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DEPARTMENT OF HUMAN SERVICES  
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February 24, 2009

TO: The Honorable Jon Riki Karamasu, Chair  
House Committee on Judiciary

FROM: Martha T. Torney, Executive Director

**SUBJECT: HB 1101, HD1 RELATING TO INVESTIGATORS OF THE  
DEPARTMENT OF HUMAN SERVICES.**

Hearing: Tuesday, February 24, 2009, 2:05 p.m.  
State Capitol, Conference Room 325

The Office of Youth Services (OYS) strongly supports House Bill 1101, HD1, an Administration proposal relating to Investigators of the Department of Human Services (DHS), which furthers the requirements of Provisions 19 through 21 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 in response to the requirements 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 Human Services 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 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.