TRIBAL RESTORATIVE JUSTICE PRACTICES AND PROCESSES

By Grace Carson

Some forms of restorative justice used by tribes may not be regularly practiced in non-tribal jurisdictions. Because of this, below are some definitions for some lesser-known restorative practices mentioned in this database.

Peacemaking

Peacemaking is a community-directed, traditional conflict resolution practice derived from Indigenous communities. In Indigenous Peacemaking, the process uses traditional practices and rituals such as the group circle and clan structures. It is a process that involves the community—including all parties to a conflict, their family and loved ones, elders, and other community members. This is because in Peacemaking, a harm done to someone is viewed as a harm done to all, including the person who caused the harm and the community in which the harm took place. Peacemaking looks different in each tribe depending on the community's culture and traditions.

Healing to Wellness Court

A tribal Healing to Wellness Court are tribal versions of treatment courts, previously known as drug courts, which are problem-solving courts that use treatment for substance use disorders as an alternative for incarceration and other punitive sentences. Healing to Wellness Courts are different from state treatment courts in that they incorporate a tribe's culture and values into the rehabilitative process.

Elder Panel

Elder panels are a panel of elders in a tribe's community that serve to assist tribal members in making reparations to victims and/or the community based on the culture and values of the tribe. These panels are often used as an alternative to the usual tribal court process and/or sentencing.

Importantly, some tribes will have restorative justice practices, processes, and systems that are not codified. For example, there are some tribes we reviewed that do not have restorative justice related laws, but do have established Healing to Wellness Courts.