



Request for
SENTENCING CIRCLE

Date: _____ Received by: _____

Name of Person requesting service if different than client: _____

Individual Community: Other:

Contact Info: _____

Client Name: _____

Address: _____

Phone: _____

Email: _____

Other Contact Info: _____

First Nation Community: _____

Date of Court: _____ Court Location: _____

Has a plea been entered? _____

Is person in custody or released on conditions? _____

Charges:

Criteria which needs to be met in order for a Sentencing Circle to be granted:

1) The accused must agree to be referred to a sentencing circle.

What is your motivation for requesting a Sentencing Circle? (Why are you making the request?)

What do you hope to be the outcome of a sentencing circle?

2) The accused must have deep roots in the community in which the circle is held from which the participants are drawn.

_Do you live in a First Nations Community?

If you do not live in a community, in what other way are you connected with the community?

Do you have immediate and extended family in the community?

In what ways are you involved in the community?

a) Cultural?

b) Spiritual?

c) Community Events?

d) Community services?

a) Other?

3) That there are elders or respected non-political leaders willing to participate.

Name Info/Other Info	Relationship	Contact
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4) The victim is willing to participate and has been subjected to no coercion or pressure in so agreeing.

5) The court should try to determine beforehand, as best it can, if the victim is subject to battered souse syndrome. If she is, then she should have counselling made available to her and be accompanied by a support team in the circle.

6) Disputed facts have been resolved in advance.

7) The case is one in which a court would be willing to take a calculated risk and depart from the usual range of sentencing.

What type of sentence would you be looking for, focusing on rehabilitation?

If you were placed on a conditional sentence order or probation order (or both), could you follow terms of the sentence for an extended period of time?

If violence is involved in the offenses, what would you be willing to do to the address this?

If alcohol and/or drugs are involved in the offenses, what would you be willing to do to address this?

If spousal assault involved, what would you be willing to do to address this? (Is there contact with the spouse? Is there an on-going relationship or breakdown in relationship? Are there children?)

Personal Background

Where did you grow up?

Who raised you?

Where does your family live?

Who are you close to? (Support people)

Are you connected to a First Nation community?

Where were you living at the time of the offense(s)?

Where are you proposing you would live?

Employment?

Education?

What do you think are the reasons you've been getting into conflict with the law?

What are some obstacles that you have been facing?

Details: Possible Locations of Sentencing Circle

Member of _____ First Nation

- Is there a location available in this community?
- Will the court be willing to travel to this community?
- Security: RCMP would need to be in attendance- local detachment

- Does this client reside outside the community?
- Is there a location at/near the court point?
- Cost of facility? (this cost would need to be covered by the family)
- Can we use smudge at this location?

Judge: _____

Court Point: _____

Who would facilitate the circle? _____

Who will the Elder be? _____ This Elder would be asked to do any of the ceremonies and prayers associated with the circle.

Will there be a pipe ceremony? _____ When? _____

Will there be smudging at the circle? _____

Will there be a traditional feast? _____

Will there be other Elders invited and attending? List possible Elders.

- If the Client is in custody, arrangements need to be made for transportation, especially if there are ceremonies involved. Communication will need to be clear and direct with the court parties and defense lawyer so these arrangements can be made.

Meal (Cost of Client)

Will there be a meal provided? _____

Who will provide the meal or cook the meal? _____

Will this be a feast (or regular lunch)? _____

Will refreshments be provided? _____