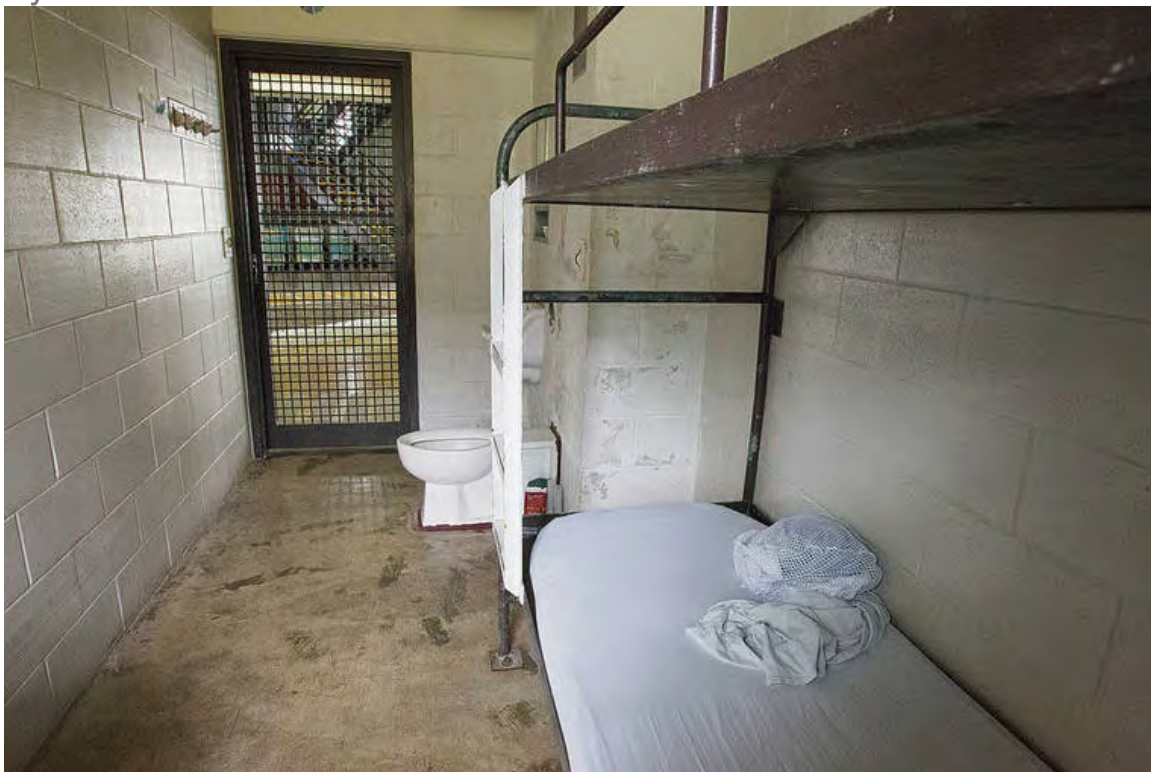




EDITORIAL | ISLAND VOICES

Column: Restorative justice offers healing for all

By Lorenn Walker



STAR-ADVERTISER /2016 Inside a prisoner's cell in Module 4A at the Halawa Correctional Facility

House Bill 634 relating to restorative justice was killed this legislative session. It would have funded a restorative justice (RJ) program to study how RJ might help

people harmed by crime, which includes victims, offenders and the community.

The distinction between “victims” and “offenders” like “good” and “evil” is not always a bright line. The “victim offender overlap” is a consistent criminology finding that recognizes many offenders have suffered harm themselves.

Most victims do not become offenders, but many offenders were victimized. Having suffered harm is no excuse for hurting others and never condones bad behavior, but we must help harmed people heal to prevent crime, which RJ can do.

Bill 634 was flawed, but it would have been a step toward decreasing our overuse of incarceration. Hawaii spends about \$230 million annually to incarcerate approximately 5,500 people. It costs around \$150 a day to keep one person incarcerated, which is twice as much as what the state spends educating each child per day in public school.

The average grade level of our incarcerated population is between fourth and sixth grade. Our priorities are wrong. Our overpriced corrections system, which has a dismal record for rehabilitating people, demands immediate reform.

Our government needs to change course to help decrease incarceration. Hilo, Honolulu and Lihue prosecutors testified against Bill 634. They mistakenly believe RJ is exclusively “victim centered,” “victim initiated,” and not for the explicit purpose of “benefiting offenders.” While it is correct that victims’ needs must always be considered foremost whenever wrongdoing occurs, others besides victims can initiate and benefit from RJ.

Albert Eglash, an American psychologist who worked with offenders, introduced the words restorative justice in the 1950s. Eglash believed offenders should acknowledge and pay for harm they caused in order to rehabilitate. As the Western justice system adopted restitution and mediation in the 1970s, the modern RJ movement began. We say “modern RJ” because indigenous cultures have used restorative practices since ancient times, e.g., Hawaiian ho’oponopono.

Modern RJ invites stakeholders affected by specific incidents of wrongdoing to meet and discuss questions including: “Who was affected by the wrongdoing?” “How?” and “What can be done to repair the harm?” When it is impossible for all stakeholders to meet, RJ can still help people heal and learn.

The Hawai’i Friends of Restorative Justice (HFRJ) has studied RJ since 1997. An early HFRJ project developed an RJ process for victims who don’t know who hurt them or otherwise cannot meet their offenders. About 70 percent of reported crimes result in no arrest.

HFRJ also developed a reentry planning process for incarcerated people who want to make amends with their families and the community. Like many victims who don't know who hurt them, many offenders don't know who they hurt. Offenders address their wrongdoing in reentry circles often making amends to the community by "staying clean" and "being law-abiding." Research shows the circles help children heal from the trauma of losing a parent to prison, and circles help offenders stay crime free.

Hawaii's reentry planning circles have been replicated in other states and countries. On May 19, CNN's "The Redemption Project," hosted by Van Jones, will show the circle process being used at Alaska's maximum-security prison for people harmed by a murder. Since the filming, the murdered man's mother came to Oahu and learned how to provide the circles in Alaska.

Restorative justice is for all, not only for certain groups. Excluding people from RJ and its potential healing and learning perpetuates the victim offender overlap. We do not need more exclusion, ignorance and injustice. We need more inclusion, education and healing for everyone.

Lorenn Walker, J.D., M.P.H., directs Hawai'i Friends of Restorative Justice (hawaiifriends.org). A former state deputy attorney general, she has studied restorative justice for nearly 25 years.