



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committees on Health and Human Services

**HCR 18, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A
STUDY TO ADVISE THE SPECIAL ACTION TEAM ON THE OPTIMAL NUMBER OF
FORENSIC EXAMINATIONS NECESSARY FOR FELONY CASES**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

Friday, March 01, 2013, 10:00 a.m.

1 **Department's Position:** The Department of Health (DOH) supports this House Concurrent Resolution.

2 **Fiscal Implications:** None from the study itself; if the study results in a change in the number of
3 forensic examinations required there could be potential cost savings. While it is difficult to estimate
4 these precisely, we project the total savings for DOH given a shift to one panel exams might be in the
5 range of a few hundred thousand to several hundred thousand dollars per year, through shortened
6 hospital stay. Based upon data DOH received from the Judiciary, DOH's understanding of the costs to
7 the Judiciary is there might be considerable cost savings achieved through the smaller number of
8 independent evaluations required, but we defer to the Judiciary for a more precise estimate of fiscal
9 impact on their budget.

10 **Purpose and Justification:** The purpose of this study is for the Legislative Reference Bureau (LRB) to
11 advise the Governor's Special Action Team participants (and others) on the appropriate number of
12 forensic examinations required in cases where an individual is charged with a felony and where either an
13 evaluation is requested to determine fitness to proceed or the defendant is raising an insanity plea as a
14 defense, as provided under chapter 704, Hawaii Revised Statutes (HRS).

1 Currently, chapter 704, HRS requires the use of three forensic examiners in felony cases when
2 either a question is raised regarding fitness to proceed or an insanity defense is raised. Only one
3 forensic examiner is required in non-felony cases. The large number of examinations required results in
4 inefficiencies and delays in resolving cases and, for some individuals, an lengthened stay in DOH
5 custody. The delay is compounded by Hawaii’s use of three exams at each stage of the court case
6 including at fitness determinations, when determining criminal responsibility, requesting to transition
7 out of the hospital, petitioning to be placed on conditional release, and petitioning to be discharged from
8 conditional release. These multiple, repetitive uses of three forensic examinations creates substantial
9 delays and extensions of hospitalization without apparent clinical value. Costs are incurred for each
10 forensic examination that is required. Obviously costs are also incurred the longer a defendant remains
11 in the custody of the DOH.

12 With this advisement from the LRB study, there may emerge a consensus around modifying the
13 relevant portions of HRS, affected agencies may implement policies which will result in better
14 coordination between them; This will permit us to more effectively address mental health service needs
15 for individuals in our state, to realize potential cost savings, and to more effectively manage the census
16 at Hawaii State Hospital and those committed to the DOH.

17 Thank you for the opportunity to testify.

morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 6:36 PM
To: HLTtestimony
Cc: thirr33@gmail.com
Subject: Submitted testimony for HCR18 on Mar 1, 2013 10:00AM

HCR18

Submitted on: 2/26/2013

Testimony for HLT/HUS on Mar 1, 2013 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	The Mestizo Association	Support	No

Comments: Chair, Reps. Della Au Belatti/Mele Carroll Vice chairs, Reps. Dee Morikawa/Justin H. Woodson I am Arvid Tadao Youngquist, a Kalihi Valley resident. As a spokesman/founder of The Mestizo Association & I Love Kalihi Valley, we submit testimony in support of HCR 18. This measure's purpose is REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO ADVISE THE SPECIAL ACTION TEAM ON THE OPTIMAL NUMBER OF FORENSIC EXAMINATIONS NECESSARY FOR FELONY CASES. Personally, I do not know the extent of expertise of the legislative Reference Bureau on subject Action Team or similar previous requests on file from which the Bureau can extract or extrapolate the requested information on behalf of the Action Team and/or Stakeholders, but we believe such a request has positive merit and should be pursued. Such information through the Action Team, should be provided to all Statewide/Couty-level medical examiners and forensic specialists, as well as prosecutors and the AG deputies. Thant you for permitting us this opportunity in providing written testimony in support of HCR 18. I think the sponsor of this measure. Arvid Tadao Youngquist Founder and Spokesman The Mestizo Association/I Love Kalihi Valley Feb. 26, 2013

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov