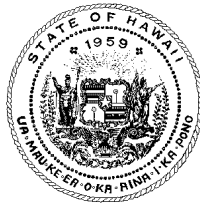


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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NOLAN P. ESPINDA
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Law Enforcement

No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 81
HOUSE RESOLUTION 43
REQUESTING A STUDY ON THE FEASIBILITY AND SAFETY BENEFITS OF
RELOCATING THE HAWAII STATE HOSPITAL'S PLANNED FORENSIC UNIT
TO THE CORRECTIONAL FACILITY PLANNED TO BE BUILT ON OAHU.

By
Nolan P. Espinda, Director

House Committee on Health
Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Monday, March 28, 2016; 2:00 p.m.
State Capitol, Conference Room 329

Chairs Belatti and Takayama, Vice Chairs Creagan and Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** House Concurrent Resolution (HCR) 81 and House Resolution (HR) 43.

The Judiciary, alone, determines who should receive mental health services in a non-Prison or in a Correctional setting. It could be argued that even contemplating the placement of an individual into prison or jail, who has already been determined by the court to receive treatment in a non-Prison setting, would, in essence, be the contemplation of *de facto* legal criminalization of mental illness.

Simply labeling a designated area of a prison or jail as being under the direction of the Department of Health instead of under the jurisdiction of PSD's Corrections Division would do nothing to differentiate, for those forced into institutionalization there, as well as their families, the fact that the individual has been sent to prison rather than a hospital, as already mandated by the courts.

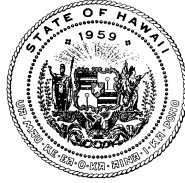
The construction of a new wing to the Hawaii State Hospital (HSH) is the current, well-considered, long term solution to the safety, security, and treatment challenges highlighted in this HCR. One would assume that aside from meeting the obvious

overcrowding needs, the project would similarly address the employee safety, staff training, community safety, and the treatment needs of all of the patients rightfully placed there. Patients must be treated as patients and not as inmates.

The opportunity to plan, train, model, and design in, staff and patient safety priorities, staff preparedness training, staff and patient treatment priorities, staff and community compound security priorities, is a once in a generation opportunity that must be fully leveraged and made operational.

The building of a new wing to the HSH must be the impetus for the provision of state-of-the-art care and custody for those with acute Mental Health needs. The building of a new Correctional facility should not be the impetus for the incarceration of those with acute Mental Health needs.

Thank you for the opportunity to provide this testimony.



STATE OF HAWAII
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Testimony OPPOSING HCR81

Relating to Requesting a Study on the Feasibility and Safety Benefits of Relocating the Hawaii State Hospital's Planned Forensic Unit to the Correctional Facility Planned to be Built on Oahu

REPRESENTATIVE DELLA AU BETTI, CHAIR
HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY

Hearing Date: March 28, 2016, 2:00 p.m. Room Number: 329

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) appreciates the leadership and
3 support we have received from this chamber and, in particular, the two committees which we are
4 before today. In 2012, we supported a similar measure, HCR192, but we cannot support the
5 proposed measure as written.

6 The purpose of this resolution is to conduct a feasibility study, in conjunction with the
7 Department of Public Safety (DPS), to determine whether relocating the now under construction
8 Hawaii State Hospital (HSH) forensic facility on the grounds of the HSH in Kaneohe to the
9 proposed new DPS correctional facility planned on Oahu is beneficial and economical and if
10 doing so would create a safer environment for HSH staff, the Windward Oahu community,
11 including faculty and students at Windward Community College, and the general public.

12 Since testifying on HCR192 in 2012, time has moved on. The DOH has begun to execute the
13 HSH Master Plan. This Master Plan is necessary to address an extreme and immediate crisis

1 relevant to overcrowding at the hospital. The current configuration of the HSH was designed for
2 168 patients. Currently, there are 210 patients at HSH and 42 patients in rented beds at Kahi
3 Mohala. Current projections of admissions indicate an increasing rate into the future. The HSH
4 must accept all court-ordered admissions.

5 The goal is to complete this new HSH forensic facility within five years through a
6 design/build project delivery system.

- 7 • The demolition phase has commenced for the dilapidated Goddard Building, specifically
8 asbestos and hazardous materials abatement. The major component of the Master Plan
9 involves the demolition of this building and the construction of a new 144-bed forensic
10 facility. The demolition is anticipated to be completed by August 2016.
- 11 • Approval of a Certificate of Need, which is required by law, for the new health care
12 facility is expected no later than April 2016.
- 13 • The Environmental Impact Statement process has been initiated by the Department of
14 Accounting and General Services (DAGS).
- 15 • Pending approval of the Governor's \$160.5M lump-sum appropriation request, the
16 Request For proposal (RFP) will be issued and the construction phase will begin.

17 The Governor's Steering Committee meets monthly to assure the accelerated pace for this
18 HSH forensic facility. The anticipated timeline for this crucial project is five years to
19 completion.

1 At the current time, the new DPS facility mentioned in this measure has not been approved
2 for construction. The construction of the new HSH forensic facility cannot wait while the
3 approval process and preliminary steps for the new DPS facility takes place.

4 This resolution, HCR81, seems to propose collaboration and a feasibility study as an
5 alternative to moving ahead with implementing the HSH Master Plan. If this resolution is
6 conceived of as an alternative to implementing the HSH Master Plan, the feasibility study would
7 substantially delay progress, during which time the situation of the HSH, including patients,
8 staff, surrounding communities, and the general public, would at best, be maintained as status
9 quo, not improved.

10 Commissioning a study like the one proposed in this measure will add additional time to this
11 project which needs to be completed as soon as possible. The new facility, in addition to adding
12 much needed capacity to the HSH, will also provide a safe setting for patients, staff, and the
13 public. For example, the new facility will be enclosed within a secure perimeter which will
14 greatly reduce the possibility of a patient escaping into the surrounding community.

15 We will continue to coordinate and collaborate with DPS around service and program
16 planning.

17 Thank you for the opportunity to testify on this measure.

18 **Offered Amendments:** None.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 28, 2016 3:24 AM
To: HLTtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HCR81 on Mar 28, 2016 14:00PM

HCR81

Submitted on: 3/28/2016

Testimony for HLT/PBS on Mar 28, 2016 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	Yes

Comments: We STRONGLY OPPOSE this resolution since the Department of Public Safety cannot effectively manage the facilities that it currently have now. Neither is the Department of Public Safety equipped with the expertise to operate a mental health facility & has already been sued for the deplorable conditions of its mental health units.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 24, 2016 6:15 PM
To: HLTtestimony
Cc: louis@hawaiidisabilityrights.org
Subject: Submitted testimony for HCR81 on Mar 28, 2016 14:00PM

HCR81

Submitted on: 3/24/2016

Testimony for HLT/PBS on Mar 28, 2016 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Oppose	No

Comments: The problems at the Hawaii State Hospital have been well documented and are real. They need to move forward with the plans they have set out as work is underway and progress has been made. We prefer to see the legislature support the DOH and their budget requests in this regard as expeditiously as possible. We don't believe that diverting the discussion to reconsider the options or reconfigure the plans is productive in any way at this point.

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creagan3 - Rebekah

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 28, 2016 12:31 PM
To: HLTtestimony
Cc: joyamarshall0416@gmail.com
Subject: *Submitted testimony for HCR81 on Mar 28, 2016 14:00PM*

HCR81

Submitted on: 3/28/2016

Testimony for HLT/PBS on Mar 28, 2016 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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