

Hawaii Federal Court Restorative Reentry Circle Pilot Project

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IN 2015, THE United States District Court for the District of Hawaii commenced its Restorative Justice Circle Pilot Project (RJ Circle Pilot Project). The RJ Circle Pilot Project is administered through the United States Pretrial Services for the District of Hawaii (Pretrial Services). Any person who has pled guilty to or has been sentenced for a federal felony offense in the District of Hawaii is eligible to apply to have a circle with loved ones moderated by an experienced facilitator. The RJ Circle Pilot Program's first circle was held in August of 2015. Since then 19 circles have been held with federal defendants and their loved ones. One of these circles involved Cher, a young woman who pled guilty to a felony drug offense.* She heard about the RJ Circle Pilot Program while incarcerated and pending her sentencing. Author Leslie Kobayashi was the judge, and author Lorenn Walker was the facilitator who worked with Cher as described here.

At 18, Cher was in her senior year of high school and living in a small coastal community on the East Coast of the United States with her parents and younger brother. She was well liked, and everyone, including herself, assumed she would do well after high school. Cher wanted to go away to school and was

thrilled to be accepted by a college in Hawaii. However, her first year of college turned out to be a lonely and difficult time. At the end of her first year of college, things changed when Cher was invited to a rave. It was a giant party where she spent the night dancing and used, for the first time, the synthetic drug methylenedioxy-methamphetamine (MDMA), more commonly known as "ecstasy" or "molly."

Raves as well as ecstasy and other drugs—cocaine and ketamine, also known as "Special K"—became a regular part of Cher's life. Eventually, she hosted raves as a disc jockey that hundreds of people attended. Along the way, she unfortunately suffered a painful ligament injury for which she was prescribed opioids. This prescription ignited a decade-long addiction and substance abuse. She eventually turned to heroin, which was cheaper and more easily accessible. Eventually, to support her drug use, Cher started selling illegal drugs. She ultimately was arrested and charged with a federal drug offense to which she pled guilty and was sentenced to three years in federal prison.

But before the judge would determine her sentence, Cher was incarcerated at Federal Detention Center-Honolulu (FDC). It was there she first learned about reentry planning circles (Walker & Greening, 2010). The federal court in the District of Hawaii had recently started the RJ Circle Pilot Project, which consisted of offering reentry planning circles (*circles*) to federal defendants who were either

waiting to have their sentencing hearings or had been sentenced and were waiting to be designated to a Bureau of Prisons facility. The circles provide incarcerated individuals with a process to make amends to their loved ones and plan for meeting their goals and a law-abiding future.

While at FDC, two women told Cher about their RJ Circle Pilot Project experiences. They explained how each met with their families, their United States pretrial services officer (federal pretrial officer), and a facilitator and that there was a person responsible for writing everyone's comments on large sheets of paper. The women described how the facilitator helped everyone talk about the harm caused by the women's past criminal behavior and the hurt caused by their incarceration as well as how the harm could be repaired, and what the women's goals for their futures were and their specific plans as how they would reach their goals. Their circles lasted about three hours and food was shared at the conclusion. A few days after their circles, each of the women received a typed written plan based on what was said during the circle. The plan listed specific and concrete steps that each of them would take while imprisoned and after they were released to reenter her community, including reconciling with loved ones.

Cher decided she wanted a circle with her family. She felt deeply remorseful about the pain she had caused. Showing remorse is important in healing harm for victims and

* This is a pseudonym for a person who gave the authors permission to write about her experiences. The significant facts reported here are true, but some details have been altered to protect her identification.

offenders alike (Wellikoff, 2003). An incarcerated person's loved ones are often directly harmed by that person's actions long before incarceration (such as from addiction, criminality, or violence) and, after the person is incarcerated, the loved ones suffer the loss of separation.

About six weeks after applying for a reentry circle, a facilitator went to the FDC and interviewed Cher, and her responses convinced both her federal pretrial officer and the facilitator that Cher was sincere in her desire to hold a circle. Her application was approved. Because Cher's loved ones lived on the continental United States and Cher was incarcerated in Honolulu, her reentry circle was scheduled for the same day as her sentencing hearing was to be held in federal court.

Cher's parents flew to Honolulu from the East Coast to attend both the circle and her sentencing hearing. Cher's brother was unable to attend but sent his thoughts in writing. He was represented by his comments, which were placed on an empty chair and read during the circle. Cher's circle was held at the federal courthouse with her parents and federal pretrial officer attending in person, and her brother participating via his written statement. Because Cher was in custody, her parents had to be pre-approved to enter the FDC to visit her. (See bop.gov/inmates/visiting.jsp). Cher's parents were not granted approval and the circle could not be held at the FDC. Instead, Cher's federal pretrial officer submitted a written request to the judge for permission to have Cher temporarily released from pretrial detention and into the federal pretrial officer's custody. The request specifically was to have Cher restricted to a conference room in the federal courthouse for four hours where the reentry circle would take place and, once the circle was completed, to have Cher surrender to the custody of the United States Marshal's Service (U.S. Marshal). The judge approved the request. Other than approving the application and, in Cher's case, approving a request for temporary release from custody to hold the reentry circle in the courthouse, the judge is not directly involved in the reentry circle. The RJ Circle Pilot Program rules are clear. The judge is not given information about what was discussed or decided during the reentry circle, and the fact that the individual has completed a reentry circle is not considered by the judge as a factor for sentencing purposes.

The circle was held in the morning; in the afternoon, Cher was taken to her court hearing for her sentencing. When Cher and her

parents appeared at the hearing, they were all visibly elated. During her allocution at the sentencing hearing, Cher directly addressed the judge and explained how the circle affected her and made her feel at peace with any sentence that the judge decided to impose. When asked by the judge if she would like to say anything in court to her parents, Cher turned to thank them for what they told her during the circle and apologized again for alienating them. Her parents were openly emotional in response. They too conveyed gratitude for being able to participate in the circle.

District of Hawaii, Federal Reentry Circle Pilot Project

In 2015, the RJ Circle Pilot Project was created through the collaboration of a federal district judge, the District of Hawaii's United States Pretrial Services Office (Pretrial Services), and the Hawai'i Friends of Restorative Justice (HFRJ), a small Honolulu non-profit organization that designed and provides circles. The purpose was to create a pilot project that would provide reentry planning circles for individuals who had been or would be sentenced to prison in federal court. The RJ Circle Pilot Project was expanded in 2017 to include formerly incarcerated individuals on federal supervision with the District of Hawaii's United States Probation Office (Probation). As of September 2019, nineteen persons have received reentry circles. Of these, eighteen circles were for incarcerated individuals and one circle was held for a formerly incarcerated individual on federal supervision. Two of the incarcerated individuals, one of whom was Cher, have had a follow-up circle in addition to an initial one.

Pilot Planning Phase

At the onset, stakeholders in the District of Hawaii were identified and consulted. Pretrial Services, the District of Hawaii's judges, the United States Attorney's Office, the Federal Public Defender's Office, the United States Attorney's Victim Witness coordinator, and Bureau of Prisons (BOP) representatives at FDC participated. This consultation process resulted in a written procedure for the RJ Circle Pilot Project approved by the stakeholders and encapsulated in a Memorandum of Agreement (MOU). Providing reentry services before sentencing or shortly thereafter was important to the stakeholders.

Optimally, reentry planning should begin when a person is initially incarcerated or convicted (Taxman et al., 2002). The earlier that

reentry planning is initiated, the more beneficial it is to the incarcerated individual to define their goals, make plans, and begin prosocial behavior (i.e., social behavior that is beneficial to one's community). Reentry is not a specific program but a process which includes "reentry planning," "family involvement," and "community justice partnerships" (Petersilia, 2004, p. 5, citing Reggie Wilkinson).

Developing the Written Procedures and Application Process

In developing the written procedure for the RJ Circle Pilot Program, the stakeholders first identified who would be eligible to participate. The program initially was limited to individuals who were under Pretrial Services' supervision, who had entered a guilty plea or were adjudicated guilty after a trial, and who were waiting to receive their sentence or had been sentenced and were waiting to be transported to a BOP facility for incarceration.

Next, the program's purposes were identified: to provide an opportunity for the individual to make amends and address any harm that his or her past behavior and incarceration has caused; and to give the individual an opportunity to establish goals and a plan for successful reentry into the community after imprisonment (Walker & Greening, 2013).

To accomplish the first purpose, the circle was designed so that loved ones are given the opportunity to talk about how they have been harmed and affected by the individual's conduct in the past and by her or his incarceration, and to consider what could be done to repair the harm. For the second purpose, the individual is encouraged in the circle to state his or her specific goals and needs, such as housing, identification documents, transportation, employment, maintaining physical and emotion health, use of leisure time, and identifying his or her support group. These needs correspond with those identified by La Vigne, et al., 2008, as being necessary for successful reentry.

The Process for Applying for a Circle

The following describes the application process for participation in the RJ Circle Pilot Program:

For incarcerated defendants, applications can be obtained from the Reentry Coordinator at the Federal Detention Center—Honolulu. Otherwise, applications can be obtained from the U.S. Pretrial Services Office. The application is completed

by the defendant and forwarded/returned to the Pretrial Services Office for the initial review.

The Pretrial Services Office will contact the defendant's attorney to obtain his/her consent to proceed.

The Pretrial Services Office will obtain the approval of the judge when defendants are pending sentencing or on pretrial release. If the defendant has already been sentenced and remanded to custody, the Pretrial Services Office will provide notice to the judge.

The Pretrial Services Office will contact the Assistant U.S. Attorney to provide notice of the request. If the circle potentially includes a named victim, the Victim-Witness Coordinator will be consulted.

Depending on the timing and location of the circle, the Pretrial Services Office will provide notice to the Federal Detention Center (FDC), U.S. Marshals Service (USMS), and/or any other agency or person as needed.

If approved for participation in the circle, the application is forwarded to the Hawai'i Friends of Restorative Justice (HFRJ) for review (Unpublished Pretrial Restorative Justice Circles MOU, April, 2016, pp. 2-3).

For those who are post-sentencing and on federal supervision, the individual submits the application to his or her probation officer who, in turn, provides a recommendation with the application for Probation's approval. For all applications, the criteria for approval include a commitment from the applicant to: (1) be held accountable for his or her past and present behavior; (2) want to repair harm which he or she caused to others; (3) create a plan for a successful life which addresses how to stop reoffending. To date, only two applications have been denied (with one of the denials involving a crime victim who felt too emotional to be able to participate).

Implementation and Training

Once the MOU was completed, but before the RJ Circle Pilot Program was launched, HFRJ conducted a two-day reentry circle facilitator training for representatives from the stakeholders. An additional half-day training was provided to pretrial services and probation officers to address the RJ Circle Pilot Program's procedures as well as to educate the officers about the background and effectiveness of restorative justice. These trainings were well received, as the participants reported the sessions to be highly interactive and engaging.

Current Applications and Experiences

Since its inception, the RJ Circle Pilot Project circles usually have been held either at the FDC or at the federal courthouse in a small conference room. Circle participants are sometimes unable to enter the FDC for a variety of reasons: Some are formerly incarcerated individuals and are precluded from entering; others may be the biological children of the incarcerated person but, because parental rights have been terminated, are not considered to be family members eligible to enter the FDC; others may be precluded because there is insufficient time to process an application and obtain BOP clearance. In these instances, as with Cher, the federal pretrial officer can request the judge to release the incarcerated person for a short time into the federal pretrial officer's custody to remain in a conference room at the federal courthouse for the circle. Once the circle is completed, the incarcerated person surrenders into the Marshal's custody at the federal courthouse and is transported back to FDC. For those who are on pretrial release (not incarcerated before being sentenced) or are post-incarceration (that is, have completed their prison term and are serving a term of federal supervised release), the circles have been held at a variety of locations convenient for them and their loved ones.

"Breaking of bread" is an RJ ritual (Acorn, 2004, p. 53), and is also a cultural practice in Hawaii. Food is often an especially comforting part of the RJ Circle Pilot Project. Loved ones attending circles held at the federal courthouse are permitted to bring food to share during the circles. For those circles held at the FDC, snacks from FDC vending machines are bought and shared.

Description of Reentry Circle Process

Facilitator Interviews the Applicant

When an application is received, it is transmitted from the Pretrial Services Office to HFRJ. A facilitator is assigned. The facilitator is the person who will convene the circle. Convening the circle requires extensive preparation. In advance of the circle, the facilitator interviews the applicant and contacts the applicant's supporters listed on the application. Convening also includes working with Pretrial Services or Probation on the logistics of where and when the circle will be held.

The interview of the applicant is an important component and is done in person. The facilitator conducts a solution-focused

interview to assess the applicant's strengths and goals (Walker, 2013). Typically, the interview lasts about 45 minutes. The length of time of the interviews of the other potential circle participants (that is, people identified by the incarcerated individual as supporters who hopefully will attend) varies from 15 minutes to well over an hour. The primary purposes for the interview are to describe the circle process and to prepare participants by reviewing the circle agenda.

Shuttling Information When a Loved One Cannot Attend a Circle in Person

When a participant wants to but cannot attend a circle, like Cher's brother, he or she is invited to answer the questions normally asked during the circle. These interviews can take 20 minutes to over an hour. The loved ones answer questions including: "How were you affected by any past behavior of your loved one and their incarceration? What could your loved one do to help repair any harm you have suffered?" Some have many things to say in response to these questions. The facilitator patiently listens, compliments the responder for their strengths, and writes down the responses, which are then shuttled or brought to the circle and read as each question is asked throughout the circle. Recent research examining circles where people provided shuttled information, as opposed to attending circles in person, shows no cultural differences and overall positive responses. For most, participation via shuttled information at the circle has been their first and only opportunity to describe and share how they were affected by their loved one's involvement with the criminal justice system (Walker & Birmes Goldstein, in press).

Identifying Strengths and Encouraging Self-reflection

During the interview (as well as later in the circle), the facilitator compliments the individual on strengths observed and encourages the individual to acknowledge his or her good qualities (i.e., self-compliment). Common facilitator statements include: "Wow, it's so great you want to make amends with your family, what makes you want to do that?" In answering, the individual may say something positive about himself or herself, e.g., "I want to make amends because I am sorry for what I did and want my family to know that." This is reflective of self-compliment and is more effective in building self-confidence than hearing the same compliment from another person

(Berg & De Jong, 2005). The solution-focused approach presumes each person is the best expert of his or her life, and the reentry circle approach does too. (Walker & Greening, 2013).

Explaining What to Expect at Circles

Additionally, the facilitator and the applicant review *What to Expect at a Reentry Planning Circle*, a brochure written by HFRJ, which discusses each of the circle's steps and what the individual is responsible for during the process. Preparation involves explaining what will happen during the circle. This is helpful to make the applicant less anxious and to understand the meaning of the process. Understandably, many individuals report being nervous about the circle process beforehand. Participants invited to a circle are given the brochure to help them prepare as well.

Circle Opening

The facilitator will help the applicant prepare for how she or he will open the circle. The applicant develops her or his unique opening. Cher's opening, for instance, started with an apology to her parents for her past behavior and addiction, and to her pretrial services officer whom she felt she had disappointed when she violated her bail conditions.

Allowing the individual to open the circle in the manner chosen by him or her solidifies that the process is granting them *human agency* (Bandura, 1999) to make plans and decisions for themselves. "[A]gency is rooted in belief in the power to make things happen" (Bandura, 1999, p. 174). This belief is especially important if individuals are to be successful in changing their lifestyles and desisting from criminal behavior and substance abuse (Maruna, 2008). While invited loved ones and participating professionals contribute to the individual's plan on how to change, the control and power reside firmly with the individual: It is the individual who chooses whom to invite to the circle, how to open it, what the goals are, and what the individual will do to attain his or her goals.

Individuals have opened circles in varied and highly individualistic ways, including with accountability statements, prayers, songs, or poems. A powerful Maori "haka" (a ceremonial dance) was once performed by an individual and his several friends to open a reentry circle.

Circle Purpose, Ground Rules, and Role of the Facilitator

Once the preparation is completed, the circle

is held. It begins with the planned opening by the individual. After the opening, the facilitator explains to the participants that the purpose of the circle is to explore making amends and reconciliation, and to help create a reentry plan according to goals and needs identified by the individual. The facilitator also asks the participants to speak one at a time and to respect confidentiality.

The facilitator is responsible for ensuring that everyone in the circle has an opportunity to speak and that the discussion is held in a positive, respectful, and fair manner. Handwritten records of the discussion are made throughout the circle by a trained recorder who writes on large sheets of paper contemporaneously with the discussion. These notes assist the participants in keeping track of what is being stated and are used later by the facilitator to prepare the written plan for the individual outlining the goals and decisions made at the circle. A goal expressed in a circle, for instance, could be to obtain a General Education Diploma (GED), employment, or substance abuse treatment. The written plan reflects this information. The plan usually consists of six to seven pages of information for the individual. A plan is also provided to the households of each loved one. Participants are reminded that the plan can change and take a different direction in the future. In the state prison system, some incarcerated individuals developed behavioral agreements (in addition to the written plans) during the circles to use when, after release from prison, they returned to live in their parents' homes. These agreements set out specific conditions such as household chores, yard work, maintaining sobriety, and other conditions that the individual and the parents agreed were important for them to live together successfully.

Individual's Proudest Accomplishments Since Arrest or Imprisonment?

Using the solution-focused approach, which is goal-oriented and seeks to identify a person's strengths (De Jong & Berg, 2008), the facilitator asks the individual what accomplishment she or he is most proud of since being detained or arrested. For the individual on federal supervision, she or he is asked what is his or her best accomplishment since being released from prison. This question helps the individual tell loved ones what she or he has done and learned since being incarcerated or while on federal supervision. Some accomplishments shared are having jobs in prison; taking educational, self-improvement,

and drug treatment classes; being sober for specified lengths of time; paying restitution; becoming accountable and responsible for their decisions and lives; and developing self-awareness and insight about their behaviors, thoughts, and feelings. It is valuable for individuals to articulate how they have changed. According to Doris MacKenzie (2006), a highly respected corrections researcher (Petersilia, 2004), describing positive changes is vital to achieving desistance from crime.

Listing the Individual's Strengths

After the individual has articulated his or her accomplishments, each person in the circle is asked to identify the individual's strengths. For instance, the facilitator will ask: "What do you like about Cher? What do you think her strengths are?" Cher's family and her pretrial services officer stated her strengths include:

Always fun with people. Very outgoing, Very spontaneous, Has a lot of friends. She has friends everywhere (has a friend around every airport), Really smart, Could do anything if she applied herself, Very caring, Anytime anyone needs anything she is there for them, Very generous, Very funny, Definitely has a strong loving family, Family supports her, Dad loves her, Parents not taking responsibility for her choices anymore, She is willing to take responsibility for her life.

A slight but important variation is employed when children and teens participate in a reentry circle. In such situations, the facilitator tells the group: "The children here are strengths to [name of person having circle] so we will list all their strengths before we consider [name of person having circle] other strengths." It is often the first time that the child or young person experiences others identifying their strengths and saying positive things about them, which can be deeply inspiring. Many get emotional when they hear their strengths said aloud; others cry as they name the child or teen's strengths.

Making Amends: Circle's Reconciliation Phase

Once strengths have been recognized, the facilitator transitions the discussion to reconciliation and identifying what is needed to heal harm. The facilitator usually says something along the lines of, "As Cher's father mentioned she is willingly taking responsibility

for her life. She is having this circle because she is responsible and accountable, which brings us to the reconciliation stage of the circle.”

Reentry circles apply Howard Zehr’s restorative justice principles. First, Zehr believes that restorative justice and its practices must be guided by the values of respect, responsibility, and relationship (van Wormer & Walker, 2013). Second, he believes it is the nature of a practice that makes it restorative.

Zehr (2002) advises:

Ultimately, restorative justice boils down to a set of questions, which we need to ask when a wrong occurs. **These guiding questions are, in fact, the essence of restorative justice.**

Guiding Questions of Restorative Justice

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. Who has a stake in this situation?
5. What is the appropriate process

to involve stakeholders in an effort to make things right? (p. 58, emphasis added)

The reconciliation stage of the reentry circle process asks three questions based on Zehr’s principles: *Who was affected by any wrongdoing and/or incarceration? How were they affected? What could be done to repair the harm?* Circle participants reflect on and openly discuss these questions. The discussion helps everyone understand each other’s perceptions and experiences, which can in turn create empathy, understanding, healing, and transformation.

Starting with the individual first, the facilitator asked Cher, “Who was affected by your past behavior and imprisonment?” She replied that her parents, the community at large, and she had been affected. After Cher explained, from her viewpoint, how each of these groups were affected, her parents were asked about how Cher’s behavior and incarceration affected them. As her parents spoke, Cher listened intently with tears welling in her eyes. Her mother also became teary-eyed. Her brother’s responses about how he was affected were read from the sheets in an empty chair symbolizing his presence. His comments too made Cher cry.

After her parents and brother identified what Cher could do to help repair the harm they suffered, the facilitator asked Cher whether she could do what her family

asked. Mostly, they wanted her to stay clean and sober, and she readily agreed to this. The facilitator followed up by using the solution-focused approach and asked Cher: “What gives you hope you can stay clean and sober?” Cher replied that one way she believed she could stay clean would be to “stay away from people who use drugs.” The facilitator followed up by asking Cher a scaling question, a technique common in the solution-focused approach:

F: I want to ask you a question on how you are committed to staying clean. On a scale of ten to one, where ten is one hundred percent you’ll do it, and one is about ten percent sure you’ll stay clean, what number do you honestly believe your motivation is as you sit here today?

C: In all honesty I am about an eight.

F: Wow, an eight! That’s great, what makes you an eight?

C: Well, I feel so much better clean, I don’t want to go back to that life.

F: What else makes you an eight?

C: I’m in a drug treatment learning a lot of new tools.

F: What kind of tools are you learning?

C: One thing is to stay around positive people.

F: Oh great, so what makes a person positive, Cher?

C: They don’t do drugs, are trying to better themselves, aren’t all negative about everything.

F: Ok great, so if we do the scale again, one to ten, say you see some cool person, but one who is not so positive compared to a person who maybe isn’t quite so cool, but not doing drugs, what number would you give yourself on the scale for hanging out with the less cool non-drug user person?

C: I am doing that right now and hanging around the positive people so I am a ten.

F: Wow great! You are a hundred percent sure you will be around positive people. Where do you get that willingness to be around positive people?

C: I am sick and tired of the old life I had, and I gotta do this for my family too. I can’t let them down again.

As demonstrated by dialogue between the facilitator and Cher, scaling questions can be asked more than once to assist the individual in clarifying goals and concrete steps to achieve those goals.

Identifying Goals and Addressing Other Needs for Successful Life

In addition to reconciliation and making amends with her loved ones and the community at large, Cher’s goals and basic needs necessary for her transition back into the community were also addressed at the circle. Needs such as housing, employment, transportation, identification, physical and emotional health, education, leisure time use, and any other unique needs, e.g., divorce, immigration status, dealing with outstanding traffic tickets, etc., are discussed and planned for during the circle process (Walker & Greening, 2013).

Feedback Since Implementation of the RJ Circle Pilot Program

Sydney Fleming, a United States probation officer in the District of Hawaii, attended the two-day facilitator training and, a few years later, was the facilitator for a circle. Ms. Fleming finds the RJ Circle Pilot Program to be valuable:

I just think the circle is so powerful for all of those involved. It really helps bridge the gap between the client and his/her family members and loved ones. It is a non-judgmental environment that allows for those difficult conversations centering around so much hurt and loss and raw emotions (on behalf of all parties). It truly facilitates healing and creates a pathway for all parties to move forward in life with clear, targeted goals; accountability; and support (Personal communication with Lorenn Walker September 24, 2019).

Shawn Manini, Reentry Affairs Coordinator at FDC believes the value of the reentry circles include:

In my opinion, these circles help our inmates in several ways. First, they help our inmates with taking responsibility for their actions. Many inmates end up in prison without truly taking an honest inventory of who they are, where they come from, and how they contributed to the consequences they face with incarceration. [Reentry Circles] RCs provide a supportive environment in which inmates can learn from their mistakes and begin to make amends with their past.

Second, RCs help inmates prepare for their term of incarceration. By

gathering available family members and community partners, inmates realize the importance of having a strong support system. This support team gives inmates the assurance that they will be there when the inmate is released. Thus, alleviating much of the distress inmates encounter when faced with doing time in prison.

Finally, RJs provide inmates with hope. By constantly reviewing/revising their RC release plan while incarcerated, inmates feel more confident as their release date approaches. Connections with family members and other healthy support systems are maintained, thus providing inmates with hope for a more successful future after prison.

In preparing this article, the authors asked Cher to share her opinion about the RJ Circle Pilot Project:

I wish everyone in prison could have a circle. Most people in prison don't have good relationships with their families. And a circle is a chance for them to make amends and rebuild their relationships. Even if someone only wants a circle for selfish reasons like looking good to the judge or wanting a lunch with their family, during the circle they will learn something that can help them. The circle helps them understand how their behavior affects the people they love (Personal correspondence with Lorenn Walker September 1, 2019).

After each circle ends, surveys are completed by all participants regarding their experiences. The District of Hawaii is compiling the survey results and plans to compare these results with the post-incarceration outcomes of each person who completed a circle before being incarcerated to document the effect, if any, on recidivism and successful supervised release completion.

Theoretical Basis of the Reentry Circle Process

Public Health Approach

The reentry circle process is based on public health learning principles established by the World Health Organization (WHO) in 1954. (Walker & Greening, 2008). Research conducted by WHO observed that: "All through

their life-span, individuals can learn and change their behavior to ways more satisfactory to themselves" (1954, p. 8). WHO describes learning as an "active process" (p. 9); that an individual's motivation to learn arises from her or his "goals and interests"; that each individual has a unique background and experiences that should be acknowledged; that the "group" is an important element for learning; that "real life experiences and understanding" is a more effective vehicle for learning than "academic discussions or lectures" (p. 10); and that the individual must have visible paths and personal goals:

A person will change his behaviour in a prescribed manner, i.e., learn, only when he understands what to do, and when he sees the action as a means to an end which he himself desires (p. 11).

Solution-focused and Restorative Approach

The circles apply restorative justice and solution-focused approaches for individuals to direct their own reentry planning (Walker & Greening, 2013). "Strengths-based or restorative approaches ask not what a person's deficits are, but rather what positive contribution the person can make" (Maruna & LeBel, 2003, p. 97). The solution-focused approach is an evidence-based practice shown to increase positive behavioral changes for successful reentry (Pettus-Davis et al., 2019). The individual drives the reentry planning process rather than a professional, e.g., case manager. He or she decides what goals are important and what is the best course for his or her life.

Social Cognitive Theory

Albert Bandura's *social cognitive theory* (1999) supports the reentry circle process. "In social cognitive theory, people are agentic operators in their life course not just onlooking hosts of internal mechanisms orchestrated by environmental events" (p. 156). An individual exercising human agency is one who is "consciously producing given experiences" (p. 155). This is especially important for individuals (such as those who are or were incarcerated) learning new behavioral, cognitive, and emotional skills to help them desist from criminality. The circles give an individual the opportunity to articulate a new life course with her or his support group. Albert Bandura is aware of the reentry planning model and has said he was "impressed" with

the approach (A. Bandura, personal communication February 6, 2020).

Desistance Theory

The value of being able to choose one's new life course has been shown to be vital to resisting crime and substance abuse (Maruna, 2008). The circle itself can be transformative by facilitating an individual and his or her loved ones to acknowledge and make amends for past harm, and to articulate behavioral changes. Doris MacKenzie (2006) found that individuals must transform their thinking if they are to desist from crime and live law-abiding lives. The circle provides the opportunity for transformed thinking. Cher, for instance, reported that she valued her circle experience because she learned that: "I had so many strengths. . . . I really appreciate the impact [the circle] made on my life" (Cher's survey completed after her 2015 circle).

"Learning to Plan, Planning to Learn"

The importance of incarcerated individuals making plans specifically addressing how they will reenter the community is apparent from the late planning expert Donald N. Michael's 1973 book titled: *Learning to Plan and Planning to Learn: The Social Psychology of Changing Toward Future-Responsive Societal Learning*.^{**} Planning is a survival endeavor. Michael states:

Social survival requires that we give self-conscious, systematic, reiterative attention to "learning" about where we want to go, how we might try getting there, what getting there means, and whether we still want to get there (emphasis in the original) (1997, p. 2).

Planning is a necessary skill for effective problem solving and essential for human cognitive development (Sternberg & Sternberg, 2012). It is especially beneficial for people who are involved with the justice system. As Howard Zehr states: "Many people believe that things happen to them rather than that they control their future" (Zehr, 1995, p. 54). Self-efficacy is one's belief in his or her ability to succeed in specific situations or accomplish a task (Bandura, 1982). The circles help people increase self-efficacy to see that they can make decisions to improve their lives. Circle discussions assist individuals with focusing on

^{**} The book's title was shortened to simply *Learning to Plan—and Planning to Learn* in 1997.

identifying their goals and developing plans for successful and positive outcomes. As a result, individuals understand that they have the power to make positive choices, rather than be resigned to fate and repeating failure.

Evidence-Based Outcomes from Reentry Circles

An independent evaluation of quantitative research results, controlled for self-selection, demonstrates that the reentry circle process also helps to reduce recidivism (Walker & Davidson, 2018). Controlling for self-selection is important when researching restorative justice (RJ) interventions. Because RJ is always a voluntary process, there is a risk for positive outcomes from RJ interventions simply to reflect the bias of those who choose RJ because they are predisposed to being responsible and accountable for their harmful behavior (Government of Canada Department of Justice, 2018). In the evaluation conducted by Walker and Davidson, however, self-selection bias was accounted for by comparing a test group (individuals who wanted and received a circle) with a control group (individuals who wanted, but did not receive, a circle because most had been released from prison before a circle could be provided). The test group had a significantly lower recidivism rate than the control group. Currently, HFRJ is conducting research examining the economic costs and benefits of providing the circles. The research results are expected to be complete by 2020.

Participating in circles can result in positive outcomes for more than the incarcerated individual. Having a parent incarcerated is a well-documented disruptive life experience and an adverse childhood event that has far-reaching consequences, including heightened risk for poor physical and mental health into adulthood (Gjelsvik et al., 2014). Children and youth whose parents had reentry circles have been studied (Walker, Tarutani, & McKibben, 2013). After an incarcerated parent participates in a circle, their children report increased optimism and less rumination from the trauma of losing a parent to prison. This remained true even in cases where the child or youth did not participate in the circle with the parent.

To date, HFRJ has provided 168 circles for men and women and for 10 incarcerated juveniles.^{***} Most circles were held in Hawaii, but the model has been replicated in whole

^{***} HFRJ conducted a pilot project for 10 juveniles incarcerated at the Hawaii Youth Correctional Facility in 2012-2014.

or part in other states and countries. Around a dozen circles have been provided by HFRJ in New York, California, Washington, D.C., North Carolina, Vermont, Japan, Finland, and Brazil. HFRJ also consulted with programs in Hungary and France, and provided training in Nepal and Spain. In September 2019, HFRJ trained a group of Maori restorative justice facilitators who traveled to Honolulu to enable them to provide reentry circles in New Zealand.

For each HFRJ-facilitated circle, written surveys are given to and completed by the participants immediately after the circle is held. To date, 749 reentry circle participants have completed surveys which asked for their opinions of the process. All but one (99.37 percent of the total participants) reported that the process was a positive experience. The one participant reported that it was a neutral, not positive, experience.

Conclusion

Reentry circles offer an encouraging process for individual human agency, which opens the way to transformative experiences for an incarcerated or justice-involved person. These circles promote healing for an individual's loved ones. Including circles as part of an ongoing strategy (whether as part of a diversion program, in preparation for incarceration, or at the commencement of supervision) will enhance the individual's self-efficacy. The circles are a proactive approach for successfully reentering the community and for making time served in prison more productive. The research demonstrates that circles are powerful tools to reduce recidivism (Walker & Davidson, 2018) and for providing healing opportunities for children (Walker, Tarutani, & McKibben, 2013). For the District of Hawaii, the RJ Circle Pilot Program has resulted in initial benefits that far exceed its costs. The authors recommend implementation of a reentry circle program to other federal district courts.

References

- Acorn, A. (2004). *Compulsory compassion: A critique of Restorative Justice*. UBC Press: Toronto, Canada.
- Bandura, A. (1999). A social cognitive theory of personality. In L. Pervin & O. John (Eds.), *Handbook of personality*, 154-196. New York: Guilford Publications. (Reprinted in D. Cervone & Y. Shoda [Eds.], *The coherence of personality*. New York, NY: Guilford Press.)
- Bandura, A. (1982). Self-efficacy mechanism in human agency. *American Psychologist*, 37(2), 122-147. Retrieved from <http://dx.doi.org/10.1037/0003-066X.37.2.122>
- Berg, I., & De Jong, P. (2005). Engagement through complimenting. *Journal of Family Psychotherapy*, 16, 51-56.
- De Jong, P., & Berg, I. (2008). *Interviewing for solutions*. Belmont, CA: Brooks/Cole.
- Gjelsvik, A., Dumont, D.M., Nunn, A., & Rosen, D.L. (2014). Adverse childhood events: Incarceration of household members and health-related quality of life in adulthood. *Journal of Health Care for the Poor and Underserved*, 25:3, 1169-1182. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4897769.html>
- Government of Canada Department of Justice. (2018). *The effectiveness of Restorative Justice practices: A meta-analysis*, 5.1 Self-selection Bias. Retrieved from https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rp01_1-dr01_1/p5.html
- La Vigne, N., Davies, E., Palmer, T., & Halberstadt, R. (2008). Release planning for successful reentry: A guide for corrections, service providers, and community groups. Washington, D.C.: Urban Institute, Justice Policy Center. Retrieved from <http://www.urban.org/sites/default/files/publication/32056/411767-Release-Planning-for-Successful-Reentry.PDF>
- MacKenzie, D. (2006). *What works in corrections: Reducing the criminal activities of offenders & delinquents*. Cambridge University Press: New York, NY.
- Maruna, S. (2008). *Making good: How ex-offenders reform and rebuild their lives*. Washington, D.C.: American Psychological Association.
- Maruna, S., & LeBel, T. (2003). Welcome home? Examining the "reentry court" concept from a strengths-based perspective. *Western Criminology Review*, 4(2), 91-107.
- National Institute on Drug Abuse. (2018). *Drug facts, MDMA (ecstasy/Molly)*. Retrieved from <https://www.drugabuse.gov/publications/drugfacts/mdma-ecstasy-molly>
- Petersilia, J. (2004). What works in prisoner reentry? Reviewing and questioning the evidence. *Federal Probation*, 68:2, 4-8.
- Pettus-Davis, C., Renn, T., Veeh, C., & Eikenberry, J. (2019). Intervention development study of the five-key model for reentry: An evidence-driven prisoner reentry intervention. *Journal of Offender Rehabilitation*, 58:7, 612-643. Draft retrieved from https://ijrd.csw.fsu.edu/sites/g/files/upcbnu1766/files/media/images/publication_pdfs/5Key_Model_Intervention_Development_Study_IJRD10032018_0.pdf
- Sternberg, R., & Sternberg, K. (2012). *Cognitive psychology*. Belmont, CA: Wadsworth Cengage Learning.

- Taxman, F., Young, D., Byrne, J., Holsinger, A., & Anspach, D. (2002). *From prison safety to public safety: Innovations in offender reentry*, University of Maryland, College Park Bureau of Governmental Research, p. 10, retrieved from <http://www.ncjrs.gov/App/Topics/SearchResults.aspx?TopicName=Corrections&topicID=1&txtKeywordSearch=innovations+in+offender+reentry>
- van Wormer, K., & Walker, L. (2013). *Restorative Justice today: Practical applications*. Thousand Oakes, CA: SAGE.
- Walker, L., & Bilmes Goldstein, L. (in press). The implications of Hawai'i's multicultural contexts and victim participants' shuttled information provided for restorative reentry planning circles. In Ayodele (Ed.), *Global perspectives on victimization analysis and prevention*, Hershey, PA: IGI Global Publications.
- Walker, L., & Davidson, J. (2018). Restorative justice reentry planning for the imprisoned: An evidence-based approach to recidivism reduction. In Gavrielides, T., (Ed.), *The Routledge international handbook of Restorative Justice*, New York, NY: Routledge.
- Walker, L., & Greening, R. (2010). Huikahi Restorative Circles: A public health approach for reentry planning, *Federal Probation*, 74(1).
- Walker, L., & Greening, R. (2013). *Reentry & transition planning circle for incarcerated people*. Honolulu, HI: Hawai'i Friends of Justice & Civic Education.
- Walker, L., Tarutani, C., & McKibben, D. (2015). Benefits of restorative reentry circles for children of incarcerated parents in Hawai'i. In Gal & Faedi Duramy (Eds.), *Promoting the participation of children across the globe: From social exclusion to child-inclusive policies*. London, UK: Oxford University Press. Draft retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666828
- Wellikoff, I. (2003). Victim-offender mediation and violent crimes: On the way to justice, *Benjamin N. Cardozo School of Law Journal of Conflict Resolution*, 5(1).
- World Health Organization. (1954). *Expert committee on health education of the public*, Technical Report Series, No. 89. Retrieved from https://apps.who.int/iris/bitstream/handle/10665/40254/WHO_TRS_89.pdf?sequence=1&isAllowed=y
- Zehr, H. (2002). *The little book of Restorative Justice*. Intercourse, PA: Good Books.
- Zehr, H. (1995). *Changing lenses*. Scottsdale, PA: Harold Press.