

**PLAN ADOPTED BY THE NENANA
PEACEMAKING CIRCLE (Program) AND
THE ALASKA COURT SYSTEM (Court)
FOR RESTORATIVE JUSTICE REFERRALS
UNDER ALASKA CRIMINAL
RULE 11(i)**

This PLAN is adopted by the Nenana Peacemaking Circle program and the Alaska Court System (the Parties) to set out procedures for referring matters relating to criminal charges involving Nenana area residents and/or matters arising the Nenana area to the Nenana Peacemaking Circle for the purpose of using the peacemaking circle to help develop restorative justice sentencing recommendations under Criminal Rule 11(i).

PARTIES: This PLAN is made and entered into by the Program and the Court on behalf of the Fairbanks and Nenana Trial Courts.

PURPOSE: The purpose of this PLAN is to establish an orderly process by which the Nenana Peacemaking Circle can utilize culturally appropriate restorative justice approaches to develop sentencing recommendations. Outcomes in these cases can improve when the delivery of justice involves collaborative and community-based efforts. The Court's efforts to impose meaningful and relevant consequences for defendants, the community, and the victim is generally aided by recommendations that reflect the community's assessment of the impacts of the criminal behavior and integrate local wisdom and cultural norms.

BOTH PARTIES AGREE TO THE FOLLOWING PROCEDURES:

1. The Program will monitor the Court calendar (<https://public.courts.alaska.gov/web/scheduled/docs/crchgfiled.pdf>) for cases involving Nenana area residents or arising in the Nenana area. The Program may submit a request for a copy of the relevant case documents from the case file, such as complaints and indictments, which the Court shall provide to the Program within 10 days upon receipt of the request (CR-805). The Court will not charge the Program for these documents.
2. Within 10 days of the receipt of these documents, the Program shall notify the Court whether it wishes to be involved in the case (CR-810).
3. If the Program notifies the Court that it wishes to be involved in the case, the Court shall notify the parties of this request. If the defendant subsequently is convicted of the crime, the Court shall, within 10 days of the conviction, notify the Program of the date that the defendant will be sentenced and whether the prosecution, defendant, and victim (if any) consent to a referral to the Program to help generate sentencing recommendations. If all parties consent, the Court shall also formally refer the case to the Program to conduct a peacemaking circle to develop sentencing recommendations.

The notice and referral to the Program, if any, shall identify the charge of which the defendant was convicted, any mandatory sentencing requirements (such as the presumptive or minimum term that the defendant must serve in jail), and any agreement the defendant and the State may have made regarding the conviction. When a case has been referred to the Program under the PLAN, the Court shall set sentencing for a date at least 60 days after the date of conviction, unless the Program and the Court agree to a different time period.

4. After a case is referred to the Program, the Program shall take the necessary steps to conduct a peacemaking circle. The Program shall promptly notify the Court if it needs the Court to change the Court's sentencing date in order to provide for additional time for the peacemaking circle to occur.
5. The Program shall complete the proceeding no later than 15 days prior to the Court sentencing date. The Program will inform the Court, the prosecution, defendant, defendant's attorney (if any) and victim (if any) of the date of the peacemaking circle at least 10 days prior (CR-820).
6. Through these collaborative and community-based efforts, the peacemaking circle shall identify proposed sentencing recommendations, which may include culturally relevant activities, drug and alcohol assessments and treatment, restitution (such as money or services for the victim), or other remedies.
7. At the end of the peacemaking circle, the Program shall prepare a written report stating its sentencing recommendations and the time period for completion of each component. This report shall be provided to the Court, the prosecution, defendant, defendant's attorney (if any) and victim (if any) at least 10 days before the State Court sentencing (CR-825).
8. The Court shall carefully consider the recommendations of the peacemaking circle. The Parties understand, however, that the Court is not bound by those recommendations.
9. The Parties agree to meet from time to time to review the implementation of this PLAN and to make any appropriate revisions to it.
10. Nothing in this PLAN prevents the Program from conducting peacemaking circles on its own after notification of defendant's conviction. Moreover, the Program may make sentencing recommendations to the Court, even if a formal referral has not been made.

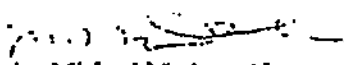
SIGNATORIES TO THE PLAN

SIGNED: 
The Nenana Peacemaking Circle Program Coordinator

DATE: Oct 15, 2020

SIGNED: 
(Magistrate) Judge for Nenana Jeff May
Alaska Court System

DATE: Oct. 20, 2020

SIGNED: 
Presiding Judge Michael MacDonald
Fourth Judicial District

DATE: Oct 20, 2020

SIGNED: 
Stacey Marz, Administrative Director
Alaska Court System

DATE: 10/20/2020