

[CHAPTER 353E]
STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM

Section

- 353E-1 Sex offender treatment; statewide program established
- 353E-2 Interagency coordination

Law Journals and Reviews

Right Against Self-Incrimination v. Public Safety: Does Hawai'i's Sex Offender Treatment Program Violate the Fifth Amendment? 23 UH L. Rev. 825 (2001).

Case Notes

District court correctly granted defendant's summary judgment on claim, where inmate argued that being labeled a sex offender and being forced to participate in sex offender treatment program violated Eighth Amendment prohibition against cruel and unusual punishment. 131 F.3d 818 (1997).

Inmates' claim that sex offender treatment program violated ex post facto clause was ripe; sex offender treatment program did not violate ex post facto clause. 131 F.3d 818 (1997).

Inmate who had never been convicted of a sex offense and had never had opportunity to formally challenge imposition of sex offender label in adversarial setting did not receive required minimum due process protections and was entitled to injunctive relief; inmate who was convicted after formal criminal proceedings of a sex offense received all of process to which inmate was due. 131 F.3d 818 (1997).

Requiring inmates labeled as sex offenders to admit their offenses and take responsibility for their sexual behaviors as part of treatment program did not violate privilege against self-incrimination. 131 F.3d 818 (1997).

No equal protection violation, where plaintiff claimed that sex offender treatment program violated right to equal protection because it was overinclusive in that it included inmates who had not actually been convicted of a sex offense. 905 F. Supp. 813 (1995).

Prison's policy of not placing untreated sex offenders in minimum custody did not violate ex post facto clause. 905 F. Supp. 813 (1995).

" **§353E-1 Sex offender treatment; statewide program established.** There is established the statewide integrated sex offender treatment program for the treatment of adult sex offenders in the custody of the State and juvenile sex offenders in cases where family court jurisdiction was waived pursuant to section 571-22, to be implemented on a cooperative basis by the department of public safety, judiciary, Hawaii paroling authority, department of health, department of human services, and any other agency that may be assigned sex offender oversight responsibilities. The sex offender treatment program shall:

- (1) Develop and continually update, as necessary, a comprehensive statewide master plan for the assessment, evaluation, treatment, and supervision of sex offenders that provides for a continuum of programs under a best practices philosophy;
- (2) Develop and implement a statewide, integrated system of sex offender assessment, evaluation, treatment, and supervision services and programs that reflect the goals and objectives of the master plan;
- (3) Identify all offenders in their custody who would benefit from sex offender treatment;
- (4) Work cooperatively to monitor and evaluate the development and implementation of sex offender assessment, evaluation, supervision, and treatment programs and services;
- (5) Develop appropriate training and education programs for public and private providers of sex offender treatment, assessment, evaluation, and supervision services;
- (6) Conduct research and compile relevant data on sex offenders;
- (7) Work cooperatively to develop a statewide management information system for sex offender treatment;
- (8) Make every effort to secure grant funds for research, program development, training, and public education in the area of sex assault prevention;
- (9) Network with public and private agencies that come into contact with sex offenders to keep abreast of issues that impact and increase community awareness regarding the statewide sex offender treatment program;
- (10) As far as practicable, share information and pool resources to carry out responsibilities under this chapter;
- (11) Coordinate their funding requests for sex offender treatment programs to deter competition for resources that might result in an imbalance in program development that is detrimental to the master plan treatment concept; and
- (12) Develop and implement standards and guidelines for the assessment, evaluation, treatment, and supervision of sex offenders. [L 1992, c 164, pt of §2; am L 2016, c 36, §1]

Case Notes

Although the master plan did not specifically discuss polygraph testing as a treatment tool for sex offenders, use of polygraphs not precluded under the Hawaii sex offender treatment program. 92 H. 289 (App.), 990 P.2d 1171 (1999).

" **§353E-2 Interagency coordination.** (a) To carry out their responsibilities under section 353E-1, the department of public safety, Hawaii paroling authority, judiciary, department of health, department of human services, and any other agency assigned sex offender oversight responsibilities by law or administrative order, shall establish, by an interagency cooperative agreement, a coordinating body, to be known as the sex offender management team, to oversee the development and implementation of sex offender assessment, evaluation, treatment, and supervision services and programs in the State consistent with section 353E-1(1). The interagency cooperative agreement shall set forth the role of the sex offender management team and the responsibilities of each agency that is a party to the agreement.

(b) The department of public safety shall be the lead agency for the statewide integrated sex offender treatment program. As the lead agency, the department shall act as facilitator of the sex offender management team by providing administrative support to the sex offender management team.

(c) Notwithstanding any other provision to the contrary, for purposes of sex offender treatment and community supervision, any agency that is part of the interagency cooperative agreement shall provide, upon the request of any other participating agency, all relevant criminal, parole, medical, psychological, or mental health records of any offender receiving supervision or treatment while under custody of the State. Records received by a participating agency under this section shall be confidential and shall be disclosed by the receiving agency only for the purposes and under the circumstances expressly authorized by this section. Any agency providing records under this section shall document the disclosures made under this section, including the name of the agency to which the record is disclosed, the title of the record disclosed, and the date of disclosure.

(d) The sex offender management team may hold meetings closed to the public pursuant to section 92-4 for the purpose of discussing information relating to individual sex offenders where disclosure of the information would be a clearly unwarranted invasion of personal privacy. [L 1992, c 164, pt of §2; am L 1999, c 95, §2; am L 2016, c 36, §2]