

Let's focus more on restorative justice, not just punishment

By Lorenn Walker

Imagine a criminal justice system that helps people heal after being harmed.

Imagine a system that addresses victims' needs, including restitution when they want it, and a system that also helps offenders develop empathy for others and be law-abiding.

We can provide healing for people and communities hurt by crime with restorative justice. The Legislature passed Senate Bill 60 this session, which would give victims the right to be informed of restorative processes in Hawaii.

John Braithwaite, one of the world's most respected restorative justice experts, says: "This bill is another important step down the path of Hawaii's national and international leadership in civilizing justice."

Gov. Neil Abercrombie has the opportunity to make a slight paradigm shift in our justice system from less retribution to more restoration, but he has indicated he plans to veto SB 60.

Restorative justice focuses on meeting the needs of victims and communities harmed by wrongdoing. Worldwide research shows restorative processes help people heal more than the criminal justice system. While we need the rule of law and the criminal justice system, we also need restorative processes.

Restorative processes are voluntary, cooperative and focus on what individuals uniquely need to heal. Restorative outcomes do not always include restitution, and not all processes that provide restitution are restorative. For example, courts that order restitution can produce restorative outcomes, but they are not restorative processes. And when a victim wants restitution, restorative processes work better than punishment to provide it.

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Recently our state used the criminal justice system to bring a man from Alabama to imprisonment in Hawaii for reportedly failing to pay \$500 restitution. A restorative process would have produced different results. It

could have helped the victims with healing, and helped ensure the offender paid the restitution, instead of spending far more than \$500 on an extradition.

Ideally restorative processes include the victim, an accountable offender, loved ones of both, and other community members, but there are many varieties of restorative processes that can help people heal.

Restorative processes can help victims who do not know who harmed them and never meet with offenders. No arrests are made in most reported crimes. That was true for me when I was almost murdered by an unknown assailant, yet restorative processes helped heal my emotional harm.

Restorative processes also help victimized loved ones of offenders heal. Research shows restorative processes help children overcome the loss of an imprisoned parent, and become more optimistic.

Additionally, offenders who participate in restorative processes are less likely to reoffend, making communities safer. One neuroscientist theorizes that restorative processes can make psychopathic criminals more empathic and caring.

<t\$>Most people who participate in restorative processes find them positive: 100 percent of over 500 participants, including prison staff, other professionals, loved ones and incarcerated people in a Hawaii-developed restorative re-entry planning process, found it positive.

The process is being replicated elsewhere including New York and California with similar results.

Justice should include victim satisfaction with criminal justice processes. It is time justice cared more about victims and healing, and was not primarily about punishment.

Annually in the United States, about \$75 billion is spent on punishing offenders, while around \$500 million is spent on victims' needs. These priorities need adjustment, with more spent on victims and healing. Maybe if we cared more about victims, offenders would learn this, too.

The governor should not veto Senate Bill 60. The Legislature saw the benefit in passing it, and the governor should accept its determination and let Hawaii begin these fundamental changes that could dramatically improve our criminal justice results.