



PUEBLO OF ISLETA

P.O. BOX 1270
ISLETA, NM 87022

RESOLUTION No. 2020-028

Resolution Establishing Pueblo of Isleta Peacemaking Program

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe with a Constitution;

WHEREAS, Article V, Section 2(i), of the Pueblo of Isleta Tribal Constitution authorizes the Tribal Council to appropriate such funds as are necessary for the health, safety, and general welfare of the Pueblo;

WHEREAS, pursuant to the direction and authority granted in Resolution 2016-073, the Pueblo of Isleta Tribal Court has successfully developed and implemented a Pilot Peacemaking Project;

WHEREAS, the Tribal Council finds it is in the best interest of the tribe to implement a Peacemaking Program within the Pueblo of Isleta Tribal Court permanent;

WHEREAS, no additional funds for 2020 are sought by the Isleta Tribal Court to implement the Peacemaking Program as the cost will be paid out of the approved Isleta Tribal Court budgeted line item for Professional Services and Consultants.

WHEREAS, the Tribal Court will continue to seek additional funding such as grants and/or private funding to support the Peacemaking Program.

WHEREAS, the Tribal Court will promulgate policies and procedures as required to implement the Peacemaking Program.

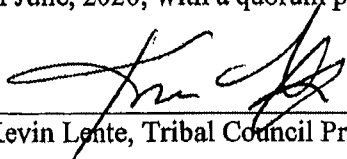
NOW, THEREFORE BE IT RESOLVED that the Tribal Council directs and authorizes the Tribal Court to implement a permanent Peacemaking Program within the Tribal Court; and


BE IT FURTHER RESOLVED that the Tribal Court shall develop and maintain any suitable rules as may be required for the proper functioning of the Peacemaking Program; and

BE IT FURTHER RESOLVED that the Isleta Tribal Court shall include data and evaluations of success or needed improvements for the Peacemaking Program in its regular reports to the Tribal Council.

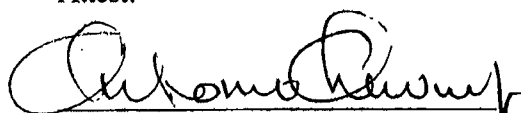
CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 11th day of June, 2020, with a quorum present with -6- voting for, -0- opposing, and -0- abstaining.


Kevin Lente, Tribal Council President


Max Zuni, Governor

Attest:


Antonio Chewiwi, Tribal Council Secretary

**Pueblo of Isleta
Tribal Court
Peacemaking Program Rules**

Rule 1. Purpose

These rules are meant to:

- (1) provide the parties with an opportunity to informally resolve legal disputes with the help of a neutral peacemaker using traditional Pueblo methods of conflict resolution;
- (2) facilitate voluntary and harmonious resolutions of disputes;
- (3) to facilitate prevention and/or intervention sessions for Pueblo youth who are at-risk of involvement in the Juvenile Justice System; and
- (4) enable the parties and the Pueblo to return to their traditional and cultural roots.

Rule 2. Cases Subject to Peacemaking

(a) **Types of Cases**

- 1.) Any dispute within the jurisdiction of the judicial branch may be referred to the Peacemaking Program.
- 2.) The Juvenile Detention Alternative Initiative will coordinate with Probation/Children's Intervention Officer, Truancy, Behavioral Health, Social Services, and JOM, or by any appropriate tribal program to facilitate prevention/intervention sessions with tribal youth.
- 3.) Referrals from Pre-Prosecution Division Criminal cases through POI Prosecution and POI Public Defender. Criminal cases represented by an outside attorney shall require a waiver from legal counsel for Peacemaking.

(b) **Exception**

- 1.) Criminal cases listed in the Major Crimes Act, 18 USC §1153

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(Vote Count 6-0-0)

(c) **Jurisdiction.** The tribal court has jurisdiction to refer any case permitted by Rule 2(a) to the Peacemaking Program.

(d) **Forms.** The tribal court shall create the forms referred to in these rules, and may modify them as needed.

Rule 3. Peacemakers

(a) **Eligibility.** To be eligible for appointment as a peacemaker, a person must:

- (1) possess good moral character;
- (2) enjoy the respect of the Pueblo community;
- (3) be an enrolled member of the Pueblo; and
- (4) have an understanding of the customs and traditions of the Pueblo.

(b) **Selection; removal.**

(1) The Chief Judge may contract with any person who meets the qualifications stated in Rule 3(a) with concurrence of the sitting Peacemakers.

(2) The Chief Judge may recommend removal of a peacemaker from the roster if the:

- (a) peacemaker no longer meets the eligibility requirements stated in Rule 3(a);
- (b) the peacemaker has not adequately participated, or
- (c) the peacemaker's participation is no longer compatible with the purpose of the peacemaking system.

(d) **Training.** Any person, who is selected as a peacemaker, shall complete peacemaker training. The tribal court shall not place any person on the roster of trained peacemakers until that person has completed peacemaker training.

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(e) **Roster.** The tribal court shall maintain an up-to-date roster of trained peacemakers.

(f) **Compensation.** The tribal court shall compensate the Peacemakers at the following rates:

Peacemaking Session(s)	\$25.00 per hour
Meeting/Training Attendance (1 to 5 hours)	\$50.00 flat fee
Meeting/Training Attendance (Full day – over 5 hours)	\$100.00 flat fee

(g) **Immunity.** Any person serving as a peacemaker enjoys judicial immunity while carrying out peacemaking duties.

Rule 4. Request for Peacemaking

(a) **Roster & Request Form;** The tribal court shall send the following documents to each party:

- (1) the roster of peacemakers; and
- (2) a peacemaking- request form.

(b) **Referrals by Agreement or Court Order**

- (1) The parties may agree to peacemaking, if:
 - (a) they file a request for peacemaking form with the tribal court;
 - (b) they all sign the request for peacemaking form; and
 - (c) the tribal court issues a peacemaking order referring the dispute to peacemaking.
 - (d) The tribal court may, on its own initiative, issue an order referring a dispute to peacemaking.
- (2) The judge or chief clerk of the tribal court shall designate two or more peacemakers for each peacemaking proceeding.

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(d) **Conflicts of Interest.**

(1) Unless the parties waive objection, no peacemaker may serve in a peacemaking session if the peacemaker or peacemaker's spouse or child, or any person within the second degree of relationship to either of them:

(a) has a personal bias or prejudice concerning a party, or personal knowledge of the disputed facts in the case;

(b) has served as lawyer or advocate concerning any matter in the case, or has been a witness concerning such matter;

(c) has served in any other capacity concerning the case; or

(d) has a financial interest in the subject matter of the case or in a party to the case, or any other interest that could be substantially affected by the outcome of the case.

(2) If a party believes that a designated peacemaker has a conflict of interest, then that party must notify the tribal court within seven days of learning of a possible conflict of interest; otherwise, that party is deemed to have waived objection.

(3) A peacemaker must promptly notify the tribal court of any potential conflict of interest.

(4) The chief clerk of the tribal court shall designate a new peacemaker if a conflict of interest arises unless the parties agree to waive objection.

Rule 5. Peacemaking Procedure

(a) **Peacemaking Session.** The peacemaker and the parties shall hold at least one peacemaking session within 60 days of the date of the peacemaking-order.

(b) **Attendance.** The chief clerk of the tribal court shall schedule a date and time for a peacemaking session. The parties must attend the peacemaking session. No attorney or advocate may attend any peacemaking session. The tribal court may impose a fine of up to \$100.00 on any party who, without good cause, fails to attend a scheduled peacemaking session.

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(c) **Confidentiality.** Any written or oral statements made in connection with or at a peacemaking session are confidential. The statements made and acts done by the parties in connection with a peacemaking session are not admissible in any court proceeding.

(d) **Structure.** The peacemaker may structure the peacemaking session in any way suitable to facilitate resolution of the parties' dispute. The peacemaking session is informal so no legal rules of evidence or procedure apply.

(e) **Conducting the Peacemaking Session.** During the peacemaking session, the peacemaker shall:

- (1) allow each party to speak freely in a respectful and orderly manner;
- (2) permit each party to tell its side of the dispute; and
- (3) use traditional or other method of harmonious conflict resolution to help the parties voluntarily settle their dispute.

(f) **Resolution.**

- (1) The peacemaker shall not act as a decision maker in a peacemaking session.
- (2) If a peacemaking session results in agreement, the peacemaker and the parties shall fill out and sign a peacemaking agreement form stating the terms. Any agreement reached in a peacemaking session is binding on the parties.
- (3) If a peacemaking session does not result in agreement, the peacemaker shall note on the peacemaking agreement form that no agreement was reached, and sign the form.
- (4) The peacemaker shall promptly transmit the peacemaking agreement form to the chief clerk.
- (5) The tribal court shall review the peacemaking agreement form, and may hold a hearing for that purpose. After review, the tribal court shall enter an order (A) accepting the resolution and incorporating the terms of settlement into a court order, or (B) placing the case back on the docket for resolution by the court.

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Rule 6. Appeals

(a) No appeal from a peacemaking referral by agreement or court order, or from a peacemaking session is permitted.

(b) A party may file a motion in the tribal court to enforce the terms of a peacemaking agreement.

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