U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Monograph

Tribal Healing to Wellness Courts

The Key Components

BJA

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NCJ 188154

This document was prepared by the Tribal Law and Policy Institute, under grant number 98-DC-VX-K004, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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April 2003
NCJ 188154

Cover photo by Kenny Blackbird.

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Preface

In 1996, a committee of practitioners and others involved with drug court program operations was established under the leadership of the National Association of Drug Court Professionals (NADCP). The committee was authorized to identify the critical elements of drug court programs to serve as the foundation for later drug court program development. As a result of the committee's efforts—*Defining Drug Courts: The Key Components*—was published by the Drug Courts Program Office (now part of the Bureau of Justice Assistance [BJA]) in 1997 and has served as the framework for drug court development and operational activities in state courts. This document focused primarily on the development of adult drug court programs.

As tribal drug courts (known generally as "Tribal Healing to Wellness Courts" or simply "wellness courts") have developed, it became clear that there was a need to adapt this 1997 publication of the Key Components for state courts to more specifically address the critical issues and challenges faced by Tribal Healing to Wellness Courts. Consequently, this publication—*Tribal Healing to Wellness Courts: The Key Components*—was 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 adult drug courts that meet the needs of their individual communities.

Tribal Healing to Wellness Courts: The Key Components was developed by the Tribal Law and Policy Institute in close collaboration and consultation with the Tribal Advisory Committee for the Tribal Healing to Wellness Courts and with the funding and support of the U.S. Department of Justice, Office of Justice Programs. The Tribal Advisory Committee is a diverse group of Tribal Healing to Wellness court practitioners and others involved with Tribal Healing to Wellness Courts (a list of Tribal Advisory Committee members is provided at the end of this publication). The primary developers of this publication were five members of the Tribal Advisory Committee—Cindy Haro, Judge Joseph Flies-Away, Pat Sekaquaptewa, Jerry Gardner and Janna Walker. Tribal Law & Policy Institute consultant Kristen Law provided extensive editorial assistance.

This 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 key component is explained, followed by several recommended practices that give guidance for implementing each component.

The Tribal Advisory Committee intends for the key components and recommended practices presented in this publication to be aspirational, generally describing the best practices, designs, and operations of wellness courts. The committee acknowledges, however, that local funding and resources, political, operational, and other issues will not permit every Native community establishing a Tribal Healing to Wellness Court to adopt all aspects of these guidelines. Moreover, tribal custom and tradition may also guide an individual community to develop a wellness court that does not strictly follow these guidelines.

Neither the U.S. Department of Justice nor the Tribal Law & Policy Institute intends that the recommended practices offered here serve as a certification or regulatory checklist for tribal grantees. Because wellness courts will be implemented differently in each community, the recommended practices are meant to serve as a practical, yet flexible framework for developing effective wellness courts in vastly different jurisdictions and to provide a structure for conducting research and evaluation for program accountability and effectiveness.

Introduction

The drug court movement began in the late 1980s in response to the growing number of drug-related court cases, the higher rates of recidivism for drug involved defendants, and the resulting overcrowded jails and prisons. The standard law enforcement and corrections policies alone were not having the impact on drug supply and demand that the proponents of the "War Against Drugs" had hoped. The drug court approach departed from the standard court approach for disposing of these cases by systematically bringing drug treatment to the criminal justice population entering the court system. While in the past, courts had referred selected offenders "out" to treatment as a condition of probation, in the drug court, treatment is anchored in the authority of the judge who holds the defendant or offender personally and publicly accountable for treatment progress.

A drug court is a special court docket to which cases involving alcohol and other substance abusing offenders are assigned for intensive supervision and treatment. Drug court programs bring the full weight of all interveners (judge, prosecutor, defense counsel, substance abuse treatment specialists, probation officer, law enforcement and correctional personnel, educational and vocational experts, community leaders and others) to bear, forcing the offender to confront his or her substance abuse problem. The drug court concept involves leveraging the coercive power of the criminal justice system to achieve abstinence and alter criminal behavior through the combination of intensive judicial supervision, treatment, mandatory drug testing, incentives, escalating sanctions, case management, and strong aftercare programs.

The design and structure of drug court programs are developed at the local level, to reflect the unique strengths, circumstances and capacities of each community. Many sectors of the community are integrally involved in the planning and implementation process of a drug court system, including: criminal justice, substance abuse treatment, law enforcement, educational and vocational entities and community anti-drug organizations.

The drug court concept is not new to Indian Nations and tribal justice systems. In fact, it is very much in keeping with the traditional justice process in many Native communities. Major efforts to develop tribal drug courts have been underway since 1997. According to the Office of Justice Programs Drug Court Clearinghouse and Technical Assistance Project, there are currently thirty operational Tribal Healing to Wellness Courts. Fifty additional Tribal Healing to Wellness Courts are in the planning stages.[1]

In July 1999, the Tribal Law and Policy Institute developed a publication with the funding and support of the U.S. Department of Justice, Office of Justice Programs entitled *Healing to Wellness Courts: A Preliminary Overview of Tribal Drug Courts.* The Preliminary Overview provides a description of Tribal Healing to Wellness Courts and addresses critical issues and challenges relevant to the implementation of Tribal Healing to Wellness Courts. These include: the role of the Native community, the role of tribal custom and tradition, addressing specific alcohol and drug issues, and addressing jurisdiction and resource issues.

The National Association of Drug Court Professionals (NADCP) with the funding and support of the U.S. Department of Justice, Office of Justice Programs also developed a publication in 1999 entitled *Tribal Mentor Courts* that describes the initial three Tribal Healing to Wellness mentor courts. These tribal mentor courts are as follows: Poarch Creek Indian Drug Court Program in Atmore, Alabama; The Blackfeet Tribal Alternative Court in Browning, Montana; and the Fort Peck Community Wellness Program in Poplar, Montana. The Hualapai Tribal Wellness Court in Peach Springs, Arizona has since been added as a fourth tribal mentor court.

A Tribal Healing to Wellness Court is not simply a tribal court that handles alcohol or other drug abuse cases. It is, rather, a component of the tribal justice system that incorporates and adapts the *wellness court* concept to meet the specific substance abuse needs of each tribal

community. It therefore provides an opportunity for each Native community to address the devastation of alcohol or other drug abuse by establishing more structure and higher level of accountability for these cases and offenders through a system of comprehensive supervision, drug testing, treatment services, immediate sanctions and incentives, team-based case management, and community support.

Tribal *wellness courts* face a number of unique issues and challenges not generally encountered by state drug court systems. Consequently, the development of tribal wellness courts has required special strategies that have emerged during the course of program planning and implementation. Because tribal wellness courts are relatively new and evolving, they are continually adapting to meet the needs of their target populations and their communities.

Healing to Wellness Courts, in effect, contribute to the on-going community and nation building process of Indigenous tribal governments. As each Tribal (Indigenous) Nation can only be as strong and steadfast as its citizens and families, Healing to Wellness Courts help to put misguided individuals back on track, on to a healing to wellness journey. 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.

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.

The overall goal of Tribal Healing to Wellness Courts is the healing of individuals, families, and communities by directing participants onto a healing journey. Specifically, wellness courts aspire to reduce the abuse of alcohol and other drugs and drug related criminal activity in a tribal community. Wellness courts promote recovery through a coordinated community based response to an individual offender's dependence on alcohol and other drugs.

Tribal Healing to Wellness Courts are developed at the local level to reflect the unique strengths, circumstances and capacities of each community. Many individuals and organizations are integrally involved in the planning and implementation process of a drug court system, including: criminal justice, substance abuse and mental health treatment, police, social services, schools, traditional healers, elders, education and employment entities, and other community organizations. The combined energies of these individuals and organizations can assist and encourage offenders to accept help that could change their lives.

Tribal justice systems and tribal treatment providers have historically worked independently from one another and with different target populations. The Healing to Wellness Court provides an opportunity for them to come together to meet the specialized needs of offenders with alcohol or other drug abuse issues.

The criminal justice system has the unique ability to influence a person shortly after a significant triggering event such as arrest, and thus can convince that person to begin his or her healing journey through a structured treatment process. Research indicates that a person coerced to enter treatment by the criminal justice system is likely to do as well as one who volunteers for treatment.[2]

Healing to Wellness Courts bring the collective impact of the Healing to Wellness Court team with the combined efforts of community leaders compelling the participant to confront his or her substance abuse problem. Once the participant is accepted into the program (through plea agreement or other means), the team's focus is on the participant's healing journey to recovery and law abiding behavior.

Each team member performs an essential role in a participant's healing and in promoting wellness in the community. In this cooperative—rather than adversarial—process, the court may choose to draw from local traditional restorative, reparative, or peacemaking concepts of justice to promote individual and community wellness. For example, some Healing to Wellness Courts have the assistance of community elders or other community dispute resolution authorities in the judicial role, as part of a judicial panel, or as a team member.

A typical court team may include, but is not limited to, the judge, a case manager, an alcohol and other drug treatment provider, a human services provider, and probation or other law enforcement officer. Some Healing to Wellness Courts function successfully without regular involvement of prosecutors or defense counsel. A key to successfully implementing a Healing to Wellness Court is developing a plan that identifies who will perform essential tasks based on existing and/or emerging community resources and local tribal norms and customs.

Recommended Practices

1. Planning should be carried out by a broad-based group, including persons representing all aspects of the tribal criminal justice system, the local treatment

programs, tribal leaders, elders, and other local community policymakers.

2. Traditional healing and dispute resolution authorities should be included in the decision making process and traditional values should be carefully considered in the development and ongoing modification of the Healing to Wellness Court.

3. The team members should work collectively to develop and implement a holistic approach to the physical and spiritual healing of the offender and the well being of the community.

4. Tribal justice and healing departments and agencies should maintain ongoing communication, including frequent exchanges of timely and accurate information about the participant's overall program performance. In many Healing to Wellness Courts, the teams have meetings (often called case staffings) just before a participant's court appearance (referred to as a status hearing or compliance hearing) to ensure that the needed information is available. The case manager, probation officer, or another team member may have the responsibility to collect information from service providers working with each participant prior to this meeting.

5. For consistency and stability in the early stages of Healing to Wellness Court operations, it is recommended that the core planning and implementation team members remain with the wellness court program for a sufficient period of time to build a sense of teamwork and to reinforce a nonadversarial atmosphere.

6. In order to ensure mutual respect, prompt and consistent meeting of responsibilities, and community recognition of the professional integrity of the court and its team members, methods of shared decision making and conflict resolution among Healing to Wellness Court team members should be established such as written protocols, memorandums of understanding (MOUs), and inter-agency agreements.

7. Regularly scheduled meetings should be established to evaluate and modify the healing to wellness process based on past experiences.

8. Documents defining the Healing to Wellness Court's mission, goals, eligibility criteria, operating procedures, and performance measures should be collaboratively developed, reviewed, and agreed upon by the planning group. Planning groups may choose to keep their governing bodies informed by including tribal leaders on the team or by making regular presentations to the tribal government about the progress in developing the wellness court.

9. Ongoing interdisciplinary education should be provided for every person involved in planning and implementing the wellness court to develop a shared understanding of the values, goals, and operating procedures of both the treatment and justice system components. This should include familiarizing team members with community customs and traditions for addressing an individual's behavior when it is not in accordance with local standards.

KEY COMPONENT 2

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

Referrals of potential participants into the Healing to Wellness Court may take place at different points in the legal system. The referral may be made:

- Before charges are filed in a criminal matter or for violation of a tribal ordinance (pre-trial);
- After charges are filed but before any plea is entered or finding of guilt is made (pre-adjudication), or
- After the plea or finding of guilt (post-adjudication).

If there is a pre-adjudication referral, the Healing to Wellness Court may require the participant to sign a statement admitting to the facts which support the criminal charges (often referred to as an "admission of facts"). This admission assists in a later prosecution of the participant if the requirements of the Healing to Wellness Court are not completed. If the referral is post-adjudicatory, typically a Court will set aside, or vacate, any sentence that has been imposed and dismiss the charges if the participant successfully completes the wellness program.

In determining the eligibility of an offender for the Healing to Wellness Court, the team balances:

- Improving the chance of eliminating future criminal behavior and substance abuse by fast entry into the wellness court process with;
- The practical problems of postponing or delaying a prosecution in their regular court process.

Police officers, probation officers, social workers, counselors or others may submit **"referral forms"** to a court intake officer, clerk, or case manager requesting that an individual be placed in the Healing to Wellness Court. Defense attorneys, prosecutors or presenting officers may submit **"motions to admit and transfer"** a defendant into the Healing to Wellness Court. A judge on his or her own motion may also issue a **"general court order"** ordering an individual to be admitted into the Wellness Court.

Tribal criminal courts may accept a **"stipulated agreement"** signed by the parties by issuing a **"stipulated order"** admitting a defendant into the Healing to Wellness Court. These are orders based on an agreement between the defendant and prosecutor where the defendant admits to the facts underlying the charges—in essence pleading guilty. The parties agree to the continued jurisdiction of the criminal court while the defendant participates in the Healing to Wellness Court Program, and in the event that such person is terminated from the Wellness Court, the prosecutor may pursue the original charge in the criminal court. Alternatively, where the person successfully completes the Wellness Court Program, the defendant is allowed to withdraw his or her guilty plea and the prosecutor will dismiss the charge.

Healing to Wellness Courts use a variety of written notices, agreements, waivers, questionnaires and forms to gather information, to protect participant rights and to allow for the sharing of information about the participant to assist in his or her successful treatment. These documents also serve the crucial purpose of documenting the requirements of federal and tribal law. Some of these documents may include **"information collection forms or commercial treatment questionnaires"** that gather basic information such as a participant's full name, contact information, family history, employment history, financial background, criminal history, and the nature and extent of the individual's substance use and abuse; a wellness court **"participation agreement"** where the participant agrees to report for a clinical assessment, to sign and participate in the individualized treatment plan, to attend required status or compliance hearings, classes, counseling sessions, groups and other activities, to be alcohol and drug tested, to sign a release of information form, and that the agreement was undertaken freely and voluntarily without being under the influence of alcohol or drugs; and a **"release of information form"** to allow

wellness court team members to share information about the participant in order to assist him or her in the successful completion of the wellness court process.

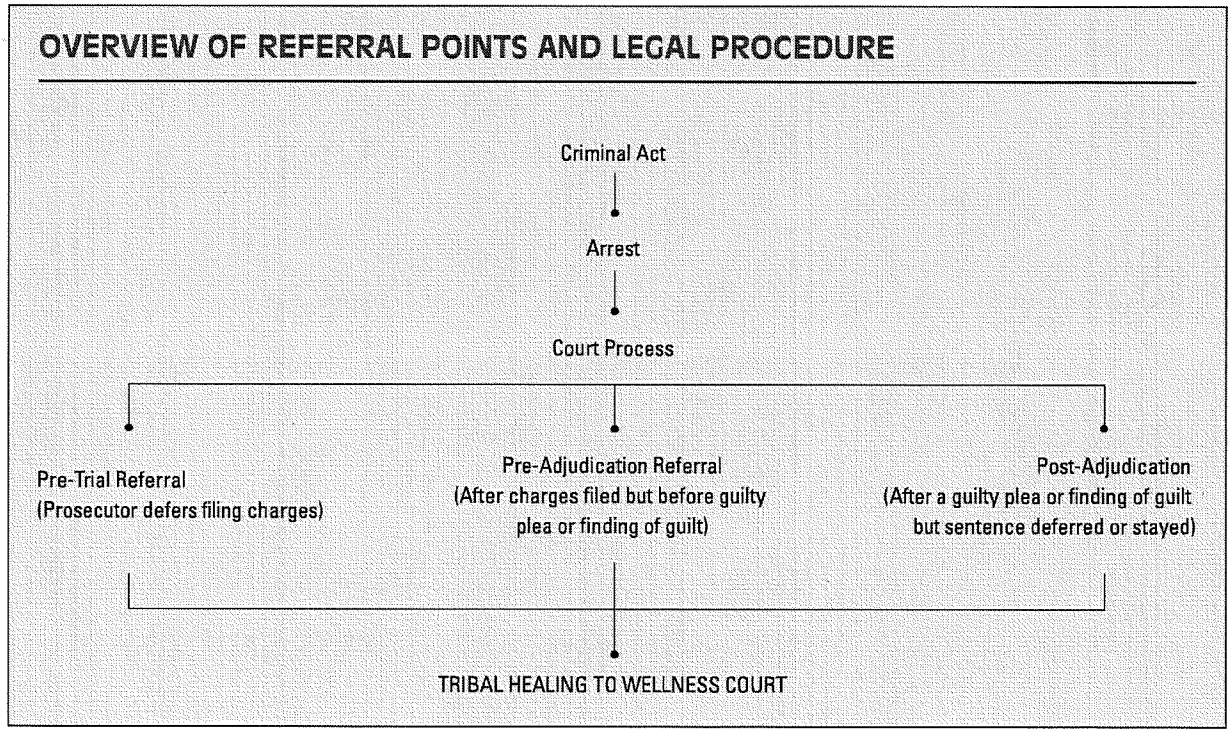
Some tribal wellness teams have found it useful to enter into **"tribal inter-agency agreements"** specifying each agency's commitment to the overall goals of the Healing to Wellness Court Program and the specific obligations, duties, and funding commitments of each agency in the furtherance of successful wellness program operations.

In many communities, tribal members are often prosecuted for offenses committed off-reservation. Consequently, a Healing to Wellness Court may allow for entry into the process based on charges and referral from another jurisdiction. In these cases, formal agreements or **"Memorandums of Understanding"** (MOUs) are often entered into between the jurisdictions specifying what information is shared and how the referral process is coordinated.

A tribe's constitution, laws, and court rules will also be important sources for the team in designing Healing to Wellness Court policies and procedures consistent with existing tribal law and values. For tribes that are concurrently developing criminal courts and courts of general civil jurisdiction, the wellness court planning process may include additional tasks such as drafting a tribal code or ordinance to define the power and authority of the wellness court, to adopt special policies and procedures, to define which behaviors by offenders fall within the scope of the wellness court, and to identify any particular individual rights protected by existing tribal and applicable federal laws.

Recommended Practices

1. Prosecutors, presenting officers and defense counsel, if available, should participate in the design of screening, eligibility, and case processing policies and procedures to guarantee that due process rights and public safety needs are served. The continuing role and the nature of the role of prosecutors, presenting officers and defenders in the daily operations of the Healing to Wellness Court should be discussed with all team members and mutually agreed upon.



2. Team members should perform the following range of tasks:

- review particular cases and determine if the defendant or juvenile is eligible for the drug court program (legal screening);
- determine if the defendant or juvenile will benefit from the treatment and other therapeutic activities available (clinical screening);
- file all necessary legal documents;
- review the arrest warrant, affidavits, charging document, and all other relevant information, and program documents (e.g., waivers, written agreements);
- advise the offender as to the nature and purpose of the drug court, the rules governing participation, the consequences of failing to abide by the rules, and how participating or not participating in the drug court will affect his or her interests;
- explain all of the rights that the offender will temporarily or permanently relinquish, where applicable;
- provide advice on alternative courses of action, including legal and treatment alternatives available outside the drug court program, and discuss the long-term benefits of sobriety and a drug-free life; and explain that because criminal prosecution for admitting to alcohol and other drug use in open court will not be pursued, the defendant is encouraged to be truthful with the judge and with treatment staff, and inform the participant that he or she will be expected to speak directly to the judge, usually without an attorney or advocate present;
- participate in a coordinated strategy for responding to positive alcohol and other drug tests and other instances of noncompliance;
- agree that a positive alcohol or other drug test or open court admission of alcohol or other drug possession or use will not result in a referral for or the filing of additional drug charges based on that admission;
- make decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

3. All communication about an individual's participation in treatment must be in compliance with the provisions of 42 CFR, Part 2 (the federal regulations governing confidentiality of alcohol and drug abuse patient records), and with similar tribal regulations.[3]

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.

A traumatic event in a person's life, such as an arrest, creates an immediate crisis and can force substance-abusing behavior into the open therefore decreasing the likelihood of denial. The period immediately following an arrest, an apprehension for a probation violation, or a charge under a tribal ordinance violation, provides a critical window of opportunity for intervening and emphasizing the value of alcohol and other drug treatment. Judicial action, taken promptly after the traumatic event, uses this crisis period to stress the consequences of the substance abusing behavior and successfully promote the offender's participation in the healing journey through the Healing to Wellness Court Program.

Legal Screening refers to the process by which participants are identified as appropriate based on guidelines such as the nature of the offense (for example, many programs are limited to handling non-violent offenders under federal drug court funding requirements), jurisdictional limitations (for example, tribal courts do not have criminal jurisdiction over non-

TRIBAL HEALING TO WELLNESS COURT TASK CHART

TASK	PURPOSE	ACTIVITIES	TIME & COST	BY WHOM
Legal Screening	• examine public safety & risk • determine if legally permitted to participate	• review: - current charges (drug or alcohol related) - criminal history - circumstances	• these activities are part of typical criminal proceedings so no added time or costs compared to criminal court	• any of these: - prosecution - defense - police - probation - coordinator
Clinical Screening	• determine offender's readiness for treatment & appropriateness of drug and/or alcohol treatment	• explain process • sign releases • brief review of substance use, social history, & other disorders • willingness to participate	• takes 5 to 30 minutes; costs include staff time & training (some screening forms are free)	• any of these: - case manager - treatment provider - probation
Clinical Assessment	• diagnose participant, admission & treatment planning	• examine scope & nature of substance abuse • identify full range of services needed • match participants to specific services	• 1 to 2 hours or more, depending on complexity of problems; costs include staff time & training, costs of diagnostic and assessment instruments	• clinically trained and qualified counselor, psychologist, psychiatrist, social worker, nurse

Indians), age appropriateness, and other guidelines based upon the chosen target population.

Clinical Screening refers to an intake interview conducted by a trained intake officer or treatment professional to determine the participant's level of chemical dependency and suitability for wellness court given existing treatment services and therapeutic activities.

Clinical Assessment & Phased Treatment Plan refer to the completion of a detailed clinical assessment undertaken by a treatment professional who then develops an individualized treatment plan based on the participant's identified needs.

Timing—Prompt placement of a participant in the wellness program increases the effectiveness of treatment and the community's confidence in the tribal justice and treatment systems. Participants are immediately immersed in a therapeutic regimen and the public sees a meaningful response to the offender's behavior and sees the eventual success of the program in reducing alcohol and other drug use and related criminal behavior.

Recommended Practices

1. Eligibility screening should be undertaken using written legal criteria and tested clinical screening tools. Program coordinators, case managers, tribal prosecutors, or other qualified team members are designated to legally screen cases and identify potential participants. Trained intake officers or treatment professionals should also conduct initial clinical screening to determine whether the individual's treatment needs will be met by the available treatment services.

2. Promptly advise eligible participants about the requirements, benefits and consequences of participating in this healing journey.

3. Assess the participant's need for substance abuse services, diagnose any mental health issues, and formulate an individualized treatment plan.

4. Schedule an initial appearance before the Healing to Wellness Court judge immediately after arrest, apprehension, or referral, to improve the likelihood of success for the participant.

5. Once the participant agrees to placement in the Healing to Wellness Court, the court should require the participant to begin active involvement in treatment services and other therapeutic activities or supplemental services (such as educational, and job skills programs) immediately.

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.

The Healing to Wellness Court concept is generally viewed as being consistent with traditional Native justice concepts and methods. Traditional methods of justice for Indian people created an environment that focused on the problems underlying the criminal act rather than the act itself and stressed family, extended family, and community involvement in the healing process. The Healing to Wellness Courts are a modern revitalization of guiding Native principles of justice, truth, honor, respect, harmony, balance, healing, wellness, apology or contrition, restitution, and rehabilitation, using a holistic approach. The Healing to Wellness Court concept can be adapted by tribes to restore harmony and balance to individuals, the family, and the communities that have been devastated by alcohol and drug abuse.

In a Healing to Wellness Court Program, a "Phased Treatment Plan" provides the therapeutic environment for participants and their families. This plan may include a year or more of tightly scheduled required therapeutic and other activities for the participant and his or her family. The Healing to Wellness Court provides weekly or bi-monthly legal pressure, in the form of required compliance hearings, to keep participants and their families involved, while treatment professionals engage in therapeutic and other activities to provide positive lifestyle changes.

Each Wellness Court Program is unique. Many have pre-set schedules for group sessions and/or other treatment related activities. Many programs match their treatment schedule and treatment plan to the completion of phases. For example, Phase I may focus on detoxing the participant and gathering information, getting the participant to understand why he or she is in the Wellness Court and educating the participant in the nature and impact of alcohol and drugs on his or her body and the family. Phase II may have goals of getting the participant to admit that he or she has a substance abuse problem and to accept responsibility for hurting him or herself and others, including a focus on increased self-care and the development of healthy, balanced decision-making skills. Phase III might focus on the participant's resolution to be clean and sober and to act as a peer role model. Phase IV is often designed as an aftercare phase which focuses on preparing a participant to face the challenges of re-connecting to the community, and developing an external support system.

The most successful phased treatment plans include a combination of individual counseling, alcohol and substance abuse education and other topical classes, cognitive-behavioral group therapy, experiential (outdoor or wilderness) therapy, group therapy, relapse prevention counseling, and support groups. Participants are required to attend group or individual counseling, courses, and activities on a frequent (often weekly) basis. Participants are also required to be frequently and randomly alcohol and drug tested throughout the required phases.

Recommended Practices

1. The team including justice, treatment, and social services professionals and traditional healers and peacemakers or elders, should work together to understand and design the standard elements, therapeutic goals, and scheduling requirements of a standard phased treatment plan. The phases may include, for example, alcohol and drug education classes, individual and group counseling on a number of topics, cognitive-behavioral and experiential therapies, relapse prevention counseling, and support groups. A standard phased treatment plan should take into consideration existing tribal financial and treatment resources.

2. Teams should also encourage additional training for treatment providers in the specific therapies and modalities used by therapeutic courts (for example, cognitive-behavioral therapy, experiential therapy, and relapse prevention counseling).

3. Teams should also plan to cross-train justice and treatment professionals and traditional healers, peacemakers, and elders in existing and new treatment therapies, modalities, and other therapeutic activities.

4. Treatment plans should be tailored to the individual participant's needs based on the conclusions derived from the clinical assessment. Treatment providers and traditional healers may recommend a certain number of counseling sessions or activities per week (frequency), certain types of therapies or activities ("modalities" including individual, group, family or sweat lodge sessions), specifying the length of sessions or activities (duration), tasks or assignments to be completed (objectives), or sessions focusing on specific topics (such as anger management). The clinical assessment may also reveal a need for mental health counseling provided by a psychologist or psychiatrist in addition to standard drug and alcohol abuse counseling.

5. Tribal Healing to Wellness Courts also incorporate a wide range of traditional healing, peacemaking, and cleansing activities into their programs. Traditional healing practices have proven particularly effective in addressing Native alcohol and substance abuse problems. Involvement in traditional, cultural, religious, and community activities have also proven effective. The following activities may be integrated as requirements of a phased treatment plan: cleansing ceremonies, talking circles, peacemaking, sweat lodges, Native American Church activities, visits with a medicine man/woman, and elder-participant mentorships, (The specific practices, ceremonies, and activities vary substantially from tribe to tribe and from participant to participant).

6. The team should ensure that case management is undertaken with each participant. Case management means that someone is officially responsible for coordinating the services need by the participants such as job training, money management skills, parenting skills, educational advancement, medical or dental services, and transportation and other basic necessities such as housing, water, gas and electricity. This assistance will provide participants with the additional support necessary to succeed in the Healing to Wellness Court.

Key Component 5

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

The Healing to Wellness journey is not accomplished alone. Rather, the process or journey is taken with the support and encouragement of the Healing to Wellness Court staff, extended family, friends, and other community resource personnel. While the choice to become healthy and well remains solely with the individual, it becomes a group venture to help reach and sustain this goal. Many people join together to assist in monitoring and supervising the participant's progress on the healing journey.

Drug testing plays an integral role in the healing journey of the individual. Without random and frequent alcohol and other drug testing, there is no reliable method of knowing that a participant is receiving the full benefits from services. Drug testing helps ensure that the participant is making progress in the healing journey.

Modern technology offers highly reliable testing to determine if an individual has recently used specific drugs. Further, it is commonly recognized that alcohol use frequently contributes to relapse among individuals whose primary drug of choice is not alcohol.

Frequent, random, and observed court-ordered alcohol and other drug testing is essential to document the participant's compliance with program requirements. This assures that the participant is allowing the healing process to begin. Alcohol and other drug testing results are objective measures of treatment effectiveness, as well as a source of important information for periodic review of treatment progress. Testing helps shape the ongoing interaction between the court and each participant. Timely and accurate test results promote frankness and honesty among all parties. It also gives the participant immediate information about his or her own progress, making the participant actively involved in the healing process and journey rather than a passive recipient of services.

Recommended Practices

1. Testing should be administered frequently and randomly in order to assure participant accountability. Testing should occur a minimum of three times per week during the early phases of treatment, with reduced frequency thereafter.

2. The scope of testing should be sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol. Since the drug of choice in most indigenous communities is alcohol, the frequent and random use of a breathalyzer should be incorporated into the testing regime.

3. The drug-testing procedure must be reliable. Elements contributing to the reliability and validity of a urinalysis testing process include, but are not limited to:

- Direct observation of urine sample collection;
- Verification of temperature and measurement of creatinine levels to determine if water loading has occurred;
- Specific, detailed, written procedures regarding all aspects of urine sample collection, sample analysis, and result reporting must be developed and available for review by participants, team members and other concerned parties;
- A documented chain of custody for each sample collected;
- Quality control and quality assurance procedures for ensuring the integrity of the process; and
- Procedures for verifying accuracy when drug test results are contested.

4. Alcohol and other drug testing policies and procedures should be based on established and tested guidelines. If a program uses contracted laboratories to analyze urine or other samples, these laboratories should be held to established standards.

5. Ideally, test results should be available and communicated to the court and the participant within one day. The wellness court functions best when it responds immediately to noncompliance. The time between sample collection and availability of results should be short. The court should be notified immediately when a participant has tested positive, has failed to submit to testing, has submitted the sample of another, or has adulterated a sample. Wellness Programs should develop a coordinated strategy for responding to positive tests, missed tests, and fraudulent tests.

Key Component 6

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

As the Healing to Wellness journey is a difficult and complicated endeavor, participants are closely supervised throughout their participation in the Healing to Wellness Court program. Even the slightest progress is recognized and encouraged by way of praise and other rewards or incentives. Similarly, noncompliance with program requirements is detected promptly by way of reprimand or more severe consequences or sanctions. Both incentives and sanctions in Healing to Wellness Courts support the participant's effort to move forward on his or her healing journey, away from substance abuse and addiction.

An established principle of alcohol and other drug abuse treatment is that addiction is a chronic, relapsing condition. A pattern of decreasing frequency of use before sustained abstinence from alcohol and other drugs is common. Becoming sober or drug free is a learning experience, and each relapse may be used to teach the participant about the recovery process.

Treatment aimed at preventing the return to alcohol and other drug use is imperative in the early stages and emphasized throughout the process. It helps participants learn to manage their ambivalence toward recovery, identify situations that stimulate cravings, and develop skills to cope with high-risk situations.

Participants may exhibit a pattern of positive alcohol and/or drug tests within the first several months following admission. While wellness courts recognize that individuals have a tendency to relapse, continuing use is not condoned. Healing to Wellness Courts must impose appropriate graduated responses for any continuing use. Providing a written copy and explaining these responses to the participants when they enter the process emphasizes the predictability, certainty, and swiftness of the Court's response to their behavior.

Punishments, or sanctions, can be imposed for a participant's noncompliance with other Healing to Wellness Court requirements, in addition to positive drug tests. Participant behavior calling for a response might include missing a court appearance, a positive alcohol and/or drug test, or missing a group therapy session. Sanctions might include: requiring the participant to make extra court appearances; wait until last to be called at the regular court appearances; increased time in the program; return to a prior phase; and/or to do additional community service.

A participant's progress through the wellness court experience is measured by his or her compliance with the treatment plan. Certainly cessation of alcohol and/or drug use is the ultimate goal of treatment. However, there is value in recognizing incremental progress toward the goal, such as showing up at all required court appearances, regularly arriving at the treatment program on time, fully participating in the treatment sessions, cooperating with staff, and submitting to regular testing. Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishment.

Recommended Practices

1. Treatment providers, the judge, and other program staff should maintain frequent, regular communication to provide timely reporting of progress and noncompliance and to enable the court to respond immediately. Procedures for reporting noncompliance should be clearly defined in the wellness court's operating documents.

2. Responses to compliance and noncompliance should be explained verbally and provided in writing to wellness court participants before, or during their orientation, and as necessary during program participation.

3. The responses for compliance should vary in intensity. They can include:

- Encouragement and praise from the bench;
- Ceremonies and tokens of progress, including advancement to the next treatment phase;
- Involvement in community or cultural activities;
- Community recognition of participant success;
- Traditional gifts (such as Pendleton blankets) in recognition of participant success;
- Reduced supervision;
- Decreased frequency of court appearances;
- Reduced fines or fees;
- Dismissal of criminal charges or reduction in the term of probation;
- Reduced or suspended incarceration; and
- Graduation.

4. Responses to, or sanctions for, noncompliance might include:

- Warnings and admonishment from the bench in open court;
- Demotion to earlier program phases;
- Increased frequency of alcohol and other drug testing and court appearances;
- Community service (such as providing services for tribal elders);
- Required appearances before traditional forums or to be instructed by tribal elders;
- Confinement in the courtroom or jury box;
- Increased monitoring and/or treatment intensity;
- Fines;
- Increased community service or work programs;
- Escalating periods of jail confinement (However, wellness court participants remanded to jail should receive treatment services while confined and family members should continue to receive ancillary services); and
- Termination from the program and reinstatement of regular court processing.

5. Progress toward reducing the abuse of alcohol and other drugs and drug related criminal activity is marked by specific and measurable criteria such as compliance with program requirements; no repetition of alcohol or drug related criminal activity and alcohol and other drug use; participation in treatment; and restitution to the victim or to the community.

Key Component 7

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

The judge, or whoever serves in a judicial role (elders, elders panels, and traditional dispute resolution authorities), serves as the leader or guide of the Healing to Wellness Court Team. This position is the link between the criminal justice system and the community's healing and wellness resources. The Court's early and frequent interaction with the participant throughout the healing process during court appearances (often called status hearings) increases the likelihood that a participant will remain in treatment and improves the chances for a successful healing journey to sobriety and law-abiding behavior.

A Healing to Wellness Court judge must be prepared and have the authority to encourage appropriate behavior and to discourage and penalize inappropriate behavior through the imposition of incentives and sanctions. Ongoing judicial supervision also communicates to participants—often for the first time—that someone in authority cares about them and is closely watching what they do.

Healing to Wellness courts require judges to step beyond their role in other courts and participate as part of the team. An effective Healing to Wellness Court judge is knowledgeable about treatment and how treatment and the tribal justice process interact. Their participation in case staffings ensures team members share and discuss information and conflicting views in a timely manner that allows the judge to effectively respond to each participant.

Recommended Practices

1. Judicial participation at case staffings promotes consistency in a team's prompt response to the participant's conduct and assures that the judge is fully prepared for the status hearings.

2. The judge must have a basic understanding of alcohol and other drug treatment and be able to discuss the treatment plan with trained professional treatment providers.

3. Regular status hearings are used to monitor participant performance and progress:

- Frequent status hearings during the initial phases of the participant's program establish and reinforce the drug court's policies and promotes effective supervision.
- Time between status hearings may be increased or decreased based on compliance with treatment protocols and observable progress.
- Having a significant number of drug court participants appear at a single session gives the judge the opportunity to educate both the participant at the bench and those waiting as to the benefits of program compliance and consequences of non-compliance.

4. The court applies appropriate incentives and sanctions in response to a participant's progress in his or her healing journey.

5. Payment of fees, fines and/or restitution may be part of the participant's healing journey. The court supervises such payments and takes into account the participant's financial ability to fulfill these obligations. No one should be denied participation in drug courts solely because of inability to pay fees, fines, or restitution.

6. The judge plays an active role in the treatment process, including frequently reviewing treatment progress. The judge responds to each participant's positive efforts as well as to noncompliant behavior through a consistently applied set of rewards and punishment (incentives and sanctions) developed during the team planning process.

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.

Successful Healing to Wellness Court Programs carefully monitor, collect, organize, and analyze information from the beginning of the planning stages of the program and regularly throughout program operations. There are two primary purposes for the collection and management of wellness court information. First, it is important to frequently monitor internal program operations in order to make changes to improve the existing process. Second, over time, it will become necessary to demonstrate to tribal and federal policymakers and funders that the wellness court is working—that it is reducing repeat offenses and substance abuse.

Certain types of information should be formally collected and organized in a wellness court database:

- An explanation of the target population for the Tribal Healing to Wellness Court Program followed by documentation of the particular types of charges, prior records, nature and severity of alcohol or substance abuse, tribal membership, age, sex, etc. of each participant;

WELLNESS COURT DATABASE

- Law Enforcement Records
- Court Records
- Probation Records
- Selected Treatment Records
- Selected School Records
- Wellness Court Intake Information
- Alcohol & Drug Test Results

- Document the nature of alcohol and drug use while in the wellness court by keeping statistics on the frequency and results of alcohol and drug testing of each participant;

- An explanation of the available treatment modalities for alcohol and/or substance abuse, followed by documentation of the treatment services and other activities provided to each participant;

- Document the wellness program completion rate by keeping statistics on how many people are accepted into the program, how many people graduate from the program, how many people are currently active in the program, what is the average length of time that people are active in the program, and how many people have been terminated from the program;

- Document the re-arrest rate while in the wellness court by keeping statistics on what types of charges are filed, how many times after graduation, and to what extent people remain arrest free.

- Document the impact of the wellness court on the participant's life circumstances by keeping statistics on each participant's enhanced education level, acquisition of job skills, employment, improved physical health, the re-uniting of families, and the number of drug free babies born during participation in the wellness program.

In addition to collecting and managing information to improve internal program operations, it is also important to have formal wellness court evaluations done to demonstrate to policymakers and funders (present and potential) that the wellness program is reducing re-offenses and substance abuse.

Evaluation is the process of gathering and analyzing data to measure the effectiveness of the program and the accomplishment of the program's long-term goals. There are generally two types of evaluations useful for Healing to Wellness Courts: process evaluations and outcome evaluations.

A **process evaluation** appraises progress in meeting operational and administrative goals (e.g., whether treatment services are implemented as intended).

An **outcome evaluation** assesses the extent to which the program is reaching its long-term goals (e.g., reducing criminal recidivism). An effective design for an outcome evaluation is one where data is collected on a comparison group that does not receive Healing to Wellness court services and then it is compared to the data collected on wellness court participants. Outcome evaluations should be planned at the beginning of a wellness court program as these evaluations require at least a year to compile results including contacting and interviewing individuals in a comparison group and those who participated or graduated from the wellness court program.

Recommended Practices

1. The collection and management of information, and the effective evaluation of such data, should begin in the initial planning stages. As part of the comprehensive planning process, team members should establish specific and measurable goals that define the parameters of data collection and management. At this point in the process an evaluator can be a useful member of the planning team.

2. Data needed for internal program monitoring can be obtained from records maintained for day-to-day program operations, such as the numbers and general demographics of individuals screened for eligibility; the extent and nature of alcohol and other drug problems among those assessed for possible participation in the program; and attendance records, progress reports, drug test results, and incidence of criminality among those accepted into the program.

3. Team members should gather and organize data in useful formats for regular review.

4. Ideally, much of the information needed for monitoring and evaluation is gathered through an automated system that can provide timely and useful reports. If an automated system is not available, manual data collection and report preparation can be designed to fit the available record keeping system. Additional monitoring information may be acquired by observation and through program staff and participant interviews.

5. Automated and manual information systems should adhere to written guidelines that protect against unauthorized disclosure of sensitive personal information about individuals.

6. Internal program monitoring reports should be reviewed at frequent intervals by team members. They can be used to analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.

7. Process evaluation activities should be undertaken throughout the course of the drug court program. This activity is particularly important in the early stages of program implementation.

8. If feasible, a qualified independent evaluator should be selected and given responsibility for developing and conducting an evaluation design and for preparing interim and final reports. If an independent evaluation is unavailable the program may design and implement its own evaluation, based on guidance available through the field.

- Judges, prosecutors, the defense bar, treatment staff, and others may design the evaluation collaboratively with the evaluator.
- Ideally, an independent evaluator will help the information systems expert design and implement the information management system.
- The Healing to Wellness Court should ensure that the evaluator has access to relevant justice system and treatment information.
- The evaluator should maintain continuing contact with the court and provide information on a regular basis. Preliminary reports may be reviewed by team members and used as the basis for revising goals, policies, and procedures as appropriate.

9. At least six months after participants begin exiting a Healing to Wellness Court, the differences between wellness court graduates and members of the comparison group (which should have been defined during the planning stages of the wellness court program) should be examined to determine the long-term outcomes of the wellness program. Follow-up evaluation should include the collection and analysis of the following types of information (please refer to the U.S. Department of Justice's Office of Justice Programs "Drug Court Grantee Data Collection Survey" as a beginning):

- Who is eligible to participate in the drug court program?
- Characteristics of program participants
- Number of participants
- Number of graduates from the drug court program
- Number of people admitted to the program
- Number of people who completed the program
- Number of people who failed the program
- Number of people currently enrolled
- Age of participants
- Gender of participants
- Number of drug-free babies born to participants
- Number of participants of different racial or ethnic descent
- Number of participants who gained a GED or vocational training credential while in the program
- Number of participants employed at graduation
- Number of persons for whom bench warrants were issued, who have not been picked up, and have been in bench warrant status for over 60 days
- Number of participants arrested or convicted while in the drug court program
- Number of clients who re-entered the drug court program, after court/self termination or graduation
- Number of participants arrested or convicted after graduation
- Number of participants who remain drug free after graduation

Key Component 9

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

All Healing to Wellness Court team members and staff should be involved in interdisciplinary education and training before the first case is heard. Interdisciplinary education exposes judges, court and probation staff to treatment issues, and treatment staff to criminal justice process and issues. It also develops shared understandings of the values, goals, and operating procedures of both the treatment and the justice system components. Judges and court personnel typically need to learn about the nature of alcohol and other drug problems and the theories and practices supporting specific treatment approaches. Treatment providers typically need to become familiar with criminal justice accountability issues and court operations. All need to understand and comply with drug testing standards and procedures.

One method of educating new wellness court staff about wellness court operations is to visit an existing court to observe its operations and ask questions. On-site experience with an operating wellness court provides an opportunity for new wellness court staff to talk to their peers directly and to see how their particular role functions.

Recommended Practices

1. Key personnel should have attained a specific level of basic education, as defined in professional job descriptions and in the written operating procedures. The operating procedures should also define requirements for the continuing education of each team member.

2. Team member from justice, treatment and social services agencies should cross-train each other beginning with the wellness court design and planning process and continuing throughout wellness court operations. It should never be assumed that professionals from the legal discipline or the treatment or social services disciplines know the purpose, processes and limitations of each other's agencies.

3. Attendance at educational and training sessions by all team members is essential. Regional and national drug court training sessions provide critical information about innovative developments across the nation. Sessions are most productive when team members attend as a group. Credits for continuing professional education should be offered, when feasible.

4. Continuing education institutionalizes the Healing to Wellness Court and moves it beyond its initial identification with the key staff that may have founded the program and nurtured its development.

5. An education syllabus and curriculum should be developed describing goals, policies, and procedures. Topics might include:

- Goals and philosophy of the Healing to Wellness courts;
- The nature of alcohol and other drug abuse, its treatment and terminology;
- The dynamics of abstinence and techniques for preventing relapse;
- Responses to relapse and to noncompliance with other program requirements;
- Basic legal requirements of the program and an overview of the local criminal justice system's policies, procedures, and terminology;

- Drug testing standards and procedures;
- Sensitivity to racial, cultural, ethnic, gender, and sexual orientation as they affect the operation of the drug court;
- Interrelationships of co-occurring conditions such as alcohol and other drug abuse and mental illness (also known as "dual diagnosis"); and
- Federal, State, and local confidentiality.

Key Component 10

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

Healing to Wellness Courts contribute to community and nation building among indigenous tribal peoples. Not only do Healing to Wellness Courts help to redirect lost community members back into a more positive way of life, but the bringing together of the community's healing resources requires the tribal leadership, staff, and citizens to communicate, coordinate and cooperate more beneficially with one another and have an understanding of each other's roles and responsibilities. By working together on a shared vision of health and wellness, the community and nation as a whole can make plans regarding how this vision can be attained with both the wisdom from the past and the resources presently available. Consequently, Healing to Wellness Court staff and others involved in the Court must receive specific and focused education and training that supports the Court's goals and objectives. Moreover, it is important that all community members are made aware of the Healing to Wellness Court's purpose, place, and meaning to the future of the Tribe and Nation so that everyone in the community is actively thinking and working towards the same goal.

Because of its unique approach in the criminal justice system, a wellness court is especially well suited to develop coalitions among private community-based organizations, public criminal justice agencies, and treatment delivery systems. Forming such coalitions expands the continuum of services available to wellness court participants and informs the community about the healing journey of wellness court programs.

The wellness court is a partnership among organizations—public, private, and community-based—dedicated to a coordinated and cooperative approach to the alcohol and other drug offender. The wellness court fosters system wide involvement through its commitment to share responsibility and participation of program partners. As a part of—and as a leader in—the formation and operation of community partnerships, wellness courts can help restore public faith in the criminal justice system.

Recommended Practices

1. Representatives from the court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social service agencies, and the faith community should meet regularly to provide guidance and direction to the drug court program.

2. The court plays a pivotal role in linking community groups and the criminal justice system. The linkages are a conduit of information to the public about the drug court, and conversely, from the community to the court about available community services and local problems.

3. Partnerships between courts and law enforcement and/or community policing programs can build effective links between the court and offenders in the community.

4. Participation of public and private agencies, as well as community-based organizations, should be formalized through a steering committee. The steering committee aids in the acquisition and distribution of resources. An especially effective way for the steering committee to operate is through the formation of a nonprofit corporation structure that includes all the principal court partners, provides policy guidance, and aids in fund-raising and resource acquisition. However, an informal steering committee may be just as effective.

5. Healing to Wellness court programs and services provide opportunities for community involvement through forums, informational meetings, and other community outreach efforts.

Sources for Additional Information

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Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts

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Max Aguilar, Prosecutor, Gila River Indian Community

Donna Arch, Court Counselor, Eastern Band of Cherokee Indians (North Carolina)

Kimberly Canter, Training Coordinator, Native American Alliance Foundation (Virginia)

Caroline Cooper, Director, Drug Court Clearinghouse, American University (Washington, D.C.)

Hon. Brenda C. Desmond, Special Master, Missoula County Judicial District (Montana)

James Edwards, Caseworker/Consultant, Cook County Social Casework Department (Illinois)

Reba Elders, Treatment Specialist, Eastern Band of Cherokee Indians (North Carolina)

Hon. Mark Filosa, Special Master, 3rd Judicial District Juvenile Drug Court (New Mexico)

Lisa Jaeger, Tribal Government Specialist, Tanana Chiefs Conference, Inc. (Alaska)

Hon. Joseph Flies-Away, Associate Judge, Hualapai Tribal Court (Arizona)

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Jerry Gardner, Executive Director, Tribal Law and Policy Institute (California)

Cindy Haro, Attorney, Legal Services of the Virgin Islands (United States Virgin Islands)

Brian Hendrix, Executive Director, Payne County Drug Court, Inc. (Oklahoma)

Susan James-Andrews, President, James-Andrews and Associates (Virginia)

Hon. Ronald E. Johnny, Chief Judge, Duckwater Shoshone Tribal Court (Nevada)

Hon. B.J. Jones, Chief Judge, Sisseton-Wahpeton Tribal Court (North Dakota)

Hon. Richard Martin, Judge, Native Village of Chickaloon (Alaska)

Kimberly Martus, Tribal Justice Consultant, Alaska Tribal Justice Resource Center (Alaska)

Hon. Jeff Maupin, Judge, Native Village of Barrow (Alaska)

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Doug Modig, Consultant, Gathering of Eagles (Alaska)

Elton Naswood, Program Manager, Tribal Law and Policy Institute (California)

Ray Perales, Consultant, Native American Alliance Foundation (Wisconsin)

Edward Reina, Chief of Police, Reno-Sparks Indian Community (Nevada)

Hon. Pat Riggs, Former Judge/Consultant, Ysleta Del Sur Pueblo (Texas)

Marilyn Roberts, Director, Drug Courts Program Office (Washington, D.C.) 1996–2002.

Dr. Kenneth Robinson, President, Correctional Counseling, Inc. (Tennessee)

Clarissa Rodrigues-Coelho, Program Manager, Bureau of Justice Assistance (Washington, D.C.)

Pat Sekaquaptewa, Associate Director, Tribal Law and Policy Institute (Illinois)

Lori Sherrod, Program Manager, Bureau of Justice Assistance (Washington, D.C.)

Hon. Jill E. Tompkins Shibles, Executive Director, National Tribal Justice Resource Center (Colorado)

Hon. Don Sollars, Tribal Judge Emeritus, Blackfeet Tribal Alternative Court (Montana)

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Rita Weeks, Court Administrator, Fort Peck Tribal Court (Montana)

Wayne Weston, Program Development Specialist, Cangleska, Inc. (South Dakota)

Donna White, Court Administrator, Poarch Band of Creek Tribal Court (Alabama)

Hon. Ernest White, Judge, Poarch Band of Creek Tribal Court (Alabama)

Jonathan Whitefoot, Public Safety Commissioner, Yakama Nation (Washington)

L. Winnemucca, Contract Facilitator, Native American Alliance Foundation (Florida)

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Glossary of Terms Used in This Publication

abuse: Substance abuse should be distinguished from "experimental use," "regular use," and "dependency." Substance abuse is observed as the use of increased amounts of the substance, the trying of other types of drugs or alcohol, thoughts of being drunk or high when sober, more and more time spent thinking about, obtaining, and using the substance, problems with family and police, thoughts about quitting which are not followed up, and increased guilt or shame about using the substance.

affidavit: Written statement signed under oath.

aftercare: Classes, counseling, groups and/or activities which focus on preparing participants for completing the Healing to Wellness Court Program, facing challenges of re-connecting to the community, and the development of external support systems.

assessment (or clinical assessment): A process completed by treatment staff to determine the participant's level of chemical dependence and need for treatment services, including the identification of the specific types, the sequence, and intensity of treatment services needed (note that this process is generally completed after legal and clinical screenings).

case management: An individualized plan for securing, coordinating, and monitoring the appropriate treatment interventions and related services (medical and dental services, job search and training skills, housing, heating, electricity, transportation, etc.) needed to treat each participant successfully for the best results.

case staffings: Meetings of wellness court team members, usually held just prior to court appearances by participants, where information about the participant's drug testing results, attendance and participation in required treatment and other required activities, and other relevant information is shared and updated. Recommendations about the participant are also made to the judge during this time.

charging document: The legal form used by the prosecution to begin the criminal process against an offender.

clinical screening: A process by treatment staff to determine whether the prospective participant has a substance abuse problem that can be addressed by available treatment services and if there are other problems, such as a mental health disorder, that would interfere with treatment.

co-occurring problems: Other challenges and difficulties both medical (such as fetal alcohol or mental illness problems) and non-medical (such as educational or family problems), that adversely affect a participant's ability to successfully complete the wellness program.

confidentiality: Refers to information about a person that is private and protected by federal and other laws to prevent its disclosure without the person's consent.

creatinine levels: Creatinine is a muscle breakdown product, which is excreted in the urine at a steady rate. There are two important reasons to measure creatinine levels in urine specimens: (1) to determine whether a person is internally diluting their urine (drinking excessive amounts of water); and (2) to test for new, as opposed to previous, Marijuana (THC) use. The ratio of THC to creatinine should decrease over time when there is no new use.

detoxification: A process of discontinuing of drug and alcohol use that leads to reduction and elimination of drugs and alcohol from the participant's body. Detoxification may or may not need to be medically supervised depending upon the type of drug being discontinued.

dual diagnosis: a clinical assessment by treatment staff that the participant has both a substance abuse and a mental illness problem.

due process: the required process of law as set forth in the federal Bill of Rights, the Indian Civil Rights Act and/or applicable tribal or state law—generally a person

is entitled to have notice and an opportunity to be heard (that is, a real chance to present his or her side in a legal dispute) and that no law or government procedure should be arbitrary or unfair.

incentives: Rewards used within the Healing to Wellness Court program to promote compliance and healing.

information system: The way a program gathers, uses and reports information about its participants and activities. The system may be computerized (automated) or manual.

interagency agreements: Written documents that reflect the interests of the organizations or agencies and their commitments to the program.

legal screening: A process to decide if the prospective participant meets the eligibility criteria for the wellness court related to criminal history, type and severity of offense and other criteria as defined by the team during initial planning.

memorandum of agreement: Written document between units of government that reflect the interests of the organizations and their commitments to the program.

operating procedures: A series of activities performed in a regular definite order under specifically identified conditions.

outcome evaluation: Gathering information to determine a program's success in meeting its goals. An outcome evaluation may look at a program's impact on the individual and on the community.

outpatient treatment: A program or set of services for assisting a participant with his or her healing from drug or alcohol abuse which does not make use of hospitalization or confinement to a facility.

participant: This is the term used for juveniles or defendants who are referred to and are accepted into a Healing to Wellness Court Program.

phased treatment plan: The schedule of classes, counseling, therapeutic and other activities and support groups that Healing to Wellness Court participants are required to attend over a twelve month or longer period in order to complete the program.

process evaluation: Gathering information to describe and analyze how a program is operating or meeting its administrative and procedural goals and to identify problems or concerns in implementing a program.

program monitoring: A way of providing oversight and periodic measurements of a program's performance against its stated goals and objectives.

protocols: The rules and formalities used for interactions among agencies and organizations.

relapse: A return to use of alcohol and or drug use after of period of not using the substance(s).

releases of information: Written consent forms permitting information to be transferred from one place to another concerning the person signing the form. A release may be used to show permission to gather information about health, treatment participation, criminal history and other services used by the participant for use by the wellness court.

sanctions: Punishments, consequences, or appropriate responses to behavior used within the wellness court program to promote compliance and healing.

status hearing or compliance hearing: The participant's appearance before the court to review progress in the wellness court program.

violent offender: In drug courts, the term generally refers to the definition of "violent offender" as set forth in the statutes that authorize federal funding for drug court programs, but prohibit the use of these funds for a "violent offender." The statutes define "violent offender" as a person who either (1) is charged with or convicted of an offense, during the course of which offense or conduct the person carried, possessed, or used a firearm or dangerous weapon; there occurred the death of, or serious bodily injury to any person; or there occurred the use of force against the person of another, without regard to whether any of the circumstances previously described is an element of the offense or conduct of which or for which the person is charged or convicted or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm, 42 U.S.C. S 3796ii et seq.

Notes

1. American University, Office of Justice Programs Drug Court Clearinghouse and Technical Assistance Project, Tribal Court Activity Update of December 2000.

2. Hubbard, R., Marsden, M., Rachel J., Harwood, H., Cavanaugh, E., and Ginzburg, H. *Drug Abuse Treatment: A National Study of Effectiveness.* Chapel Hill: University of North Carolina Press, 1989.

3. See the *Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations* prepared by the Drug Court Clearinghouse and Technical Assistance Project at American University, funded and published by the U.S. Department of Justice, Office of Justice Programs.

Recommended Reading List

The following publications may be ordered from:

The National Criminal Justice Reference Service
P.O. Box 6000 Rockville, MD 20849–6000
Phone (800) 851–3420 Fax (301) 519–5212
Website: http://puborder.ncjrs.org

Title	NCJRS Number
Healing to Wellness Courts: A Preliminary Overview	NCJ 178907
Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives	NCJ 183930
Looking at a Decade of Drug Courts	NCJ 171140
Defining Drug Courts: The Key Components	NCJ 165478
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Drug Court Resources Series Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations	NCJ 176977
Juvenile and Family Drug Courts: An Overview	NCJ 171139
Guideline for Drug Courts on Screening and Assessment	NCJ 171143
Drug Court Monitoring, Evaluation, and Management Information Systems	NCJ 171138
Drug Court Identification and Testing in the Juvenile Justice System	NCJ 167889

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NADCP Tribal Mentor Courts: A Regional Approach to Provide Training and Technical Assistance to Native American Healing to Wellness Courts by Native American Healing to Wellness Courts

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Research on Drug Courts: A Critical Review, CASA, 1998
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DUI/Drug Courts: Defining a National Strategy, Monograph #1, 1999
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OJP Drug Court Clearinghouse and Technical Assistance Project
4400 Massachusetts Ave, N.W.,
Washington, D.C. 20016-8159
Phone (202) 885–2875 Fax (202) 885–2885
Justice Program Office Clearinghouse Reference Collection Website: www.american.edu/justice

Tribal Drug Court Operational Materials
Drug Testing in a Drug Court Environment: Common Issues to Address (Robinson & Jones)
Applying Drug Court Concepts in the Juvenile and Family Court Environments: A Primer for Judges (McGee, Parnham, Merrigan, Smith, & Cooper)
Drug Court Activity Updates

The National Clearinghouse for Alcohol and Drug Information
Phone (800) 729–6686 Fax (301) 468–6433

TIP #	Title	Reference #
TIP 3	Screening and Assessment of Alcohol- and Other Drug-Abusing Adolescents	BKD108
TIP 4	Guidelines for the Treatment of Alcohol- and Other Drug-Abusing Adolescents	BKD109
TIP 7	Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System	BKD138
TIP 8	Intensive Outpatient Treatment for Alcohol and Other Drug Abuse	BKD139
TIP 9	Assessment and Treatment of Patients with Coexisting Mental Illness and Alcohol and Other Drug Abuse	BKD134
TIP 12	Combining Substance Abuse Treatment with Intermediate Sanctions for Adults in the Criminal Justice System	BKD144
TIP 17	Planning for Alcohol and Other Drug Abuse Treatment for Adults in the Criminal Justice System	BKD165
TIP 19	Detoxification from Alcohol and Other Drugs	BKD172
TIP 21	Combining Alcohol and Other Drug Abuse Treatment With Diversion for Juveniles in the Justice System	BKD169
TIP 23	Treatment Drug Courts: Integrating Substance Abuse Treatment with Legal Case Processing	BKD205
TAP 1	Approaches in the Treatment of Adolescents with Emotional and Substance Abuse Problems	PHD580
TAP 2	Medicaid Financing for Mental Health and Substance Abuse Services for Children and Adolescents	PHD581
TAP 3	Need, Demand, and Problem Assessment for Substance Abuse Services	PHD582
TAP 4	Coordination of Alcohol, Drug Abuse, and Mental Health Services	PHD583
TAP 6	Empowering Families, Helping Adolescents: Family-Centered Treatment of Adolescents with Alcohol, Drug Abuse, and Mental Health Problems	BKD81
TAP 8	Relapse Prevention and the Substance-Abusing Criminal Offender	BKD121
TAP 9	Funding Resource Guide for Substance Abuse Programs	BKD152
TAP 10	Rural Issues in Alcohol and Other Drug Abuse Treatment	PHD662
TAP 11	Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination	PHD663
TAP 13	Confidentiality of Patient Records for Alcohol and Other Drug Treatment	BKD156
TAP 17	Treating Alcohol and Other Drug Abusers in Rural and Frontier Areas	BKD174
TAP 18	Checklist for Monitoring Alcohol and Other Drug Confidentiality Compliance	PHD722
TAP 19	Counselor's Manual for Relapse Prevention With Chemically Dependent Criminal Offenders	PHD723
TAP 20	Bringing Excellence to Substance Abuse Services in Rural and Frontier America	BKD220
TAP 23	Substance Abuse Treatment for Women Offenders: Guide to Promising Practices	BKD310