

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 914  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Public Safety, to which was referred S.B. No. 914 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH ISSUES OF COMMITTED PERSONS,"

begs leave to report as follows:

The purpose of this measure is to remedy the inadequacies in the mental health care of incarcerated persons in state correctional facilities.

Specifically, this measure proposes an appropriation of \$500,000 for each year of the 2007-2009 fiscal biennium to be expended by the Department of Public Safety to improve mental health care for offenders incarcerated at state prisons and address the concerns noted in communications with the federal Department of Justice. The measure requires the Department of Public Safety to report to the Legislature by November 1, 2007, regarding its plan and progress in meeting the mental health needs of our incarcerated population.

Testimony in support of this measure was submitted by the Department of Public Safety, the Office of the Attorney General, Community Alliance on Prisons, the Hawaii Disability Rights Center, the National Alliance on Mental Illness Oahu, and three individuals.

Your Committee finds that there are alarming deficiencies in the mental health treatment of incarcerated persons with mental



illness in our state correctional facilities. These deficiencies are due to a lack of adequate funding, high turn over rates of mental health staff, and a drastic increase of offenders with co-occurring disorders (mental health issues along with substance abuse problems). According to the 2004 Annual Report of the Department of Public Safety:

The department's mental health staff is only able to provide episodic mental health care that focuses on stabilizing the patient's mental health condition through medication. The segment of the inmate population with mental health problems is expected to grow and require increases in the department's already limited mental health service resources. (Page 35)

Your Committee finds that the mental health services of the health care division of the Department of Public Safety is significantly understaffed, needing at least an additional three psychologists and several more social workers. There is a problem with the recruitment and retention of mental health workers at our correctional facilities because of the difference in pay and working conditions, including an elevated risk to the mental health worker that comes from working in a correctional facility and with offender populations.

Your Committee finds that a fifty-cent per hour "risk pay" is insufficient to offset the increased risk and the pay and work environment discrepancies are a reflection of the perception that mental health is not a "real" program of the Department of Public Safety. These labor issues directly affect the ability of the Department of Public Safety to recruit and maintain mental health professionals and adequately treat the mentally ill offenders in our correctional facilities.

Your Committee further finds that the nontreatment of mentally ill offenders can make their condition worse. Many of these incarcerated individuals need intensive medical intervention, which is more cost effective than a lifetime of reoffense, rearrest and reincarceration.

Your Committee finds that a written action plan from the Department of Public Safety that is to be made open to the public should be submitted to the Legislature by November 1, 2007. This plan is to include the Department's existing resources and staffing that is in place, what additional resources and staffing



is needed to be up to standard, and what will be needed in the future. Alternative services, such as the use of telemedicine should be considered in the Department's action plan to improve mental health services, the completion of its training and policy manuals, and the updating of its record keeping system.

Your Committee has requested that the Department of Public Safety update its report on the feasibility of expanding the Hawaii State Hospital to include an offender wing so as to be able to adequately treat mental health patients who are incarcerated. This study was being done by the Departments of Health and Public Safety a few years ago.

Your Committee amended the measure to reflect that the Oahu Community Correctional Center is the only facility in Hawaii that the State has been informed was under an investigation relating to mental health services. The measure was also amended to reflect that no official "findings" have been issued by the Department of Justice as of January 30, 2007, but rather concerns were brought to the attention of the Department of Public Safety by experts retained by the federal Department of Justice. The measure was further amended to require that the Department of Public Safety commence its reports to the Legislature on its actions taken to improve mental health care for offenders prior to the convening of the 2008 Regular Session, rather than the 2009 Regular Session. Technical, nonsubstantive changes have been made for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 914, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 914, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,



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WILL ESPERO, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Public Safety**  
**PBS**

Bill / Resolution No.:* <b>SB 914</b>	Committee Referral: <b>PBS, WAM</b>	Date: <b>2/6/07</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman				✓
WHALEN, Paul	✓			
<b>TOTAL</b>	<b>3</b>			<b>1</b>

Recommendation:     Adopted     Not Adopted

Chair's or Designee's Signature:  
*Clarence K. Nishihara*

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\*Only one measure per Record of Votes