

## Lessons Learned from the First Four Tribal Wellness Courts with Recommendations for the Future

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## State Drug Court Model

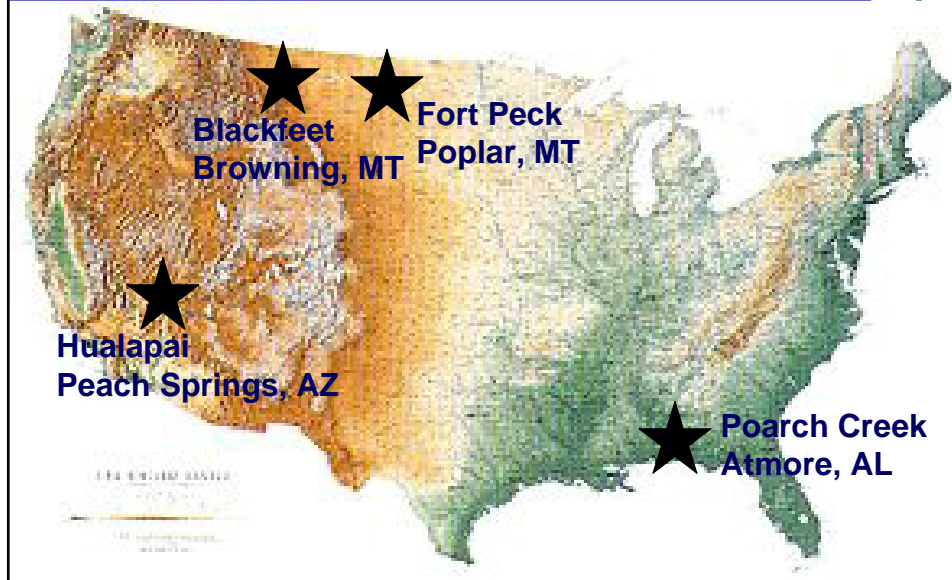
- Non-adversarial process
  - Reduce recidivism by treating underlying substance abuse and alter behaviors
  - Phased program
    - Incentives and sanctions
    - Mandatory drug testing
    - *Treatment*
- = Therapeutic Justice*

## Tribal Wellness Court Model

State Drug Court Model +  
Spirituality Component

- *Healing, Wellness, Harmony, Balance  
(Sweats, Fasts, Prayers)*
- *Group Problem Solving (Talking Circle)*
- *Use of Tribal Elders*

## First Four Tribal Wellness Courts



## Mixed Method Methodology

- Three to four site visits per tribe
- 125+ semi-structured interviews
  - Participants
  - Team members
  - Law enforcement
  - Treatment providers
  - Community
- 200+ case file reviews
- County and state database reviews

## Tribal Healing to Wellness Courts: The Key Components

- 1) Team Approach
- 2) Due Process Protections
- 3) Early Identification
- 4) Holistic Substance Abuse Treatment
- 5) Intensive Monitoring
- 6) Sanctions and Incentives
- 7) Judicial Involvement
- 8) Evaluation
- 9) Continuing Education
- 10) Community Outreach

## Mentor Court Advice

*“Contact other courts and talk with them. You have to have this communication going and they can help you with a lot of problems, or help you prevent a lot of problems you will end up with because when you’re just going into this, you really don’t know what you’re going to run into.”*

## Lesson Learned #1

- **Build the Wellness Court team based on roles, not on specific individuals.**
- **Develop a strong structure for the Wellness Court with written policies and procedures such as interagency agreements that survive membership changes.**

## Strong Structure

*“The lesson learned here is that you have to keep the same staff. And if you can’t, and all tribes have turnover, have a policy and procedures of each role specific on what their role is, so a person can come in and just pick up.”*

*“... because people leave, people come and go, and sometimes the agency forgets to send a new rep in and I think that’s important to have [an MOU] and to renew it annually.”*

## Strong Structure

*“Make sure [you] have a signed MOU from every tribal council member, the jail, and treatment providers, so there is no breakdown with the team, where a decision is laid down, people abide by it. ... The structure needs to be set in place, you know in Indian country, structure is a hard thing to come by, everybody likes to change the rules week to week.”*

## Lesson Learned #2

- **Assume the participants do not understand the Wellness Court rules and regulations.**
- **Use an “informed consent” approach with participants by reviewing the manual and contract regularly to remind them of the rules and regulations.**

## Informed Consent

*“Make sure that the participants understand what they are getting into, that they’re well aware of the consequences if they don’t follow the rules, going over everything in the contract thoroughly to make sure what they can and cannot do. ... I wasn’t aware of that. If I would have known that by confessing I would have gone to jail, I wouldn’t have gone into this program.”*

## Lesson Learned #3

- **Be more exclusive than inclusive in participant selection.**
- **Select participants who show a readiness for change or have different treatment strategies for those participants who are at different stages of readiness for behavioral change at the time of admission to maximize resources and success.**

## Readiness for Change

*“I’ve seen students who sit in the class and you talk to them, and you teach them, and you train them and they don’t receive it. How do we overcome that? We continue to treat them and one day they do receive it, one day it’s not falling on a deaf ear.”*

## Readiness for Change - No

*“They found some marijuana on me, possession of marijuana, so I made a deal with them, instead of jail, I signed up for a year in drug court. ... It was just to get out of jail.”*



## Readiness for Change - Yes

*“I have a six year old, he watched the cops bust us, he watched the cops put handcuffs on me, he watched them put me in a police car and drive away with me. So, that was an eye opener for me. They say to do it for yourself, you gotta want to do it, but I did it for my kid ... .”*

*“I could do jail time, but I was getting tired of my life.”*

## Readiness for Change

*“A lot of clients after they’d seen [the policies and procedures], decided that wasn’t the way they wanted to go.*

*Those are the ones who didn’t want help.”*

## Readiness for Change

### Transtheoretical Model of Behavioral Change

- Stages:
- (1) Precontemplation
  - (2) Contemplation
  - (3) Preparation
  - (4) Action
  - (5) Maintenance

## Lesson Learned #4

- **Be careful in asking participants to do activities that can be perceived as religious rather than cultural.**
- **Distinguish between integrating cultural tradition and integrating religious belief into the Wellness Court to avoid conflict with individual religious practices.**

## Distinguish Culture from Religion

*“Some were reluctant [to go into the sweat lodge], they were strong Christians, but [learning how to build a sweat lodge is] cultural education. When you go in the sweat lodge, it’s religion.”*

## Distinguish Culture from Religion

*“I’ve been to other meetings where they pass sage and blow the smoke unto themselves, which is extremely respectful and I respect that if someone wants to participate, but it doesn’t make me any less of an Indian if I don’t.”*

## Lesson Learned #5

- **Monitor participants using team member probation officers during the hours when illegal acts are most likely to occur to provide the best supervision of the participants.**
- **Do not rely on law enforcement for intensive monitoring.**

## Intensive Monitoring by PO

*“[Monitoring was] home visits, I did nights and weekends random drug testing. You know how monitoring weekends and nights is, going to the bars, cruising the streets, going to parties and peeking in seeing who was all there. ... My job description said 24/7.”*

## Lesson Learned #6

- Reward positive behaviors liberally to achieve compliance.
- Do not focus primarily on negative sanctions to achieve compliance.

## Reward Positive Behaviors

*“We needed to be a little more flexible in our sanctions, and our incentives needed to be more. We needed to give them more. ... . I think we needed to be more resourceful on that.”*

## Lesson Learned #7

- **Have a judge who knows how to be a team player to enhance the teamwork in Wellness Court decision making.**
- **Be selective in choosing a Wellness Court judge.**

## Judge as Team Player

*“[The judge] is going to make the final decision as to what we’re going to do with somebody, we all have input what we’re going to do with somebody, especially if somebody gets into trouble. **But we’ll talk about it, he’ll ask what the consensus is. He generally goes along with what the group says because he knows that all he has to go by is what we tell him.**”*

## Judge Not as Team Player

*“I still blame the other judge for a lot of it, because she just completely took it over, like I said, **it quit becoming a team.** It was ‘I said this and I said that’, and that was the end of it.”*

## Lesson Learned #8

- **Maximize the importance of the collection of evaluation data.**
- **Begin systematic and uniform automated data collection on Day One of the Wellness Court and construct an integrated database to enable both internal and external evaluations to be conducted.**

## Lesson Learned #9

- **Match staff members with appropriated trainings and educational conferences to avoid repetitive training and to keep members up to date.**
- **Do not attend a training or conference without reviewing the agenda and deciding if it is the right choice.**

## Appropriate Trainings

*“Some of [the trainings] were very useful and **some were repetitive**. We’ve had some where we learned a good bit and some that was a **rehash of what you had before**.”*



## Lesson Learned #10

- **Integrate the Wellness Court from the start with the community.**
- **Emphasize outreach with tribal council, law enforcement, training center, health and social services, and community college to both take advantage of tribal resources and increase ownership of the Wellness Court program.**

## Emphasize Outreach Early

*“People who are on board from the beginning, actually are better contributors rather than someone that you bring in at the last minute. **They need to have a little ownership of the process, ... the buy-in.** If they have ownership, it’s actually more successful.”*

## How Successful in Meeting Goals?

- “Achieve a **reduction in recidivism** and **substance abuse** and increase the likelihood of successful rehabilitation.”
- “Rehabilitate these offenders into becoming **sober, healthy, productive law-abiding citizens**. This in turn will reduce the [tribe’s] crime rates, incidents of violence, and the Tribal Court calendar while **improving educational levels, cultural identity, family relationships, and overall wellness for the people**.”

## A Participant’s View

“For me, [Wellness Court] turned me around, I mean, the way I was headed, car wreck, things like that could have happened to me very easily. ... It’s your life that we’re talking about, take it very seriously, I do. I want to live long and old and have grandkids all over the place.”

## A Team Member's View

*"You can tell their self-esteem just sky-rockets. You get one of these people, for example, a driver's license, and they're 28, 30 years old and they've never had a driver's license and all of a sudden, they have a driver's license and they have a good paying job, the clothes change, they seem to eat better, their whole self-esteem just sky-rockets."*

## Post-Program Drug/Alcohol Arrests

- Tribe A                       $6/19 = 32\%$   
    $4/8 = 50\%$  (3 yrs)
- Tribe B                       $18/40 = 45\%$  (3 yrs)
- Tribe C                       $32/61 = 51\%$   
    $14/22 = 64\%$  (3 yrs)

## Apples and Oranges



## Relapse or Recidivism?

- Majority of post-program arrests are for misdemeanor alcohol-related offenses
  - Public Intoxication
  - Open Container
  - Driving Under the Influence
  - Minor in Possession
  - Liquor Violation

## Substance Abuse Slowed Down

- Q - Are you still using alcohol?
- A - Well, like I say, it's progress, not perfection, I mean it was a constant thing, every day I would have to drink or something, but so far, lately, you know I've cut back, not an every day thing. It still comes around though.

## Substance Abuse Slowed Down

- Q - What's kept you from relapsing?
- A - I can't say that I haven't. I have, you know, a couple of times, I guess it's acceptance to say that I failed again, and I'll try again, but it's just an ongoing thing, you can never say that you're cured, or that you're better.

## Substance Abuse Slowed Down

- Q - What if any changes have you seen in people who participated in the wellness program?
- A - I guess they slowed down their drugs and alcohol and stayed with their families sober.

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