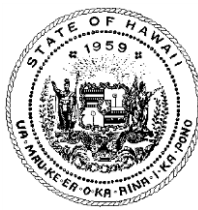




# SB2912

Measure Title:	RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM.
Report Title:	Statewide Integrated Sex Offender Treatment Program
Description:	Amends chapter 353E, Hawaii Revised Statutes (HRS), 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 statewide integrated sex offender treatment program from the requirements of chapter 92, HRS.
Companion:	<a href="#">HB2383</a>
Package:	Governor
Current Referral:	PSM, JDL
Introducer(s):	KOUCHI (Introduced by request of another party)

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2912  
RELATING TO STATEWIDE INTEGRATED SEX OFFENDER  
TREATMENT PROGRAM

by  
Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

February 4, 2016; 1:15 p.m.  
State Capitol, Conference Room 229

Senator Nishihara, Vice Chair Espero, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2912, the purpose of which is to amend Chapter 353E, HRS, to reflect nationally recognized best practices in the statewide, integrated programming for adult sex offenders. PSD supports this measure for the following reasons:

1. The complex nature of sexual offending and the extreme harm it has on victims necessitates implementation of nationally recognized best practices to sex offender management.
2. In addition to treatment, nationally recognized best practices in sex offender management call for assessment, evaluation and supervision components.
3. Standards for service delivery assist in ensuring best practices are implemented, and offender risk reduction and victim safety are paramount.
4. The name of the statewide coordinating body should accurately reflect its scope.

Thank you for the opportunity to present this testimony.



*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on  
Public Safety, Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Thursday, February 4, 2016, 1:15 p.m.  
State Capitol, Conference Room 229

by  
Sidney H. Nakamoto  
Probation Administrator, First Circuit

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**Bill No. and Title:** Senate Bill No. 2912, Relating to the Statewide Integrated Sex Offender Treatment Program.

**Purpose:** Amends chapter 353E, Hawai‘i Revised Statutes (HRS), 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 statewide integrated sex offender treatment program from the requirements of chapter 92, HRS.

**Judiciary's Position:**

The Judiciary supports SB 2912, which reflects best practices in the assessment, evaluation, treatment, and supervision of sex offenders. Since the establishment of 353E, the Judiciary has participated in developing guidelines for the assessment and treatment of sex offenders, and has used these guidelines in setting scope of services for purchase of service contracts. This has improved services as it requires vendors to adhere to best practice principles (e.g., utilizing validated and specialized risk instruments to inform treatment plans, utilizing a cognitive-behavioral treatment approach, etc.) Guidelines for supervision also require probation staff to incorporate best practices, such as utilizing the same risk instruments to match supervision standards and inform case plans.

The renaming of this body reflects the full scope of its purpose, beginning with a focus on treatment, and expanding to include the supervision and management of sex offenders by specially trained supervision officers.



Senate Bill No. 2912, Relating to the Statewide Integrated  
Sex Offender Treatment Program  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Thursday, February 4, 2016  
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The Judiciary takes no position on the exemption in Chapter 92, HRS.

Thank you for the opportunity to testify on Senate Bill 2912.

THE CIVIL BEAT  
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Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Honorable Clarence K. Nishihara, Chair  
Honorable Will Espero, Vice Chair

**RE: Testimony Supporting S.B. 2912,  
Relating to the Statewide Integrated Sex Offender Treatment Program**

Hearing: February 4, 2016 at 1:15 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 2912. The Law Center **provides comments** questioning the provision exempting the statewide integrated sex offender treatment program from the Sunshine Law.

As described in HRS ch. 353E, the Statewide Integrated Sex Offender Treatment Program brings together agencies involved in the treatment of sex offenders. Those agencies jointly develop and implement a statewide master plan for sex offenders, prepare training and education programs, conduct research, seek grant funding, and – as proposed in S.B. 2912 – will implement standards and guidelines to address sex offenders. The Law Center takes no position regarding the expanded authority for the Program.

S.B. 2912, however, purports to exempt the Program from the open meetings law. On its Justification Sheet, the Department of Public Safety claims the exemption is warranted because of “the nature of the population involved.” The public should have notice and an opportunity to participate in the decision-making process through the Sunshine Law when the Program is developing a master plan, working on guidelines, and other functions that do not involve specific offenders. As PSD recognizes, this Program is critical “to effectively managing sex offenders *and keeping communities safe.*” The community should be involved in the process.

The Law Center takes no position on a narrow exemption, if needed, for activities of the Program that address individual offenders. But the blanket exemption proposed by PSD is not adequately justified by the Department.

Thank you again for the opportunity to testify.