

MAR 10 2010

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES.

1 WHEREAS, according to a study of United States Department
2 of Justice statistics conducted in 2002, fifty per cent of
3 American inmates will return to prison within two years of their
4 release; and

5
6 WHEREAS, a restorative circle is a group planning process
7 for individual inmates, their families, and prison staff that
8 results in a written transition plan for the inmate preparing to
9 leave prison; and

10
11 WHEREAS, the transition plan details the inmate's needs,
12 including the need for reconciliation with loved ones, any non-
13 related victims not present at the circle, and the inmate
14 personally, and addresses other needs, such as housing and
15 employment necessary for the inmate to create a successful life
16 by establishing goals for the inmate to meet; and

17
18 WHEREAS, a restorative circle makes it clear to inmates
19 that they are responsible for their lives by the decisions that
20 they make; and

21
22 WHEREAS, an internal self-study was completed for the
23 Healing/Sentencing Circles Program at Whitehorse, Yukon
24 Territory by an outside consultant, revealing that, over a two
25 year period, the program served sixty-five clients and follow-up
26 tracking showed that there was an eighty per cent decrease in
27 recidivism (Matthews, S. and G. Larkin (1999). *Guide to*
28 *Community-based Alternative for Low Risk Juvenile Offenders.*
29 *Topeka, KS: Koch Crime Institute.*); and

30
31 WHEREAS, a study of the Hollow Water First Nation Community
32 Holistic Circle Healing program conducted by Native Counseling
33 Services of Alberta reported that, over a ten-year period, only
34 two out of one hundred seven participants re-offended; and



1
2 WHEREAS, the Hollow Water study contrasted this two per
3 cent recidivism rate for program participants against "typical"
4 recidivism rates over the same period of time, such as a
5 thirteen per cent recidivism rate for sex offenders and a
6 thirty-six per cent rate for any form of recidivism in Canada
7 (Native Counseling Services of Alberta (2001). *A cost-benefit*
8 *analysis of Hollow Water's Community Holistic Circle Healing*
9 *Process*. Ottawa, Ontario, Canada: Aboriginal Corrections Policy
10 Unit, Solicitor General of Canada.); and

11
12 WHEREAS, in 2001, the University of Cambridge conducted
13 seven experiments where four hundred who attended restorative
14 justice conferences were compared with four hundred offenders
15 who did not; and

16
17 WHEREAS, during the restorative justice conferences, which
18 each lasted from one to three hours and often occurred in prison
19 settings, the participating offenders listened to victims
20 describe the harm their crimes had caused; and

21
22 WHEREAS, the victims who participated in the conferences
23 found the process to be helpful and positive, while the
24 participating offenders described the meetings as "traumatic" as
25 well as life-changing; and

26
27 WHEREAS, the report on the experiments found that, over a
28 two-year period, the rate of reconviction fell by different
29 rates in different parts of the United Kingdom -- for example,
30 the rate of reconviction for violent offenders in Thames Valley
31 fell by fifty-five per cent and the rate of reconviction among
32 career burglars in London fell by 15.5 per cent; and

33
34 WHEREAS, the report on the experiments estimated that for
35 every £1 spent on delivering the conferences, £9 was saved in
36 costs to victims and the criminal justice system; and

37
38 WHEREAS, the Hawaii Restorative Circles program, renamed
39 "Huikahi Restorative Circles", from the Hawaiian words "hui"
40 meaning group and "kahi" meaning individual, is a reentry
41 program mandated as part of Act 8, First Special Session Laws of
42 Hawaii 2007; and



1 WHEREAS, the funds appropriated for the continuation and
2 expansion of the Huikahi Restorative Circles program by Act 8
3 have not been released; and

4
5 WHEREAS, the Huikahi Restorative Circles program has been
6 operating with private funding and community goodwill; and

7
8 WHEREAS, since 2005, the Huikahi Restorative Circles
9 program has included more than three hundred participants, with
10 a one hundred per cent satisfaction rate; and

11
12 WHEREAS, John Braithwaite, Ph.D., Australian Research
13 Council Federation Fellow, professor at the Australian National
14 University, recipient of the 2006 Stockholm Prize in
15 Criminology, author of many books and publications, including
16 *Crime, Shame and Reintegration*, and recognized as a major force
17 in the restorative justice movement says, "Hawaii is a world
18 leader in innovation for reentry planning for prisoners because
19 of its work on Restorative Circles. We all look forward to the
20 next stage in this Hawaiian leadership toward a more effective
21 way to prevent crime by reintegrating released inmates into a
22 supportive community"; and

23
24 WHEREAS, Shadd Maruna, Ph.D., corrections expert and law
25 professor at Queen's University Belfast in Ireland, and author
26 of numerous publications, including the book *Making Good: How*
27 *Ex-Convicts Reform and Rebuild Their Lives*, says, "I have long
28 been deeply impressed with Hawaii's innovations in the area of
29 prisoner reentry and especially the work with the Modified
30 Restorative Circles. As an outsider, I assume the small island
31 geography and the historical traditions of Hawaii make the place
32 particularly amenable to community-based solutions to the issues
33 of crime and reintegration. Yet, beyond this, it also takes
34 policy innovation and political courage"; and

35
36 WHEREAS, impartial grant reviewers for the federal
37 government recently stated that the Huikahi Restorative Circles
38 "provide an innovative approach to an often overlooked facet of
39 an offender's reentry into the community--the interaction--past,
40 present, and future--with the inmate's family. The appreciation
41 for cultural sensitivities will translate to other populations.
42 The inclusion of a thoughtful 'transition plan' it presents is a
43 good next step opportunity for both family and inmates."
44 (Attachment to a letter dated November 17, 2009 from James H.



1 Burch, II, Acting Director of the Bureau of Justice Assistance,
2 to Lorenn Walker); and
3

4 WHEREAS, a recent evaluation of Pono Kaulike, a similar
5 restorative justice program, revealed that, out of a group of
6 thirty-eight participants and a control group of twenty-nine
7 individuals, the people who participated in the Pono Kaulike
8 program had a significantly lower rate of recidivism -- eighteen
9 per cent, compared to the control group which had a fifty-one
10 per cent rate of repeating crime (Walker, Lorenn and Hayashi,
11 Leslie (2007). *Pono Kaulike: A Hawaii Criminal Court Provides*
12 *Restorative Justice Practices for Healing Relationships.*
13 Federal Probation. 71(3):18-24.); and
14

15 WHEREAS, the Huikahi Restorative Circles Program has been
16 recognized both nationally and internationally; now, therefore,
17

18 BE IT RESOLVED by the Senate of the Twenty-fifth
19 Legislature of the State of Hawaii, Regular Session of 2010,
20 that the Department of Public Safety is requested to facilitate
21 and support federal grant proposals for the funding of the
22 Huikahi Restorative Circles program to address the backlog of
23 requests from incarcerated individuals wanting to make amends
24 for their past behavior; and
25

26 BE IT FURTHER RESOLVED that the Department of Public Safety
27 is requested to obtain an annual report from the provider of the
28 Huikahi Restorative Circles program; and
29

30 BE IT FURTHER RESOLVED that certified copies of this
31 Resolution be transmitted to the Governor, the Director of
32 Public Safety, the Chair of the Senate Committee on Public
33 Safety and Military Affairs, the Chair of the House Committee on
34 Public Safety, and the Attorney General.
35
36
37

OFFERED BY: Will Ezuro

[Handwritten signature]

[Handwritten signature]
[Handwritten signature]