



# *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

15<sup>th</sup> Annual Indian Nations Conference:  
JUSTICE for VICTIMS of CRIME  
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## **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

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

<b><u>CHANGES FROM COURTS TO CIRCLE PEACEMAKING</u></b>		
	<b><u>COURTS</u></b>	<b><u>COMMUNITY CIRCLES</u></b>
<b><u>People:</u></b>	<b>Lawyers</b> Non-residents	<b>Local People</b>
<b><u>Process:</u></b>	<b>Adversarial</b> State v. Offender	<b>Consensus</b> Community v. Problem
<b><u>Issues:</u></b>	<b>Laws Broken</b>	<b>Relationships Broken</b>
<b><u>Focus:</u></b>	<b>Guilt/Offender</b>	<b>Holistic View</b> -needs of the victim/Community source of the Problem -Resources for Solution
<b><u>Tools:</u></b>	<b>Punishment/Control</b>	<b>Healing &amp; Support</b>
<b><u>Procedure:</u></b>	<b>Fixed Rules</b>	<b>Flexible Guidelines</b>
<b><u>Results:</u></b>	<b>Winners &amp; Losers</b>	<b>Remedial</b> - 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.**

