

HB 1101



**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:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, March 19, 2009 **TIME:** 2:15 PM

LOCATION: State Capitol, Room 016
Deliver to: e-mail: HMSTestimony@Capitol.hawaii.gov, Room --, 1 Copy

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

Chair Chun Oakland 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 of services to youth at the facility. These providers 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 facility 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.

Nicole Holler
March 17, 2009
Organization: Individual
Testify: In Support

Aloha Senator Suzanne Chun Oakland, Chair Senator Les Ihara, Vice chair, and members of the committee. My name is Nicole Holler. I am a student at the University of Hawaii. I am in the masters program in social work and I am a member of NASW. I am testifying in support of HB 1101 HD1.

If this bill gets signed into law it will facilitate the investigation of incidents in youth correctional facilities. I am in support of any bill that aids in improving facilities and programs for our youth. This bill will give investigators important information and the power necessary to investigate incidents in the Hawaii youth correctional facilities.

Thank you so much for allowing me the opportunity to testify in support of HB 1101 HD1. I strongly urge you to support this bill.