

MAR 10 2010

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, according to a study of United States Department
2 of Justice statistics conducted in 2002, fifty per cent of
3 American inmates will return to prison within two years of their
4 release; and

5
6 WHEREAS, a restorative circle is a group planning process
7 for individual inmates, their families, and prison staff that
8 results in a written transition plan for the inmate preparing to
9 leave prison; and

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11 WHEREAS, the transition plan details the inmate's needs,
12 including the need for reconciliation with loved ones, any non-
13 related victims not present at the circle, and the inmate
14 personally, and addresses other needs, such as housing and
15 employment necessary for the inmate to create a successful life
16 by establishing goals for the inmate to meet; and

17
18 WHEREAS, a restorative circle makes it clear to inmates
19 that they are responsible for their lives by the decisions that
20 they make; and

21
22 WHEREAS, an internal self-study was completed for the
23 Healing/Sentencing Circles Program at Whitehorse, Yukon
24 Territory by an outside consultant, revealing that, over a two
25 year period, the program served sixty-five clients and follow-up
26 tracking showed that there was an eighty per cent decrease in
27 recidivism (Matthews, S. and G. Larkin (1999). *Guide to*
28 *Community-based Alternative for Low Risk Juvenile Offenders.*
29 *Topeka, KS: Koch Crime Institute.*); and
30



1 WHEREAS, a study of the Hollow Water First Nation Community
2 Holistic Circle Healing program conducted by Native Counseling
3 Services of Alberta reported that, over a ten-year period, only
4 two out of one hundred seven participants re-offended; and
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6 WHEREAS, the Hollow Water study contrasted this two per
7 cent recidivism rate for program participants against "typical"
8 recidivism rates over the same period of time, such as a
9 thirteen per cent recidivism rate for sex offenders and a
10 thirty-six per cent rate for any form of recidivism in Canada
11 (Native Counseling Services of Alberta (2001). *A cost-benefit*
12 *analysis of Hollow Water's Community Holistic Circle Healing*
13 *Process*. Ottawa, Ontario, Canada: Aboriginal Corrections Policy
14 Unit, Solicitor General of Canada.); and
15

16 WHEREAS, in 2001, the University of Cambridge conducted
17 seven experiments where four hundred who attended restorative
18 justice conferences were compared with four hundred offenders
19 who did not; and
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21 WHEREAS, during the restorative justice conferences, which
22 each lasted from one to three hours and often occurred in prison
23 settings, the participating offenders listened to victims
24 describe the harm their crimes had caused; and
25

26 WHEREAS, the victims who participated in the conferences
27 found the process to be helpful and positive, while the
28 participating offenders described the meetings as "traumatic" as
29 well as life-changing; and
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31 WHEREAS, the report on the experiments found that, over a
32 two-year period, the rate of reconviction fell by different
33 rates in different parts of the United Kingdom -- for example,
34 the rate of reconviction for violent offenders in Thames Valley
35 fell by fifty-five per cent and the rate of reconviction among
36 career burglars in London fell by 15.5 per cent; and
37

38 WHEREAS, the report on the experiments estimated that for
39 every £1 spent on delivering the conferences, £9 was saved in
40 costs to victims and the criminal justice system; and
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42 WHEREAS, the Hawaii Restorative Circles program, renamed
43 "Huikahi Restorative Circles", from the Hawaiian words "hui"
44 meaning group and "kahi" meaning individual, is a reentry



1 program mandated as part of Act 8, First Special Session Laws of
2 Hawaii 2007; and

3
4 WHEREAS, the funds appropriated for the continuation and
5 expansion of the Huikahi Restorative Circles program by Act 8
6 have not been released; and

7
8 WHEREAS, the Huikahi Restorative Circles program has been
9 operating with private funding and community goodwill; and

10
11 WHEREAS, since 2005, the Huikahi Restorative Circles
12 program has included more than three hundred participants, with
13 a one hundred per cent satisfaction rate; and

14
15 WHEREAS, John Braithwaite, Ph.D., Australian Research
16 Council Federation Fellow, professor at the Australian National
17 University, recipient of the 2006 Stockholm Prize in
18 Criminology, author of many books and publications, including
19 *Crime, Shame and Reintegration*, and recognized as a major force
20 in the restorative justice movement says, "Hawaii is a world
21 leader in innovation for reentry planning for prisoners because
22 of its work on Restorative Circles. We all look forward to the
23 next stage in this Hawaiian leadership toward a more effective
24 way to prevent crime by reintegrating released inmates into a
25 supportive community"; and

26
27 WHEREAS, Shadd Maruna, Ph.D., corrections expert and law
28 professor at Queen's University Belfast in Ireland, and author
29 of numerous publications, including the book *Making Good: How*
30 *Ex-Convicts Reform and Rebuild Their Lives*, says, "I have long
31 been deeply impressed with Hawaii's innovations in the area of
32 prisoner reentry and especially the work with the Modified
33 Restorative Circles. As an outsider, I assume the small island
34 geography and the historical traditions of Hawaii make the place
35 particularly amenable to community-based solutions to the issues
36 of crime and reintegration. Yet, beyond this, it also takes
37 policy innovation and political courage"; and

38
39 WHEREAS, impartial grant reviewers for the federal
40 government recently stated that the Huikahi Restorative Circles
41 "provide an innovative approach to an often overlooked facet of
42 an offender's reentry into the community--the interaction--past,
43 present, and future--with the inmate's family. The appreciation
44 for cultural sensitivities will translate to other populations.



1 The inclusion of a thoughtful 'transition plan' it presents is a
2 good next step opportunity for both family and inmates."
3 (Attachment to a letter dated November 17, 2009 from James H.
4 Burch, II, Acting Director of the Bureau of Justice Assistance,
5 to Lorenn Walker); and

6
7 WHEREAS, a recent evaluation of Pono Kaulike, a similar
8 restorative justice program, revealed that, out of a group of
9 thirty-eight participants and a control group of twenty-nine
10 individuals, the people who participated in the Pono Kaulike
11 program had a significantly lower rate of recidivism -- eighteen
12 per cent, compared to the control group which had a fifty-one
13 per cent rate of repeating crime (Walker, Lorenn and Hayashi,
14 Leslie (2007). *Pono Kaulike: A Hawaii Criminal Court Provides*
15 *Restorative Justice Practices for Healing Relationships.*
16 Federal Probation. 71(3):18-24.); and

17
18 WHEREAS, the Huikahi Restorative Circles Program has been
19 recognized both nationally and internationally; now, therefore,
20

21 BE IT RESOLVED by the Senate of the Twenty-fifth
22 Legislature of the State of Hawaii, Regular Session of 2010, the
23 House of Representatives concurring, that the Department of
24 Public Safety is requested to facilitate and support federal
25 grant proposals for the funding of the Huikahi Restorative
26 Circles program to address the backlog of requests from
27 incarcerated individuals wanting to make amends for their past
28 behavior; and

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30 / BE IT FURTHER RESOLVED that the Department of Public Safety
31 is requested to obtain an annual report from the provider of the
32 Huikahi Restorative Circles program; and

33
34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Governor, the
36 Director of Public Safety, the Chair of the Senate Committee on
37 Public Safety and Military Affairs, the Chair of the House
38 Committee on Public Safety, and the Attorney General.
39

40
41 *Michelle Idani*
Fred...

OFFERED BY:

Will Eyo
Frank... *D*