

MAR 12 2007

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A FORENSIC FACILITY.

1           WHEREAS, in September 2006, a Department of Justice study  
2 found that more than half of all prison and jail inmates,  
3 including fifty-six per cent of state inmates, forty-five per  
4 cent of federal inmates, and sixty-four per cent of local jail  
5 inmates, were found to have a mental health problem; and  
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7           WHEREAS, the study further found that mental health  
8 problems were associated with violence and previous criminal  
9 history, estimating that sixty-one per cent of state inmates and  
10 forty-four per cent of jail inmates with a mental health problem  
11 had a current or past violent offense; and  
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13           WHEREAS, Department of Justice experts investigating mental  
14 health services provided at the Oahu Community Correctional  
15 Center found these services alarmingly deficient, threatening  
16 the inmates' constitutional rights; and  
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18           WHEREAS, the Department of Justice experts found that the  
19 Oahu Community Correctional Center's policies and treatment  
20 procedures were harmful to mentally ill and suicidal inmates,  
21 worsening their conditions; and  
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23           WHEREAS, pretrial detainees and inmates with severe mental  
24 health problems who are referred to the Hawaii State Hospital  
25 are often not accepted due to overcrowding and safety issues;  
26 and  
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28           WHEREAS, the Department of Public Safety does not have the  
29 facilities and personnel required to adequately diagnose, treat,  
30 and stabilize seriously mentally ill pretrial detainees and  
31 inmates; and  
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33           WHEREAS, a forensic facility would greatly alleviate  
34 prisons' burden in diagnosing, treating, and stabilizing



1 pretrial detainees and inmates with mental health problems by  
2 housing and treating them until it is appropriate to return them  
3 to the general population; and  
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5 WHEREAS, a forensic facility would better serve the needs  
6 of pretrial detainees and inmates with mental health problems in  
7 a secure environment designed to facilitate treatment and to  
8 return them to the general population; and  
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10 WHEREAS, in January of 2005, the Department of Health and  
11 the Department of Public Safety conducted a study to jointly  
12 plan and operate a statewide forensic facility to serve the  
13 needs of high risk and seriously impaired individuals within  
14 both systems; and  
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16 WHEREAS, the construction cost of the forensic facility was  
17 estimated at \$123,000,000; and  
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19 WHEREAS, the joint forensic facility will accommodate  
20 Department of Health patients including criminal arrestees  
21 ordered for mental evaluation, criminal offenders acquitted and  
22 committed to Department of Health's care, probationers ordered  
23 for 72-hour hospitalization, criminal offenders with conditional  
24 release revocation, and criminal offenders conditionally  
25 released awaiting court order or placement; and  
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27 WHEREAS, the joint forensic facility would accommodate  
28 Department of Public Safety inmates, with the intent of  
29 returning them to the general population, including inmates  
30 diagnosed with an acute or long-term condition that can or  
31 cannot be stabilized sufficiently, mentally ill inmates who  
32 regress or decompensate and need to be transferred to the  
33 forensic treatment facility for evaluation, stabilization,  
34 treatment and case planning, sex offenders and drug abusers with  
35 a dual diagnosis of mental illness, inmates exhibiting  
36 uncontrollable disruptive behavior needing diagnosis and  
37 stabilization, inmates not mentally ill, but needing separation  
38 from other inmates due to repeated aggressive or dangerous  
39 behaviors, and inmates who are suicidal or self-destructive; and  
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41 WHEREAS, the Department of Health and the Department of  
42 Public Safety reached an agreement that the joint forensic  
43 facility, using resources of both systems in a cost-effective  
44 and efficient manner, should be pursued; and



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WHEREAS, the new forensic facility shall operate according to best practices in mental health as determined by a task force, including mental health professionals, the Hawaii Disability Rights Center, the Community Alliance on Prisons, the Department of Public Safety, and the Department of Health; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Department of Health and the Department of Public Safety are requested to work together to establish a forensic facility; and

BE IT FURTHER RESOLVED that the Department of Public Safety and the Department of Health are requested to submit to the Legislature a status report on the establishment of the forensic facility requested by this measure, including but not limited to plans, site selection, budget, construction, and recommendations no later than twenty days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of Public Safety and the Director of Health.

OFFERED BY: Will Espero

*Handwritten signatures:*  
Randy de Pake  
Carol Fukumasa  
Franne Chun Akalana

*Handwritten signatures:*  
Anne Mercedes K...  
Business. Koh...

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Mike Hubbard  
Jon...  
Norman Sakamoto  
J...  
K...



*Handwritten signature:* John L...