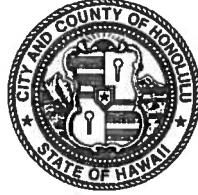


POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE **WO-KK**

January 31, 2018

The Honorable Justin H. Woodson, Chair  
and Members  
Committee on Education  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 309  
Honolulu, Hawaii 96813

Dear Chair Woodson and Members:

SUBJECT: House Bill No. 1851, Relating to Pornography

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

It is the opinion of the HPD that the addition of the definition "in loco parentis" is necessary to indemnify person(s) who are employed as staff members of any school and have a legitimate educational purpose in disseminating or exhibiting materials, which absent an educational purpose may otherwise be considered pornographic by definition.

The HPD supports House Bill No. 1851, Relating to Pornography, and urges you to pass this bill.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Ozeki".

Walter Ozeki, Captain  
Criminal Investigation Division

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard".

Susan Ballard  
Chief of Police



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**LATE**

**Date:** 01/31/2018  
**Time:** 02:05 PM  
**Location:** 309  
**Committee:** House Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1851 RELATING TO PORNOGRAPHY.

**Purpose of Bill:** Adds a definition for "in loco parentis" to chapter 712, HRS. Clarifies that the offense of promoting pornography for minors does not apply to a person who acts within the person's capacity and scope of employment as a member of the staff of any school.

**Department's Position:**

The Department of Education (Department) offers the following comments on HB 1851.

Adding "in loco parentis" to subsection 2 of HRS 712-1215 appears to preclude the Department from taking action against school employees identified as "in loco parentis" who commit the offense of promoting pornography for minors in various situations on school property. While the Department would still be able to take personnel action against an employee for violation of internal policies, this bill would prevent the Department and parents from initiating legal action including bringing forth criminal charges against employees deemed as "in loco parentis."

Further, this may impact the Department's ability to determine whether or not these employees engaging in these situations on school property are suitable to work in "close proximity to children" pursuant to Hawaii Administrative Rules Chapter 8-7.

The proposed changes in HB 1851 could impact the safety of students on school campuses. The Department respectfully requests consideration of these concerns.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).