Circle Peacemaking:

Speaking from the Heart of the Tlingit and Haida Nations
Founder: Ka.oosh (Mike A. Jackson-Magistrate Judge-Retired)
& Organized Village of Kake Tribal Court Keeper of the Circle
Kake, Alaska

2018 16th National Indian Nations Conference:
JUSTICE for VICTIMS of CRIME
Palm Springs, CA December 5-7, 2018

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 (Spirituality is not addressed by the Western Way Courts)
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...
1. **Gunalchéesh** (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-

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**Guidelines for Circle Peacemaking**
COMMUNITY JUSTICE: An Overview of Some Advantages

BUILD 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
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

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<tr>
<th>The Hearing</th>
<th>What</th>
<th>Who</th>
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<tr>
<td>Stage 1: Welcome</td>
<td>Welcome</td>
<td>Keeper of the Circle</td>
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<tr>
<td>Open the Circle</td>
<td>Opening Prayer</td>
<td>Keeper Selects (Elder)</td>
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<td>Circle Guidelines</td>
<td>Keeper Explains</td>
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<td>Introductions</td>
<td>All Participants (Names Only)</td>
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<td></td>
<td>Legal Summary</td>
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<td>Stage 3: Support</td>
<td>Support Group</td>
<td>Offender Group Head</td>
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<td>Clarifying Information</td>
<td>Support Group Report</td>
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<td>Stage 4: Talking</td>
<td>Talking Staff/Feather</td>
<td>All Participants</td>
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<td></td>
<td>Search for common ground</td>
<td>Everyone (Victim/Offender speak Last)</td>
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<tr>
<td>Exploring Options</td>
<td>Summary</td>
<td>Keeper goes over suggestions</td>
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<td>Stage 5: Assessing Consensus</td>
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<td>Developing consensus</td>
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<td>Setting out plan</td>
<td>Keeper</td>
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<td>Consensus</td>
<td>All participants</td>
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<td>Stage 6: Summary</td>
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<td>Keeper</td>
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<td></td>
<td>Signing of Consensus</td>
<td>Victim &amp; Wrongdoer</td>
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<tr>
<td></td>
<td>Closure</td>
<td>Everyone – very short comments</td>
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<td></td>
<td>Closing Prayer</td>
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### Changes from Courts to Circle Peacemaking

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<th>Courts</th>
<th>Community Circles</th>
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<td>People: Lawyers</td>
<td>Local People</td>
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<td>Non-residents</td>
<td>Consensus</td>
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<td>Process: Adversarial</td>
<td>Community v. Problem</td>
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<tr>
<td>State v. Offender</td>
<td>Relationships Broken</td>
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<td>Issues: Laws Broken</td>
<td>Holistic View</td>
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<tr>
<td>Guilt/Offender</td>
<td>- needs of the victim/community</td>
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<td>Focus:</td>
<td>- source of the Problem</td>
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<tr>
<td>Tools: Punishment/Control</td>
<td>- Resources for Solution</td>
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<td>Procedure: Fixed Rules</td>
<td>Results: Remedial</td>
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<td>Results: Winners &amp; Losers</td>
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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.

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### Kake Circle Peacemaking Flow Chart

Different Routes to Circle Peacemaking (CP) but not limited to:

- Incident Occurs (Minor Violation/Misdemeanor)
- Family/Friends Contact Circle
- Victim/Offender Contact CP
- Police/DA/PSU/PDA/Alcohol Counselor Contacts CP
- CP considers
- If Wrongdoer Does Not Meet/Agree to the CP Process he/she maybe set to Court
- CP Application
- Wrongdoer Waives Criminal Rule 45 (CR 45)
- CP Application
- CP Application
- Pre-Counseling
- Support Groups
- Circle
- Consent Agreement
- Consent Agreement
- CP Application Waives Rule 45
- Pre-Counseling
- Support Group
- Circle
- CP Consensus
- CP Follow-Up

*Court Order Accepts Guilty Plea & Set period of Probation for 10 years to apply for CP and states on Record that the Defendant Waives Criminal Rule 45-stating that if he/she does not Comply with Circle Consensus the Offender will be sent back to the Court for Sentencing"
Gunalchéesh
Haw’áa
Thank You