



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
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January 31, 2008

TO: The Honorable Maile S. L. Shimabukuro, Chair
House Committee on Human Services and Housing

FROM: Martha T. Torney, Executive Director

**SUBJECT: HB 3137, RELATING TO INVESTIGATORS OF THE
DEPARTMENT OF HUMAN SERVICES**

Hearing: Thursday, January 31, 2008, 8:40 am
State Capitol, Conference Room 329

The Office of Youth Services (OYS) strongly supports House Bill 3137, an Administration proposal, which furthers the requirements of the Memorandum of Agreement (MOA) between the U.S. Department of Justice and the State of Hawaii concerning conditions at the Hawaii Youth Correctional Facility (HYCF).

The Office of Youth Services (OYS) established an administrative investigator position to respond to a requirement of the MOA. In order to carry out the duties of the position and to ensure credibility as a witness in official proceedings, it is important to have the investigator commissioned so that they have the powers and authority of a law enforcement officer, except to carry firearm.

Section 346-4.5, Hawaii Revised Statutes (HRS), authorizes the Director of the Department of Human Services (DHS) to appoint and commission investigators for the purposes of investigating crime relating to public assistance, locating absent parents, and obtaining and enforcing court orders of support. It is unclear, though, whether that authority can be extended to investigating incidents at HYCF. To avoid any potential legal challenge to the law enforcement powers of the OYS investigator, it is

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recommended the law be amended so that it is explicit that the DHS Director may appoint and commission investigators as law enforcement personnel for HYCF investigations.

Thank you for the opportunity to present this testimony.