



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
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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*** (*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...



Guidelines for Circle Peacemaking

- 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-**

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

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)

The Hearing	What	Who
Stage 1:	Welcome	Keeper of the Circle
Open the Circle	Opening Prayer	Keeper Selects (Elder)
	Circle Guidelines	Keeper Explains
	Introductions	All Participants (Names Only)
Stage 2:	Legal Facts	Judge/Keeper/Police
Legal Steps	State Opening	What Happened
	Probation Report, if necessary	Police/Probation Officer
	Legal Summary	Judge/Keeper
Stage 3:	Support Group	Offender Group Head
Clarifying Information	Support Group Report	Victim Group Head
Stage 4:	Talking Staff/Feather	All Participants
Search for common ground	Everyone (Victim/Offender speak Last)	
Exploring Options	Summary	Keeper goes over suggestions
Stage 5:	Assessing Consensus	Keeper
Developing consensus	Talking Staff/Feather	All participants
	Setting out plan	Keeper
	Consensus	All participants
Stage 6:	Summary	Keeper
	Signing of Consensus	Victim & Wrongdoer
	Closure	Everyone – very short comments
	Closing Prayer	

CHANGES FROM COURTS TO **CIRCLE PEACEMAKING**

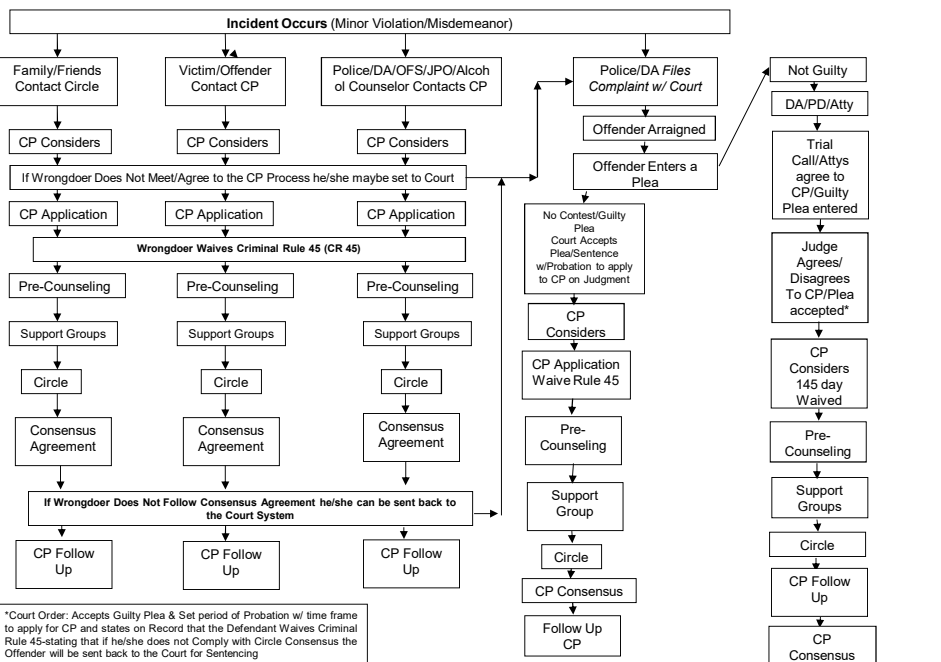
	<u>COURTS</u>	<u>COMMUNITY CIRCLES</u>
<u>People:</u>	Lawyers Non-residents	Local People
<u>Process:</u>	Adversarial State v. Offender	Consensus Community v. Problem
<u>Issues:</u>	Laws Broken	Relationships Broken
<u>Focus:</u>	Guilt/Offender	Holistic View -needs of the victim/Community source of the 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.

Take Circle Peacemaking Flow Chart

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



Gunalchéesh
Haw'áa
Thank You