

MAR 15 2006

SENATE 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 Senate of the Twenty-third
13 Legislature of the State of Hawaii, Regular Session of 2006,
14 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
24

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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