

Tips on Facilitating Restorative Justice Circles

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“.....Same thing with the tribal court. That came in long before white people. The court brought everything out in the open, before the people. They talked to the person making trouble right in front of him. They just talk. As peaceful as they can. The Indian way is to have respect for one another.”

“We gotta have that tribal court. It’s not there to throw anybody in jail or anything like that, but to make each other understand that there’s a good way out if we look at it.”

Traditional Chief Peter John
Minto 1900 - 2003

Purposes: Restorative justice circles, circle peacemaking, or circle sentencing as it might be called, is a restorative justice initiative that includes community members in designing fair and appropriate sentences. Justice Circles are a powerful and therapeutic style of community justice that may fulfil many purposes:

- For offenders to be accountable to peers in the village for what they did
- For offenders to acknowledge the impact their choices have on others
- To acknowledge harm done to victims and recognize their needs
- To begin the process of repairing relationships in the community
- To develop appropriate sentencing recommendations for offender make positive behavior change and to make better choices
- To show community support for the offender’s ability to make much better choices
- To restore community confidence in offender, and provide the offender with a path forward
- To build self-esteem and inspire self-confidence in all members of the Circle

Circles offer:

- A place for individuals to practice heart-to-heart communication skills, listening, and patience

- A place to hear different views and to reconcile differences
- A place to realize the power of shared minds
- A place for introspection, sharing, and healing

Circle Facilitator Tips: Circles are generally facilitated by an individual respected by the community. They may be a tribal court judge, council member, tribal staff, community member, or even someone from outside of the village.

Some general tips for circle facilitators are:

- Be flexible. Adjust your methods to fit the circumstances.
- Be aware that many people in the Circle have limited time. Keep the Circle moving along. Keep your comments and summaries short.
- Offer comfort if a Circle participant is upset. Have Kleenex handy.
- Be patient.
- Have confidence in yourself.
- Facilitating Circles can be stressful. Take time to care for yourself and decompress.
- You may use other people to help you facilitate, such as someone to write down the sentencing ideas on a paper chart, someone to act as a 'sergeant at arms' in case things get out of hand, or someone who can take a specific role in a unique case.

Circle Sentencing Procedures: Each community may design the rules and procedures for their Justice Circles. Here are some ideas:

Opening the Circle

It is important to begin the circle process with a moment of support and inspiration. Some ideas include:

- Opening prayer
- Opening words from an Elder
- Reading inspirational quotes
- Standing in a moment of silence

Circle Facilitator begins by welcoming participants:

We are here to share our thoughts, concerns, stories, and wisdom with [Offender's name] and to develop an appropriate sentence (solution) that will help to repair harm that was done, relationships that were broken, and to guide [Offender's name] on a healthy path forward.

Describe what took place:

The Facilitator then describes what took place, when, where, who was involved. They may read a police report, or if the officer is in the Circle, they may read the report or describe why [Offender's name] was referred to the tribe for sentencing.

The Facilitator then describes the process in general:

We are going to go around the circle in three different rounds:

1. First we will briefly introduce ourselves
2. Secondly we will express our support for victims and discuss our concerns, thoughts, and share our experiences and wisdom with [Offender's name]
3. Finally we will share our ideas and come to consensus on a sentencing plan that will help repair harm that was done, relationships that were broken, and to guide [Offender's name] on a healthy path forward.

We are going to proceed by passing the feather around the Circle and only talking when it comes to us. If you do not wish to comment, you may pass the feather on to the next person.

The rules for speaking are:

Speak and listen with respect, from our hearts

No yelling, shaming, or speaking too long

Everyone has something to offer

We are all equal in the circle

Speak only when we have the talking piece

(We may alter the pattern if we need to work out a particular issue)

This must be a safe place to speak. It's very important to keep what is said here confidential between circle participants. *What is said in the Circle stays in the Circle.*

The only exceptions are that there will be a written order with the sentencing plan, and, threats of violence, abuse or neglect of a child or vulnerable adult will be reported to appropriate agencies.

The Facilitator asks participants to agree with the rules of the circle.

First Round: Introductions

Even though everyone in the Circle might already know each other, going around the Circle for brief introductions is a good 'ice breaker.' The feather is passed around for each person to say their name and their relationship to [Offender's name]. Participants often state that they are there to support the offender and/or victims. The facilitator might remind people that this is meant to be just a very short introduction.

Second Round(s): Discuss the situation, share concerns, experiences, stories, and advice

The Facilitator sets the tone for this round which is to discuss the situation, share concerns, experiences, and to give advice. The facilitator can remind the participants that this is not time to share sentencing ideas. The Facilitator might also give a gentle reminder of the rules to speak by, including not speaking too long. In very large circles there is usually time for going once around. Smaller circles might have time to go several times around. If so, the Facilitator briefly highlights the important things that were discussed before sending the feather around the Circle again.

Third Round(s): Share ideas for sentencing; come to consensus on a sentencing plan

The Facilitator sets the tone for developing the sentencing plan. As people make sentencing suggestions the Facilitator or an assistant writes the ideas on a large paper

chart. Often offenders will contribute to sentencing ideas as well. The Facilitator works to summarize the ideas into a workable plan and seeks consensus from the circle.

Closing the Circle

The Circle Facilitator thanks the participants for coming and reminds them that 'what is said in the Circle, stays in the Circle.'

Ideas:

Closing prayer, Words from an Elder, Reading inspirational quotes, standing in a moment of silence, walking the Circle to shake hands

Follow-up: One of the most important things for the circle sentencing process is to have a plan for following up on the sentencing ideas presented in the Circle. The Circle Facilitator gives the sentencing ideas to the tribal court clerk who then writes them on a court Order form. The Order should note the specific things the offender is to complete, whom the offender is to report to, and consequences the offender would face if they do not complete the sentence. If possible, it is good to have follow up circles to help monitor the offender's progress.