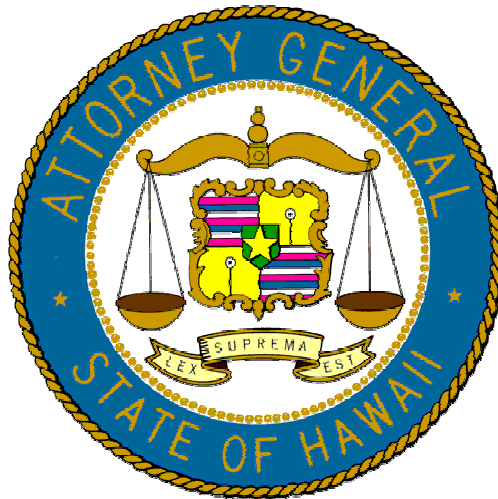


# Registered Sex Offenders in Hawaii

— A Statistical Profile —



Department of Criminology and Criminal Justice  
Chaminade University of Honolulu

&

Research and Statistics Branch  
Crime Prevention and Justice Assistance Division  
Department of the Attorney General

May 2002

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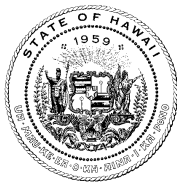
Project Coordination by:

Research and Statistics Branch  
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Department of the Attorney General

MAY 2002



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## Foreword

This report presents a descriptive analysis of summary data drawn from Hawaii's sex offender registry and criminal history records maintained by the Hawaii Criminal Justice Data Center within the Department of the Attorney General. It is not intended to provide a comprehensive examination of all available information pertaining to sex offenders in Hawaii, nor does it seek to explore the myriad relationships that may exist between the data elements reported herein. Rather, the report simply offers a "first look" at aggregate data in the registry, and links these data with other information readily available from criminal history records. We hope that the report will inform interested readers as to the type of information contained in the registry, while providing a preliminary look at ways in which these data can be used for criminal justice research purposes.

On November 21, 2001, the Hawaii Supreme Court's ruling in *The State of Hawaii versus Bani* shut down the State's sex offender registry web site, and access to all public sex offender information was terminated, based on the Supreme Court's due process requirement for public notification. Currently, there are bills in the 2002 Legislative Session that would address and restore public access to the identification and location of convicted sex offenders in Hawaii.

Given the Supreme Court's ruling, it is important to note that this report neither reveals individually identifiable information on registered sex offenders nor addresses the question of how readily accessible such information should be made to the general public.

Paul Perrone  
Chief of Research & Statistics



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## Executive Summary

This study is a descriptive analysis of Hawaii's 1,458 sex offender population who were recorded in the State sex offender registry as of May 2001. The registry is maintained by the Hawaii Criminal Justice Data Center (HCJDC) within the State Department of the Attorney General. Data were compiled from information contained in the registry as well as from criminal history records also maintained by the HCJDC.

### Findings

- The average registered sex offender in Hawaii is most likely a male between 40 and 49 years of age, and of Caucasian, Hawaiian/part-Hawaiian, or Filipino race/ethnicity. Further research is required to explain the apparent over- and under-representation of certain ethnicities in the sex offender data; a modest survey research effort could explore socioeconomic factors as well as cultural attitudes and beliefs about the commission and reporting of sexual assaults.
- He generally resides in the City & County of Honolulu, in either the Kapalama, Waipahu, or Waianae areas. As might be expected, if he lives in another county, he will most likely reside in one of the major population centers. Sex offenders' place of residence may in some cases be correctional institutions and programs.
- His criminal record includes an average of between one and five felonies and about the same amount of misdemeanors.
- Aside from his sex offenses, which were nearly all violent, most felony convictions were for non-violent offenses. Misdemeanor convictions were likely to be for offenses such as contempt of court or traffic violations.
- In terms of his sex offense history, he will most likely carry a charge of either second or third degree sexual assault. First degree sexual assault is much less likely, as is the pre-1987 legal reform crime of rape. No matter what the charge, he is most likely to have only a single sex offense charge against him in his criminal history.
- The 1,458 registered sex offenders carried some 18,825 criminal charges on their combined criminal records, although 588 of these charges (3.1 percent) did not have enough information to be classified. Of the 18,237 classifiable charges, 33.8 percent (6,170) were for violent sex offenses. Another 39.8 percent were for comparatively minor offenses such as contempt of court and traffic violations. The remainder of charges included other violent offenses (6.7 percent), property offenses (9.7 percent), and drug and alcohol offenses (7.0 percent).
- Of the 6,170 sex offense cases analyzed, 84.0 percent had reached some sort of

final disposition, while the remainder were still pending. Some 61.6 percent of the concluded cases were adjudicated guilty. Acquittals accounted for 25.1 percent and another 13.2 percent of cases were *nolle prosequi* settlements (the prosecutors opted not to prosecute).

- Once convicted of a violent sex offense, the majority of offenders (54.3 percent) who were incarcerated were sentenced to four or more years of confinement. Another 44.9 percent were incarcerated for one year or less. Almost no offenders were sentenced to between one and four years.
- Among convicted violent sex offenders receiving probation as part of their sentence (usually in addition to a period of incarceration), 86.8 percent received a five-year term of probation. Fines were part of a sentence in only 2.5 percent of these cases. Nearly all of these were for fines of up to \$1,000. Other sentence components included restitution (3.8 percent) and community service (3.1 percent).
- Based on a limited number (less than 10 percent) of cases containing victim information, victims were most likely to be Filipino, Caucasian or Hawaiian/part-Hawaiian. They were most likely to be acquaintances of the offenders, rather than family members or strangers. If the assault occurred within the family, the victim was most likely a child or step-child. If the assault took place outside the family, then the relationship was most often that of an “acquaintance” rather than a “neighbor,” “friend,” or “employee.”

## Introduction

This study is a descriptive analysis of Hawaii's 1,458 sex offender population who were recorded in the State sex offender registry as of May 2001. The registry is maintained by the Hawaii Criminal Justice Data Center (HCJDC) within the State Department of the Attorney General. Data were compiled from information contained in the registry as well as from criminal history records also maintained by the HCJDC.

The purpose of this report is to provide both a preliminary look at the registry data and a statistical profile of Hawaii's registered sex offenders, in the hopes that the information may better inform the criminal justice system and general public about this population. It is the first profile of its kind, as existing summarizations of Hawaii's sex offender population focus primarily on incarcerated and/or paroled offenders.

Given that several thousand (perhaps as many as 3,000) offenders have yet to be researched in order to determine if they qualify for registration, it should be noted that this report cannot provide a truly complete profile of Hawaii's registered sex offenders.

## Background

Sex offender registration and community notification laws are the product of and reaction to a series of apparently sexually motivated killings and assaults in the 1980s and 90s. The first of these incidents was the 1989 abduction of 11 year-old Jacob Wetterling while riding a bike in his neighborhood. Although he was never seen again, authorities discovered during their investigation that Jacob's home was situated near several halfway houses that included sex offenders among their residents (Scholle, 2000). Less than a year later, Pam Lychner, a real estate agent in Houston, was preparing a house for viewing when she was assaulted. The offender was a twice-convicted felon who was stopped by the intervention of Lychner's husband. Perhaps the most famous of these cases is the July 1994 rape and murder of 7-year-old Megan Kanka. A twice-convicted sex offender living across the street from Megan's New Jersey home eventually confessed to the crimes.

These three cases resulted in the following federal laws:

The "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act," passed in 1994, required states to create sex offender registries within three years or lose 10 percent of their federal funding.

The "Pam Lychner Sexual Offender Tracking and Identification Act" of 1996 established a nationwide data tracking system linking all state registration sites.

The most famous of the Federal sex offender laws, the so-called “Megan’s Law” legislation of 1996, required states to disclose information about registered sex offenders.

Hawaii’s sex offender legislation, Hawaii Revised Statutes 846E, was passed in 1997.<sup>1</sup> Under this statute a person who meets any of several criteria must register for life, even if he or she leaves Hawaii or moves here from another state.

Those required to register include:

- Any person convicted of a sexually violent offense or a criminal offense against a minor (see Appendix B for qualifying definitions).
- Any person charged with a sexually violent offense or criminal offense against a minor but who is found unfit to stand trial due to a physical or mental disease, disorder, or defect.
- Any person charged with a sexually violent offense or a criminal offense against a minor but who is acquitted due to a physical or mental disease, disorder, or defect.

The required information collected includes:

- Name, aliases, and other identifying information.
- Legal address, mailing address, any temporary address.
- Names and addresses of current employers.
- Vehicle information of all vehicles owned or operated by the offender.
- Summary of criminal offenses against victims who were minors or other sexually violent offenses.
- Statement of treatment for mental abnormality or personality disorder.
- Citizenship and any other information about the sex offender that may be required.

Failure to register can result in a Class C felony charge, punishable by up to five years imprisonment and a fine of up to \$10,000. The actual charge depends upon the facts of the case in question.

Although the information above is collected at the time of the sex offender’s registration, public access to this information is limited to the following in summary form: names and aliases; street name and zip code (but not the house or apartment number) for current residence, future residence, and/or temporary residence; employer’s street name and zip code; the year, make, model, color and license tag number of all vehicles owned or operated by the offender; a brief summary of the qualifying criminal convictions; and a recent photograph.

---

<sup>1</sup> This replaces the earlier Act 160, passed in 1995 and effective from 1996, requiring registration of offenders if residing in Hawaii and convicted of felony sex assaults in Hawaii or elsewhere.

Sex offender registration programs are recognized as providing valuable information to law enforcement agencies about this special population of offenders. They also increase public confidence in law enforcement by raising the ability of law enforcement to monitor offenders (Parks and Webb, 2000: 8).

## **Methodology**

Data were gathered from three sources maintained by the Hawaii Criminal Justice Data Center within the Department of the Attorney General:

- Sex Offender Registry - This database contains information on individuals who are required to register as sex offenders. It was developed for the benefit of criminal justice agencies and the general public, and contains information that sex offenders are required to provide as part of the registration process, including basic identification and demographic information, residence and employer address information, vehicle information, and sex offender charge information.
- Criminal History Summary – Within the Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH), the Criminal History Summary is an online file containing identification data and a summary of all offenses for each sex offender. These data consist of demographic information, such as name, sex, date of birth, race, social security number, etc. The file also contains other related data such as fingerprint classification, FBI number, and a summary of offenses - the number of arrests and convictions for each offense that an individual has on file in the OBTS/CCH system. The Criminal History Summary record counts are recalculated each time additional information is entered onto an individual offender's criminal history record.
- Full Criminal History – These OBTS/CCH data include the complete criminal history record of every offender in Hawaii's criminal justice system. The Full Criminal History File is updated periodically with new data regarding the sentencing of an offender or exit from the criminal justice system. Purging is done to comply with court orders to expunge elements within certain records.

Once collected, the data were transferred to the *SPSS* statistical application for the analysis herein reported. Generally, the data do not lend themselves to any complex statistical manipulation and so they are largely presented as simple distributions and percentages. Where possible, comparisons were made with other groups such as other sex offender populations throughout the nation.

## **Chi-square Analysis**

Readers will see references to Chi-square (pronounced “kai-square”) analysis throughout the report. Chi-square is a statistical process that allows a researcher to compare distributions in one group with what is known about the distributions in another group, and, then, to make a meaningful statement about the statistical differences/similarities between these distributions.

For example, later in this analysis the distribution of sex offender ethnicity is compared against the ethnic distribution of Hawaii’s general population. Chi-square analysis reveals whether or not a particular group is over- or under-represented within the offender population. Among the statistics reported in a Chi-square analysis are probability values (“p-values”), which represent the likelihood that an observed difference is “statistically significant,” or unlikely to have occurred merely by chance. A probability value of .05, the generally accepted maximum value for social science research, translates to a 5 percent likelihood for an observed difference to have occurred by chance. A p-value of .001 means the difference could have occurred by chance in 1 out of 1,000 cases. Thus, the lower the p-value, the greater the likelihood that a difference between groups is statistically significant, or unlikely to have occurred by chance. Statistical significance, it should be noted, has nothing to do with the importance or meaningfulness of a finding, but whether or not a finding can be accepted as “genuine.”

# A Demographic Profile of Registered Sex Offenders in Hawaii

## Gender

Nearly all of the registered sex offenders in Hawaii are male (99.1 percent); only 12 are female (Table 1). This is consistent with the known population of sex offenders in other states, where the normal male distribution is 99.6 percent for rape and 98.8 percent for sexual assault (Greenfeld, 1997: 21).

**Table 1: Gender**

Gender	Number	Percent
Male	1,446	99.1
Female	12	0.8

(N = 1,458)

## Age

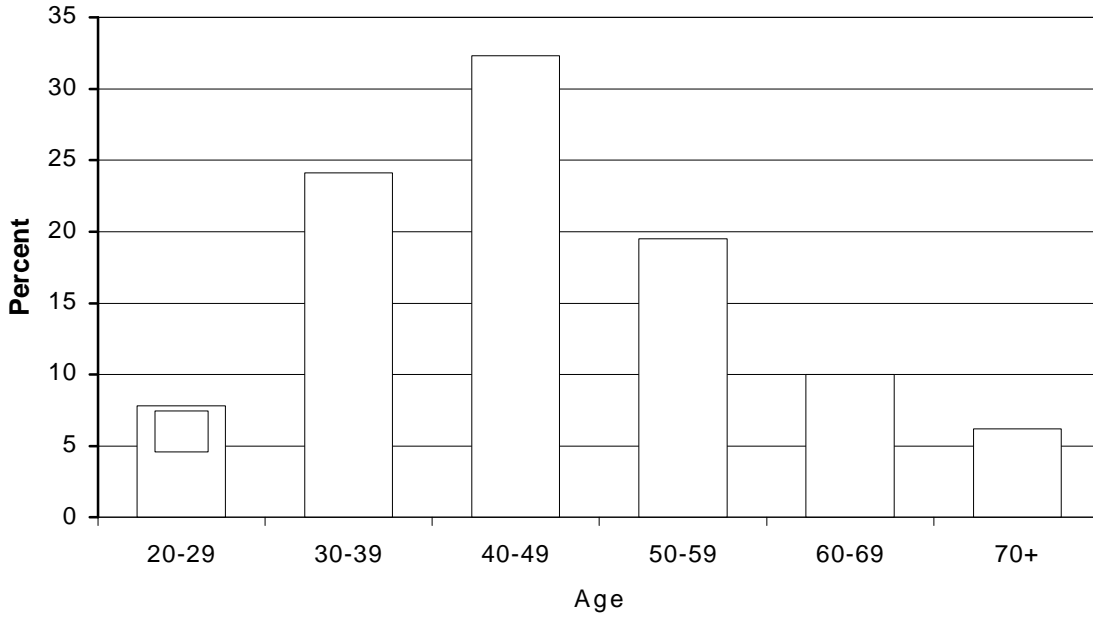
As seen in Table 2, the largest proportion of registered sex offenders are between the ages of 40 and 49 (32.3 percent), followed closely by those in their 30s (24.1 percent) and those in their 50s (19.5 percent).

**Table 2: Age**

Age Group	Number	Percent
20-29	113	7.8
30-39	348	24.1
40-49	466	32.3
50-59	282	19.5
60-69	145	10.0
70-79	68	4.7
80-89	19	1.3
90 and above	2	0.1

(N = 1,443; Missing = 15)

**Figure 1: Age**



### **Birthplace**

Of the 1,458 registered sex offenders analyzed, 190 (13.0 percent) were missing place-of-birth data. Among the remaining 1,268 offenders whose birthplace was known, some 60 percent were born in Hawaii (Table 3). Another 13.72 percent were born in other states or U.S. territories. Most foreign-born offenders (126 or 9.9 percent) were from the Philippines.



**Table 3: Birthplace**

Place of Birth	Number	Percent
Hawaii	764	60.3
Philippines	126	9.9
California	76	6.0
New York	27	2.1
American Samoa	20	1.6
Illinois	17	1.3
Texas	12	0.9
Washington	12	0.9
Ohio	10	0.7
Japan	9	0.7

(N = 1,268; Missing = 190)

## Ethnicity

The majority of Hawaii's registered sex offenders fall into three ethnic categories as categorized by the State (Table 4). The largest proportion is found among Caucasians, followed by Hawaiians/part-Hawaiians, and Filipinos. The remaining offenders are evenly dispersed across the other major ethnic groupings in Hawaii.

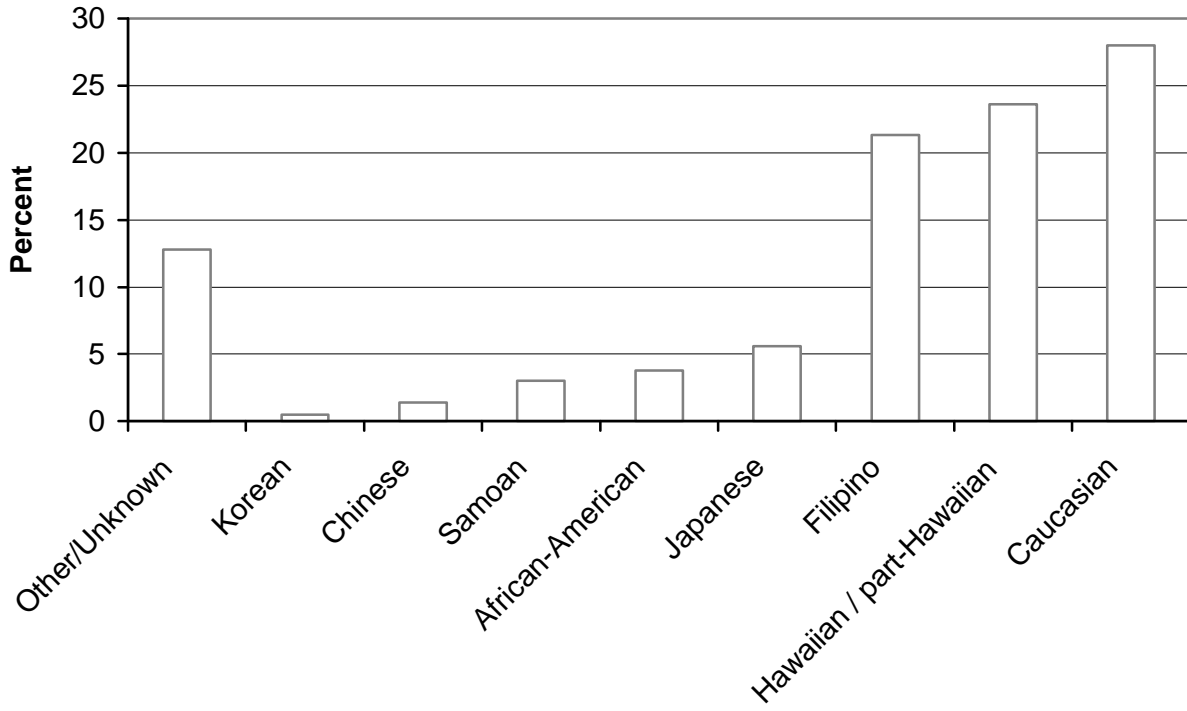
**Table 4: Ethnicity**

Ethnicity	Number	Percent
African-American	56	3.9
Caucasian	408	28.3
Chinese	21	1.5
Filipino	310	21.5
Hawaiian/part-Hawaiian	344	23.9
Japanese	82	5.7
Korean	7	0.5
Samoaan	44	3.1
Other	170	11.8

(N = 1,442; Missing = 16)

There is some concern about the accuracy regarding the proportion of the Hawaiian and part-Hawaiian population. One level of inaccuracy may be introduced due to some persons who claim Hawaiian ethnicity even though it is the smallest part of their ethnic makeup. Aside from that, according to one report, Hawaiians may be slightly over-represented because many people classify themselves as "Hawaiian" based on their having been born in Hawaii rather than upon their actual ethnic heritage (Department of the Attorney General, 1997: 2). This report makes no claim about the accuracy of the reported ethnicity of subjects under study, but simply relies upon the ethnicity provided in the criminal records. However, when compared with existing data on Felony Sexual Assault arrestees in Hawaii, as compiled by the Department of the Attorney General in 1999, the distribution is generally similar (Table 6).

**Figure 2: Ethnicity**



A *Chi-square* analysis of the differences among the ethnic groups was conducted, comparing the sex offender population with Hawaii’s most recently reported ethnic distribution based on the 2000 Census (Table 5). Chi-square analysis will determine if there is a statistically significant difference between the observed distribution of sex offender ethnicity and what might be expected given what is known about the general population. This is done by comparing the result (in this case, 43.56) with a pre-existing value for Chi-square contained in a standard table of values. If the Chi-square value obtained in this analysis is equal to or greater than the value in the table, then the differences can be accepted, with reasonable confidence, to “real” and not a random or chance occurrence. The notation “df” indicates the statistical concept called *degrees of freedom*. This refers to the number of values that are free to vary among all values used in a calculation. In the present example, eight out of the nine ethnicity values may vary in their amounts in producing the total of 100 percent. Once all eight of the other values are added together toward 100 percent, the ninth value cannot vary. Specifically, once all of the other values are summed to yield 88.3 percent, the value in the “Other” ethnicity category must be 11.7 percent. The “p-value,” in this example .001, is explained earlier in this report.

The question for this analysis is whether or not the distribution of offenders is the same or nearly the same as the ethnic distribution in the general population, and, if so,

whether or not the difference is statistically significant. According to the Chi-square results, the differences in ethnicity between Hawaii's sex offenders and the general population suggest the proportional-, under-, and over-representation of various groups.

First, Hawaiians/part-Hawaiian offenders seems to be relatively equal in proportion to their percentage of the general population. Second, among the groups that appear to be under-represented among sex offenders are those identifying themselves as Chinese, Japanese, Korean, and the group designated as "Other." Third, the four remaining ethnic categories are over-represented in the sex offender population. That is, they comprise a greater proportion of registered sex offenders than they do of the overall state population. These groups include African-Americans (333.3 percent over-represented among registered sex offenders), Samoans (244.4 percent over-represented), Filipinos (76.2 percent over-represented), and Caucasians (39.0 percent over-represented). (It should also be noted that two of the so-called ethnicities used by the State are not ethnicities at all, but are actually categories of race — "African-American" and "Caucasian.")

It would be ill-advised to draw the conclusion that being a member of a specific ethnicity directly contributes to sexual offending, although this notion cannot be entirely discounted, either. In any event, there undeniably exists a statistically significant relationship between membership in various racial/ethnic groups and the likelihood of sex offender status.

Although some cultural factors may indeed be at work within these groups (particularly with regard to victims of certain ethnicities being less likely to report intra-familial sexual assaults to the police, leading to an under-representation of these ethnicities among offenders), other important factors might include, for example, socioeconomic status. Although beyond the scope of this descriptive study, this is an area of analysis that warrants much deeper exploration.

**Table 5:  
Ethnic Comparison of Sex Offenders  
versus the General Population (%)**

Ethnicity	Sex Offenders	General Population
African-American	3.9	0.9
Caucasian	28.3	20.5
Chinese	1.5	4.0
Filipino	21.5	12.2
Hawaiian/part-Hawaiian	23.9	22.0
Japanese	5.7	18.2
Korean	0.5	0.9
Samoaan	3.1	0.9
Other	11.8	20.8
Chi-square = 43.56, df = 8, p<.001		

One additional level of analysis herein reported is the breakdown of registered sex offender ethnicities versus the ethnic composition of all arrestees as reported in *Crime in Hawaii 1999*, the State's annual Uniform Crime Report (Table 6). Although on first examination there appears to be an under-representation of Caucasians and an over-representation of Filipinos in the sex offender population, Chi-square analysis indicates that the difference between the ethnic distributions of registered sex offenders and total arrestees is not statistically significant.

**Table 6:**  
**Sex Offender Ethnicity versus Ethnicity of Arrestees for All Offenses (%)**

Ethnicity	Sex Offender Population	Total Arrestees, 1999
African-American	3.9	4.0
Caucasian	28.3	35.2
Chinese	1.5	2.1
Filipino	21.5	13.0
Hawaiian/part-Hawaiian	23.9	22.4
Japanese	5.7	6.9
Korean	0.5	1.6
Samoaan	3.1	3.6
Other	11.8	11.0
Chi-square = 8.06, df = 8, p<.05		

Source: Arrest data from *Crime in Hawaii 1999*.

## Residence

As might be expected, the distribution of the sex offender population in Hawaii follows the distribution of the general population, with most registered sex offenders living on the most populated islands (Table 7).<sup>2</sup>

**Table 7: Residence**

Reported Residence	Number	Percent
Oahu	955	65.5
Hawaii	204	14.0
Kauai	65	4.5
Maui (not including Molokai & Lanai)	145	9.9
Molokai	11	0.8
Lanai	1	0.1
Elsewhere	77	5.3

(N = 1,458)

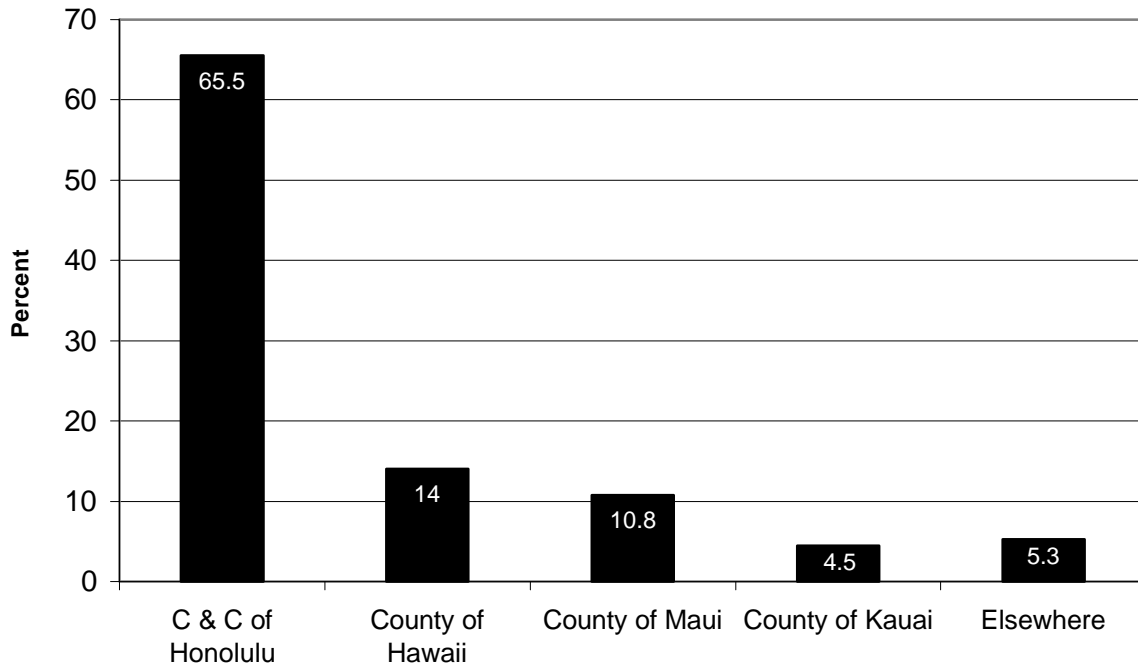
The majority of registered sex offenders are located on Oahu, followed by the Big Island, Maui, and Kauai. An additional 77 offenders (5.3 percent) have left Hawaii but maintain their presence on the registry in compliance with State law.

Figure 3 depicts the breakdown of residence by county.

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<sup>2</sup> While most studies of Hawaii's criminal justice data rely on a county, rather than an island, unit of analysis, the current study's descriptive nature and anticipated social interest have prompted the use of an island-level measure. Thus, the Islands of Molokai and Lanai are at times reported separately from those of the Island of Maui, even though these islands collectively comprise the County of Maui.

**Figure 3: County of Residence**



Based upon Chi-square analysis as shown in Table 8, and after the removal of the 77 offenders who left Hawaii, there is no significant difference between the distribution of the general population and the sex offender population in any of the counties. In other words, the two distributions are nearly statistically identical. As is often the case in social science research, the lack of an interesting difference where one could possibly exist can itself be an interesting finding.

**Table 8:  
County Distribution of Registered Sex Offenders  
versus the General Population, State of Hawaii**

	City & County of Honolulu	County of Hawaii	County of Kauai	County of Maui*
General Population	72.4	12.2	4.8	10.4
Sex Offender Population	69.1	14.7	4.7	11.3
Chi-square = 0.764, df = 3, p<.001				

(\*Including Molokai and Lanai)



A detailed breakdown of reported residence follows. *It is important to note that the concentration of registered sex offenders in certain areas may be closely related to the location of correctional institutions, treatment centers, halfway houses, and other criminal justice-related facilities and programs.*

#### City and County of Honolulu

Of the 1,458 registered sex offenders in Hawaii as of May 2001, 955 (65.5 percent) reside on Oahu (Table 9). This is not surprising, given the concentration of Hawaii's population on Oahu. The largest proportion of Oahu's sex offenders (217 offenders or 22.7 percent) live in the Kapalama area of Honolulu, which is also the location of a transitional facility for sex offenders being returned to the community. This is by far the largest concentration of offenders anywhere on the island and also accounts for 14.8 percent of all registered sex offenders in Hawaii. The next largest concentrations of sex offenders on Oahu reside in the Aiea (93 offenders, 9.7 percent) and Waianae (92 offenders, 9.6 percent) areas. These are followed by large concentrations in Waipahu (76 offenders, 7.9 percent) and Makiki (62 offenders, 6.4 percent). The remainder are scattered rather evenly throughout the rest of Oahu's communities.

#### Hawaii County

On the Big Island, there are 204 registered sex offenders, or about 14 percent of all offenders (Table 10). The largest concentration is in Hilo, where 69 (33.8 percent of all those on the Big Island) reside. This is followed by 33 (16.1 percent) in Kailua-Kona; 18 (8.8 percent) in Pahoa; 12 (5.8 percent) in Keaau; and finally 8 (3.9 percent) each in Captain Cook and Honokaa.

#### Kauai County

Sixty-five offenders live on Kauai, representing 4.5 percent of all registered sex offenders residing in Hawaii (Table 11). Twenty-one (32.3 percent) live in the Lihue area. An additional 20 (30.8 percent) live in Kapaa. The remainder are dispersed throughout the island's other communities.

#### Maui County (including Molokai and Lanai)

About 11 percent of Hawaii's registered sex offenders reside in Maui County. For the purposes of this portion of the analysis the islands of Maui, Molokai, and Lanai are dealt with separately. There are 145 sex offenders living on Maui, residing mainly in the four largest communities of Kahului (34 or 23.4 percent); Wailuku (30 or 20.7 percent); Kihei (29 or 20.0 percent); and Lahaina (23 or 15.9 percent). Eleven registered sex offenders live on Molokai and one on Lanai; nine of these offenders live in Kaunakakai.

**Table 9: Registered Sex Offenders on Oahu: Area of Residence**

Reported Residence	Number	% on Oahu	% of State Total
Aiea	93	9.7	6.3
Downtown	57	5.9	3.9
Ewa Beach	32	3.3	2.1
Haleiwa	5	0.5	0.3
Hauula	6	0.6	0.4
Hawaii Kai	8	0.8	0.5
Kaaawa	1	0.1	0.1
Kahuku	3	0.3	0.2
Kailua	23	2.4	1.5
Kaneohe	51	5.3	3.4
Kapalama	217	22.7	14.8
Kapolei	17	1.7	1.1
Kunia	1	0.1	0.1
Laie	1	0.1	0.1
Makiki	62	6.4	4.2
Mapunapuna-Salt Lake	23	2.4	1.5
Mililani	27	2.8	1.8
Pearl City	32	3.3	2.1
Wahiawa	38	3.9	2.6
Waialae-Kahala	27	2.8	1.8
Waialua	14	1.4	0.9
Waianae	92	9.6	6.3
Waikiki	35	3.6	2.4
Waimanalo	14	1.4	0.9
Waipahu	76	7.9	5.2
Total	955	100.0	65.5

**Table 10:  
Registered Sex Offenders on the Big Island: Area of Residence**

Reported Residence	Number	% on Big Island	% of State Total
Captain Cook	8	3.9	0.5
Hawi	1	0.4	0.1
Hilo	69	33.8	4.7
Holualoa	5	2.4	0.3
Honaunau	1	0.4	0.1
Honokaa	8	3.9	0.5
Kailua-Kona	33	16.1	2.2
Kamuela	8	3.9	0.5
Kapaau	3	1.4	0.2
Keaau	12	5.8	0.8
Kealahou	5	2.4	0.3
Keauhou	1	0.4	0.1
Kurtistown	4	1.9	0.2
Mountain View	7	3.4	0.4
Naalehu	2	0.9	0.1
Ocean View	5	2.4	0.3
Ookala	2	0.9	0.1
Paaui	1	0.4	0.1
Pahala	2	0.9	0.1
Pahoa	18	8.8	1.2
Papaikou	4	1.9	0.2
Volcano	1	0.4	0.1
Waikoloa	4	1.9	0.2
<b>Total</b>	<b>204</b>	<b>100.0</b>	<b>13.9</b>

**Table 11:  
Registered Sex Offenders on Kauai: Area of Residence**

Reported Residence	Number	% on Kauai	% of State Total
Anahola	6	9.2	0.4
Hanalei	1	1.5	0.1
Hanamaulu	3	4.6	0.2
Hanapepe	2	3.1	0.1
Kalaheo	2	3.1	0.1
Kapaa	20	30.8	1.4
Kekaha	5	7.7	0.3
Kilauea	1	1.5	0.1
Koloa	1	1.5	0.1
Lihue	21	32.3	1.4
Makaweli	1	1.5	0.1
Waimea	2	3.1	0.1
<b>Total</b>	<b>65</b>	<b>100.0</b>	<b>4.5</b>

**Table 12: Registered Sex Offenders on Maui, Molokai, and Lanai:  
Area of Residence**

Reported Residence	Number	% on Maui	% of State Total
Haiku	9	6.2	0.6
Hana	1	0.7	0.1
Kahului	34	23.4	2.3
Kihei	29	20.0	1.9
Kula	3	2.1	0.2
Lahaina	23	15.9	1.6
Makawao	9	6.2	0.6
Paia	2	1.4	0.1
Pukalani	4	2.7	0.3
Puunene	1	0.7	0.1
Wailuku	30	20.7	2.1
<b>Maui Island Total</b>	<b>145</b>	<b>100.0</b>	<b>9.9</b>
Reported Residence	Number	% on Molokai and Lanai	% of State Total
Hoolehua	1	8.3	0.1
Kaunakakai	9	75.0	0.6
Mauna Loa	1	8.3	0.1
Lanai City	1	8.3	0.1
<b>Molokai and Lanai Total</b>	<b>12</b>	<b>100.0</b>	<b>0.8</b>
<b>Maui County Total</b>	<b>157</b>	<b>--</b>	<b>10.7</b>

## Criminal Histories of Hawaii’s Registered Sex Offenders

This portion of the study examines the criminal histories of registered sex offenders, as provided by existing records maintained by the Department of the Attorney General.

Hawaii’s 1,458 registered sex offenders have a total of 18,825 charges in their criminal histories. (Charges may subsequently be dropped, reduced, not prosecuted, or result in a conviction or acquittal, among other possible final dispositions.) Of these charges, 588 (3.1 percent) did not contain any information about the offense and were therefore labeled as “unknown” or “missing” for this analysis, leaving 18,237 identifiable charges against the offenders.

### Felony and Misdemeanor Convictions

The vast majority of registered sex offenders (84.7 percent) have at least one felony conviction (Table 13), while almost as large a proportion (84.2 percent) do not have any misdemeanor convictions (Table 14). Similarly, while almost 15 percent of the offenders had more than five felony convictions, none had more than five misdemeanor convictions.

**Table 13: Felony Convictions**

Convictions	Number of Offenders	Percent
None	120	8.2
1-5	1,021	70.0
6-10	173	11.8
11-20	37	2.5
21 or more	6	0.4
Missing	101	6.9
Total Cases	1,458	100.00

**Table 14: Misdemeanor Convictions**

Convictions	Number of Offenders	Percent
None	1,228	84.2
1-5	129	8.8
Missing	101	6.9
Total	1,458	100.0

### **Criminal Charges**

The charges contained in the registered sex offenders' criminal histories were re-classified according to offense type and can be viewed in Table 15 and Figure 4.

The largest single category is "Other Offense," which accounts for almost two-fifths (39.7 percent) of all offenses. This category includes traffic offenses, contempt of court citations, and other generally less serious offenses.

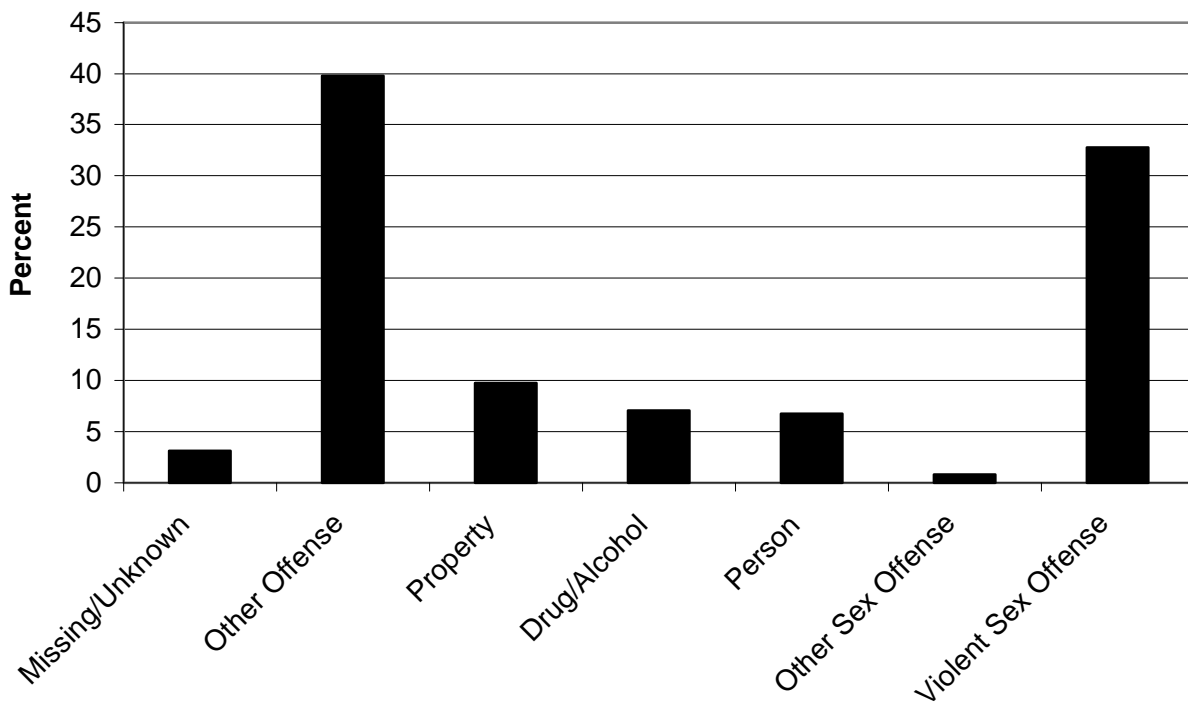
In terms of more serious charges, approximately 40 percent of sex offenders' criminal records include violent crime charges, including violent sex offenses such as sexual assault, rape, sodomy, etc. (32.7 percent), or other violent crimes of a non-sexual nature (6.7 percent).

The remaining records include drug and alcohol charges such as driving under the influence, sale or promotion of drugs or alcohol to minors, etc. (7.1 percent), and property crimes such as burglary and larceny (9.7 percent).

**Table 15:  
Criminal Charges, by Offense Type**

Offense Type	Number	Percent
Violent Sex Offense	6,170	32.7
Other Sex Offense	146	0.7
Offense Against Person (non-sexual)	1,272	6.7
Offense Against Property	1,831	9.7
Drug/Alcohol Offense	1,330	7.1
Other Offense	7,488	39.7
Missing/Unknown	588	3.1
Total	18,825	100.0

**Figure 4: Charges by Offense Type**





## **Uniform Crime Report Offense Categories**

Table 16 shows the distribution of charges contained in the sex offender criminal histories, as per Uniform Crime Report offense categories. Definitions of these offenses are contained in Appendix A. An analysis of the disposition of offenses follows in a later section.

Aside from the “All Other Offenses” category (37.2 percent), the largest single crime category was Violent Sex Offenses, comprising 33.8 percent of all charges. The next largest categories were larceny-theft, (4.9 percent of all offenses), drug abuse violations (3.8 percent), and burglary (2.9 percent).

**Table 16:  
Criminal History Offense Distribution**

<b>Crime Group</b>	<b>Number</b>	<b>Percent</b>
Criminal Homicide	57	0.3
Violent Sex Offenses*	6,170	33.8
Robbery	297	1.6
Aggravated Assault	477	2.6
Burglary	541	2.9
Larceny-Theft	894	4.9
Motor Vehicle Theft	75	0.4
Other Assaults	3	0.01
Forgery and Counterfeiting	102	0.5
Fraud	41	0.2
Embezzlement	1	0.0
Stolen Property	8	0.04
Vandalism	169	0.9
Weapons	302	1.6
Prostitution/Commercialized Sex	13	0.1
Other Sex Offenses	133	0.7
Drug Abuse Violations	703	3.8
Gambling	126	0.6
Offenses Against the Family	438	2.4
Driving Under the Influence	537	2.9
Liquor Laws	77	0.4
Drunkenness	13	0.1
Disorderly Conduct	240	1.3
Vagrancy	23	0.1
All Other Offenses	6,797	37.2
<b>Total</b>	<b>18,237</b>	<b>100.0</b>

\* See Appendix B

## Qualifying Sex Offenses

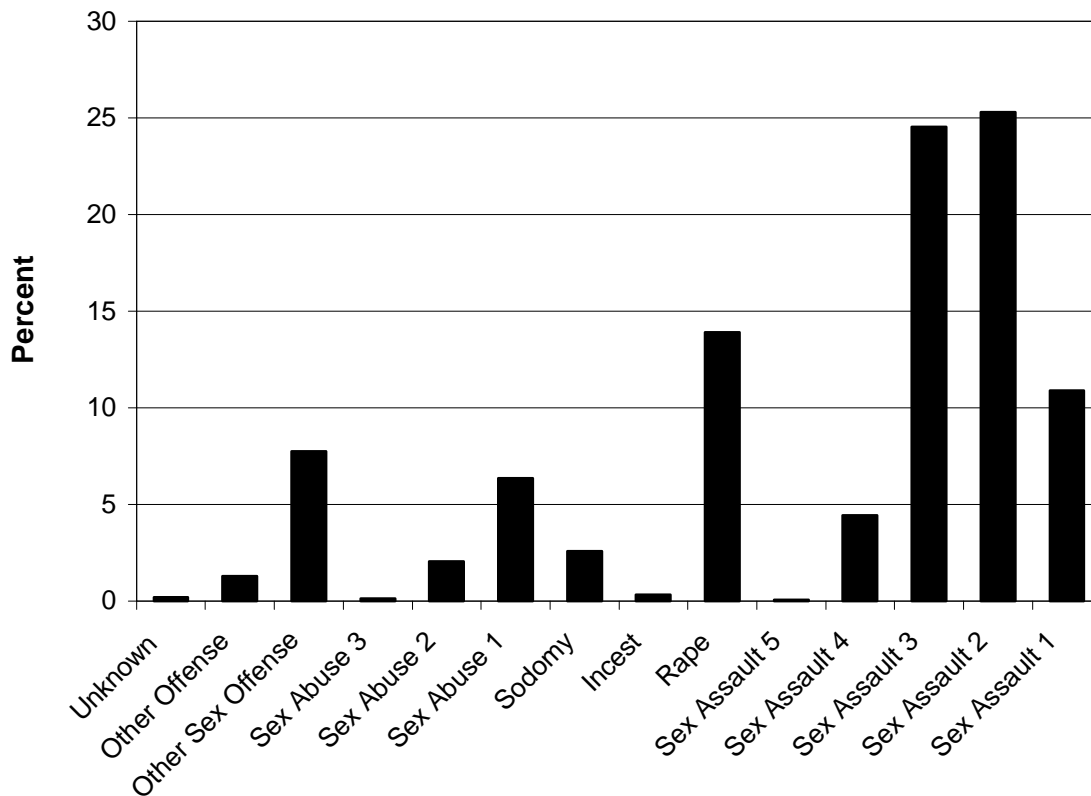
Offenders are required to register with the State if they meet any of the three criteria outlined earlier (see page 4). This section examines those qualifying offenses, while a more detailed breakdown of the number of counts for each offense follows.

Nearly half of all sex offenders in the registry were convicted of Sex Assault in the Second Degree (25.3 percent of qualifying offenses) or Sex Assault in the Third Degree (24.5 percent) (Table 17 and Figure 5). The third most common offense is the combined category of “Rape” (13.9 percent); this category represents all degrees of rape as they existed prior to the reform of Hawaii’s sex offense laws in 1987. Sex Assault in the First Degree ranked as fourth on the list of all sex crimes, comprising 10.9 percent of all qualifying offenses.

**Table 17: Qualifying Sex Offenses**

Offense	Number	Percent
Sex Assault 1	159	10.9
Sex Assault 2	369	25.3
Sex Assault 3	358	24.5
Sex Assault 4	65	4.4
Sex Assault 5	1	0.1
Rape	203	13.9
Incest	5	0.3
Sodomy	38	2.6
Sex Abuse 1	93	6.3
Sex Abuse 2	30	2.0
Sex Abuse 3	2	0.1
Other Sex Offenses	113	7.7
Other Offenses	19	1.3
Unknown	3	0.2
Total	1,458	100.0

**Figure 5: Qualifying Sex Offenses**



A breakdown of the number of counts of each qualifying offense charge (Table 18) generally shows a single count per offender for each offense category; in each of these categories, the number of single-count offenses is above 60 percent. For example, in terms of first degree sex assault, 74.8 percent of the charges were a single count. Thus, an offender's criminal record is "filled out" by an array of other non-sex crime offenses.

The category of "Other Offenses" includes crimes that would not normally be thought of as sex offenses (kidnapping or burglary, for example) but are included as qualifying offenses because of either the victim's characteristics and/or the circumstances surrounding the incident.

**Table 18:  
Reported Sex Offenses – Charges and Counts**

Charge/Degree	Counts	Amount	Group %	Total %
Sex Assault 1	1	119	74.8	8.1
	2	15	9.4	1.0
	3	9	5.6	0.6
	4	5	3.1	0.3
	5 or more	11	6.9	0.7
Sex Assault 2	1	238	64.4	16.3
	2	60	16.2	4.1
	3	28	7.5	1.9
	4	26	7.0	1.7
	5 or more	17	4.6	1.1
Sex Assault 3	1	226	63.1	15.5
	2	73	20.3	5.0
	3	34	9.4	2.3
	4	13	3.6	0.8
	5 or more	12	3.3	0.8
Sex Assault 4	1	52	80.0	3.5
	2	11	16.9	0.7
	3	0	0.0	0.0
	4	1	1.5	0.1
	5 or more	1	1.5	0.1
Sex Assault 5	1	1	100.0	0.1
Total		952		
Running Total		952		

(Continued on Next Page)

**Table 18:  
Reported Sex Offenses – Charges and Counts  
(Continued)**

Charge/Degree	Counts	Amount	Group %	Total %
Rape 1	1	83	85.5	5.6
	2	12	12.3	0.8
	3	2	2.0	0.1
	4	0	0.0	0.0
	5 or more	0	0.0	0.0
Rape 2	1	83	82.1	5.6
	2	10	9.9	0.6
	3	2	1.9	0.1
	4	2	1.9	0.1
	5 or more	4	3.9	0.2
Rape 3	1	5	100.0	0.3
	2	0	0.0	0.0
	3	0	0.0	0.0
	4	0	0.0	0.0
	5 or more	0	0.0	0.0
Total		203		
Running Total		1,155		

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**Table 18:**  
**Reported Sex Offenses – Charges and Counts**  
(Continued)

Charge/Degree	Counts	Amount	Group %	Total %
Sex Abuse 1	1	71	76.3	4.9
	2	18	19.3	1.2
	3	3	3.2	0.2
	4	1	1.0	0.1
	5 or more	0	0.0	0.0
Sex Abuse 2	1	24	80.0	1.6
	2	2	6.6	0.1
	3	3	10.0	0.2
	4	0	0.0	0.0
	5 or more	1	3.3	0.0
Sex Abuse 3	1	1	100.0	0.0
Sodomy 1	1	18	81.8	1.2
	2	3	13.6	0.2
	3	1	4.5	0.1
Sodomy 2	1	5	35.7	0.3
	2	8	57.1	0.5
	3	1	7.1	0.1
Sodomy 3	1	2		0.1
Other Sex Offenses		118		8.0
Other Offenses		23		1.5
Total		303		
Running Total		1,458		

## Offense Processing, Outcomes and Sentences

This section examines the processing of charges against the sex offender population, and then analyzes the variety of sentences for various convictions, including confinement, fines, restitution, and community service. It is important to note that sentences from several years ago frequently contained an array of sanctions as part of a “package” (e.g., a convicted offender might receive a sentence of five years of incarceration followed by five years of probation, plus a fine, restitution, and/or some form of community service).

Of the 18,825 charges recorded in the criminal history records, 6,170 (32.8 percent) were for violent sex offenses (an additional 133, or 2.2 percent, were for non-violent sex offenses). Of the violent sex offense charges, 15.9 percent had not reached final dispositions by the time the data were collected for this study. Final outcomes were recorded in the remaining cases, except for three which were missing data. Table 19 provides more detail.

**Table 19:  
Violent Sex Offense Case Processing and Dispositions**

In Process	Number	In Process %	Total %
Arrest stage	545	55.4	8.8
Pending	373	37.9	6.0
Prosecution stage	34	3.4	0.5
Other disposition	30	3.0	0.4
Finalized	Number	Finalized %	Total %
Guilty	3,194	61.6	51.7
Nolle Prosequi*	687	13.2	11.1
Acquitted	1,304	25.1	21.1
Missing	3	0.1	0.0
<b>Total</b>	<b>6,170</b>		<b>100.0</b>

\*Cases in which prosecution is discontinued

Of the 545 violent sex offense charges still in process, 55.4 percent were at the arrest stage. Another 37.9 percent were pending further developments (e.g., charges for which arrest warrants were issued but the defendant had not been arrested, etc.). Only 3.4 percent of the “in process” cases were in the active prosecution stage, while 3.0



percent were being processed differently from the other categories; these might include extradition actions or transfers between court systems, etc.

Some 5,185 charges had reached their final disposition (aside from appeals) at the time the data were collected. Over three-fifths of these charges (61.6 percent) resulted in a conviction, a quarter (25.1 percent) concluded with an acquittal, and another 13.2 percent were *nolle prosequi* cases in which prosecution was discontinued.

### Time From Arrest to Sentencing

This section analyzes the amount of time it takes from arrest to sentencing for violent sex offense cases resulting in a conviction. A simple random sample of these cases (N = 3,194) was used for this analysis, producing 357 cases. Four of these lacked the necessary information to be included in the analysis, leaving 353 valid cases as depicted in Table 20.

**Table 20:  
Elapsed Time from Arrest to Sentencing,  
Violent Sex Offense Convictions**

Days	Number	Percent
1 - 100	18	5.0
101- 200	107	30.3
201 - 300	72	20.3
301 - 400	62	17.5
401 - 500	30	8.4
501 - 750	30	8.4
751 - 1000	9	2.5
1001 or more	25	7.0
Missing	4	1.1

Cases were processed in an average of 419 days from arrest to sentencing, but more than half of the cases (55.7 percent) were processed to sentencing within 300 days, with the largest proportion of these (30.3 percent) requiring between 101 and 200 days to reach sentencing. Since details about individual cases are not contained in the data

sets used in this analysis, it would be inappropriate to speculate why any particular case required more or less time to move through the criminal justice system.

### Confinement

Of the 3,194 violent sex offense charges for which registered offenders were convicted, 2,660 (83.3 percent) resulted in incarceration as part of the court’s sentence (Table 21 and Figure 6). The largest proportion of convictions (44.9 percent) received a sentence of one year or less. Less than one percent of convictions received 13 to 48 months of confinement. However, 18.0 percent carried between 49 and 60 months, while another 26.4 percent received 61 to 120 months. Finally, 9.8 percent of the convictions resulted in sentences of 121 months or more.

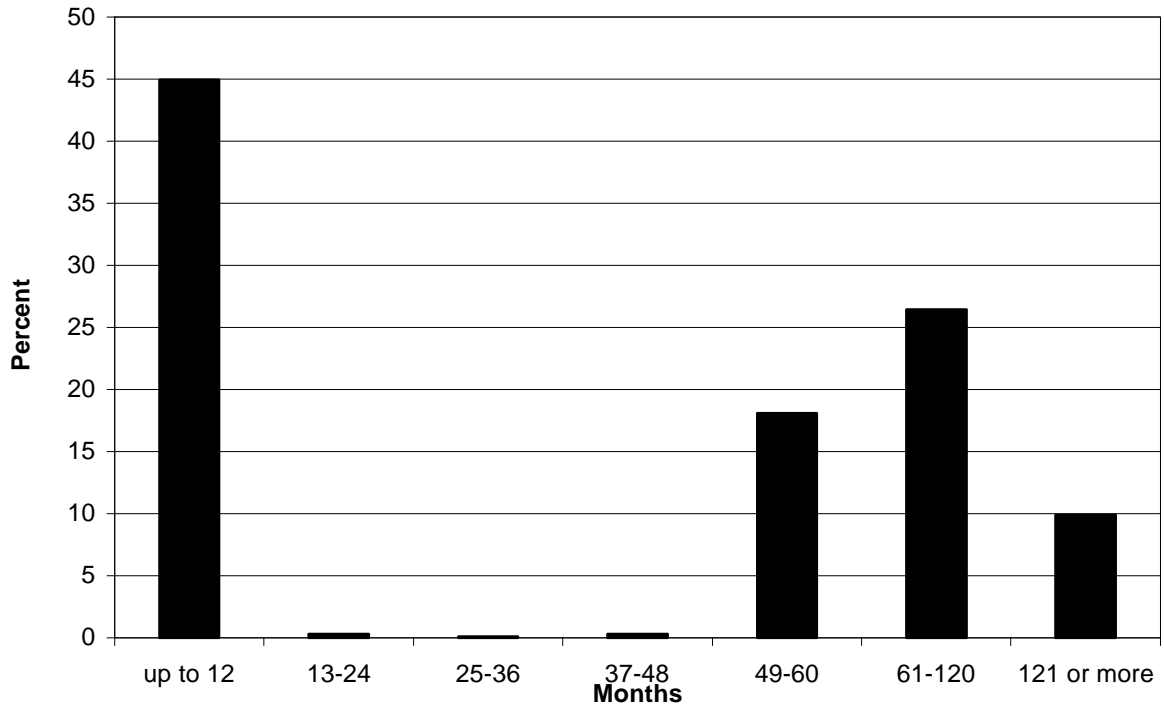
Based upon these data, it can be ascertained that a convicted sex offender will most likely be sentenced to either 49 or more months imprisonment for a sex crime, or less than one year, with very little chance of receiving a sentence in between those extremes. Too, Hawaii’s average sentence length for sexual assault — 71.5 months, with a median of 60 months — stands in contrast to the 96- to 108-month national average sentence length for sex offenders entering state prisons (Greenfeld, 1997: 19).

**Table 21:  
Incarceration Sentence Lengths**

Time	Up to 12 months	13 - 24 months	25 - 36 months	37 - 48 months	49 - 60 months	61 - 120 months	121+ months
Number	1195	8	2	8	481	703	263
Percent	44.9	0.3	0.07	0.3	18.0	26.4	9.8

(N = 2,660 cases resulting in incarceration)

**Figure 6: Incarceration Sentence Lengths**



## Probation

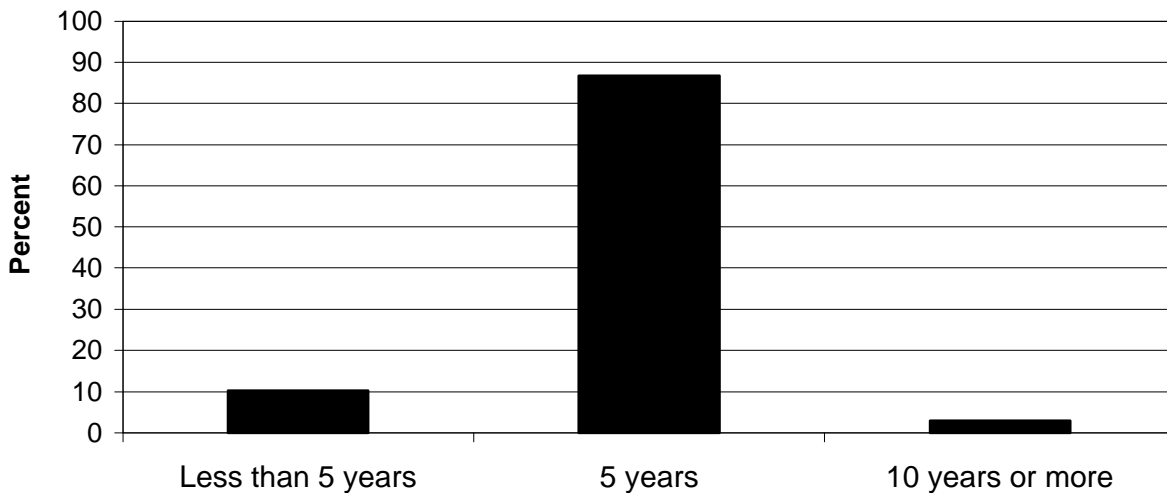
Probation was part of the sentence handed down in 1,399 (43.8 percent) of the 3,194 violent sex offense cases resulting in a conviction (Table 22 and Figure 7). It is important to recall that probation sentences are often part of a sentencing package, and, as such, may follow a period of incarceration. Most often (86.8 percent), the probation sentence length was 5 years. Probation sentences of less than five years (10.2 percent) and 10 years or more (2.9 percent) were less common.

**Table 22: Probation Sentence Lengths**

Probation	Less than 5 years	5 years	10 years or more
Number	143	1215	41
Percent	10.2	86.8	2.9

(N = 1,399 offenses resulting in probation)

**Figure 7: Probation Sentence Lengths**



## Fines

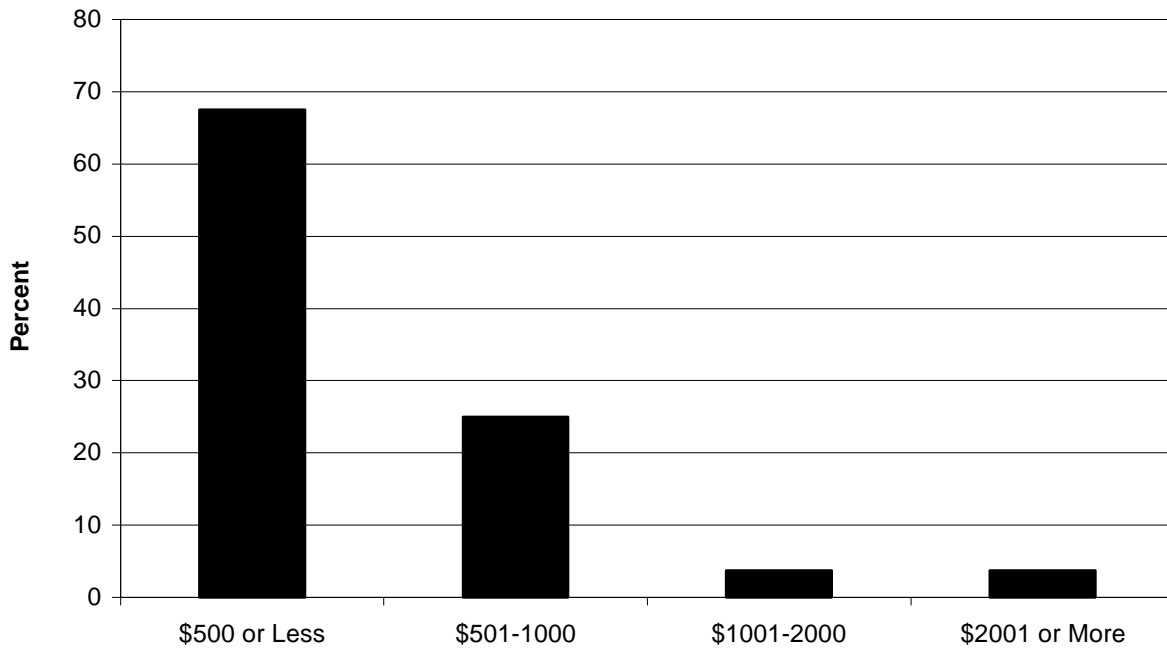
Eighty violent sex offense convictions (2.5 percent) included a fine as part of the court's sentence (Table 23 and Figure 8). The most common fine (67.5 percent) was in the amount of \$500 or less.

**Table 23: Fines**

Fine	\$1 – \$500	\$501 – \$1,000	\$1,001 - \$2,000	\$2,001+
Number	54	20	3	3
Percent	67.5	25.0	3.7	3.7

(N = 80 offenses resulting in fines)

**Figure 8: Fines**



## Restitution

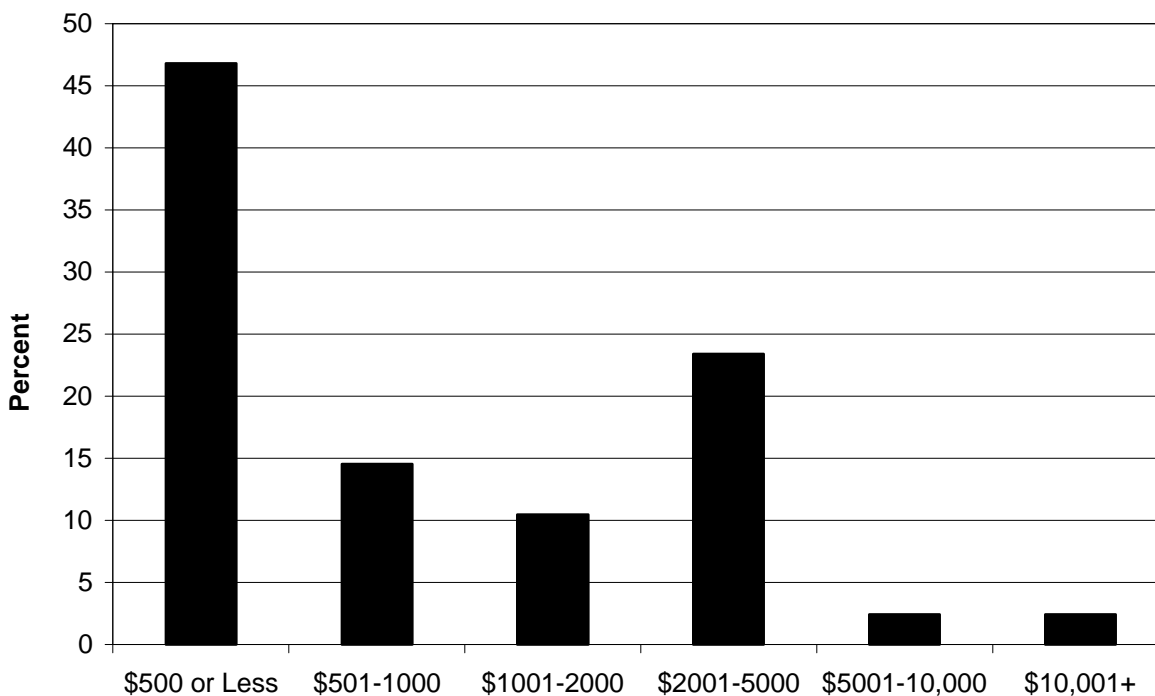
Some 124 (3.9 percent) violent sex offense convictions resulted in a sentence that included restitution (Table 24 and Figure 9). Payments of up to \$500 comprised the largest proportion (46.7 percent). The next largest category was for a restitution payment between \$2,001 and \$5,001 (23.3 percent), followed by payments of \$501 to \$1,000 (14.5 percent), and \$1,001 to \$2,000 (10.4 percent).

**Table 24: Restitution**

Amount	\$500 or Less	\$501-\$1,000	\$1,001-\$2,000	\$2,001-\$5,000	\$5,001-\$10,000	\$10,001 or more
Number	58	18	13	29	3	3
Percent	46.7	14.5	10.4	23.3	2.4	2.4

(N = 124 offenses resulting in restitution)

**Figure 9: Restitution**



## Community Service

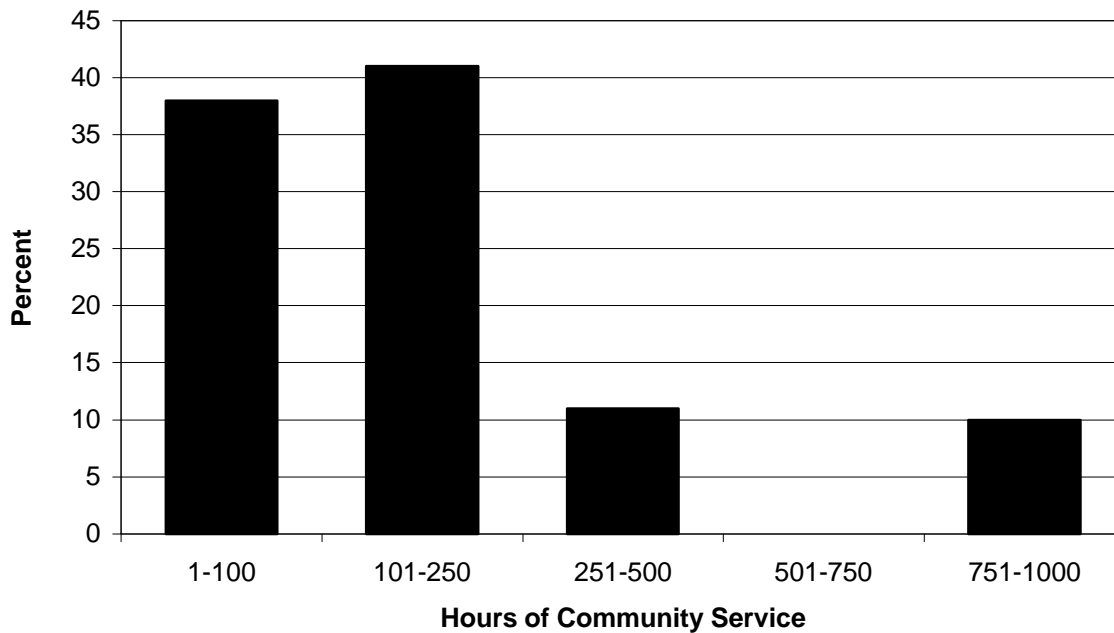
One hundred (3.1 percent) violent sex offense convictions included community service as a part of the sentence (Table 25 and Figure 10). Most community service sentences required 100 hours or less (38 percent) or 101 to 250 hours (41 percent). The remaining cases were divided almost evenly between 251 to 500 hours and 751 to 1,000 hours.

**Table 25: Community Service**

Hours	1 - 100	101 – 250	251 - 500	501 - 750	751-1000
Number	38	41	11	0	10
Percent	38.0	41.0	11.0	0	10.0

N = 100 offenses resulting in community service

**Figure 10: Community Service**



## Victims

Data on the victims of Hawaii's registered sex offenders included information on 140 persons.<sup>3</sup> Because of this relative lack of victim data, it was not possible to generate a completely accurate picture of the victim population. The following analysis should thus be considered as preliminary and suggestive.

Of the 140 known victims, 133 (95.0 percent) were female and 7 were male. This distribution is about the same as the national average of 94.5 percent female victims (Greenfeld, 1997: 24).

When the 70 victims whose ethnicity is unknown or uncategorized are removed from the analysis, the ethnic distribution of victims (Table 26) appears generally similar to that of the offender population (Table 6). The largest proportion of victims identify themselves as Filipino (37.1 percent), followed by Caucasians (25.7 percent), and Hawaiian/part-Hawaiians (24.2 percent). It is again cautioned, however, that the victim statistics may be skewed (and to an unknown degree) given the small amount of data actually recorded for victims.

**Table 26: Victim Ethnicity**

Ethnicity	Number	Percent	Percent not including "Other/Unknown"
African-American	0	0.0	0.0
Caucasian	18	12.8	25.7
Chinese	1	0.7	1.4
Filipino	26	18.5	37.1
Hawaiian/part-Hawaiian	17	12.1	24.2
Japanese	7	5.0	10.0
Korean	0	0.0	0.0
Samoaan	1	0.7	1.4
Other/Unknown	70	50.0	--

(N = 140)

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<sup>3</sup> These data count single victims of multiple attacks by the same offender only once, and include multiple victims of the same offender.



Eighty-six cases included information about the relationship between the victim and the offender. Victims were identified according to the following categories: Acquaintance, Boy/Girlfriend, Child of Boy/Girlfriend, Child, Employee, Friend, Grandchild, Neighbor, Other Family Member, Parent, Stepchild, Stranger, and Unknown. These categories were then further divided into the broader categories of Family, Non-Family, and Stranger/Unknown (Table 27).

Almost four-fifths (79.0 percent) of the registered sex offender cases involved an offender and victim who were known to each other, either inside or outside the family structure. This proportion is somewhat greater than the national average of 70.2 percent of rape victims who know their assailant, but slightly less than the 85.1 percent of sexual assault victims who know their attackers (Greenfeld, 1997: 24).

In a previous study of Hawaii's sex offender arrestees and their alleged victims (Crime Prevention & Justice Assistance Division, 1997), the distribution of family and non-family members was somewhat different than that found in the current study. For example, in the previous study, 34.4 percent of arrestees assaulted other family members, as compared with a figure of 26.7 percent found in the current study.

Over half (52.2 percent) of the arrestees in the previous study were known to the victims but not a family member. This figure is essentially equal to the 52.3 percent of registered offenders in this general category in the current study.

Only 14 percent of the present study's sexual assaults were stranger-on-stranger attacks.

**Table 27:  
Victim-Offender Relationship**

Relationship	Number	Percent
Family	23	26.7
Parent	2	2.3
Child	6	6.9
Grandchild	2	2.3
Stepchild	6	6.9
Other family member	7	8.1
Non-family but known	45	52.3
Acquaintance	25	29.0
Child of friend	1	1.1
Boyfriend/girlfriend	9	10.4
Employee	1	1.1
Friend	4	4.6
Neighbor	5	5.8
Stranger/Unknown	18	20.9
Stranger	12	14.0
Unknown	6	6.9
Total	86	100.0

## Summary and Recommendations

The purpose of this study is to provide Hawaii's criminal justice system and the general public with a statistical profile of registered sex offenders living in the State. Even though many of Hawaii's sex offenders must still be researched in order to determine if they qualify for registration, and while more detailed studies have been published on Hawaii's incarcerated sex offender population, the current study nevertheless provides basic information to aid a better understanding of sex offenders living in the community.

Recommendations based on the findings of this study include:

- Based on an overall appraisal made while conducting the study, it is suggested that a greater attempt must be made to bring sex offenders living in Hawaii into compliance with the State's registration laws. This may require a coordinated and concentrated effort involving police, probation, and parole authorities to seek out unregistered offenders in the community.
- Further research is required to explain the apparent over- and under-representation of certain ethnicities in the sex offender data, although the quality of the offender ethnicity data is itself questionable. A modest survey research effort could explore socioeconomic factors as well as cultural attitudes and beliefs about the commission and reporting of sexual assaults.

## References

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## **Appendix A: Crime Definitions**

This is an abbreviated summary of definitions of crime terms used in this report. It is based on the definitions (Dept. of the Attorney General, 2000) used in the compilation of the Uniform Crime Reports (UCR) but includes two major differences:

First, because of a change in Hawaii's statutes in 1987, many crimes that would be designated as "rape" under the UCR definitions are termed "sexual assault" in Hawaii. Therefore, all sexual offenses designated violent by statute or where force is used are included in the "rape" category. All other sexual offenses are designated as sex offenses.

Second, unless specifically designated as a so-called "simple assault," all assaults were counted as aggravated assaults in this study.

### **Part I Offense Definitions**

**Criminal Homicide:** Murder and non-negligent manslaughter; the willful killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded. Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded. While manslaughter by negligence is a Part I crime, it is not included in the Crime Index.

**Forcible Rape:** The carnal knowledge of a female forcibly and against her will. Included are rapes by force and attempts or assaults to rape. Statutory offenses (no force used – victim under age of consent) are excluded. **Note: Due to reporting differences, this category contains all sex offenses considered "violent" as defined in Appendix B.**

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force of violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary - Breaking or Entering:** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny-Theft:** (except motor vehicle theft) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. Specifically excluded are motorboats, construction equipment, airplanes, and farming equipment.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **Part II Offense Definitions**

**Assault, Other:** Assaults and attempted assaults where no weapon was used or which did not result in serious or aggravated injury to the victim. Examples include simple assault, assault and battery, resisting or obstructing an officer, intimidation, coercion, and hazing.

**Disorderly Conduct:** Committing a breach of the peace. Includes affray; unlawful assembly; disturbing the peace; disturbing meetings; and blasphemy, profanity, and obscene language.

**Driving under the Influence:** Driving or operating any vehicle or common carrier while drunk or under the influence of intoxicants.

**Drug Abuse Violations:** Include all violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of illegal drugs.

**Embezzlement:** Misappropriation or misapplication of money or property entrusted to one's care, custody, or control.

**Forgery and Counterfeiting:** All offenses dealing with the making, altering, uttering, or possession of, with intent to defraud, anything false in the semblance of what is true.

**Fraud:** Fraudulent conversion and obtaining money or property by false pretenses. Includes bad checks (except forgeries and counterfeiting), confidence games, and unauthorized withdrawal of money from an automatic teller machine.

**Gambling:** Promoting, permitting, or engaging in illegal gambling. Includes 3 subcategories: bookmaking, numbers and lottery, and "other" gambling.

**Liquor Laws:** Include unlawful manufacture, sale, transporting, furnishing, possessing intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor; and drinking on a train or public conveyance. Do not include Drunkenness and Driving Under the Influence.

**Manslaughter by Negligence:** The killing of another person through gross negligence. Manslaughter by negligence is considered a Part I Offense, but is not included in the Crime Index.

**Offenses Against the Family and Children:** Include all charges of nonsupport, and neglect or abuse of family and children. Examples include desertion, abandonment, or nonsupport of spouse or child; neglect or abuse of spouse or child; and nonpayment of alimony.

**Prostitution and Commercialized Vice:** Sex offenses of a commercialized nature. Include prostitution; keeping a bawdy house, disorderly house, or house of ill fame; pandering, procuring, transporting, or detaining women for immoral purposes, etc.; and all attempts.

**Sex Offenses:** Include indecent exposure, incest, statutory rape (no force), any sexual assaults against males, other offenses against common decency and morals, and all attempts. Do not include forcible rape, prostitution, and commercialized vice.

**Stolen Property:** Buying, receiving, and possessing stolen property, including attempts.

**Vagrancy:** Persons arrested on grounds of “suspicion” may be prosecuted on this charge. Includes vagrancy, begging, loitering (persons 18 and over), and vagabondage.

**Vandalism:** The willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Weapons Offenses:** Include unlawful manufacture, sale, or possession of deadly weapons; unlawful carrying of deadly weapons, concealed or openly; using, manufacturing, etc. silencers; furnishing deadly weapons to a minor; and all attempts to commit any of the above.

**All Other Offenses:** Include all other state and local offenses (excluding traffic violations) not included elsewhere. Examples are:

- Admitting minors to improper places
- Abduction and compelling to marry
- Bigamy and polygamy
- Blackmail and extortion
- Combination in restraint of trade; trusts, monopolies
- Contempt of court
- Criminal anarchism
- Discrimination, unfair competition

- Kidnapping
- Marriage within prohibited degrees
- Offenses contributing to juvenile delinquency, such as employment of children in immoral vocations or practices
- Perjury and subornation of perjury
- Possession, repair, manufacture, etc. of burglar's tools
- Possession of drug paraphernalia
- Possession or sale of obscene literature, pictures, etc.
- Public nuisances
- Riot and rout
- Trespass
- Unlawfully bringing drugs and liquor into state prisons, hospitals, etc.; furnishing to convicts
- Violations of state regulatory laws and municipal ordinances
- Violation of quarantine
- Truancy (non-criminal juvenile status offense)
- Ungovernability (non-criminal juvenile status offense)
- All offenses not otherwise classified
- All attempts to commit any of the above



## **Appendix B: List of Qualifying Offenses**

Hawaii Revised Statutes code or other designations are provided within parentheses.

### **Sexually violent offenses:**

- Sexual Assault, 1<sup>st</sup> degree (HRS 707-730-87)
- Sexual Assault, 2<sup>nd</sup> degree (HRS 707-731-87)
- Sexual Assault, 3<sup>rd</sup> degree (HRS 707-732-87)
- Sexual Assault, 4<sup>th</sup> degree (HRS 707-733-87)
- Rape, 1<sup>st</sup> degree (HRS 707-0730)
- Rape, 2<sup>nd</sup> degree (HRS 707-0731)
- Sodomy, 1<sup>st</sup> degree (HRS 707-0733)
- Sodomy, 2<sup>nd</sup> degree (HRS 707-0734)
- Sexual Abuse, 1<sup>st</sup> degree (HRS 707-0736)
- Sex Offense ((17\*))
- Sodomy (17A\*)
- Sodomy, 1<sup>st</sup> degree, with force (17B\*)
- Sodomy, 2<sup>nd</sup> degree, with force (17D\*)
- Sodomy, 3<sup>rd</sup> degree (17F)
- Sexual Abuse, 1<sup>st</sup> degree, with force (17G)
- Sexual Abuse, 2<sup>nd</sup> degree, helpless person (17I)
- Rape (2)
- Rape, 1<sup>st</sup> degree, with force (2A1)
- Rape, 2<sup>nd</sup> degree, with force (2A2)
- Rape, 1<sup>st</sup> degree, with force, attempt (2B1)
- Rape, 2<sup>nd</sup> degree, with force, attempt (2B2)
- Rape, 3<sup>rd</sup> degree (2D)

### **Sexual offenses against minors (victim must be less than 18 years old and perpetrator must be 19 years old or older):**

- Kidnapping of a minor, except by a parent (HRS 707-0720)
- Unlawful imprisonment of a minor in the first degree, except by a parent (HRS 707-0721)
- Criminal sexual conduct toward a minor
- Solicitation of a minor who is less than fourteen years old to engage in sexual conduct
- Use of a minor in a sexual performance
- Solicitation of a minor to practice prostitution 1<sup>st</sup> degree, (HRS 712-1202) or 2<sup>nd</sup> degree (HRS 712-1203)

- Any conduct that by its nature is a sexual offenses against a minor, but excludes conduct that is criminal only because of the age of the victim, as provided in (HRS 707-730(1)(b)) or (HRS 707-732(1)(b)), if the perpetrator is eighteen years of age or younger; or the following offenses:
  - Pornography (HRS 712-1215-88)
  - Rape, 3<sup>rd</sup> degree (HRS 707-0732)
  - Sexual Assault, 4<sup>th</sup> degree (HRS 707-733-87(1)(b))
  - Sexual Assault, 5<sup>th</sup> degree (HRS 707-734-87)
  - Indecent Exposure (HRS 707-734-87)
  - Sodomy, 3<sup>rd</sup> degree (HRS 707-0735)
  - Sexual Abuse, 2<sup>nd</sup> degree (HRS 707-0737, repealed January 1987)
  - Incest (HRS 707-0741)
  - Promoting Child Abuse, 1<sup>st</sup> degree (HRS 707-750-88)
  - Promoting Child Abuse, 2<sup>nd</sup> degree (HRS 707-0751)
  - Child Abuse, 1<sup>st</sup> degree (HRS 707-0750)
  - Promoting Prostitution, 3<sup>rd</sup> degree (HRS 712-1204)
  - Promoting Prostitution of Minor (HRS 712-1215)
  - Indecent Assault (HRS 309-17)
  - Sodomy, 1<sup>st</sup> degree, no force, victim under 14 (17C\*)
  - Sodomy 2<sup>nd</sup> degree, no force, victim under 14 (17E\*)
  - Sex Abuse, 2<sup>nd</sup> degree, victim under 16 (17J\*)
  - Incest (17L\*)
  - Rape, 1<sup>st</sup> degree, victim under 16 (2C1\*)
  - Rape, 2<sup>nd</sup> degree, victim under 16 (2C2\*)
  - Any state, federal, or military law similar to the above offenses

\*Indicates old criminal offense identifier still used in criminal history records.

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