

PEACEGIVING COURT



The idea of mutual giving speaks for the Northwest. I like “Peacegiving” because you can’t make peace, you can only offer it.

Coquille Indian Tribal Elder- Peacegiver – Tom Younkens

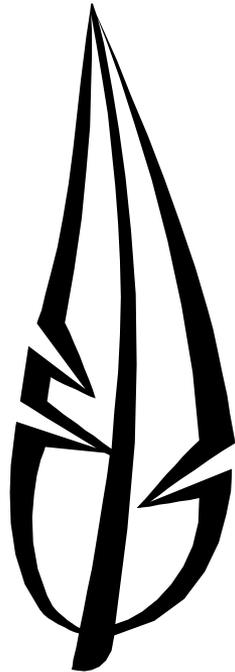
Peacegiving Court Philosophy

Origin of “Peacegiving”:

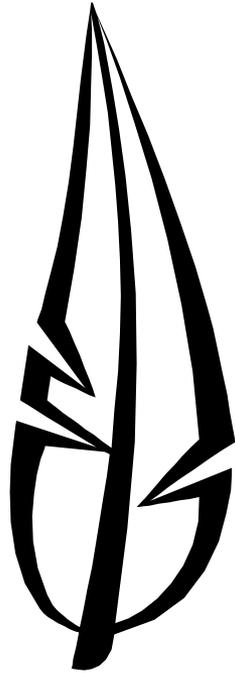
You can't make peace, you can only offer it.

Tom Younker, Coquille Elder

Peacegiving Court is a voluntary dispute resolution alternative, grounded in the tribal traditions of peace and healing.



Peacegiving Court Philosophy



Peacegiving protects the health and welfare of community members by using Tribal customs and tradition to resolve conflict and assist youth in need of services.

CTCLUSI 2-14-1(a)

- All parties
- Collectively resolving
- Aftermath of offense
- Implications for the future
- Both victim and offender helping determine outcome



PEACEGIVING COURT



❖ **Confederated Tribes of Coos Lower Umpqua & Siuslaw Indians (CTCLUSI)**

CTCLUSI 1-1-24 (a) The Tribal Court shall have jurisdiction of all suits wherein the parties are subject to jurisdiction of this Court, and over all other suits which are brought before the Court by stipulation of parties not otherwise subject to Tribal Jurisdiction.

- Peacegiving can take two paths: 1) healing or 2) co-judging for recommending sentence to Tribal Court.

- Initiate either through formal charges or through informal request for assistance.

Tribal Authority

- ❖ Tribal powers of self-government are recognized by the United States Constitution, legislation, treaties, judicial decisions and administrative practice.
- ❖ These powers are inherent powers and Tribes have plenary and exclusive power over their members and their territory subject only to limitations imposed by federal law.

Tribal Authority

The CTCLUSI were federally recognized pursuant to the Act of October 17, 1984, Public Law No. 98-481, 98 Stat. 2250, and adopted their constitution in accordance with the Indian Reorganization Act of June 18, 1934, 48 Stat. 984. This Constitution provided for the establishment of their Tribal government with authority over all persons, property and activities under the jurisdiction of the Tribes to the fullest extent permitted by law.

Tribal Court Established

- ❖ Constitution of The Confederated Tribes of The Coos, Lower Umpqua And Siuslaw Indians, Article VII and CTCLUSI Title 1-1
- ❖ CTCLUSI Title 2-14
- ❖ CTCLUSI 2-14-7(a) With the consent of all parties or the child in Need of Supervision or Juvenile Offender matter, the Tribal Court may transfer any case or dispute to the Peacegiving Court

Tribal Court

- Peacegiving Court is a division of Tribal Court, supervised by the Chief Judge and supported by Tribal Court staff, a Peacegiving Advisory Board and the Peacegivers. CTCLUSI 2-14-3
- Tribal Court staff includes:
 - J.D. Williams, Chief Judge
 - Diane Whitson, Court Clerk/Peacegiving Outreach Coordinator
 - Caroline Barr, Court Clerk
 - Craig Capon, Prosecutor

Advisory Board

- Multi-disciplinary team of both Tribal and non-tribal community members including elders, law enforcement, social services, educators, community members, and others.
 - Receive quarterly updates
 - Contribute ideas for program refinement.
 - Ambassadors for Peacegiving Courts.

Peacegivers

- Persons who possess reputations of honesty, integrity, and humanity
- Have demonstrated practices of resolving community problems in ways that honor tribal values
- Must pass background investigation
- Trained in Peacegiving and conflict resolution practices
- Appointed and Sworn in by Tribal Court Judge
- Must abide by Tribal laws and applicable ethical rules
- Must act as positive role model for community
- Must be Tribal members or spouses of Tribal *members*

Swearing-in of First Peacegivers



Case Intake

- Citations filed in Tribal Court by Tribal Police
- State Court matters
 - Dismissed without prejudice in State Court for prosecution by Tribal Court
 - Citation filed in Tribal Court
- Voluntary Request
 - Parties to a dispute consent to Peacegiving

CONFIDENTIALITY

- Communications made during Peacemaking are treated as confidential by all parties and participants. CTCLUSI 2-14-9

GOALS:

- Respect every voice
- Improve relationships
- Create stronger connection to community

Case Flow

- Case is assessed for Peacegiving Court by prosecutor or judge
 - Parties accept responsibility for actions
 - All parties agree to use Peacegiving Court
- Second Appearance / Arraignment in Tribal Court
- Transferred to Peacegiving Court
 - Assignment of Peacegiver
 - Peacegiving plan is developed
 - Peacegiving plan approved by Tribal Court

Process

- Opening ceremony
- Preparation circles
- Peacegiving Circle
- Periodic status hearings throughout process
- Completed plans are brought back to Tribal Court
- Recommendation to close case
- Closing Ceremony

Unique Aspects

- Process, not event oriented
- Flexible
- Role of Peacegivers as keepers
- Different kinds of circles
 - Healing
 - Talking
 - Problem solving
 - Private or public





Peacegiving Plans May Include

- Peacegiving Circles
- Mentoring by Tribal Elders
- Drug Assessment and Treatment
- Educational Support and Guidance
- Cultural Education and Activities
- Restitution
- Community service
- Any positive activity that promotes peace and healing in the community

Originating charges in Peacegiving Court Cases

- Assault, Theft, Truancy
- Disorderly Conduct
- DUII
- Possession of Controlled Substance
- Attempted Delivery of Controlled Substance
- Criminal Trespass
- PSC Less than one ounce – marijuana
- Custodial Interference

Peacegiving Case Records

- Coquille Tribe – 13 juvenile, 2 adult, and 1 community dispute
- Confederated Tribes – 12 juvenile, 4 adult, and 1 community dispute
- Participants have ranged from 6 years old to adult and most report positive resolutions of their cases and appreciation for the program.

Other Uses

- Probation/Parole
- Not just for offenses or formal civil disputes
- Child welfare case
- Teenage transition from foster care
- Prevention as well as intervention



Referrals to Tribal Court for Peacegiving

- Points of Contact:

Court Clerk, Diane Whitson, 541.888.1306

Court Clerk, Caroline Barr, 541.888.1316

Prosecutor, Craig Capon, 541.485.0220



J.D. Williams, Chief Judge
Williams Johnson Stacy, LLP
503.295.1020