Red Hook Peacemaking Program:
Implementation Guide
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Project Overview

Peacemaking is a traditional Native American form of justice that promotes healing and restoration. Although peacemaking varies across tribes, it generally brings together defendants and victims, as well as others affected by the defendant’s behavior. Peacemakers, who are trained volunteers from the community, lead the peacemaking sessions and allow each participant to speak about how the case has affected him or her personally. The purpose of peacemaking is to reach a consensus to resolve the dispute and, more generally, “to talk it out in a good way.”¹ The Navajo Nation, which operates the best-known peacemaking model in the country, describes the process as the “reparation or mending of controversies through harmony.”²

The Red Hook Peacemaking Program, which launched in January 2013, seeks to resolve disputes through an inclusive, non-adversarial process that empowers all of the affected parties. To fulfill this mission, the program pursues the following goals:

*Healing relationships:* Peacemaking is concerned with healing the relationships that were harmed by a dispute or crime. Instead of merely punishing the past act, peacemaking looks to the future, focusing on healing the relationships involved in order to prevent harmful behavior from reoccurring. Peacemaking emphasizes the development of participants’ sense of identity and commonality with members of his or her community.

*Giving victims a voice:* Peacemaking provides victims, if they choose, with an opportunity to express how the crime has affected them, their families, and their communities. In a peacemaking session, the victim can actively participate in the discussion that leads to a resolution.

*Holding participants accountable:* Peacemaking requires participants to accept responsibility for their actions and fosters a sense of accountability. Participants face other members of their community, recognize the effects of their actions, and participate in determining how to repair the harm they have caused.

*Empowering the community:* The peacemaking program trains community members to serve as peacemakers, giving them a direct and active role in addressing the conflicts and crimes that affect their communities. In addition, the peacemaking program invites other community members to participate in peacemaking sessions, offering them an opportunity to help resolve disputes and demonstrating that the community shares responsibility for repairing the harm caused by conflicts.

Planning Steps

Problem Analysis

Upon its launch in 2008, the Center for Court Innovation’s Tribal Justice Exchange team sought out practices occurring in tribal courts that could be used in a state court setting. The staff was introduced to the concept of peacemaking via a conference presentation and soon after attended the 2nd Annual Gathering of Indigenous Peacemakers in October 2008. Center staff continued to learn about peacemaking and took every opportunity they could to meet and talk with various Native American peacemakers across the country. By late 2009, Center staff was convinced that they wanted to introduce the concept of peacemaking to the state court system, and chose the Red Hook Community Justice Center as its testing ground due to the close-knit community this court serves.\(^3\) Introducing traditional Native American peacemaking in a state court setting is no simple project. Recognizing this, the Center for Court Innovation developed a formal planning process that relied heavily on the expertise of Native American peacemakers from tribes around the country. With their support, the Center researched several peacemaking models, engaged community members and key stakeholders in developing the project, and conducted a rigorous training program to prepare Red Hook community members for leading peacemaking sessions.

Navajo visit to Red Hook. In October 2010, justice system officials from the Navajo Nation visited the Red Hook Community Justice Center in southwest Brooklyn as part of an initiative to develop a community court in the Navajo Nation. One of these visitors was Stanley Nez, a traditional Navajo peacemaker and the Peacemaker Liaison\(^4\) for the Aneth Judicial District.\(^5\) Center staff organized an evening meeting in which Mr. Nez spoke with court officials and community leaders about the history and use of peacemaking in the Navajo Nation and the potential use of peacemaking in Red Hook.

At this meeting, a community member questioned whether peacemaking could translate to an inner-city community. In response, one of the Navajo visitors explained that the Navajo people were not accustomed to using the community court style of justice but that they were willing to try something different—they wanted to take the best of what Red Hook had to offer and to make it work for their community. The Navajo visitors challenged the Red Hook community members to do the same with peacemaking. Following the meeting, 100 percent of attendees indicated in a written evaluation that peacemaking could be used in Red Hook.

Research and briefing paper. After the Navajo officials’ visit to Red Hook, Center staff began intensive research into peacemaking, reviewing dozens of publications, including manuals and forms from the Navajo peacemaking program and other peacemaking and restorative justice programs around the country. Staff reviewed the existing research literature exploring the effectiveness of peacemaking and other restorative justice programs in resolving disputes. In

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\(^3\) Launched in June 2000, the Red Hook Community Justice Center is the nation's first multi-jurisdictional community court. The Red Hook Community Justice Center was created to improve public safety, to reduce the use of incarceration, and to improve relations between the justice system and the local community.

\(^4\) As of 2014 the Peacemaker Liaison position is now called Traditional Program Specialist.

\(^5\) The Navajo Nation is divided into ten judicial districts. Each district has a district court and a peacemaking program, which operates as a parallel system of justice and often takes referrals from the court. In each district, one peacemaker is designated as a Traditional Program Specialist to the district court. This person is responsible for taking referrals from the court and coordinating the peacemaking program in that district.
addition, Center staff interviewed peacemakers and tribal justice system officials about how peacemaking is used in their communities and whether it could be adapted for a state court setting. The Center summarized this research in a practitioner monograph, *Widening the Circle: Can Peacemaking Work Outside of Tribal Communities*? This paper also served as a briefing paper to prepare participants for the Center’s roundtable discussion on peacemaking.

**Peacemaking roundtable discussion and report.** The peacemaking roundtable, held in December 2011 at the Fort McDowell Yavapai Nation in Fountain Hills, Arizona, was a carefully-planned event that included a total of twelve participants: seven Native American peacemaking experts from diverse peacemaking traditions around the country, three practitioners who operate restorative justice programs in non-tribal jurisdictions, and a judge and administrator from the New York State Unified Court System. These participants, facilitated by Center staff, spent a day and a half discussing the key elements of peacemaking, some of the challenges associated with planning and operating peacemaking program, and whether peacemaking could be used in a state court system.

The peacemakers and restorative justice practitioners were unanimous in their belief that peacemaking could work in a diverse, urban community. They suggested that community norms and shared values would surface during the peacemaking process, and that each community has natural peacemakers who can do this work. Participants believed that the most significant challenge would be securing the buy-in of justice system stakeholders, who might be uncomfortable with the idea of using an alternative, non-adversarial method to resolve disputes and respond to crime. In January 2012, the Center for Court Innovation produced *Peacemaking Today: A Conversation among Tribal and State Practitioners*, a publication that summarizes the lessons learned from the roundtable discussion and begins to outline some of the issues that should be addressed in planning a new peacemaking program.

**Peacemaking observation and interviews.** Following the peacemaking roundtable, Center staff began interviewing additional experts in the field and observing peacemaking programs in action. In January 2012, Center staff hosted a visit by Kay Pranis, a leading expert in the field of peacemaking and restorative justice, at the Center’s offices in New York City. Ms. Pranis has implemented a number of peacemaking programs in Minnesota and trained restorative justice groups around the country. She emphasized that in choosing a location for peacemaking, it is important to select a community that is ready and willing to take on this kind of project. She thought that a close-knit community like Red Hook might be a good fit. She also noted that peacemaking is an intensive process that requires a great deal of time and energy. Therefore, she suggested, peacemaking should be reserved for more serious cases whenever possible.

In May 2012, Center staff visited the Confederated Tribes of the Colville Reservation, located in Washington State, to observe their peacemaking program in action and discuss strategies for planning and implementing a peacemaking program. Anna Jack, Colville’s peacemaking administrator, had recently participated in the Center’s peacemaking roundtable discussion, and she was eager to show Center staff how the Colville Tribes’ relatively new peacemaking

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7 WOLF, supra note 5.
program worked. In addition, the Center brought two Navajo peacemakers on the visit to provide additional training to both the Colville peacemakers and Center staff. During the peacemaking session, each person was allowed a chance to speak and both participants and peacemakers became emotional—two peacemaking clients explained how the peacemakers had given them the strength to make sustained changes for the first time in their lives. One participant proudly reported that this was the first time he had gone a full year without getting in a fight, being arrested or being in jail in over a decade.

Center staff then participated in an open discussion with Colville community members. Some community members had known the clients in their former states of alcohol abuse and criminality, and they were impressed with the visible changes that peacemaking had helped to bring about. Others raised concerns about the peacemakers and questioned what they would do with a participant who refused to comply with the process. In addition, tribal court representatives and the peacemakers discussed how best to define the relationship between the two systems, including respecting each other’s independence and maintaining confidentiality. The Navajo peacemakers shared their experiences, offering advice on how to bridge the divide between the court and the peacemakers. The site visit to Colville strengthened relationships among Center staff, Navajo peacemakers, and Colville peacemakers, and provided an opportunity to share ideas about peacemaking across cultures and traditions.

In June 2012, Center staff attended the Midwest Peacemaking Conference, hosted by the Little River Band of Ottawa Indians in Manistee, Michigan. At this conference, Center staff learned from a variety of tribal and state court peacemakers, including keynote speaker Kay Pranis. There was significant discussion about the application of peacemaking to domestic violence, as well as sessions on bias among peacemakers, using humor in peacemaking, and the power of forgiveness. Finally, the conference featured a lengthy peacemaking circle facilitated by tribal court judge and peacemaker Ernie St. Germaine of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

Also in June 2012, Center staff traveled to Yellow Medicine County, Minnesota to observe one of the first circle sentencing programs to be established in a state court system. Center staff participated in three different types of circles: Circle of Hope, a voluntary circle program that assists individuals struggling with addiction; Family Circles, which works closely with the local social services department to assist families facing issues such as neglect or abuse; and Circle Sentencing, a court program for youths facing criminal charges that seeks to resolve their cases without registering a conviction. Finally, in August 2012, Center staff visited the Navajo Nation to meet with the Nation’s peacemaking staff as well as seasoned peacemakers and elders. Center staff also participated in a sweat lodge and observed other ceremonial aspects of peacemaking.

These studies, research, discussions, and observations formed the foundation of the Center’s peacemaking work. Center staff have relied heavily on the guidance of their Native mentors in setting out a peacemaking program in a non-Native setting.

**Essential Partners**

1. **Native American peacemakers.** As described above, Center staff researched and observed peacemaking in different Native American communities. Center staff interviewed practitioners and hosted a two-day roundtable discussion. The Native peacemakers continued to mentor
Center staff throughout the planning and implementation of the program. Most importantly, Center staff relied on Native peacemakers to provide direct training to the Red Hook peacemakers. As the Center continues to recruit more community members to serve as peacemakers and expands the Red Hook program, the Native peacemakers are critically important partners. They continue to share their expertise, offer training, and lend their generous support.

2. Justice system stakeholders. After formally selecting Red Hook as the location for the peacemaking pilot program, planners from the Center convened a meeting of justice system stakeholders at the Red Hook Community Justice Center to begin discussing program design. The meeting included the Red Hook Community Justice Center Judge Alex Calabrese and representatives from the Kings County District Attorney’s office, the New York City Law Department,\(^8\) the Legal Aid Society, and the Center’s on-site treatment clinic. The participants raised several important concerns, including the appropriate length of the program and the legal framework for participation. During this meeting, the planners asked the stakeholders to take a ‘hands off’ approach to the cases that they agreed to send to the peacemakers. This was crucial to show the volunteer peacemakers that the justice system stakeholders trusted them and their ability to resolve the cases they were given. Most important, all participants expressed support for the project and agreed to meet with the peacemaking planners on an individual basis to further the implementation process.

Following this meeting, Center staff conducted a series of interviews with officials from the court system, prosecutor’s office, public defender’s office, probation department, treatment clinic, and other key stakeholders. These interviews gave participants the opportunity to ask questions and voice specific concerns. In general, all of the stakeholders were supportive of the idea of using peacemaking in court-referred cases. Center staff also obtained each stakeholder’s input regarding program design, including eligibility guidelines, referral process, compliance monitoring, confidentiality requirements, and other important issues.

Building on the relationships that were created during the planning process, the Red Hook Peacemaking Program staff continues to meet with the justice system stakeholders to discuss any planned program changes and to continue improving the model.

3. Community participation. The Center’s approach to justice system planning relies upon community engagement—bringing community members into the planning process and ensuring that the program reflects the community’s priorities and needs. The peacemaking program took this practice even further. Peacemaking is an intensely community-centered approach to conflict and crime. An explicit goal of peacemaking is to heal relationships, help individuals discover and strengthen their connection to the community, and reinforce community norms and a sense of shared responsibility. Community members serve as peacemakers, and peacemaking sessions typically call on the community to help the defendant repair relationships with those affected by the crime.

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\(^8\) When a youth 15 years or younger is arrested, the New York City Department of Probation conducts an interview to determine whether the case should be dismissed, adjusted (diverted), or referred for prosecution. An Assistant Corporation Counsel from the New York City Law Department’s Family Court Division receives the referral and is responsible for prosecuting the case.
To recruit peacemakers, the Red Hook Peacemaking Program staff and planners attended many community meetings and relied on their previous knowledge of the community to identify community leaders, mentors, and role models who could be trained to serve as peacemakers. These community members received intensive, hands-on training from peacemaking experts and practitioners from around the country. They were then responsible for convening the peacemaking sessions and leading the sessions toward consensus resolution to the conflict or crime.

The peacemaking staff has ongoing meetings with the peacemakers to discuss the current reach of the program, address any problems that have arisen, and explore strategies for improving the program. Engaging community members throughout program planning, implementation, and operation has helped to ensure that the program truly reflects local values. The peacemaking staff also invest in continued training experiences for the peacemakers. This helps to develop peacemakers’ skills, foster leadership, build capacity, and ensure that the Red Hook Peacemaking Program remains vibrant and continues to grow. Finally, community support has promoted sustainability, as the community has developed a sense of ownership over the program and a commitment to keeping the program running.

Necessary Resources
The Red Hook Peacemaking Program is operated by a program director and a program coordinator, in addition to more than 20 community peacemakers. The program also has an ever-changing roster of interns and volunteers who assist with coordination, recruitment, and training. The program director is responsible for leading the overall planning, implementation, and operation of the peacemaking program, ensuring that the program is operating effectively.
Among other duties, the director maintains relationships with justice system and community-based stakeholders, leads the development of program policies and procedures, coordinates appropriate training for program staff, and facilitates stakeholder and peacemaker meetings. In addition, the director is responsible for collecting all program-related data and pursuing long-term funding for the peacemaking program.

The program coordinator is responsible for the day-to-day operations of the program and is housed in the Red Hook Community Justice Center. The coordinator processes all referrals to the peacemaking program, meets with potential participants to explain the tenets of the program, schedules and coordinates peacemaking sessions, attends peacemaking sessions, keeps detailed case files, reports to the court when appropriate, and assists the Program Director with data collection and grant reporting.

The peacemaking program also relies on a corps of more than 20 community volunteers who serve as peacemakers. All peacemakers have undergone an extensive training program. When a case is referred to peacemaking, the program coordinator assigns 2-3 peacemakers to the case. These peacemakers, who are chosen based on availability, special skills relevant to the case, and other factors, are responsible for leading all peacemaking sessions related to that case.

During the research stage, the planners were consistently told by practicing peacemakers that they needed to serve food before each session. Because food is considered an integral part of peacemaking, the Center raised private funds to provide before each session. Participants consistently report that the sharing of food before a session is one of the most helpful parts of the program, as it helps the participants connect with each other and prepare for the hard work of the peacemaking session. As the program expands, the Center continues to pursue a range of public and private funding to support the program.

Implementation Adjustments
The following are challenges the Red Hook Peacemaking Program faced during implementation and the adjustments that had to be made accordingly.

1. **Prosecutor pre-approval.** At first, the program took in all cases referred by the various justice system stakeholders. It quickly became apparent, however, that many of these cases had not been approved by the prosecutor before being referred. Program staff would conduct a lengthy intake, only to find out afterward that the prosecutor did not consent to allowing the case into peacemaking. Today, program staff seek the prosecutor’s approval before processing an intake. This adjustment in the referral process has greatly increased staff efficiency.

2. **Better communication with stakeholders.** Early in the program, when the peacemaking process was complete, staff would communicate its completion but would leave out most of the details in order to maintain confidentiality. As a result, staff did not communicate program successes to justice system stakeholders, nor did staff explain the rigorous nature of the program.

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9 The length of training has varied during the program’s existence, but generally has included between 8 – 10 training sessions.
10 Since the Bureau of Justice Assistance funds the program, the program staff were not able to use the federal funds to purchase any food for the sessions.
In order to complete peacemaking, many participants have attended numerous peacemaking sessions and have made significant strides towards repairing the harm and improving their lives. These efforts were often far more extensive than what the district attorney’s office would have required had the case been resolved in the conventional system. Program staff recognized that justice system stakeholders needed to be made aware of the extent of participants’ efforts of as well as the unparalleled successes that resulted from the process. Program staff realized that they could detail these outcomes without compromising the confidential and personal details that were shared during the sessions. The program has since taken steps to ensure better and more detailed communication about successes and outcomes with justice system partners while taking care to keep personal details confidential.

3. **Case management/personal advancement sessions.** Between peacemaking sessions, program staff often spend hours with participants assisting them with their specific needs and goals—applying for a job, obtaining benefits, accessing housing, enrolling in school, and many other activities that help participants with their personal advancement. At first, the program was not documenting or reporting these activities, and they did not appear in early assessments of the program’s impact. Program staff have since realized the need to document these activities, as they represent a substantial investment of time and effort in the participants and produce tangible results that improve participants’ lives. These activities are now tracked in the program’s database and included in grant reports and program assessments.

4. **Creating data tracking and performance metrics.** Overall, the benefits of peacemaking—while often deep and long lasting—are not always captured by conventional data tracking systems, as with the personal advancement sessions discussed above. New peacemaking programs should consider novel ways of tracking data and creating performance measures that adequately capture its impacts. For example, some peacemaking circles have the greatest impact on participants who would not normally be considered “parties” to the case. A defendant’s sibling may realize during peacemaking that he is following his brother’s path toward crime and decide to apply for college or get a stable job. Peacemakers and program staff will then help the sibling carry out that realization by providing both mentoring and other relevant practical assistance. Or, a participant may recognize her own feelings of isolation and despair and take steps to build stronger social supports with the help of others in the circle. These kinds of impacts are not typically captured by the court system but represent important steps toward strengthening communities and preventing future crime and conflict.

5. **Training curriculum for future peacemakers.** As time has passed since the program’s launch, the original group of peacemakers, during the regular check-in meetings they have with program staff, have shared their thoughts on aspects of the training that worked well and areas of the training that they felt could have been enhanced. Program staff welcomed that input and has adjusted their training curriculum to reflect many of these suggestions.

**Program Evaluation**
Researchers from the Center for Court Innovation’s research department conducted a process
evaluation of the peacemaking program from its inception in January 2013 until July 2014. Researchers reviewed program data, interviewed participants, and conducted focus groups with peacemakers and court system officials. In January 2015, the researchers published a final research report documenting the Red Hook peacemaking model, discussing the extent to which the pilot program adhered to the original implementation plan, assessing whether or not the model is suitable for a state court setting, and conveying the views of stakeholders and participants. The researchers did not conduct an impact evaluation, as program volume at the time was insufficient for a rigorous analysis of program effects, and a comparison group was not included.

Among other findings, the researchers concluded that peacemaking gave participants the opportunity to talk through a conflict in a safe setting in ways that a conventional adversarial process does not afford the participants. Victims and defendants stated that they liked the peacemaking process as it gave them a chance to be heard. Many participants doubted that the adversarial court approach would have allowed them to tell “their side of the story.” Depending on the relationship and willingness of the participants, those interviewed generally perceived that peacemaking had succeeded in starting the process of healing relationships.

The Future of the Model

Peacemaking continues to flourish in Native American communities across the United States. And in the state courts, judges and other justice system stakeholders are becoming increasingly interested in developing peacemaking programs of their own. In Washtenaw County (Ann Arbor), Michigan, the state court system provided funding for a special peacemaking court in 2014. In Los Angeles, a judge and stakeholders are studying whether a peacemaking program could be used for child dependency and delinquency cases. The Center is committed to providing training and technical assistance, in partnership with Native American peacemakers, to state courts seeking to develop peacemaking programs in their own jurisdictions. As an interesting side note, program staff has been able to use the lessons learned in implementing peacemaking in a justice system that had not previously used this practice with tribal courts wanting to implement peacemaking in Native American communities that have also not traditionally used peacemaking in their communities.

Peacemaking is a good option for cases that state court systems were not designed nor equipped to resolve properly. For peacemaking to be successful in a state court system, justice system officials have to have an understanding that peacemaking cases take time, are not easily resolved, but will have a more lasting impact than most methods currently being used by state court systems.

Conclusion and Lessons Learned

1. Trust your mentors. Throughout the planning process, the planners had doubts as to whether certain aspects of peacemaking could apply to a non-Native American community or a state court system. For example, Center staff were concerned about how to find peacemakers, who would be impacted by the peacemaking process, and what types of cases would be appropriate
for peacemaking. As the planning process evolved into program launch, the planners recognized the value of having conducted thorough research and having consulted many Native American mentors, whose guidance and support proved integral at every step of the way.

2. Empower your volunteer base. The recruitment (and training) of the original group of peacemakers coincided with the final planning stages of the peacemaking program. There were several junctures when the planners would come to an impasse on how to resolve certain programmatic issues. The planners decided to involve the community volunteers to help resolve these issues. Showing trust in the community volunteers early in the process showed them that the planners truly valued their input and that this was going to be a community-driven program. For example, the peacemakers-in-training created the protocols for the opening ceremony of a peacemaking session and created terminology that would be used across the program. Center staff continue to improve the program and the training curriculum based on input from the community peacemakers, who in turn continue to take on increased responsibility and leadership.

3. Stick to the game plan. Proposing dramatic changes to an existing process can be unsettling to some justice system stakeholders. Early in the planning, stakeholders would make certain requests that the planners felt might compromise the integrity of the program. The planners agreed to compromise on some issues but held firm on issues that were part of the framework of peacemaking. For example, Center staff urged the stakeholders to trust the outcome from the peacemaking process, instead of letting attorneys or judicial staff influence the process.

4. But…learn to compromise. The converse to the ‘Stick to the Game Plan’ lesson is for planners to stay focused on the ultimate goal in creating an innovative program. It is natural during the planning process to have the urge to dictate every portion of the planned program. Planners found that if one was strident on every issue that they would lose stakeholder support and ultimately the program would falter.

5. Be inclusive during the planning process. Include all of the stakeholders early in the planning process even if it seems excessive. This includes members of the community as well as members of the justice system. One never knows whose support (or lack thereof) could impact the success of the program. Likewise, the planners invited all the stakeholders to the training sessions so that there would be no concerns about what the community volunteers were being taught or how they would conduct sessions.

6. Keep your partners updated as the program evolves. As noted earlier in this brief, program staff realized that not giving thorough updates was beginning to call the program into question. Having update meetings and one-on-one meetings with the stakeholders made them feel involved and kept them supportive of the program in its early days.

7. Don’t hesitate to make changes if needed. Program staff quickly realized that the intake process for cases was much more time-consuming than initially anticipated. As such, the staff had to make subtle changes to the referral process that would still keep the program on the front lines but would simultaneously alleviate excessive demands on staff time and resources.
References

Widening the Circle: Can Peacemaking Work Outside of Tribal Communities

Peacemaking Today: Highlights of a Roundtable Discussion Among Tribal and State Practitioners

Peacemaking Circles: Evaluating a Native American Restorative Justice Practice in a State Criminal Court Setting in Brooklyn
http://www.courtinnovation.org/sites/default/files/documents/Peacemaking%20Circles%20Final.pdf

Navajo Nation Peacemaking Program Plan of Operation

Native American Rights Fund compilation of Peacemaking codes
http://www.narf.org/peacemaking/codes/index.html

Red Hook Peacemaking Program video
http://www.courtinnovation.org/research/red-hook-peacemaking-program?url=project%2Fpeacemaking-program&mode=project&project=Peacemaking%20Program

Link to the Center for Court Innovation’s Tribal Justice Exchange homepage
http://www.courtinnovation.org/topic/tribal-justice

A former Prosecutor’s view on using Peacemaking in a State Court setting