REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS.

WHEREAS, individuals with mental illness may be prosecuted in the criminal justice system, and in the process many are admitted to the Hawaii State Hospital by court order; and

WHEREAS, the current structure of the mental health and criminal justice system in Hawaii can improve the level of supervision, monitoring, or treatment necessary to ensure the safety of individuals with mental illness and the community at large; and

WHEREAS, the number of individuals with mental illnesses that come into contact with the criminal justice system may be reduced by coordinated efforts of the mental health and the criminal justice systems; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, that the Governor is requested to convene a task force composed of government agencies and other stakeholders to analyze the identification, diagnosis, and treatment of persons with mental illness who are committed to the Hawaii State Hospital by the state criminal justice system; and

BE IT FURTHER RESOLVED that the task force is to consider but is not limited to the following issues:

(1) Developing public policies that address community-based mental health services for forensic patients conditionally released by the courts into the
community, with specific attention to supervision and monitoring of forensic patients;

(2) Considering the further and enhanced use of mental health interventions and jail diversion programs to assist persons with mental illness who come into contact with the criminal justice system;

(3) Collaborating with the Judiciary to expand and enhance the Mental Health Court statewide;

(4) Reviewing Chapter 704, Hawaii Revised Statutes, "Penal Responsibility and Fitness to Proceed" for possible revisions, including but not limited to:

(A) Clarifying the time frames for persons held pursuant to this chapter and setting maximum court turnaround dates;

(B) Simplifying the "orders to treat" process, where applicable; and

(C) Clarifying the revocation process for those forensic patients conditionally released by the courts into the community;

(5) Encouraging the continued and expanded use of videoconferencing for forensic patient's court appearances;

(6) Improving forensic mental health examiner training—content, selection, oversight, continuing education, management, and continuous quality improvement processes; and

(7) Improving the coordination of post-release after-care services for incarcerated severely and persistently mentally ill individuals;

and
BE IT FURTHER RESOLVED that the task force be comprised of representatives from:

(1) The Department of Health, including:

   (A) The Adult Mental Health Division's (AMHD) Forensic Director;

   (B) Forensic and line staff from the Hawaii State Hospital;

   (C) Community mental health center forensic coordinators; and

   (D) AMHD forensic evaluators;

(2) The Department of the Attorney General;

(3) The Judiciary;

(4) The Department of Public Safety;

(5) The Office of the Public Defender;

(6) The County Prosecutor's Office of each county;

(7) The County police departments;

(8) The chairs of the Senate and House Health Committees or designees;

(9) The Hawaii Disability Rights Center;

(10) The Hawaii Government Employees Association;

(11) A forensic specialist from the Hawaii Psychiatric Medical Association;

(12) Qualified mental health consumers who have knowledge of forensic mental health issues;

(13) A forensic mental health service provider;
(14) A forensic specialist from the National Association of Social Workers-Hawaii Chapter; and

(15) Other organizations, as identified by the chairs of the Senate and House Health Committees or their designees to serve on the task force or to participate on an ad-hoc basis;

and

BE IT FURTHER RESOLVED that the Chairs of the Senate and House Health Committees, or their designees, co-chair the task force; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to assist the task force in drafting recommended legislation, if any; and

BE IT FURTHER RESOLVED that the task force is requested to meet at least monthly from September 2006 through December 2007, and is requested to submit a progress report with any recommendations regarding the issues reviewed, including any necessary legislation no later than 20 days prior to the convening of the Regular Session of 2007 and a final report with recommendations including any necessary legislation no later than 20 days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Director of Health, Attorney General, Chief Justice, Director of Public Safety, Public Defender, Prosecuting Attorneys of all county offices of the Prosecuting Attorney, Chiefs of all county police departments, President of the Hawaii Psychiatric Medical Association, President of the Hawaii Disability Rights Center, Executive Director of the National Association of Social Workers, Hawaii Chapter, Executive Director of the Hawaii Government Employees Association, and the Acting Director of the Legislative Reference Bureau.