

# **SB 70**

RELATING TO PUBLIC SAFETY.

Appropriates funds to expand the restorative reentry circles pilot program to correctional facilities statewide.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

TED SAKAI  
INTERIM DIRECTOR

MARTHA TORNEY  
Deputy Director  
Administration

KEITH KAMITA  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 70  
A BILL RELATING TO PUBLIC SAFETY

By

Ted Sakai, Interim Director  
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

Tuesday, January 29, 2013, 2:50 PM  
State Capitol, Conference Room 224

Senator Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety supports Senate Bill 70, Relating to Public Safety, which requires the Department to contract with a health and human services provider to establish restorative reentry circles programs in correctional facilities statewide. The program was piloted at the Waiawa Correctional Facility in March of 2005 and was recently relocated to the Womens 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.

The passage of SB 70 will provide the Department with the necessary funds to expand the program to all of the adult correctional facilities statewide.

Thank you for this opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Tuesday, January 29, 2013

2:50 p.m.

Room 224

## STRONG SUPPORT FOR SB 70 - RESTORATIVE REENTRY CIRCLES

Aloha Chair Espero, Vice Chair Baker 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.

SB 70 appropriates funds to the successful restorative reentry circles process.

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.”<sup>1</sup>

A report from the Smith Institute<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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<sup>1</sup> PEACE POWER TOOLS, Peacemaking/Restorative Circles. [www.peacepower.info](http://www.peacepower.info)

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

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

<sup>4</sup> [http://www.lorenwalker.com/blog/?page\\_id=5](http://www.lorenwalker.com/blog/?page_id=5)

## THE CIRCLE IS:<sup>5</sup>

### 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 process 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."*

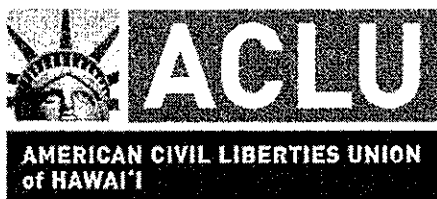
the Lakota holy man in Black Elk Speaks, John Neihardt

Mahalo for this opportunity to testify and share our research with the committee!

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<sup>5</sup>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](http://www.cehd.umn.edu/ssw/rjp/resources/rj_dialogue_resources/Peacemaking_Healing_Circles/The_Circle_Process.pdf)



Committee: Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing Date/Time: Tuesday, January 29, 2013, 2:50 pm  
Place: Conference Room 224  
Re: Testimony of the ACLU of Hawaii in Support to S.B. 70, Relating to Public Safety

Dear Chair Espero and Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support to S.B. 70, which seeks to appropriate funds to expand the restorative reentry circles pilot program to correctional facilities statewide.

**The ACLU of Hawaii supports every effort aimed at rehabilitating prisoners and alleviating Hawaii's overincarceration problem.** Further, the ACLU of Hawaii supports the development of programs and policies that are more cost-efficient and more effective at reducing recidivism. 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  
ACLU of Hawai'i

*The ACLU of Hawaii has been the state's guardian of liberty for 47 years, working 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.*

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



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

January 29, 2013

To: Senator Wil Espero, Chair  
Senator Rosalyn Baker, Vice Chair and  
Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: SB 70 Restorative Circles  
Hearing: Tuesday, January, 29 2013, 2:50 p.m., Room 224

Position: Support

The Drug Policy Forum of Hawai'i (DPFH) writes in support of this measure, which adds restorative circles to the correctional system.

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. Thank you for this opportunity to submit testimony.

Robert K. Merce  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821

Phone: (808) 732-7430  
Cell: (808) 390-9594

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January 28, 2013

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS**

Senator Will Espero, Chair  
Senator Rosalyn Baker, Vice Chair  
Tuesday, January 29, 2013  
Conference Room 224  
2:50 PM

**STRONG SUPPORT FOR SB 70 – RESTORATIVE REENTRY CIRCLES**

Dear Chair Espero, Vice Chair Baker, and committee members:

In both national and international studies restorative justice has been shown to have significant benefits when compared with conventional justice.<sup>1</sup> It tends to reduce recidivism and promote healing of the community, victims and offenders. The specific restorative justice model used at Waiawa has, by all accounts, been particularly successful and I strongly support its expansion as envisioned by SB 70.

Thank you for allowing me to testify.

Robert Merce

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<sup>1</sup> See e.g. Lawrence W. Sherman and Heather Strang, *Restorative Justice: The Evidence*. The Smith Institute 2007. Online at [http://www.smith-institute.org.uk/publications.html?search=restorative+justice&category\\_id=](http://www.smith-institute.org.uk/publications.html?search=restorative+justice&category_id=)