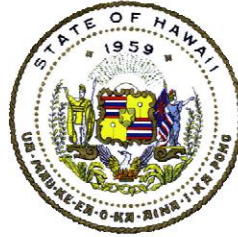


NEIL ABERCROMBIE
GOVERNOR



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TESTIMONY ON SENATE BILL (SB) 1179, SENATE DRAFT (SD) 1, HOUSE DRAFT (HD) 1
A BILL FOR AN ACT RELATING TO
COURT ORDERS TO PROVIDE MEDICAL TREATMENT FOR INMATES
AND DETAINEES IN CORRECTIONAL FACILITIES

by
Ted Sakai, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair

Thursday, March 27, 2014; 3:00 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee

The Department of Public Safety (PSD) **strongly supports** SB 1179,
SD 1, HD 1.

This bill would amend a statute, enacted in 2011, which allows us to petition the court to obtain orders, under certain circumstances, to provide treatment involuntarily to inmates and detainees in our care and custody. As may be expected with many newly created statutes, operating conditions not previously envisioned in the original proposal may be encountered when implementing the specific language of the statute. This bill addresses two specific operational deficiencies in the current law that restricts the Department's ability to fully implement the original intent of the statute, as well as six "housekeeping items."

The two most significant specific areas requiring modification are: (1) the definitions of danger of harm to self or others, and (2) the hearing notification process.

We are proposing that the definitions for harm to self or others be expanded to include individuals who, although they do not pose an immediate danger due to present physical constraints, do represent an imminent danger if these physical constraints are not present. We are seeking this expanded definition since we have encountered inmates with mental health disorders who have been relegated to long periods of isolation in segregated settings. They may not immediately demonstrate the behaviors of danger to self or others. However, if released from segregated settings, it is reasonably predictable based on past behaviors, that they would, in time, pose a serious danger to self or others. Presently, these individuals are relegated to indefinite seclusion, depriving them of opportunities and rights of other prisoners or detainees. The Department considers it to be inhumane to retain these inmates in such settings without attempting interventions which could conceivably permit them the rights and privileges of other prisoners.

The second significant area of change is the hearing notification process. The Department has found it unnecessarily cumbersome to attempt to contact the list of individuals outlined in the present statute, and is seeking to expedite the notification process by restricting notification to those parties designated by the inmates as their emergency contact or their legal guardian while in the custody of the Department, while still permitting the court to decide if other significant parties are relevant to the hearing.

There are additional minor proposed changes in the statute, that are reflected as follows: (1) permitting filings for orders in district court as well as circuit court; (2) permitting a declaration as an alternative to an affidavit from licensed physicians or psychologists who have personally examined the inmate; (3) deleting the erroneous reference to "commitment" and replacing it with a reference to "treatment"; (4) substituting the references to "judge" with references to "court" throughout the bill; (5) removing the inmates' inability to participate in the hearing as a condition for the court to consider the appointment of guardianships; and (6) permitting the court order to continue to the maximum

period of the order should an individual be released and returned to custody, unless it has been determined the person is no longer in need of treatment.

Thank you for the opportunity to testify on this bill.



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 27, 2014 5:47 AM
To: FINTestimony
Cc: thirr33@gmail.com
Subject: Submitted testimony for SB1179 on Mar 27, 2014 15:00PM
Attachments: SB1179 HD1 HSCR1212-14 Petition for Inmates.gif

SB1179

Submitted on: 3/27/2014

Testimony for FIN on Mar 27, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	The Sub-Subway Sandwich Group	Support	No

Comments: Chair, Rep. Sylvia Luke, House FIN Committee Vice Chairs, Representatives: Scott Y. ishimoto & Aaron Ling Johanson (R)-Right Honorable FIN Committee Members: Representatives Ty J. K. Cullen, Mark J. Hashem, Kaniela Ing, Jo Jordan, Bertrant Kobayashi, Nicole E. Lowen, Dee Morikawa, Richard H. K. Onishi, Gregg Takayama, James Kunane Tokioka, Justin H. Woodson, Kyle T. Yamashita, Beth Fukumoto, and Gene Ward (Ph.D.) We support the basic intent of this measure. However, we do have some reservations about having less individuals notified concerning the individual involved, i.e., just one now, instead of the previous number Also the fact that only the AG and the Public Safety Department submitted testimony in support and that the bill is from a Governor's package and only introduced by the Senate President By Request, lends a note of caution. We would also like to have the DPS and the DOH to provide much better dental care for the prisoners and the State Hospital inmates. Some conditions can and do lead to multiple myeloma (cancer of the bone marrow, kidneys and the brain). As a former Board member of HFFS, United Self Help, Inc., Austin/Travis County MH/MR Center, Council member of West Honolulu Sub-Area Health Planning Council, Kuakini-Liliha Mental Health Center Advisory Council, Task Force appointee by the Chief, DOH Adult Mental Health Division (twice), we feel that this legislation even with its modifications, is a much needed tool for evaluation and being proactive, rather than being stand-offish and using the individual rights of freedom of choice as an excuse for neglect. No matter how noble and ingrained in the American ideals of the individual rights, neglect of a person's health (mental health include), has no place in our enlightened society. Please report this measure out with your support and if possible agree with the Senate where you can see eye to eye. It is a measure worthwhile in the long- run. Arvid Tadao Youngquist Founder, Administrator, and Spokesman *Note: Registered Voter (Kalihi Valley)

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.

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