

How to Start a Joint Jurisdiction Court



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Wise advice from a 9-year-old

- Be proud of who you are
- Open your minds
- “Learn” each other
- DON'T BE AFRAID

Goals

- Address the impact of substance use and needs facing tribal members, families and the community
- Determine how Joint Jurisdiction Courts can better meet needs facing tribal communities

ASK YOURSELF.....

- How do you heal the whole community?
- What are the long-term benefits of working together?
- What are the cost savings across all systems?
- How do you develop collaboration within agencies and across jurisdictions?

Why???



Joint Jurisdiction

“Together Everyone Achieves More”

What is Joint Jurisdiction?

Jurisdiction is exercised jointly when a tribal court judge and a state or federal court judge come together to exercise their respective authority simultaneously, bringing together justice system partners and leveraging resources to promote healing and protect public safety.

NOT JUST "HEALING TO WELLNESS/DRUG/DWI COURTS"!!

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"The execution of the Joint Powers Agreements between the Tribal Court and State District Courts...are an important example of how broader inter-governmental relations can begin to come full circle back to that of co-equal sovereigns."

-Leo Brisbois (White Earth Ojibwe)

Federal Magistrate Judge/former President of Minnesota State Bar Association

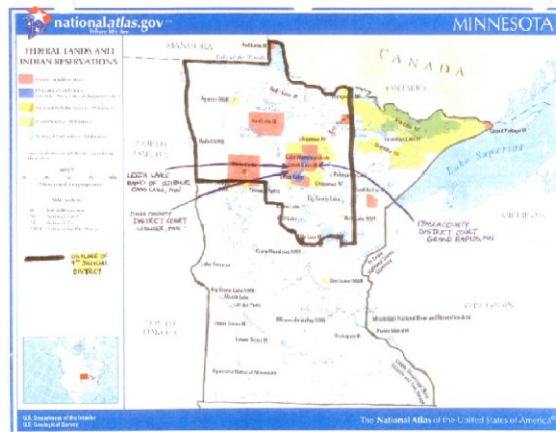
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Where it all began....

“Poverty, addiction, and hopelessness know no jurisdictional boundaries”

Minnesota's Ninth Judicial District



Tribal Court –State Court Collaborative Model

- I. Getting Started - *"A Million and One Doeses Why it Won't Work"*
(or, "You ain't pound square pegs into round holes")



- II. Opening Lines of Communication - *"Finding Common Goals"*



- III. Exploring Collaboration - *"Finding Common Ground"*



Common Goals

- Reducing disproportionate minority contact
- Fewer children in out of home placement
- Addressing the epidemic of drug and alcohol abuse
- Reducing number of DWI's and traffic fatalities



RESTORATIVE JUSTICE – “Care for the People”

Adult Wellness (DWI/Drug) Courts

Juvenile Diversion

Juvenile Delinquency

Juvenile Reentry

Approach

- Tribal Court Case Management Team
- Culture-specific; trauma-informed, strengths-based; family oriented; based on Ten Principles of Wraparound Process
- Focus on co-occurring disorders (mental health/substance abuse)
- Sustainability through reimbursement for services

Joint Jurisdiction Adult Wellness (DWI//Drug) Courts

- Judges – State District Court Judge & Tribal Court Judge
- County Attorney
- Public Defender
- Probation/Supervision – MN Dept. of Corrections and County Probation
- Law Enforcement – County Sheriff & Leech Lake Police
- Treatment Assessor/Provider – Leech Lake Outpatient & Private Treatment Providers
- Coordinator/MIS – 9th Judicial District and County Probation
- First Joint Tribal-State Jurisdiction Wellness Courts in nation

Cass County & Itasca County – Leech Lake Wellness Courts

- Created in 2006 and 2007 to address epidemic of alcohol-related crashes, deaths in Cass County and methamphetamine abuse in Itasca County
- First joint jurisdiction courts in the nation
- Clients include Tribal Members and Non-Indians
- LL-CC holds court sessions by ITV in Walker and Cass Lake
- LL-IC holds court sessions in Grand Rapids, judges take bench together
- Multi-jurisdictional, multi-agency participation
- LL-CC operated on handshake for over a year

Joint Jurisdiction Wellness Court Teams

- Judges – State District Court Judge & Tribal Court Judge
- County Attorney
- Public Defender
- Probation/Supervision – MN Dept. of Corrections and County Probation
- Law Enforcement – County Sheriff & Leech Lake Police
- Treatment Assessor/Provider – Leech Lake Outpatient & Private Treatment Providers
- Coordinator/MIS – 9th Judicial District and County Probation

Wellness Court Success Stories

- Participants reunited with children/families
- Valid driver's licenses
- Employment/school
- Ending abusive relationships
- Participants have tens of thousands of days of documented sobriety between them
- Significant reduction in recidivism –
 LL/Cass as low as 6.66% LL/Itasca 16%
 Minnesota/National 60%+

Millions of dollars saved in incarceration and out of home care costs



Family Drug Court

- Child Protection Involvement in Tribal Court or State Court
- Open to Tribal Members and Non-Indians living on Leech Lake Reservation
- Participants enter Joint Jurisdiction Wellness Court

Juvenile Diversion Program

- Open to Tribal Members and Non-Indians living on Leech Lake Reservation
- Cass County Probation provides supervision under cross-appointment order
- Leech Lake members make up Diversion Board
- Circle format with team and family problem-solving together

Juvenile Delinquency

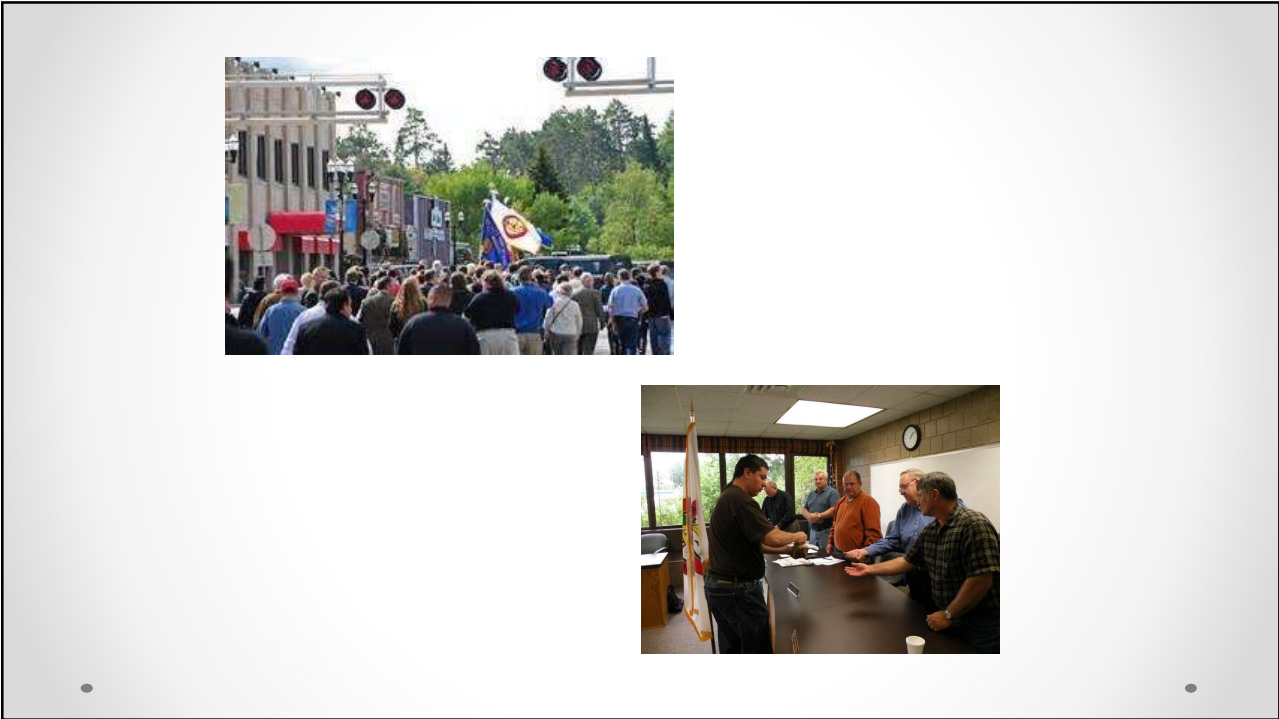
- Cases originate in Cass County District Court or Leech Lake Tribal Court
- Courts work together under Joint Powers Agreement
- Leech Lake Tribal Court exercises expanded jurisdiction over PARENTS
- Individualized "service" plans
- Leech Lake Tribal Court case managers provide services
- Cass County Probation provides supervision under cross-appointment order

Juvenile Re-Entry

- Cases originate in Cass County District Court or Leech Lake Tribal Court
- Youth placed involuntarily in inpatient treatment or juvenile detention facility
- Cass County Probation provides risk/needs assessments and notifies Leech Lake
- Leech Lake Wraparound Care Coordinator/ Advocates begin working with youth/family before placement, continue after return

Other Agreements

- Joint Powers Agreement with State for Leech Lake Police services for Wellness Court
- Contract with 9th Judicial District for Guardian ad litem services
- Incarcerated parents can appear by ITV in Tribal Court for child protection hearings
- Memorandum of Agreement between Cass County and Leech Lake for Wellness Court and Juvenile Restorative Justice Program (Leech Lake flags presented to Cass County Board of Commissioners)
- Regular Joint Meetings between Leech Lake Tribal Council and Boards of Commissioners
- Cross Appointment of Cass County Probation Agents



Benefits of Collaboration

- Leverage scarce resources
- Make new funding sources and services available
- Direct hand in healing while protecting public safety
- Cultural Understanding - Eliminate "us v. them" attitude
- Strengthen services to families
- Increase public trust and confidence
- Expand jurisdiction
- Lower recidivism and stop the revolving door of the criminal and juvenile justice systems

A National Model

2010 Harvard Honoring Nations Award

2010 Minnesota Corrections Association President's Award

2011 National Association of Drug Court Professionals Cultural Proficiency
Courage Award

2012 National Criminal Justice Association Outstanding Tribal Criminal Justice
Program

2012 Minnesota Association of Counties Award

2017 Local Government Innovation Award – Humphrey School of Public
Affairs/Bush Foundation

Resolutions by National Organizations

Encouraging Collaboration with Tribal Courts –

- National Association of Drug Court Professionals (2010)
- National Council of Juvenile and Family Court Judges (2011)
- Conference of Chief Justices (2011)



Project T.E.A.M.

Project TEAM is dedicated to helping tribes and local governments create, implement and manage joint jurisdiction collaborations. Our goals are to improve justice outcomes while building positive community relationships

Project supported by grant from Bureau of Justice Assistance; grant management by Oregon State Health and Science University

T.E.A.M. Planning Process

- Facilitated meetings with stakeholders
- 3-4 on-site meetings, each for 2-3 consecutive days
- Agree on ground rules to ensure everyone has a voice in planning
- Identify stakeholder expectations/values
- Create program manual based on program designed by site participants



Project T.E.A.M. Pilot Sites

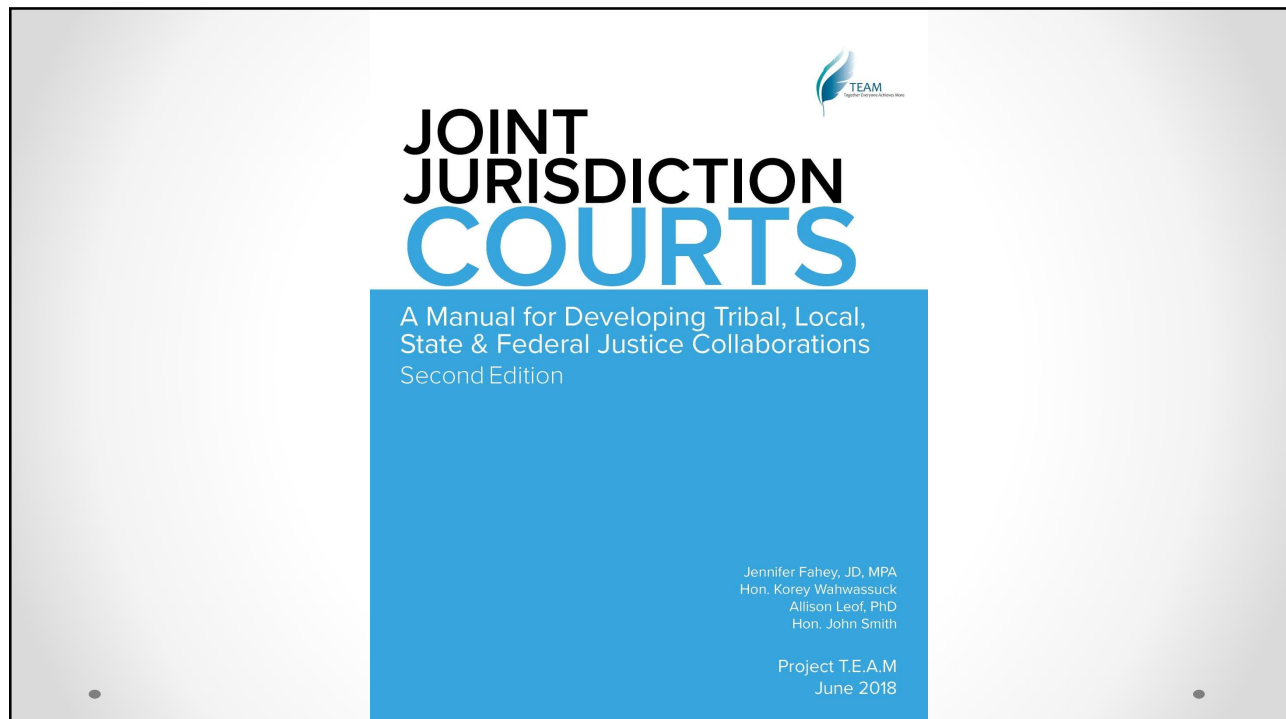
- Shingle Springs Band of Miwok Indians and Eldorado County Superior Court (California) – Operational 3+ years
- Kenaitze Indian Tribe and Alaska State Court System (Kenai, AK) – Operational 2+ years
- Northern Cheyenne Tribe and U.S. District Court for District of Montana – planning only/not operational

Other Joint Jurisdiction Courts

- St. Regis Mohawk and New York State Court (New York-Canada)
- Yurok Tribe and Humboldt and Del Norte Counties (California)
- White Earth Band of Chippewa and Mahnomen County District Court (Minnesota)
- Forest County Potawatomi and Forest County (Wisconsin)
- Ho-Chunk Nation and Jackson County (Wisconsin)

Resources

- Technical Assistance Providers
- Project T.E.A.M. “How-To” Manual
can be found on:
Tribal Law and Policy Institute
Walking on Common Ground Website



Tips for Success:

- Must integrate culture and its healing properties in planning, development and implementation of court
- Mutual understanding, trust, and respect are essential
- Collaboration is more than cooperation
- Joint jurisdiction goes beyond collaboration to create a new type of system
- Local needs determine court structure
- Collaboration between governments starts with relationships between two or more people sharing common goals
- Must establish ground rules for communication

Tips, con't.

- Must have environment of openness to talking and sharing ideas
- Must map the current system and identify opportunities for improvement
- Measure results: "what gets measured, gets funded"
- Share your success stories
- Remain flexible
- Don't be afraid to try something new
- Plan for transitions of leadership and staff

Project T.E.A.M. Pilot Site Themes

- Conflict is a reality, no matter how well team members handle it
- Conflicts create opportunities to improve communication and strengthen partnerships
- Seek areas of agreement, and stay focused on results
- Balanced, inclusive participation enhances trust and cooperation
- Plan for transitions to create a “warm hand-off” and communicate support for successors
- Agree to disagree – healthy disagreement builds better decisions
- Let the planning team create – people support what they help create
- Reinforce that team has common goals and common vision
- Assign a final decision maker if the team fails to reach consensus

Other Lessons from Pilot Sites

- Patience and flexibility are keys to success
- Planning team members must understand various applications of joint jurisdiction courts
- Be willing to adapt and make changes as necessary
- Be persistent if delays occur that are beyond the planning team's control
- Must infuse culture and incorporate best practices
- Be realistic about what services the court can provide
- Strong facilitation helps get things off the ground

Lessons Learned

- Remember...change is hard
- Systems don't collaborate, people do
- Helpers have their own histories of trauma – acknowledge it, own it, and work on it
- Focus on common goals
- **DON'T GIVE UP!!!!**

THE POWER OF ONE

*Change begins with me,
with you, with us.*

- Carolyn Yoder

Additional Reading

- "The New Face of Justice: Joint Tribal-State Jurisdiction"
Washburn Law Journal (Vol. 47, No. 3, Spring 2008)
- "Building a Legacy of Hope: Perspectives on Joint Tribal- State Jurisdiction"
William Mitchell Law Review (Vol. 36 , Issue 2 2010)
- "Tribal and State Courts: Strategies for Bridging the Divide" Center for Court Innovation
- "Promising Strategies: Tribal-State Court Relations" and
"Promising Strategies: Public Law 280"
Tribal Law and Policy Institute/Bureau of Justice Assistance (March 2013)

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