

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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TESTIMONY ON HOUSE BILL 1056, HD 1
RELATING TO
PUBLIC SAFETY

by
Ted Sakai, Interim Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Tuesday, February 12, 2013; 2:05 p.m.
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed HB 1056, HD1, Relating to Public Safety, which requires the Department to contract with a health and human services provider to establish restorative reentry circle programs in correctional facilities statewide and submits testimony in **support** of its passage.

A restorative reentry circle program was piloted at the Waiawa Correctional Facility in March of 2005 and was relocated to its current location at the Women's Community Correctional Center in Kailua, Hawaii. The restorative reentry circle is a group process to help offenders accept responsibility for their past criminal behavior and to prepare them for reentry to the community.

PSD supports the purpose of HB 1056, HD1, as long as it does not impact the Department's established budget priorities.

Thank you for the opportunity to present this testimony.



HB1056 HD1
RELATING TO PUBLIC SAFETY
House Committee on Judiciary

February 12, 2013

2:05 p.m.

Room 325

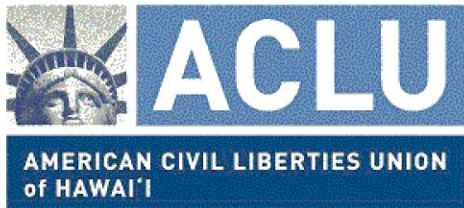
The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1056 HD1, which expands the use of restorative reentry circles for pa‘ahao and victims seeking reconciliation.

In 2010, OHA produced a comprehensive report detailing the disparate treatment of Native Hawaiians in the criminal justice system. Since then, OHA has administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address this multi-faceted issue. A copy of the NHJTF 2012 legislative report and related materials are available at: www.oha.org/nativehawaiianjusticetaskforce.

This bill furthers recommendation F.1. of the NHJTF report: “The State should recognize and support community and grassroots efforts that promote indigenous cultural practice models demonstrated to be successful in Hawai‘i or elsewhere.”

As written, the restorative reentry circles pilot project is a very specific type of program. For some inmates, a specific culturally based restorative justice program like ho‘oponopono may be more effective and that should be considered when looking for a provider for these services.

In conclusion, there is a need for more re-entry and reintegration programs for pa‘ahao, and this bill will help reach that goal. Therefore, OHA urges the committee to **PASS** HB1056 HD1. Mahalo for the opportunity to testify on this important measure.



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 12, 2013, 2:05 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support of H.B. 1056, HD1, Relating to Public Safety

Dear Chair Rhoads and Members of the Committee on Judiciary:

The ACLU of Hawaii supports H.B. 1056, HD1 and every effort to develop programs and policies that are more cost-efficient and more effective at reducing recidivism than incarceration. Every effort should be made to provide Hawaii's inmates with the support and services they need to become productive and responsible community members.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965 and works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

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COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Tuesday, February 12, 2013

2:05 p.m.

Room 325

STRONG SUPPORT FOR HB 1056 HD1 - FUNDING FOR RESTORATIVE REENTRY CIRCLES

Aloha Chair Rhoads, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 1056 HD1 appropriates funds to expand the restorative reentry circles pilot program to correctional facilities statewide.

Community Alliance on Prisons is in strong support of this measure. The restorative reentry circles process has been in some of Hawai'i's prisons since 2005. It is currently operating only at the Women's Community Correctional Center. CAP has been working on restorative reentry circles since its inception.

To date, about 90 circles have taken place to date with a 100% satisfaction rate from participants. Restorative circles are a solution-focused healing process that is voluntary for all participants. Research shows that restorative practices reduce recidivism by at least 27%.

This bill would expand the restorative reentry circles to facilities statewide and would make this restorative justice process an important part of Hawai'i's correctional system.

"Peace-making and Restorative circles are powerful restorative justice processes designed to help the victim of a crime and the offender along their healing journey. Offenders must commit themselves to a healing process that includes restitution and reconciliation with the victim, their family and the larger community. Victims' needs and desires are prioritized throughout the process, and they are treated with love, support and therapeutic care in dealing with the trauma of the offense against them. Victims consistently report feelings of satisfaction, increased safety, and respect as a result of the circle process. Recidivism following circle processes appears to be low. In some communities using this process, offenders have been found to come forward on their own to disclose their abuse and seek circle healing.

Peacemaking and Restorative Circles are adaptations of indigenous practices from around the world that emphasize healing and learning through a collective group process (as opposed to punishment), and are one emerging form of “conferencing” and restorative justice practices. They are an organic response to Native understandings of interrelatedness, and stress that individuals must live in “right relationship” with the larger community as well as the natural world. Within the original traditions, such processes are recognized as communal and spiritual, and require a very challenging level of shared power. Circles are increasingly being used in non-Native, secular settings as a way of creating communal spaces for problem solving. In circles, involved parties come together in a nonconfrontational peacemaking process to talk through the problem and develop a solution. Although the process may include restitution, it is primarily designed to heal relationships among people and within the community rather than to impose punishment. Circle processes may be completed in one session, but also may extend over days, weeks, or even months until genuine healing is achieved. In the event of violent or abusive offenses, the safety of the victim must be considered throughout the healing process; bringing victims and offenders together immediately is generally contraindicated.”¹

A report from the Smith Institute² concluded:

1. Crime victims who receive restorative justice do better, on average, than victims who do not, across a wide range of outcomes, including post-traumatic stress.
2. In many tests, offenders who receive restorative justice commit fewer repeat crimes than offenders who do not.
3. In no large-sample test has RJ increased repeat offending compared with CJ.
4. RJ reduces repeat offending more consistently with violent crimes than with less serious crimes.
5. Diversion from prosecution to RJ substantially increases the odds of an offender being brought to justice.
6. Diversion from prosecution to RJ is almost impossible in the UK because of an evidentiary requirement that far exceeds the bar found in other common law nations.
7. The best evidence on success in implementing RJ from tests to date is associated with specially trained police officers providing RJ from a base in a police RJ unit.
8. RJ does not conflict with the rule of law, nor does it depart from the basic paradigm of the common law of crime.
9. RJ can do as well as, or better than, short prison sentences, as measured by repeat offending.
10. RJ reduces stated victim desire for violent revenge against offenders.

Aotearoa (New Zealand), which provides more rehabilitation in its prisons than Hawai‘i, has almost a 15% lower rate of recidivism with 37% of their incarcerated people back into prison within two years, but that is bad news for the Kiwis who would like to see even less recidivism.³

¹ PEACE POWER TOOLS, **Peacemaking/Restorative Circles**. www.peacepower.info

² **Restorative justice: the evidence**, Lawrence W. Sherman and Heather Strang, The Smith Institute, 2007. <http://www.smith-institute.org.uk/file/RestorativeJusticeTheEvidenceFullreport.pdf>

³ <http://www.scoop.co.nz/stories/PA0807/S00086.htm>

Prison without rehabilitation only creates more crime. Hawai'i's prison recidivism rates are consistent with the U.S. national average with about 50% of all the people being released from prison coming back within only two years of their release.⁴

THE CIRCLE IS: ⁵

A WAY OF TALKING TOGETHER IN WHICH ALL OF US...

- are respected and treated equally
- have the opportunity to speak without interruption
- tell our own stories
- speak and listen in a deeper, more heartfelt way

VALUES UNDERLYING CIRCLES:

- mutual concern & respect
- consensual decision-making
- appreciation of differences
- voluntary direct participation
- interconnectedness
- focus on interests & meaning
- shared responsibility
- personal accountability
- equal opportunity
- personal & community values
- wholistic approach
- flexibility

Restorative circles are ancient processes that resonate with our people. Community Alliance on Prisons strives for a more peaceful and understanding community. Restorative Reentry Circles are a proven pathway.

"Everything the Power of the World does, it does in a circle. The sky is round, and I have heard that the earth is round like a ball, and so are all the stars. The wind, in its greatest power, whirls. Birds make their nests in circles, for theirs is the same religion as ours. The sun comes forth and goes down again in a circle. The moon does the same, and both are round. Even the seasons form a great circle in their changing, and always come back again to where they were. The life of a man is a circle from childhood to childhood, and so it is in everything where power moves."
the Lakota holy man in Black Elk Speaks, John Neihardt

We urge the committee to pass this measure. Mahalo for this opportunity to testify and share our research.

⁴ http://www.lorennwalker.com/blog/?page_id=5

⁵ **A Path for Restorative Dialogue**, Jean Greenwood, October 2005.

http://www.cehd.umn.edu/ssw/rjp/resources/rj_dialogue_resources/Peacemaking_Healing_Circles/The_Circle_Process.pdf



Dedicated to safe, responsible, humane and effective drug policies since 1993

February 12, 2013

To: Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Ohta, Executive Director

RE: HB1056 HD1 Relating to Public Safety
Hearing: Tuesday, February 12, 2013, 2:05 p.m., Room 325

Position: Support

The Drug Policy Forum of Hawai'i (DPFH) writes in support of this measure, which appropriates funds to expand the Restorative Reentry Circles pilot program to correctional facilities statewide.

Restorative circles are a solution-focused healing process that is voluntary for all participants. Restorative circles are facilitated and include family members, victims, and others who agree to join the circle.

The Community Alliance on Prisons has been working on restorative reentry circles since 2005, about 90 circles have taken place to date with a 100% satisfaction rate from participants. They are currently only offered at WCCC, this measure would allow the circles to take place at other facilities.

Research shows that restorative practices reduce recidivism by at least 27%. This process assists the incarcerated individual and those who have been harmed to heal, facilitating successful reintegration into family and community.

DPFH supports programs that reduce recidivism, that improve successful reentry into the community, and thus improve public safety. We respectfully request that the committee pass this measure. Thank you for this opportunity to submit testimony.