

SR 91

SCR 192

Measure Title:

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

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

COMMENTS ON SENATE CONCURRENT RESOLUTION 192
REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO
FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES
PROGRAM IN HAWAII CORRECTIONAL FACILITIES.

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Thursday, April 1, 2010; 1:20PM
State Capitol, Conference Room 229

The Department of Public Safety (PSD) thanks the legislature for their interest PSD facilitating the delivery of the Huikahi restorative circles program in Hawaii Correctional Facilities.

In all jail and prison facilities across the country, security of those incarcerated, the staff, visitors, and the public must be paramount in decisions related to access to the facility, the operations of programs, etc. In the case of the restorative circles, PSD supports the intent of the restorative circles process and has had several discussions with those that conduct the restorative circles process as the Department believes the circles should be held in the least restrictive environment possible, which we believe may facilitate a more productive process for all involved. PSD previously provided this recommendation along with some serious concerns in writing to those the conduct the restorative circles process.

In addition, due to several events that have occurred during the restorative circles process at the Waiawa Correctional Facility, restorative circles have been halted at that facility while an investigation is completed. The issues of concern are various and directly affect the state with respect to liability and the security of the facility with respect to attempts to introduce contraband into the facility by circle participants. However, restorative circles continue to be provided at the Women's Community Correctional Facility in Kailua.

PSD will continue to work with those that conduct the restorative circles process in the hopes of having the circles provided in the community where introduction of contraband into the facilities is not an issue.

Thank you for the opportunity to provide comments this matter.

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 AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, April 1, 2010

1:20 p.m.

Room 229

STRONG SUPPORT - SCR 192/SR 91 - Huikahi Restorative Circles

PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a diverse community initiative working to improve conditions of confinement for Hawai'i's incarcerated individuals, enhance the 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.

SCR 192/SR 91 requests the Department of Public Safety to facilitate the delivery of the Huikahi Restorative Circles program in Hawai'i correctional facilities.

Community Alliance on Prisons is in strong support of this measure. Huikahi Restorative Circles derive from indigenous practices of addressing wrongdoing. We have been involved in this process since 2005 and have seen the transformative impact this process has fostered. The Chair of HPA even testified that he saw the transformative effect that this process had on individuals who came before the board.

The Huikahi Restorative Circles program has garnered international acclaim from renowned researchers and criminologists as cited in the resolution.

Huikahi Restorative Circles is a reentry strategy that assists an individual with reintegration and promotes understanding and trust. Inherent in the process is accountability. Before an individual can request a circle, she/he must take responsibility for the harms done and have a strong desire to make amends and reconcile with those harmed.

A July 2004 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 cites seven experiments. 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.

RESTORATIVE PRACTICES SAVE MONEY

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.

RESTORATIVE PRACTICES REDUCE RECIDIVISM

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%.

Many individuals leave prison with huge debt and huge guilt, Huikahi Restorative Circles give an individual and her/his family the chance to start making amends before the individual returns home. Restorative justice works at reconnecting those bonds that have been frayed or broken.

Despite the positive outcomes, PSD has been the biggest barrier to this program. The department actually told the Legislature that the program had a difficult time finding people to participate. This is absolutely untrue. Many individuals have been released before a circle could even be scheduled because of the limitations imposed. There are waiting lists for individuals wanting to make amends to those they have harmed.

Hawai'i *must* employ practices that have proven efficacy for the good of all. Huikahi Restorative Circles are based on the indigenous process for addressing wrongdoing and healing the victim, community and lawbreaker from the harms caused by crime.

Mahalo for this opportunity to testify.



the
**Drug Policy
Forum**
of hawai'i

April 1, 2010

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair and
Members of the Committee on Public Safety and Military Affairs

From: Jeanne Y. Ohta, Executive Director

RE: SR 91 and SCR 192 Huikahi Restorative Circles
Hearing: Thursday, April 1, 2010, 1:20 p.m., Room 229

Position: Support

The Drug Policy Forum of Hawai'i writes in support of SR 91 and SCR 192 which requests that the Department of Public Safety facilitate the delivery of the Huikahi Restorative Circles program in Hawai'i correctional facilities.

The Huikahi Restorative Circles derive from the indigenous practices of addressing wrong doing. The practices of restorative justice help repair bonds between people, families, or communities beyond what our criminal justice system can do.

Participation in the circles first requires that the individual take responsibility for the harms that his actions have caused. He must also have a strong desire to make amends and reconcile with those he has harmed.

Restorative practices assist in the reentry of an individual back into the community after incarceration. The Hawaiian practice of ho'oponopono is an example of a restorative practice. The restorative circles program gives an individual and their family a chance to start making amends before the individual returns home. These programs can help reduce recidivism by making reentry more successful. Reducing recidivism reduces our prison budget. We cannot ignore effective programs that help reduce prison costs.

We urge the passage of this resolution. Thank you for allowing us to testify in support of this measure.

Board of Directors

Pamela Lichty, M.P.H.
President

Kat Brady
Vice President

Heather Lusk
Treasurer

Katherine Irwin, Ph.D.
Secretary

Michael Kelley, D.Phil.

Richard S. Miller, Prof. of
Law Emer.

Robert Perkinson, Ph.D.

*Donald Topping, Ph.D.
Founder 1929-2003*

P.O. Box 61233
Honolulu, HI 96839

Phone: (808)-988-4386
Fax: (808) 373-7064

Email: info@dpfhi.org
Website: www.dpfhi.org

LORENN WALKER, J.D., M.P.H.

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Senator Will Espero, Chairperson
Senator Robert Bunda, Vice Chairperson
Thursday, April 1, 2010
1:20 p.m.
Room 229

SCR 192 STRONG SUPPORT FOR REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES.

I STRONGLY SUPPORT this measure requesting that the Department of Public Safety (PSD) facilitate the delivery of Huikahi Restorative Circles, which our research shows is an evidence-based intervention that increases healing and reduces criminal behavior.

Since 2005, a total 280 people have participated in Huikahi Restorative Circles held for 52 incarcerated people, and 100% of these people report that the Circles are positive. These participants include PSD staff who attend each Circle. PSD staff participation is vital. It helps improve prison management by demonstrating strength and goal-based learning approaches, and having Circles early in the incarceration period helps people build a support system to assist them in becoming law abiding citizens.

Participant satisfaction with the Circles remains positive even when, as has happened in several cases, the incarcerated person re-offends or violates parole, and is re-incarcerated. All people contacted who had a Circle and whose loved one was back in prison, stated the process was beneficial and helped them heal from the trauma that crime and prison inflict. "I hope other families can have Circles too," said the mother of a man who was re-incarcerated several years after participating in a Circle.

Not only do the Circles increase healing for people harmed by incarceration and crime, but they also reduce recidivism more than prison. The recidivism rate for the 23 people who had Circles and have been out of prison for two years or more is 30%. This is significantly lower than the overall state recidivism rate of 55% after three years. Satisfaction and recidivism rates resulting from the Circles are consistent with worldwide research supporting restorative interventions and establishing them as evidence-based practices.

Highly respected corrections experts, John Braithwaite from Australia and Shadd Maruna from Ireland, endorse Huikahi Circles and believe this program is one of the world's most innovative and effective rehabilitation strategies.

To date 140 people, who each took responsibility for their wrongdoing and wished to make things right with their victims, and make plans for positive future lives, have applied for Circles, yet 63% of them have been denied a Circle. This failure is mainly the result of some state employees who do not understand the program's nature or do not accept their responsibilities to keep prisons safe and secure.

Please support this resolution and support evidence-based interventions. As a former deputy attorney general who represented state agencies including PSD; defended people charged with crimes; and presently applies public health approaches to justice problems, I support the Huikahi Circle process and restorative interventions. Please see my website for current publications on my research and for further review of my experiences and work.

Thank you for this opportunity to testify and for your hard work.

Rebecca E. Greening
63-007 Kaimanu Pl. ♦ Waialua, HI 96791
RebeccaEileen@gmail.com ♦ (617) 372-7568

Senator Will Espero, Chairperson
Senator Robert Bunda, Vice Chairperson
Thursday, April 1, 2010
1:20 p.m.
Room 229

SCR 192 STRONG SUPPORT FOR REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES.

I STRONGLY SUPPORT this measure requesting that the Department of Public Safety (PSD) facilitate the delivery of Huikahi Restorative Circles. Hawai'i is internationally recognized as a leader in Restorative Justice and Huikahi Restorative Circles have been praised by some of the most esteemed leaders in the field. For these circles to continue, it is crucial that the Department of Public Safety facilitate funding opportunities, such as the inclusion of Huikahi Restorative Circles in federal grant applications.

As a third year law student at Northeastern University School of Law with a background in social work, I came to Hawai'i as a legal intern to study Restorative Justice approaches in Hawai'i and the Huikahi Restorative Circle Program in particular. Hawai'i is one of the few places in the United States that is implementing restorative justice programs which reduce recidivism and strengthen communities.

Having the opportunity to receive training and participate in several circles, it is clear to me that Huikahi Restorative Circles are fulfilling a need the community is severely lacking, namely, an opportunity to heal and move forward. The solution focused nature of the Huikahi Restorative Circles allow people to create goals for the future and build support in achieving those goals. For inmates in the Hawai'i State Prisons it is evident that the circles will help them do "good time" while inside in addition to helping their transition back into their communities.

While I have been here in Hawai'i, I have learned about Hawaiian culture through Huikahi Restorative Circles. Unlike other areas of the United States, the sense of community in Hawai'i is palpable. Those who have loved ones who are incarcerated are waiting for them to come back to the community and will welcome them with open arms. However, these individuals face many challenges including obtaining employment, after-care for drug treatment, and re-building bonds that have been strained by their incarceration. All of these challenges are addressed in the Circle. However, a lack of funding, has limited the program's ability to provide follow-up circles, a crucial aspect of the program.

I urge you to support this resolution as it is merely asking for the Department of Public Safety to help the highly successful Huikahi Restorative Circle program continue and grow. To be clear, there is no line item attached to this request.

Thank you for this opportunity to testify in support of this resolution.

From: Mary K. Dias [mailto:diasohana1@hawaiiantel.net]
Sent: Friday, March 26, 2010 8:24 AM
To: PSM Testimony
Subject: Support of SRCR 192/SR91

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Thursday, April 1, 2010

1:20 p.m.

Room 229

SUPPORT FOR SRCR 192/SR 91 –Huikahi Restorative Circles

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

Dear

Senators,

Please support SRCR 192/SR 91

Huikahi Restorative Circles is a reentry strategy that assists an individual with reintegration and promotes understanding and trust. Inherent in the process is accountability. Before an individual can request a circle, she/he must take responsibility for the harms done and have a strong desire to make amends and reconcile with those harmed. - Huikahi

Restorative Circles are derived from indigenous practices of addressing wrongdoing. -The Chair of HPA even testified that he saw the transformative effect that this process had on individuals who came before the board.

-The Huikahi Restorative Circles program received international acclaim from renowned researchers and criminologists as cited in the resolution.

-A July 2004 press release from the University of Cambridge in England cited several studies that found that restorative practices have reduced recidivism and crime by 27%.

-Victims found the process helpful and positive, while some offenders have described the meetings as "traumatic", as well as life-changing.

-At a hearing I attended on the "Three Strikes" law held at the Capitol last year, staff who ran these types of programs testified to the positive affect this program had on the inmates

in Maui.

-The Cambridge report - the Sheffield report - estimated that 9 times the cost to victims and the criminal justice system was saved for delivering these

conferences.

-This

process comports well with Hawai'i's values because ho'oponopono is a restorative practice.

-We need to continue developing strategies that help our people

- DPS is not doing a damn thing to implement proven programs that have had positive effects on the Hawaiian inmates and their victims and the only way they will is if you folks force them to through legislation

Sincerely,

Mary K. Dias

The following adults asked that their names be added as they do not have email:

Kekoa Dias

Keoki Dias

Earl Peahi Jr.

Regina D. Tauala

Raymond Tauala

Tara Tauala

Totie Tauala

Sterling Reid

Lucille Etse

Margaret D. Pilago