
SENATE CONCURRENT RESOLUTION

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

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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1 WHEREAS, the 2006 Legislature established a task force in
2 Senate Concurrent Resolution No. 117. S.D. 1, to evaluate and
3 recommend possible procedural, statutory, and public policy
4 changes to minimize the census at the Hawaii State Hospital and
5 to promote community-based health services for forensic
6 patients; and
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8 WHEREAS, this task force was not charged with looking at
9 expanding existing forensic facilities at the state hospital or
10 establishing new facilities to meet the needs of the mentally
11 ill who come into contact with the criminal justice system; and
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13 WHEREAS, an expanded or new forensic facility would greatly
14 alleviate prisons' burden in diagnosing, treating, and
15 stabilizing pretrial detainees and inmates with mental health
16 problems by housing and treating them until it is appropriate to
17 return them to the general population; and
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19 WHEREAS, an expanded or new forensic facility would better
20 serve the needs of pretrial detainees and inmates with mental
21 health problems in a secure environment designed to facilitate
22 treatment and to return them to the general population; and
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24 WHEREAS, in January of 2005, the Department of Health and
25 the Department of Public Safety conducted a study to jointly
26 plan and operate a statewide forensic program to serve the needs
27 of high risk and seriously impaired individuals within both
28 systems; and
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30 WHEREAS, the construction cost of the forensic facility was
31 estimated at \$123,000,000; and
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33 WHEREAS, the joint forensic program will accommodate
34 Department of Health patients including criminal arrestees
35 ordered for mental evaluation, criminal offenders acquitted and
36 committed to Department of Health's care, probationers ordered
37 for 72-hour hospitalization, criminal offenders with conditional
38 release revocation, and criminal offenders conditionally
39 released awaiting court order or placement; and
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41 WHEREAS, the joint forensic program would accommodate
42 Department of Public Safety inmates, with the intent of
43 returning them to the general population, including inmates
44 diagnosed with an acute or long-term condition that can or



1 cannot be stabilized sufficiently, mentally ill inmates who
2 regress or decompensate and need to be transferred to the
3 forensic treatment facility for evaluation, stabilization,
4 treatment and case planning, sex offenders and drug abusers with
5 a dual diagnosis of mental illness, inmates exhibiting
6 uncontrollable disruptive behavior needing diagnosis and
7 stabilization, inmates not mentally ill, but needing separation
8 from other inmates due to repeated aggressive or dangerous
9 behaviors, and inmates who are suicidal or self-destructive; and

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

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16 WHEREAS, the joint forensic program, located at an expanded
17 or new forensic facility shall operate according to best
18 practices in mental health as determined by a task force,
19 including mental health professionals, the Hawaii Disability
20 Rights Center, the Community Alliance on Prisons, the Department
21 of Public Safety, and the Department of Health; now, therefore,

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23 BE IT RESOLVED by the Senate of the Twenty-fourth
24 Legislature of the State of Hawaii, Regular Session of 2007, the
25 House of Representatives concurring, that the Department of
26 Health and the Department of Public Safety are requested to work
27 together to improve the State's mental health forensic
28 capabilities; and

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30 BE IT FURTHER RESOLVED that the Department of Public Safety
31 and the Department of Health are requested to submit to the
32 Legislature a status report on the expansion of existing
33 forensic facilities or establishment of new facilities to
34 accommodate a joint forensic program as requested by this
35 measure, including but not limited to plans, site selection,
36 budget, construction, and recommendations no later than twenty
37 days prior to the convening of the Regular Session of 2008; and

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

