
HOUSE CONCURRENT RESOLUTION

ESTABLISHING A FORENSIC MENTAL HEALTH COMMISSION TO STUDY THE INTERACTION BETWEEN THE MENTAL HEALTH AND PUBLIC SAFETY SYSTEMS IN HAWAII WITH RESPECT TO INDIVIDUALS WITH MENTAL ILLNESS.

1 WHEREAS, the Hawaii State Hospital is facing a severe
2 overcrowding problem because eighty percent of forensics
3 patients are sent there by court order; and
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5 WHEREAS, the current structures of the community mental
6 health system and the criminal justice system in Hawaii do not
7 provide the level of supervision, monitoring, or treatment
8 necessary to ensure the safety of individuals with mental
9 illness or the community at large; and
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11 WHEREAS, it is imperative that the quality of patient care
12 at the Hawaii State Hospital be improved by eliminating
13 overcrowding and by providing necessary community-based mental
14 health services that are evidence-based and user friendly; and
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16 WHEREAS, in the State of Hawaii, nearly five hundred
17 individuals within the jurisdiction of the Adult Mental Health
18 Division currently are on conditional release from the Hawaii
19 State Hospital; and
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21 WHEREAS, the number of Adult Mental Health Division clients
22 on conditional release significantly exceeds all national per
23 capita norms; and
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25 WHEREAS, the placement and retention of individuals with
26 mental illness in many cases inappropriately criminalizes them
27 and results in unnecessary commitment and retention in inpatient
28 mental health care and correctional facilities; and
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30 WHEREAS, the criminalization of people with mental illness
31 contributes to their inappropriate and excessive confinement in



1 the Hawaii State Hospital and inpatient care and correctional
2 facilities; and

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4 WHEREAS, lengthy stays in correctional facilities and the
5 Hawaii State Hospital are a financial burden to the State, and
6 may be tantamount to the incarceration of mentally ill
7 individuals without providing treatment; and

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9 WHEREAS, processing and following up with criminal
10 complaints for individuals with mental illness can have
11 significant fiscal and time management impacts on the
12 Judiciary's limited fiscal and personnel resources; now,
13 therefore,

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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-third Legislature of the State of Hawaii, Regular Session
17 of 2006, the Senate concurring, that the Legislature establish a
18 Forensic Mental Health Commission to study the interaction
19 between the state mental health and public safety systems with
20 respect to individuals with mental illness; and

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22 BE IT FURTHER RESOLVED the purpose of the Commission is to
23 identify and make recommendations regarding legal, structural,
24 and operational changes in the state mental health and public
25 safety systems to better address the needs of the forensic
26 mental health population; and

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28 BE IT FURTHER RESOLVED the Commission's responsibilities
29 shall include, but not be limited to, conducting a review of
30 information and making recommendations regarding:

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- 32 (1) Content, process, and oversight procedures for the
33 training and certification of Forensic Mental Health
34 Examiners;
 - 35 (2) Mechanisms for funding, selection, oversight, and
36 management of Forensic Mental Health Examiners;
 - 37 (3) A system of mental health court services;
 - 38 (4) Responsibility for pre-adjudication mental health
39 interventions and services for individuals within the
40 public safety system;
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1 (5) Proposed amendments to statues and regulations; and

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3 (6) The funding, structure, and responsibility for post-
4 discharge and post-release aftercare services for
5 mentally ill individuals; and

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7 BE IT FURTHER RESOLVED that the commission shall be chaired
8 by a representative of the Department of Health and that
9 membership of the Commission shall consist of individuals
10 interested and knowledgeable in forensic mental health issues,
11 including, at a minimum, representatives from:

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13 (1) The Judiciary;

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15 (2) The Department of Public Safety;

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17 (3) The Adult Mental Health Division of the Department of
18 Health;

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20 (4) The Child and Adolescent Mental Health Division of the
21 Department of Health;

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23 (5) The Hawaii Disability Rights Center;

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25 (6) The Hawaii Mental Health Association;

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27 (7) Forensic medical health service providers, as
28 identified by the chair;

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30 (8) Qualified mental health consumer advocates who have
31 been involved with the criminal justice system, as
32 identified by the chair; and

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34 (9) Other organizations, as identified by the chair, to
35 serve on the commission or to participate on an ad hoc
36 basis;

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38 and

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40 BE IT FURTHER RESOLVED that certified copies of this
41 Concurrent Resolution be transmitted to the Chief Justice, the
42 Director of Public Safety, the Director of Health, the Chief of
43 the Adult Mental Health Division, the Chief of the Child and



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1 Adolescent Mental Health Division, and the Disability Rights
2 Commission.

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MAR 15 2006

