

In Minnesota, justice is coming full circle

By Stephen Siegel
SPECIAL TO THE CHRONICLE

In the shadow of downtown skyscrapers, in a comfortable home on a quiet street, a concerned circle of citizens holds court. Literally.

They are not vigilantes — far from it. Instead, the men and women are part of a spiritual experiment in criminal justice — fashioned after a Canadian tribal custom — that allows them to sentence criminals in their communities.

In this living room and in other sanctuaries throughout the state, volunteer judges are devoting hours, and potentially months, to an intense process of penalty and rehabilitation, meting out punishments tailor-made to satisfy victims and perpetrators alike.

The concept is called “circle sentencing,” and it is off to a promising start in Minnesota, the first U.S. state to try it, with support from local prosecutors, judges, offenders and public defenders. Fashioned after the practices of First Nation Indians in remote Yukon Territory, the circles — at this point reserved for juveniles and adults convicted of nonviolent misdemeanors — first appeared in Minnesota two years ago on the Mille Lacs Indian Reservation northwest of Minneapolis. Several small towns began using them last year; Minneapolis now holds about two circles a week.

The process works like this: Offenders plead guilty in court and agree to accept a community-imposed sentence. If accepted by the community justice committee that evaluates each case, guilty parties sign compacts listing things they will do immediately to show their sincerity.

Trained facilitators meanwhile meet with victims, offenders and other interested parties to explain the circle process; they may also hold small “healing circles” to start things off.

Facilitators then convene larger sentencing circles that include community members — as many as 60 have been known to participate — along with court system officials such as social workers, public defenders, prosecutors and judges.

After one or more meetings, the circle either reaches a consensus on the sentence, or, if anyone in the circle

WHERE CIRCLES END

Minnesota circle sentencing over the past year include:

- Six teenage boys who got drunk and lit a homemade bomb at their high school vice principal's home. They agreed to pay restitution, do 300 hours each of community service, talk to youth groups about alcohol abuse and publish their apologies in local newspapers.
- A 24-year-old man from the Mille Lacs reservation who strangled his sister's cat after getting angry at her. He built and installed 14 geese nesting boxes on Lake Mille Lacs, attended an anger support group and fasted.
- Three young adults who went on a mail-box-bombing and window-breaking spree. They agreed to pay restitution, complete 100 hours of community service, write apologies to 29 victims and speak at local schools.

can't agree, a judge steps in to make the decision.

Offenders must regularly return to the circle: circle members make frequent checks on them and help them stay sober, get treatment and find jobs. Offenders who fall short can be sent back to court for traditional punishments.

“What it's really about is the whole community coming together to take care of its own,” said Kay Prannis, a justice planner at the Minnesota Department of Corrections and the official who first brought the concept to the state's attention.

On a recent night, volunteers at the Minneapolis home spent hours trying to decide what to do with a 10-year-old boy who had been convicted in juvenile court of shooting a pellet gun at a stop sign — and at his younger brother. They worried that the youngster favored a tough crowd and could be headed for more serious crimes.

Initially, the boy was sullen and withdrawn. Wearing an ankle bracelet designed to monitor his whereabouts, he sat on a sofa and wouldn't look anyone in the eye.

“I didn't do it,” he repeatedly said, staring at the floor.

But the dozen volunteers, many from the boy's north Minneapolis neighborhood, patiently probed and prodded him.

Gradually, the boy began to open up, first admitting that he had the gun outside. But “no one saw me with it,” he said.

“Then who called the police?” several volunteers wanted to know.

More prodding. The boy confessed to shooting at the stop sign; then, to shooting at his brother, although he continued to insist it was an accident.

By the end of the night, however, he was smiling and animated: The circle had gained a measure of his trust. Participants said they didn't see a juvenile lockup as the solution. Instead, they wanted the boy to understand why his conduct was unacceptable, and to begin distancing himself from his crowd. They would hold another circle, they decided, to choose his actual sentence.

“It's extremely helpful to realize that there are other ways to get to these kids without being punitive,” said Alice Lynch, who runs a battered women's shelter and also coordinates the north Minneapolis circle program.

Each circle member, which in the boy's case included his parents, talks to the offender about the crime and explains why the act was an affront to the community. Everyone has an opportunity to speak, including the offender and victims. Circle members try to understand motivation, whether anger, alcohol or drug problems, depression or other troubles.

Every circle participant must also agree on the sentence — including the offender. This helps prevent a furious or fearful community from going down the path of vigilantism. As a further safeguard, all punishments must be approved by a judge (none has been tossed out so far).

There are as yet no statistics showing whether the circles are effective, but advocates believe they will prevent crime by imposing support, not isolation. And already, the circle is widening. Impressed by Minnesota's efforts, Massachusetts has just begun sentencing circles of its own.

“Nobody is suggesting we throw out the criminal justice system,” said Don Johnson, a Minneapolis area juvenile prosecutor. But the power of the circle, said volunteer Oscar Reed, can help people “see the light.”