

[Home](#)

Restorative Circles—A Reentry Planning Process for Hawaii Inmates

[References](#) | [Endnotes](#)

Lorenn Walker

Ted Sakai

Kat Brady

[Restorative Circles Rationale](#)

[Case Referrals and Inmate Interviews](#)

[Convening the Circle](#)

[Family Based](#)

[Restorative Circle Process](#)

[The Need for Reconciliation](#)

[Other Needs](#)

[Scheduling Re-Circles](#)

[Circle Closing](#)

[Breaking of Bread](#)

[Written Circle Summary](#)

[Preliminary Outcomes of Program](#)

[Impact on Families](#)

[Future of Program](#)

[Conclusion](#)

“**I’M SO SORRY**, I didn’t mean to hurt anyone,” softly sings the young dark haired Hawaiian, as he strums a well-used ukulele. It is a line from a song that he wrote. Ken is singing to a small circle of people sitting in old mismatched chairs at the prison where he has lived for two years. He is participating in the first Restorative Circle held in Hawaii. Sitting in the circle across from him is his aunt, who raised him since he was 10 years old. She became his guardian after his mother died. Sitting next to him is his girlfriend, who has raised their three young children for the last two years. His prison counselor sits next to his aunt, and a facilitator sits in the circle alongside a large easel where a woman stands holding a red felt pen.

Outside the circle, sitting in chairs along a wall, are the head of the Hawaii state Parole Board, the prison warden, and several prison counselors. They have come to observe this landmark process. As the man sings, his aunt and girlfriend sob, and the head of the parole board, a large man dressed in a black suit, quickly gets them napkins from a stack on a nearby table.

Ken’s song is his chosen “opening” for the circle. After he sings, everyone introduces themselves, and the facilitator says: “The purpose of this Restorative Circle is to assist Ken in creating a plan to help him reconcile with those harmed by his past behavior, and to help him find ways to meet his other needs for a successful life.” Ken is asked: “What are you most proud of that you’ve accomplished since you’ve been in prison?” He is prepared for the question and quickly responds, “That I have learned to stay focused. I can really set my mind to things now,

and do them, even when I get bored. I got my GED and I'm taking college classes. I'm gonna get my degree."

Ken is the first inmate to have a Restorative Circle at this Hawaii minimum-security prison. The Restorative Circle is part of a pilot reentry program that began in 2005.

[back to top](#)

Restorative Circles Rationale

A Restorative Circle is an approximately three-hour group planning process for individual inmates, their families and prison staff. The Circle results in a written *transition plan* for the inmate preparing to leave prison. The plan details his needs, which include the need for reconciliation with his loved ones, any non-related victims not present at the Circle, and the inmate himself. [1](#) Reconciliation is whatever the group determines is needed to repair the harm. It can be as simple as "staying clean and sober" and "forgiving myself."

The transition plan also addresses the inmate's other needs, such as housing and employment necessary for him to create a successful life. The plan also details exactly how he will meet these needs, i.e., "By May 5, 2005 Ken will write to the halfway house about getting a referral for living there."

A Circle makes it clear to inmates that they are responsible for their lives by the decisions that they make. This is a critical component of an effective reentry model (Taxman, 2004).

An inmate who develops a written transition plan has established a *blueprint* for what he will do during the remaining time in prison, making the time spent in lock up more productive and healthy. A Circle is not only beneficial when an inmate is exiting prison, but if provided when an inmate is first incarcerated, it can help repair or establish family relationships to make the prison experience more successful, since the incentive that a loved one is coming to visit or sending letters can have important impact on an inmate's daily life and his or her ability to be a model prisoner.

The Circles are modeled after a transition planning process developed in Hawaii for foster children aging out of state custody (Walker, 2005). The process for emancipating foster youth and the Restorative Circle process for inmates are both based on restorative justice.

While restorative justice (RJ) is commonly thought of as a reconciliation strategy where offenders and their victims meet in a shared group process (Zehr, 1990), restorative justice is also an effective intervention for addressing many levels of social justice (Braithwaite, 2002) and may include processes that do not involve the primary victims and offenders (Walker, 2004).

Both the youth circle and Restorative Circle processes use the solution-focused approach for problem solving developed by Steve deShazer and Insoo Kim Berg (Berg & deShazer, 1993). Berg, the author of numerous books and articles on solution-focused brief therapy, was consulted throughout the development of both the youth circle and inmate Restorative Circle processes.

Restorative justice (RJ) focuses on meeting the *needs* of individuals and communities who have been affected by wrongdoing. It gives a voice to the people affected by wrongdoing to say what they need to repair any resulting harm (Zehr, 1990 & 2002). It gives victims and offenders the opportunity to determine how they can best reconcile in their particular situation, and to find what *justice* means to them. RJ transfers the power of determining justice from professional third parties such as judges, lawyers, and therapists, and instead asks those most affected by the wrongdoing what they need to best deal with their harm. Families of inmates, even those incarcerated for so-called *victimless crimes*, such as drugs, have suffered harm as a result of the inmates' behavior, and may therefore also be considered victims.

The solution-focused approach is a proactive learning strategy that uses specifically designed language skills to assist people in determining what they want and how to achieve their desired

outcomes (George, Iveson & Ratner, 1999). This process is in contrast to analyzing why problems exist and finding something or someone to blame for them. The solution-focused approach is a client driven process where therapists are considered facilitators who look for and compliment clients on their strengths, constantly asking how they have succeeded (“That’s great, you’ve been sober for the last two weeks. How have you managed to do that?” Berg, 1994)

The solution-focused approach fits naturally with RJ processes because both address problem solving in positive ways that can increase individual and community self-efficacy and empowerment (Bandura 1997; Johnson & Johnson, 1994). Both the solution-focused approach and RJ generate optimism and hopefulness for the future regardless of the past. Optimism is vital for individuals to develop coping skills and resiliency (Seligman, 1990). Restorative Circles, using the solution-focused approach, are powerful processes that can build relationships and community out of wrongdoing.

[back to top](#)

Case Referrals and Inmate Interviews

A brochure about the Restorative Circle process along with a one-page referral form are available for inmates in the prison administration office. Interested inmates fill out the form and give it to the social worker, who faxes it to the non-profit agency that provides the Circles.

Upon receiving the referral, a facilitator interviews the inmate at the prison in a solution-focused manner to gather information about his successes, competencies, and strengths, however small (Lee, Sebold & Uken, 2003), and ensures that the inmate takes responsibility for his past behaviors. Ken readily takes responsibility, saying, “I want to make amends with my family.”

Next the inmate is asked which of his loved ones he would like to invite to his Circle. Ken names his girlfriend Rachel, who is also the mother and caretaker of his children. Rachel lives with their children in another state. Ken also names his Aunt Marta, who raised him and lives in Honolulu. After listing which of his loved ones he hopes can attend his Circle, Ken is asked whom from the prison he wants to invite. Having a prison representative participate in the Circle is necessary for the inmate and the family to understand how the corrections system can work to assist with reentry and to provide information concerning the inmate’s efforts to rehabilitate while incarcerated. Ken names his primary drug treatment counselor as the prison representative he wants at his Circle. Inmates may also invite other inmate friends to their Circles if the prison permits their participation. Ken invites another inmate and the prison approves.

[back to top](#)

Convening the Circle

Most of the time necessary to conduct a Circle is spent in convening them. It takes about 10 hours to set up a Circle and arrange for all the participants to attend. The facilitator first calls Rachel and Marta to explain the process, and asks if they want to participate, which they both do. A date and time for the Circle is tentatively set, based on Rachel and Marta’s schedules. Later it will be confirmed with the prison staff and Ken’s counselor. Rachel will also be reimbursed half her airfare costs to travel to Hawaii. Rachel and Marta, like many of the inmates’ loved ones, have not seen Ken since he was imprisoned several years ago.

[back to top](#)

Family Based

Research shows that families are vital for successful inmate reentry (Council of State Governments, 2006; Sullivan, et al., 2002). For Asian and Pacific Islander inmates, “more than any other factor, family support ...helped to provide a feeling of hope” (Oh & Umemoto, 2005, p. 40).

Restorative justice approaches to prisoner reentry support family and community relationships (Bazemore & Stinchcomb, 2004) and Restorative Circles can repair and strengthen these relationships.

Typically during a Circle, family members will reach out with suggestions and support for the inmate in developing a transition plan. Often families invite inmates to live with them. Many inmates refuse, recognizing that they need to establish living arrangements for themselves in structured environments and not impose on their families. They want to practice their ability to remain drug and crime free, even though that frequently results in a longer prison stay while they wait for a vacancy in a secured living situation.

In Hawaii, like the rest of the United States, “family” can also include people who are unrelated by genetics or marriage, but who are emotionally attached and form a loving supportive group. They function as a traditional family. In Hawaii this is called a *hanai family*. In one Circle, none of the inmate’s related family participated because many were dysfunctional and others did not live in Hawaii. The inmate’s *hanai* family attended, however, and the Circle outcome was as positive as that for Circles where traditional family members participated.

[back to top](#)

Restorative Circle Process

After Ken sings his song to open his Circle, and tells the group what he is most proud of having accomplished since he has been in prison, each person, beginning with the prison counselor, say what they think Ken’s strengths are. The lengthy list, which includes “friendly, good sense of humor, loves his children, determined,” is gathered by the Circle recorder on the butcher paper. Ken is asked last what other strengths he has, and he volunteers a few more. Identifying strengths is a key feature of the solution-focused approach, which finds out what is working well in the client’s life, and how these positives might generate more successes.

Asking the inmate how he will deal differently with problems that will naturally arise after his release is an important feature of the Circles. Facilitators do not tell inmates and families how they should deal with problems, but instead ask questions so the inmates and families can find the solutions to their problems themselves. “What gives you hope you can stay off drugs?” is a typical question.

[back to top](#)

The Need for Reconciliation

Next, the Circle addresses Ken’s concrete needs for a successful reentry. The first need addressed is reconciliation. Ken is asked two RJ questions. First, “Who was affected by your past behavior that brought you to prison?” He names the people, among them Rachel and Aunt Marta. Second, he is asked: “How were they affected?”

After Ken explains how he thinks Rachel and Marta were affected, they are both asked the same questions and one more: “What might be done to repair the harm?” They both respond, “Ken needs to stay clean and out of prison.” Ken is asked, “How does that sound to you? Can you stay clean and out of prison?” Ken answers “Yes.” Ken is asked if he can fulfill everything that Rachel and Marta say they need him to do to repair the harm. All these points make up the reconciliation agreement, which will be included in Ken’s transition plan.

For any other family members and victims who were identified, but not at the Circle, inmates make specific plans for how they will reconcile with them. Sometimes they choose to write letters to them or plan to talk to them after their release. In all of the Circles conducted to date, an agreement to stay clean and sober has been included in each Circle as part of the reconciliation agreement.

Next the facilitator asks Ken and his family: “Are there any unrelated victims that you need to

consider reconciliation with?” Unrelated victims could be homeowners whose houses were burglarized, for example. In Ken’s case there were none, but in Circles where there are unrelated victims, inmates make plans for how they will reconcile with them. Sometimes inmates decide that reconciliation with unrelated victims who are also unknown to the inmates will simply be accomplished by their staying law abiding after release from prison.

Finally, at the conclusion of the Circle’s reconciliation phase, the facilitator asks the inmate: “Is there anything you want to say?” Inmates most often express remorse and thankfulness to their loved ones for coming to their Circle.

[back to top](#)

Other Needs

The group then considers Ken’s additional needs for a successful reentry back into the community. His needs for housing, employment, continued learning, emotional health (here drug treatment and other issues are addressed to maintain a healthy mental state), physical health, and any other unique needs, such as child care for parents, are expressed. Before addressing these needs, the facilitator explains to the group: “This is a brainstorming process. These ideas are only possibilities, not definite plans.”

After a list of possibilities is made for each need, the inmate is asked, “Which of these do you want to include in your transition plan?” The inmate chooses the possibilities that he or she wants to pursue. For housing options, the inmate must select at least three options.

It is vital that an inmate choose his own plan. It is more likely that he will follow a plan that he made, compared to one made for him. The less paternalistic the process, the more likely it will be to be effective (Roberts, 2002). This contrasts starkly with the usual prison processes, in which inmates are told what plans they have to fulfill.

[back to top](#)

Scheduling Re-Circles

After the group goes over all the inmate’s needs and he has selected the resources he will pursue, which will be included in his transition plan, the inmate is asked, “Who are your supporters? Who can you count on when you need someone to listen to you and help you?” The transition plan will include this list of people that the inmate identifies as his supporters.

Next the date for a re-Circle is set. The re-Circle follows up on how the transition plan has worked for the inmate. Nothing is permanent in life, and it is expected that the inmate’s plans will change. Also, the re-Circle can be an effective way to keep the inmate accountable for his or her plan. Having the group come together again to discuss changes is important. Re-Circles may be held any number of times that the group believes it will be helpful. Most are scheduled a few months after the inmate is released from prison.

[back to top](#)

Circle Closing

Beginning with the prison staff person, every person in the Circle compliments the inmate on something that they learned about him or her at the Circle or on anything else. This is a moving moment for inmates, who are more used to hearing about their failings in life. Often this concluding compliment stage identifies additional strengths of the inmate.

Finally, the Circle is closed with the inmate responding to the questions “How was this Circle for you?” and “Do you have anything else you’d like the people here to know?”

[back to top](#)

Breaking of Bread

The Circles are scheduled for three hours of time; any time left over is spent socializing and sharing refreshments with the inmate, family, prison staff, facilitator, recorder and any observers. An important element of RJ processes is eating some food together at the conclusion of the process. This part of the process is informal, but vital for further social capital building, and allows the inmate and his or her support group to decompress after the emotional exchanges that take place during the Circle.

[back to top](#)

Written Circle Summary

A few days after the Circle, the facilitator prepares the written Circle Summary. This normally five-page document contains much of the information and decisions made at the Circle. It lists the inmate's strengths, what he is most proud of having accomplished since being in prison, what he wants different in his life (his goals), the date for the re-Circle, and his transition plan, which includes the reconciliation agreement and the dates and duties that he and others at the Circle have agreed to carry out. Attached to the summary is a list of the Circle participants' signatures. The Circle Summary is mailed to each participant.

[back to top](#)

Preliminary Outcomes of Program

A total of 101 people have participated in the 17 Circles held thus far, including inmates, their family and friends, and prison counselors. An average of six people participated in each of the Circles. The smallest Circle had four, and the largest had nine participants. One participant, Rachel, came from another state, and six other participants came from neighbor islands. Over one half of the 17 inmates were of Hawaiian ancestry. Six minor children of three different inmates attended their fathers' Circles. Several adult children of inmates also attended their father's Circles. Sixteen Circles were held at the prison and one was held at a church after an inmate was released (the same church that he burglarized before being sentenced to prison).

Surveys of 99 participants at the 17 Circles were reviewed. The surveyed participants expressed overwhelming support for the Circles. Participants ranked eight different aspects of the Circle from *very positive*, *positive*, *mixed*, *negative*, and *very negative*. The measured variables included what participants believe about the transition plan developed at the Circle; whether they think the Circle expanded the inmate's support system, and whether the Circle helped them with reconciliation and forgiveness. Surveys of the inmates also asked if the "Circle helped me forgive myself and others."

Ninety-three of the surveyed participants found the Circles to be very positive and six found them to be positive. Only four participants—two prison counselors, one inmate, and the ex-wife of an inmate—indicated that any specific aspect of their experience of the Circle was less than positive. Only one participant out of 99 found any aspect of the process negative. (An inmate's ex-wife said that learning about "the inmate's strengths" was negative, but she rated her overall experience in the Circle as highly positive. She also believed that the Circle was healing for her two minor daughters, who were able to tell their father how deeply they were affected by his imprisonment.)

Survey respondents are also invited to write comments about what they liked best, and what could be improved on at the Circles. One 36-year-old inmate wrote, "I found out my strong points, people can help me, I have a good support system and my Dad said he loves me." The only critical comment by any participant was from an inmate's sister, who wrote that the process could be improved if: "It wasn't so structured and I didn't feel obligated to say something." Her mother at the same Circle, however, wrote, "Issues were brought out that had not been discussed in the past." Several Circle participants indicated relief that their families talked about things during their Circles that they never discussed before. For example, the family of one inmate who

has undergone a gender identification change discussed it for the first time. The family appreciated the comfort and support this brought all members as a result.

Many family members came to Circles after not seeing the inmate for several years. This made the inmates feel great gratitude, and offered them the opportunity to express their remorse.

The Circles are deeply emotional, so participants are prepared for this beforehand. The emotions may include sadness, shame, and joy. No one expressed hostility at a Circle, although some family members said things like, "It made me angry when he relapsed" in describing how they were affected by the inmate's behavior. One Circle observer indicated that she felt almost disrespectful being there—that it was something very private and personal for the family. On the other hand, another observer felt "privileged to be included in such a powerful and personal process."

[back to top](#)

Impact on Families

The families who participated in the Circles expressed great appreciation for the process. Many families have suffered a lot from the inmates' past behavior and they are used to hearing about and focusing on problems, blaming, and complaining. This program is *solution-focused*, so the Circles are *strength based* (i.e., what is *good* about the inmates, and how their strengths can help them have successful lives). Successful reentry back into the community is discussed and is the ultimate focus of the Circles.

Almost all inmates and family members cried at some point. Forgiveness and remorse were often extended at the Circles. Especially important were the expressions of guilt and responsibility that many family members felt because the inmate had engaged in destructive behaviors. Family members often felt that it was due to their failings as parents or siblings that the inmate behaved poorly, used drugs, or committed crimes. Every inmate whose family expressed guilt replied with things like, "It was not your fault," "It was my choice," or "You are not to blame."

Several families had conflicts between family members e.g., the inmate's mother versus the inmate's wife; the inmate's brothers versus another brother; a brother versus the father. The Circles succeeded in opening communication among family members and resolving disputes. In one case, the mother of an inmate who had prior conflicts with the inmate's wife said, "I want to thank Carol for raising my grandchildren so well. She's done a good job and our family appreciates that. She's also been a good wife to our son and stuck by him through thick and thin." The wife had worked hard to raise and support two children in high school who also attended the Circle. The teens were able to witness their grandmother acknowledge their mother's sacrifices. The teens also said at the Circle that their father's behavior and his imprisonment had caused them to speak disrespectfully to their mother—this opportunity for the youth to talk about their behavior (and share the shame they felt) helped repair the mother-child relationship.

In two of the Circles it was decided that inmates would be returning home to live with their parents. The Circle provided the opportunity for the family and the inmate to decide what would be expected of him when he lived at home, such as doing chores around the house, paying rent, and restricting whom he could invite home for visits. A behavioral contract was prepared for both families as part of the Circle.

[back to top](#)

Future of Program

Private grants will maintain the program until May 2007. After that the Hawaii state legislature will be asked to mandate and fund the program, making it available at all state prisons and jails. Circles should be offered to all interested inmates. The Circles should be provided by an independent organization and outsourced by the state so that it maintains neutrality and does not become a state-administered program.

An in-depth evaluation of the program also needs to be conducted. First, it should be evaluated to determine if it decreases recidivism and if it builds social capital. To test its effectiveness for decreasing recidivism, the Circles should be provided to 25 or more inmates in a randomized trial that would follow the inmates and a control group for a significant amount of time.

Second, an evaluation to measure the success of the Circles in increasing community and social capital building also needs to be conducted. Among the questions to consider is how effective the program is in developing social supports between the participants.

Circles also face two challenges from prison staff. First, the notion of empowering inmates in any way presents a challenge to some staff. In particular, the Circles require that inmates develop life plans without direction from staff. Skeptical staff may have difficulty with this, as it may be perceived as encroaching on their realm of responsibility. Second, Circles may be perceived to increase the workload of staff. Although the facilitator does most of the work, some things only prison staff can do, such as arrange space, obtain movement passes, and clear outside participants through security. Some staff feel overburdened with work, and fail to see the higher rehabilitative value of the Circles. These kinds of issues can be resolved by committed leadership within the prison.

[back to top](#)

Conclusion

Fifty percent of American inmates will return to prison within two years of their release and the rate climbs higher after that (U.S. Department of Justice, 2002). Our current justice system is successful at blaming and punishing people for wrongdoing, but it fails to prevent many offenders from doing it again. The system also fails to assist victims. Nonetheless, prisoner reentry efforts should not be judged solely on the basis of recidivism (Petersilia, 2004). The likelihood that the Circles increase social capital and provide healing for victims also justifies providing them.

Restorative Circles are a step in the right direction for true rehabilitation and reconciliation. Crime is an egocentric act. The wrongdoer's main focus is on getting what he/she wants. The Circle process helps inmates understand that their actions have impacts on their victims, their families, and the larger community. One inmate said, "I want to go back to my old neighborhood. I helped mess the place up, and I need to go back there and help make it better." That inmate's plan is the embodiment of Restorative Justice.

Rehabilitation must include addressing the harm that the criminal behavior caused and providing inmates the opportunity to take responsibility for their past actions. The Circles provide this opportunity. Circles will always benefit some of the family members who attend. Decreasing their guilt and shame is a worthy effort and one that justifies this program.

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[back to top](#)

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[back to top](#)

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[back to top](#)

Motivational Interviewing for Probation Officers: Tipping the Balance Toward Change

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[back to top](#)

Restorative Circles—A Reentry Planning Process for Hawaii Inmates

¹ This study was comprised of male inmates; however, the program is suitable for female inmates as well. In 2006 it will be expanded to a women's medium security prison.

[back to top](#)

The Effect of Gender on the Judicial Pretrial Decision of Bail Amount Set

¹ Nebraska felony classifications and concomitant punishments for each:

Class I Death

Class IA Life imprisonment

Class IB Maximum life imprisonment; Minimum- twenty years imprisonment

Class IC Maximum-fifty years imprisonment; Mandatory minimum—five years imprisonment

Class ID Maximum-fifty years imprisonment; Mandatory minimum—three years imprisonment

Class II Maximum-fifty years imprisonment; Minimum—one year imprisonment.

Class III Maximum—twenty years imprisonment, or twenty-five thousand dollars fine, or both; Minimum—none

Class IV Maximum—five years imprisonment, or \$1000.00 dollars fine, or both; Minimum—none.

Revised Statutes of Nebraska Annotated, 1995, Chapter 28, Section 105.

² Lancaster County utilizes the public defender system for representation of indigent defendants.

³ Because there were so few female defendants who were not white or African American, only white or African American defendants are included in this regression. Of those not considered, one was Asian, two were Native American, and four were Hispanic.

[back to top](#)

Accomplishments in Juvenile Probation in California Over the Last Decade

¹ In addition to creating a new welfare program in California-the California Work Opportunity and Responsibility to Kids (CalWORKs) program-the Welfare-to-Work Act of 1997 also created another new state program: CYSA, which was enacted in fiscal year (FY) 1997/1998 to fund juvenile probation services. The CYSA had three basic goals: (1) keep probation youths from further crime, (2) help probation and at-risk youths develop essential skills to avoid dependence on public assistance (Section 18220(j) WIC, or Welfare Institutional Code), and (3) help achieve four overarching federal TANF goals: (a) provide assistance to families so youths may be cared for in their homes; (b) reduce dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (c) encourage formation/maintenance of two-parent families; and (d) prevent/reduce incidence of out-of-wedlock pregnancies.

² Source: <http://ca.rand.org/stats/popdemo/popraceageUS.html> .

³ Source: <http://www.labormarketinfo.edd.ca.gov/cgi/dataanalysis/AreaSelection.asp?tableName=Labforce>.

⁴ In addition to the changes in probation, we note that other factors in the same time frame