

PEACEMAKING OR SENTENCING CIRCLES

A peacemaking or sentencing circle is a community directed process, in partnership with the criminal justice system, for developing consensus on an appropriate sentencing plan which addresses the concerns of all interested parties. Peacemaking circles use traditional circle ritual and structure to create a respectful space in which all interested community members, victim, victim supporters, offender, offender supporters, judge, prosecutor, defense counsel, police and court workers can speak from the heart in a shared search for understanding of the event and to identify the steps necessary to assist in healing all affected parties and prevent future occurrences.

Circles typically involve a multi-step procedure including application by the offender to the Circle process, a healing circle for the victim, a healing circle for the offender, a sentencing circle to develop consensus on the elements of a sentencing agreement, and 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.

Circles have been developed most extensively in Saskatchewan, Manitoba and the Yukon and are used in other communities. A pilot project in Minnesota was initiated in 1996. Sentencing circles are used for chronic adult and juvenile offenders with a wide variety of offenses and have been used in both rural and urban settings. The specifics of the circle process vary from community to community and are designed locally to fit community needs and culture.

GOALS

1. Promote healing for all affected parties.
2. Make amends.
3. Empower victims, community members, families and offenders to have a voice and to share responsibility in finding constructive resolutions.
4. Address underlying causes of criminal behavior.
5. Reduce dependence on professionals for problem solving.
6. Build a sense of community and the community's capacity for resolving conflict.
7. Develop prevention initiatives.
8. 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. Training in the Circle process provides, not a blueprint for conducting circles, but a foundation for designing a community's own Circle process which fits local vision, resources and culture. A joint planning process which allows time for building relationships among justice professionals and community members is critical. Implementation requires great flexibility because the Circle process will develop

organically over time out of the community's knowledge and experience.

In many communities direction and leadership are provided by a Community Justice Committee which decides which cases should be accepted, assists in developing support groups for the victim and offender and assists in conducting Circles. In most communities Circles are facilitated by a trained community member, 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 primarily determine whether the case is appropriate for the Circle process. Because communities vary in their health and capacity to deal constructively with differences or conflict, the formal justice system participates in community sentencing Circles to protect both victims and offenders from inappropriate community responses or power imbalances.

Circles derive their essential value from volunteer participation. The greater the number and intensity of community involvement, the greater the capacity of the Circle to advance solutions capable of improving the lives of participants and the overall well-being of the community. To effectively engage volunteers two investments must be made: 1) appropriate training must be provided and 2) a paid community based position must be created to provide logistical support and linkages for volunteer participation.

LESSONS LEARNED

The recidivism of offenders who have gone through the Circle is much lower, generally involves less serious crimes, and less frequent criminal activity. Circles also make significant contributions to community health. Circles empower all participants to resolve conflict in a manner that shares responsibility for outcomes, generates constructive relationships, enhances respect and understanding among all participants and fosters enduring, innovative solutions. In allowing community members to assume ownership for resolving their own issues, Circles provide the opportunity for a community to develop a greater sense of collective responsibility. Community experience with Circles builds civic participatory skills which are essential for a democracy. Experience with Circles also strengthens individual and community abilities to use consensus processes in work or home environments and in all community interactions.

FOR MORE INFORMATION

For a more complete discussion of peacemaking or 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

Applications of Peacemaking Circles

Circles built on the fundamental guiding principles can be adapted for many different kinds of situations and circumstances involving decision making, problem-solving, support networks, resolving conflict, building trust and brainstorming. For example, Circles have been used for:

- Child abuse and neglect cases to develop support systems for the family and to develop a plan for the family which keeps the child safe
- Staff renewal and team building —to re-focus on underlying values, share challenges, support one another
- Discrimination, complaints, grievances and interpersonal conflicts within the workplace
- Neighborhood tensions
- Classroom management and school discipline
- Building mission statements and strategic plans within institutions
- Resolving conflicts within voluntary and professional groups
- Developing education plans for special education students
- Brainstorming to build solutions for public issues
- Family conflicts
- Support and assistance for victims of crime
- Juvenile and adult sentencing
- Reintegrating inmates into communities upon leaving prison
- Environmental and planning disputes
- New program development in an agency
- Dialog between immigrant communities and local government
- Dialog between rival gangs
- Workshops, classes and trainings