



HAWAII DISABILITY RIGHTS CENTER

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THE SENATE THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015

Committee on Health Committee on Judiciary and Labor Testimony on S.B. 1175 Relating to The Hawaii State Hospital

**Wednesday, February 11, 2015, 9:20 A.M.
Conference Room 016**

Chair Green, Chair Keith-Agaran and Members of the Committees:

The Hawaii Disability Rights Center appreciates the need (be it a separate wing or a new facility) to address the patients who need stricter security or a higher level of services. Clearly it goes without saying that these are necessary steps the state must take. Most of the professionals who are knowledgeable on the issue have suggested for some time that the current Hawaii State Hospital, which was designed to be a treating hospital has essentially "lost its way". Although it was intended to be a treating hospital for individuals with mental illness, it has become a de facto forensic facility simply because Criminal Court Judges continue to order defendants placed there. As a result two things occur. One is that it is a forensic facility not really equipped to be a forensic facility. The other is that it has no capacity to serve its original purpose and so individuals who actually need to go there for treatment are unable to do so.

A separate facility or wing could appropriately house the forensic population with well trained staff operating at a sensible ratio. It would also free up space at the current facility to serve non forensic individuals who need to be treated for their mental illness. It might actually reduce some of the problems we are seeing on the streets which are occupied by many untreated individuals who have not committed crimes. It might help to break the sad cycle which currently states that the only way to receive treatment in Hawaii for mental illness is to get arrested.

We had observed with great interest the hearings conducted last session in response to the reports of patient assaults on staff members at the hospital. Obviously that is a matter of great concern. Yet, several things need to be stated. One is that in truth, we



believe that a study of the data would demonstrate that patient assaults against other patients are more prevalent than assaults against the staff. The other is that advocates in the mental health community have been coming to the legislature for the past several years to ask that cuts in community based mental health services be restored. The notion is that if these services were properly funded, (which would be infinitely cheaper) it might reduce the number of individuals who needed to be hospitalized. We continue to believe that that is true and we hope that as this session progresses, the legislature will take a "holistic" look at the system of mental health delivery in Hawaii. It is unfortunate that it took a clamoring from unionized state employees to point out what those who have been working with the mental health population have known and been saying for years. Yet it is also fortunate that the issue has finally received front burner attention from the legislature and we hope that the safety concerns of the workers and the treatment needs of the patients can be properly addressed in a way that helps all of them.

We do wish to express our concern about the provision directing hospital personnel to transfer patients out of state. Whatever one believes about the wisdom of transferring convicted criminals to prisons on the mainland, the residents of the Hawaii State Hospital have by definition not been convicted of any crime. Therefore they have legal and constitutional rights that convicted criminals might not enjoy and to the degree they meet the criteria of an individual with a disability they may have certain rights to reside in their home community under the Olmstead decision. For that reason, we urge the Committee to tread carefully and be clear on the legalities of that provision before proceeding further.

Thank you for the opportunity to testify in support on this measure.