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GOVERNOR



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No. \_

TESTIMONY ON HOUSE BILL 1818  
RELATING TO COGNITIVE RESTRUCTURING

By  
Clayton A. Frank, Director  
Department of Public Safety

**OPPOSED**

House Committee on Hawaiian Affairs  
Representative Mele Carroll, Chair  
Representative Maile S.L. Shimabukuro, Vice Chair

Thursday, February 10, 2010; 10:00 AM  
State Capitol, Conference Room 329

Representative Carroll, Representative Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) supports the legislative intent of HB 1818 to ensure cognitive behavioral therapy in reentry/reintegration programs, since most of the department treatment programs are currently based on this premise. However, the cognitive behavioral therapeutic premise is most effective and applicable in the treatment programs rather than in the educational or vocational development programs that are designed to assist offenders with their successful reentry/reintegration into society.

Therefore, the department does not support mandating the integration of cognitive behavioral therapy in all of its reentry/reintegration programs. PSD also finds that restricting "all new contracts for reentry/reintegration programs," to those with native Hawaiian holistic interventions, as implied in Section 2(b), line 1 through 3, of this measure could be construed to be discriminatory to offenders of other ethnic backgrounds and expose the state to liability with respect to equal protection or disparity in the treatment of offenders.

The Department continues to be very supportive of programs with strong cultural persuasions. In the recent past, the Department collaborated with a non-profit organization to implement a pilot project funded by the Office of the Hawaiian Affairs to provide indigenous strategies that coincided with cognitive restructuring for inmates in transition. Although the program sought funding during the next legislative session, fiscal difficulties prevented the support of this program. The Department acknowledges that this measure has merit for therapeutic treatment programs; however, given the current, extreme, fiscal difficulties, it would not be prudent to pursue enactment of this measure as written at this time.

Thank you for the opportunity to provide testimony on this matter.

✓ 16<sup>00</sup>

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair

Rep. Maile Shimabukuro, Vice Chair

Wednesday, February 10, 2010

10:00 AM

Room 329

**STRONG SUPPORT HB 1818 - Cognitive Restructuring & Cultural Interventions**

**[HAWTestimony@capitol.hawaii.gov](mailto:HAWTestimony@capitol.hawaii.gov)**

**SUPPORT**

Aloha Chair Carroll, Vice Chair Shimabukuro and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 1818 requires the Department of Public Safety to establish a reintegration pilot program that combines cognitive behavioral theory with native Hawaiian holistic interventions that address domestic violence, addictions, self mastery through identity, and community connections for successful transitions back into the community.

Community Alliance on Prisons is in STRONG SUPPORT of HB 1818. The disproportionate number of incarcerated individuals of Hawaiian ancestry should make all people of good will ask, why *are* we criminalizing the aboriginal population?

Cultural interventions have proven to be successful in program such as MEO's BEST Reintegration Program where recidivism is 10-20% lower than the state has been able to achieve.

There are more and more studies and articles emerging about the power of restorative practices to heal victims, communities, and wrongdoers themselves from the impacts of crime. These practices are based on those of aboriginal peoples who understood that much wrongdoing develops when connections are broken or lost. Restorative practices like ho'oponopono help reconnect people. They help heal those broken connections. These kinds of strategies are successful, especially in Hawai'i, as the majority of our incarcerated population is individuals of Hawaiian ancestry. The process of helping someone connect to who they really are is nothing short of transformative. I have seen many miracles, for which I am grateful and optimistic.

The research and experiences of those who have been involved in these processes is a strong call for Hawai'i - especially Hawai'i - to implement culturally competent interventions to help individuals understand the thinking that created their pathway to incarceration.

The Restorative Circles process, codified in Act 8 is an example of a restorative practices program that assists people in understanding their own behavior. An article entitled, "*Rights, religion, and community: Approaches to violence against women in the context of globalization*" in the Law and Society Review by Sally Merry Engle (2001) discusses Restorative justice practices, such as ho'oponopono. ([http://findarticles.com/p/articles/mi\\_qa3757/is\\_200101/ai\\_n8940957/pg\\_25/](http://findarticles.com/p/articles/mi_qa3757/is_200101/ai_n8940957/pg_25/))

*"During the 1980s and 1990s, there were also efforts to develop ho'oponopono as an alternative to the criminal justice system. In the 1980s, the Neighborhood Justice Center in Honolulu suggested ho'oponopono as an alternative to mediation (Shook 1985). However, it is different from mediation, which focuses more on compartmentalizing problems and less on a holistic approach (Meyer & Davis 1994).*

*In 1994, the Native Hawaiian Bar Association (NHBA), concerned with the rising population of incarcerated Native Hawaiians, set up a program to divert some family court cases out of the judicial system (Meyer & Davis 1994: 5). Encouraged by an enthusiastic group of family court judges, the NHBA sponsored the training of a cadre of ho'oponopono practitioners for court and Neighborhood Justice Center referrals by experts taught originally by Pukui. This included attorneys, people from the Neighborhood Justice Center, and from the community. One radical group protesting prison construction in 2000 suggested ho'oponopono as an alternative to incarceration for Native Hawaiians.*

*Ho'oponopono is now being incorporated into a burgeoning global movement to promote forms of restorative justice, many of which are based on indigenous peoples' judicial mechanisms. For example, New Zealand developed the family group conference in response to complaints by Maori people that the legal system was alienating and did not respond to their values or kinship system and that children were being removed from homes too often (Hassall 1996: 22). It emphasizes the central role of community elders and was mandated for all juvenile offenders in New Zealand in 1989 (Hudson et al. 1996: { 13).*

*The family group conference was adopted in parts of Australia in 1993 because of concern about the high rates of youth arrest and detention among Aboriginal peoples (Wundersitz & Hetzel 1996: 134-37) and has been tried in some parts of Canada, primarily for aboriginal communities (Longclaws et al. 1996: 195; see also McGillivray and Comaskey 1999).<sup>22</sup> Although the family group conference was developed for juvenile cases, some in New Zealand have argued that its emphasis on restorative justice and the importance of the wider community could provide a more culturally appropriate mechanism in gender violence cases as well, eliciting the support of the wider community in shaming the offender and facilitating his reintegration into the community. This approach may provide better protection than the adversarial system (Carbonatto 1995: 13).*

*The emphasis on healing and reconciliation within ho'oponopono conforms to the core features of restorative justice, as does its location within an indigenous community. This idea converged with Braithwaite's emphasis on shaming and experiments with sentencing circles in aboriginal communities in Canada (see Roberts & LaPrairie 1996; Crnkovich 1996).*

Using cognitive restructuring in concert with cultural interventions can be an important strategy for the rehabilitation of Hawai'i's incarcerated individuals.

Cognitive theory is a proven technique that has been shown to have positive results for many. **The Evaluation of the Efficacy of a Cognitive Behavioral Program for Offenders on Probation: *Thinking for a Change*** (Lori Golden, Ph.D. University of Texas Southwestern Medical Center at Dallas, 2002.) found that *Thinking for a Change* group completers differed from untreated probationers, with about a 33% reduction in new offense charges.

A September 2008 article in Federal Probation entitled,

*"CBT (Cognitive Behavioral Therapy) has been found to be one of the more promising methods of rehabilitative treatments for offenders. Offenders have been found to distort cognition, which impairs their ability to correctly read social clues, accept blame, and morally reason. This creates a greater sense of entitlement on the part of the offender (Lipsey, Landenberger, & Wilson, 2007). This distorted thought process can lead them to demand instant gratification, misperceive harmless situations as threats, and confuse wants with needs (Ross & Fabiano, 1985). CBT programs use behavioral learning techniques to alter the general adaptive behavior of offenders. This allows them to return to their natural environment with a bank of new skills that they can reinforce in socially acceptable ways instead of in their prior illegal ways (Pearson, Lipton, Cleland, & Yee, 2002).*

#### **Conclusion**

*Cognitive-behavioral programs have been shown to reduce recidivism as long as the programs are implemented well. As with any program, intensive planning about the program to use, logistics of providing the service, quality assurance, and evaluation of effectiveness should occur prior to actual implementation. Such planning will increase the likelihood of successful implementation, while evaluation of the program allows districts to address problems that may occur, particularly around program fidelity. With good cognitive-behavioral programming, districts can increase their effectiveness in addressing offender issues."*

Source: [http://www.uscourts.gov/fedprob/September\\_2008/07\\_cognitive\\_behavior.html](http://www.uscourts.gov/fedprob/September_2008/07_cognitive_behavior.html)

Chair Carroll and Committee Members, the information provided by the Department of Public Safety in their 2009 presentation of the department's 'Comprehensive Offenders Reentry Plan' regarding the Restorative Circles program was incorrect and misleading. The program has not lacked for Restorative Circle requests. The department has limited the number of circles allowed each month. There is, in fact, a waiting list of people wanting to reconcile and atone for their past behavior. The satisfaction rate of participants and the individuals requesting the Restorative Circles are nearly 100%.

The Restorative Circles program has been hailed nationally and internationally as another successful strategy for reentry and it was born in Hawai'i.

A July 2008 press release from the University of Cambridge in England cited several studies that found that restorative practices have reduced recidivism and crime by 27%.

*The report includes seven experiments designed and directed by the Wolfson Professor of Criminology at Cambridge, Lawrence Sherman, and his co-director Dr Heather Strang, who directs the Centre for Restorative Justice at the Australian National University. The experiments began in 2001 and were conducted in collaboration with the Justice Research Consortium, under the chairmanship of Sir Charles Pollard, former Chief Constable of Thames Valley Police and former Chairman of the Youth Justice Board for England and Wales.*

*The experiments compared almost 400 cases where offenders had attended restorative justice conferences to some 400 cases where they had not. During the conferences offenders listened to victims describe the harm the crimes had caused. Each conference lasted from one to three hours, often in prison settings. Victims found the process helpful and positive, while some offenders have described the meetings as "traumatic", as well as life-changing.*

*The Sheffield report estimates that £9 of costs to victims and the criminal justice system was saved for every £1 spent on delivering these conferences. The study examined whether offenders within the restorative justice group were reconvicted within a two-year period. It also shows the percentage by which the rate of reconviction within that period fell among different types of criminal in different parts of the country following the restorative justice programme.*

*The rate of reconviction for violent offenders sentenced to supervision by the Probation Service under a community sentence in Thames Valley, for example, fell by 55%. The rate of reconviction among career burglars in London fell by 15.5%.*

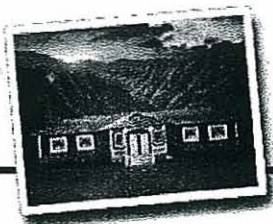
*The report notes that while the results of each experiment were uncertain if taken in isolation, the likelihood of the pattern of reductions in the frequency of crime for the seven Cambridge-led tests having occurred by chance was one in 100. These results show consistent benefits across many different stages of the criminal justice process.*

*(Source: University of Cambridge, July 1, 2008, <http://www.admin.cam.ac.uk/news/dp/2008070103>)*

Hawai'i needs to go back to what works. Our host culture offers many strategies for reducing crime, closing the revolving door of our correctional facilities, and developing interventions that directly address individuals' pathways to crime and incarceration.

Community Alliance on Prisons urges passage of HB 1818.

Mahalo for this opportunity to share our thoughts with the committee.



## The Institute For Family Enrichment, LLC

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February 9, 2010

# SUPPORT

Hawaiian Affairs Committee,  
State of Hawaii House of Representatives  
Representative Mele Carroll, Chair  
Representative Maile Shimabukuo, Vice-Chair

Dear Representatives Carroll and Simabukuo and members of the Hawaiian Affairs Committee;

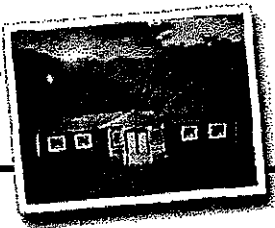
My name is Thomas K. Naki, Co-owner and program manager for the Nurturing Fathers of Hawai'i programs at The Institute for Family Enrichment. (Tiffe). I am also the author of the culturally relevant *Nurturing Fathers of Hawai'i curriculum*. I support H.B. 1818 to insure reentry/reintegration Programs with Hawaii's correctional facilities offer cognitive behavioral therapy with native Hawaiian holistic interventions to address domestic violence, addictions, self mastery through identity, and community connections to promote the successful transition from incarceration to the community.

Over the past years, Tiffe (The Institute For Family Enrichment) has designed, implemented and participated in two highly successful parenting programs for incarcerated men. REACH program established by the Department of Public Safety was comprised of 5 five agencies coming together to provide the following components:

PACT	Domestic Violence Education
Hina Mauka	Substance Abuse Evaluation
TIFFE	Nurturing Parenting (Nurturing Fathers of Hawaii)
Mitzi Simonelli, Ph.D	Cognitive Restructuring
CFS	Domestic Violence Education

From 2002 to 2006, REACH program served 176 incarcerated men. The Nurturing Fathers of Hawai'i Program is a culturally relevant program using Hawaiian and English concepts in teachubg men the attitudes, skills and knowledge necessary to change from being abusive to being nurturing men in their roles as fathers, spouses, partners. The program ended due to loss of funding.(see attached final report) The Office of Hawaiian Affairs funded the Nurturing Fathers of Hawai'i Program for incarcerated men until 2008. A total of 64 incarcerated men were enrolled in the program. 59 were Hawaiian/Part Hawaiian Men. Only 6 were Non-Hawaiian Men. (See final report). Again, the program was terminated due to lack of funding.

As a Hawaiian and Masters prepared health educator working in this field since 1960's. I have seen and continue to see the overwhelming number of Hawaiian and Part-Hawaiian men and women incarcerated in Hawai'i and across the mainland. It is heart warming to know we have created successful programs and services that works to prevent men, women and their



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children from the world of intimidation, threats and violence. We know that without funding, we are limited in our effectiveness in addressing to lower the recidivism rate. There needs to be accountability of data that reflect the need for follow-up care of service delivery outcome.

House Bill 1818 will give some assurance that few resources we do have will be culturally relevant for the people they serve.

Mahalo,

Thomas K. Naki, MPH

The Institute For Family Enrichment