

# Sentencing Circles for Non-Violent Drug Offenders

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*Sentencing circles designed to bring non-violent drug offenders and community members together to mutually decide upon restitution offer a restorative alternative to incarceration and provide a controlled support system to treat drug addiction.*

The United States is the most economically developed country in the world and incarcerates a larger percentage of its population than any other country in the world, debilitating the social and economic lives of many communities. Zero-tolerance policies and minimum sentencing laws, often connected to non-violent offenses such as automobile theft or drug possession, have in large part resigned the country to this indefensible position. It is therefore imperative to examine a fundamentally different approach to fighting crime, an approach that focuses on empowering communities and healing individuals rather than punishing and excluding those who have erred.

At the core of the restorative justice philosophy is the idea of human bonds. "Sentencing circles" are one of the most promising manifestations of this relationship-centered philosophy. The goal of sentencing circles is to bring victims and offenders together to work out mutually agreed upon restitutions, after the offender has taken personal responsibility for his or her transgressions. In the case of drug-related offenses, sentencing circles offer a controlled support system that can treat drug addiction

and its various non-violent offshoots for what they are—a fundamentally social illness.

## TALKING POINTS

- Sentencing circles empower victims and communities by allowing them to actively participate in the process of reintegrating offenders into their communities.
- Restorative justice focuses on healing relationships, creating responsibility and righting wrongs.
- Restorative systems offer high levels of control and support, rather than the high levels of control and low levels of support that accompany incarceration.

## KEY FACTS

- One in ten American adults are in prison. In 2007, states spent \$44 billion on the maintenance of the prison system.
- With the implementation of minimum sentencing laws, 80 percent of the incoming prison population between 1985 and 1995 was due to drug convictions.
- Restorative justice techniques have reduced youth recidivism in Woodbury, MN, from 71.2 percent to 33.1 percent.

## HISTORY

Restorative justice methods have been incorporated into institutional legal systems since the 1970s. These methods aim to include the greatest number of stakeholders in the decision process - including family, friends, community members, and law enforcements.

Significantly, restorative justice understands that the offenders have a unique obligation to the victims. Such an inclusive system has often been utilized in juvenile courts. Since 1989, New Zealand has adopted restorative justice techniques as the norm for its juvenile justice system.

Restorative justice techniques are also widely used across Europe and the United States. In a Woodbury, MN study of the juvenile restorative justice program there, over 70 percent of all participants were satisfied with outcomes, while the recidivism rate decreased from 71.2 percent before the program was implemented to 33.1 percent after the start of the program. Restorative justice programs have been tested and are ready to be more broadly applied.

### ANALYSIS

Restorative justice offers a more effective method of combating drug addiction and drug-related crime than incarceration. Sentencing circles, which is one method of restorative justice, includes the voluntary participation of victims (when there are victims in drug-related cases), the victim's communities of care (family and friends), offenders and their communities of care, as well as judges, attorneys, social workers, and community members. Together they work towards creating a plan that can work for all parties and is based upon the community's shared values. Sentencing circles can also meet to monitor and support an offender's continuing progress. For addicts, this can mean drug counseling, with the support and empathy to reinforce it. Such a plan goes a long way towards highlighting drugs as a community and family issue, while also empowering communities with the tools to address the problem.

Implementation of such a program would undoubtedly save taxpayers money. In 2007, states spent \$44 billion on prisons, and the opportunity cost of emphasizing incarceration is visible in our crumbling infrastructure and struggling schools. With sentencing circles, government officials would simply be reassigning time already paid for and would probably be using their time more effectively. Sentencing circles allow states to reallocate resources currently spent on the ever-expanding prison system to other priorities and encourage communities, families, and individuals to take responsibility for the greater well-being of their local communities.

### NEXT STEPS

This policy can be immediately implemented through revisions in the sentencing statutes for drug crimes in each state and within federal law. First, it is necessary to repeal zero-tolerance and minimum sentencing statutes. Afterwards, a state should begin a pilot program to test the process and refine sentencing circles. If they are shown to be effective, a policy should be permanently applied through legislation.

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### SOURCES

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\* A full list of sources is available upon request