



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 1101, H.D. 1, RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 24, 2009 **TIME:** 2:05 PM

**LOCATION:** State Capitol, Room 325  
*Deliver to: e-mail: JUDtestimony@Capitol.hawaii.gov, Room --, 1 Copy*

**TESTIFIER(S):** Mark J. Bennett, Attorney General,  
or Blair Goto, Deputy Attorney General

---

Chair Karamatsu and Members of the Committee:

The Department of the Attorney General supports this bill.

This measure will allow investigators appointed and commissioned by the Director of Human Services to have access to necessary information when investigating incidents at the Hawaii youth correctional facilities.

The memorandum of agreement between the U.S. Department of Justice and the State of Hawaii requires that the State initiate investigations of incidents of use of force, staff-on-youth violence, serious youth-on-youth violence, inappropriate staff relationships with youth and sexual misconduct between youth. In addition, the memorandum provides that where there is evidence of staff misconduct, the State initiate appropriate personnel actions. In order for the investigator to be able to investigate thoroughly incidents at the Hawaii youth correctional facilities, the investigator may need access to the records of, among others, providers that provide services to the youth at the facility. These providers could include contracted providers as well as state agencies such as the Department of Health. Various state confidentiality laws, such as section 334-5, Hawaii Revised Statutes, may prevent or hinder access by the investigator to relevant records.

Accordingly, by allowing information necessary to investigate incidents at the Hawaii youth correctional facilities to be made available to a duly appointed and commissioned investigator, this bill will assist the State in meeting its commitments under the memorandum of agreement to improve conditions at the Hawaii youth correctional facilities. Also, it is a good practice to conduct administrative investigations of these types of incidents, and such investigations should continue even beyond the life of the memorandum of agreement.

We respectfully ask the Committee to pass this bill.