

Domestic Abuse Circle Sentencing Pilot Project
Family Violence Network
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The Domestic Abuse Circle Sentencing Pilot Project was initiated by the Family Violence Network (the Network) as an alternative choice to the traditional judicial system in dealing with domestic crimes, in particular, domestic assaults. The project is centered in Cottage Grove, Washington County. The Network collaborated with law enforcement, Court Services, the city prosecutor, the judges, and most importantly, community members in making domestic abuse circles a reality.

Washington County was already addressing crime with alternatives to the traditional system through their restorative justice measures (i.e., Victim/Offender Conferencing, Family Group Conferencing, etc.) and Sentencing Circles - sometimes called Peacemaking Circles - was another restorative measure in dealing with crime. They use the traditional circle ritual and structure to involve all parties involved with the crime, along with members of the judicial system and interested community members, to work in bringing healing to the victim, the offender, and the community. Within a circle, people "speak from their hearts" in a shared search for understanding of the event, and together identify the steps necessary to assist in healing all affected parties and prevent future crimes.

Peacemaking circles were brought here by the First Nations people of Yukon, Canada to Washington County in Spring, 1997. Approximately 20 people from Washington County, including 2 judges, county attorney, court services, representatives from community-based agencies (incl. Family Violence Network) and community members participated in a 4-day training on peacemaking circles.

Following the training, the Washington County Community Circle Council (formerly the Washington Co. Circle Steering Committee) was formed to implement circles in Washington County. In its first year, approximately 5 non-domestic crime cases went through the circle process.

In Summer, 1998, 6 people, which included a representative from Family Violence Network, went to Carcross, Yukon, for more extensive peacemaking circle training with the First Nations people. Following the training, the Cottage Grove law enforcement were the first to adopt a formal procedure in their policy for referring domestic abuse cases to the circle process. With the approval of the city attorney's office and the dedication and hard work of the community members, there are currently two domestic abuse cases in "circle." (NOTE: As of October, 2000, there has been 5 domestic abuse circles.)

Family Violence Network is participating in circles as a pilot project activity to determine the effectiveness of circle sentencing in working with victims of domestic abuse and ending the cycle of violence by changing offenders. Also, the Network sees the potential for some cases, but do not/would not recommend this process for all clients with whom we work.

Since November, 1999 Family Violence Network has implemented healing circles in both our shelters and for families in our Transitional Support Services program.

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SENTENCING CIRCLES

A sentencing circle is a community-directed process, conducted in partnership with the criminal justice system, to develop consensus on an appropriate sentencing plan that addresses the concerns of all interested parties. Sentencing circles – sometimes called peacemaking circles – use traditional circle ritual and structure to involve the victim, victim supporters, the offender, offender supporters, judge and court personnel, prosecutor, defense counsel, police, and all interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the event, and together identify the steps necessary to assist in healing all affected parties and prevent future crimes.

Circles typically involve a multi-step procedure that includes: 1) application by the offender to participate in the circle process; 2) a healing circle for the victim; 3) a healing circle for the offender; 4) a sentencing circle to develop consensus on the elements of a sentencing plan; and 5) follow-up circles to monitor the progress of the offender. The sentencing plan may incorporate commitments by the system, community, and family members, as well as by the offender. Sentencing circles are used for adult and juvenile offenders with a variety of offenses and have been used in both rural and urban settings. Specifics of the circle process vary from community to community and are designed locally to fit community needs and culture.

Circles have been developed most extensively in Saskatchewan, Manitoba, and the Yukon and have been used occasionally in several other communities. Their use spread to the United States in 1996 when a pilot project was initiated in Minnesota.

GOALS

1. Promote healing for all affected parties.
2. Provide an opportunity for the offender to make amends.
3. Empower victims, community members, families, and offenders by giving them a voice and a shared responsibility in finding constructive resolutions.
4. Address the underlying causes of criminal behavior.
5. Build a sense of community and its capacity for resolving conflict.
6. Promote and share community values.

IMPLEMENTATION

A successful circle process depends upon a healthy partnership between the formal justice system and the community. Participants from both need training and skill building in the circle process, peacemaking, and consensus building. The community can subsequently customize the circle process to fit local resources and culture. It is critically important that the community's planning process allows sufficient time for strong relationships among justice professionals and community members to develop. Implementation procedures must be highly flexible, because the circle process will evolve over time based on the community's knowledge and experience.

In many communities, direction and leadership are provided by a community justice committee that decides which cases to accept, develops support groups for the victim and offender, and helps to conduct circles. In most communities, circles are facilitated by a trained community member, who is often called a "keeper."

Circles are not appropriate for all offenders. The connection of the offender to the community, the sincerity and nature of the offender's efforts to be healed, the input of victims, and the dedication of the offender's support group are key factors in determining whether a case is appropriate for the circle process. Because communities vary in health and in their capacity to deal constructively with conflict, representatives of the formal justice system must participate in circles to ensure fair treatment of both victims and offenders.

The capacity of the circle to advance solutions capable of improving the lives of participants and the overall well-being of the community depends upon the effectiveness of the participating volunteers. To ensure a cadre of capable volunteers, the program should support a paid community-based volunteer coordinator to supply logistical support, establish linkages with other agencies and community representatives, and provide appropriate training for all staff.

LESSONS LEARNED

Very little research has been conducted to date on the effectiveness of sentencing circles. One study conducted by Judge Barry Stuart (1996) in Canada indicated that fewer offenders who had gone through the circle recidivated than offenders who were processed by standard criminal justice practices. Those who have been involved with circles report that circles empower participants to resolve conflict in a manner that shares responsibility for outcomes; generate constructive relationships; enhance respect and understanding among all involved; and foster enduring, innovative solutions. Clearly, additional research on circle sentencing is needed.

FOR MORE INFORMATION

For a more complete discussion of sentencing circles, see Building Community Justice Partnerships: Community Peacemaking Circles, by Barry Stuart, available from Aboriginal Justice Section, Department of Justice of Canada, Ottawa, Ontario, K1A0H8; Fax - 613/957-4697, Attn.: Learning Network. This *Restorative Justice Fact Sheet* is presented by a partnership between the Office of Justice Programs, National Institute of Justice, Office for Victims of Crime, National Institute of Corrections, and Office of Juvenile Justice Delinquency and Prevention, all within the U.S. Department of Justice.