



Washington County Community Circles, Inc.

*“Repairing harm to victims, holding clients accountable
and building a better community”*

7064 S. West Point Douglas Road
Cottage Grove, MN 55016

(651) 492-4996

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Circle Process Protocol Manual

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Available at www.peacemakingcircles.org

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Mission Statement: To practice Restorative Justice in Washington County through Community Circles, while continuing to support and spread the circle process in the county and region.

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1. Introduction

Washington County Community Circles, Inc. (WCCC) is a collaborative effort to address issues surrounding incidents of crime and non-criminal disputes in Washington County through the restorative practice of Community Circles. The primary participants are community members who strive to make their neighborhoods safer and more community-oriented by devoting time to work with court or community referred Circle Clients) and victims. Success would not be possible without the partnering efforts of the Washington Co. Attorney’s Office, City Attorneys, Police Departments, Non-Profit Organizations, Washington County Court Services, and Washington County District Court. Restorative Practices became a part of Minnesota law in 1998. See [Minn. Stat. § 611A.775](#).

WCCC empowers communities, the people affected by crime and disputes, to actively participate in the response to violence and social problems. In this way, Circles enhance the justice system by having the client held accountable to the community in which he or she resides. All the members of the Circle become the support system for the victim and the client.

In 1997 Kay Pranis, working at the time as a Restorative Justice Planner for the Department of Corrections, offered Circle training to Washington and Hennepin County. Several individuals from Canada including Mark Wedge and Harold Gatensby from the First Nations and Judge Barry Stewart from the Crown conducted the training. After the training Washington County began to do Sentencing Circles. In 1998 Judge Gary Schurrer, Maureen Walton from Probation, Judy Brown from Tubman Family Alliance, Diane Elias from Family Links, Mark LaPointe and Kay Longtin, community members in Cottage Grove, went to Carcross, Yukon Territory Canada to receive Circle training.

Cottage Grove Circles started after that training with Stillwater starting the following year. In 2006 Woodbury became the 3rd community to conduct their own Circles. In 2007 these established Circles were incorporated as Washington County Community Circles, Inc. and in 2008 we received our 501(c)(3) status.

This manual delineates how WCCC utilizes the Circle Process to accomplish our mission. In many ways the contents of this manual are unique to WCCC and the Washington County criminal justice system.

2. Circle Utilization

Circles can be used as a tool for conflict resolution or to develop a better understanding among people. Broken relationships within families, communities, schools, churches and workplaces are ideal for healing the harm through the circle process. Circles within the justice system are responsible for finding out what factors contributed to criminal behavior and how to prevent recurring behaviors and to heal the harm caused by the crime. Circles can offer support for chronic repeat clients when previous punishment has not changed behavior. Crimes with complex causes such as addiction, lack of education



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or lack of positive support can be better served with circles than the traditional model of punishment. Circles include but are not limited to the examples below:

A. Criminal Cases

Sentencing Circles and Accountability Circles for clients and Healing Circles for victims are for court referred cases such as, but not limited to:

1. Domestic Violence – In 1998 WCCC became the first county in the U.S. to use Circles in domestic violence cases. Domestic violence not only harms the victim, but entire families and communities. Circles aim to address the source of harmful behaviors, and heal the family and the community affected by the domestic violence.
2. Driving Offenses with Considerable Harm
3. Theft or fraud.
4. Criminal Damage to Property

B. Accountability Circles (Commercial Sex Exploitation)

A Circle of Accountability brings together community with a client, a perpetrator of conflict or crime, to explore the harm caused by the crime or conflict, encourage the client to take accountability for the client's role in that harm, and support the client to ensure the behavior does not happen again.

Circles of Accountability may vary in length of time, and usually involve ongoing compacts and agreements, through consensus in Circle, to try new behaviors or refrain from unhealthy behaviors. Circles of Accountability may or may not include the victim of the conflict or crime.

Learn more about WCCC's partnership with the Washington County Attorney's Office to combat commercial sex exploitation in our community and change the culture in Washington County through [Accountability Circles](#) for the johns seeking commercial sex in our community.

C. Non-Criminal Cases

Circles for Healing and Understanding, Dispute Resolution, Education and Community Building, Circle Members and Prisoner Reintegration are but some of the possible uses of Circles in non-criminal cases

3.Participants Roles and Responsibilities



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Once a client is referred to a Community Circle, the primary participants in circles are trained (see section 5.A.1.) community volunteers, clients and victims. Participation for all Circle members is completely voluntary, including for clients and victims.

Clients fill out an application and meet with the Circle for the Application Circle. Clients have the right to withdraw from the Circles at any time after they are accepted and go back to the traditional criminal justice system. Further, Circles have the right to return cases to the court for any reason, with or without the consent of the client. (This is an exception to [Consensus Decision Making Section](#)).

Victims will always be offered a Healing Circle for themselves with any support people of their choosing. They are also given a choice about the extent of their participation as described in the Victim Notification and Participation section.

All participants in the Circle Process have a set of responsibilities designed to help insure that the process operates smoothly and achieves optimal results. Therefore, it is important to delineate these roles and responsibilities.

A. Community Participants (circle volunteers)

The role of the volunteer is to provide community input while supporting the client and victim throughout the Circle Process. Community volunteers will:

1. Abide by the WCCC values of the Circle during the Circle process.
2. Keep the specific discussions held in Circle confidential, with the exception of mandated reporting requirements (see Confidentiality & Mandated Reporting section).
3. Report to the Circle any previous relationships with the client, victim, or their support persons OR choose to not to participate in the Circle.
4. Assist the Circle Keepers in keeping Circle members in contact with each other, recording Circle activities, or support the Circle in any other appropriate manner.
5. Share the responsibility of meeting with victims to discuss the Circle process when referrals are made to the Circles program.
6. Support victims and clients in the Circle process both in and outside of Circle meetings as appropriate. Follow through on any commitments made in the Circle.
7. Participate in the creation of a Social Compact when a new client is accepted into the Circle program.
8. Assist the client in being accountable to the community and the victim.
9. Once committed to serving on a Circle for a particular case, community members will keep the Circle Keeper informed when unable to attend a circle.
10. To be trained in Circles within one year of beginning to volunteer (i.e. through Circle 101 training or similar training through an organization)
11. Continue to upgrade skills through appropriate training (e.g. domestic violence training)



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B. Circle Keepers

The role of the Circle Keeper is to guide, not control, the Circle Process for each Client and to provide Administrative Support to the Circle. Therefore, Circle Keepers carry all responsibilities of community participants and additionally will follow prescribed WCCC, Inc. Guidelines for Circle keepers. These include, for example, notifying the appropriate people or organizations when a Sentencing Circle has been scheduled, and ensuring a social compact or agreement is made with a new Circle client about the purpose of their Circle and the role of participants.

C. Clients

The role of the client is to make a good faith effort to meet the responsibilities listed below:

1. Agree to take responsibility for their actions as part of agreement to participate in the Circle process.
2. Complete and return the Circle application.
3. If accepted, attend all scheduled Circles and court dates, and participate fully and honestly in Circle meetings, as a member of the Circle.
4. Abide by the WCCC values of the Circle during the Circle Process.
5. Follow any Social Compacts and Sentencing Agreements developed in Circle.

D. Clients' Support People

1. Abide by the WCCC values of the circle during the circle process.
2. Act in support of the client in Circle meetings
3. Follow through on any commitments made in Circle meetings.

E. Victim

The victim has a unique role to play in the Circle Process since no case will be referred to the Circle without the victim's consent. Further, the victim must balance the emotions associated with the crime with the restorative nature of the process. The responsibilities listed below are designed to help the victim fill this role.

1. Abide by the WCCC values of the circle during the circle process and follow the recommendations of the Circle in the post sentence phase of the process.
2. Victims may participate in Circles on whatever level they are comfortable. See the [Victim Notification and Participation section](#) for more information.



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3. Victims may bring with them support people, with whom they feel comfortable, when attending any Circle meetings. Examples might include a Tubman advocate or supportive family member and/or friend.
4. Healing Circles for victims are available completely separate from client's Circles regardless of the client's participation in the program. Victims are welcome and encouraged to take advantage of this opportunity.

F. Victims' Support People

1. Abide by the WCCC values of the circle during the circle process.
2. Act in support of the victim in Circle meetings; advocate for the needs of the victim.
3. Bring any input from the victim to the Circle if the victim would like to have input but chooses not to attend in person.
4. Follow through on any commitments made in Circle meetings.

G. Prosecuting Attorney

The following are suggested guidelines for prosecutors referring cases to WCCC:

1. Contact the WCCC, Inc. to make direct referrals to the program.
2. Review cases that have been identified for potential application to the Circles process and notify the Circle Keepers of the referral.
3. Prosecuting attorneys are invited, but not required, to attend Circle meetings for clients.

H. Defense Attorney

The following are suggested guidelines for defense attorneys with clients referred to WCCC:

1. Become familiar with the Circle process before referring clients to Circles.
2. Defense attorneys are invited, but not required, to attend the Circle meetings for their clients.

I. Probation Officers (suggested guidelines if applicable)

The following are suggested guidelines for probation officers with clients referred to WCCC:

1. Notify the Circle Keepers of cases that may be appropriate for the Circle process at their discretion.
2. Support WCCC by responding to questions and requests by the Circle as appropriate.



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3. Probation Officers if and when assigned to circle cases may, but are not required, to attend the Circle meetings for their clients.

J. Judges and Court Administration

The following are suggested guidelines for judges and court administration for cases referred to WCCC:

1. Judges are invited, but not required, to attend Sentencing Circles for clients who are scheduled to be sentenced in their courtroom.
2. Upon referral of a case, court administration needs to communicate all appropriate conditions and documents to WCCC. Guidelines for this process are maintained by court administration staff.
3. Court administration and judges should expect to receive and handle a variety of communications about and from the Circle for each case.

4. Referral Process

A referring agency or individual identifies a case for potential application to Circle. The referral may come from any number of sources, including community members, defense attorneys, non-profit organizations, judges, clients, police officers, probation officers, prosecuting attorneys, outside restorative justice programs, or social service providers.

A. Criminal referrals

Washington County Courts refer these cases at their discretion. When a case is identified for potential application to the Circle process, the victim will be informed of this option through the court system or an advocacy group. The client’s application will be taken only if the victim, defense attorney (if applicable), prosecuting attorney and the judge agree to the referral. Further, the court will set the conditions under which the potential client will be referred to the Circle. The application can be found on [WCCC’s website](#).

B. Non-Criminal referrals

These cases may be referred by any citizen for any number of reasons, including family or organizational dysfunction, civil disputes, etc. An application should be completed, which can be found on [WCCC’s website](#).

5. Circle Process

Circles derive their strength from community participation in a values-based process. The core values of the WCCC are reflective of both the necessary qualities, which need to be present for each Circle to have meaning, as well as important values of the area communities. No value carries more significance than



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any other. Participation in the Circle process indicates acceptance of these values both in word and action. The values are interdependent, sharing certain features among them.

A. Values for Washington County Community Circles

Respect

Respect acknowledges the dignity and worth of each individual. It ensures that every participant experience acceptance into the Circle, and ensures that everyone is heard with equality. It requires every participant listen to everyone else. Respect means that all members of the Circle participate within the guidelines set by the Circle. Furthermore, respect is critical in achieving the consensus decision-making necessary for Circles to be successful.

Respect is also important in understanding the concept of honoring the talking piece. When others are holding the talking piece, it is important for participants to view the piece as an opportunity for reflection. When the talking piece is held out for open discussion, it continues to have importance and should be honored by conducting discussion in a respectful manner. The talking piece is a symbol of the interconnectedness and shared responsibility of the participants in the Circle, and it should be held respectfully.

Humility

The strength of character to recognize the humanness of self and others, and to be inclusive and thankful for everyone’s participation in Circle, is to have humility. Humility helps create partnership between participants. Humility is closely tied with the value of honesty, mostly in terms of honesty with self.

Compassion

Compassion indicates a genuine concern for the welfare of others. For the supportive relationships of Circles to be built, participants need to enter the Circle process open to feeling compassion for the others whom they will join on the Circle journey.

A compassionate focus on harm, combined with the flexibility of Circles, allows victims to be involved in the Circle process in whatever ways are comfortable for them. This harm-focus opens the Circle to visiting many issues, which may underlie the committing of the offense, and which would probably not otherwise be acknowledged. Compassion felt by Circle participants enables the Circle to take positive action to repair those issues, which contributed to the harm done.

Spirituality

Spirituality celebrates the wholeness of each person and the oneness of the Circle. It allows all participants to speak from the heart, so that everyone can share with each other in the spirit of moving beyond conflict together, to find understanding and healing. Holding a Circle means creating a sacred space, where these values are honored.



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Honesty

Accountability is an indisputably important element in the Circle process; trust is necessary for accountability. But neither of them can be achieved without honesty. People need the support of others to make affirmative changes in their lives, and honesty is the basis for building those strong relationships within communities. Furthermore, dishonesty can quickly result in hostile feelings, which undermine the Circle process. Therefore it is necessary for each participant to strive for honesty with themselves and others, and to speak with honesty in a Circle so that victims, clients, and other Circle participants can view the Circle process as a positive experience

B. Confidentiality and Mandated Reporting

Personal and sensitive issues that are discussed in Circle are kept confidential among the Circle members and other Circle participants such as clients/victims, including the names of juveniles who may be involved as participants or family members. Interpersonal relationships often develop between Circle members of a specific case. Case-related issues should not generally be discussed outside Circle. Where a member learns potentially case related information outside Circle, it should be brought up in Circle for all members to share. The guiding principle should be if this information became public knowledge would it be likely to negatively impact the client, victim or volunteers? If so, it should not be discussed outside of Circle. Brief summaries of Circle meetings are kept on record, but only outline the general progress of clients.. Circle participants can be subject to subpoenas.

There are exceptions to the confidentiality of Circles. If any of the following are disclosed in a Circle, participants will report it immediately to law enforcement. See Minn. Stat. § 626.566. Key areas that are exceptions to the confidentiality policy include:

- Threats of homicide
- Threats of suicide
- Abuse of a child
- Abuse of a vulnerable adult
- Use of (a) controlled substance(s) by a pregnant woman

Telephone numbers for key Washington County law enforcement partners:

- Cottage Grove Police Department
 - Website: [Police | Cottage Grove, MN \(cottagegrovemn.gov\)](http://Police | Cottage Grove, MN (cottagegrovemn.gov))
 - Phone: (651) 458-2850
- Stillwater Police Department
 - Website: Police | Stillwater, MN
 - Phone: (651) 351-4900
- Woodbury Police Department
 - Website: [Police | Woodbury, MN \(woodburymn.gov\)](http://Police | Woodbury, MN (woodburymn.gov))



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- Phone: (651) 714-3600
- Washington County Community Services
 - Website: [Community Services | Washington County, MN - Official Website](#)
 - Phone: (651) 430-6455
- Washington County Attorney's Office
 - Website: [Welcome to the Office of the Washington County Attorney | Washington County, MN - Official Website](#)
 - Phone: (651) 430-6115
- Washington County Sheriff's Department
 - Website: [Welcome to Washington County Sheriff's Office | Washington County, MN - Official Website](#)
 - Phone: (651) 430-7601 *When calling this number, please indicate where you are calling from

For more information about mandated reporting and Washington County protective services, visit www.co.washington.mn.us.

C. Victim Notification and Participation

If the community accepts a client's application into the circle process, the following choices will always be presented to the victim regarding the extent of their participation, and they may choose to participate in any one or more of the following ways:

1. The victim will be contacted by the Circle Keeper and offered a Support or Healing Circle.
2. The victim may attend any or all of the circles. However, the circle, at times may require separate circles for the victim and client until the safety of the parties can be assured. The victim is encouraged to attend the Sentencing Circle with support people even if they choose not to attend other circles. These support people can be family, friends, volunteers from the community, or victim advocates. All Circle participants, including victims, must abide by the values and processes of Circle (see [Roles and Responsibilities section](#)) to attend Circles.
3. The victim may choose not to attend a Sentencing Circle, but have one or more friends or family members attend the Sentencing Circle as their representative, to advocate for their concerns.
4. The victim may choose not to attend a Sentencing Circle, but be represented by a volunteer from the community who is involved in the Circles process as long as there is a volunteer available from the community to act in this role.
5. The victim may provide their concerns in writing to the Circle Keeper or a community member to be read aloud at the Sentencing Circle.



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6. The victim may discuss their concerns with Circle Keepers and/or community members who are involved as part of the support for the client well in advance of the Sentencing Circle.
7. It is vital to the Sentencing Circle Process that the Circle make every effort to gain victim input and arrive at consensus regarding this input as they develop the sentence regardless of whether the victim is present at the sentencing Circle. After a Sentencing Circle, the victim has the right to participate in post sentence circles (provided they adhere to the values) or to request notification of the client’s progress in fulfilling the terms of the Sentencing Agreement. They may contact the client’s Circle Keeper for this information.

D. Consensus Decision Making

All decisions made in the Circle process are done by consensus. Consensus means that those who come together for discussion and decision-making agree to listen to all perspectives and to be flexible in working toward a common agreement. Participants understand from the onset that they will likely not come away with a group decision exactly like their preference, but they are usually able to come away with a group decision they can live with. Everyone, regardless of their titles or roles, has an equal voice in the Circle, and they each have ample opportunity to express their points of view.

Consensus can even mean that there is no consensus. In which case a subsequent Circle is scheduled to try to resolve differences.

Consensus does not mean unanimity. An individual may not agree with the general conclusion or opinion reached as the shared common position of the group, but that they can live with the conclusion. The opposing, or at least differing, view has been given a full opportunity to be presented and discussed, and has probably influenced the fine-tuning of the consensus.

E. Case Phases and Process Steps

Criminal Cases

Once a client in a criminal case has been referred to WCCC, community volunteers review the client’s application and any relevant materials (e.g. police reports). There is a process flow chart for referral of criminal cases that can be found in the [Appendix](#). Upon receiving an application and speaking with the client referred, the Circle holds an Application Circle and evaluates the following:

1. The client takes responsibility for the incident(s) in question.
2. The client indicates a genuine desire and/or willingness to repair the harm to the victim and change his/her harmful behaviors.
3. If the Client would benefit from participation in the Circle.
4. The client lives or has committed the crime in the community or surrounding community.

At or following the Application Circle, the Circle accepts or rejects the Application through consensus. Once accepted, the client participates in the three phases of the Circle process:



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- Pre-sentence – Circle begins regular meeting with client every two weeks for approximately three months. During these Circles the client and community members determine what () the harm is and what is needed to help repair the harm and facilitate changed behavior.
- Sentencing – The Sentencing Circle is scheduled to give all participants adequate notice, about seven (7) days. Anyone who would like to participate but cannot make the scheduled date may choose to give input in one or more of the following ways:
 - Provide their input to Circle in writing.
 - Send a person to represent their input to Circle.
 - Ask a Circle member to represent their input at Circle.
 - Tips for developing sentences: To help repair harm, look for concrete methods, and measurable outcomes including restitution, service work, apology letters, peer groups and support professionals, such as Anger Management, AA, addiction treatment, etc.

Post-Sentence – Circles typically meet once a month for the duration of time indicated in the sentence. The Client is essentially “on probation” to the Circle, and is monitored for compliance, progress, and completion based on the Sentencing Compact.

Non-Criminal Cases

In non-criminal cases the non-court related portion of the Application is used for historical and data purposes. Circles may result from a simple request or referral.

Circles after application are less formal than for criminal cases. Often this is because there is no compact or sentence to refer to and work toward. The number and length of time for circles depend on the participants and the issues that are to be addressed. The Circle Keeper will create summaries for Case Review reports to help document progress.

6.Administration

WCCC will review these procedural guidelines approximately once every two years, or whenever there is a need or request. In addition, the Board is committed to providing support such as ongoing training, including Circle 101, Keeper Training and Continuing Education, which can be internally or externally provided. The board encourages both volunteer and board participation.

A. Media Policy

1. Volunteers in the Circle process are free to discuss their experiences in response to media inquiries in general terms.
2. Volunteers may not discuss specific information or discussions from Circle meetings with the media.



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3. If volunteers are unsure about how to respond to a question about how the Circle process works, they should refer the inquiry to the circle keeper or a member of the Board of Directors of WCCC.
4. Members of the media may attend a Circle with the permission of all Circle participants in advance of the Circle. The media representative will act as a participant in the circle and no notes may be taken. The Circle and the media representative must agree in advance on how any information gleaned in Circle can be used.

B. Public Notices

In criminal cases, Sentencing Circles are open to public participation. The Circles sends a Sentencing Circle Notice to the Courts. Court records can be found on the Minnesota Judicial Branch website at www.mncourts.gov. Members from the community who are first-time participants will be asked to review the values and guidelines of the Circle process before the beginning of the Circle, and will need to agree to abide by them (see [Values of the Circle](#)).

C. Contact Information

Written mail:

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Electronic and E-mail: www.peacemakingcircles.org, contact@peacemakingcircles.org

Phone Number: 651.492.4996



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7.APPENDIX

- A. [Application Criminal](#) (on Website)
- B. Application Non-Criminal (on Website)
- C. [Referral Process](#) (on Website)