



Kake Circle Peacemaking: *Speaking from the Heart of the* *Tlingit and Haida Nations*

Founder: Ká.oosh (Mike A. Jackson-Magistrate Judge)
Kake District Court
& Organized Village of Kake, IRA Tribal Court
Kake, Alaska

15th Annual Indian Nations Conference:
JUSTICE for VICTIMS of CRIME
Palm Springs, CA December 8 – 10, 2016

Kake Circle Peacemaking



Our Way of Life
CORE COMMUNITY VALUES
OUR ORIGINAL "LAWS OF THE LAND"

- Respect:** of self, Elders, Others, Property, Everything
- Forgiveness:** of self and of Others
- Love:** of oneself and Others
- Family:** your Clan, your Community and your Generosity
- Humor/Health:** a good balance: of Physical, Mental, Emotional and Spiritual
- Honesty:** you cannot remember all the lies...
- Sharing:** Happiness, Grieving, Customary & Traditional Gathering...
- Leadership:** Being a Good Listener and Servant

Etc...Also Know As: "The Good Red Road" There are many more Values that can be listed...

Guidelines for Circle Peacemaking

1. **Gunalcheesh (Thank You)** for you all being here.
2. **Circle begins in a good way** (Prayer or Silence) -Stand & Hold Hands-
3. **Everyone is Equal**, when we sit in a Circle for Peacemaking
4. **One Person Talks at a time** (Talk from the Heart-Life Experiences)
5. **We Respect each other**
6. **We Do Not Point the Blame** (We look Forward)
7. **Take Timely Breaks**
8. **Everyone is Inclusive** (We respect one's right to not comment)
9. **Everyone in the Room is Part of the Circle**
10. **Everything Said in the Circle is CONFIDENTIAL**
11. **Circle Ends in a good way** (Prayer or Silence) -Stand & Hold Hands-



COMMUNITY JUSTICE: An Overview of Some Advantages

BUILDS COMMUNITY – DEVELOPS:

- Community resources for prevention and healing
- Conflict Resolution and Participatory Skill
- Connections to Community (victims, offenders and all others)
- Better Relationships
- Respect & Understanding within the Community
- Ability of Individuals, families & Communities to take more responsibility for resolving conflicts
- Community self-reliance

IMPROVES SERVICE DELIVERY:

- Faster response to problems
- Coordinates Community, Government and Family Resources
- Sensitizes solutions to local conditions
- Addresses Cause – Not Just Symptoms

REDUCES:

- Recidivism
- Dependence upon Government
- Costs to State & Community

CHANGES INVESTMENT FROM:

- Processing Crime to Healing Individuals, Families and Communities
- Professionals to Community Resources



CIRCLES BROADENS THE BASE OF COMMUNITY INVOLVEMENT

KEEPERS OF THE CIRCLE (Facilitators)

How to Help Move Circles Towards Consensus

Guide Process:

Guidelines have been developed within our Community. We ask for your suggestions to help our Circle.

Promote Equality:

We all have important experiences & something to offer. Keep in mind how much time we have together & comments *should be kept with a set time limit-by the Keeper of the Circle.*

Generate Respect:

We all are different – but all have something to learn from each other.

Share Responsibility:

Problem belongs to all of us – and all of us have a responsibility for finding Solutions

Encourage New Ideas:

Every idea is a good one – and helps us Work Together to find answers

Seek Solutions that "Benefit Everyone":

Can we find a way to meet the needs of all who seek help Today?

Promote Brain Storming:

Can we imagine some new ways to deal with these challenges?

Call Timely Breaks:

We have accomplished a lot, I'd like to summarize what we have done and have left to do before taking a break.

Maintains Positive Perspective:

Its difficult work, but we are moving forward in a good way.

Support one another:

Tears are a sign of Healing – stand besides those that are in need of support

PRINCIPLES COMMON TO ALL CIRCLES

Process:

- Consensus Approach –everyone is given a chance to participate or can pass the talking piece
- Interest Based – Each situation is different
- Self – Designed – each Circle is never the same
- Flexible – Circle can be put together relatively quick with attention given to details-process
- Spiritual – Each of us relate to a higher power – strength
- Holistic Healing – A plan is laid out to begin the Healing with follow ups

Participants:

- Inclusive – everyone came because they care for the victim, wrongdoer, family and community
- Voluntary – caring people are here to give support, people's are giving of their own time to be present
- Direct Participation – everyone in the Circle has a say
- Equal Opportunity – no one in the Circle carries their title into the Circle
- Respect – is given to each other

Principles Deprived from Circles:

- Peacemaking – the balance is restored, apologies are made, in the first steps in healing are made along with a plan
- Mediation – there are no winners or losers
- Consensus Building – all suggestions are heard, considered and gone over again
- Partnership with the Court System – on Circle Peacemaking is Community Involvement

CIRCLE PEACEMAKING PROCESS

<u>The Hearing</u>	<u>What</u>	<u>Who</u>
Stage One	Welcome	Keeper of the circle
Opening the circle	Opening Prayer	Keeper Selects (Elder)
	Circle Guidelines	Keeper Explains
	Introductions	All Participants (just names only)
Stage Two	Legal Facts	Judge/Keeper/Police
	State Opening	What Happened
	Probation Report (if necessary)	Police/Probation Officer
	Legal Summary	Judge/Keeper
Stage Three	Support Group	Offender Group Head
Clarifying Information	Support group report	Victim Group Head
Stage Four	Talking Staff/feather	All Participants
Searching for Common Ground	Everyone, victim and offender speak last (apologies made)	
Exploring options	Summary	Keeper goes over suggestions
Stage Five	Assessing Consensus	Keeper
Developing Consensus	Talking staff/feather	All participants
	Setting out plan	Keeper
	Consensus	All participants
Stage Six	Summary	Keeper
	Signing of Consensus	Victim & Wrongdoer
	Closure	Everyone (very short comments)
	Closing Prayer	

Circles include the "*Balance of a Person*": *Emotional, Mental, Physical and SPIRITUAL* (spirituality is not part of the State Court consideration of a person during their process)

CHANGES FROM COURTS TO CIRCLE PEACEMAKING

	<u>COURTS</u>	<u>COMMUNITY CIRCLES</u>
<u>People:</u>	Lawyers Non-residents	Local People
<u>Process:</u>	Adversarial State v. Offender	Consensus Community v. Problem
<u>Issues:</u>	Laws Broken	Relationships Broken
<u>Focus:</u>	Guilt/Offender	Holistic View -needs of the victim/Community source of the Problem -Resources for Solution
<u>Tools:</u>	Punishment/Control	Healing & Support
<u>Procedure:</u>	Fixed Rules	Flexible Guidelines
<u>Results:</u>	Winners & Losers	Remedial - a plan laid out - healing begins for Victim & Family - Maximizes the Interest of all - for Wrongdoer and Community

It is important for communities to be involved in a process that directly affects the community. It is also essential that community members establish a working relationship with the Formal System-State Court System and Circle Peacemaking. Our experiences show that when this is done it develops a much stronger Community.

