

Chapter 6: Probation, Case Manager, or Other Supervision

Overview

The Probation/Case Manager/Other Supervision sections of the Policies and Procedures manual (P&PM) are implicated by Key Component 5 - Intensive Supervision.

Healing to Wellness Court requires frequent and random supervision of participants. For some tribes, this means two or even three full-time Wellness Court probation officers. However, for others, successful supervision can be served by the combined roles of counselor and probation officer; however, this supervision extends beyond merely drug testing. Effective supervision includes case management to provide not just accountability but also support.

Relevant Key Components

Key Component #5: Intensive Supervision

Tribal Healing to Wellness Court participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use, while participants and their families benefit from effective team-based case management.

Finding from NIJ Tribal Wellness Court Study Key Component #5⁵⁷

Problems Identified:

- (1) Difficulty in maintaining intensive supervision and monitoring because of shortage of probation officers and the relatively expensive cost of the drug testing supplies.

Lessons Learned:

- Monitor participations by using team member probation officers during the hours when illegal acts are most likely to occur. Probation officers need to be out in the community monitoring their clients and conducting alcohol and drug tests frequently at unexpected times.

⁵⁷ Gottlieb, "Lesson Learned in Implementing First Four Tribal Wellness Courts," 29.

Strengths & Weaknesses Reported in First Four Tribal Wellness Courts Key Component #5⁵⁸	
Strengths	Weakness
<ul style="list-style-type: none"> • Monitoring at structure and accountability in participants' lives • Two or three full-time WC probation officers • Monitoring as accountability in participants' lives • Intensive monitoring during Phase 1 • Combined roles of counselor and probation officer 	<ul style="list-style-type: none"> • Infrequent alcohol and drug testing • Full-time WC probation officer assigned non-community WC duties • WC probation officer usual work hours 8-4:30 (need to monitor participants in evenings & on weekends when participants most likely to abuse) • Non-intensive supervision by probation officers • Infrequent and non-random drug testing • Law enforcement officers not assisting with monitoring and supervision • Drug testing procedure and drug test results non-documented

Purpose

The purpose of the probation/case manager/other supervision sections of the P&PM is to clearly describe who will supervise what and what is expected of the Wellness Court participant.

Tribal Healing to Wellness Court Case Management is the process of focusing on the holistic and basic needs of participants (safety, food, shelter, emotional, medical, employment, educational needs, and connection with community) and assisting them in addressing these needs. Drug Courts prefer to use an intensive case management model that stresses frequent, community-based contact with participants using multidisciplinary team approach. All team members share the caseload and work together to provide proactive services, assertive outreach, and strong advocacy on behalf of participants. The team

⁵⁸ "Process Outcome Evaluations of the Fort Peck Tribes Community Wellness Court" (December 30, 2005), "Process Outcome Evaluations of the Blackfeet Alternative Court" (December 30, 2005), "Process Outcome Evaluations of the Hualapai Wellness Court" (June 2010), "Process Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005).

provides many services to the client directly, and if referring to an outside agency, carefully monitors the relationship between the client and the service providers.

Drug Court professionals recommend the creation of a primary case manager position.⁵⁹ The duties of a Drug Court case manager would include providing direct case management services (including conducting bio-psychosocial assessments) and Drug Court documentation and information sharing (including being the central person responsible for coordinating team information flow and tracking and monitoring the allocation of sanctions and incentives. Tribal Wellness Courts with resource limitations tend to use a "Wellness Court Coordinator" or probation officer to undertake these duties.

NDCI Case Management Functions and Task List ⁶⁰	
Function	Task
Assessment	<ul style="list-style-type: none"> Initial determination of participant's needs, wants, strengths, resources
Planning	<ul style="list-style-type: none"> Initial determination of participant's psychosocial situation <p>In collaboration with the participants and the team:</p> <ul style="list-style-type: none"> Define participant goals Develop strategies for each goal Identify who is responsible for each action in the strategy Establish time frames
Linkage	<ul style="list-style-type: none"> Identify services and supports needed for the participant to meet his or her goals Make referrals to appropriate agencies
Monitoring	<p>Maintain ongoing communication with services and supports, and conduct ongoing assessments of the participant's progress to determine:</p> <ul style="list-style-type: none"> Is the participant using the service? Is the appropriate service being provided at an adequate intensity? Is the participant benefiting from the service? (If not, return to planning and linkage functions)
Advocacy	<p>Help the participant access services for which he or she is eligible through:</p> <ul style="list-style-type: none"> Education of service providers Persuasive communication Negotiation Use of policy and rights-protecting laws and rules

⁵⁹ See DRUG COURT CASE MANAGEMENT: ROLE, FUNCTION, AND UTILITY, p.9, Monograph Series 7, National Drug Court Institute (2006).

⁶⁰ Id. at Series 7, Table 1, page 11 .

About Case Management Assessments

(The Bio-Psychosocial Assessment Tool)



Case management assessments are done using a “bio-psychosocial” assessment tool. The assessment elicits information about a person’s past and present life, including the following information:

- Alcohol and other drug use history
- Mental health history
- Physical health history
- Criminal history
- Education
- Emotional health/barriers
- Employment
- Family dynamics
- Housing
- Physical health/nutrition
- Spirituality
- Social support systems
- Special population needs (based on drugs of choice, co-existing disorders, gender, ethnic, and cultural considerations, other health issues (e.g., HIV and Hepatitis C, sexual orientation, domestic violence, and sexual abuse)
- Transportation
- Treatment history

For more history on case management assessment tools, see the American Psychiatric Association’s Handbook of Psychiatric Measures.

Sample Tribal Wellness Court Wording

Eastern Band of Cherokee

"Cherokee Tribal Drug Court - Policies and Procedures Manual" (June 2009)

SUPERVISOR OF PARTICIPANTS

The results of the ASI/SASSI assessments and one-on-one contact with participants provide insight as to the needs of participants on a case-by-case basis. Participants meet with Cherokee Tribal Drug Court staff to develop Individualized Program Plans that outline overall program goals and/or clan phases and goals. As participants advance to the next clan, progress is reviewed and new goals are established.

Participants are required to have approved housing and employment or participate in educational/vocational training. Participants who are not in an educational or vocational activity may be required to complete up to 24 hours of community service each week until appropriate employment is located, or they have enrolled in an educational or vocational program. When coordinating with outside agencies, participants are required to sign a Release of Confidential Information. Participants are required to fulfill obligations as delineated on their weekly calendars, including drug testing, and must provide documentation of attendance to NA/AA meetings. Progress is verified, documented, and reported to the Drug Court Judge during Team meeting before each court session.

Supervision of participants consists of face-to-face meetings in the Cherokee Tribal Drug Court office as well as the participant's residence. Unannounced site visits to the participant's place of employment and residence may be conducted by program coordinator, case manager, team member, and law enforcement officers. Home visits may include K-9 officers and drug dogs.

Participants are also required to show proof of payments for child support, court fines, restitution, and any other costs ordered by the Court. Proof of payment may be in the form of a money order, canceled check, court receipt, and other reliable documentation. Proof of employment may be in the form of a check stub.

Throughout the program, participants appear in court on a regular basis. Cherokee Tribal Drug Court staff provides case notes on each participant for each court session. The Cherokee Tribal Drug Court Team reviews the participant's file and each participant is held accountable for his/her success or failures.

Short orientation meetings for family members of new participants may be conducted to familiarize the families with the program. The orientation consists of a brief outline of the program, a short film on addiction, and information regarding Al-Anon and other support groups. Family sessions may be scheduled to further ensure that the support system understands the program and is better equipped to provide encouragement. If family therapy is indicated, appropriate referrals will be made and incorporated into the participant's Individual Program Plan (IPP).

Fort McDowell Yavapai Nation

"Fort McDowell Adult Wellness Court Policies and Procedures Manual" (March 2015)

Court Case Manager

The Court Case Manager will conduct weekly random alcohol and drug testing, home, work, and school site visits, and facilitate group sessions such as MRT for Wellness Court. Maintain case files and data collection for statistical reporting, monitor counseling, rehabilitation, education and employment of juveniles, adults and families involved in the Wellness Court process. Attend weekly staffings and court hearings, prepare weekly status reports and conduct necessary

follow up; confer with representatives of the court and resource agencies. The case manager will also assist with a participant's entry into the Wellness Court Program. Liaise with judicial personnel, Wellness Court Committee members, community members, and community organizations to enhance the Wellness Court and for the benefit of its participants. The Case Manager will assist the committee in formulating wellness plans for the Court's consideration. Perform other duties as assigned or required.

Probation Services

The Probation Officer will monitor and report the participant's compliance and non-compliance with the Adult Wellness Court Program. The Probation Officer's responsibilities will include the following: Being a liaison between the Tribal Court, the Wellness Court Committee, the participant; conducting pre- and post-intake interviews with the participants to ensure terms and conditions of the court order are understood; monitoring the status of the assigned participant by conducting unannounced visits to school, work, and home; arranging random drug/alcohol testing; providing supervision of participants in accordance with the terms and conditions required by the Court; preparing pre-disposition reports as required by the Court; maintaining a comprehensive file of the participant; investigating and substantiating allegations of violations of order and filing revocation motions and recommendations for modifications. The Probation Officer will assist the committee in formulating wellness plans for the court's consideration.

Police Department

The Police Department's involvement with the Adult Wellness Court Program will be initiated when a potential participant is arrested. The department will provide the committee with comprehensive criminal background information to assist the Court in ordering release conditions upon arraignment. After arraignment, the department will monitor any court-ordered release conditions, i.e., curfew and/or restrictions on associating with others and report compliance and non-compliance. The department will assist probation with any court-ordered alcohol and drug tests. The department will assist the Wellness Court Committee by providing historical information on individuals and their family, incidents within the community, and formulating wellness plans for the Court's consideration.

Education Department

The Education Department will assist the participant in formulating and executing education-related goals and will assist the Court by monitoring and reporting to the Wellness Court Committee the participant's progress in meeting those goals and any court-ordered conditions. The Education Department will assist the committee in formulating wellness plans for the Court's consideration.

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

*The LTBB **Adult Tribal Probation Officer** will monitor and supervise the participant on a daily basis. The Probation Officer is in charge of drug and alcohol testing the participant. The Probation Officer works with the client and the client's assigned counselor to guide them through the Waabshki-Miigwan curriculum. Supervision includes weekly monitoring of 30/30/30 completion, Wellness Activity progress, Self-Help Meeting attendance, client behavior, and drug screening. The Probation Officer will confirm the client's successful completion of each week's tasks by going over the Client Workbook and Client Calendar with the participant weekly.*

...

*The LTBB **Law Enforcement** provides information to the drug court team concerning contacts between Law Enforcement and drug court participants. A verbal or written report from the Law Enforcement Department regarding positive and negative behavior of participants is provided to the team when necessary. In addition, Law Enforcement may provide transportation and drug screening.*

Yurok Tribal Court

"Wellness Court Program Guide" (July 2010)

Roles of Personnel ...

Drug Court Case Manager: *They are responsible for the initial screening, monitoring, and encouragement of Drug Court participants. The Case Manager is the main liaison between team members and clients on their progress and provides recommendations of any treatment changes. They are in charge of maintaining client case plans and clients' adherence to their requirements.*

TCAP Community Worker: *Serve as a liaison between the YTC and Yurok persons involved in the State Court System. Maintains participant files and administers client contact and follow-up of those involved in the justice system. Develops case plans and support teams for each participant.*

Family Drug Court Case Manager: *Case Manager is in charge of oversight and developing of the YTC Cultural Component. They shall establish the selection standards and criterion for the cultural contractors. The Case Manager will identify and recruit contractors to solicit their services and describe their role and responsibilities in the Cultural Component. They will provide supervision and oversight for delivery of services and secure materials and supplies.*

...

Tribal Public Safety: *Law enforcement provides community watches, arrest reports, and criminal histories. They can oversee activities (e.g., community service), execute warrants, coordinate with the YTC regarding complaints, and provide referrals. They can also act as mentors and support for those involved in seeking to make positive changes.*

Relevant Sample Forms

**POARCH BAND OF CREEK INDIANS DRUG COURT
Drug Court/Probation Supervision Report**

NAME AND RESIDENCE:

Name: _____
 Street Address, Apt #: _____
 City, State, Zip: _____
 Home Phone: _____ Cell/Other: _____
 Person living with you (list name and relationship): _____

Did you move during the month? [] Yes [] No (if yes attach lease/purchase agreement)
 List all Websites or E-Mail address that you maintain or control directly or indirectly:

EMPLOYMENT:

Name of Company: _____
 Address: _____
 City, State, Zip: _____
 Phone # of Employer: _____ Position Held: _____
 Work Hours: _____ Name of Supervisor: _____
 Is your employer aware you are on supervision? [] Yes [] No
 Did you change jobs during the month? [] Yes [] No If yes, when and why?

Did you miss working the month? [] Yes [] No If yes, Explain:

VEHICLES/BOATS/MOTORCYCLES (VEHICLES OWNED OR DRIVEN BY YOU DURING THE MONTH):

1. Year/make/model: _____ Color: _____
 Tag: _____ Owner: _____
2. Year/make/model: _____ Color: _____
 Tag: _____ Owner: _____
3. Year/make/model: _____ Color: _____
 Tag: _____ Owner: _____

Driver's License Number: _____

COMLIANCE WITH CONDITIONS OF SUPERVISION DURING THE MONTH

1. Were you arrested or questioned by a law enforcement officer or did you appear in court for any criminal, civil or traffic matter? [] Yes [] No If yes, give reason, date and agency:

2. Was anyone in your household arrested or questioned by a law enforcement officer?
 [] Yes [] No If yes, give who and reason: _____

3. Did you have any contact with anyone with a felony record? ☐ Yes ☐ No If yes, give full name and reason: _____
4. Did you possess or have access to a firearm? ☐ Yes ☐ No If yes, explain: _____
5. Did you possess OR use illegal drugs? ☐ Yes ☐ No If yes, type of drug and date: _____
6. Have you had any medications prescribed to you since your last Probation Meeting? ☐ Yes ☐ No If yes, please list all medications you are currently taking: _____
7. Did you complete High School or GED? ☐ Yes ☐ No If yes, where and when? _____
8. Are you currently enrolled in school? ☐ Yes ☐ No If yes, where? _____
9. Did you pay fees this month toward a special assessment, fine, restitution AND/OR complete any community service? ☐ Yes ☐ No If yes, amount paid and/or hours completed: _____
10. Did you leave the district without permission? ☐ Yes ☐ No If yes, explain: _____
11. Did you have a storage space? ☐ Yes ☐ No If yes, location: _____

WARNING: ANY FALSE STATEMENT MAY RESULT IN REVOCATION OF PROBATION AND/OR FINE TO BE SET BY THE TRIBAL/DRUG COURT JUDGE.

I CERTIFY THAT ALL INFORMATION FURNISHED IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

Signature

Date

Remarks:

_____ Drug Court

_____ Probation

_____ Juvenile

Probation Officer

Date

**Poarch Band of Creek Indians
Tribal Court/Drug Court
5811 Jack Springs Road
Atmore, AL 36502**



**POARCH BAND OF CREEK INDIANS TRIBAL COURT
COMMUNITY SERVICE TIME SHEET**

This sheet is to be completed by an official of the sponsoring organization at the end of each work day. All columns must be completed.

NAME: _____

CASE #: _____ **Hours required:** _____

Please mark the appropriate box for the following: ☐ Sanctions ☐ Credit toward fines/costs

Agency Name	Date	Hours Worked	Phone #	Signature

CONFIDENTIAL

BLACKFEET TRIBAL/FAMILY/ALTERNATE
COURTS

PROBATION REPORT

Date: _____

Case Number: 98AC000 ____

NAME: _____ DOB: __/__/__ AGE: _____

ADDRESS: _____

Social Security Number: _____ Sex: M F TELE: _____

EMPLOYER: _____

EDUCATION: _____

NUMBER OF DEPENDENTS: _____

DATE OF CHARGES: _____

CHARGES: _____

LAW ENFORCEMENT SUMMARY OF OFFENSES (ATTACH REPORTS IF AVAILABLE):

SUMMARY OF INDIVIDUAL'S VERSION OF CIRCUMSTANCES OF THIS OFFENSE
(ATTACH WRITTEN STATEMENT) _____

[illegible]

CONTACTS

[illegible]

**IN THE DISTRICT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF SHIPROCK, NEW MEXICO**

COMMUNITY SERVICE WORK AGREEMENT

Upon review of the Request for Community Service, Work, this Court agrees to the following:

1. The offender shall work for a period of _____ hours of community service at _____, and to perform the following work plan: _____.
2. The supervisor will be _____, who will maintain a record of hours worked by the offender and inform this court when the assigned work hours are completed.
3. The offender shall accept the supervision and comply with the terms of the Community Service Work Program.
4. In the event that the offender violates these terms and conditions or fails to comply with the law or any other court orders, the hours worked shall be forfeited, and the original sentence shall be reimposed and the offender's days in confinement shall be credited with the days of community service work completed. The offender may also be subject to additional charges (e.g., contempt of court, disobedience to a lawful court order, etc.).
5. The offender voluntarily agrees to release the Navajo Nation and its agents, employees, or representatives from any liability incurred, and will hold them harmless for any injuries or accidents sustained or for any damages to any property arising from all offender's participation during the term of this Community Service Work Program.

Date: _____

JUDGE

"I voluntarily and without any coercion whatsoever, and of my own free will do consent to perform the assigned hours, and to abide by the terms and conditions of the Community Service Work Program."

TO BE COMPLETED BY:

Defendant (Offender)

Mailing Address

C# _____ DOB: _____

**IN THE DISTRICT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF SHIPROCK, NEW MEXICO**

NAME: _____

LOCATION

CASE NO.: _____

DATE: _____

SUPERVISOR

EXPIRES: _____

TOTAL HOURS: _____

DATE OF REPORT – IN	INITIAL of Defendant	INITIAL of Supervisor	TIME-IN	TIME-OUT

DATE OF VIOLATION OR COMPLETION: _____

DATE: _____

**IN THE DISTRICT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF SHIPROCK, NEW MEXICO**

CONCLUSION OF COMMUNITY SERVICE WORK

_____) No. _____
 _____)
 Defendant _____)
 _____)
 Address _____)
 _____)
 Census No. _____ Date of Birth _____)

Sponsor: _____ Telephone No. _____

Work Report

- () Offender has not successfully completed the assigned hours.
 [] Did not report to work
 [] Did not work at assigned location
 [] Partially completed the work assigned

- () Offender has successfully completed the assigned hours.

Location: _____
 Hours completed: _____
 Type of work done: _____

Comments: _____

 Supervisor

FOR COURT USE ONLY

RECOMMENDATION: It is respectfully recommended that:

- | | |
|---|-------------------------------------|
| { } Probation be terminated. | { } Bench Warrant be issued,. |
| { } Extension to completed assigned community service hours | { } Original sentence be reinstated |

Date: _____

 DANA DRUG COURT OFFICER

APPROVED / DISAPPROVED:

 JUDGE