

Sex Offender Treatment — Interagency Coordination in Hawaii

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FOREWORD

This report was prepared in response to Senate Concurrent Resolution No. 216 which was adopted during the Regular Session of 1991 requesting the Legislative Reference Bureau to study the feasibility of establishing a Hawaii State Coordinating Council on Sex Offender Treatment. This report contains the results of that study.

The information presented and the findings and recommendations made in this report could not have been achieved without the cooperation and assistance of the many persons who graciously consented to be interviewed and who shared their insights and information. The Bureau extends its appreciation to Martha Torney, Ted Sakai, and Dr. Roger Smith of the Department of Public Safety; Dr. Irwin Tanaka, Ronald Hajime, Cheryl Inouye, and Elisabeth (Liesje) Cattaneo of the Hawaii State Judiciary; Marc Oley, former Chairperson of the Hawaii Paroling Authority; Tony Commendador and Sherry Woodard of the Hawaii Paroling Authority; Kathy Yoshitomi of the Department of Health; Laraine Koga of the Department of the Attorney General; and Fay Honey Knopp, John Gorsyck, and Georgia Cumming from Vermont. The Bureau is especially grateful to Paula Chun of Catalyst Productions, the consultant to the Sex Offender Treatment Team, for her valuable input regarding the state of the sex offender treatment program in Hawaii.

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CHAPTER 1

INTRODUCTION

Sexual assault is one of the most heinous of crimes against a person not only because of the physical violence involved but also because of its often devastating and long-term psychological impact on the victim. In the last decade, the number of reported sexual assaults nationwide has been increasing at a steady pace. This is due in part to the growth of victim advocate groups and changes in state laws which are more empathetic to victims. Nevertheless, it is still widely assumed by experts that the number of reported sexual assaults are notoriously underreported because society tends to stigmatize the victims. Experts have estimated that reports of forcible rape vary from ten per cent to fifty per cent of the actual rate.¹ There are no available statistics of sex offenses in Hawaii by type of offense under the Hawaii penal code, but a general trend can be obtained by reviewing the number of offenses reported and resulting in arrests in the Honolulu Police Department's annual reports.² In the four-year period, from 1987 to 1990, the number of offenses reported in the forcible rape and sex offenses categories rose from 1,021 to 1,471 (a 44 per cent increase) and the number of arrests resulting from those reports rose from 238 to 532 (a 124 per cent increase).³ These figures do not include incest cases as they are reported in the offenses against family category in police reports.

Historically, treatment for sex offenders has held a low priority and the typical response was to incarcerate them without any treatment. Research, however, has revealed disturbing facts about sex offenders: their rate of recidivism if untreated is high at about sixty to eighty per cent,⁴ and incarceration without appropriate treatment only increases the offenders propensity to reoffend. The good news is that research has also shown that the rate of recidivism is substantially lower, at about fifteen to twenty per cent, when sex offenders are treated.⁵ Research indicates that like alcoholics, sex offenders cannot be cured; they can only be trained to control their aberrant desires and deviant behavior.⁶ Experts in the field have differing opinions on the effectiveness of specific treatment modalities, but, they all agree that treatment must be a part of the sex offender's sentence. More importantly, the experts agree that specialized treatment is necessary and that a state should adopt a treatment philosophy that is applied uniformly to all sex offenders throughout the criminal justice system. Cognizant of the impact treatment appears to have on the recidivism rate, states have been active in such program development in recent years. In a nationwide survey in 1990 the number of specialized sex offender treatment programs grew from 643 to 1167.⁷

The National Institute of Corrections (NIC) assumed a leadership role in the mid-1980s in response to a growing demand for technical assistance and training in sex offender treatment. In 1986, it began offering intensive seminars to train professionals in administrative procedures and psychotherapeutic techniques. The training seminars stressed

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the importance of a systems approach to program planning, design, and management.⁸ Hawaii sent representatives for such training in 1988.

Fired by the knowledge acquired at the NIC seminars, the agencies responsible for sex offenders took a bold and unprecedented step. An interagency cooperative agreement was entered into for the purpose of establishing the Sex Offender Treatment Team (SOTT) to plan for a unified and comprehensive approach to the handling of sex offenders in the criminal justice system. Driven by the common mission of protecting the public from reoffenses by sex offenders identified in the system, the parties to the agreement pooled their resources, hired a consultant, and worked cooperatively throughout the planning phase.

The SOTT developed a master plan for sex offender treatment which provides for a statewide, integrated system of treatment services for adult male sex offender felons. The master plan included a three-year action plan for program implementation and recommended that one administrative body be assigned the responsibility of coordinating the overall system and maintaining quality control. The SOTT, however, was not certain as to how this administrative body should be established since the body would be overseeing and coordinating not only interagency activities within the executive branch, but also interbranch activities between the executive and judicial branches. It submitted a proposal to the Legislature for the establishment of a Hawaii Commission on Sex Offender Treatment to guide the implementation of the master plan.

In response to that proposal, Senate Concurrent Resolution No. 216 (see Appendix A for text of concurrent resolution) was adopted by the Legislature during the 1991 Regular Session calling for a study on the feasibility of establishing a coordinating council for sex offender treatment. This study, as conducted by the Legislative Reference Bureau (hereafter referred to as the Bureau) explores the need for such a mechanism.

In the conduct of this study, the Bureau reviewed the master plan only in terms of whether or not a coordinating body with staff is required to guide its implementation.

ENDNOTES

1. Barbara K. Schwartz, "Characteristics and Typologies of Sex Offenders", A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse, ed. Barbara K. Schwartz (Washington: U.S. Government Printing Office, 1988), p. 15.
2. Data from other counties have not been included for a statewide picture because the reporting formats in county policy reports are not the same and some reports were not available for all the years in the four-year period.
3. Honolulu Police Department, 1990 Annual Report and Statistics, pp. 18, 22-23; 1989 Annual Report, pp. 24-25, 28-29; 1988 Annual Report, pp. 24-25, 38-39, 44; 1987 Annual Statistical Report, pp. 12, 44-45, 50.

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4. U.S. Department of Justice, National Institute of Corrections, A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse, ed. Barbara K. Schwartz (Washington: U.S. Government Printing Office, 1988), p. xiii.
5. U.S. Department of Justice, National Institute of Corrections, An Administrator's Overview - Questions and Answers on Issues Related to the Incarcerated Male Sex Offender (Washington: 1988), p. 5. (Hereafter cited as NIC Questions and Answers.)
6. Ibid.
7. Fay Honey Knopp, William Ferree Stevenson, Nationwide Survey of Juvenile & Adult Sex-Offender Treatment Programs - 1990 (Orwell: 1990), p. 6.
8. NIC Questions and Answers, p. 2.

CHAPTER 2

HISTORICAL DEVELOPMENT OF THE MASTER PLAN

Sex Offender Needs Assessment Study

In late 1984, an ad hoc committee consisting of Circuit Court Judge, Marie Milks; Hawaii Paroling Authority Chair, Marc Oley; and Correctional Planner, Martha Torney, was established to examine the problem of sex offenders in Hawaii. The ad hoc committee evolved out of a growing awareness by these professionals in the criminal justice system of the increase in sexual assault crimes and an apparent lack of attention given to sex offenders in Hawaii. Through their efforts, information and support from a number of public and private individuals and agencies were solicited and a report was prepared for submission to the Legislature.¹ The report was the first analysis of Hawaii's sex offender population which provided profiles of sex offenders in Hawaii's correctional facilities as of May 21, 1985, profiles of their victims, and an assessment of the State's treatment of these groups. The report also included results of a survey conducted by the ad hoc committee on the types of treatment programs available and in practice in other states.

The total incarcerated sex offender population in 1985 reportedly exceeded 200; however, the report stressed that the number would grow at disturbing rates particularly with regard to incestuous sex offenses and sexual abuse of children. Assuming that sixty to seventy sex offenders would be committed annually to prison and considering the relatively long minimum terms of most offenders, the report predicted that the total sex offender population would exceed 300 in two years.² Indeed, as of September, 1991, the total incarcerated sex offender population was 348.³ When the probation and parole sex offender counts of 148 and 75, respectively, are added, the number increases to 571.⁴

The study showed that seventy-eight per cent of the sex offenders had no prior commitment to the youth correctional facility or to prison, but about two-thirds were regular, heavy, or addicted substance abusers. Educationally and intellectually, they seemed brighter and generally more educated than the general inmate population. They comprised an ethnically diverse group and while 45.5 per cent were subjected to domestic abuse, the proportion was found to be similar to that of the general inmate population.⁵

A critical finding in the report concerned the age of the sex offenders. It was found that eighty per cent of the sex offenders were between the ages of eighteen and forty.⁶ The minimum terms established by the Hawaii Paroling Authority for seventy-nine per cent of the sex offender population ranged from five to twenty years and for 16.5 per cent, the terms were under five years. Only four per cent received minimums over twenty-one years.⁷ Thus, the report concluded that almost all could be expected to return to the community at an age where risk remains high especially if treatment and close supervision are not available.

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The report established the need for a sex offender treatment program in Hawaii aimed at reducing offender recidivism and victimization of the community. It recommended the appropriation of planning funds for fiscal year 1986-1987 to facilitate the submission of a plan to the 1987 Legislature for consideration and program funding.⁸

The Laws Affecting Sex Offender Treatment

Sexual Offenses and Penalties - The Hawaii Penal Code provides for four degrees of sexual assault.⁹ Sexual assault in the first degree is a class A felony. Class A felons are sentenced to an indeterminate term of imprisonment of twenty years without the possibility of suspension of sentence or probation.¹⁰ Sexual assault in the second degree is a class B felony subject to a maximum term of imprisonment of ten years while sexual assault in the third degree is a class C felony subject to a maximum of five years.¹¹ Sexual assault in the fourth degree is a misdemeanor subject to a prison term to be fixed by the court of not more than one year¹² and the court may order the defendant to submit to a presentence mental and medical examination pursuant to section 706-603(a).¹³

For all offenders entering a plea of guilty or no contest or who are found guilty, the court must order saliva and blood tests for the purpose of secretor status, blood type, and DNA analysis.¹⁴ The Legislature believed "...that the increased likelihood of identification of these [sex and violent] offenders by comparison of a known DNA profile obtained from their blood, and the DNA profile of bodily fluids and tissues frequently deposited at the scene of a crime is likely to deter commission of additional offenses."¹⁵

The category of sex offenses also includes indecent exposure which is a petty misdemeanor subject to a prison term to be fixed by the court of not more than thirty days.¹⁶

All sex offenders who are sentenced to an indeterminate prison term are reviewed by the Hawaii Paroling Authority for the setting of the minimum term of imprisonment the offender must serve before becoming eligible for parole.¹⁷

Treatment Requirements - There is no general law requiring criminal justice agencies to identify and provide specialized treatment for sex offenders in the criminal justice system. The only directive for sex offender treatment is in the corrections law where community correctional centers, among other things, are required to:¹⁸

...Provide for committed persons, correctional services, including but not limited to, social and psychiatric-psychological evaluation, employment, counseling, social inventory, correctional programming, medical and dental services, and sex abuse education and treatment programs for

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persons convicted of sexual offenses or who are otherwise in need of these programs;...

When this law was enacted in 1989,¹⁹ the Legislature also appropriated \$323,000 for fiscal year 1989-1990 and \$311,000 for fiscal year 1990-1991 for the treatment of incarcerated sex offenders.

Initial Program Funding

During the 1986 legislative session, the Corrections Division submitted a budget request for planning a treatment program for sex offenders incarcerated in Hawaii's correctional facilities. The Legislature rejected this budget request, but appropriated \$50,000 for sex offender treatment for the 1986-1987 fiscal year.²⁰

In 1987, a supplemental agreement to a 1985 consent decree arising from a class action suit filed by the American Civil Liberties Union against the State regarding conditions and practices in the Oahu Community Correctional Center and the Hawaii Women's Correctional Facility²¹ required that treatment be provided to sex offenders.

Specifically, the supplemental agreement required the State to make maximum effort to obtain sufficient funding so that, by October 1, 1987, each inmate of the Oahu Community Correctional Center requiring sex offender treatment as a condition of parole will receive such treatment within one year of the tentative parole date.²² Possibly as a result of this directive, during the 1987 legislative session the Legislature increased funding to the Department of Corrections (DOC) to \$125,000 and appropriated \$103,500 to the Mental Health Division of the Department of Health (DOH) for sex offender treatment.²³ While the DOC was elated at the receipt of such funds, it still believed that a comprehensive program plan was necessary to provide effective treatment services. Unfortunately, its funds were restricted to treatment services. The DOH, on the other hand, was in a quandary as to how to expend its funds since it did not provide treatment services to sex offenders and did not request such funds.

Since the DOH was not involved in the treatment of sex offenders, it consulted with the DOC to ascertain how best to utilize the funds. Subsequently, representatives from the Adult Probation Division of the Judiciary and the Hawaii Paroling Authority were invited to join the informal discussion sessions. During these informal sessions a consensus evolved regarding the need to develop a statewide master plan for the treatment of sex offenders. Participants became painfully aware of how little the agencies knew about sex offender treatment. It was agreed that the funds appropriated to the DOH would be used to develop a master plan as suggested by the DOC and that the informal discussion group would work together toward that end.²⁴ Guided by the group's agreement, the DOH contracted the services of Catalyst Productions to develop the master plan and also expended some funds to send staff to attend a sex offender conference on the mainland.²⁵

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During the 1988 legislative session, the Legislature appropriated \$91,500 for fiscal year 1988-1989 to the DOH which was applied to contracts for services for sex offenders and for clinical program planning, treatment planning, and case review.²⁶

Establishment of the Sex Offender Treatment Team (SOTT)

On January 1, 1988, a cooperative agreement went into effect to ensure a formal commitment from the agencies to the development of a statewide sex offender treatment master plan. The agreement was signed by the representatives from the Department of Corrections, Department of Health, the Judiciary, and the Hawaii Paroling Authority. The agreement officially designated the group as the Sex Offender Treatment Team (SOTT) responsible for overseeing and coordinating the master plan development and delineated the areas of responsibility of each agency with respect to the planning process and the provision of sex offender treatment services.

Because the SOTT evolved from informal discussions between and among interested professionals who were personally committed to developing an effective program, the initial members who served on the SOTT devoted many lunch and after-work hours to attend meetings. The excitement of collectively creating a new program and the special camaraderie among the SOTT members provided the motivation to work toward the fruition of their vision for a quality and integrated sex offender treatment program for Hawaii.

The SOTT is composed of representatives from agencies that have some responsibility regarding the custody and treatment of sex offenders. The cooperative agreement specified that the objectives of the SOTT were to:

- (1) Design, develop, and implement a system-wide, coordinated sex offender treatment program;
- (2) Identify convicted sex offenders who would benefit from such a program;
- (3) Select and train state employees and private treatment providers in the delivery of treatment services; and
- (4) Monitor and evaluate services delivered on a continual basis as to appropriateness and effectiveness.²⁷

The agreement further spelled out the duties of each agency in meeting the SOTT's objectives. Typically, the representatives to the SOTT were those in positions directly involved in program planning or supervision of sex offenders. They worked closely with the consultant to develop the master plan, providing guidance and input from their professional perspectives.

The Program Planning Process

The SOTT requested and received free technical assistance from the National Institute of Corrections (NIC). In November, 1987, the NIC sent to Hawaii a consultant team of Georgia Cumming and William Pithers, Ph.D., from the Vermont Department of Corrections Treatment Program for Adult Sexual Aggressors. After spending five days on Oahu meeting with twenty-five key government representatives and private providers, the consultants made recommendations on planning, program implementation, and training which were incorporated into the master plan.²⁸

In February, 1988, the NIC provided funds to enable three SOTT members and one Department of Corrections representative to attend a four and one-half day seminar. Following the technical assistance, the SOTT decided that it needed a staff consultant to help it develop an overall plan for sex offender treatment. The Department of Health offered a portion of its appropriation to be used to hire Catalyst Productions in May, 1988, to develop a statewide master plan for sex offender treatment in Hawaii.²⁹ The consultant and two SOTT members observed sex offender treatment programs in Oregon, Minnesota, and Vermont and met with Fay Honey Knopp, a researcher for The Safer Society in Vermont with extensive experience in the area of sex offender treatment programs.³⁰

In 1988, the SOTT membership was increased to six members as the Department of Human Services was invited to participate in the SOTT due to its involvement with incest offenders.³¹

The master plan was completed and published in January, 1989, for presentation to the Legislature. One of the major recommendations of the master plan was that the SOTT be officially designated as the body responsible for overseeing the planning, implementation, and maintenance of the sex offender treatment system established by the master plan and that options for permanent staff support for the SOTT be explored.³²

The Master Plan Concept

The master plan concept is based on the "New Sex Offender Discipline". Researcher Fay Honey Knopp describes the New Sex Offender Discipline as a "...highly eclectic and multidisciplinary approach, determined by the sex offender's patterns and perceived needs and reflective of the multiplicity of issues surrounding the offense."³³ The approach "...includes a variety of psychodynamic, behavioral, cognitive, and biomedical elements and incorporates a wide range of educational and training components. The concept of treatment is an integrated one. Assessment of the sex offender, for example is perceived not only as an initial part of treatment but as a continuing strategy. Similarly, on the other end of the spectrum, postrelease treatment for residential clients is viewed as an extension of the offender's total treatment plan."³⁴

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The New Sex Offender Discipline recognizes that a sex offender cannot be "cured" or reformed by incarceration alone. Incarceration is believed to only suppress the deviancies of sex offenders because they are in a controlled environment and are not able to bring their criminal plans into fruition. It is believed that the recidivism rate for sex offenders has been high because they tend to be model prisoners who are released into the community for good behavior, but as they remain in the community at-large, their suppressed deviancies inevitably resurface. If the sex offender on parole is not arrested for a reoffense, a parole officer may never know about the recidivism. This is often the case as experts believe that at least fifty per cent of sexual offenses go unreported.³⁵ Sex offenders are perceived to have distorted thinking patterns which help to rationalize their deviant behavior. They require specialized behavioral training to learn self-management if they are to be released into the community. Moreover, since sex offenders typically are manipulative and deceptive, the persons who treat and supervise sex offenders must also be specially trained to recognize their cognitive distortions.

The three state programs studied by the SOTT all shared the following characteristics of the New Sex Offender Discipline:³⁶

- (1) Public safety is a foremost concern. All the programs have strict admission criteria and continually evaluate the effectiveness of their treatment approaches in achieving the primary goal of training the offender to control his sexually aggressive behavior;
- (2) As a condition for admission to the program, the offender must admit to committing the crime;
- (3) Treatment interventions are eclectic and share the belief that an individualized treatment approach is more effective than a standardized approach. A repertoire of interventions allows them to tailor treatment to the specific needs of the individual;
- (4) Group therapy is the preferred modality and groups have a mix of rapists and child molesters to create a more dynamic process; and
- (5) Post release treatment and aftercare are viewed as an extension of the offender's total treatment plan.

The master plan calls for a continuum of programs consisting of (1) a transitional sex offender treatment program; (2) a halfway house; (3) a community-based residential program for sex offenders on probation; and (4) outpatient services. The continuum of programs is important because it provides for consistency in the treatment of the offender throughout the

criminal justice system from time of arrest to release into the community. The master plan provides for a uniform assessment and treatment process requiring the training of all personnel to appropriately assess sex offenders, recognize deviant behavior, and provide intensive monitoring and supervision when they are released into the community.

The assessment and treatment concept is a modified version of the "relapse prevention" model which is a behavioral model premised on the belief that since sex offenses are planned, not impulsive criminal acts, offenders can be taught to recognize and control their deviant thoughts and behaviors to prevent their lapsing into reoffense. Relapse prevention, a treatment modality initially developed for substance abusers, was modified for use in the treatment of sex offenders by Dr. William Pithers. Using his modified relapse prevention model, Dr. Pithers established the Vermont sex offender treatment program, the program upon which Hawaii's master plan was based.

The SOTT was convinced that the relapse prevention model was the appropriate model for Hawaii's treatment program. At that time, experts believed that relapse prevention was a good treatment model. Today, they are even more convinced of its effectiveness in teaching self-management techniques to the offender and in teaching service providers, family, friends, and community agencies external management techniques.³⁷

Legislative Approval of the Master Plan

Following submission of the master plan to the Legislature in 1989, \$96,075 was appropriated to the DOH for purchase of service contracts for sex offender treatment;³⁸ \$335,324 for fiscal year 1989-1990 and \$275,324 for fiscal year 1990-1991 were appropriated to the Judiciary for sex offender supervision program for probationers;³⁹ and \$323,000 for fiscal year 1989-1990 and \$311,000 for fiscal year 1990-1991 were appropriated to the Department of Public Safety for the development of sex offender treatment programs in the state community correctional centers.⁴⁰

ENDNOTES

1. Marie Milks, Marc Oley, and Martha Torney, Sex Offender Treatment: A Needs Assessment, January, 1986, unpublished report.
2. Ibid., p. 6.
3. Interoffice memorandum from Dr. Roger Smith to Ted Sakai, Department of Public Safety, re: Current Status and Projected Directions for Sex Offender Assessment and Treatment Programs within PSD, undated.
4. Counts obtained from: interview with Cheryl Inouye, Supervisor, Intensive Supervision Special Unit, Adult Probation Division, Hawaii State Judiciary, July 9, 1991; and telephone interview with Anthony Commendador, Administrator, Hawaii Paroling Authority, October 11, 1991. Note: the probation count of

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148 includes 72 assigned to the special unit for sex offenders and 76 on regular probation who will be incorporated into the special unit.

5. Milks et al., pp. 10-12.
6. Ibid., p. 11.
7. Ibid., p. 8.
8. Ibid., p. 15.
9. See Hawaii Rev. Stat., Chapter 707, part V for text of laws.
10. Hawaii Rev. Stat., sec. 706-659.
11. Hawaii Rev. Stat., sec. 706-660.
12. Hawaii Rev. Stat., sec. 706-663.
13. Hawaii Rev. Stat., sec. 706-603(a) provides as follows:

"(a) Before imposing sentence, the court may order a defendant who has been convicted of a felony or misdemeanor to submit to mental and other medical observation and examination for a period not exceeding sixty days or a longer period, not to exceed the length of permissible imprisonment, as the court determines to be necessary for the purpose. In addition thereto or in the alternative, the court may appoint one or more qualified psychiatrists, physicians, or licensed psychologists to make the examination. The three examiners shall be appointed from a list of certified sanity examiners as determined by the state department of health. The report of the examination shall be submitted to the court. As used in this section, the term 'licensed psychologist' includes psychologists exempted from licensure by section 465-3(a)(3)."

14. Hawaii Rev. Stat., sec. 706-603(b) provides:

"(b) After entry of a plea of guilty or no contest or return of a verdict of guilty, the court shall order a defendant who has been convicted of an offense, including attempts, under section 707-701, 707-701.5, 707-730, 707-731, 707-732, 707-733, 707-741, or 707-750 to provide a sample of saliva and two samples of blood for the purpose of secretor status, blood type, and DNA analysis. Blood shall be withdrawn only by a person authorized to withdraw blood under section 286-152. The arresting agency shall arrange for the sample to be collected and analyzed. The results shall be recorded, preserved, and disseminated in a manner established by the Hawaii criminal justice data center in a manner consistent with the requirements of chapter 846."

15. 1991 Haw. Sess. Laws, Act 231, sec. 1.
16. Hawaii Rev. Stat., sec. 706-663.

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17. Hawaii Rev. Stat., sec. 706-669.
18. Hawaii Rev. Stat., sec. 353-6.
19. 1989 Haw. Sess. Laws, Act 350.
20. Interview with Martha Torney, Correctional Planner, Department of Public Safety, May 28, 1991.
21. Spear v. Ariyoshi, Civ. No. 84-1104 (D. Hawaii 1985) (Consent Decree).
22. Spear v. Waihee, Civ. No 84-1104 (D. Hawaii 1987) (Supplemental Agreement), pp. 5-6.
23. Paula Chun, Hawaii Master Plan - Adult Sex Offender Treatment: An Integrated Model, prepared for the Hawaii Sex Offender Treatment Team (Honolulu: Catalyst Productions, 1989), p. 17. (Hereafter cited as Hawaii Master Plan.)
24. *Ibid.* Master Plan, p. 17. These funds were apparently included in the purchase of service budgets for the two departments.
25. Information submitted by the Department of Health in letter dated August 6, 1991, from John C. Lewin, M.D., Director of Health, to Susan Claveria. (Hereafter cited as DOH letter.)
26. *Ibid.*
27. Cooperative Agreement between the Department of Corrections, the Department of Health, The Judiciary, and the Hawaii Paroling Authority, March 1, 1988.
28. Hawaii Master Plan, pp. 18-19.
29. Interview with Kathleen Yoshitomi, Branch Chief, Kalihi-Palama Mental Health Center, July 3, 1991.
30. Hawaii Master Plan, p. 19.
31. *Ibid.*, p. 18.
32. *Ibid.*, pp. 85-86.
33. Fay Honey Knopp, Retraining Adult Sex Offenders: Methods and Models (New York: The Safer Society Press, 1984), p. 26-28, quoted in Hawaii Master Plan, p. 10-11.
34. *Ibid.*
35. Barbara K. Schwartz, "Characteristics and Typologies of Sex Offenders", A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse, ed. Barbara K. Schwartz (Washington: U.S. Government Printing Office, 1988), p. 15.
36. Hawaii Master Plan, p. vii.
37. Telephone interview with Fay Honey Knopp, Researcher, The Safer Society, September 9, 1991.
38. DOH letter.

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- 39. 1989 Haw. Sess. Laws, Act 315, sec. 7.
- 40. 1989 Haw. Sess. Laws, Act 350, sec. 3.

CHAPTER 3

CURRENT STATUS OF SEX OFFENDER TREATMENT PROGRAMS IN HAWAII

Upon submission of the master plan to the Legislature, the Sex Offender Treatment Team (SOTT) coordinated its efforts during the 1989 legislative session to obtain approval and funds to implement the master plan. With the assistance of the consultant, the SOTT prepared informational material concerning the master plan concept and a coordinated funding and implementation plan.¹ Although each agency included in its own budget appropriation requests to implement its sex offender treatment program, the coordinated effort for funding was conducted on a programmatic rather than agency basis. With this approach, the Legislature was provided with a complete picture of how funds for sex offender treatment would be used. With the appropriation of funds requested to implement the program, the Legislature signalled an implied approval of the master plan concept.

The programs implemented by the agencies with the funds appropriated by the Legislature from the 1989 legislative session plan are described below.

Profile of Sex Offenders in the System

According to Dr. Roger Smith of the Department of Public Safety, the sex offender population in Hawaii is typical of that found nationally and the profile reported by the 1988 Needs Assessment Study discussed in Chapter 2 remains valid for today's sex offender population. The majority has been convicted of rape and had no prior offenses. Sex offenders are ethnically diverse but a large number have histories of substance abuse, domestic violence, and difficulties in interpersonal relationships. Many are young (under thirty years old) and since only four per cent have minimum terms of over twenty years, most will be released back into the community when they are still relatively young.²

Professionals in the field also report that sex offenders tend to be model inmates, probationers, and parolees. They can be manipulative and deceptive with the people who supervise them as well as with their families and friends.³

Probation

The probation intensive supervision special unit for sex offenders and incest programs was established in April, 1990, with funds appropriated by the Legislature in 1989.⁴ This unit, the first formal program to be established in Hawaii, consists of nine newly established positions (one supervisor, seven probation officers, and one clerk steno). Two of the

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probation officers perform all presentence investigations on sex offenders referred by the courts. The remaining probation officers provide intensive supervision of the sex offenders assigned to the unit.

The unit has a comprehensively written program format outline and operated with an annual budget of a little over \$300,000 a year during the 1990-1991 fiscal year. Although most of the funds are used for the unit's direct services, a little over \$60,000 was expended for the SOTT consultant services and training in the 1990-1991 fiscal year. For the 1991-1993 fiscal biennium, the unit received appropriations of a little over \$600,000 for each fiscal year along with the authorization of nine positions for the special unit.⁵

All sex offenders referred to the unit are required to participate in treatment unless otherwise ordered by the court.⁶ To qualify for a referral, offenders must:⁷

- (1) Admit to the offense, at least in part;
- (2) Be willing to participate in the program;
- (3) Agree to participate in a thorough assessment prior to sentencing or resentencing which will include a psychological assessment; and
- (4) If the above criteria are met, the offender must be clinically assessed and recommended for the program by the Adult Probation Division.

Offenders who are convicted of sexual offenses designated as class A felonies, except for those convicted under alternative sentencing for intrafamilial sexual assault, are excluded by law.⁸ Where the sexual assault involved violence or other assaultive behavior, the offender will not be admitted to the program. Also excluded are those with histories of violence or assaultive behavior, the career criminals, and the actively psychotic.⁹

All probation officers assigned to the unit are specially trained to recognize lapses in behavior and to use confrontive techniques to elicit the truth from the probationer. Generally, the program format for the special unit provides for two years of intensive supervision, followed by a transfer to a general supervision unit for traditional probation supervision. Intensive supervision consists of face-to-face contact twice a week, electronic monitoring, and a set curfew. The offender is required to be employed or enrolled in an educational program, to participate in treatment programs, remain substance abuse and arrest free, and to pay a portion of the program cost as well as restitution. The intensive supervision activities are gradually phased down during the two-year period to ensure that the probationer is ready for the transfer to traditional probation supervision.

The caseload in the unit is a lot lower than that of the general probation population. The unit is designed to supervise seventy offenders with two supervision teams providing a

supervision ratio of 35:2.¹⁰ Currently there are seventy-two probationers under the supervision of the unit. There are also seventy-six probationers who were already on probation prior to the inception of the special unit and who will eventually be incorporated into the special unit.¹¹ The presentence investigation referrals fluctuate monthly from a low of six to a high of about twenty-four cases. Since the special unit began there have been three revocations and eight are now pending. None of the revocations were based on a new sexual offense.¹²

Corrections

In 1989, the Department of Corrections received \$323,000 for fiscal year 1989-1990 and \$311,000 for fiscal year 1990-1991 for sex offender treatment.¹³ An amount of \$100,879, was also transferred from the Department of Health to the Department of Public Safety (hereafter referred to as PSD)¹⁴ through a contract for treatment services from December 1, 1990 through March 1, 1992.¹⁵ In 1991, \$139,698 was appropriated for administration and staffing for fiscal year 1991-1992 and \$133,581 for fiscal year 1992-1993.¹⁶

Of the amount appropriated, about \$36,000 in each fiscal year was earmarked for a clinical director. After having a clinical director on board for a short period, the department realized that since programs as prescribed by the master plan were not yet in place, there was more of a need for a program administrator who could develop and coordinate the implementation of sex offender treatment programs for the State's correctional facilities. Consequently, the corrections administration persuaded Dr. Roger Smith, an expert researcher and training instructor on sex offender treatment from the National Institute of Corrections (NIC) to come to Hawaii to administer the sex offender treatment program for the correctional facilities. In addition to his position at the NIC, Dr. Smith had authored papers on planning and development of sex offender treatment programs and headed an interagency effort in Oregon. Dr. Smith had noted the importance of interagency cooperation and networking in his writings¹⁷ and was encouraged by the fact that Hawaii's sex offender treatment program was the first of its kind to be developed on a statewide, integrated basis with all the affected agencies cooperatively involved throughout the planning phase. Since the PSD could not afford a person of such high caliber with its limited budget, an arrangement with the University of Hawaii was made to place Dr. Smith as an Associate Professor in the School of Social Work. This arrangement has been mutually beneficial to the PSD and the University of Hawaii as Dr. Smith has been developing cooperative projects which meld the academic and field aspects of sex offender treatment. This arrangement could be even more beneficial to the corrections field which has had its share of difficulty in attracting professionals.

With the administrator on board, the PSD's programs for sex offenders have been developing at a steady pace. Psychosexual clinical assessments of incarcerated male sex offenders are being conducted by a consultant. Two behavioral laboratories (one at Halawa

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Correctional Facility and one at Kulani Correctional Facility) to be used for the assessments were constructed and began functioning in November, 1991. The PSD also has contracted with private providers to offer group treatment and educational programs at the Oahu Community Correctional Center, Kulani Correctional Facility, Maui Community Correctional Center, Kauai Community Correctional Center, and Halawa Medium Security Facility.¹⁸

The PSD has plans to establish a therapeutic community at the Halawa Special Needs Facility to treat the most compulsive, intractable, and dangerous offenders. The therapeutic community would fulfill the master plan requirement of an intensive residential treatment facility within a correctional facility which is a critical part of the continuum of programs. The PSD will be seeking legislative support for the funding of this project which is the PSD's priority for its sex offender treatment program for 1992.¹⁹

As of September 1, 1991, there were 348 male sex offenders incarcerated in state correctional facilities. This total, while representing 14.7 per cent of the total sentenced felon population, does not include those who were charged with other offenses such as assault, murder, or robbery, but who had intended to commit a sexual offense. The PSD estimates that the inclusion of these nonidentified sex offenders would increase the count of sexual offenders to over twenty per cent of the sentenced felon population.²⁰

Parole

Although a budget request for the 1989-1990 fiscal year by the Hawaii Paroling Authority (HPA) to establish a sex offender unit was not funded, the HPA unofficially established a sex offender supervision program in 1990. Funds, in the amount of \$37,000, transferred from the Department of Health (DOH) were used to contract for treatment and assessment services for inmates in this program. The funds were transferred by way of a contract between the DOH and the HPA.²¹ The program initially enrolled twenty parolees and operated under guidelines similar to that established by the probation sex offender intensive supervision unit. Today, the sex offender caseload is up to seventy-five with only two parole officers.²²

The parole sex offender supervision program, unlike the probation supervision program, is still in the early developmental phase. The program, however, received a boost when the 1991 Legislature appropriated approximately \$188,000 for each year of the 1991-1993 fiscal biennium. This appropriation included the authorization of four new positions (three parole officers; one clerk) which would allow for the establishment of a formal sex offender intensive supervision unit. The appropriation also provided for treatment and assessment services.²³

As of this writing, the HPA's unit was still not established. Due to budget allocation problems beyond the HPA's control, it has not been able to establish the four new positions, including the critical position of the unit supervisor.

The HPA's sex offender program, as it operated as of this writing, consists of three phases: (1) preparole counseling; (2) psychophysiological assessment and treatment; (3) supervision while the offender is on parole. The preparole counseling phase is the initial screening stage where the parole officer engages in discussion with the offender to ascertain whether or not the offender meets the guidelines for inclusion in the special unit. The psychophysiological assessment serves to provide the parole officer with more information on the offender and to tailor the offender's treatment and supervision program.²⁴ To be eligible for parole, each inmate must undergo a twenty-five week psychoeducational treatment program in prison and be assessed by the PSD.²⁵ Accordingly, the assessment is conducted by a private provider under a contract with the PSD.

During the supervision phase, after the release of the offender, the parole officer maintains close supervision and constantly talks with the offender about the sexual offense to seek the offender's acknowledgement of responsibility for that offense and to detect cognitive distortions and thinking errors which can lead to relapse. The parole officer contacts the offender's family, friends, employer, and other individuals who would be significantly involved with the paroled offender to inform them of the terms and conditions.²⁶ The HPA also conducts, through a private service provider, probe assessments of parolees on parole.²⁷

Treatment Providers

When the master plan was being developed, there were only a few psychologists and private organizations offering sex offender assessment and treatment services. Under the master plan concept, it is critical that there be sufficient numbers of trained professionals and technicians to conduct the required clinical assessments and treatment procedures. In order to develop a larger pool of service providers and to ensure that the service providers are trained to provide treatment services that are congruous with the master plan concept, the SOTT has engaged the services of consultants to offer training seminars on sex offender treatment. Although private providers must pay to attend these seminars, they appear to welcome such training opportunities. Personnel from the Department of Public Safety, the Hawaii Paroling Authority, and the Adult Probation Division who deal with sex offenders are also encouraged to attend the training seminars to learn to recognize deviant behavior.

In addition to the training seminars, Dr. Roger Smith has also established a clinical panel in an attempt to get local clinicians more involved in the program. The panel has been assisting in the development of a training program for technicians to staff the behavioral laboratories.

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As the pool of service providers expands, the SOTT recognizes the need to provide for standards and guidelines for the purchase of services contracts to ensure that contracts with treatment providers providing like services to different agencies are consistent in their terms and conditions and cost. Accordingly, this is an area that the SOTT will continue to monitor and address.

Training

The SOTT periodically holds general training sessions for all SOTT member agency personnel and private providers to expose them to current treatment philosophies and techniques. The SOTT has been successful in obtaining renowned experts to conduct the training and there now appears to be an emerging group of professionals in this State who are knowledgeable in dealing with sex offenders as a result of those training sessions. It is not uncommon for the SOTT member agencies to pool their resources for such training sessions.

Individual agencies also provide specialized training for their group of personnel, e.g., probation officers. Often, where an agency arranges for a specialized training session, it will invite other agencies that might benefit from such training.

Research

At this time there is no research being conducted on sex offender treatment as the sex offender treatment programs are new in Hawaii. Statistical and demographic data on sex offenders is difficult to obtain because there is no unified information system that collects and analyzes data on offenders from the time they enter the criminal justice system until they leave the system. Before it can conduct any research for program development or evaluation purposes, the SOTT will have to decide what types of data it needs and determine what resources are available. It must then address the problem of developing a management information system that will facilitate the compilation of usable data.

Evaluation

Now that the agencies have been implementing sex offender treatment programs under the master plan concept, these programs should be evaluated to ensure that the master plan goals are met. Earlier this year, the SOTT initiated efforts to design an appropriate evaluation system for the sex offender treatment programs of its member agencies. The SOTT is still in the process of defining its evaluation goals and determining the tasks which will require the services of a consultant and those areas which can be initiated or completed by the respective SOTT member agencies.

The Role of the Sex Offender Treatment Team

Following the completion of the master plan, the SOTT retained the services of its consultant to assist in coordinating the follow-up legislative briefing to obtain the required funding to implement the master plan programs. The consultant added a whole new dimension to the SOTT. Prior to July, 1989, minutes of the SOTT meetings were not kept, and individual team members had to share the administrative and follow-up tasks. With the consultant providing administrative support, follow-up work on decisions made at the SOTT meetings, and coordinating the legislative briefing activities, action by the SOTT was more expeditiously implemented. The consultant organizes the agenda for each meeting, compiles minutes, reminds the SOTT members of their follow-up responsibilities, coordinates training and consultation sessions for the SOTT members and their personnel, and serves as a facilitator for the SOTT discussions.

In reviewing the minutes of the SOTT, it is clear that the SOTT not only serves as a sounding board for each agency but also as the communication link among the agencies. As the programs are developed, each agency reports its progress to the SOTT. Often, there are numerous concerns raised by the various agencies which have to be addressed. Although final decisions regarding a particular program usually are made by the implementing agency, the SOTT's input appears valuable. The SOTT decides on the broader issues such as what kind of general training should be provided to all service providers; the sharing of resources among the agencies where there is a common purpose for the expenditure of funds; which programs in the master plan's continuum should be given priority in development; and the standardization of materials and procedures for requests for proposals, contracts with vendors, assessments, etc. It also makes specific programmatic decisions that require coordination such as whether or not behavioral groups should be closed or open, or how long an offender should remain in the group.

ENDNOTES

1. See Hawaii Sex Offender Treatment Team, Briefing on Adult Sex Offender Treatment - State Legislature 1991 (Honolulu: Catalyst Productions, 1991).
2. Interoffice memorandum from Dr. Roger Smith to Ted Sakai, Department of Public Safety, re: Current Status and Projected Directions for Sex Offender Assessment and Treatment Programs within PSD, undated. (Hereafter cited as Smith interoffice memorandum.)
3. Interviews with: Paula Chun, SOTT consultant, May 24, 1991; Dr. Roger Smith, Administrator, Sex Offender Program, Department of Public Safety, June 27, 1991; Sherry Woodard, Parole Officer, Hawaii Paroling Authority, July 5, 1991 (hereafter cited as Woodard interview); and Cheryl Inouye, Supervisor, Intensive Supervision Special Unit, Adult Probation Division, Hawaii State Judiciary, July 9, 1991 (hereafter cited as Inouye interview).
4. 1989 Haw. Sess. Laws, Act 350.

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5. Memorandum from Ronald T. Hajime, Acting Probation Administrator, Adult Probation Division, Hawaii State Judiciary, to Susan Claveria, September 18, 1991.
6. Inouye interview.
7. Adult Probation Division, Hawaii State Judiciary, Intensive Supervision Special Unit Sex Offender and Incest Programs Program Format Outline, Revised, 4/23/90, unpublished, p. 6.
8. Ibid., p. 7. See Hawaii Rev. Stat., sec. 706-620 for text of law.
9. Ibid., p. 7.
10. Ibid., p. 4.
11. Letter from Ronald T. Hajime, Acting Probation Administrator, to Samuel B. K. Chang, November 14, 1991.
12. Inouye interview.
13. 1989 Haw. Sess. Laws, Act 350.
14. The Department of Corrections was abolished and a new Department of Public Safety which incorporated the corrections function was established effective July 1, 1990. See 1989 Haw. Sess. Laws, Act 211.
15. Memorandum of Agreement between the Department of Health and the Department of Public Safety, December 1, 1990, Adm. Serv. Office Log No. 91-40.
16. 1991 Haw. Sess. Laws, Act 296, sec. 121.
17. See Roger Smith, "Program Planning and Implementation", A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse, ed. Barbara K. Schwartz (Washington: U.S. Government Printing Office, 1989), pp. 31-41.
18. Smith interoffice memorandum.
19. Ibid.
20. Ibid.
21. Memorandum of Agreement between the Department of Health and Hawaii Paroling Authority dated January 1, 1990, Adm. Serv. Office Log No. 90-168.
22. Telephone interview with Anthony Commendador, Administrator, Hawaii Paroling Authority, October 11, 1991.
23. Ibid.; and interview with Anthony Commendador, Administrator, Hawaii Paroling Authority, July 2, 1991. (Hereafter cited as Commendador interview.)
24. Woodard interview.
25. There have been some exceptions to this requirement where the Hawaii Paroling Authority did not want to penalize an inmate from being paroled only because the Department of Public Safety could not

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accommodate treatment. When an exception is so made, it is on the condition that the Hawaii Paroling Authority will pick up the assessment responsibility. Commendador interview, July 2, 1991.

26. Woodard interview.

27. Commendador interview, July 2, 1991.

CHAPTER 4

THE PROPOSAL FOR A COORDINATING BODY

Early in the 1991 legislative session, the Sex Offender Treatment Team (SOTT) approached key legislators and proposed the establishment of the Hawaii Commission on Sex Offender Treatment.¹ The SOTT noted that it had carried out its mandate to develop the master plan and was making significant contributions toward program implementation, but there was need for a body with more authority and resources to oversee the implementation and maintenance of a statewide system of integrated sex offender treatment services.² The proposed coordinating body is envisioned by the SOTT as a more formal body with a staff to assist it in carrying out its prescribed duties.

The primary purpose of the proposed coordinating body would be to guide the implementation of the master plan to ensure that statewide coordination is maintained, that programs be appropriately modified and expanded to address future needs, and that the agencies with sex offender treatment responsibilities do not go astray from the master plan. The SOTT views this as an important function because the viability of the master plan's treatment concept is dependent on the consistency of treatment as the offender goes through the criminal justice system and the maintenance of an appropriate continuum of treatment programs. To accomplish these objectives, the proposed coordinating body would perform the necessary administrative, research, and evaluation functions to keep abreast of problems experienced by individual programs, changes in the criminal justice system or laws which impact on sex offender treatment, developments in treatment techniques, and other relevant data to facilitate decisionmaking.

The proposed coordinating body is designed to become the "expert agency" on sex offender treatment. It will have professional staff who will perform research on state-of-the-art sex offender treatment techniques, compile and analyze statistical and demographic data on sex offenders, develop training programs for sex offender treatment and supervisory personnel, and evaluate the sex offender treatment programs operated by the state agencies.

Organization of the Proposed Coordinating Body

The proposed coordinating body would be attached to the Department of Public Safety for administrative purposes and composed of a representative each from the Department of Public Safety, Hawaii Paroling Authority, Adult Probation Division of the Judiciary, Department of Health, Department of Human Services, and Office of Youth Services and two community representatives.³ The proposed coordinating body would be staffed by an executive director, three program specialists, one secretary, and one clerk-steno. Members would annually elect

a chair from the membership and would serve without compensation, but be reimbursed for travel and other necessary expenses incurred in the performance of their duties.

Duties of the Proposed Coordinating Body

The specific duties of the proposed coordinating body would be to:⁴

- (1) Implement the master plan, including developing and enacting uniform treatment guidelines for adult male sex offenders;
- (2) Expand the master plan to address the needs of other sex offender populations (e.g., juveniles, females, developmentally disabled, and the mentally ill);
- (3) Plan, coordinate, approve, and evaluate the training of all therapists, probation and parole officers, correctional staff, judges, prosecutors, police, and other relevant groups;
- (4) Serve as a central clearinghouse, repository, and disseminator of information and activities related to sex offender treatment;
- (5) Review and assess the problems and needs of various sex offender populations;
- (6) Conduct research, studies, data collections, and planning activities designed to provide additional information on sex offenders and to publicize the results thereof;
- (7) Evaluate current services in terms of comprehensiveness, integration, quality, achievement of treatment goals, reduction in recidivism, and other variables;
- (8) Plan, design, implement, monitor, and evaluate a statewide management information system for sex offender treatment;
- (9) Monitor the development and implementation of a continuum of programs; of uniform and comprehensive assessment and treatment services; of post-treatment or aftercare services; and of integration and quality of services within and among departments;
- (10) Educate the public on the purpose and scope of the sex offender treatment program and the benefits to the community;

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- (11) Advise and make recommendations to the State and counties on sex offender treatment matters;
- (12) Advocate for comprehensive, integrated, high quality sex offender treatment services;
- (13) Initiate and maintain contact with public and private, local, and national organizations, agencies, and individuals engaged in activities related to sex offender treatment;
- (14) Coordinate the funding requests for sex offender treatment programs among the state agencies and testify before the Legislature for such funding; and
- (15) Administer funds appropriated by the Legislature or received from other public or private sources for the Commission's work.

Cost of Establishing a Coordinating Body

The operating cost for the proposed coordinating body was estimated by the SOTT at \$334,194 for the first year (which includes certain one-time costs for equipment) and \$299,365 for the second year.

Rationale for a Coordinating Body

In proposing the statutory establishment of a coordinating body with staffing, the SOTT offered the following arguments:

- (1) When one administrative body is accountable for the coordination and quality control of the system, deficiencies will more likely be identified and addressed expeditiously;⁵
- (2) The existing SOTT cannot adequately support and oversee the evolution of a statewide, integrated system of adult sex offender assessment, treatment, and supervision services;⁶
- (3) The coordinating council will fulfill the expanded and growing role of the SOTT which has served without the resources and legal foundation needed for its scope of responsibilities. Quality control, planning, and education of all affected parties including private sex therapists have been increasingly important and critical requirements as further implementation of the plan occurs;⁷

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- (4) The programs in the criminal justice system are linked, designed for specific types of offenders who present varying degrees of risk to the community. There is need for continual coordination of efforts among the agencies providing service, development, and maintenance of standards for service provision, and ongoing training and public education to develop qualified professional service providers and inform the public of the nature and extent of the problem of sexual assault;⁸
- (5) The continuum of sex offender treatment services would be seriously compromised if there is no administrative body to cultivate networking among the agencies, to support and promote program integration, and to maintain quality control.⁹

The SOTT has emphasized that the master plan should not be construed as a static document. While the master plan articulates the philosophy of treatment of sex offenders and outlines particular implementing actions, there are still other areas to be explored toward the expansion of the master plan. Treatment programs for the juvenile sex offender, female adult sex offenders, and the developmentally disabled and mentally ill sex offenders, for instance, should eventually be incorporated into the master plan and coordinated in the same fashion as the programs designed for the male felon sex offender. To accomplish this, the SOTT maintains there is need for a coordinating body with staff support.

The implementing agencies should be continually in communication to alert each other of changes occurring in their respective areas and how those changes may impact on sex offender treatment programs in place or being planned. Communication and coordination in the criminal justice system has always been a problem because of the roles each agency plays in balancing the scales of justice. The fact that the SOTT was able to accomplish what it did through an informal cooperative effort which was then sanctioned by all the heads of agencies involved through an interagency agreement is indeed remarkable and admirable. However, the SOTT members noted that once the master plan was completed, the consultant was retained to coordinate the implementation and provided the necessary links by taking minutes of SOTT meetings, recording the concerns expressed by SOTT members and ensuring that there is follow-up to address those concerns, and coordinating training sessions and legislative briefing efforts.

Following the completion of the master plan, the SOTT's role evolved from a forum for planning into one for guiding implementing actions. The SOTT members contend that this new function is critical to the successful implementation of the master plan and that only a statutorily established body with full-time staff can perform this function.

The Vermont Experience

In terms of organizational structure for the delivery of sex offender treatment programs, the SOTT found that Vermont was the only state with an integrated statewide program.¹⁰

The Vermont Center for the Prevention and Treatment of Sexual Aggression (hereafter referred to as the Center) was established as a result of a joint initiative by the Commissioners of Corrections and Social and Rehabilitation Services which received gubernatorial and legislative support. There was no enabling legislation for the Center, only the appropriation of funds by the legislature in support of the concept for a comprehensive sex offender treatment program for adults and juveniles. In the early 1980's, the person now serving as Commissioner of Social and Rehabilitation Services had developed a service delivery proposal for sex offender treatment under a grant from the National Institute of Corrections. The mechanics for the establishment and operations of the Center were derived from that proposal. Prior to the establishment of the Center, Vermont only had positions in the sex offender treatment program for direct services. There were no staff positions to conduct planning, program development, and coordination tasks.¹¹

The Center performs three major functions: (1) it coordinates offender and victim services in the state, such as in- and out-patient treatment and training for clinicians and probation, parole, and corrections officers; (2) it serves as a central agency to apply for federal training and research grants; and (3) it coordinates prevention services and programs, such as perpetrator prevention where people who work with children are trained to identify children who display early signs of becoming sexual abusers.¹²

The Center has three professionals who are all hired through the merit system. Although the Center is administratively under the Department of Corrections, direction of the Center is provided through a Policy Board comprised of the Commissioner of Corrections, the Commissioner of Social Rehabilitation Services, the Commissioner of Mental Health, and their representatives next in line. The Policy Board meets monthly with the Center staff to resolve policy and interagency coordination issues that arise.¹³

The Center also has an advisory board which consists of twelve to fifteen members representing different public and private sector interests, such as state sex offender field staff, district attorneys, judges, clinicians, lay citizens, and police officers. Although no defense attorney has been appointed to the board, one member who started on the board as a district attorney and subsequently became a defense attorney has remained on the board. The advisory board informs the Center of events that impact on sex offender treatment and raises issues which should be addressed by the Center.¹⁴

After three and one-half years of operation, Vermont officials believe that it is clearly better to implement programs with a coordinating office. Prior to the establishment of the

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Center, the agencies were only providing direct services as there were no other staff to provide coordination and networking with public and private sector agencies. However, it is important to note that Vermont's coordination problems are not as complicated as those in Hawaii since Vermont has a unified system where corrections, probation, and parole are all under one department.

ENDNOTES

1. The SOTT later changed the name of its proposed coordinating body to the Hawaii Sex Offender Treatment Coordinating Council. See Appendix B for text of proposal.
2. Hawaii, SOTT, "Proposal to Establish the Hawaii Commission on Sex Offender Treatment", Draft 1/12/91, Briefing on Adult Sex Offender Treatment, State Legislature, 1991, p. 1.
3. According to Paula Chun, the SOTT consultant, the DOH was inadvertently excluded from the membership list of the proposed Commission.
4. Ibid., pp. 4-6.
5. Paula Chun, Hawaii Master Plan - Adult Sex Offender Treatment: An Integrated Model, prepared for the Hawaii Sex Offender Treatment Team (Honolulu: Catalyst Productions, 1989), p. 67. (Hereinafter cited as Hawaii Master Plan.)
6. Testimony on Senate Concurrent Resolution No. 216 by Paula Chun, Coordinator/Consultant, Hawaii Sex Offender Treatment Team, before the Senate Committee on Employment and Public Institutions, April 2, 1991.
7. Testimony on Senate Concurrent Resolution No. 216 by Ronald T. Hajime, Interim Probation Administrator, Adult Probation Division, Hawaii State Judiciary, before the Senate Committee on Employment and Public Institutions, April 2, 1991.
8. Testimony on Senate Concurrent Resolution No. 216 by George W. Sumner, Director, Department of Public Safety, before the Senate Committee on Employment and Public Institutions, April 2, 1991.
9. Testimony on Senate Concurrent Resolution No. 216 by Marc V. Oley, Chair, Hawaii Paroling Authority, before the Senate Committee on Employment and Public Institutions, April 2, 1991.
10. Hawaii Master Plan, pp. 22 and 51.
11. Telephone Interview with John Gorsyck, Director of Programming, Vermont Department of Corrections, September 16, 1991.
12. Telephone interview with Georgia Cumming, Assistant Director, Center For the Prevention and Treatment of Sexual Aggression, September 13, 1991.
13. Ibid.
14. Ibid.

CHAPTER 5

ANALYSIS OF THE SOTT PROPOSAL

Purpose of the Coordinating Body

The coordinating body is supposed to oversee the implementation of the statewide master plan for sex offender treatment. While it will render decisions on specific program directions, its function is intended to be programmatic rather than policy setting ... it is to provide support to the individual agency programs. The statewide policy for sex offender treatment has already been articulated in the master plan. The function of the coordinating body is to ensure that the policy is implemented through appropriately designed programs and trained providers.

The Need for Accountability

The proposal for the coordinating body does not address the issue of the appointing authority. Since the SOTT has emphasized the importance of an independent coordinating body which is not under the control of one department or agency, it would appear that the Governor would be the most appropriate appointing authority. Appointments by the Governor, however, would be more appropriate for boards that are clearly policymaking and are not dealing with the "nuts and bolts" of program implementation. The SOTT assumed that the appointments would be made by its member agencies in the same manner the SOTT members are currently appointed. Although this would be more congruous with the SOTT's programmatic role, this would not leave an appropriate line of accountability if the proposed coordinating body is to be responsible for the hiring and firing of full-time, permanent staff, and it does not resolve the problem of who would appoint the two community members.

The Need for Coordination and Networking

The master plan for sex offender treatment is an integrated plan which calls for a continuum of programs. It is purposely designed to provide a treatment mode that is philosophically consistent and uniform throughout the system. The effectiveness of the treatment mode of the master plan is dependent on the criminal justice system working "in sync" in the handling of sex offenders. This can only occur if there is coordination and networking among the agencies with treatment and supervisory responsibilities. It is also critical that these agencies establish and maintain a communication network with all other agencies (i.e., educational, employment, and social service), public and private, that may come into contact with sex offenders.

The concern with respect to interagency cooperation in other states appeared to be the resolution of conflicts arising between corrections and mental health agencies as these two areas typically shared responsibilities in sex offender treatment.¹ Hawaii, however, is different in that the State's mental health agency is not involved in the treatment of sex offenders. The concern with interagency cooperation in Hawaii revolves around the fact that the functions of probation, prisons, and parole are performed by different agencies. Proponents for a coordinating body maintain that because the agencies involved are not from the same department or branch of government, the risk of an agency diverting from the master plan concept is greater unless there is an independent administrative structure to ensure that the agencies are in compliance.

The fears of an uncoordinated system where some agencies adhere to a master plan and others do not are not unfounded. Ten years ago, the Bureau conducted a review of the implementation of the Hawaii Correctional Master Plan which was developed in 1973. The Bureau found that the master plan, like most master plans, being broad and conceptual, required further specifications for action on an operational level. There was no functional or implementation plan and the roles of the implementing agencies were not defined. Accordingly, the agencies were not committed to accept and implement the coordinated approach. Absent such a commitment and a designated coordinating or lead agency to guide the implementation, the agencies continued to operate as they did prior to the master plan.²

In the case of the master plan for sex offender treatment, however, a coordinating team was established at the onset to develop the master plan and the roles of these agencies were defined in an interagency cooperative agreement. Additionally, the coordinating team has remained in operation to oversee the implementation of the master plan programs. The cooperative agreement has been periodically renewed to reaffirm the commitment of these agencies to continue coordination and networking.

The Need for a Legal Basis for a Coordinating Body

The interagency cooperative agreement signed by all SOTT member agencies (See Appendix C) is a viable instrument to guide the coordinating and networking role of the SOTT. It specifies the role of the SOTT and the responsibilities of each agency party to the agreement. This agreement, however, is strictly voluntary as there is no statute requiring the agencies to work cooperatively to implement a sex offender treatment program or to follow the master plan. There is no general statutory requirement regarding the identification and treatment of sex offenders. Only the community correctional centers are mandated by law to provide treatment programs for sex offenders.³ For program budgeting purposes, an agency need not include a program in the budget if there is no legal mandate to provide for such a program.

ANALYSIS OF THE SOTT PROPOSAL

The SOTT members believe that statutory establishment of the proposed coordinating body with staff will provide a legal basis upon which the commitment of resources by the program agencies can be guaranteed. A legal basis, however, could also be established by a general law simply requiring the program agencies to work cooperatively to develop and implement a comprehensive and integrated master plan and to establish an interagency coordinating body by a cooperative agreement.

Another overriding concern is that as the programs of the individual agencies develop, more resources will be needed. The SOTT believes a coordinating body is needed to deter competition for resources which might result in an imbalance in program development that is detrimental to the system's goal of reducing reoffense rates of sex offenders returning to the community.

The Need for Staff Support

It can be argued that a statutorily established coordinating body with support staff may not be necessary as each agency is individually responsible for carrying out its treatment program under the master plan. As long as there is a cooperative agreement in which all agencies have agreed on their commitment to and roles under the master plan, it may not be necessary to have staff for a coordinating body to perform all the support functions. The agencies could still meet on a regular basis to communicate changes that might impact on the master plan and to coordinate program implementation, but the agencies would collectively bear the follow-up responsibilities of the body or those responsibilities could be statutorily assigned to a lead agency.

Officials in the Vermont program⁴ maintain that an interagency mechanism with staff support that operates independently of any one agency is critical to the success of an integrated sex offender program. In stressing the importance of coordinating staff, Fay Honey Knopp, reflecting upon her research of sex offender programs in the United States, said: "It's like baking a cake. You can have all the best ingredients, but you need someone to mix it and put it in the oven."⁵ Knopp noted that many states with good programs have not been very effective because of the absence of a coordinating mechanism to act as the "mixer".

Still, it is debatable whether there should be one agency to conduct all planning, research, evaluation, and training functions to implement the sex offender master plan. While it may appear more efficient to have one agency to perform these functions, performance of these functions by the individual program agencies ensures that the functions are performed with relevance to their unique clientele and program needs. The SOTT member agencies have been emphatic about maintaining control over their programs and do not want one agency dictating to them.

An important factor to note is that although the SOTT believes staff support is necessary, the SOTT member agencies are not in complete agreement as to how long staff support will be needed. There is agreement that the agencies need about two years to establish a firm foundation for the master plan programs, after which the SOTT activity level is expected to level off.

Justifying the Cost

Currently, there are over 570 sex offenders in prison or on probation or parole in Hawaii. The statewide program costs are exceeding \$1,000,000 a year as a large portion of the cost is going to purchase of service contracts for clinical assessments and treatment services which the State is not capable of providing. More funds will be required in the next few years to enable the agencies to implement the other programs called for in the master plan. This appears to be a relatively small number of offenders to justify an additional cost of \$300,000 annually just for program coordination. The SOTT argues that this program deserves special priority and recognition because the number of victims and the long-term psychological harm incurred by those victims, not the number of offenders, are at issue. Moreover, as the master plan for sex offenders only covers the male adult sex offenders, it is expected that the number of offenders impacted by this program will increase by the expansion of the treatment program to juvenile, female, developmentally disabled, and mentally disturbed sex offenders. It is also anticipated that more offenders in the system who have not yet been identified as sex offenders will be requiring treatment as the agencies develop their identification and classification capabilities.

It has been argued that there are other groups of offenders such as the drug abusers who are equally in need of a comprehensive and specialized treatment program. The establishment of a coordinating body with staff specifically for sex offender treatment would set a precedent for the creation of similar bodies for each offender group in need of specialized treatment. While a sex offender treatment coordinating body with staff could serve as a model for the development of specialized programs for other groups, it is unrealistic and fiscally irresponsible to encourage the creation of such "splinter" coordinating agencies within state government.

Alternative Methods of Providing Coordination and Networking

1. **Designation of Lead Agency to House Coordinator** - The SOTT as established by the interagency cooperative agreement is a viable coordinating mechanism. It has been the coordinating forum for sex offender treatment for the past five years. It has been highly effective in maintaining the links among the implementing agencies and in ensuring that the programs being developed are congruous with the master plan concept. The only problem with the current situation is that staff support for the SOTT is provided through a consultant

whose contract from year to year is uncertain. The SOTT members appear concerned that if and when there are no funds for the consultant, it will not be able to "function" since its responsibilities have increased following the completion of the master plan.

Because of its proven effectiveness, the SOTT can be retained with the staff function provided by establishing a coordinator position in an agency that is designated as the lead agency for sex offender treatment. Although the SOTT members are concerned about possible misuse of coordinating staff if placed in one of the SOTT member agencies, this has not been a problem when the consultant's fee was paid out of the funds of one of the agencies. If a lead agency is designated, the Department of Public Safety would be the logical choice because: (1) its mission of public safety is the same as that of the sex offender treatment master plan; and (2) it houses both the corrections and parole functions; and (3) it has the largest clientele.

Where the SOTT member agencies do not have the resources to conduct research and evaluation to support their programs, they can solicit assistance from other state institutions or agencies with research capabilities such as the University of Hawaii, or contract private consultants with research grant funds obtained from the federal government or other sources, or from legislative appropriations. The SOTT's role would be to define its research and evaluation needs and to find a means to fulfill those needs, including the development of proposals for research and evaluation grants or for the appropriation of earmarked funds from the Legislature.

2. Establishment of a Criminal Justice Support Agency - If there is an established need for coordinating bodies to provide an integrated approach to criminal justice problems, it may be advisable to create a general criminal justice support agency which has appropriate resources to facilitate the work of any coordinating body established, whether temporary or permanent. The agency would be an independent agency with the director appointed by the governor. This type of body could then address all criminal justice program and policy problems such as sex offender treatment, substance abuse treatment and enforcement, and gang violence which require a coordinated approach. The staff would perform research and evaluation services to address systemwide needs. The staff would facilitate coordination and networking among criminal justice agencies in the same way that the SOTT consultant has been facilitating coordination among SOTT member agencies. The staff would also assist in the development of proposals for grant funds to obtain project funds for the program agencies of such coordinating bodies.

Hawaii previously had a similar mechanism in the State Law Enforcement and Planning Agency (SLEPA) which administered law enforcement planning funds from the federal government. The director was appointed by the Governor and the agency provided staff support to interagency policy boards relating to crime either established by law or by the Governor.

While its role was to facilitate coordination, it was hampered by the absence of written cooperative agreements among the agencies to commit to decisions made by the policy boards and the lack of input from the midmanagers who were responsible for actual program planning and implementation. The planning and research activities of the SLEPA were limited by the federal grants that were available at the time and the interest of the criminal justice agencies in taking advantage of such grants.⁶

3. Expansion of the Department of the Attorney General's Criminal Justice Coordination Functions - An alternative to the creation of a new agency to facilitate criminal justice program coordination, would be to expand the role of the Department of the Attorney General which has been assigned these functions by law.

In 1988, the SLEPA was dissolved and its functions transferred to the Department of the Attorney General. The Resource Coordination Division now performs the SLEPA function and provides staff support to the Juvenile Justice Interagency Board and the Governor's Committee on Crime. In urging the transfer, the Attorney General stated the transfer would "...enable the Attorney General, who is the chief law enforcement officer of the state, to carry out his responsibilities for and to coordinate resources relating to criminal justice concerns."⁷

Later, in 1989, the attorney general was given broad powers with respect to the initiation and coordination of statewide crime research, prevention, and education activities.⁸ Prior to the enactment of this law, the statewide crime research function was performed by the Hawaii Criminal Justice Commission which was originally placed under the Office of the Lieutenant Governor when it was first established as the Hawaii Crime Commission. The research function was deleted when the Commission's functions were revised in 1988; however, the restoration of the research function under the Attorney General rather than the Commission was requested by the Attorney General in order that "...original research on crime or criminal justice problems could be performed...." The Department of the Attorney General noted that "To successfully provide leadership and coordination, the Attorney General requires statewide information on various aspects of the crime problem, but does not have the staff or expressly assigned statutory functions to research and obtain needed information."⁹ The Commission was composed of persons from the community who were not criminal justice or law enforcement government officials, yet they were the ones who determined the type of research to be conducted. The Attorney General had no control of the results of the research no matter how sensitive the information.¹⁰ Moreover, the status of the Commission at that time was uncertain. The Commission was eventually abolished in 1990.

Another critical criminal justice coordinating agency housed under the Department of the Attorney General is the Hawaii Criminal Justice Data Center. The purpose of the center is to:¹¹

...be responsible for the collection, storage, dissemination, and analysis of all pertinent criminal justice data from all criminal

ANALYSIS OF THE SOTT PROPOSAL

justice agencies, including, the collection, storage, and dissemination of criminal history record information by criminal justice agencies in such a manner as to balance the right of the public and press to be informed, the right of privacy of individual citizens, and the necessity for law enforcement agencies to utilize the tools needed to prevent crimes and detect criminals in support of the right of the public to be free from crime and the fear of crime.

The data center is also required to coordinate its activities with the records system of the intake service centers of the Department of Public Safety to avoid overlap or duplication of efforts.¹²

The statutes broadly assign to the Attorney General coordination, research, evaluation, and data services on criminal justice matters, but there is no qualifying definition of "criminal justice matters". Thus, it would not be inappropriate or inconceivable to direct special issues that require systemwide coordination, to these offices as long as appropriations accompany such directives. In fact, this was already done in 1990 by the passage of an Act for the "...development of a youth gangs response system coordinated by the Department of the Attorney General that incorporates the critical elements of law enforcement and intelligence, training and community awareness, community intervention, community prevention, information, and evaluation."¹³ The Resource Coordination Division is providing staff support and facilitation services for the policy board and county advisory boards which are the coordinating forums for the youth gangs response system.¹⁴

It can be argued, however, that the Attorney General, as the chief law enforcement officer of the State, should be concerned with issues, like the youth gangs response system, that are essentially law enforcement and crime prevention in nature. An issue such as sex offender treatment is more corrections in nature. But, it can also be argued that the treatment and custodial aims of corrections ultimately are to protect the public safety by preventing further criminal conduct when offenders are released into the community. Such an issue, then, could be appropriate for coordination under the neutral leadership of the State's chief law enforcement officer.

ENDNOTES

1. Roger Smith, "Program Planning and Implementation", A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Sexual Abuse, ed. Barbara Schwartz (Washington: U.S. Government Printing Office, 1989), pp. 34-37.
2. Susan K. Claveria, Review of the Implementation of the Hawaii Correctional Master Plan, Legislative Reference Bureau Report No. 1, 1982.
3. Hawaii Rev. Stat., sec. 353-6.

SEX OFFENDER TREATMENT - INTERAGENCY COORDINATION IN HAWAII

4. Telephone interviews with: Fay Honey Knopp, Researcher, The Safer Society, September 9, 1991 (hereinafter cited as Knopp interview); Georgia Cumming, Assistant Director, Center for the Prevention and Treatment of Sexual Aggression, Vermont Department of Corrections, September 13, 1991; and John Gorczyk, Director of Programming, Vermont Department of Corrections, September 16, 1991.
5. Knopp interview.
6. Interview with Dr. Irwin Tanaka, Administrative Director of the Courts, Hawaii State Judiciary, former Executive Director, Statewide Planning and Law Enforcement Agency, September 23, 1991.
7. Testimony of the State Attorney General before the House Committee on Finance on S.B. No. 2759, S.D. 1, March 25, 1988. The law assigning this function to the Attorney General reads as follows:

§28-10.5 Criminal and juvenile justice resource coordination; administrator and staff.

(a) The department of the attorney general shall serve as the clearinghouse for information on financial and nonfinancial resources that may be available to assist in improving the delivery or coordination of services under, or the implementation of, programs of the criminal justice and juvenile justice systems and agencies and shall develop, update, and coordinate the implementation of a comprehensive statewide plan of programs and priorities for the improvement of law enforcement and criminal justice, including the prevention and control of juvenile delinquency. In addition, the department may:

- (1) Seek, apply for, and administer federal funding and other resources to enhance and expand the capabilities of the criminal and juvenile justice agencies;
- (2) Coordinate and assess information on a statewide basis for the development of policies to improve the criminal justice and juvenile justice systems and programs; and
- (3) Administer state-funded criminal and juvenile justice programs as specifically directed by law or as may be implied through the appropriation of funds.

(b) The attorney general may employ, without regard to chapters 76 and 77, and at pleasure dismiss an administrator to oversee and carry out the resource coordination functions of the department set forth in subsection (a). In addition, the attorney general may employ, without regard to chapters 76 and 77, and at pleasure dismiss other support staff necessary for the performance of the resource coordination functions.

Hawaii Rev. Stat., sec. 28-10.5.

8. Specifically, the law provides:

§28-10.6 Crime research, prevention, and education; administrator and staff. (a) The department of the attorney general shall initiate, develop, and perform or coordinate programs, projects, and activities, as determined by the attorney general, on the subject

ANALYSIS OF THE SOTT PROPOSAL

of crime, including but not limited to crime research, prevention, and education. The attorney general may:

- (1) Research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, criminal justice agencies, or the general public, as appropriate;
 - (2) Develop and implement or coordinate statewide crime prevention programs and activities including:
 - (A) Providing crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups; and
 - (B) Assisting in the organization of crime prevention teams in communities to encourage the development of community crime prevention programs;
 - (3) Develop public education programs through various broadcast or print media to provide to the general public information that will assist citizens in developing the knowledge and confidence to prevent crime and to avoid becoming victims of crime;
 - (4) Establish, as deemed by the attorney general to be necessary or appropriate, citizen and government agency representative study teams to study specific crime subjects or criminal justice system problems, in order to obtain input or advice from a more specialized segment of the criminal justice or public community on those specific matters; and
 - (5) Establish trust funds or accounts and receive and expend financial grants and donations for crime research, prevention, or education.
- (b) The attorney general may employ, without regard to chapters 76 and 77, and at the attorney general's pleasure dismiss, an administrator and other support staff necessary for the performance or coordination of the programs, projects, and activities on the subject of crime.

Hawaii Rev. Stat., sec. 28-10.6.

9. Testimony of the State Attorney General on S.B. No. 1800, S.D. 2, before the House Committee on Finance, March 23, 1989.
10. Testimony of the State Attorney General on S.B. No. 1800, before the Senate Committee on Judiciary, February 14, 1989.

SEX OFFENDER TREATMENT - INTERAGENCY COORDINATION IN HAWAII

11. Hawaii Rev. Stat., sec. 846-25(a).
12. Hawaii Rev. Stat., sec. 846-11.
13. 1990 Haw. Sess. Laws, Act 189.
14. Interview with Laraine Koga, Administrator, Resource Coordination Division, Department of the Attorney General, September 25, 1991.

CHAPTER 6

FINDINGS AND RECOMMENDATIONS

Findings

1. Sexual assault is the result of deviant behavior on the part of the offender. Sex offenders cannot be cured but can be taught to effectively control their deviant behavior through appropriate and consistent treatment techniques. The recidivism rate of sentenced sex offenders who undergo treatment is substantially lower than that of sex offenders who are not treated.

2. Sex offenders are typically better educated than the general offender population. They appear to be "model" prisoners, probationers, and parolees, but they can be deceptive and manipulative with their custodians. Because of the unique nature of sex offenders, regardless of what the treatment philosophy may be, it is critical that the philosophy be applied uniformly throughout the criminal justice system and that persons who work with sex offenders are properly trained.

3. The State of Hawaii has developed a master plan for the treatment of adult male sex offenders which is premised on a unified treatment philosophy shared by all agencies in the criminal justice system with responsibilities for the custody of such sex offenders who are sentenced by the courts.

4. The agencies responsible for the corrections, parole, and probation functions have been working cooperatively since 1986 to develop an appropriate treatment program for sex offenders in Hawaii. Most of the work has been through the efforts of program managers and planners who were committed to finding an effective state response to prevent the escalation of sexual abuse.

5. As programs are being developed and implemented, the agencies have continued to work cooperatively to ensure that the programs are in compliance with the intent of the master plan and to discuss and jointly decide or provide guidance on sex offender treatment issues not specifically addressed by the master plan.

6. Hawaii's sex offender treatment program is in its infancy. Despite the master plan, there are many unresolved issues that will require attention in the years ahead. None of the agencies with sex offender custodial, treatment, and supervisory responsibilities have adequate staffing to provide the planning, evaluation, and administrative support to guide and oversee the implementation of the master plan.

SEX OFFENDER TREATMENT - INTERAGENCY COORDINATION IN HAWAII

7. The current system lacks the capacity to conduct meaningful research on sex offenders and techniques for their treatment. There is no mechanism for the collection, analysis, and publication of statistical and demographic data which can be useful for programmatic purposes.

8. The currently identified adult male sex offender population in the criminal justice system comprises less than ten per cent of the entire adult offender population in the State.¹ Yet, the State has budgeted over \$1,000,000 for the current fiscal year for sex offender assessment, treatment, and supervision services. The high cost is due to the comprehensive clinical assessment of each offender which is critical to the development of appropriate, individualized treatment and supervision programs. Considering that sex offenders, especially child abusers, typically have multiple victims; that many of those victims suffer long-term trauma and psychological damage; and that specialized treatment is known to be effective in reducing the reoffense rate, it is money well spent in the interest of public safety.

9. The Sex Offender Treatment Team (SOTT) member agencies have been highly successful in obtaining funding for their sex offender programs. Although this success can be attributed to an effectively coordinated legislative briefing effort by the agencies, it must also be remembered that Hawaii has experienced a healthy fiscal climate during the past four years. As fiscal resources take a downward trend, the Legislature may not be in a position to be as generous. If a choice is to be made between expending \$300,000 annually for an administrative support agency or for direct treatment costs, the Legislature would likely choose the latter.

10. There is no ideal organizational structure for interagency coordination in the criminal justice system. No structure will work if the agencies are not willing to set aside turf issues in the interest of collectively resolving a problem as was done with the SOTT experience. Regardless of the type of organizational structure, the key to cooperation and coordination is commitment from the affected agencies. Statutory establishment of an independent body with staff that provides a neutral forum for the agencies to address systemwide issues will not guarantee continued cooperation and coordination for the SOTT.

11. The SOTT is an excellent model for interagency criminal justice coordination in Hawaii. It serves as a forum for clarifying the master plan guidelines, brainstorming operational as well as programmatic problems, and sharing information. The SOTT also coordinates training, consultation services for the member agencies, and purchase of service contracts to ensure against inconsistencies with the master plan. Interaction within the SOTT is extremely valuable for the development of programs under the master plan as the SOTT serves as a support group for program people who have many challenging issues before them. The SOTT's success is evidence that this type of coordinating mechanism can work and should be encouraged not only for criminal justice matters, but for any issue that requires interagency coordination in this State.

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12. The SOTT attributes much of its success to the consultant who has performed the administrative follow-up work to bring SOTT ideas into fruition. Without staff support, coordinating bodies often are ineffective, no matter how cooperative the spirit of the participants. However, state government should rely less on temporary consultants to fill such roles and should strive to develop support resources within its departments and agencies. Coordination and networking should be an integral part of any department's or agency's responsibilities. Where a department or agency is represented on a coordinating body, it should provide the resources necessary to carry out its responsibilities to that body. This would include not only the allocation of staff time to attend meetings and conduct follow-up work, but the offering of particular services to the coordinating body that the department or agency is equipped to perform. Coordinating bodies such as the SOTT should discuss issues requiring coordination or joint decisionmaking, to define system needs, and determine the tasks required to be performed in light of identified needs. It is the responsibility of the member agencies to actually perform those tasks on an individual or collective basis.

13. As the master plan programs are developed and implemented, the level of coordinating activities may decrease substantially. Whether or not permanent staffing will be necessary in the long-term to provide administrative and research support for the implementation of the master plan is unclear.

14. Hawaii is a small state where there is a lot of interaction among state and county government officials and efforts to coordinate are more the rule than the exception.

15. From a review of the SOTT minutes, it appears that the SOTT members were never really clear as to what kind of mechanism they needed, only that they needed one. From the interviews with the various SOTT members, there are differing opinions as to whether this need is short-term or long-term. It appears that the SOTT wants to continue its operations, but with permanent staff to perform administrative and support services. It is clear that the primary reasons for the proposed independent body are to avoid having one agency with control over the SOTT support staff and to ensure that all the program agencies maintain their commitment to implementing the sex offender treatment master plan.

16. The easiest solution to an interagency problem is to create a neutral state agency to take care of it. This, however, is not always the most efficient or effective solution. When an independent body with permanent staff is established for a specific subject area for which several agencies already have programmatic responsibility, the program agencies run the risk of becoming "rubber stamps" of that body as its staff becomes more knowledgeable in the area and the program agencies increasingly depend on the body's staff to develop ideas and make recommendations.

If the Legislature were to establish a new independent body for every new program that requires coordination, state government departments and agencies would be too reliant on third parties to resolve their coordination problems.

17. The Bureau recognizes that the SOTT has done a commendable job in the development of a master plan for sex offender treatment in Hawaii. The SOTT used creative methods to pool the resources of their respective agencies to accomplish its initial goal of developing a statewide master plan and has proven the effectiveness of its collaborative decisionmaking process through the completion of the master plan and the receipt of implementing funds. All this was done without specific funds allocated to the SOTT or to a specific agency to take care of administrative costs associated with the SOTT's work. This type of creative collaboration often can only occur when the parties have no other recourse. Nevertheless, the SOTT cannot be expected to continue to operate under tenuous conditions.

18. The Bureau also recognizes that the SOTT has been experiencing "growing pains" over the last two years as it has evolved from a planning body to a coordinating body for program implementation. In its new role, the SOTT deliberates over a range of issues as specific as determining the parameters for group therapy or as broad as determining the evaluation needs of the program agencies. Being energetic and action-oriented, the SOTT sees the road to full implementation of the master plan as an arduous one requiring tremendous time and resources. Its plea for the establishment of an independent agency with staff to provide support, is genuine and understandable. It has been a long five years for the SOTT and there are still many hurdles to overcome.

Although the Bureau is of the opinion that a coordinating mechanism is needed to guide the implementation of the master plan, it does not believe that a statutorily established coordinating body with permanent staff is the best method of achieving this. In light of its findings, the Bureau makes the recommendations below.

Recommendations

1. The Legislature should enact a statute requiring the establishment of an integrated, systemwide sex offender treatment program. All agencies with programmatic responsibilities should be mandated to provide treatment programs under a master plan developed jointly by those agencies. The agencies should be required to enter into a cooperative agreement to establish a body to coordinate their efforts in carrying out their statutory responsibilities. The statute should also designate the Department of Public Safety as the lead agency in the statewide sex offender treatment program noting that, as lead agency, the Department will provide administrative support to the coordinating body. This statute would give the SOTT a legal basis to continue and for agencies to maintain their commitment to sex offender treatment. (See Appendix D for proposed legislation.)

The SOTT should continue to operate as the program coordinating mechanism to guide the implementation of the master plan. The SOTT should serve as a communication

FINDINGS AND RECOMMENDATIONS

link among the agencies involved in sex offender treatment to air out problems, share information and ideas, and resolve issues that commonly impact its members.

The SOTT member agencies should annually renew their interagency cooperative agreement and clearly define the coordinating and facilitating role of the SOTT and of each agency in implementing the master plan.

This arrangement recognizes that all SOTT member agencies are ultimately responsible for the successful implementation of their respective sex offender treatment programs. Accordingly, the agencies should incorporate the SOTT activities as part of that responsibility and allocate sufficient staff and budget resources within their sex offender treatment program funds to fulfill that responsibility.

In carrying out its responsibility for the development and implementation of its own sex offender treatment program, each agency should plan for appropriate data collection and research concerning its own sex offender population as well as program evaluation to ensure that its own goals (which should be reflective of the master plan) are being met. Research and evaluation data should be continually shared among the agencies through the SOTT. In the event that the SOTT believes that a joint effort is required, e.g., a general training session or conference or the conduct of a comprehensive audit of all sex offender treatment programs, the SOTT should decide how such a project should be conducted.

The SOTT has yet to clearly define the type of statewide research data it needs to make further decisions on its master plan or its program evaluation goals. As its needs for research data and program evaluation are defined the SOTT can then determine whether or not its member agencies have the capability to conduct such research internally. If not, it can consult with other state agencies, such as the University School of Social Work, the Office of Children and Youth, the Department of the Attorney General, or the Department of Health, to ascertain the availability of research assistance, including grant funds. If no assistance can be obtained internally or through other state agencies, it could then jointly request the Legislature for special research funds.

2. As a transitional measure, the Legislature should appropriate funds (\$30,000 is the amount the SOTT recommended for a consultant pending a decision regarding permanent staffing)² for a temporary sex offender treatment program coordinator position within the Department of Public Safety to assist the SOTT in guiding and coordinating the implementation of the master plan. The funding provision for the coordinator position should stipulate that the position shall be used solely for the interagency coordination activities for sex offender treatment programs under the master plan as directed by the SOTT. (See Appendix E for proposed legislation.) As there was agreement among SOTT members that its activities probably will decrease once the master plan programs are firmly established, the Bureau recommends that the temporary position be funded for a period of two years. After the two-year period, when SOTT coordination activities presumably will level off, the

Department of Public Safety, as the lead agency, will be expected to provide administrative support to the SOTT.

3. The Bureau cannot recommend the establishment of an independent body or the assignment of the responsibility to the Department of the Attorney General because these alternatives involve the resolution of important policy issues and would be more costly and time consuming to implement. Nevertheless, the Bureau suggests that the Legislature begin consideration of the long-term needs for the facilitation of coordinated programs and services in the criminal justice system. If it finds that there is a significant need for the provision of support services to facilitate program coordination activity in the criminal justice system, including the area of corrections, the Legislature should explore either:

- (1) The expansion of the roles of the Resource Coordination Division, Criminal Justice Data Center, and the Crime Prevention and Research Division of the Department of the Attorney General to accommodate the coordination, facilitation, and research needs of the criminal justice system on issues requiring an interagency response, including corrections issues; or
- (2) The creation of an independent agency, administratively placed in the Department of the Attorney General or the Office of the Governor to assume the various coordination, facilitation, research, and evaluation roles required by the criminal justice system.

In either case, there are broad policy issues which the Legislature must resolve before determining whether any alternative is feasible. In the first alternative is the issue of whether or not the Attorney General should take on this broader function which encompasses not only law enforcement but corrections programs. The second alternative, would come into play if it is decided that the Attorney General should not take on such a role, and the issue is that of distinguishing the coordinating roles of the Department of the Attorney General and an independent body to avoid duplication. These are issues that the Legislature must explore with the Governor and the Attorney General to ascertain the appropriateness of the assignment of this responsibility.

FINDINGS AND RECOMMENDATIONS

ENDNOTES

1. According to the Department of Public Safety, Hawaii Paroling Authority, and the Adult Probation Division the offender population as of this writing is as follows:

	Total	Sex	Sex Offenders
	<u>Offenders</u>	<u>Offenders</u>	<u>% of Total</u>
Corrections	2,500	348	13.9
Probation	3,927	148	3.8
Parole	<u>1,499</u>	<u>75</u>	<u>5</u>
	7,926	571	7.2

Note: The figure of 148 sex offenders on probation includes 72 probationers who are officially assigned to the special unit for sex offenders and 76 sex offenders who were already on probation when the special unit was established. The Probation Division has plans to incorporate the 76 into the special unit.

2. Paula Chun, Hawaii Master Plan: Adult Sex Offender Treatment - An Integrated Model, prepared for the Hawaii Sex Offender Treatment Team (Honolulu: Catalyst Productions, 1989), p. 117.

THE SENATE
SIXTEENTH LEGISLATURE, 1991
STATE OF HAWAII

S.C.R. NO. 216

MAR 15 1991

SENATE CONCURRENT RESOLUTION

REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF A STATE
COORDINATING COUNCIL ON SEX OFFENDER TREATMENT.

WHEREAS, the increase in sexual assault offenses jeopardizes the safety of both residents and visitors to the State; and

WHEREAS, studies show that convicted sex offenders are apprehended on less than half of the sex crimes they have committed; and

WHEREAS, other studies show that treated sex offenders have a lower recidivism rate than untreated sex offenders; and

WHEREAS, a critical component of sexual assault prevention is sex offender treatment, and a comprehensive and integrated approach is the preferred and recommended course of action for planning and developing such treatment programs; and

WHEREAS, the Hawaii Sex Offender Treatment Team, a consortium of five state departments and divisions, including the Department of Public Safety, Hawaii Paroling Authority, Adult Probation Division of the First Circuit, Department of Health, and Department of Human Services, was formed in 1987 to coordinate the planning and development of adult sex offender treatment services within state government; and

WHEREAS, in 1989, the Hawaii Sex Offender Treatment Team completed and submitted to the Legislature the Hawaii Master Plan on Adult Sex Offender Treatment: An Integrated Model and the Legislature appropriated funds to the Department of Public Safety and the Judiciary to begin implementation of the Master Plan; and

WHEREAS, the Hawaii Sex Offender Treatment Team, which continues to oversee the planning and development of sex offender treatment programs, does not have adequate resources to: (1) coordinate the implementation of the Master Plan; (2) plan and maintain quality control and continuity over what is to become a statewide, integrated system of adult sex offender treatment services; and (3) provide support services including training, research, and evaluation, to the public employees and private providers delivering these services; and

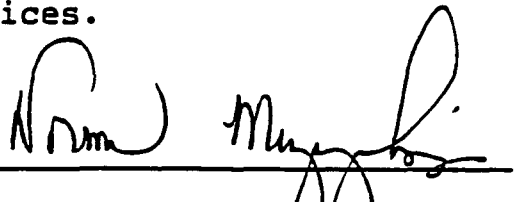

WHEREAS, there is a need to rename and reconstitute the Hawaii Sex Offender Treatment Team into a more effective organization whose goals and functions would include implementing and expanding the Master Plan; developing and supervising quality control and continuity among programs, services and departments, and providing support services for training, research and evaluation, public education, advocacy, networking, and funding requests; now, therefore,

BE IT RESOLVED by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, the House of Representatives concurring, that the Legislative Reference Bureau is requested to undertake and complete a study on the feasibility of establishing a Hawaii State Coordinating Council on Sex Offender Treatment, and to report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 1992; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is encouraged to work with the Hawaii Sex Offender Treatment Team in conducting the study; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the Director of the Department of Public Safety, the Chair of the Hawaii Paroling Authority, the Administrative Director of the Judiciary, the Director of the Department of Health, and the Director of the Department of Human Services.

OFFERED BY:

HAWAII SEX OFFENDER
TREATMENT TEAM

PROPOSAL TO ESTABLISH THE
HAWAII COMMISSION
ON SEX OFFENDER TREATMENT

PROPOSAL TO ESTABLISH THE HAWAII COMMISSION ON SEX OFFENDER TREATMENT

Brief History of the Hawaii Sex Offender Treatment Team (SOTT)

In 1987, through an interdepartmental Cooperative Agreement, the Hawaii Sex Offender Treatment Team (SOTT) was established to oversee and coordinate the planning and implementation of statewide adult sex offender treatment services. Currently, SOTT is composed of representatives from the Department of Public Safety, Hawaii Paroling Authority, Judiciary (Adult Probation Division, First Circuit), Department of Health, and Department of Human Services.

SOTT, with the assistance of a consultant, developed the Hawaii Master Plan on Adult Sex Offender Treatment: An Integrated Model (January 1989). The Master Plan was presented to the 1989 Hawaii State Legislature which subsequently appropriated funds to the Department of Corrections, Department of Health, and the Judiciary to begin program implementation.

To enhance coordination and uniformity during the program implementation process, SOTT, with the assistance of its consultant, has developed uniform treatment guidelines, consent forms, admission criteria, and other reference materials that can be adapted and incorporated by the departments. Informational and skills-building training workshops are being scheduled for probation/parole officers, correctional staff, treatment providers, judges, prosecutors, police, and others. In addition, SOTT's monthly meetings are an opportunity for each department to report on their progress, to problem-solve, and to discuss concerns and issues.

Although SOTT successfully carried out its mandate to develop the Master Plan and is making significant contributions toward program implementation, the members are becoming acutely aware of the need for SOTT to have more authority and resources to oversee the implementation and maintenance of a statewide system of integrated adult sex offender treatment services.

The Hawaii Master Plan recognized that such a need was inevitable and proposed that a central, administrative body be established to cultivate networking among the departments, to support and promote program integration, and to maintain quality control. This proposal describes the purpose, structure, and functions of such an administrative body which will be called The Hawaii Commission on Sex Offender Treatment.

Purpose and Vision: To Enhance Community Safety

The Hawaii Master Plan on Adult Sex Offender Treatment: An Integrated Model clearly states that the fundamental and uncompromising principle of this model is the following: "Public safety is increased to the extent that adult sex offender treatment programs and services are fully integrated and delivered at a high level of quality."

In other words, it is not enough to create new programs and services for sex offenders. **These programs and services, first of all, need to be integrated within and among the Department of Public Safety, Hawaii Paroling Authority, and the Judiciary.** The Hawaii Master Plan identifies four critical levels of integration. These levels are:

1. Continuum of Programs;
2. Uniform and Comprehensive Assessment and Treatment Services;
3. Post-Treatment Community Support (Aftercare); and
4. Enhancing Integration and Program Quality (Oversight).

Furthermore, **these programs and services need to be delivered at a high level of quality.** Service quality is achieved through coordinated and specialized training; timely research and evaluation; and an effective management information system.

Although many states have well-developed programs for sex offenders in prison, on parole, and/or on probation, few states have managed to establish an effective statewide system of integrated and comprehensive adult sex offender treatment programs. Hawaii, because of its population size and long-standing commitment to sexual assault prevention, is in a unique position to make such a vision a reality. The end result will be fewer victims and a safer community.

To oversee and monitor the planning, implementation, and maintenance of statewide sex offender treatment programs and services, an independent, centralized entity is required. Coordination among the departments will be enhanced if this responsibility is given to an independent body, instead of one of the departments.

Organizational Structure

Administrative Attachment

For administrative purposes the Commission will be attached to the Department of Public Safety.

Members	-	<p>The members of the Commission shall include:</p> <p>a) 1 representative from each of the following organizations: Department of Public Safety, Hawaii Paroling Authority, Judiciary, Department of Human Services, and Office of Youth Services.</p> <p>b) 2 community representatives</p>
Voting	-	<p>Each representative shall have 1 vote. A majority of the voting members shall constitute a quorum to do business and a concurrence of the majority of the voting members shall be necessary to validate any act of the Commission.</p>
Compensation	-	<p>The members shall serve without compensation but shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties, including travel expenses.</p>
Chairperson	-	<p>The chairperson shall be elected annually by the members. No member may serve as chairperson for more than two consecutive years.</p>
Support Staff	-	<p>The Commission will be supported by a staff which shall include 1 executive director, 3 program specialists, 1 secretary, and 1 clerk-steno.</p>

Powers, Duties, Functions of the Commission

1. Implementing and Expanding the Master Plan

The Commission will work with the respective departments to:

- a. Implement the Master Plan, including developing and enacting uniform, adult sex offender assessment and treatment guidelines.
- b. Expanding the Master Plan to include addressing the needs of other sex offender populations, such as juvenile, female, developmentally disabled, and mentally ill sex offenders.

2. Training

Untrained therapists, probation/parole officers, and correctional staff may do more harm than good. A lack of training will unquestionably result in higher recidivism rates as sex offenders induce untrained personnel to collude with them in their attempts to evade responsibility for their actions and to avoid effective treatment.

Training should be designed to: 1) impart information and concepts, 2) build skills, and 3) train on-site supervisors.

In this regard, the Commission is responsible for:

- a. Planning appropriate training for each target group.
- b. Approving of trainers and training content.
- c. Scheduling and coordinating statewide training of therapists, probation/parole officers, correctional staff, and others such as judges, prosecutors, and police.
- d. Evaluating training activities.

3. Research and Evaluation

Since sex offender treatment is a young and developing field, the body of knowledge in this area is in a continual state of flux. Staying abreast of the latest research, as well as initiating relevant research, will enhance the Commission's ability to make informed decisions. In addition, adequate evaluative data will be needed to sustain program quality and innovativeness.

Regarding research and evaluation, the Commission is responsible for:

- a. Serving as a central clearinghouse, repository, and disseminator of information and activities related to sex offender treatment.
- b. Reviewing and assessing the problems and needs of various sex offender populations, such as juveniles, females, misdemeanants, developmentally disabled persons, and mentally ill persons.
- c. Conducting research, studies, data collection, and planning activities designed to provide additional information on sex offenders and to publicize the results thereof.
- d. Evaluating current services in terms of comprehensiveness, integration, quality, achievement of treatment goals, reduction in recidivism, and other variables.

4. Management Information System

In order to monitor the treatment progress of sex offenders and to identify service delivery and other problems, an effective and efficient management information system is needed.

The Commission is responsible for:

- a. Planning and designing a statewide MIS.
- b. Developing an MIS implementation plan.
- c. Coordinating the implementation of the MIS.
- d. Monitoring and evaluating the effectiveness and efficiency of the MIS.

5. Quality Assurance

The Commission is responsible for:

- a. Monitoring the development and implementation of a continuum of programs.
- b. Monitoring the development and implementation of uniform and comprehensive assessment and treatment services.

- c. Monitoring the development and implementation of post-treatment or aftercare services
- d. Monitoring the integration and quality of services both within and among departments.

6. Public Education, Advocacy, Networking

The Commission is responsible for:

- a. Educating the public on the purpose and scope of the state's sex offender treatment programs and the benefits to the community in terms of increased safety.
- b. Advising and making recommendations to the State and the counties on matters related to sex offender treatment.
- c. Advocating for comprehensive, integrated, high quality sex offender treatment services.
- d. Initiating and maintaining contact with public and private, local and national organizations, agencies, and individuals engaged in activities related to sex offender treatment.

7. Funding

The Commission is responsible for:

- a. Coordinating the sex offender treatment funding requests among the state departments, such as PSD, APD, and HPA.
- b. Supporting and testifying for the Commission's and each department's funding request to the State Legislature.
- c. Administering funds allocated for its work, including disbursement and allocation of funds which may be available from public and private sources.

Budget

	<u>'92-'93</u>	<u>'93-'94</u>
A. PERSONNEL		
1. Executive Director, Exempt (SR 99)	\$40,000	\$40,000
2. Secretary III, Exempt (SR 16)	\$22,740	\$22,740
3. Clerk Steno II, Exempt (SR 9)	\$17,280	\$17,280
4. 3 Program Specialists V, Exempt (SR 24)		
('92-'93: 3 x \$32,868)	\$98,604	\$101,556
('93-'94: 3 x \$33,852)		
	<hr/> \$178,624	<hr/> \$181,576
B. SUPPLIES (5% inc. for '93-'94)		
1. Car Mileage (4 staff x \$800/yr.)	\$3,200	\$3,360
2. Educational Supplies	\$2,000	\$2,100
3. Office Supplies	\$8,000	\$8,400
4. Other Supplies	\$2,000	\$2,100
5. Dues and Subscriptions	\$1,000	\$1,050
6. Postage	\$1,000	\$1,050
7. Telephone/Telegram	\$5,000	\$5,250
8. Printing & Binding	\$5,000	\$5,250
9. Rental of Land & Building (1500 sq. ft. x \$3/sq. ft x 12 mo.)	\$54,000	\$56,700
10. Rental of Equipment (xerox machine) (\$800/mo. x 12 mo.)	\$9,600	\$10,080
11. Repair & Maintenance of Office Furniture & Equipment	\$1,000	\$1,050
12. Other Repairs & Maintenance	\$500	\$525
13. Miscellaneous Current Expenses	\$2,000	\$2,100
14. Services on Fee Basis	\$15,000	\$15,750

	<u>'92-'93</u>	<u>'93-'94</u>
15. Travel		
a. Interisland Plane Fare (\$100/round trip x 18 round trips)	\$1,800	\$1,890
b. Per Diem (\$60/day x 18 days)	\$1,080	\$1,134
	<u>\$112,180</u>	<u>\$117,789</u>
 C. EQUIPMENT		
1. Desks (\$700/desk x 6)	\$4,200	0
2. Chairs (\$140/chair x 6)	\$840	0
3. File Cabinets (\$300/cabinet x 12)	\$3,600	0
4. Conference Table	\$600	
5. Conference Chairs (\$75/chair x 20)	\$1,500	0
6. Side Chairs (\$100/chair x 12)	\$1,200	0
7. 3-Shelf Bookshelf (\$150/bookshelf x 6)	\$900	0
8. 5-Shelf Bookshelf (\$250/bookshelf x 5)	\$1,250	0
9. Storage Cabinet \$500/cabinet x 2)	\$1,000	0
10. Blackboard	\$400	0

	<u>'92-'93</u>	<u>'93-'94</u>
11. IBM Typewriter	\$1,200	0
12. Calculator	\$200	0
13. Computer Equipment	\$25,000	0
14. Fax Machine	\$1,500	0
	<hr/>	<hr/>
	\$43,390	0
 GRAND TOTAL	 \$334,194	 \$299,365

HAWAII SEX OFFENDER
TREATMENT TEAM

DEPARTMENTAL BUDGET REQUESTS:
SEX OFFENDER PROGRAMS

Department of Public Safety

Hawaii Paroling Authority

Adult Probation Division, Sex Offender Unit
(First Circuit)

DEPARTMENT OF PUBLIC SAFETY

TITLE OF REQUEST:

SEX OFFENDER ASSESSMENT AND
TREATMENT PROGRAM

B & F RECOMMENDATIONS:

No major cuts as of 1/23/91.

BIENNIUM BUDGET REQUEST:

	<u>FY 1991</u>	<u>FY 1991</u>
Personal Services	2.0 \$122,591	2.0 \$123,431
Other Current Expenses	\$10,150	\$10,150
Equipment	\$6,957	0
Purchase of Services	\$202,000	\$202,000
	<hr/>	<hr/>
TOTAL	\$341,698	\$335,581

HAWAII PAROLING AUTHORITY BUDGET REQUEST

TITLE OF REQUEST: INTENSIVE SEX OFFENDER PAROLE SUPERVISION

COMPARISON OF BIENNIUM BUDGET REQUEST TO B&F RECOMMENDATIONS:

	<u>FY 1991</u>	<u>B&F 1991</u> <u>Recommendations</u>	<u>FY 1992</u>	<u>B&F 1992</u> <u>Recommendations</u>
Personal Services	4.0 \$100,196	1.0 \$31,992	4.0 \$105,997	2.0 \$64,572
Other Current Expenses	\$65,200	\$50,000	\$68,460	\$50,000
Equipment	\$16,002	\$3,245	\$7,650	\$1,245
Motor Vehicle	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	\$188,542	\$85,237	\$187,686	\$115,817

ADULT PROBATION DIVISION, FIRST CIRCUIT SPECIAL SERVICES SECTION BUDGET REQUEST

<u>TITLE OF REQUEST:</u>	SPECIAL SERVICES SECTION, SEX OFFENDER TREATMENT PROGRAM
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<u>B & F RECOMMENDATIONS:</u>	Not Applicable.
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<u>BIENNIUM BUDGET REQUEST:</u>	<u>FY 1991</u>	<u>FY 1992</u>
Personal Expenses	\$236,561	\$236,561
Current Expenses		
POS	\$256,430	\$269,225
Rent	43,128	44,715
Training	30,000	15,000
Elec. Mon.	28,800	29,860
Dup. Cost	1,200	1,244
Postage	1,000	1,037
Pst. Mtr.	250	259
Tel.	2,700	2,799
Cell. Ph.	3,840	3,981
Pager	320	332
Car Mil.	750	778
Copier Rt.	1,560	1,617
TOTAL	\$606,539	\$607,408

HAWAII SEX OFFENDER TREATMENT TEAM

STATE INTERAGENCY MEMBERS
HAWAII PAROLING AUTHORITY
DEPARTMENT OF CORRECTIONS
DEPARTMENT OF HEALTH
DEPARTMENT OF HUMAN SERVICES
JUDICIARY

P.O. BOX 10596 • HONOLULU, HAWAII 96816
TELEPHONE (808) 533-1637

COOPERATIVE AGREEMENT

Among

The Department of Public Safety

The Department of Health

The Judiciary

The Hawaii Paroling Authority

The Department of Human Services

Purpose

The purpose of this agreement between the Department of Public Safety, the Department of Health, the Judiciary, the Hawaii Paroling Authority, and the Department of Human Services is to delineate areas of responsibility in order to provide the correctional system (probation, correctional facilities, and parole) with appropriate treatment services to the convicted sex offender population. The group created by this agreement will be known as the Hawaii Sex Offender Treatment Team (SOTT).

Objectives

1. To develop and implement a statewide, integrated system of adult sex offender treatment services and programs as recommended in the Hawaii Master Plan.
2. To identify convicted, adult sex offenders who would benefit from such sex offender treatment.
3. To select and train state and private treatment providers in the delivery of treatment, assessment, and supervision services to adult sex offenders.
4. To monitor and evaluate the development, implementation, and delivery of adult sex offender treatment services and programs.

Responsibilities of the Department of Public Safety

1. The Director shall assign Department personnel to coordinate this effort with SOTT.
2. The Department shall use funds provided for sex offender treatment by the State Legislature for furthering the objectives of this agreement.
3. The Department shall participate in selecting a treatment framework from which appropriate requests for services will be developed.
4. The Department shall develop the Requests for Proposals (RFPs) necessary to bring those services to incarcerated sex offenders.
5. The Department shall participate and allow participation of SOTT members in the review and selection of specific proposals.
6. The Department shall make every effort to secure grant funds for the purpose of training selected state personnel and private providers. Should such funds not be available, the Department will provide financial support in getting such training.
7. The Department shall participate with SOTT in developing the FY 1991-93 budget request to continue the development and implementation of the Hawaii Master Plan.
8. The Department shall explore the development and establishment of common evaluation mechanisms and data base for the purpose of evaluating and monitoring the integrated system of adult sex offender treatment services and programs.
9. The Department shall actively support the efforts of SOTT in developing and implementing the adult sex offender treatment programs and services recommended in the Hawaii Master Plan.

Responsibilities of the Department of Health

1. The Director shall assign departmental personnel to coordinate this effort with SOTT.
2. The Department shall use funds provided for sex offender treatment by the State Legislature for furthering the objectives of this agreement.
3. The Department shall participate in selecting a treatment framework from which appropriate requests for services will be developed.
4. The Department shall provide technical assistance to the Judiciary, Hawaii Paroling Authority, and the Department of Public Safety in developing the RFPs and contracts for sex offender treatment services.
5. The Department shall participate with SOTT in developing the FY 1991-93 budget request to continue the development and implementation of the Hawaii Master Plan.
6. The Department shall explore the development and establishment of common evaluation mechanisms and data base for the purpose of evaluating and monitoring the integrated system of adult sex offender treatment programs and services.
7. The Department shall actively support the efforts of SOTT in developing and implementing the adult sex offender treatment programs and services recommended in the Hawaii Master Plan.

Responsibilities of the Judiciary, Adult Probation Division

1. The Administrator of the Adult Probation Division shall assign Division personnel to coordinate this effort with SOTT.
2. The Division shall use funds provided for sex offender treatment by the State Legislature for furthering the objectives of this agreement.

Cooperative Agreement FY 90-91
Hawaii Sex Offender Treatment Team

3. The Division personnel shall participate in selecting a treatment framework from which appropriate requests for services will be developed.
4. The Division shall participate, with SOTT members, in the review and selection of specific proposals.
5. The Division shall participate with SOTT in developing the FY 1991-93 budget request to continue the development and implementation of the Hawaii Master Plan.
6. The Division shall explore the development and establishment of common evaluation mechanisms and data base for the purpose of evaluating and monitoring the integrated system of adult sex offender treatment programs and services.
7. The Division shall actively support the efforts of SOTT in developing and implementing the adult sex offender treatment programs and services recommended in the Hawaii Master Plan.

Responsibilities of the Hawaii Paroling Authority

1. The Chair shall assign personnel to coordinate this effort with SOTT.
2. The Authority personnel shall participate in selecting a treatment framework from which appropriate requests for services will be developed.
3. The Authority shall keep the DOC informed as to what it expects in treatment services to prepare an eligible inmate for parole.
4. The Authority shall cooperate with the Department of Health in developing requests for proposals related to the Department of Health's sex offender treatment funds.
5. The Authority shall participate with SOTT in developing the FY 1991-93 budget request to continue the development and implementation of the Hawaii Master Plan.

6. The Authority shall explore the development and establishment of common evaluation mechanisms and data base for the purpose of evaluating and monitoring the integrated system of adult sex offender treatment programs and services.
7. The Authority shall actively support the efforts of SOTT in developing and implementing the adult sex offender treatment programs and services recommended in the Hawaii Master Plan.

Department of Human Services

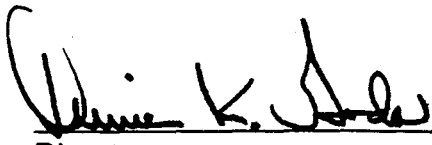
1. The Director shall assign departmental personnel to coordinate this effort with SOTT.
2. The Department shall participate in selecting a treatment framework from which appropriate requests for services will be developed.
3. The Department shall participate, with SOTT members, in the review and selection of specific proposals.
4. The Department shall participate with SOTT in developing the FY 1991-93 budget request to begin the development and implementation of the Hawaii Master Plan.
5. The Department shall explore the development and establishment of common evaluation mechanisms and data base for the purpose of evaluating and monitoring the integrated system of adult sex offender treatment programs and services.
6. The Department shall actively support the efforts of SOTT in developing and implementing the adult sex offender treatment programs and services recommended in the Hawaii Master Plan.

Cooperative Agreement FY 90-91
Hawaii Sex Offender Treatment Team

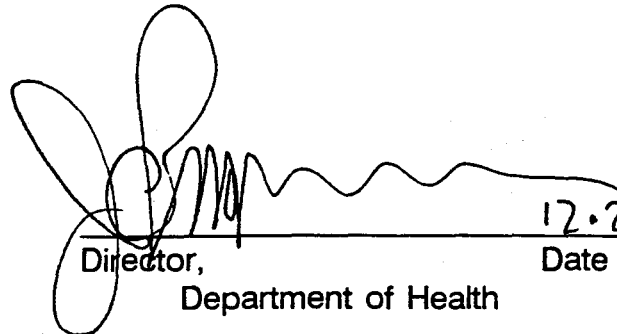
Period of Agreement

This agreement will take effect on July 1, 1990 and will continue until June 30, 1991.


Signatures

 8/16/90

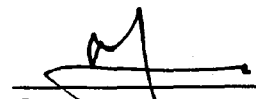
Director,
Department of Public Safety

 12.21.90

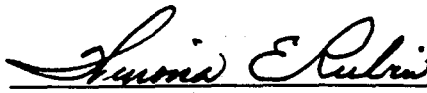
Director,
Department of Health

 7-20-90

Administrative Director,
The Courts

 8.20.90

Chairman,
Hawaii Paroling Authority

 12/7/90

Director,
Department of Human Services

APPENDIX D
PROPOSED LEGISLATION

A BILL FOR AN ACT

RELATING TO SEX OFFENDER TREATMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by adding
2 a new chapter to be appropriately designated and to read as
3 follows:

4 "CHAPTER

5 STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM

6 § -1 Legislative findings and intent. The legislature
7 finds that sexual assault is a heinous crime committed by
8 offenders with deviant behavioral patterns which cannot be
9 controlled by incarceration alone. Studies show that the
10 recidivism rates of sex offenders who undergo treatment are
11 substantially lower than the rates of those who are not treated.
12 Studies also show that it is critical that one treatment
13 philosophy be uniformly applied by all agencies with sex offender
14 oversight responsibilities.

15 The legislature also finds that, in 1989, the agencies
16 responsible for corrections, probation, parole, mental health,
17 and incest cases developed a master plan for an integrated

1 treatment program for adult male felon sex offenders in this
2 State. The master plan requires the development and
3 implementation of clinical assessment, treatment, and intensive
4 supervision programs to more effectively control the behavior of
5 sex offenders. The purpose of this chapter is to continue the
6 networking activities initiated by these agencies to ensure that
7 the master plan is successfully implemented through a coordinated
8 approach.

9 **§ -2 Sex offender treatment; statewide program**
10 established. There is established a statewide, integrated
11 program for the treatment of sex offenders in the custody of the
12 State to be implemented on a cooperative basis by the department
13 of public safety, the judiciary, and the Hawaii paroling
14 authority, and any other agency that may be assigned sex offender
15 oversight responsibilities. The agencies shall:

- 16 (1) Develop and continually update as necessary a
17 comprehensive statewide master plan for the treatment
18 of sex offenders which provides for a continuum of
19 programs under a uniform treatment philosophy;
- 20 (2) Develop and implement a statewide, integrated system of
21 sex offender treatment services and programs which
22 reflect the goals and objectives of the master plan;
- 23 (3) Identify all offenders in their custody who would
24 benefit from sex offender treatment;
- 25 (4) Work cooperatively to monitor and evaluate the
26 development and implementation of sex offender

1 treatment programs and services;

2 (5) Develop appropriate training and education programs for
3 public and private providers of sex offender treatment,
4 assessment, and supervision services;

5 (6) Conduct research and compile relevant data on sex
6 offenders;

7 (7) Work cooperatively to develop a statewide management
8 information system for sex offender treatment;

9 (8) Make every effort to secure grant funds for research,
10 program development, training, and public education in
11 the area of sex assault prevention;

12 (9) Network with public and private agencies that come into
13 contact with sex offenders to keep abreast of issues
14 that impact on, and increase community awareness
15 regarding, the statewide sex offender treatment
16 program;

17 (10) As far as practicable, share information and pool
18 resources to carry out responsibilities under this
19 chapter; and

20 (11) Coordinate their funding requests for sex offender
21 treatment programs to deter competition for resources
22 which might result in an imbalance in program
23 development that is detrimental to the master plan
24 treatment concept.

25 § -3 Interagency coordination. (a) To carry out their
26 responsibilities under section -2, the department of public

1 safety, Hawaii paroling authority, judiciary, department of
2 health, department of human services, and any other agency
3 assigned sex offender oversight responsibilities by law or
4 administrative order shall establish, by an interagency
5 cooperative agreement, a coordinating body to oversee the
6 development and implementation of sex offender treatment programs
7 in the State to ensure compliance with the intent of the master
8 plan developed under section -2(1). The interagency
9 cooperative agreement shall stipulate the role of the
10 coordinating body and the responsibilities of each agency party
11 to the agreement.

12 (b) The department of public safety shall be the lead
13 agency for the statewide sex offender treatment program. As the
14 lead agency, the department shall act as facilitator of the
15 coordinating body established in this section by providing
16 administrative support to the coordinating body."

17 SECTION 2. This Act shall take effect upon its approval.

18

19

INTRODUCED BY: _____

APPENDIX E
PROPOSED LEGISLATION

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR A TEMPORARY SEX OFFENDER TREATMENT
COORDINATOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. There is established within the department of
2 public safety a temporary coordinator position to provide staff
3 support to the sex offender treatment team (SOTT) jointly
4 established by the department of public safety, the judiciary,
5 the Hawaii paroling authority, department of health, and the
6 department of human services through an interagency cooperative
7 agreement. The temporary coordinator shall be appointed for a
8 period of two years and shall be used exclusively for the
9 interagency coordination activities for the programs under the
10 sex offender treatment master plan as directed by the SOTT.

11 SECTION 2. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$, or so
13 much thereof as may be necessary for fiscal year 1992-1993, for
14 the temporary sex offender treatment coordinator position
15 established under section 1. The sum appropriated shall be
16 expended by the department of public safety for the purposes of
17 this Act.

18 SECTION 3. This Act shall take effect on July 1, 1992.

19

20

INTRODUCED BY: _____