

1

DEVELOPING AND REVISING THE POLICIES AND PROCEDURES MANUAL

Tribal Healing to Wellness Courts

Key Component #10



- The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of **formal written procedures** and agreements, are critical for Tribal Wellness Court success.

Purpose of the Manual

3

Establishes the Healing to Wellness Court

Describes Entry

Describes the Target Population

Identifies partnering agencies

Identifies partnering agencies

Provides the participant with due process

Functions of the Manual

4

Informs the tribal government, court, service providers, participants, and the community of the operations and authority of the court; and

Serves as a guide to the team members and participant by outlining the expectations and requirements of both the team members and the participant.

Other Foundational Documents

5

- The Policy and Procedures Manual can take many forms, and exist in multiple documents
- Other standard vehicles include
 - Participant Handbook
 - Formal Agreements (Memorandums of Agreement or Understanding)
 - Statutes (laws, codes, ordinances, etc.)
 - Court Rules
 - Informal Rules
 - Case Law
 - Template Petitions, Motions, & Orders
 - Forms
 - Brochures or Articles

Important Considerations

6

- **Living Document**
- Multiple Audiences
- Set standards that allow the court to be consistent, yet flexible
- Specific to the culture, history, and governmental structure of the tribe
 - Therefore, there is no template. Only basic elements.
- The act of writing a manual is crucial for the entire *team*.

OVERVIEW

7



- Big Picture and Target Population
- Entry into Wellness Court, Team & Participant Rules
- Team & Committee Role & Responsibilities
- Treatment & Phase System
- Judge & Wellness Court Staffings & Hearings
- Probation, Case Manager, or Other Supervision
- Alcohol & Drug Testing
- Data Tracking & Evaluation
- Wellness Team
- Appendices
- Participant Handbook

8

Big Picture & Target Population

- Mission and Vision Statements
- Goals and Objectives
- Program Description
- Court to Wellness Program Process
- Definition of Target Population
- Program Eligibility Criteria
- Violent Offender Prohibition
- Sexual Offender Prohibition

Big Picture & Target Population

9

- Mission & Vision Statements
 - Mission Statement – overall purpose
 - Vision Statement – picture of the preferred future
- Goals & Objectives
 - Goals – long-term aims that define accomplishment of the mission
 - Objectives – specific, quantifiable, realistic targets that measure the accomplishment of a goal



Sample Mission Statements

10

The Mission Statement of the Cherokee Tribal Drug Court is to protect the public safety, and reduce the criminal recidivism rate of alcohol and drug addicted offenders through an integrated approach that involves court supervision, substance abuse treatment services, education, employment, and personal accountability, resulting in positive and long lasting life changes.

-- Eastern Band of Cherokee Tribal Drug Court

The Fort McDowell Wellness Court Program is committed to the well-being and healthy lifestyles of substance abusing offenders by providing an individualized therapeutic program for all of its participants while strengthening community, family, individual, Native American traditional values and spiritual healing.

-- Fort McDowell Yavapai Nation Adult Wellness Court

Big Picture & Target Population Cont.

11

- Program Description
 - ▣ Describes the purpose and structure of the Wellness Court, including *type* of Wellness Court (Adult, Juvenile, Family, or DUI), concept of Wellness Court, and who is eligible.
- Court to Wellness Program Process
 - ▣ Describes (in lay-person terms) the process by which a participant moves through the tribal court process and is diverted into Wellness Court.

Big Picture & Target Population Cont.

12

- Definition of Target Population and Program Eligibility Criteria
 - ▣ Describe the characteristics of a person and their situation in defining who is eligible to be admitted.
 - ▣ Is there a target age? substance?
- Violent and Sexual Offender Prohibitions
 - ▣ Certain federal funding sources limit target populations. Must therefore define who is *ineligible*.

13

Entry and Team & Participant Rules

Entrance Requirements
 Agreement to Participate
 Program Rules
 Confidentiality
 Fines, Fees, & Court Costs

Entry into Wellness Court & Team and Participant Roles

14

- Entrance Requirements (screening and assessments)
 - Describes the process, *and the roles and responsibilities of Wellness Court team members* in successfully moving an eligible participant into the Wellness Court
- Agreement to Participate
 - Provides a notice to participants about what participation in the Wellness Court program will require
 - Some tribes tend to require a potential participant to read and sign an agreement to participate



Sample Agreements of Participation

15

The Agreement of Participation outlines the basic rules of the program and sanctions that may be imposed by the Cherokee Tribal Drug Court Judge for Failure to abide by the conditions of Cherokee Tribal Drug Court. The Form is read to each participant to ensure understanding of the requirements and possible sanctions. Each Participant must sign the form prior to admission.

-- Eastern Band of Cherokee Tribal Drug Court

Client shall read and voluntarily sign the Client Contract, Rules and Regulations, Participation Agreement, and Payment Agreement. Failure to agree to the terms within these documents can result in being ineligible for the Waabshki-Miigwa program.

-- Little Traverse Bay Band of Odawa Waabshki Miigwan Court

Entry into Wellness Court & Team and Participant Roles Cont.

16

- Program Rules/Daily Program Guidelines
 - Inform participants about their court and treatment hearing/group times and venues, and to lay the ground rules for their attendance and participation
 - Tend to promote responsibility, accountability, and respect, and include things like a pledge to remain drug and alcohol free
- Confidentiality
 - Provide legally effective notice and to obtain legally sufficient participant consent with respect to federal confidentiality laws (Health Insurance Portability and Accountability Act [HIPPA] and the Drug Abuse Prevention, Treatment and Rehabilitation Act)
 - Recommend using NDCI Template HIPPA Order and Template Consent for the Release of Confidential Information
- Fines, Fees, & Court Costs

17

Team & Committee Roles & Responsibilities

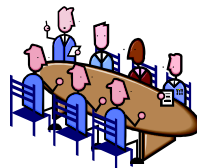
Oversight and Steering Committee Structure, Roles, Responsibilities

Team Roles and Responsibilities

Oversight and Steering Committee

18

- *Generally* consists of community members and government stakeholders who come together to negotiate the formation of the drug court program; assess program's progress; and address needed changes to its policies and procedures.
- Have authority to enter into memoranda of understanding or memoranda of agreement



Team Roles & Responsibilities

19

- Transparently describe the purpose, structure, compositions, roles, and responsibilities of the Wellness Court Team.
- Typical members include:

Judge	Probation Officers
Prosecutor	Treatment Providers
Police Officer	Case Managers
Defense Counsel	Tribal Leaders/Elders
Wellness Court Coordinator	
- See NDCI's "Core Competencies Guide" for a detailed list of the various drug court team members' roles and responsibilities.

Sample Team Roles & Responsibilities

20

Tribal Court Chief Judge – *The Judge ensures supervision by presiding over status hearings, attending staff meetings, and holding team members and participating agencies accountable for providing the proper services and asserting team professionalism. The Judge will also impose original sentencing and sanctions or incentives recommended by the YWC team. The Judge administers the policies and procedures and makes final determinations regarding participants.*

-- Yuork Wellness Court Program Guide

*The **Waabshki-Miigwan Judge** supervises and re-enforces treatment by reviewing the reports from the Waabshki-Miigwan team members and input from each participant and will assign various sanctions and incentives to encourage compliance with the Waabshki-Miigwan Program. The Judge will establish a rehabilitative relationship with the participant through intensive interaction during court appearances. The Judge assumes the role of not only Judge, but also mentor and encourager. The Judge responds quickly to any relapse or other violations with immediate sanctions that address the problem and encourages more dedication to the treatment process.*

-- Little Traverse Bay Band of Odawa Indians Waabshki-Miigwan Court Manual

21

Treatment

Treatment Planning

Program Phases

Cultural Elements

Sanctions, Incentives, & Termination

Treatment

22

□ Includes

- Clinical assessment
- Treatment planning
- Treatment and other services
- The design and structure of the phase system
- Cultural elements
- The sanction and incentive structure and content
- Termination criteria
- Graduation requirements and activities

Treatment

23

- Section often serves multiple purposes



Treatment Considerations

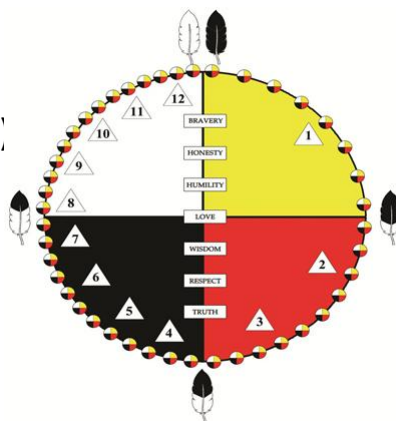
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- Traditional justice and healing concepts
- Addiction research
- Clinical assessments and individualized treatment plans
- Available alcohol, drug, and mental health treatment services,
- Phase System (including other services)
- Relapse prevention and aftercare
- Criteria for program termination

Wellness Court Phase System

25

- Program Phases
- Point System
- Sanctions (Consequences)
- Incentives (Rewards)
- Graduation



Waabshki-Miigwan Week-to-Week Diagram

Cultural Elements

26

- Healing to Wellness Courts incorporate a wide range of cultural elements into their phased treatment plan, such as
 - ▣ Consulting a medicine man or woman
 - ▣ Peacemaking, talking circles, or mediation
 - ▣ Religious society membership, ceremonies, or participation in the Native American Church
 - ▣ Education courses on tribal history, subsistence skills, family mapping
 - ▣ Community service



Sanctions, Incentives, & Termination

27

- Describe how the system of sanctions and incentives will work, and what will trigger sanction and program termination.
 - ▣ Due process implications
 - ▣ Should be modeled in culturally appropriate ways
- Positive Reinforcement (Incentives) → promoting sustained behavior change
- Sanctions → behavior cannot be permitted to recur and must be squelched quickly

Sample Sanction Point System

28

<i>Activity/Violation</i>	<i>Points</i>	<i>Sanction</i>
Missed Court Appearance – unexcused	5	Incarceration & Fees
Lying to Committee/Court	5	Essay/Letter of apology
Failure to submit a Drug Test	5	IMMEDIATE: minimum of 48 hours of incarceration; house arrest; increased testing
Uses of substances	5	IMMEDIATE: minimum of 48 hours of incarceration; house arrest; increased testing
Charged with new offense	5	House arrest; increased testing; possible incarceration
Use of medication without providing proper notice	5	House arrest; increased testing; possible incarceration
Violation of confidentiality	5	Essay on confidentiality, letter of apology, repeat MRT steps
Failure to contact Probation Officer	1 to 5	Daily check with Case Manager, curfew, or extra Court appearances
Failure to complete treatment assignments	1 to 5	Four (4) hours of community service

Graduation

29

- Describe and put participants and their families on notice of, what is required for program graduation.
- Requirements might include
 - Make all court appearances and treatment appointments
 - Reach the goals of individual case plan
 - Continued sobriety for 180 consecutive days
 - Complete all phases
 - Complete a community service project
 - Have continuing care plan
 - Complete all court obligations
 - Have stable living arrangements
 - Attain high school diploma or GED
 - Be gainfully employed or in academic/vocational training



30

Judge & Wellness Court Staffing & Hearing

Judicial Supervision

Wellness Court Hearings

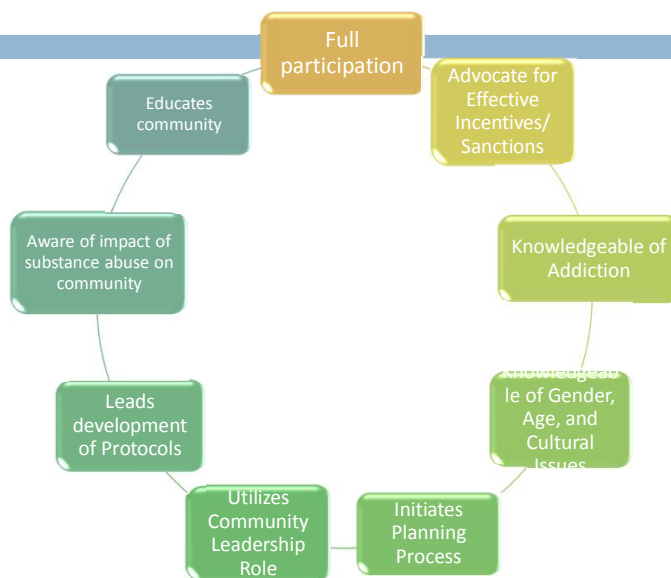
Judicial Supervision

31

- Describe the role, function, and what might be expected of the Wellness Court Judge in case reviews Wellness Court hearings
- See *Tribal Healing to Wellness Courts: The Judicial Benchbook* and NDCI's *The Drug Court Judicial Benchbook*



NDCI's Judge Core Competencies



Wellness Court Hearings

33

- Describe the purpose of the Wellness Court hearing, how it proceeds, how often it is held, and what is expected of the participant.



34

Other Sections

Probation, Case Managers, or Other Supervision

Alcohol & Drug Testing

Data Tracking and Evaluations

Probation, Case Manager, or Other Supervision

35

- Describe who will supervise what and what is expected of the participant.
- Case Management → focuses on the holistic and basic needs of the participants, and assisting them with those needs.



Alcohol & Drug Testing

36

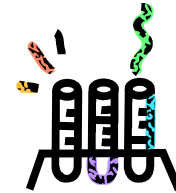
- Describe the alcohol and drug testing policy, process, and what is expected of the participant.
- Some tribes require that a client enumerate their responsibilities and expectations association with the drug detection program.



Drug Testing Cont.

37

- Other items of consideration include
 - Specimen options
 - Selection of drugs to be tested
 - Testing methods
 - Interpreting results
 - Urine drug levels
 - Drug detection times
 - Tampering
 - Client excuses



Data Tracking & Evaluation

38

- Tribal Wellness Court teams are expected to develop evaluation plans that describe the team's interim and long term goals.
- Teams therefore need to develop data collection and tracking systems, and then report on the data.
- The Manual should detail how information will be gathered, by whom, and how the information will be reported.

39

Wellness Team

About the Team

Ethics

Team Transition

Ethics

40

- Delineate a set of ethical standards for Wellness Court Team members and to provide notice to these team members, the participants, their families, and the tribal community.
- Considerations include
 - ▣ Confidentiality binding the Wellness Court team
 - ▣ Confidentiality binding the participants
 - ▣ Communication outside of drug court

Team Transition

41

- Establish a policy governing what will happen when there is turnover.
- Considerations include
 - ▣ Requiring an exit interview
 - ▣ Preparing a Wellness Court packet of information for new team members
 - ▣ At the first meeting, having each team member briefly describe their own role and responsibilities

Appendices

42

- Key Components
- AA Twelve Steps
- “Indian” Twelve Steps
- Local Traditional Value Statements

43

Participant Handbook

Participant Handbook
Flow Charts of Process
Program Phase Tables
Written Policies on Incentives and Sanctions

Participant Handbook

44

- Intended for the potential and active participant and his or her family
- Uses simple, lay-friendly language with supportive tone
- Developing a Participant Handbook: develop a list of topics, and then either
 - ▣ Solicit participants' perspectives, or
 - ▣ Have the team put themselves in the shoes of the participants to ask three questions per topic

Participant Handbook: Possible Table of Contents Items

45

- Vision/Mission
- Description of Wellness Court Program
- Eligibility Criteria
- Journey to and Through Wellness Court Program
- Orientation and Entrance
- Phase Requirements
- Drug Testing
- Compliance and Incentives
- Violations and Sanctions
- Treatment Services
- Graduation and Termination
- Pathways for Success
- Program Rules
- Confidentiality Policy
- Hearsay Policy
- Grievance Policy
- Fines, Fees, and Costs
- Team Roles
- Forms (intake, confidentiality contract, release of info, orientation checklist, etc.)

The screenshot displays the homepage of WellnessCourts.org. At the top, there are links for 'Email', 'Print', and 'RSS', along with a search bar. The main banner features an illustration of four individuals in traditional clothing against a starry background, with the text 'Tribal Healing to Wellness Courts'. Below this is a navigation menu with 'Home', 'About Us', 'Services', 'Technical Assistance Partners', and 'Federal Funding Agencies'. The 'Welcome' section includes a paragraph of placeholder text and a 'More' link. To the right, a sidebar contains five buttons: 'Request Technical Assistance', 'Funding Announcements', 'Upcoming Events', 'Drug Court T/TA Calendar', and 'Prior Event Resources'. The footer contains 'Resources & Tools' and a list of resource categories: 'Wellness Court Resources', 'Tribal Key Components', 'Forms & Policies', 'Drug Court Research & Treatment', and 'State Resources'. The website name 'WellnessCourts.org' is prominently displayed at the bottom.

Tribal Law and Policy Resources

www.tribal-institute.org/lists/drug_court.htm

- Tribal Healing to Wellness Court Publications
 - ▣ Tribal 10 Key Components
 - ▣ Overview
 - ▣ Judicial Bench Book
 - ▣ Policies and Procedures
- Judicial Bench Cards
- Training Calendar

2013 NADCP Conference - July 15, 2013

Upcoming Event



SAVE THE DATE

**Tribal Healing to Wellness Court
Enhancement Training**

September 11-13th, 2013

Renaissance Hotel

Agua Caliente Reservation, California

enhtraining.tlpi.org

2013 NADCP Conference - July 15, 2013

Tribal Law and Policy Institute



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2013 NADCP Conference - July 15, 2013

Tribal Law and Policy Institute

The Tribal Law and Policy Institute (TLPI) is a Native American owned and operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

Tribal Court Clearinghouse
www.tlpi.org

2013 NADCP Conference - July 15, 2013