniles, will not provide greater safety for the community--in fact, it may cause the opposite--needlessly generating more victimization (of both victims and perpetrators).

We respectfully urge deletion of "juvenile" from the bill, page 1, line 5.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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To: House Committee on Public Safety

From: Cheryl Kakazu Park, Director

Date: February 6, 2014, at 10:00 a.m.  
State Capitol, Conference Room 309

Re: Testimony on H.B. No. 2333  
Relating to the Statewide Integrated Sex Offender Treatment Program

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on this bill’s inclusion of juveniles in the statewide integrated sex offender treatment program and related matters, but seeks clarification of a provision found at bill page 5, lines 7-10.

The provision states that the program “is not subject to the requirements of chapter 92.” The Sunshine Law, Hawaii’s open meetings law, is only part I of chapter 92. The remainder of the chapter is made of miscellaneous and unrelated provisions, including the statute authorizing copy charges for government records. Assuming that this Committee’s intent is simply to make clear that the sex offender management team and other groups within the program are not boards subject to the Sunshine Law, OIP recommends that the provision be amended to state that the program “is not subject to the requirements of part I of chapter 92.”

Thank you for the opportunity to testify.

TESTIMONY FOR HOUSE BILL 2333, RELATING TO THE STATEWIDE INTEGRATED  
SEX OFFENDER TREATMENT PROGRAM

TO: Representative Henry Aquino, Chair  
Representative Kaniela Ing, Vice Chair  
Members of the House Committee on Public Safety

RE: HB 2333 Relating to the Statewide Integrated Sex Offender Treatment Program

HEARING DATE: Thursday, February 6, 2014, 10:00AM  
House conference room 309

As a concerned citizen, I am thankful for the opportunity to submit testimony in support of HB 2333, which amends Chapter 353E, Hawaii Revised Statutes (HRS), to include juveniles, to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "Sex Offender Management Team."

It is important to remember that convicted/adjudicated sex offenders will probably not live the rest of their lives in jail. Furthermore, research indicates that adolescents don't have full brain maturity until their early to mid twenties. Providing quality rehabilitative services to sex offenders may reduce recidivism and increase prosocial behaviors.

In closing, I want to reiterate my support of HB 2333 and its contribution to creating a more rehabilitative criminal justice system.

Thank You,  
Lauren Gurat  
lwoo@hawaii.edu