

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1342

H.P. 943

House of Representatives, March 31, 2009

**Resolve, To Direct the Commissioner of Health and Human Services
To Establish a Blue Ribbon Task Force To Examine the Attorney
General's Report Regarding Police Shootings as It Relates to Deaths
of Persons with Mental Illness**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LEWIN of Eliot.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: AUSTIN of Gray, AYOTTE of Caswell, BEAUDOIN of Biddeford, CHASE
of Wells, CRAFTS of Lisbon, CURTIS of Madison, CUSHING of Hampden, DAVIS of
Sangerville, EVES of North Berwick, FOSSEL of Alna, GIFFORD of Lincoln, GILES of
Belfast, JOHNSON of Greenville, JOY of Crystal, KNAPP of Gorham, LANGLEY of
Ellsworth, McFADDEN of Dennysville, McKANE of Newcastle, MILLER of Somerville,
MILLETT of Waterford, PERCY of Phippsburg, PETERSON of Rumford, PILON of Saco,
Speaker PINGREE of North Haven, PLUMMER of Windham, PRESCOTT of Topsham,
RICHARDSON of Warren, ROSEN of Bucksport, SANBORN of Gorham, SARTY of
Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, STUCKEY of Portland, TARDY of
Newport, THOMAS of Ripley, TREAT of Hallowell, WEAVER of York, Senators:
COURTNEY of York, GOOLEY of Franklin, MILLS of Somerset, PLOWMAN of Penobscot,
RAYE of Washington, ROSEN of Hancock, SMITH of Piscataquis.

1 **Sec. 1. Blue ribbon task force established. Resolved:** That the
2 Commissioner of Health and Human Services shall establish a blue ribbon task force to
3 examine the 2008 Report of the Attorney General's Ad Hoc Task Force on the Use of
4 Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental
5 Illness and to establish recommendations and preferred protocols for nonlethal responses
6 to situations in which the medical and mental health status of a person is unknown by law
7 enforcement officers. The blue ribbon task force must include members who represent
8 public safety, mental health care and judicial services, as well as members of the public;
9 and be it further

10 **Sec. 2. Duties. Resolved:** That the blue ribbon task force shall:

11 1. Review the Attorney General's report and ascertain the issues raised and what
12 recommendations were made concerning police shootings in confrontations and how the
13 shootings relate to the deaths of people with mental illness. The ad hoc task force
14 identified several areas that, if addressed, could decrease the incidence of situations
15 requiring police to intervene under highly dangerous circumstances. The blue ribbon task
16 force shall review these areas and determine if any further suggested legislation is
17 advisable;

18 2. Review the findings of the Mental Health Homicide, Suicide and Aggravated
19 Assault Review Board, established by Public Law 2007, chapter 609, and the report that
20 was due to be submitted by January 30, 2009 for the conclusions and recommendations
21 that the board provided;

22 3. Review the process and interaction of the major groups affected by this issue,
23 including the judiciary, public safety and mental health fields, to better improve
24 communication and goals between the groups and to achieve the appropriate response to
25 situations that involve people with mental illness;

26 4. Review the relationship between law enforcement and people with mental illness
27 in other states, especially in states with similar geographical, cultural and economic
28 backgrounds. The blue ribbon task force shall review the role of substance abuse in
29 situations in which the police are involved and determine best ways to address that issue
30 as it relates to people with mental illness;

31 5. Review data from the National Alliance on Mental Illness, which rates Maine in
32 its 2nd-highest tier of grading. Maine is one of only 6 states to receive this ranking. The
33 blue ribbon task force shall report its recommendations for making the State one of the
34 best in dealing appropriately with public safety situations that involve law enforcement
35 and people with mental illness; and

36 6. Consider and make a recommendation about having a specially trained State
37 Police tactical team respond to a dangerous situation involving a person with a mental
38 illness; and be it further

39 **Sec. 3. Report. Resolved:** That the Commissioner of Health and Human
40 Services shall submit a report that includes the findings and recommendations of the blue

1 ribbon task force, including suggested legislation, for presentation to the Second Regular
2 Session of the 124th Legislature by March 1, 2010.

3 The Joint Standing Committee on Criminal Justice and Public Safety is authorized to
4 introduce legislation related to the subject matter of the report to the Second Regular
5 Session of the 124th Legislature upon receipt of the report.

6 **SUMMARY**

7 This resolve requires the Commissioner of Health and Human Services to establish a
8 blue ribbon task force to examine the Attorney General's recent report on the issue of
9 police shootings in confrontations with people with mental illness and to recommend
10 protocols to avoid lethal confrontations. The blue ribbon task force is also directed to
11 review the findings of the recent report of the Mental Health Homicide, Suicide and
12 Aggravated Assault Review Board and ways that the public safety, judicial system and
13 mental health fields interrelate in order to improve communication. The task force will
14 look at other states' procedures and protocols and review information from the National
15 Alliance on Mental Illness. Finally, the task force shall make a recommendation about
16 having a specially trained State Police tactical team respond to a dangerous situation
17 involving a person with a mental illness. The commissioner will report to the Joint
18 Standing Committee on Criminal Justice and Public Safety by March 1, 2010 with
19 recommendations and suggested legislation of the blue ribbon task force. The joint
20 standing committee is authorized to submit legislation to the Second Regular Session of
21 the 124th Legislature.