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## HOUSE 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  
32 the Hawaii State Hospital and inpatient care and correctional  
33 facilities; and  
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1 WHEREAS, lengthy stays in correctional facilities and the  
2 Hawaii State Hospital are a financial burden to the State, and  
3 may be tantamount to the incarceration of mentally ill  
4 individuals without providing treatment; and  
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6 WHEREAS, processing and following up with criminal  
7 complaints for individuals with mental illness can have  
8 significant fiscal and time management impacts on the  
9 Judiciary's limited fiscal and personnel resources; now,  
10 therefore,  
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12 BE IT RESOLVED by the House of Representatives of the  
13 Twenty-third Legislature of the State of Hawaii, Regular Session  
14 of 2006, that the Legislature establish a Forensic Mental Health  
15 Commission to study the interaction between the state mental  
16 health and public safety systems with respect to individuals  
17 with mental illness; and  
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19 BE IT FURTHER RESOLVED the purpose of the Commission is to  
20 identify and make recommendations regarding legal, structural,  
21 and operational changes in the state mental health and public  
22 safety systems to better address the needs of the forensic  
23 mental health population; and  
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25 BE IT FURTHER RESOLVED the Commission's responsibilities  
26 shall include, but not be limited to, conducting a review of  
27 information and making recommendations regarding:  
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- 29 (1) Content, process, and oversight procedures for the  
30 training and certification of Forensic Mental Health  
31 Examiners;  
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- 33 (2) Mechanisms for funding, selection, oversight, and  
34 management of Forensic Mental Health Examiners;  
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- 36 (3) A system of mental health court services;  
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- 38 (4) Responsibility for pre-adjudication mental health  
39 interventions and services for individuals within the  
40 public safety system;  
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- 42 (5) Proposed amendments to statutes and regulations; and  
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1           (6) The funding, structure, and responsibility for post-  
2           discharge and post-release aftercare services for  
3           mentally ill individuals; and  
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5           BE IT FURTHER RESOLVED that the commission shall be chaired  
6 by a representative of the Department of Health and that  
7 membership of the Commission shall consist of individuals  
8 interested and knowledgeable in forensic mental health issues,  
9 including, at a minimum, representatives from:

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11           (1) The Judiciary;  
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13           (2) The Department of Public Safety;  
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15           (3) The Adult Mental Health Division of the Department of  
16           Health;  
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18           (4) The Child and Adolescent Mental Health Division of the  
19           Department of Health;  
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21           (5) The Hawaii Disability Rights Center;  
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23           (6) The Hawaii Mental Health Association;  
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25           (7) Forensic medical health service providers, as  
26           identified by the chair;  
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28           (8) Qualified mental health consumer advocates who have  
29           been involved with the criminal justice system, as  
30           identified by the chair; and  
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32           (9) Other organizations, as identified by the chair, to  
33           serve on the commission or to participate on an ad hoc  
34           basis;

35  
36 and

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38           BE IT FURTHER RESOLVED that certified copies of this  
39 Resolution be transmitted to the Chief Justice, the Director of  
40 Public Safety, the Director of Health, the Chief of the Adult



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

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OFFERED BY:

Mr. A. Cusick.

*John H. ...*  
*C. L. ...*

*Pino Chong*  
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MAR 15 2006

