



SB60 SD1
RELATING TO VICTIMS OF CRIMES
House Committee on Human Services

March 14, 2013

9:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB60 SD1, which notifies victims of their right to participate in the restorative justice process.

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 the findings and recommendations under section “F” of the NHJTF report, which relate to “Restorative justice practices and their application to Native Hawaiians.” In general, the concept of “restorative justice” is similar to cultural practices like ho‘oponopono. Both seek to put things right for the offender, victim, family and community.

Therefore, OHA urges the committee to **PASS** SB60 SD1. Mahalo for the opportunity to testify on this important measure.

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 12:09 PM
To: HUS testimony
Cc: kat.caphi@gmail.com
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB60

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Community Alliance on Prisons	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 10:54 AM
To: HUS testimony
Cc: jory_watland@yahoo.com
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

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SB60

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jory Watland	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 1:37 PM
To: HUS testimony
Cc: harwood.lillian@gmail.com
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB60

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Lillian Harwood-Wakinekona	Individual	Support	No

Comments:

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

COMMITTEE ON HUMAN SERVICES

Honorable Representative Mele Carroll, Chair
Honorable Representative Bertrand Kobayashi, Vice Chair
Other Honorable Committee Members

Thursday, March 14, 2013
9:30 a.m.
Conference Room 329

STRONG SUPPORT SB60 SD1- RELATING TO VICTIMS

Please vote yes to pass, as amended below, this measure giving crime victims the right to be informed of restorative justice processes. This provision sends a clear message to our community that the legislature cares about healing for people harmed by crimes.

Suggested revisions to current bill to ensure it is enacted immediately and that it allows restorative justice processes, including ho'oponopono, and that it applies to all victims, regardless of any criminal charges:

“To be informed by the police or the prosecuting attorney of restorative justice processes that allow the victim and any loved ones who accompany them to discuss and address how they were affected by the wrongful act that harmed them, and what might possibly be done to try and help repair the harm or make things right. Victim participation includes the victim meeting directly with the defendant or perpetrator, if the defendant or perpetrator is identified and is willing to meet, or the victim or the victim's representative may meet with a representative of the defendant or perpetrator.

For the purposes of this paragraph, restorative justice processes include restorative dialogues, restorative conferences, restorative justice circles, restorative sessions, or any type of restorative justice group process where victims meet individually or with their loved ones, with a trained restorative justice facilitator. The restorative justice processes shall be held at places and times that are convenient and respectful for victims.”

The modern restorative justice movement developed in the United States as a community grassroots effort to recognize, and put resources into assisting, people harmed by crime. While our criminal justice system necessarily focuses on our community's needs to establish clear expectations for individual and group behavior, restorative justice focuses on healing for individuals. Most indigenous cultures, including Native Hawaiians, have continued to provide restorative responses to wrongdoing and conflict for centuries, while Western cultures renewed interest about 30 years ago. State legislatures, including California, Colorado, Florida, Minnesota, and Vermont, have begun passing statutes indicating their support for restorative justice.

My experience as someone who has worked in the justice system for over 30 years informs my support for the measure along with my personal experience being the victim of a serious assault and attempted murder by a stranger in 1976. The terrible experience motivated me to become a lawyer, but it was not until I had worked in restorative justice, when I was able to finally heal emotionally. Please help other victims to experience this potential healing by passing the measure showing your support for them.

Please see my website www.lorennwalker.com for a description of my background and experience in criminal justice interventions for agencies including courts, police, and prisons. Thank you for your time and efforts in public service.

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 12:44 PM
To: HUS testimony
Cc: shannonkona@gmail.com
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB60

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 11, 2013 9:47 PM
To: HUS testimony
Cc: shaglund@hotmail.com
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB60

Submitted on: 3/11/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Haglund	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 4:59 PM
To: HUS testimony
Cc: TABRAHAM08@GMAIL.COM
Subject: Submitted testimony for SB60 on Mar 14, 2013 09:30AM

Categories: Green Category

SB60

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
TROY ABRAHAM	Individual	Support	No

Comments: i support urgent passage of bill in the belief life gives you 2nd chances

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Cheri Tarutani, MSW, LCSW



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Thursday, March 14, 2013
9:30 a.m.
Conference Room 329

Aloha Carol, Kobayashi and Human Services Committee Members,

I offer this letter in support of SB60 to allow victims opportunity to participate in restorative justice practices. As a social worker, I have observed many restorative justice circles facilitated by Lorenn Walker and found them to be a powerful healing intervention for all parties involved, including the perpetrator. The process allows for not only the victim to have a voice in how the harm can be repaired, but gives the person who perpetrated the harm a way to repair the damage in a way that is meaningful to the victim.

Restorative justice practices are not difficult to implement and would provide services to victims beyond restitution and the process has been evidenced to reduce recidivism. As a society, we need to find ways to heal those who have been harmed and prevent further harm. Punitive actions in the justice system do not accomplish both. As a social worker, I embrace efforts to encourage the legal system into a more therapeutic direction. Restorative justice is way to create a better fabric for our society.

Please pass SB60. Thank you for your time and consideration.

Sincerely,

Cheri Tarutani, LCSW

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 7:03 PM
To: HUS testimony
Cc: chantrillj@clearwire.net
Subject: Submitted testimony for SB60 on Mar 14, 2013 09:30AM

Categories: Green Category

SB60

Submitted on: 3/12/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jared Chantrill	Individual	Support	No

Comments: Chairwoman Carroll and members of the committee on Human Services. I am not intimately familiar with restorative justice. However, I am in favor of the intent of SB 60 SD 1 because, while working with pretrial defendants, I have seen people not be prosecuted or be acquitted because there was insufficient evidence. In these cases, victims and their families are left traumatized and unsatisfied. Restorative justice promises to not only help victims recover, but also to rehabilitate offenders. Unfortunately, many victims continue to suffer because they do not realize that restorative justice exists. It is especially appropriate given it's history in these islands as Ho'oponopono. Victims must not be allowed to wait until 2050 to find healing. The possibility of rehabilitating offenders who could not be found guilty beyond a reasonable doubt is another reason why restorative justice is important. These people would otherwise receive no rehabilitation beyond the desire to avoid going through the court process again. I am not trying to say that all of accused individuals committed offenses, but that some of them did. I do not believe that a restorative justice circle would be damaging to an innocent person. I urge you to amend SB 60 to become effective next year and pass it on to the next reading and to the house. Thank you for your consideration.

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 10:01 AM
To: HUS testimony
Cc: slatend001@hawaii.rr.com
Subject: Submitted testimony for SB60 on Mar 14, 2013 09:30AM

Categories: Green Category

SB60

Submitted on: 3/13/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Slaten	Individual	Support	No

Comments: Restorative Justice for incarcerated men and women works! Restorative justice circles assist incarcerated persons in reconciling with their loved ones harmed by their behavior and in developing a plan for their re-entry into the community. It reduces recidivism. I have provided solution-focused restorative justice circles at Waiawa and Women's Community Correctional Center for the past five years and have seen the positive impact for the incarcerated and for their 'ohana. Restorative justice must be provided to the incarcerated and their 'ohana now; we can't wait until 2050.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 10:45 AM
To: HUS testimony
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB60 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB60

Submitted on: 3/13/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys C. Baisa	Individual	Support	No

Comments:

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Anne Hayden, Ph.D., R.N.

House Committee on Human Services

Rep. Mele Carroll, Chair
Rep. Bertrand Kobayashi, Vice Chair

Hearing: 3/14/13, Room 329, 9:30 a.m.

Support for SB60, SD1

I strongly support this measure giving Hawai'i victims the right to know about restorative practices and urge you to vote yes on it after you amend the requirement that no charges are pending against an offender. Victims should have the right to restorative practices regardless of offender criminal status.

I am a New Zealand researcher and come from a jointly victim and restorative justice background.

I have had studied in Hawai'i with Lorenn Walker and the Hawai'i Friends of Justice & Civic Education, observing and working with a restorative justice programme at Waiawa Correctional Facility.

For many years I have been of the view that restorative justice will have "arrived" when as many victims initiate the process as offenders.

Although there is greater acceptance of restorative justice among victim advocates, there is still a long way to go. If the Bill allowing or encouraging victims to initiate the process is passed, this will go some way to correct this.

For the Bill to be truly effective it needs funding to make provision for an education programme of victim agencies, police and others, to enable victims, at the time their being affected by an offence, to be informed about restorative justice as one avenue they might pursue.

And, of course, it follows that restorative justice service providers must be practicing at an appropriate standard and demonstrate that they have the interests of both victims and offenders equally.

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