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Restorative Justice proposal for Oversight Commission's Report to the 2021 Legislature

Restorative and solution-focused reentry planning circles for individuals sentenced to Hawai'i state prisons and jails can reduce the need for incarceration.

Reentry Planning Circles

In 2005, Hawai'i Friends of Restorative Justice (HFRJ) worked with several community members to develop and begin studying a reentry planning process for incarcerated adults.¹ Effective reentry for incarcerated people returning to the community is necessary to prevent repeat crime.² The reentry planning process that has been used for people incarcerated in Hawai'i is called *Huikahi Reentry Circles*.³ The circles have been replicated in many other states and countries and each place selects its own name for the it.

The process provides an incarcerated individual the opportunity to apply for a meeting with their loved ones and a representative of the institution incarcerating them. The process also helps repair damaged relationships and supports healing for everyone including families and loved ones.

The reentry circle model is grounded in public health and applies solution-focused brief therapy and restorative justice.⁴ The four stages of the reentry circle process are: 1) an individual applies for a circle and is interviewed; 2) a circle is convened and a facilitator contacts and schedules the circle with participants; 3) a circle is held; and 4) a written plan resulting from the circle is prepared and delivered to the circle participants.

The program's purposes were identified as: 1) to provide an opportunity for the individual to make amends and address any harm that his or her past behavior and incarceration has caused; 2) and to give the individual an opportunity to establish goals and make a plan for achieving their goals and a successful reentry into the community after imprisonment. To accomplish the first purpose the circle was designed so that loved ones are given the opportunity to discuss 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 to state his or her specific goals and needs, such as housing, identification documents, transportation, employment, maintaining physical and emotional health, use of leisure time, and identifying his or her support group. These needs correspond with those which have been identified by research as being necessary for successful reentry.

RJ reentry planning has been researched for how it addresses trauma and can increase rehabilitation and criminal desistance. The circles help children of parents who have reentry circle heal from the trauma they suffer from their parents' incarceration.⁵ Research conducted in the

¹ Walker, Brady & Sakai, 2006, Restorative Circles--A Reentry Planning Process for Hawaii Inmates, http://lorenwalker.com/wp-content/uploads/2016/06/Restorative_Circles-1.pdf

² Prison Policy Initiative, Nov. 2020, Recidivism and Reentry, https://www.prisonpolicy.org/research/recidivism_and_reentry/

³ Walker & Greening, 2010, Huikahi Restorative Circles: A Public Health Approach for Reentry Planning, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2137920

⁴ Ibid., Walker & Greening, note 3.

⁵ Walker, Tarutani & McKibben, 2015, Benefits of Restorative Reentry Circles for Children of Incarcerated Parents in Hawai'i, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666828



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spring of 2020 showed that the circles are also healing for other types of loved ones including parents, siblings, etc.⁶ The circles showed significantly lower recidivism in an independent evaluation of 58 individuals in an experimental group that had circles, compared to 60 individuals in a control group who applied for a circle, but did not have one.⁷ HFRJ has conducted preliminary research showing the benefits of the circles outweigh the costs. The state prison system could reduce its prison population by using reentry circles.

Modified Reentry Planning Circles

A modified version of the Reentry Planning Circle has also been developed, provided and studied.⁸ These circles were developed for incarcerated people who participate in a prison rehabilitation program. The steps to the modified circles are the same as the Huikahi circle, except loved ones do not participate and instead others in the program act as supporters. Many who have had a Huikahi Reentry Circle first had a modified circle while participating in a prison rehabilitation program. People in other types of institutions, e.g., half-way house, substance abuse treatment program, etc. could also use modified circles to assist people in transitioning back into the community.

Honolulu Federal Court Reentry Planning Pilot Program

Since 2015, the United States District Court for the District of Hawai'i has been piloting a Restorative Justice Circle Pilot Project.⁹ This RJ reentry pilot project is administered through the United States Pretrial Services for the District of Hawai'i. Any person who has pled guilty to an offense and 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. In 2017, the federal program was expanded to individuals on probation under the Honolulu court's supervision and after sentencing.

Conclusion

The reentry planning program can help individuals make successful transitions from incarceration back into the community and reduce recidivism. Equally important, the process helps loved ones heal from the suffering caused from crime and incarceration. HFRJ is willing participate too in any way to assist in making a more global plan to provide restorative services in Hawai'i. HFRJ also piloted the Pono Kaulike program for Hawai'i State District Court¹⁰ and is willing to collaborate on a broad community level to bring a wholistic approach to crime reduction in our state.

Please contact Loren Walker lorenn@hawaiiifriends.org or (808) 218-3712 for further information and mahalo for you public service.

⁶ Walker & De Reu, (forthcoming), How Reentry Planning Circles Help Loves Ones Heal and Benefit Incarcerated People, In Auer Verlag, C., (Ed.) *The "The Power of We" Community-based Interventions in Counseling and Therapy*, Heidelberg, Germany.

⁷ Walker & Davidson, 2018, Restorative Justice Reentry Planning for the Imprisoned: An Evidence-Based Approach to Recidivism Reduction, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3291843

⁸ Walker, 2009, Modified Restorative Circles: A Reintegration Group Planning Process that Promotes Desistance https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2137927

⁹ Walker & Kobayashi, 2020, Hawaii Federal Court Restorative Reentry Circle Pilot Project https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3643526

¹⁰ Walker & Hayashi, 2007, Pono Kaulike: A Hawai'i Criminal Court Provides Restorative Justice Practices for Healing Relationships, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2137967 and Walker & Hayashi, 2009, Pono Kaulike: Reducing Violence with Restorative Justice and Solution - Focused Approaches, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2137933