

Advocating reentry programming

Restorative Justice is a Mandated Component of Hawai`i's Reentry System

by Kat Brady and Loren Walker

"The process is both a powerful healing tool and a way to empower victims to make decisions about how to repair the harm caused by offenses." Hawai'i Community Safety Act of 2007.

Hawai'i Governor Linda Lingle distinguished herself as the first governor in the United States to veto a reentry bill. But Hawai'i community justice advocates never gave up and they were well organized. In July 2007, the Hawai'i State Legislature convened a special session to override some of Governor Lingle's vetoes. In this session, Senate Bill 932 was overwhelmingly supported by a bipartisan vote. The bill was passed into law the first year that it was introduced—unusual for Hawai'i—demonstrating widespread community support for the measure.

How the Community Worked Together

In Hawai'i, the Community Alliance on Prisons (CAP) came together a decade ago to advocate for more effective ways of dealing with crime in Hawai'i. CAP's mission is to develop effective research-based interventions for Hawai'i's incarcerated people and to educate the community on criminal justice issues. To achieve the goal of an informed community, CAP has sponsored many conferences, seminars, presentations, and workshops. These events have helped build a solid e-mail communications list to share the latest research findings, notices of upcoming events and hearings, and informational articles and books relating to criminal justice.

Some of the incarceration and justice-related issues that have converged to ignite interest in prison reform by communities throughout the state, including the following:

- Native Hawaiians suffer disproportionate minority confinement in prison (Oh & Umemoto, 2005);
- Hawai'i women comprise 12.4% of the incarcerated population, almost twice the national average (approximately 7.15%) of incarcerated people (Sabol, Minton & Harrison, 2007.);
- Rising costs of corrections impacting other budget items, including education and health;
- Hawai'i is Corrections Corporation of America's largest single customer (Dayton, 2007);
- Hawai'i leads the nation incarcerating people in for-profit prisons (58% of its prison population, approximately 2,100 people, of a total state population around 1.2 million people) (Dayton, 2005);
- Hawai'i's recent \$50 million contract with Corrections Corporation of America for a newly constructed prison to incarcerate people from Hawai'i in an Arizona desert about 3,000 miles away.

Acknowledging that Native Hawaiians are disproportionately represented in our prisons and jails, support for an effective reentry system came from every sector of our community. Advocates for the measure included reentry and treatment program providers, churches, businesses, restorative justice practitioners, participants from the *Restorative Circle* project, community organizations, Native Hawaiians, formerly incarcerated people, 'ohana (family) of incarcerated people, scholars, researchers, and concerned citizens. This widespread community representation was instrumental in passing Hawai'i's Community Safety Act, Act 8 of the Special Session of 2007 as the testimony supporting its passage was research-based and informed. The testimony also educated legislators and others who attended the hearings.

For the past decade, CAP has advocated the following measures:

- Repealing mandatory sentencing laws for drugs (repealed HRS 712-1243 (Class C crystal meth statute), session laws of 2004 with 2009 sunset);
- Establishing more effective gender-responsive programming for our rising population of incarcerated women and girls (passed in 2006 as Act 258 with \$200,000 appropriation);
- Creating a comprehensive reentry system (passed in 2007 as Act 8 of the Special Session of 2007); and;
- Expanding Drug Courts on all Islands (all islands now have their own drug court programs).

CAP faced a number of barriers in arguing against state laws that perpetuate prisons and harsh punishments. We are all volunteers. We have little money, and have no slick lobbyists to sell our product. We are simply people who care about our community. The government is well-funded and has many full-time employees working to counter our *pro bono* work.

While the administration works hard to paint a picture of all incarcerated people as "monsters" who are "not one of us" to dehumanize people who violate the law, we work to put a "face" on incarceration. We want to show how incarceration affects more than the person locked up. We highlight the families outside the bars who are "invisibly incarcerated." They are left to clean up the mess, raise the children, and try to move the family on, generally with little to no support.

It is always a barrier to overcome the opposition's access to media urging the

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fear message. Our message is different—it's one of compassion and forgiveness. We remind

people that individuals *are* being punished, they are serving sentences for their crimes, sometimes thousands of miles away from home, and most are eventually returning to the community. We advocate that their captive time should be used to help them rebuild their lives, restore their `ohana, and learn how to participate in the revitalization of their communities.

We want the public to see incarcerated individuals as an asset rather than a liability. Something amazing happens when someone knows that someone else believes in their strengths and sees them for more than their deficits and poor decisions. Many today know the story of Cupcake Brown (Brown, C., 2006), a former prostitute, substance abusing member of the Crip gang who became a lawyer for one of the largest law firms in the United States. Ms. Brown is testament to the power of rehabilitation.

Advocacy Process

As the Community Safety Act went through the committee process and was scheduled for hearings, CAP sent out announcements and talking points through its e-mail bank and asked for supportive testimony and calls to the legislators. The e-mail recipients responded. Concerned citizens, the faith community, Hawaiian organizations, advocates, civil rights organizations, and many concerned citizens came out in support of a comprehensive reentry system that included innovative programs like Restorative Circles, programs with a cultural focus, and other cognitive restructuring programs.

When it became clear that the Governor was considering a veto, CAP again worked its e-mail and contact list to ask supporters to call or e-mail the Governor's office to express support for the measure and ask that she sign it into law.

Political Football

The biggest barrier we had to face in advocating for the Community Safety Act of 2007 was the political crossfire it created. The opponents used fear tactics, such as "felons will be running around your neighborhood," etc.

Supporters focused on creating a comprehensive reentry system with a strong aftercare component to help people successfully reenter the community after incarceration.

The more the issue became political, the harder the opponents worked the fear angle and the advocates responded with focus on the individuals incarcerated. We focused on the invisible incarceration of families, the lack of services for their children who are six to seven times more likely than their peers to end up incarcerated. We focused on the need for effective rehabilitation programs both inside and continuing outside of prison, and on the desperate need to help individuals reenter their communities successfully as a community-building strategy.

Research Support

There is a growing body of research showing the ineffectiveness of prisons without a focus on rehabilitation (Maruna, S., 2006), which has helped advocates reach out to non-traditional allies, i.e., the Hawai'i Parole Board and the federal Probation Department in Hawai'i, for support in getting this legislation passed.

The Chairperson of the Hawai'i Paroling Authority testified in favor of *Restorative Circles*, a unique reentry planning process for individual incarcerated people. He stood up during a legislative meeting saying that he saw the transformation that the Restorative Circle reentry process had on the individuals who came before the Board.

Daniel Goleman, psychologist and author of *Emotional Intelligence* and *Social Intelligence*, calls Hawai'i's re-

storative reentry work, "*magnificent.*" (Goleman, D., 2007)

Restorative Justice As A Reentry Strategy:

Restorative Justice advocates in Hawai'i scored a victory in passing the new law: the *Community Safety Act of 2007*

(http://www.capitol.hawaii.gov/session_current/Bills/SB932_CD1_.htm).

The law states, "The legislature finds that restorative circles is a pilot program that has been in place at the Waiawa correctional facility since March 2005. The program is based on the methodological tool known as "restorative justice," which aims to address the unresolved issues faced by victims, offenders, and their families. The program brings together victims, offenders, and their personal supporters in a carefully managed, safe environment. The process is both a powerful healing tool and a way to empower victims to make decisions about how to repair the harm caused by offenses. . . . Considering that approximately ninety-eight per cent of all inmates will eventually be released back into the community, a program such as this one is vital because it helps an offender take responsibility for past behavior and plan for release."

The law allocates \$202,000 state funding to continue the promising reentry program, *Restorative Circles* (Walker, Sakai, Brady, 2006) and to expand the program to facilities statewide in 2008.

Restorative Circles are a group reentry planning process, which allow individual incarcerated people to take *active responsibility* (Braithwaite & Braithwaite, 2001) for their futures; find ways to reconcile with themselves and others harmed by their behavior; and to create plans to meet their needs for achieving a positive life.

Restorative Circles are an example of "organically occurring community processes of recon-

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iliation" which is important for promoting *desistance* from crime (Maruna, 2007, p. 14).

Philosophical Shift:

The importance of the Community Safety Act of 2007 is its shift in Hawai'i's corrections paradigm from one focused on retribution to one focused on rehabilitation and reentry, with restorative justice practices employed as an important element for success in reentry planning.

As advocates, we know that our work is just beginning and we will continue to work to ensure that this important paradigm shift is implemented by the state. We have already met with the Department of Public Safety, which administers Hawai'i's corrections system, to offer our help in constructing a request for proposals or in any thing else necessary for implementing Act 8 – the Community Safety Act of 2007.

Lessons

The passage of the Community Safety Act taught many lessons including the importance of keeping interested people in the loop with consistent, but not overburdening communications; the importance of providing up to date information to advocates (including talking points and research links to include in testimony); and strategizing to find where to put the most effort to push an issue across the finish line.

Inspiring to all of us who want to see our communities vibrant and healthy is that jurisdictions from 22 states and 13 countries around the world have requested copies of this holistic and proactive-looking legislation.

Plan and Strategy

We have a plan and strategy—including the clear goal that restorative justice programming be provided at all Hawai'i correctional facilities and supported by a permanent line in the state budget.

Training more facilitators is crucial to be able to meet the need. Training people on all islands to facilitate and record Restorative Circles will build the resource network needed to grow this incredibly positive program.

To date the Governor has not released the funds to provide the services mandated in the new law. Hawai'i state law gives the governor the power to withhold funds for even legislative mandates if there are indicators of a state fund deficit. We have been told that after 2008 she may release more allocations made by the 2007 Legislature.

CAP is persistent and focused. We perceive our job as one to raise building community and to show how helping people who have served their sentences transition back to our communities is a smart strategy for public safety. This is the true meaning of community. Taking care of each other is a public safety strategy.

CAP will continue to call for release of funds for Act 8 and submit more research-based information to the Governor to help her make an informed decision.

Since passage of the bill, the Restorative Circles reentry program has been continuing at Waiawa and the Women's Prison. We have met with Department of Public Safety officials to discuss the Restorative Circles program that has been operating since March of 2005. The Department appeared open to the program and we sent a budget for the \$202,000 allocated by the 2007 Legislature.

Shoutin' Out

CAP has just started a monthly series entitled, **Hawai'i InJustice**, that will start airing in 2008. Kat Brady is the Host/Interviewer. Lorenn Walker was a guest and she spoke about restorative justice and her work in developing and implementing a variety of restorative practices for youth, the Honolulu Police Department, for victims with unknown offenders, and a host of other areas

she has worked in. Lorenn also spoke about the passage of Act 8 and expressed hope that the Department of Public Safety would implement this law.

CAP and Lorenn continue to educate the public on restorative justice, and for 10 months Lorenn has been conducting Restorative Conversations with variety of programs about the areas people would like to see restorative justice used in our community. Overwhelmingly, people in Hawai'i want restorative justice to be used for incarcerated people.

It takes a just heart to make justice happen. As Eleanor Roosevelt asked, "When will our conscience grow so tender that we will act to prevent human misery rather than avenge it?"

Restorative justice is a positive route to achieving peace and harmony for Hawai'i, a place characterized by beauty and a paradise, but a land of banishment and brutality toward it's native people, who ironically introduced the world to *aloha*, which includes the concepts of love, compassion, mercy, kindness, grace, and charity (Pukui, M.K., & Elbert, S. H., 1986).

We continue to work for justice because we must.

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