SENATE RESOLUTION

CONSIDERING THE EXPANSION OF CURRENTLY EXISTING OR THE ESTABLISHMENT OF NEW FORENSIC FACILITIES.

WHEREAS, in September 2006, a Department of Justice study found that more than half of all prison and jail inmates, including fifty-six per cent of state inmates, forty-five per cent of federal inmates, and sixty-four per cent of local jail inmates, were found to have a mental health problem; and

WHEREAS, the study further found that mental health problems were associated with violence and previous criminal history, estimating that sixty-one per cent of state inmates and forty-four per cent of jail inmates with a mental health problem had a current or past violent offense; and

WHEREAS, Department of Justice experts investigating mental health services provided at the Oahu Community Correctional Center found these services alarmingly deficient, threatening the inmates' constitutional rights; and

WHEREAS, the Department of Justice experts found that the Oahu Community Correctional Center's policies and treatment procedures were harmful to mentally ill and suicidal inmates, worsening their conditions; and

WHEREAS, pretrial detainees and inmates with severe mental health problems who are referred to the Hawaii State Hospital are often not accepted due to overcrowding and safety issues; and

WHEREAS, the Department of Public Safety does not have the facilities and personnel required to adequately diagnose, treat, and stabilize seriously mentally ill pretrial detainees and inmates; and

WHEREAS, the 2006 Legislature established a task force in Senate Concurrent Resolution No. 117. S.D. 1, to evaluate and recommend possible procedural, statutory, and public policy changes to minimize the census at the Hawaii State Hospital and

to promote community-based health services for forensic patients; and

WHEREAS, this task force was not charged with looking at expanding existing forensic facilities at the state hospital or establishing new facilities to meet the needs of the mentally ill who come into contact with the criminal justice system; and

WHEREAS, an expanded or new forensic facility would greatly alleviate prisons' burden in diagnosing, treating, and stabilizing pretrial detainees and inmates with mental health problems by housing and treating them until it is appropriate to return them to the general population; and

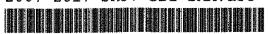
WHEREAS, an expanded or new forensic facility would better serve the needs of pretrial detainees and inmates with mental health problems in a secure environment designed to facilitate treatment and to return them to the general population; and

 WHEREAS, in January of 2005, the Department of Health and the Department of Public Safety conducted a study to jointly plan and operate a statewide forensic program to serve the needs of high risk and seriously impaired individuals within both systems; and

WHEREAS, the construction cost of the forensic facility was estimated at \$123,000,000; and

WHEREAS, the joint forensic program will accommodate Department of Health patients including criminal arrestees ordered for mental evaluation, criminal offenders acquitted and committed to Department of Health's care, probationers ordered for 72-hour hospitalization, criminal offenders with conditional release revocation, and criminal offenders conditionally released awaiting court order or placement; and

WHEREAS, the joint forensic program would accommodate Department of Public Safety inmates, with the intent of returning them to the general population, including inmates diagnosed with an acute or long-term condition that can or cannot be stabilized sufficiently, mentally ill inmates who regress or decompensate and need to be transferred to the forensic treatment facility for evaluation, stabilization, treatment and case planning, sex offenders and drug abusers with 2007-2817 SR37 SD1 SMA.doc



a dual diagnosis of mental illness, inmates exhibiting uncontrollable disruptive behavior needing diagnosis and stabilization, inmates not mentally ill, but needing separation from other inmates due to repeated aggressive or dangerous behaviors, and inmates who are suicidal or self-destructive; and

WHEREAS, the Department of Health and the Department of Public Safety reached an agreement that the joint forensic program, using resources of both systems in a cost-effective and efficient manner, should be pursued; and

WHEREAS, the joint forensic program, located at an expanded or 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, that the Department of Health and the Department of Public Safety are requested to work together to improve the State's mental health forensic capabilities; 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 expansion of existing forensic facilities or establishment of new facilities to accommodate a joint forensic program as 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 Resolution be transmitted to the Director of Public Safety and the Director of Health.

