

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

HEARING DATE: Thursday, March 24, 2022  
TIME: 2:00 PM

**SUPPORT FOR HR143**

Hawai'i Friends of Restorative Justice (HFRJ) supports this resolution to establish restorative justice programs on all counties.

HFRJ was incorporated as a non-profit in 1981 by a group of educators and lawyers testing an education program ([Street Law](#)) to divert youth under Honolulu's family court jurisdiction. Since then, HFRJ has developed and studied numerous educational and restorative justice projects to determine evidence-based methods for assisting people affected by crime and injustice. Other countries and states have replicated HFRJ's work described in over 50 publications.

HFRJ does not support embedding restorative programs into government agencies because of the cost, lack of trust by the parties, and the loss of creativity that community based programming provides. HFRJ, therefore, recommends that this resolution be amended to provide that the:

"Judiciary is urged to partner with supporting agencies and request grant funds under the Victims of Crime Act to establish and support a [community based] restorative justice program in each county to allow victims and offenders an opportunity to participate in restorative justice."

We urge the Committee to please pass the resolution with this amendment. If you have any questions about HFRJ's support, please contact me at [lorenn@hawaii.edu](mailto:lorenn@hawaii.edu).

Mahalo for your public service.

Aloha, Lorenn Walker, JD, MPH, Director HFRJ

**LATE**

**HR-143**

Submitted on: 3/23/2022 9:31:40 PM

Testimony for JHA on 3/24/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laurie Tochiki	Individual	Support	Written Testimony Only

Comments:

I am writing in support of this resolution. I am currently Executive Director of EPIC `Ohana, a non-profit organization serving families and young people in the child welfare system. For 25 years, EPIC `Ohana has been providing `Ohana Conferences, a form of restorative justice. Restorative Justice practices are an opportunity to reconnect when there has been disruption and trauma. I am one of the founders of `Ohana Conferencing.

Our work began in 1996 as a collaborative demonstration project between the Department of Human Services and the Family Court. When the demonstration project was successful and the opportunity to scale to a statewide program occurred, a wise decision was made to embed the practice in a neutral non-governmental agency. Many similar programs were launched around the world, but those programs embedded in court or in governmental agencies have not survived, or have diminished impact.

Therefore, I join my colleagues at the Hawaii Friends for Restorative Justice in requesting an amendment that would promote the independence and innovation needed for this important work. I therefore request that the resolution be amended to provide that:

“Judiciary is urged to partner with supporting agencies and request grant funds under the Victims of Crime Act to establish and support a [community based] restorative justice program in each county to allow victims and offenders an opportunity to participate in restorative justice.”

Thank you so much.

Laurie Arial Tochiki, JD, Ph.D

**HR-143**

Submitted on: 3/22/2022 10:57:09 AM

Testimony for JHA on 3/24/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeff Heisel	Individual	Support	Written Testimony Only

Comments:

Please support this wonderful bill. Restorative Justice not only helps individuals, but it helps the whole community thrive.



# What Works for Health

## Policies and Programs to Improve Wisconsin's Health

Social & Economic Factors - Community Safety - Prevent neighborhood crime and violence

### Restorative justice in the criminal justice system

***Is this program or policy in use in your community? Tell us about it.***

#### Description

Restorative justice in the criminal justice system uses victim and offender dialogue to address the harm caused by a crime as well as victims' experiences, interests and needs ([Latimer 2005](#)). This approach can be practiced using sharing circles, victim-offender mediation, or facilitated face-to-face conferences that include victims, offenders, their families, friends, and other community members. Restorative justice can occur throughout the criminal justice process, from pre-arrest to post-sentence, and can take place in settings such as prisons, therapeutic facilities, and communities ([Daly 2016](#), [Koss 2014](#)). Judges may consider reducing some offenders' sentences following restorative justice participation ([Sherman 2007](#)).

#### Expected Beneficial Outcomes

- Reduced recidivism
- Increased satisfaction with justice process
- Reduced post-traumatic stress

#### Evidence of Effectiveness

There is strong evidence that restorative justice in the criminal justice system reduces recidivism ([Campbell-Strang 2013](#), [Latimer 2005](#), [Sherman 2015](#), [Sherman 2007](#)). For juvenile offenders, effects on recidivism appear strongest when restorative justice practices are implemented with researcher involvement and high fidelity to tested models ([Schwalbe 2012](#), [Hipple 2014](#)).

Victims of crime who participate in restorative justice efforts have greater levels of satisfaction with the justice process than those who participate in the traditional justice process ([Campbell-Strang 2013](#), [Latimer 2005](#)). Restorative justice conferencing can also reduce victims' post-traumatic stress symptoms ([Sherman 2015](#), [Angel 2014](#), [Koss 2014](#)).

Offenders who participate in restorative justice appear more likely to comply with restitution requirements than those who participate in the traditional justice system ([Latimer 2005](#)). In some circumstances, offenders report greater levels of satisfaction with the restorative justice process than the traditional justice process ([Latimer 2005](#), [Sherman 2007](#)).

Victim-offender mediation appears to reduce juvenile recidivism ([Nugent 2004](#)). Arizona-based studies indicate that juvenile offenders in restorative justice conferencing are less likely to reoffend than peers in a traditional diversion program ([Rodriguez 2007](#), [De Beus 2007](#)); effects are greater for girls and youth with few prior offenses than boys and youth with more prior offenses ([Rodriguez 2007](#)). First-time juvenile offenders who participate in restorative justice programs may be less likely to reoffend than peers in the traditional

<b>Health Factors:</b>	Community Safety
<b>Decision Makers:</b>	Community Members Local Government State Government Federal Government
<b>Evidence Rating:</b>	Scientifically Supported
<b>Population Reach:</b>	20-49% of WI's population
<b>Impact on Disparities:</b>	No impact on disparities likely

justice system ([Bergseth 2013](#)); additional evidence is needed to confirm effects ([Cochrane-Livingstone 2013](#)).

Researchers suggest that police-led conferences and in-person requests to victims support victim participation in restorative justice conferences ([Sherman 2007](#)). Victim-centered practice, open and respectful interactions in a safe environment, and facilitator training also support effective restorative justice for youth ([Choi 2012](#)).

A Washington-based analysis estimates that restorative justice conferencing cost about \$1,080 per participant in 2016, with a benefit to cost ratio of \$3.49 ([WSIPP-Benefit cost](#)).

## Implementation

### United States

Restorative justice has been implemented in some states, such as Illinois ([IBARJ](#)), and in many American Indian and Alaskan Native communities ([Tribal Youth-RJ](#)). City-level efforts are also underway in many communities, including Baltimore's Community Conferencing Center ([CCC-Baltimore](#)), Brooklyn's Common Justice ([CJ-Brooklyn](#)), and Minneapolis' victim-offender mediation program ([OJJDP Model Programs](#)).

### Wisconsin

Wisconsin has many restorative justice programs, for example, in Barron ([Barron-RJP](#)), Dane ([Dane-CRC](#)), and Burnett County ([Northwest WI-RJ](#)).

## Implementation Resources

[CJR-RJ](#) - Center for Justice and Reconciliation (CJR). Restorative Justice (RJ). Accessed on March 30, 2017

### Citations - Description

[Daly 2016](#) - Daly K. What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*. 2016;11(1):9–29. Accessed on March 24, 2017

[Koss 2014\\*](#) - Koss MP. The RESTORE Program of restorative justice for sex crimes: Vision, process, and outcomes. *Journal of Interpersonal Violence*. 2014;29(9):1623–1660. Accessed on March 24, 2017

[Latimer 2005\\*](#) - Latimer J, Dowden C, Muise D. The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*. 2005;85(2):127–44. Accessed on March 24, 2017

[Sherman 2007](#) - Sherman LW, Strang H. *Restorative justice: The evidence*. London, UK: Smith Institute; 2007. Accessed on March 24, 2017

### Citations - Evidence

[Angel 2014\\*](#) - Angel CM, Sherman LW, Strang H, et al. Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: A randomized controlled trial. *Journal of Experimental Criminology*. 2014;10(3):291–307. Accessed on March 24, 2017

[Bergseth 2013\\*](#) - Bergseth KJ, Bouffard JA. Examining the effectiveness of a restorative justice program for various types of juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*. 2013;57(9):1054-1075. Accessed on March 24, 2017

[Campbell-Strang 2013](#) - Strang H, Sherman LW, Mayo-Wilson E, Woods D, Ariel B. Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction: A systematic review. *Campbell Systematic Reviews*. 2013:12. Accessed on March 24, 2017

[Choi 2012\\*](#) - Choi JJ, Bazemore G, Gilbert MJ. Review of research on victims' experiences in restorative justice: Implications for youth justice. *Children and Youth Services Review*. 2012;34(1):35–42. Accessed on March 24, 2017

[Cochrane-Livingstone 2013](#) - Livingstone N, Macdonald G, Carr N. Restorative justice conferencing for reducing recidivism in young offenders (aged 7 to 21) (Review). *Cochrane Database of Systematic Reviews*. 2013;(2):CD008898. Accessed on March 24, 2017

- [De Beus 2007\\*](#) - De Beus K, Rodriguez N. Restorative justice practice: An examination of program completion and recidivism. *Journal of Criminal Justice*. 2007;35(3):337-347. *Accessed on March 24, 2017*
- [Hipple 2014\\*](#) - Hipple NK, Gruenewald J, McGarrell EF. Restorativeness, procedural justice, and defiance as predictors of reoffending of participants in family group conferences. *Crime & Delinquency*. 2014;60(8):1131–1157. *Accessed on March 24, 2017*
- [Koss 2014\\*](#) - Koss MP. The RESTORE Program of restorative justice for sex crimes: Vision, process, and outcomes. *Journal of Interpersonal Violence*. 2014;29(9):1623–1660. *Accessed on March 24, 2017*
- [Latimer 2005\\*](#) - Latimer J, Dowden C, Muise D. The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*. 2005;85(2):127–44. *Accessed on March 24, 2017*
- [Nugent 2004\\*](#) - Nugent WR, Williams M, Umbreit MS. Participation in victim-offender mediation and the prevalence of subsequent delinquent behavior: A meta-analysis. *Research on Social Work Practice*. 2004;14(6):408–16. *Accessed on March 24, 2017*
- [Rodriguez 2007\\*](#) - Rodriguez N. Restorative justice at work: Examining the impact of restorative justice resolutions on juvenile recidivism. *Crime & Delinquency*. 2007;53(3):355–79. *Accessed on March 24, 2017*
- [Schwalbe 2012\\*](#) - Schwalbe CS, Gearing RE, MacKenzie MJ, Brewer KB, Ibrahim R. A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*. 2012;32(1):26–33. *Accessed on March 24, 2017*
- [Sherman 2007](#) - Sherman LW, Strang H. *Restorative justice: The evidence*. London, UK: Smith Institute; 2007. *Accessed on March 24, 2017*
- [Sherman 2015](#) - Sherman LW, Strang H, Barnes G, et al. Twelve experiments in restorative justice: The Jerry Lee program of randomized trials of restorative justice conferences. *Journal of Experimental Criminology*. 2015;11(4):501–540. *Accessed on March 24, 2017*
- [WSIPP-Benefit cost](#) - Washington State Institute for Public Policy (WSIPP). Benefit-cost results. *Accessed on April 4, 2018*

### Citations - Implementation

- [Barron-RJP](#) - Barron County Restorative Justice Programs (RJP). Elevating people, transforming communities. *Accessed on March 24, 2017*
- [CCC-Baltimore](#) - Community Conferencing Center (CCC). Baltimore, MD. *Accessed on March 30, 2017*
- [CJ-Brooklyn](#) - Vera Institute of Justice. Common Justice (CJ). *Accessed on March 24, 2017*
- [Dane-CRC](#) - Dane County Community Restorative Courts (CRC). Repair harm and rebuild community. *Accessed on March 24, 2017*
- [IBARJ](#) - Illinois Balanced and Restorative Justice (IBARJ). Strengthening community through restorative justice. *Accessed on March 24, 2017*
- [Northwest WI-RJ](#) - Restorative Justice of Northwest Wisconsin (RJ). Working with victims, offenders, and the community. *Accessed on March 24, 2017*
- [OJJDP Model Programs](#) - Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP model programs guide. *Accessed on November 14, 2018*
- [Tribal Youth-RJ](#) - Office of Juvenile Justice and Delinquency Prevention. Tribal Youth Program: Restorative justice practices (RJ). *Accessed on March 24, 2017*

### Page Last Updated

March 24, 2017

\* Journal subscription may be required for access.



**HR-143**

Submitted on: 3/23/2022 1:43:43 PM

Testimony for JHA on 3/24/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doug Nelson	Individual	Support	Written Testimony Only

Comments:

I strongly support this effort, as it will greatly benefit healing within the community.