

LATE TESTIMONY

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 04, 2009 10:11 PM
To: PBStestimony
Subject: HB1818 to be heard on 02/05/09 at 9:15am by the House Committee on Public Safety

TO: Representative Hanohano, Chair
Representative Aquino, Vice Chair
Members of the Public Safety Committee

FROM: Dara Carlin, M.A.
881 Akiu Place
Kailua, HI 96734
(808) 218-3457

DATE: February 5, 2009

RE: Strong Support for HB1818

Good morning. I am an independent Domestic Violence Survivor Advocate who is periodically contracted through Worknet, Inc. to provide domestic violence survivor education to women in the Life Styles program at the Women's Community Correctional Facility in an effort to help them avoid re-entering a domestic violence situation once they've completed their sentences and are released back into the community. There are other Life Style educators who address other issues the women will face as they move towards discharge and reintegration; I am proud to know them, honored to be of service and can tell you from experience that a pilot project such as being proposed by this measure WILL be successful and is incredibly valuable to those who are truly motivated and vested in living a crime-free life at release. The transition is NOT as easy one, however, and support services such as this one proposes will help to reduce the rate of recidivism by providing the detainees with the skills and coping mechanisms that they'll need to be successful as they reintegrate back into society.

Thank you for your consideration and attention.

Respectfully,

Dara Carlin, M.A.

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COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, February 5, 2009

9:15 AM

Room 309

STRONG SUPPORT

HB 1818 - Cognitive Restructuring with Native Hawaiian Interventions

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino 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. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 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 Hawaiians incarcerated is a strong call to use culturally competent interventions to help individuals understand the thinking that created their pathway to incarceration.

Cognitive theory is a proven technique and complementing this programming with cultural interventions is an important strategy for the rehabilitation of Hawai'i's incarcerated individuals.

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 in the Law & Society Review in 2001 by Sally Engle Merry discusses restorative justice practices, such as ho'oponopono. It states,

"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: 4, 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 McGillioray and Comaskey 1999).²² 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).

(http://findarticles.com/p/articles/mi_qa3757/is_200101/ai_n8940957/pg_25)

Chair Hanohano and Committee Members, the information provided by the Department of Public Safety in their briefing presenting the department's 'Comprehensive Offenders Reentry Plan' regarding the Restorative Circles program was incorrect and misleading. This program has been hailed nationally and internationally as another successful strategy for reentry and a July 2008 study by the University of Cambridge in England found that restorative practices have reduced crime by 27%. Hawai'i needs to try every available strategy to reduce crime, close the revolving door of our correctional facilities, and develop interventions that really address individuals' pathways to crime and incarceration.

Community Alliance on Prisons urges passage of HB 1818. Mahalo for this opportunity to testify.