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## **Restoring Community: The Process of Circle Sentencing**

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The stories from circles have taught me about the incredible strength of those who have been victimized, the capacity of many who have caused harm to reclaim their lives and give back to their communities after decades of destruction and despair, and the wisdom of regular folks in the community who are teaching us how to wrap those who have been victimized in arms of loving comfort and protection and wrap those who have offended in arms of loving discipline and limits. Circles are a community development process as well as a justice process.

### Community needs and responsibilities

There are multiple community needs and responsibilities in the wake of crime.

1. A need and responsibility to express the pain and outrage directly to those who cause harm.
2. A need and responsibility to play a constructive role in the resolution of the crime in order to regain a sense of efficacy and control over community life.
3. A need and responsibility to address the well being of every member of the community and to provide healing for all affected.
4. A need and responsibility to understand and address the underlying causes of crime to prevent future occurrences
5. A need and responsibility to affirm community norms.

The western formal legal system impacts those needs and responsibilities as follows:

1. The process provides no opportunity to express outrage except through abstract opinion polls or exploitive politicians or talk radio. None of these forums allows for real interpersonal communication with the offender about the pain and fear felt by the community.
2. The system provides few constructive roles for the community - thus exacerbating the sense of helplessness about the problem of crime.

3. The process does not encourage the community to recognize the connection between the community's well being and that of every member. Through its activity the system actually deliberately decreases the well being of the offender and inadvertently that of the victim.
4. The process does not provide a way for the community to address underlying problems.
5. The formal legal system attempts to confirm community norms but its impact is very weak because the process is technical, abstract and largely unobserved.

### Circle Sentencing Process

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.

The impact of the circle sentencing process on the needs and responsibilities of the community is quite different:

1. Circles provide the opportunity for any community member to participate and to speak - thus community pain and outrage are respectfully heard by the offender and his/her support system.
2. Circles provide the opportunity for any community member to participate in identifying the problem, suggesting solutions and making commitments to action as part of the solution. Community members have significant roles in decisionmaking and implementation and monitoring, creating a sense of efficacy and capacity to solve problems in the community.
3. Because it is a consensus process circle sentencing must pay attention to the needs and well being of every participant.
4. Circles routinely discuss larger community problems which contribute to the particular crime under discussion and develop plans to begin to address those problems.
5. The entire circle process is one of affirming norms and expectations for behavior by the community and those close to the offender.

The process places power and responsibility in the community and is structured to emphasize respect and an understanding of common fate.

### Mille Lacs Circle Sentencing Project

The Mille Lacs Circle Sentencing Project, initiated in late 1996 on the Mille Lacs Indian

Reservation in central Minnesota, has limited experience with circles, but already demonstrates the potential for circles to restore key community connections and capacity.

- Addressing underlying problems: In a case involving a juvenile who assaulted a police officer, the healing circle for the police officer, who was the victim, began a dialog between the community and police which is altering the very hostile relations which existed between the community and the police.
- Building leadership capacity: The young man whose case was the first heard in circle is now trying to pull his friends away from their self destructive behaviors. This young man has become a member of the Community Justice Committee and recently participated as part of the training team on circles for other communities. He describes himself as unable to hold his head up and look people in the eye before his circle experience and is now able to speak in public before groups.
- Building relationships and support in the community: In the first circle case a drop-in participant offered to assist the offender in building a bird feeder (one of the elements of his community compact) and to take him to his first meeting with an anger management counselor. The offender's own support system failed to show up for the circle. The offender expressed great surprise at finding others in the community who cared about him and would help him.
- Increasing the community's sense of ownership of the problems: The first circle had a small number of participants. They now regularly have around 25 participants.
- Affirming community norms: In the case of the juvenile assault of the police officer, the juvenile violated the terms of his acceptance plan by drinking. In a subsequent circle the community very clearly told him that they knew he was drinking and that he could not manipulate them. They made it clear that eyes and ears of the community were on him.
- Leadership capacity building: There is growing confidence among the key participants and a visible growth in the sense of efficacy and competency in working on community problems, particularly as the leaders in Mille Lacs do workshops around the state.
- Strengthening relationships: A brother and sister, offender and victim in the case, who fought and had a rocky relationship now attend AA together and support one another in recovery.
- Addressing other problems which surface / prevention: In the first case the sister, who was the victim, has in the past had her children removed from the home because of her drinking problem. The circle process is now more focussed on helping her to keep her children than it is on the offender because he is doing well. The issue was not related to the offense, but the circle process provided a way to help with the problem.
- Building the capacity for appropriate support and criticism: In the supportive process of the circle a mother, who previously always enabled her son and justified his behavior, blaming others, was able to tell him that what he did was wrong that he should apologize.

The real meaning of the circle process was eloquently expressed by an Indian man on the White Earth Reservation at an informational meeting which was introducing circles to the community. Toward the end of a three hour meeting, when the group was caught up in a technical discussion of the defense attorney's concerns about the details of the procedure, this man who had been quietly listening said, "This is about: Do we love ourselves? Do we love our community? Are we going to take care of each other?"

Circles call people to more conscious awareness of our connections, our shared fate, our humanity, our spirituality. Awareness of connections is the foundation of authentic community. Circles provide a way for building that authentic community.

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