A large, stylized graphic of a feather or fan-like shape, rendered in a dark brown color, is centered on the page. It has multiple layers of pointed, overlapping segments that create a sense of depth and movement.

**12th National Indian Nations Conference:
Justice for Victims of Crime
December 9-11, 2010
Palm Springs, CA**

Presenters:

Hon. Judge Joe Flies-Away

Hon. Judge Carrie Garrow

Donna Humetewa, former Hopi Wellness Court Coordinator

Hon. Judge Pat Sekaquaptewa

Diana Webster, TLPI Tribal Court Specialist

Tribal Law and Policy Institute (TLPI)

Who We Are:

The Tribal Law and Policy Institute is a Native American governed 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

Bureau of Justice Assistance Grant

**Tribal Healing to Wellness
Courts**

**Technical Assistance and
Training**

Project Goals and Deliverables

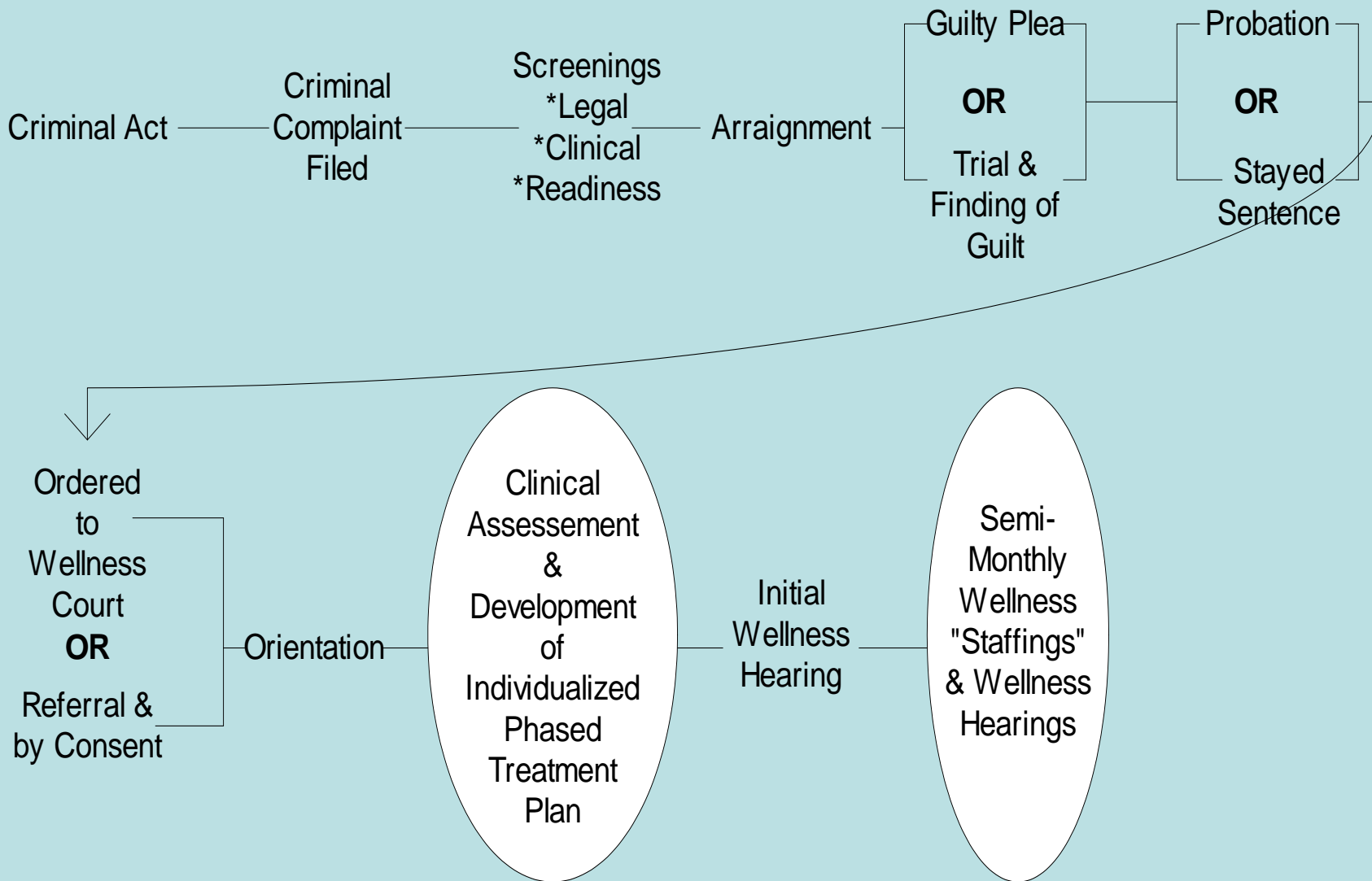
Project Goals

3 overall goals:

- T/TA to assist tribal jurisdictions in *developing* tribal adult, juvenile, and/or family drug court (wellness courts)
- T/TA to *strengthen existing* tribal drug courts
- *State-of-the-art information & resources* on effective strategies for addressing substance-abusing offenders in tribal drug courts

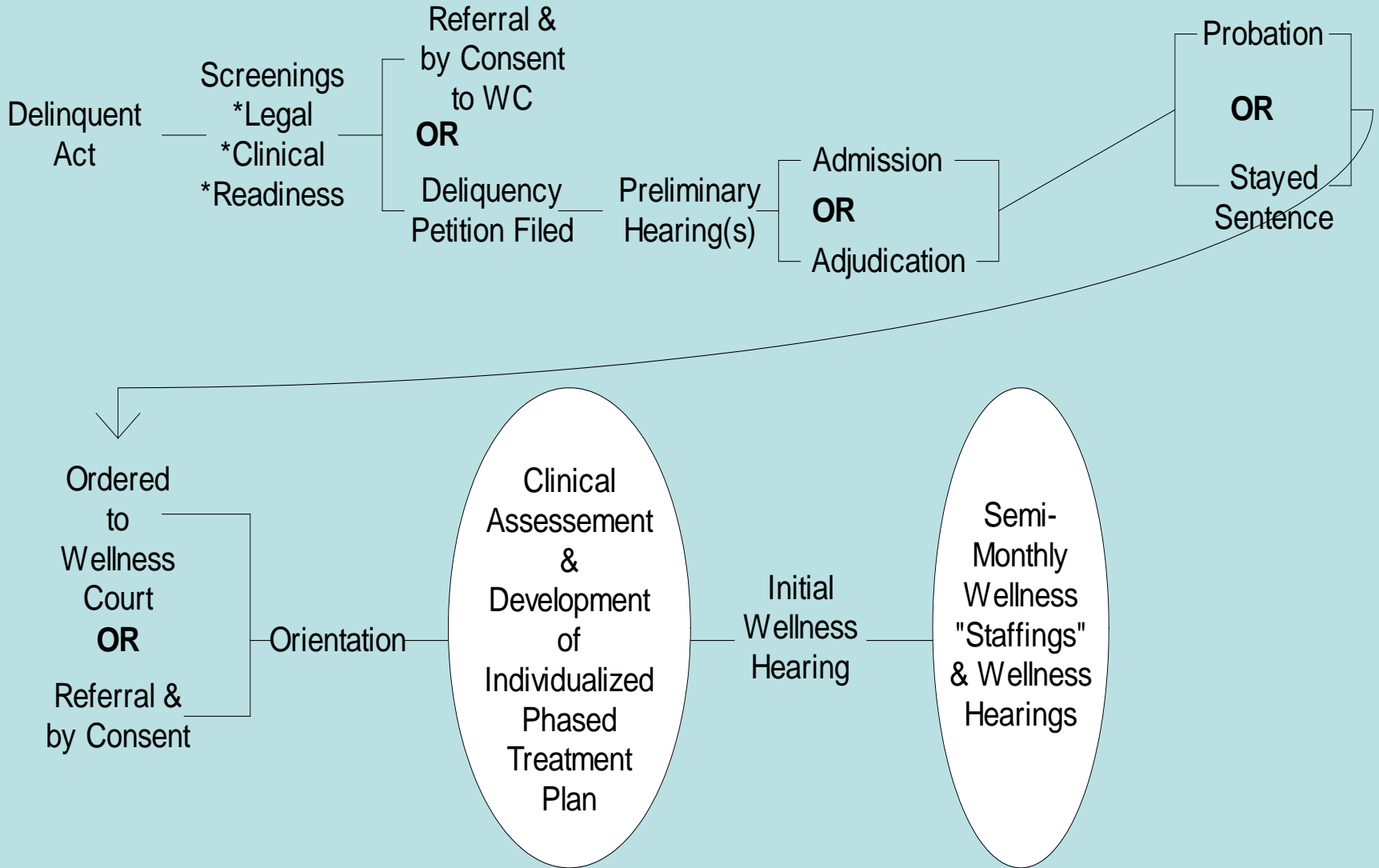
Tribal Wellness ("Drug") Court Process

(Adult Drug Court)



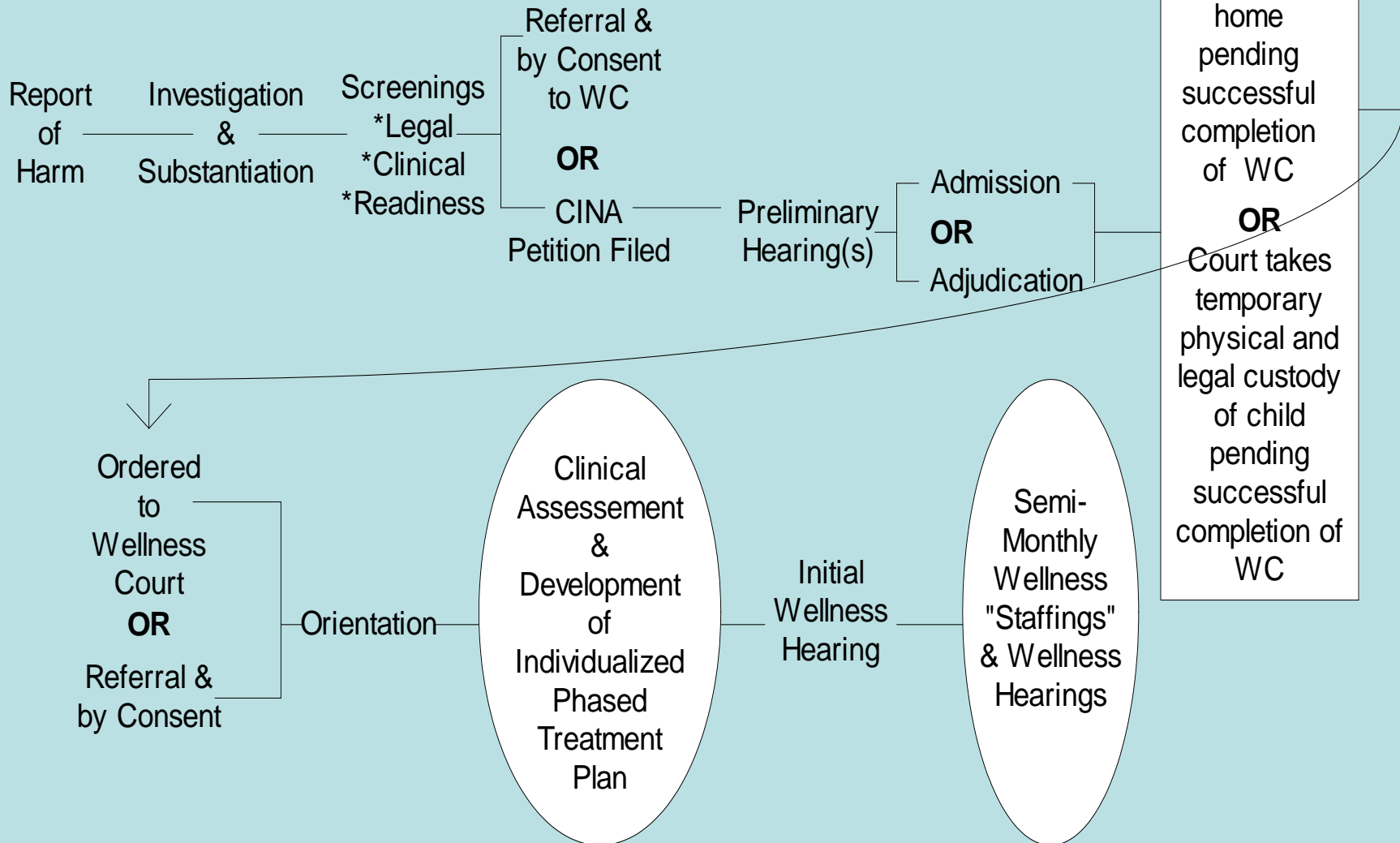
Tribal Wellness ("Drug") Court Process

(Juvenile Drug Court)



Tribal Wellness ("Drug") Court Process

(Family Drug Court)



Tribal Key Component 1:

Tribal Healing to Wellness Courts bring together community-healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.

Tribal Key Component 2:

Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

Tribal Key Component 3:

Eligible substance abuse offenders are identified early through legal and clinical screening for eligibility and are promptly placed in the Tribal Healing to Wellness Program.

Tribal Key Component 4:

Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.

Tribal Key Component 5:

Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.

Tribal Key Component 6:

***Progressive consequences
(or sanctions) and rewards
(or incentives) are used to
encourage participant compliance
with program requirements.***

Tribal Key Component 7:

Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

Tribal Key Component 8:

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress; and preparing evaluative information for interested community groups and funding sources.

Tribal Key Component 9:

Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

Tribal Key Component 10:

The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

NIJ Funded Evaluation, 2005

- *Karen Gottlieb, P.I.*
- ***Project Team:***
 - *Carol Deck, JD*
 - *Christine Duclos, PhD, MPH*
 - *Stephen Koester, PhD*
 - *Hon. Jill E. Tompkins*
- ***Process and Outcome Evaluations in Four Tribal Wellness Courts***
 - Hualapai
 - Fort Peck
 - Black Feet
 - Poarch Creek

Methods

- Over 100 semi-structured interviews were conducted
- Over 220 case files were reviewed
- Post-program arrest data was collected
- The Ten Key Components in “Tribal Healing to Wellness Courts” were used to categorize the interview comments into the ten program implementation categories.

Gottlieb Findings & Report

- *Wellness teams had a great deal of member turnover*
- **Lesson Learned #1 – Develop a Strong Structure for the Wellness Court Team**
 - Build the wellness court team based on roles, not on individuals
 - Detail the responsibilities of team members from various agencies in written policies and procedures

Gottlieb Findings & Report

- *Participants seemed surprised by the huge time commitment required by the wellness court and did not fully comprehend the wellness court requirements*
 - *no public defender or public defender did not advise participant of his options before entering*
- **Lesson Learned #2 – Use the Informed Consent Model for Wellness Court Admittance**
 - Use an “informed consent” approach with potential participants to ensure their due process rights are protected.
 - Review the wellness court rules regularly with the participant

Gottlieb Findings & Report

- ***Recidivism (post-program arrests) for alcohol or drug related offenses for a 3-year period following wellness court participation ranged from 50-59% in the adult courts and over 90% in the juvenile courts***
- **Lesson Learned #3 – Assess Readiness for Change in Potential Participants**
 - Choose participants who are motivated and ready to change their substance abuse behavior to maximize scarce resources and increase wellness court success.
 - Have a clear termination policy to weed out participants who are not working the program

Gottlieb Findings & Report

- **Lesson Learned #4 – Integrate Culture, not Religion, into the Wellness Court**
 - Integrate cultural tradition into treatment, but do not require participants to do activities that can be perceived as religious rather than cultural because many tribes are religiously diverse.
 - Emphasize culture – how to build a sweat lodge, not religion – participating in a sweat lodge ceremony, to avoid conflict with individual religious beliefs.

Gottlieb Findings & Report

- ***Difficulty in maintaining intensive supervision and monitoring because of shortage of probation officers, the relatively expensive cost of the drug testing supplies***
- ***Participants complained that hearsay evidence was used in determining noncompliant behavior***
- **Lesson Learned #5 – Monitor During Times When Illegal Acts are Likely to Occur**
 - Monitor and test participants using team member probation officers during the hours when illegal acts are most likely to occur.

Gottlieb Findings & Report

- ***Incarceration was often too readily used as a sanction and participants could serve more time while in wellness court than if they had served their original sentence***
- ***Too much focus on sanctioning negative behavior and not enough focus on rewarding positive behavior***
- **Lesson Learned #6 – Reward Positive Behavior**
 - Reward compliant behavior with incentives rather than emphasizing punishing noncompliant behavior with sanctions.
 - Be judicious in levying non-therapeutic sanctions such as incarceration that are antithetical to the holistic healing philosophy underlying wellness courts.

Gottlieb Findings & Report

- *The original judge left and was replaced by a judge who did not practice wellness court principles or who was not a team player*
- **Lesson Learned #7 – Choose a Wellness Court Judge Who Can Be Both a Leader and a Team Player**
 - Choose a judge for wellness court who understands and practices wellness court philosophy. The judge makes or breaks the wellness court; not every judge can relinquish the traditional role of sole arbiter and be a team player.

Gottlieb Findings & Report

- ***Lack of automated (computerized) wellness records***
- **Lesson Learned #8 – Collect Automated Wellness Court Information Systematically from Day One**
 - Begin systematic and automated data collection on Day One of the wellness court to allow for rigorous internal and external evaluations.
 - Do not wait until the wellness court is underway and retrospectively collect the information.

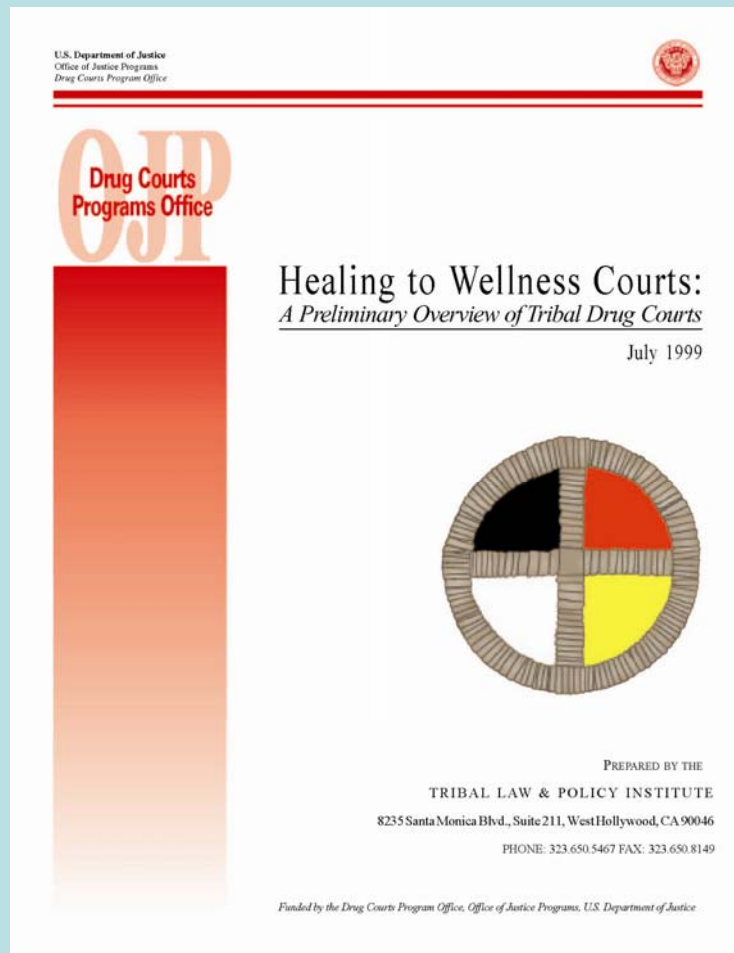
Gottlieb Findings & Report

- *Wellness teams has a great deal of member turnover*
- **Lesson Learned #9 – Develop a Written Curriculum for Wellness Court Staff**
 - Develop a written curriculum for wellness court staff a wellness court handbook that includes ...
 - educational information on substance abuse
 - the wellness court philosophy
 - specific information on the policies and procedures of the court.

Gottlieb Findings & Report

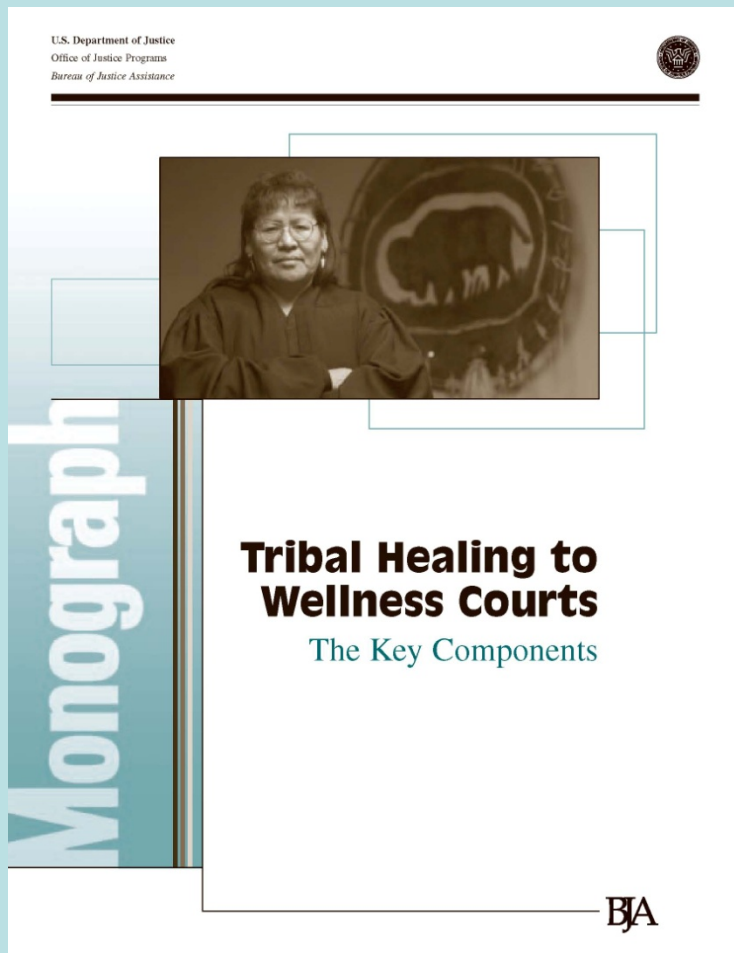
- *The purpose and goals of the wellness courts were not well known to their communities at large*
- **Lesson Learned #10 – Emphasize Early Outreach within the Community**
 - Emphasize early outreach within the community to both take advantage of tribal resources and to increase buy-in by community members.
 - Ensure wellness court institutionalization by making the wellness court something owned by the community as a whole, and not the tribal court alone.

Healing to Wellness Courts: A Preliminary Overview of Tribal Drug Courts



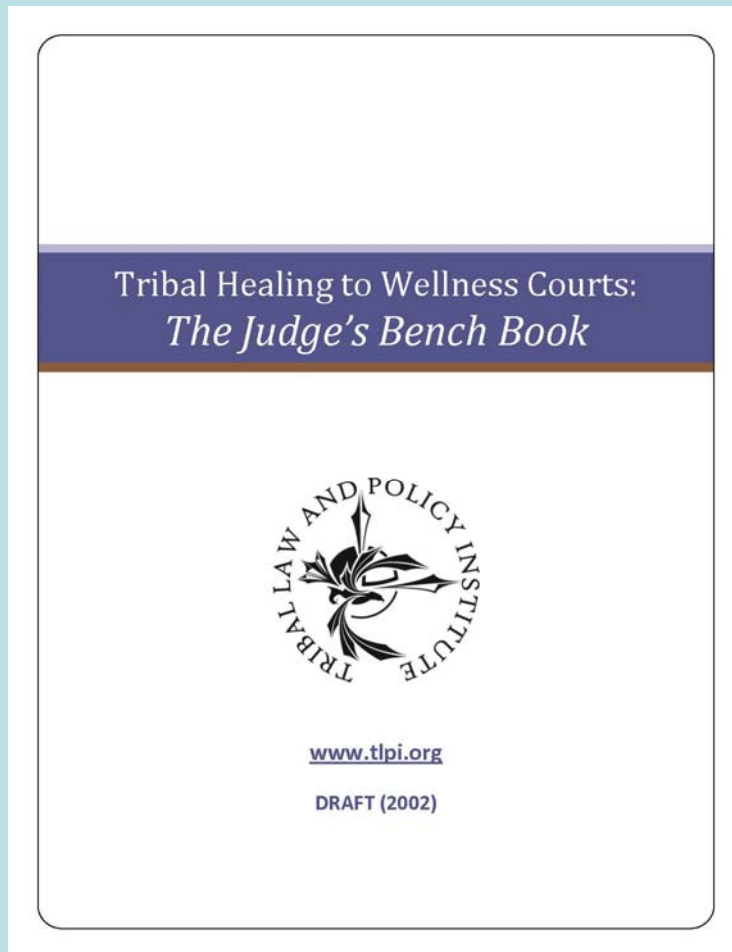
This publication (initially published in July 1999) provides an overview of Tribal Drug Courts or Tribal Healing to Wellness Courts and information concerning the background of the Tribal Healing to Wellness Courts movement, the unique role and importance of tribal justice systems, adapting the term "drug court" for tribal justice systems, defining drug courts, and defining Healing to Wellness Courts. It then provides an overview of some of the critical issues and challenges faced by Tribal Healing to Wellness Courts, including the challenge of incorporating tribal custom and tradition, addressing the high volume of alcohol abuse cases, and addressing jurisdictional and resource limitations.

Tribal Healing to Wellness Courts: The Key Components



Tribal Healing to Wellness Courts: The Key Components published in April 2003 is designed to provide suggested key components and recommended practices needed for Indian Nations and tribal justice systems to consider as they design, develop, and implement drug courts that meet the needs of their individual communities. The publication is organized around ten key components, adapted for Indian nations and tribal justice systems, which describe the basic elements that define Tribal Healing to Wellness Courts. The purpose of each component is explained, followed by several recommended practices that give guidance for implementing each component. Healing to Wellness Courts help to put misguided individuals back on track, on to a healing to wellness journey. As this publication sets forth, each tribal community and nation must define and describe the nature of this healing journey. Its direction and pathway must be guided by each Indian Nation's culture, tradition, common practices, and vision.

Tribal Healing to Wellness Courts: The Judge's Bench Book

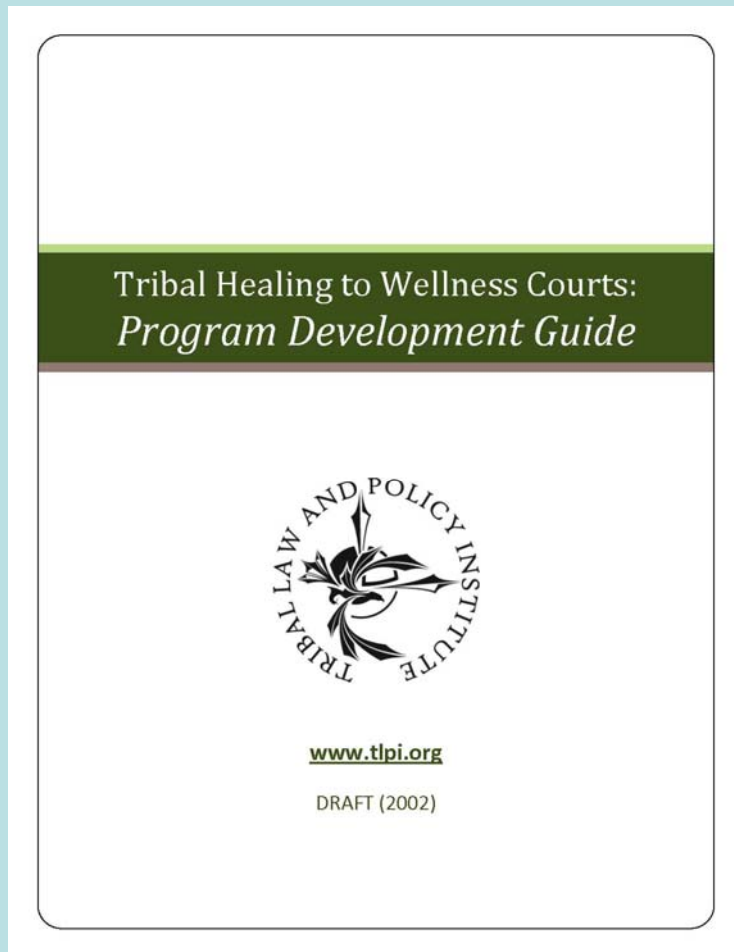


For every difficult demanding journey, one must have a leader. In a Healing to Wellness Court, that person is the judge.

This draft (2002) bench book is designed to provide instruction and practical tools for judges in their efforts to guide those traveling on the road to wellness. It is designed to provide general guidance for judges, examples of court procedure, and tools to assist judges in their wellness court role.

This benchbook is also useful for wellness court team members and community leaders who are interested in designing, creating, an implementing a wellness court program.

Tribal Healing to Wellness Courts: Program Development Guide

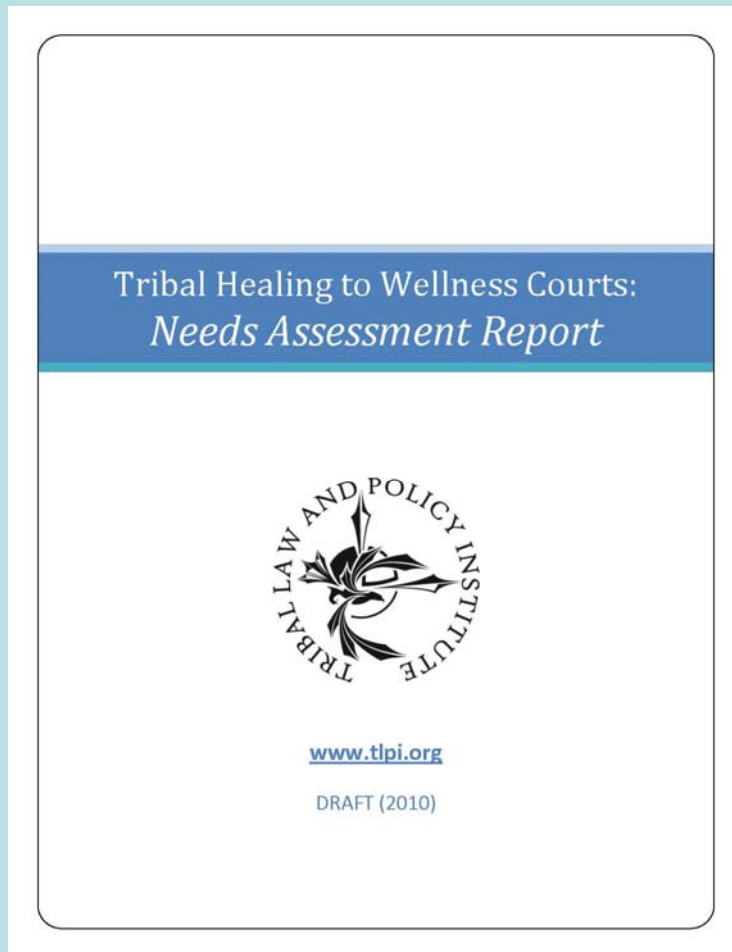


Tribal Healing to Wellness Courts: Program Development Guide [draft (2002)] is a practical handbook for planning, implementing, and managing Healing to Wellness Courts (adult, juvenile, and family).

This program development guide provides step-by-step recommendations for design, development, and implementation of Tribal Healing to Wellness Court programs from a practical standpoint.

It is designed to assist steering committees and planning groups as they (1) use team-based approaches; (2) gain knowledge of Healing to Wellness Court concepts; (3) incorporate the ten key components; (4) help establish policies and procedures suitable to the needs of the tribal community; (5) guide the court to integrate available resources; (6) develop interagency agreements; (7) incorporate a management information system to track participants and services; and (8) identify possible problem areas.

Wellness Court Needs Assessment 2010 Report



As part of a grant from BJA to provide training and technical assistance to Tribal Wellness Courts, the Tribal Law and Policy Institute sent out a needs assessment survey in November of 2009 to over 90 tribes to gain insight into the most pressing needs among active or once-active Wellness Courts so that TLPI could focus our efforts on the most relevant T/TA, especially for BJA grantees.

For More Information . . .

TLPI believes in providing resources free of charge, or at minimal cost, whenever possible.

Visit www.tlpi.org

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