

Tribal Healing to Wellness Court Series

The Policies and Procedures Guide

TRIBAL HEALING TO WELLNESS COURTS: THE POLICIES AND PROCEDURES GUIDE



November 2015



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A product of the

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Walking on Common Ground: www.WalkingOnCommonGround.org

This project was supported by Grant No. 2012-AC-BX-K001, awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of Office of Justice Programs, which also includes Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice.

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Free Training and Technical Assistance

The Tribal Law and Policy Institute, through support from the Bureau of Justice Assistance, is able to offer free training and technical assistance for Healing to Wellness Courts. This includes technical assistance to facilitate and review the development or revision of a Wellness Court Policy and Procedures Manual.

If you would like to request free technical assistance please contact

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Tribal Healing to Wellness Court Publication Series

With support from the Bureau of Justice Assistance (BJA), the Tribal Law and Policy Institute (TLPI) has developed the following additional Tribal Healing to Wellness Court–specific resource publications to assist tribal governments and tribal justice systems in developing, enhancing, and sustaining Tribal Healing to Wellness Courts. These resources are available for free download on the Tribal Court Clearinghouse website (www.tlpi.org) and TLPI’s website devoted solely to Healing to Wellness Courts: www.WellnessCourts.org.

Tribal Healing to Wellness Courts: The Key Components, 2nd ed.

This publication (initially published in 2003; [updated in 2014](#)) provides key components and recommended practices for tribal justice systems to consider as they design, develop, and implement a Tribal Healing to Wellness Court that meets the needs of their community. This publication is organized around ten key components, adapted for tribes, which describe the basic elements of a Healing to Wellness Court. The purpose of each component is explained, followed by lessons learned, and examples of real-world applications.

Overview of Tribal Healing to Wellness Courts

This publication (initially published in 1999; second edition in 2002; [third edition in 2014](#)) provides an overview of Tribal Healing to Wellness Courts. This overview discusses the history of the drug court movement and the adaptation of the drug court model for tribal justice systems. It provides an overview of some of the critical issues and challenges faced by Tribal Healing to Wellness Courts, including the challenge of incorporating tribal custom and tradition, addressing the high volume of alcohol abuse cases, and addressing jurisdictional and resource limitations.

Tribal Healing to Wellness Courts: The Judge’s Bench Book (update coming soon)

Every difficult and demanding journey must have a leader. As set forth in *Tribal Healing to Wellness Court: The Judge’s Bench Book* ([drafted in 2002](#)), that person is the judge. This bench book is designed to provide instruction and practical tools for judges in their efforts to guide those traveling on the road to wellness as well as to offer Judges general guidance, examples of court procedure, and tools to assist them in their Healing to Wellness Court role. This bench book is also useful for Wellness Court team members and community leaders who are interested in designing, creating, and implementing a Wellness Court program.

Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles (update coming soon)

This publication ([drafted in 2002](#)) examines guidelines that have been developed to provide tribal communities with an overview of substance abuse treatment strategies as they have been developed by drug court programs. Tribal programs might consider applying these treatment strategies along with traditional healing practices. This publication examines key issues in developing treatment, creating a Tribal Wellness Court treatment program, adapting treatment program components, identifying special considerations regarding treatment services, evaluating strategies for maintaining sobriety (relapse prevention), and looking ahead.

Tribal Healing to Wellness Courts: Program Development Guide

This publication ([drafted in 2002](#)) provides step-by-step recommendations for the design,

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

Perceptions of Methamphetamine Use in Three Western Tribal Communities: Implications for Child Abuse in Indian Country

This publication (*published in 2007*) explores the increasing concerns raised by the emerging methamphetamine epidemic in Indian country. Professionals from three tribal communities detail their perceptions of meth use and implications for child abuse in the communities in which they work.

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Preface

Tribal Healing to Wellness Courts, also known as drug courts, have proliferated within Indian country during the last two decades. The drug court model, beginning within state courts, was later adapted for tribes to better allow for the diversity of cultures, languages, needs, governance structures, and laws.¹ Essentially, a Tribal Healing to Wellness Court, like a state drug court, integrates substance abuse treatment with the criminal justice system to provide substance-abusing offenders judicially supervised treatment and transitional services through the use of intense supervision, sanctions and incentives, and drug testing in a non-punitive setting.

Healing to Wellness Court is the coming together of agencies and systems that do not traditionally interact. Agencies have different goals, priorities, and structures. It is therefore essential for the Wellness Court to have its own strong foundation. By documenting the structure and procedures of the Wellness Court, the policies and procedures manual aids in securing the long-term future of the Court.

Tribal Healing to Wellness Courts: The Wellness Court Playbook was developed by the Tribal Law and Policy Institute in close collaboration and consultation with Tribal Healing to Wellness Court practitioners. The primary drafter of this publication is Pat Sekaquaptewa, Executive Director of the Nakwatsvewat Institute. For making their materials available and sharing their wisdom, we would like to extend sincere gratitude to the Blackfeet Nation, the Eastern Band of Cherokee Nation, the Fort McDowell Yavapai Nation, the Leech Lake Band of Ojibwe, the Little Traverse Bay Band of Odawa Indians, the Makah Tribe, the Menominee Indian Tribe of Wisconsin, the Muscogee (Creek) Nation of Oklahoma, the Navajo Nation, the Pascua Yaqui Tribe, the Poarch Band of Creek Indians, the Sisseton-Wahpeton Sioux Tribe, the Spokane Tribe, the Yavapai-Apache Nation, and the Yurok Tribe.

For guidance on the tribal key components, the operational characteristics of a Healing to Wellness Court, please see *Tribal Healing to Wellness Courts: The Key Components*,² as well as www.WellnessCourts.org.

¹ TRIBAL LAW AND POLICY INSTITUTE, *TRIBAL HEALING TO WELLNESS COURTS: THE KEY COMPONENTS* (U.S. Department of Justice, Bureau of Justice Assistance, 2nd ed. 2014), available at www.wellnesscourts.org/HWC_Publication_Series.cfm

² Id.

Introduction

A policies and procedures manual is a necessary tool to successfully implement and operate a Tribal Healing to Wellness Court. From the court's outset, a policies and procedures manual, adopted through the formal tribal governmental process, can officially establish the Healing to Wellness Court (Wellness Court) and describe the type of court. For training and technical assistance, please contact the Tribal Law and Policy Institute.³ Up-front designations assist in determining whether a participant is appropriate for the Wellness Court. A policies and procedures manual describes the target population, such as adult, juvenile, or parents involved in dependency court, also known as family Healing to Wellness Court. The manual also documents the agencies, team member roles, and services that will be provided to the target population by team members.

The manual ultimately serves two functions:

- 1) to inform the tribal government, the court, service providers, participants, and the general community of the operations and authority of the court, including Healing to Wellness Court structure and processes; and
- 2) to serve as a guide to the team members by outlining the expectations and requirements of the participant.

The manual describes the mechanisms that will provide support, therapy, methods by which community ties can be restored, and—most importantly—due process to each participant.

The ability to create a Healing to Wellness Court policies and procedures manual lies in the capacity to create a living document that represents the needs and values of the community and utilizes tribal resources creatively and efficiently. It sets standards that allow the court to be consistent, yet flexible enough to address the unique needs of each individual. However, because each tribal community is unique in demographics, geography, culture, history, and governmental structure, one court's successful manual might fail to reflect the particular needs and values of a neighboring court.⁴

Therefore, instead of providing a template or model manual, this publication seeks to define the basic elements of a Tribal Healing to Wellness Court policies and procedures manual, and to provide numerous examples from implemented Wellness Courts. The goal of the project is to assist tribes in developing and enhancing their own Wellness Courts.

This publication is focused upon Healing to Wellness Courts targeting adults implicated in the criminal justice system. Many Tribal Healing to Wellness Courts alternatively target

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⁴ PATRICIA RIGGS, TRIBAL HEALING TO WELLNESS COURTS: PROGRAM DEVELOPMENT GUIDE 54 (Tribal Law and Policy Institute, 2002).

adults in a civil context—such as on family or dependency dockets; however, those materials are not the focus of this publication. Similarly, many tribes target juveniles in a delinquency context and use a separate set of materials with an exclusively juvenile focus.

Reviewing materials from fifteen (15) Tribal Healing to Wellness Courts⁵ makes clear that tribes are using many different vehicles for structuring, authorizing, and executing their Wellness Courts. These vehicles include formal agreements, statutes, formally adopted rules, a series of detailed court order templates, informal policies and procedures/rules, and/or by using manuals and/or handbooks. These vehicles are variously known as a "policies and procedures manual," "procedure manual," "court manual," "program manual," "program rules and guidelines," "staff manual," "participant handbook," "client handbook," and/or a compilation with its own title, such as "Tribal Wellness Court: An Overview," or "The Plan of Operation and Program Treatment Policies and Procedures." There does not appear to be any standardized content across these categories; however, core topics recur across all of these vehicles. These topics make up the subtopics of this publication.

Some tribes divide their materials between program policies and procedures and a separate participant handbook. This approach appears to be a preferred practice and has the advantage of targeting the separate audiences of government agencies/service providers and program participants and their families.

Standard vehicles include:

- Program Policies and Procedures
- Participant Handbook
- Formal Agreements (Memorandums of Agreement [MOAs] or Memorandums of Understanding [MOUs])
- Statutes (also known as "laws," "codes," "ordinances," "resolutions," and/or "rules" adopted by the tribal legislature)
- Court Rules
- Informal Rules (no apparent adoption by the tribal legislature or court)
- Case Law
- Template Petitions, Motions, and Orders
- Forms
- Brochures
- Articles

Core topics identified in the materials that might serve as program policies and procedures include:

⁵ Blackfeet Nation, Eastern Band of Cherokee Nation, Fort McDowell Yavapai Nation, Leech Lake Band of Ojibwe, Little Traverse Bay Bands of Odawa Indians, Makah Tribe, Menominee Indian Tribe of Wisconsin, Muskogee (Creek) Nation, Navajo Nation, Pasqua Yaqui Tribe, Poarch Creek Indians, Sisseton-Wahpeton Sioux Tribe, Spokane Tribe, Yavapai Apache Tribe, and Yurok Tribe.

The Big Picture and Target Population

- Mission and Vision Statements
- Goals and Objectives
- Program Description
- Court to Wellness Program Process
- Definition of Target Population
- Program Eligibility Criteria
- Violent Offender Prohibition
- Sexual Offender Prohibition

Entry into Wellness Court and Team and Participant Rules

- Entrance Requirements (Screening and Assessments)
- Agreement to Participate
- Program Rules
- Attendance
- Program Termination
- Confidentiality
- Fines, Fees, and Court Costs

Team and Committee Roles and Responsibilities

- Wellness Oversight/Steering Committee Structure, Roles, and Responsibilities
- Team Member Roles and Responsibilities

Treatment

- Treatment Assessments and Planning
- About the Treatment Program (Services, Relapse Prevention, etc.)
- Other Education
- Other Support Meetings

Wellness Court Phase System

- Program Phases
- Point System
- Sanctions (Consequences)
- Incentives (Rewards)
- Graduation

The Judge in Wellness Court Staffings and Hearings

- Judicial Supervision
- Court Hearings

Probation, Case Manager, or Other Supervision

- Other Supervision (Probation, Case Manager, etc.)

Alcohol and Drug Testing

- Drug Testing Procedure

Data Tracking and Evaluation

- Client Information Management and Statistical Reporting
- Evaluation Planning and Design

Wellness Team

- About the Team
- Ethics
- Team Transition

The Tribal 10 Key Components

The Tribal 10 Key Components are ten basic operational characteristics that all Tribal Healing to Wellness Courts should share as benchmarks for performance. See *Tribal Healing to Wellness Courts: The Key Components*,⁶ for an in-depth guide to the components.

The Tribal 10 Key Components are not intended to be autonomous checklist items, but rather are core elements of a Healing to Wellness Courts which, when implemented properly, will frequently interrelate.

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant, and to promote Native nation building and the well-being of the community.

Key Component #2: Referral Points and Legal Process

Participants enter Tribal Healing to Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant's due (fair) process rights.

Key Component #3: Screening and Eligibility

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

Key Component #4: Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

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.

Key Component #6: Incentives and Sanctions

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements.

⁶ TRIBAL LAW AND POLICY INSTITUTE, *TRIBAL HEALING TO WELLNESS COURTS: THE KEY COMPONENTS* (U.S. Department of Justice, Bureau of Justice Assistance, 2nd ed. 2014).

Key Component #7: Judicial Interaction

Ongoing involvement of a Tribal Healing to Wellness Court judge with the Tribal Wellness Court team and staffing, and ongoing Tribal Wellness Court judge interaction with each participant are essential.

Key Component #8: Monitoring and Evaluation

Process measurement, performance measurement, and evaluation are tools used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Healing to Wellness Court and to the tribal court process, determine participant progress, and provide information to governing bodies, interested community groups, and funding sources.

Key Component #9: Continuing Interdisciplinary and Community Education

Continuing interdisciplinary and community education promotes effective Tribal Healing to Wellness Court planning, implementation, and operation.

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

Although only Key Component #10 specifically refers to the need for formal written procedures and agreements, an effective policies and procedures manual will incorporate all ten of the components. This publication will refer to specific key components as they relate to the core topics being addressed.

Gottlieb Study

Karen Gottlieb's *Lessons Learned in Implementing the First Four Tribal Wellness Courts*,⁷ was the first and, as of this writing, the only study conducted on Tribal Healing to Wellness Courts. Gottlieb's research focused on the first four implemented Tribal Healing to Wellness Courts: the Adult Blackfeet Alternative Court, the Juvenile Fort Peck Community Wellness Court, the Adult and Juvenile Hualapai Wellness Court, and the Adult Poarch Band of Creek Indians Drug Court. She developed a helpful list of "lessons learned," using the 2003 version of the Tribal 10 Key Components as her guide. Although circumstances have changed since these initial courts were implemented, many of the identified challenges remain relevant for Tribal Healing to Wellness Courts. Like the Tribal 10 Key Components, these lessons learned will be utilized throughout this publication.

⁷ KAREN GOTTLIEB, LESSONS LEARNED IN IMPLEMENTING THE FIRST FOUR TRIBAL WELLNESS COURTS (U.S. Department of Justice, National Criminal Justice Reference Service, NCJ 221168, 2010), *available at* <https://www.ncjrs.gov/pdffiles1/nij/grants/231168.pdf>.

Chapter 1: The Big Picture and Target Population

Overview

The Policy and Procedure Manual can serve not just the team members, but also tribal leadership, community members, and participants and their families. The mission introduces all stakeholders to the Healing to Wellness Court and describes why the court exists. The stated mission, together with the vision, goals, objectives, and target population define the Wellness Court, and form the foundation of the court. Future team members, modifications to the court forms, new relationships with agencies, organizations, and other sovereigns can all return to the “big picture” in order to better define their role within the Wellness Court.

Determining a Healing to Wellness Court’s mission, vision, and goals will require identifying the problems the community faces, envisioning the desired community without those problems, and articulating any overall philosophies that will guide the team in addressing those problems. Determining a Wellness Court’s objectives will require identifying the desired target population, as well as determining how those individuals will be ascertained and admitted into the court.

Relevant Key Components

Key Component #3: Screening and Eligibility

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

Strengths & Weaknesses Reported to First Four Tribal Wellness Courts: Key Component #3 ⁸		
<u>Strengths</u>	<u>Weaknesses</u>	<u>Strength or Weakness?</u>
<ul style="list-style-type: none"> • Team members know potential participants • Participants drawn from several sources (tribal court, state court, & social services) 	<ul style="list-style-type: none"> • Drug dealers accepted into WC • Alternative court used to avoid incarceration where more time spent in Wellness Court than would have been spent in jail • No assessment of readiness to change • No individualized treatment plan 	<ul style="list-style-type: none"> • Fast track to Wellness Court and chemical dependency assessment completed after program acceptance • Inclusive and court-ordered participant selection with no assessment of readiness to change

⁸ "Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court" (December 30, 2005), available at http://wellness.kauffmaninc.com/files/NIJ_ProcessOutcomeFortPeck.pdf; "Process and Outcome Evaluations of the Blackfeet Alternative Court" (December 30, 2005), available at http://wellness.kauffmaninc.com/files/NIJ_ProcessOutcome%20Blackfeet.pdf; "Process and Outcome Evaluations of the Hualapai Wellness Court" (December 30, 2005), available at http://wellness.kauffmaninc.com/files/NIJ_ProcessOutcomeHualapai.pdf; "Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005), available at http://wellness.kauffmaninc.com/files/NIJ_ProcessOutcomePoarchCreek.pdf.

Section A: Mission, Vision, Goals, and Objectives

Purpose

A complete Healing to Wellness Court Policies and Procedures Manual (“P&PM”) should include a mission, vision, goals, and objectives section to provide the foundation for future evaluations of the Wellness Court. Note that none of the tribal materials reviewed had all of these sections.

The *mission statement* is a statement of the overall purpose of an organization. It describes what you do, for whom you do it, and the desired benefit. For example: “To establish and provide the services of a therapeutic alcohol and drug court for eligible adults residing within the X tribal community, who will become healthy, sober members of our tribal community.”

The *vision statement* is a picture of the preferred future, a statement that describes how the future will look if the Wellness Court achieves its ultimate aims. For example: “Our tribal community will have all healthy, sober families.”

The *stated goals* are broad, long-term aims that define accomplishment of the mission. For example: “(1) Get our Wellness Court participants to complete the Wellness Court;” “(2) Get our Wellness Court graduates to stay sober longer;” and “(3) Get our Wellness Court graduates to not re-offend or to re-offend less after graduation.”

The *stated objectives* are specific, quantifiable, realistic targets that measure the accomplishment of a goal over a specified period of time. For example: “(1) To retain 75% of Wellness Court participants within a given cohort in the Court for at least a six-month period;” “(2) To increase the average longest stretch of sobriety for Wellness Court graduates by X amount within the first three years of operations; and “(3) To decrease post-Wellness Court recidivism by X amount within the first three years of operations.”

Sample Tribal Healing to Wellness Court Wording

Eastern Band of Cherokee

“Cherokee Tribal Drug Court – Policies and Procedures Manual” (June 2009)

Mission Statement

The Mission Statement of the Cherokee Tribal Drug Court: is to protect the public safety, and reduce the criminal recidivism rate of alcohol and drug addicted offenders through an integrated approach that involves court supervision, substance abuse treatment

services, education, employment, and personal accountability, resulting in positive and long lasting life changes.

Yurok Tribal Court

“Wellness Court Program Guide” (July 2010)

Mission Statement

The mission of the Yurok Tribal Court (YTC) is to support the traditional village values of the people, and have those values inform the development of the Court as a modern institution. The Court’s role is to protect the values of the people, to support the development of those values within each member of the community, and to insure that our responsibility to protect our traditions and traditional lands are carried out.

Goals

The Yurok Wellness Court (YWC) was implemented to help redirect Yurok Tribal Members affected by drugs and/or alcohol onto a path of wellness; thereby improving family, community, and cultural involvement to promote healthy life choices and reduce criminal recidivism. The program goals are:

- Reduce alcohol, methamphetamine and other drug use among the Yurok Community*
- Apply interventions that meet the cultural and spiritual needs of Yurok Tribal Members*
- Increase referrals to culturally-relevant substance abuse treatment services*
- Expand access to concurrent jurisdiction over drug related criminal cases that involve a Yurok Tribal Member*
- To decrease the incidence of child abuse and neglect*
- To intervene with families who display risk factors*
- To reduce the likelihood of negative outcomes for children by addressing the substance abuse of parents or adult care providers and providing services to their children*

Priorities of the Yurok Tribal Court

- 1. Spiritual, mental, and physical health and wellness for our Tribal Members*
- 2. A healthy lifestyle and a fulfilling life for Yurok Tribal Members*
- 3. Participation and enjoyment of the Yurok Tribe’s culture for all Tribal Members*
- 4. Reduction of crime/and un-Yurok like behavior on the Yurok Reservation and for all Tribal Members. A healing of past trauma caused by violence done to the Yurok People and violence that is now occurring in some of our homes*
- 5. Funding and staffing of the Yurok Tribal Court to fulfill the above mentioned priorities.*

Fort McDowell Yavapai Nation

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

Vision Statement

The vision of the Fort McDowell Adult Wellness Court is to reduce recidivism by actively supporting Fort McDowell community members to live healthy, spiritual, sober lifestyles and to be caring positive role models for future generations.

Mission Statement

The Fort McDowell Adult Wellness Court Program is an intensive court supervised substance abuse treatment program that provides individualized therapeutic programs to strengthen individuals, families and the community by emphasizing personal responsibility and accountability and providing mental, physical, emotional and spiritual healing for community member offenders who struggle with substance abuse and addiction.

Goals and Objectives

- *Reduce criminal recidivism among chemically addicted offenders.*
- *Increase the number of offenders who remain alcohol and drug free.*
- *Increase the benefit and reduce the cost to the Nation for providing services to chemically addicted offenders*
- *Establish a systemic response to substance abuse issues among all involved agencies in Fort McDowell Yavapai Nation*

Section B: Program Description

Purpose

The “program description” within a Policies and Procedures Manual describes the purpose and structure of the Healing to Wellness Court Program to the tribal leadership, the relevant agencies, potential participants and their families, and the tribal community. The program description should designate the type of Wellness Court (adult criminal, juvenile, family, and/or DUI/DWI); describe, in lay-friendly terms, the inter-disciplinary and therapeutic nature of wellness courts; describe who is eligible for the wellness court; and generally describe how the court functions. Some tribes go one step further by contrasting how the Wellness Court is different from the quasi-adversarial tribal court and the guiding principles of the Wellness Court. See the example from the Little Traverse Bay Band of Odawa, below.

Sample Tribal Wellness Court Wording

Cass County—Leech Lake Band of Ojibwe

“Wellness Court Procedure Manual Ninth Judicial District” (July 2014)

Structure/Model

The Wellness Court is a post-sentencing DWI court admitting gross misdemeanor and felony driving impaired offenders.

Pascua Yaqui

“Drug Court Treatment” (no date)

Overview

The Pascua Yaqui Drug Court is a diversion program that offers a treatment as an alternative to criminal prosecution and jail. Drug Court was adapted to the unique legal and treatment environment identified in the Yaqui community to address the intertwined problems of dependence/abuse of alcohol and other drugs and crime. Adult men and women cited or arrested for non-violent crimes and who have an existing alcohol or other drug use problem may be processed immediately into Drug Court.

The U.S. Department of Justice partially funds Drug Court. This model of legal case processing combined with a treatment requirement as an alternative to incarceration has proven to be a success across the country. The partnership that has been formed is a practical approach given that the court system deals with the same individuals that often find themselves in treatment programs.

The Pascua Yaqui Drug Court Team performs a key function in the program. Team members such as the Judge, prosecutor, public defender, treatment providers and others from various tribal departments meet weekly to oversee the functioning of Drug Court and monitor the defendant's treatment progress. Central to the team is the Drug Court Judge who closely supervises the treatment progress and meets weekly with each participant during the Drug Court Hearings. The partnership established among team members strengthens the efforts to deal with alcohol and other drug abuse and its related criminal activity.

Navajo Nation

"The Navajo Nation D.A.N.A. (Dine Adil Nidliigo A'nal neeh) Program Shiprock District Courts Drug Court Manual" (August 2000)

D.A.N.A. Program Design

The D.A.N.A. program will adapt mainstream drug court concepts into a unique form of Navajo Drug Court. Adults and juveniles who have alcohol and drug problems who are charged with non-violent offenses not involving weapons will be eligible for referral into the D.A.N.A. program. Referrals may occur at any stage of complaint processing. Upon referral, the prospective client will be program screened for eligibility by the program officer and when admitted, the client will be referred to a clinical treatment provider for clinical screening and assessment.

Following the clinical screening and assessment, a peacemaking session will be arranged for the client and his/her family or support group. During the peacemaking session, a treatment plan will be developed. The D.A.N.A. Program Officer, the Peacemaker, and a representative from the treatment provider will serve as resource persons during the peacemaking session. The treatment plan will be developed by the client and his family or support group. The client must understand that the D.A.N.A. program is a privilege and not a criminal procedural right. He/She must pledge to complete the treatment plan. The treatment plan shall include a recovery plan which will be provided by the clinical screening and assessment agency. The treatment plan may be accepted as an order of the Court. It will be implemented under the supervision of the D.A.N.A. Program Officer with case review by the Judge throughout the course of the plan. The treatment plan will include drug/alcohol testing, participation in traditional and western rehabilitation methods, and incentives and non-compliance remedies which will be primarily non-adversarial.

Little Traverse Bay Band of Odawa*“Waabshki-Miigwan Court Manual” (January 2011)***Healing to Wellness Court Models vs. Criminal Law Due Process Courts**

The establishment of drug courts provides a groundbreaking approach that permits the judicial system, treatment providers, and other service providers to join forces. Together they supervise support, and treat nonviolent offenders through a series of incentives, sanctions, mandatory drug testing, and effective aftercare programs.

The Waabshki-Miigwan Drug Court Program (WMDCP) is an Odawa Healing to Wellness court program that has evolved from these initial drug court concepts. WMDCP system is not like the general Due Process Court system. Rather, it is developed around the specific cultural patterns of the Little Traverse Bay Bands of Odawa Indians (LTBB). It was developed by Odawa for Odawa. WMDCP is a non-adversarial program that focuses on healing and instilling hope. The LTBB culture is embedded in all areas of the program including the court setting, the treatment plan, the incentives and sanctions, and even the team approach. It is a program that creates hope by laying out a clear program of recovery while providing the client with the needed accountability. Listed below are some clear differences between Due Process Courts and the WMDCP.

Due Process Court	WMDCP
<i>1. Event oriented, i.e., did a certain crime happen as alleged: Historically, this is the jurisprudential link between the criminal courts and the community.</i>	<i>1. Process oriented, i.e., does the offender have a drug/alcohol addiction and can treatment benefit the offender? This type of process is considered in far more limited types of criminal charges.</i>
<i>2. Offense-specific</i>	<i>2. Behavior-specific</i>
<i>3. The determination of guilt and imposition of sentence is essentially the end of the criminal law process.</i>	<i>3. The determination of addiction and referral to drug court is essentially the beginning of the process.</i>
<i>4. The process is identical for all equally accused persons. Quite often, punishment is mandated to be identical as well. The offender’s family is rarely considered in this process.</i>	<i>4. The offender is central to the process and quite often the treatment is individualized. The offender’s family and community are viewed as an ingredient in the overall treatment decisions.</i>
<i>5. Judicial interaction exists only with the representatives of the parties.</i>	<i>5. Court team interaction exists directly with the offender.</i>
<i>6. Responsibility equals atonement</i>	<i>6. Responsibility equals behavioral</i>

<p><i>and punishment. The relationship of the offender to the community is one where, as a result of the adjudication of guilt, the offender is removed from or placed in a condition that protects or shield [sic] the community from the offender.</i></p>	<p><i>changes leading to restoration of holistic health. The offender is viewed as a part of the community. As the offender will generally be treated while an outpatient in the community, behavioral change is designed to reduce conflict by reducing addictive behavior.</i></p>
<p><i>7. When there is post adjudication monitoring, it is generally designed to uncover violations and therefore done primarily for enforcement of probation terms.</i></p>	<p><i>7. There is always extensive post adjudication monitoring. It is always designed to reinforce treatment.</i></p>
<p><i>8. The judge is neutral agent among various competitors.</i></p>	<p><i>8. The judge is an active participant in a partnership between the offender, the treatment providers, and the court.</i></p>
<p><i>v9. The legal history supporting this system is approximately 400 years old; change is difficult.</i></p>	<p><i>9. The legal history that supports this system is 10 years old; change is relatively easy.</i></p>

Underlying Program Principles

While developing the WMDCP we have used many already established and proven recovery principles. The LTBB culture served as our main guide. The Seven Grandfather Teachings, Medicine Wheel Teachings and the White Feather Story are the foundation of WMDCP.

We used the Ten Key Components of Wellness Courts as a guide when organizing the overall structure of our court program. We examined many examples of how other Tribal Drug courts utilized these guidelines and in many cases were able to adopt their ideas into our program.

WMDCP has utilized the Twelve Step as a guide in developing the treatment portion of the program. These programs are established and successful in treating drug and alcohol addiction. Alcoholics Anonymous (AA) and The Red Road to Wellbriety make up the core of our treatment curriculum. Many natives have used these principles to get clean and sober

“Time and again our Elders have said that the 12 Steps of AA are just the same as the principles that our ancestors lived by, with only one change. When we place the 12 Steps in a circle then they come into alignment with the circle teachings that we know from many of our tribal ways. When we think of them in a circle and use them a little differently, then the words will be more familiar to us.”

– The Red Road to Wellbriety

The WMDCP program, obviously, would not exist without the help of all of these components and many others. We hope to honor the Creator and all the people who developed the ideas incorporated into our Drug Court Program by using them in a good way. Furthermore, we

invite any other court entities to use the WMDCP or any of its components that might be helpful to your people.

Waabshki-Miigwan Programming – Curriculum Summary

The Waabshki-Miigwan Drug Court Program (WMDCP) Curriculum is a forty-four week program which utilizes Odawa values and teachings to encourage the adoption of a healthy balanced lifestyle as envisioned by our ancestors, and to eliminate harmful behaviors that have caused negative consequences for our clients. WMDCP has four phases, the learning level (8 weeks), the accepting level (10 weeks), the willing level (12 weeks), and the succeeding level (14 weeks). WMDCP Clients works closely with the WMDCP Team to ensure that maximum potential is achieved.

This ten month, 4 phase program, is a compilation of 44 weekly responsibilities. We encourage our clients to focus on one week and even one day at a time. Each week's assignments must be completed successfully before moving on to the following week.

WMDCP assignments and tasks are balanced between spiritual, emotional, physical, and mental wellness activities. **Spiritual health** activities include self-help meetings, daily prayer and meditation, and Twelve Step Work in either AA or the White Bison Medicine Wheel Teachings. **Emotional health** activities include assigned WMDCP cultural and wellness activities laid out in the WMDCP Workbook. These activities include various engaging tasks designed to instill Odawa culture as well as challenge the drug court client. **Physical health** activities include weekly physical exercise to be chosen by the client and negative random/scheduled drug and alcohol screens. **Mental health** activities are laid out in periodic therapy sessions with a substance abuse counselor on staff. Clients must simultaneously complete these weekly spiritual, emotional, physical, and mental health activities in order to advance to the next week's assignments. Failure to complete all assigned tasks can halt the client's progress and extend the length of time until successful completion of the WMDCP.

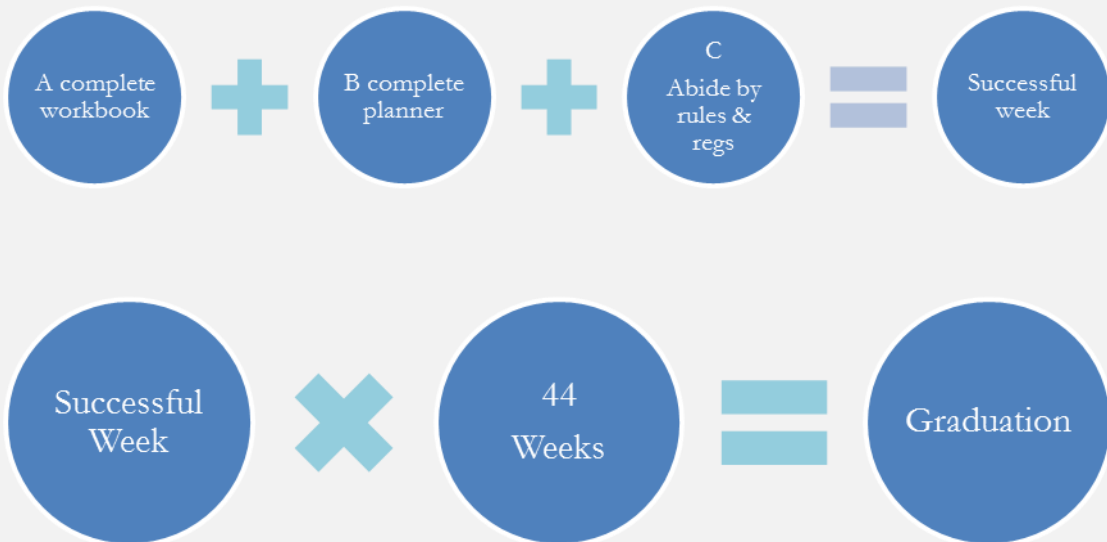
The WMDCP is laid out in a way that is easily understood by the drug court program client. Upon acceptance into the program each client will receive a week-by-week planner, a week-by-week workbook, access to the drug court website (which includes all the materials necessary to successfully complete every assigned task), and, finally, the helpful support of the entire WMDCP team.

Every WMDCP client must essentially complete only three things:

- a. A
All the projects and assignments laid out in the WMDCP week-by-week workbook;
- b. A
Attendance at all assigned counseling, probation, court, and self-help meetings assigned in the WMDCP week-by-week planner; and
- c. C
Compliance with all the WMDCP rules and regulations with an emphasis on maintaining sobriety and clean time.

When a client successfully accomplishes A, B, and C simultaneously then they advance to the

next weeks curriculum. 44 successful weeks will result in graduation from the WMDCP and a fresh start on life.



The LTBB Adult Drug Court Coordinator, the LTBB Adult Probation Officer, and the assigned therapists work collaboratively to monitor and supervise each client. In addition, clients are required to appear at regular scheduled WMDCP hearings to report on progress and drawbacks to completion of program tasks and assignments. The WMDCP team members conduct weekly meetings to discuss the status of each client and make appropriate adjustments in the client’s treatment plan, as needed.

Upon successful completion of the WMDCP, it is expected that our clients will acquire the following:

- a. *foundational knowledge of recovery principles;* A
- b. *new appreciation of the benefits of living a crime free lifestyle;* A
- c. *n ability to logically and efficiently overcome life obstacles;* A
- d. *better understanding of the Odawa culture;* A
- e. *etter overall health; and, most importantly,* B
- f. *ope for their future* B

Section C: Court to Wellness Program Process

Purpose

The section describes the process by which an adult criminal defendant, a juvenile, or a parent or guardian in the dependency court moves through the tribal court process and is diverted into the Healing to Wellness Court. What kinds of charges or grounds make an individual eligible for Wellness Court participation?

If an adult wellness court, are cases diverted from the criminal court to wellness court “pre-charge” (by referral), “post-plea,” or “post-conviction”? Are cases diverted from another sovereign, such as a neighboring county or municipality?

If a juvenile wellness court, are cases diverted from the juvenile/children’s court to wellness court “pre-petition” (by referral), “post-admission,” or “post-adjudication”?

If a family wellness court, does it use a “parallel” judicial model (cases are diverted from the dependency court to the wellness court, and there are two different judges for each court) or an “integrated” judicial model (the dependency’s court judge functions simultaneously as the wellness court judge. The case remains within the dependency court, but the court uses wellness court process)? If using a parallel judicial model, are cases diverted from the dependency court to the wellness court “pre-petition” (by referral), “post-admission,” or “post-adjudication”?

What papers are filed within the tribal court (petitions/motions)? What types of referral forms or applications are used? What types of plea agreements, admissions, and/or probation agreements are entered into for Wellness Court purposes? What kinds of sentencing/detention or removal/supervision orders are used? Are any of these orders stayed with conditions? What are the conditions?

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Entry Process

Entry in the Waabshki-Miigwan program may be initiated through:

- a. *A binding plea agreement in a criminal case. The participant’s Defense Counsel and the Tribal Prosecutor must agree to a sentence to Drug Court. No Drug Court*

participant will be received into Drug Court as part of an original sentence over the objection of the Tribal Prosecutor. Once a binding plea agreement with a Drug Court sentence has been reached, the participant will be assessed for Drug Court eligibility. Criteria-eligible participants will be admitted to the Drug Court under the direction of the presiding Judge of the Drug Court. If the participant is determined to be ineligible for Drug Court enrollment, the case will be returned to the referring Judge for a non-Drug Court alternative disposition.

- b. A referral for participants charged with Violation of Probation. The Tribal Probation Officer, the Tribal Court, Defense Counsel, or the Prosecuting Attorney may refer participants to the Drug Court on probation violation (PV) cases any time prior to sentencing on the PV. As in the case for binding plea agreements in a criminal case, participants referred to the Drug Court will be assessed by the Waabshki-Miigwan Program Coordinator for eligibility as a condition of their acceptance into the Drug Court. If accepted, the PV will be permanently transferred to the presiding Judge assigned to the Drug Court.*

Eastern Band of Cherokee

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

Agreement of Participation

The Agreement of Participation outlines the basic rules of the program and sanctions that may be imposed by the Cherokee Tribal Drug Court Judge for failure to abide by the conditions of Cherokee Tribal Drug Court. The form is read to each participant to ensure understanding of the requirements and possible sanctions. Each Participant must sign the form prior to admission.

Drug Screens

Drug tests are a major component of the Cherokee Tribal Drug Court program to determine drug abuse patterns and to monitor participant progress. Drug tests will be conducted on a frequent and random basis or as directed by the Cherokee Tribal Drug Court Team.

The tests are used to discern drug use and for treatment purposes. The tests need not follow the official rules of chain of custody. The results of the tests are not admissible in court except for Cherokee Tribal Drug Court purposes.

A drug test referral form is used to assist the Cherokee Indian Hospital in providing the appropriate service. The referral form is given to all prospective participants for the initial screening. Drug tests can be administered by the Cherokee Police Department or certified/authorized court team member for random testing, and when a participant advances, or is demoted.

Types of Tribal Drug Court Referrals

A defendant meeting the eligibility requirements may enter the Cherokee Tribal Drug Court Program in (3) three ways from the Cherokee Criminal Trial Court.

- A. T**
he Defendant may plead guilty to at least one of the criminal charges pending and have prayer for judgment continued entered on the condition the defendant enter and graduate from the Cherokee Tribal Drug Court;*
- B. T**
he Defendant can be convicted of any number of offenses and on the defendant's motion or the criminal court's motion, prayer for judgment continued (PJC) is entered in all cases on condition the defendant enter and graduate from the Cherokee Tribal Drug Court.*
- C. *The Defendant can be convicted of any number of offenses* and as part of a split or suspended sentence, the defendant is required to enter and graduate from the Cherokee Tribal Drug Court.***

****At least one charge must involve drugs and/or alcohol, but the use of alcohol or drugs does not have to be an element of the crime.***

Ordinance No. 49 (2005)

Original wording "Wellness Court"

Chapter 7C- 3: Cherokee Tribal Drug Court Jurisdiction (Ordinance No. 609)

- 1. The Cherokee Tribal Drug Court shall have jurisdiction over any case that is transferred by the Cherokee Court. Upon successful completion of the Cherokee Tribal Drug Court program, or at such a time when a participant of the Cherokee Tribal Drug Court becomes ineligible to continue in the program as set out in the Cherokee Tribal Drug Court policies and procedures, the Cherokee Tribal Drug Court will transfer jurisdiction of each case back to the Cherokee Court for any final disposition. All sanctions imposed by the Cherokee Tribal Drug Court, including terms of incarceration, must be completed before the participant returns to the Cherokee Trial Court.*
- 2. Referrals to the Cherokee Tribal Drug Court may be made by the Cherokee Court once a criminal defendant has plead guilty to, or has been convicted of, at least one criminal charge where alcohol or drugs are involved. Cherokee Tribal Drug Court referrals may be made as a part of the conditional sentence or may be made as part of a split or suspended sentence.*
- 3. Once a referral is made to the Cherokee Tribal Drug Court, the participant shall be assigned to a case worker who shall begin the eligibility process set out in the Policy and Procedures Manual. The Cherokee Drug Court Judge shall order any ineligible individuals back to the Cherokee Trial Court Judge for final disposition of*

the defendant's cases(s) pursuant to the Policies and Procedures Manual. Individuals who are determined to be eligible by the Cherokee Drug Court Team may enter the Cherokee Tribal Drug Court.

B. Evaluations: Once an adult has been referred to the Cherokee Tribal Drug Court by a Criminal Court Trial Judge, that person must be evaluated to determine his or her eligibility.

Eligibility Criteria

- 1. Participant has pled guilty or been convicted of a criminal offense.*
- 2. Participant is a non-violent offender and a non-sex crime offender.*
- 3. Participant's charge involves alcohol and/or drugs or the participant has an underlying drug or alcohol use problem.*
- 4. Participant has a substance abuse history.*
- 5. Participant is not a serious risk to the community.*
- 6. Participant has no chronic mental health diagnosis.*
- 7. Participant is an enrolled member of the Eastern Band of Cherokee Indians, or of other Federally Recognized tribes*
- 8. Participant must agree to participate and abide by the Policies and Procedures of the Cherokee Tribal Drug Court.*

Judges of the Cherokee Criminal Trial Court will screen cases for potential eligibility. The Tribal Drug Court Team will determine whether or not a referral by the Criminal Trial Court will be accepted into the Tribal Drug Court Program.

Fort McDowell Yavapai Nation

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

Referral, Screening and Entry Process

Step 1: Identification of the Participant

A) Prosecutor's Office

When the Prosecutor's Office receives a report or citation involving an alcohol or controlled substance matter, the charging attorney shall review the case and the criminal history of the adult and determine whether it meets the minimum eligibility requirements for participation in the Adult Wellness Court Program. If it is determined that the applicant is eligible for Adult Wellness Court Program participation, the charging attorney shall file a complaint with "Wellness Court Eligible" noted under the title with the court clerk or otherwise notify the court. As to the citations, the prosecutor's office shall notify the Court that these cases may be Adult Wellness Court eligible.

B) The Court

At the time a summons is issued in the matter, a copy of the summons and court date is provided to the Wellness Court Coordinator to initiate consultation on the program. If the adult

appears before the Court pursuant to his or her arrest, or pursuant to a citation, the Court shall direct the Defendant to the Wellness Court Office to provide consultation on the Wellness Court Program.

At the arraignment, the Court shall notify the Defendant that he or she may be eligible to participate in the Adult Wellness Court Program. The Court may grant the Defendant a reasonable period of time, but no later than the first pre-trial hearing to provide the Prosecutor's Office with a signed Limited Consent Form for the purpose of pursuing admission in the Wellness Court Program. The Court may further explain the program or refer the Defendant to the Wellness Court Coordinator or Case Manager for further details of the program.

Upon signing of the Limited Consent Form the participant will be directed to immediately contact, in person, the Wellness Court Coordinator/Tribal Court Case Manager. A copy of the Limited Consent Form shall be immediately provided to the Wellness Court Coordinator or the Tribal Court Case Manager.

Step 2: Acceptance in Program

C) Tribal Court Case Manager/Wellness Court Coordinator

Pre-Adjudication Process: Upon receipt of the Limited Consent Form with the charging documents, criminal history, and police reports from the Prosecutor's Office, the Tribal Court Case Manager/Coordinator will verify enrollment, education, job history, and schedule the clinical screening. The Defendant shall contact the Tribal Court Case Manager/Coordinator and acknowledge receipt of the date, time, and location of the clinical screening. The Case Manager/Coordinator will submit the required information or documentation to the committee at the next regular weekly staffing meeting.

If the Defendant is to remain in custody the Wellness Court Coordinator or Case Manager will coordinate with the Police Department, Wassaja Family Services and Prosecutor's Office the time and location for the assessment to be conducted on the date of the Defendant's next court appearance.

Post-Adjudication Process: The Adult Wellness Court Post-Adjudication Program requirements and the probation supervision conditions, the Tribal Court Case Manager/Coordinator will arrange for the participant to complete the intake process, sign the release of information, program rules, participant agreement and shall schedule the matter to be reviewed by the Wellness Court Committee at the next regular weekly meeting.

The Wellness Court Committee shall review all reports and intake documentation and information as to the Defendant's eligibility to participate in an Adult Wellness Court Program.

For statistical purposes, the Tribal Court Case Manager and/or the Wellness Court Coordinator shall keep a file of all cases presented to the Wellness Court Committee for participation consideration and shall indicate whether or not the adult was admitted into the program and, if not, then why not.

The Tribal Court Case Manager or the Wellness Court Coordinator will send a notification letter to the Defendant, prosecutor and the defense attorney; this may include an e-mail notification to the defense attorney.

Step 3: Acceptance in Program

D) The Prosecutor's Office

If the Wellness Court Committee determines that a potential participant is eligible and appropriate for participation in an Adult Wellness Court Program, the Prosecutor's office may

prepare a Wellness Court Plea Agreement – This document shall include all terms of the plea and sentence agreements of the parties and shall be signed by the participant, his or her legal representative, if any, and the prosecuting attorney.

The Wellness Court Coordinator/Case Manager will ensure that the Participant Agreement and Consent to Release Confidential Information are signed by the participant.

E) The Court

At the next scheduled Adult Wellness Court hearing, the Program Coordinator will submit the participant's Wellness Court Program Phase I requirements, to include the adult treatment requirements, house arrest or supervision conditions, and any other requirements that the Wellness Court Committee has determined as appropriate for the benefit of the participant and necessary to address the adult's substance abuse behavior and to enhance his or her ability to successfully complete the Adult Wellness Court Program.

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Referrals – Admission Process for New Violations

Offenders are screened for eligibility at arraignment/Rule 5 hearing (first appearance) by the prosecutors and referred to the Cass County/Leech Lake Wellness Court Coordinator for further review.

Contact is established with out-of-custody offenders instructing them to report to the Cass County probation department for an initial Wellness Court interview. If offenders are still incarcerated, Probation will conduct the initial interview at their detaining facility.

The Wellness Court program and handbook is explained fully to prospective candidates by the Wellness Court Probation Officer. Personal data from each offender is documented on Wellness Court investigation forms, residence and work plans are discussed, as well as their ability and desire to participate in drug treatment. Income information including insurance and Medicaid coverage information is reviewed to determine if the offender is able to pay for treatment or if public assistance is needed.

If the offender indicates a willingness to participate in the Wellness Court Program, the Wellness Court Probation Officer notifies the Chemical Assessor so an assessment can be scheduled. The Chemical Assessor provides the Wellness Court with a copy of the completed assessment which includes the diagnosis and recommendations. The Coordinator or Probation Officer sends correspondence to the County Attorney's Office advising of eligibility or non-eligibility and if eligible probation requests pre-sentence investigation to be completed.

If the offender is considered appropriate for Wellness Court, he or she will be ordered to Wellness Court as a condition of probation, or a condition of release if sentencing has not yet occurred, and is placed on the next Wellness Court docket. The Judge introduces the defendant to Wellness Court, and signs appropriate orders and contracts.

All Wellness Court participants will have a pre-sentence investigation completed and the final recommendation either for or against Wellness Court admission will be made.

See attached Flow Chart Page 19

Referral – Admission Process for Probation Violations

The assigned probation officer will contact the Wellness Court Agent and/or Coordinator when one of their probation clients has a target violation and appears to be a good candidate for Wellness Court. The Wellness Court Coordinator will then screen the offender to determine eligibility. The Wellness Court Coordinator will then process this referral as a regular referral.

Section D: Target Population and Eligibility Criteria

Purpose

This section describes the characteristics of an eligible participant and his or her situation. At a minimum, *Key Component #3 Screening & Eligibility* requires that the target population be limited to “eligible, court-involved, substance abusing parents, guardians, juveniles, and adults” who are “identified through legal and clinical screening.”

For legal eligibility, tribes tend to target individuals of a specified age, charged with specific alcohol- and/or drug-related tribal offenses that fall within the jurisdiction of their tribal courts. Note that although most of the sample Tribal Wellness Court wording below requires that the underlying offense be related to alcohol and/or drugs (such as by explicitly identifying eligible offenses), the Eastern Band of Cherokee only requires that the underlying crime be non-violent. Compare to the Little Traverse Bay Band of Odawa, which requires that drugs and/or alcohol be an underlying factor of the crime, but provides a broad and open-ended list of possibilities.

Additional requirements include clinical eligibility for individuals who have been determined as having a history of alcohol and/or drug use, and/or that have been assessed to be chemically dependent. Some Tribal Wellness Court programs additionally require a mental capacity to actively participate in the program and willingness and consent to participate in treatment and to comply with the program requirements.

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Target Population

Waabshki-Miigwan will target non-violent participants charged with drug/alcohol related offenses who are a member of a federally recognized Indian Tribe and fall within the jurisdiction of the Little Traverse Bay Bands Tribal Court.

Admission Guidelines

Eligibility includes targeted populations that meet each of the following criteria:

- a. Are a member of a federally recognized Indian Tribe or a LTBB Community Member;*
- b. Committed a non-violent crime;*

- c. *Offense was drug or alcohol related, or drug or alcohol is the underlying factor; such as:*
- *Supplying quantities of prohibited drugs;*
 - *Possession and/or use of prohibited drugs;*
 - *Breaking and Entering/Home Invasion;*
 - *Vandalism;*
 - *Trespass;*
 - *Theft;*
 - *Disorderly Conduct;*
 - *DUI;*
 - *Dangerous or reckless driving; and*
 - *Any other offense where drugs or alcohol is the primary underlying factor*
- d. *History of drug or alcohol use;*
- e. *Ability to comprehend and comply with Waabshki-Miigwan requirements; and*
- f. *Fall within the jurisdiction of the LTBB Tribal Court*

Exceptions to rules regarding jurisdiction concerning potential clients without criminal charges can be made by team vote if a candidate voluntarily admits himself/herself to the Waabshki-Miigwan Program.

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Target Population

The target population for the Wellness Court will be offenders:

- *convicted of any Minnesota Impaired Driving Code--MSA §169A*
- *excutable probation violations for above-noted offenses*

Eligibility Criteria

The guidelines which the Wellness Court uses to identify and enter offenders into the program are as follows:

- *ust be a resident of Cass County, and/or live on Leech Lake Tribal land; and remain a resident of Cass County, and/or live on Leech Lake Tribal land, while participating in Wellness Court.*
- *f the case file is from another County, the County must be part of the 9th Judicial District.*
- *ust have a chemical dependency assessment diagnosis of a Substance Abuse Disorder, in accordance with the current DSM-5.*
- *ust be physically and mentally able to actively participate in the program.*

- *ust be willing to sign a treatment contract to undergo drug treatment, which includes regular urine screens, group, individual counseling, or other recommended treatment. Every participant must sign designated releases of confidentiality.*
- *ust be able to make arrangements to attend treatment at the scheduled time.*
- *ust be an adult.*
- *ust be willing to actively seek employment and/or enroll in an educational program and fully participate.*
- *f unemployed complete community service work to be determined by phase the participant is currently in.*
- *ust be willing to accept sanctions of the Wellness Court Judges which may include incarceration, community service, increased reporting to Court and/or probation officer, and increased attendance at community support meetings, such as AA or NA.*

Eastern Band of Cherokee

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

Eligibility Criteria

1. *Participant has pled guilty or been convicted of a criminal offense.*
2. *Participant is a non-violent offender and a non-sex crime offender.*
3. *Participant's charge involves alcohol and/or drugs or the participant has an underlying drug or alcohol use problem.*
4. *Participant has a substance abuse history.*
5. *Participant is not a serious risk to the community.*
6. *Participant has no chronic mental health diagnosis.*
7. *Participant is an enrolled member of the Eastern Band of Cherokee Indians, or of other Federally Recognized tribes*
8. *Participant must agree to participate and abide by the Policies and Procedures of the Cherokee Tribal Drug Court.*

Judges of the Cherokee Criminal Trial Court will screen cases for potential eligibility. The Tribal Drug Court Team will determine whether or not a referral by the Criminal Trial Court will be accepted into the Tribal Drug Court Program.

Fort McDowell Yavapai Nation

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

Eligibility Criteria

- *18 Years of age or older*
- *Member of the Fort McDowell Yavapai Nation or is Native American residing within the Nation. (“Native American” means enrolled, eligible for enrollment or descendant of an enrolled tribal member in a federally recognized Indian tribe; “residing” means established residence for a minimum period of 6 months and intent to permanently reside within the Nation.)*
- *Assessed as “High Risk, High Need.” (Based upon validated legal and clinical assessments, determined to be alcohol or drug dependent and at substantial risk of reoffending or failing to complete a less intensive disposition.)*
- *Tribally charged under the jurisdiction of Fort McDowell Yavapai Nation with an alcohol or drug related crime or a non-alcohol or drug related offense if there is evidence that alcohol or drug use was an underlying factor in the crime. Wellness Court will consider eligible transfers from the State court.*
- *Tribally charged under the jurisdiction of the Fort McDowell Yavapai Nation with violating a term of probation if the violation involves alcohol or drugs or if there is evidence that alcohol or drug use was an underlying factor in the violation.*

Section E: Violent Offender, Sexual Offender, and Aggravated Circumstances Prohibitions

Purpose

This section describes who is ineligible to be admitted into the Healing to Wellness Court. Certain sources of federal funding require that the Healing to Wellness Court Program “target population” exclude violent offenders and/or persons determined to have caused “aggravated circumstances” in child abuse or neglect cases. A tribe that supports its tribal court and/or social services systems with these sources of funding will want to narrow the defined target population to protect this funding.⁹ Other tribes also choose to exclude sexual offenders (as defined under tribal and/or federal law) from their target populations.

Applicable Federal Law Re: Violent Offenders in Tribal Adult Criminal and Juvenile Healing to Wellness Courts

Tribes that receive federal dollars, such as from the Bureau of Justice Assistance, may be subject to limitations regarding the inclusion of violent offenders in the Healing to Wellness Court. The definition of “violent offender” is provided below. Note, however, that the term is defined by whether the crime is punishable by an imprisonment term *exceeding* one year. Tribes that have not adopted the enhanced sentencing authority of the Tribal Law and Order Act,¹⁰ are limited by federal law to sentencing defendants to imprisonment terms of *no more than one year*.¹¹ Therefore, it is possible that such a tribal court conviction, even for a violent offense, would not fall under the federal definition for “violent offender.” Nevertheless, federal funding grantees should consult their grant managers to ensure compliance with their funding limitations.

United States Code, Title 42, Chapter 46, Subchapter XVI, § 3797u–2
42 U.S.C. § 3797u–2 - Definition

(a) In general

Except as provided in subsection (b) of this section, in this subchapter, the term “violent offender” means a person who—

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct—

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

⁹ A Healing to Wellness Court may, at its own discretion, choose to provide services to otherwise excluded offenders if using non-federal funding to provide those services.

¹⁰ Tribal Law and Order Act of 2010, 25 U.S.C. § 2801 et seq.

¹¹ Indian Civil Rights Act of 1986 (ICRA), 25 U.S.C. §§ 1301-1303.

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 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.

(b) Definition for purposes of juvenile drug courts

For purposes of juvenile drug courts, the term “violent offender” means a juvenile who has been convicted of, or adjudicated delinquent for, a felony-level offense that—

- (1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or
- (2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Applicable Federal Law Re: Sex Offenders in Tribal Adult Criminal and Juvenile Healing to Wellness Courts

United States Code, Title 42, Chapter 151, Subchapter I, Part A, § 16911
42 USC § 16911 - Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

In this subchapter the following definitions apply:

(1) Sex offender

The term “sex offender” means an individual who was convicted of a sex offense.

(2) Tier I sex offender

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

(3) Tier II sex offender

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

- (i) sex trafficking (as described in section 1591 of title 18);
- (ii) coercion and enticement (as described in section 2422 (b) of title 18);
- (iii) transportation with intent to engage in criminal sexual activity (as described in section 2423 (a) of title 18);
- (iv) abusive sexual contact (as described in section 2244 of title 18);

(B) involves—

- (i) use of a minor in a sexual performance;
- (ii) solicitation of a minor to practice prostitution; or
- (iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) Tier III sex offender

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18); or

(ii) abusive sexual contact (as described in section 2244 of title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) Amie Zyla expansion of sex offense definition

(A) Generally

Except as limited by subparagraph (B) or (C), the term “sex offense” means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18) under section 1591, or chapter 109 section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) Foreign convictions

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 16912 of this title.

(C) Offenses involving consensual sexual conduct

An offense involving consensual sexual conduct is not a sex offense for the purposes of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) Criminal offense

The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) Expansion of definition of “specified offense against a minor” to include all offenses by child predators

The term “specified offense against a minor” means an offense against a minor that involves any of the following:

- (A) An offense (unless committed by a parent or guardian) involving kidnapping.
- (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Video voyeurism as described in section 1801 of title 18.
- (G) Possession, production, or distribution of child pornography.
- (H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (I) Any conduct that by its nature is a sex offense against a minor.

(8) Convicted as including certain juvenile adjudications

The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18), or was an attempt or conspiracy to commit such an offense.

(9) Sex offender registry

The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) Jurisdiction

The term “jurisdiction” means any of the following:

- (A) A State.
- (B) The District of Columbia.
- (C) The Commonwealth of Puerto Rico.
- (D) Guam.
- (E) American Samoa.
- (F) The Northern Mariana Islands.
- (G) The United States Virgin Islands.
- (H) To the extent provided and subject to the requirements of section 16927 of this title, a federally recognized Indian tribe.

(11) Student

The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) Employee

The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) Resides

The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

(14) Minor

The term “minor” means an individual who has not attained the age of 18 years.

Applicable Federal Law Re: Family (Child Abuse and Neglect) Healing to Wellness Courts

The Adoption and Safe Families Act (“ASFA”)¹² provides that in extreme circumstances (given “aggravated circumstances”), reasonable efforts—either to preserve or reunify a family—would be unreasonable. ASFA applies to all state child welfare systems, as well as to any tribes that operate their own Title IV-E Foster Care and Adoption Assistance program,¹³ or receive direct funding under Title IV-B.¹⁴ These provisions have significant implications for Tribal Healing to Wellness Courts that seek to treat alcohol- and/or drug-abusing parents or guardians while they are seeking reunification with their children.

ASFA affects when a tribe may not provide a family with reunification services and when a tribe must expedite a termination of parental rights (where the child has been in foster care for 15 of the most recent 22 months and where aggravated circumstances are present). These time limits can significantly impact the treatment window. As the law reads, those parents determined to have caused “aggravated circumstances” (see definitions below—but the most troubling is where the parental rights of the parent to a sibling have been terminated involuntarily) are likely to have their parental rights terminated and are thus not good candidates for Healing to Wellness Court where their motivation for participation is legal reunification with their children.

With the passage of ASFA, Congress provided that “reasonable efforts” to preserve or reunify children with their families are not required if a court of competent

¹² Relevant provision of the Adoption and Safe Families Act, 42 U.S.C. § 671(15)(A), (D)(i-ii), § 675(5)(E).

¹³ The Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96-727. Public Law 96-272 created Title IV-E, which provides funds for states and tribes to provide foster care, transitional independent living programs for children, guardianship assistance, and adoption assistance for children with special needs. Tribes can access funding through tribal-state agreements. Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L. 110-351).

¹⁴ 42 U.S.C. 628. Title IV-B of the Social Security Act, provides for two child welfare grant groups (Title IV-B Subparts 1 and 2) for states and tribes. For more information on the application of ASFA to tribes, including how ASFA integrates with the Indian Child Welfare Act, see David Simmons and Jack Trope, *P.L.15-89 Adoption and Safe Families Act of 1997: Issues for Tribes and States Serving Indian Children*, National Indian Child Welfare Association, Ind., National Resource Center for Organizational Improvement (Nov. 1999).

jurisdiction has determined that the parent has subjected the child to “aggravated circumstances.” ASFA delegates to the states (not tribes) the authority to define “aggravated circumstances.”¹⁵ However, Congress specified that the definitions of “aggravated circumstances” might include “abandonment, torture, chronic abuse, and sexual abuse.” ASFA also defines specific cases in which reasonable efforts to preserve or reunify children with their families are not required.

*United States Code, Title 42, Chapter 7, Subchapter IV, Part E, § 671
42 USC § 671 – State plan for foster care and adoption assistance*

(15) provides that—

...(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

(ii) the parent has—

(I) committed murder (which would have been an offense under section 1111 (a) of title 18, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

(II) committed voluntary manslaughter (which would have been an offense under section 1112 (a) of title 18, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

In any case where the ASFA is to be applied, whether for funding purposes or where the tribe agrees with the policy objectives and means of the ASFA, the tribal code should provide for a preliminary hearing on the question of whether aggravated circumstances exist and whether ASFA’s requirements are triggered. Where aggravated circumstances are found to exist, the ASFA has the following requirements:

¹⁵ “When entering into a title IV-E agreement with a State, the tribe must adhere to the list of aggravated circumstances defined in State law. The statute at section 471 (a)(15)(D)(i) specifically requires that the aggravated circumstances in which reasonable efforts are not required be defined in State law.” Child Welfare Policy Manual, §9.4(5) Tribes/Indian Tribal Organizations, Title IV-E Agreements (citing to the Social Security Act and its regulations, § 471(a)(15)(D); 42 U.S.C. §671; 45 C.F.R. 1356.21(b)(3)).

(1) The tribal law cannot require, but may permit, the tribal social services department to undertake reasonable efforts to preserve or reunify children with their families;

(2) The tribal law must require the tribe (via its presenting officer, prosecutor, Attorney General, or other designated official) to file a petition to terminate the parental rights of the child's parents where:

(a) The child has been in foster care for 15 of the most recent 22 months;

(b) The parent has committed murder of another child of the parent; the parent committed voluntary manslaughter of another child of the parent; the parent aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter upon a child of the parent; or the parent committed a felony assault upon the child or another child of the parent that results in "serious bodily injury;" or

(c) The child has been adjudged abandoned by a court of competent jurisdiction.

(3) The tribal law may provide exceptions to the requirement to file a petition to terminate parental rights where:

(a) The child is being cared for by a relative;

(b) The tribal social services department (or other designated agency/officer) has documented a compelling reason so that filing a petition to terminate would not serve the child's best interests; or

(c) The situation requires that the non-offending parent be provided reasonable efforts to reunify and those efforts have not been provided.

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Violent Participant Prohibition

The Waabshki-Miigwan program receives federal funding and must comply with the Violent Participant requirement. Due to congressional mandate, federally funded Wellness Courts cannot accept cases involving a violent participant, described as a person who either:

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

- (2) *has 1 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.*

Eligibility is also determined by a screening process that is defined and described in the program admission guidelines. Those individuals who screen as eligible for the program must be accepted by the team. They may be referred by law enforcement, the Tribal Prosecutor, probation office, court staff, judge, foreign court, or a combination of these agencies, and may require a vote by the Healing to Wellness Court team.

Eastern Band of Cherokee

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

Violent Offender Prohibition

To help ensure the safety of all participants and the drug court team, violent offenders are not eligible to participate in Cherokee Tribal Drug Court. The definition of a violent offender is set out in 42 U.S.C. 3797u-2:

(a) In general

Except as provided in subsection (b) of this section, in this sub chapter, the term "violent offender" means a person who-

- (1) *is charged with or convicted of a offense, during the course of which offense or conduct-*
- (A) *the person carried, possessed, or used a firearm or dangerous weapon*
 - (B) *there occurred the death of or serious bodily injury to any person; or*
 - (C) *there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or*
- (2) *has 1 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.*

(b) Definition for purposes of juvenile drug courts

For purposes of juvenile drug courts, the term "violent offender" means a juvenile who has been convicted of, or adjudicated delinquent for, an offense that-

- (1) *has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or*
- (2) *by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.*

Sexual Offender Prohibition

People categorized as "Sexual Offenders" are not eligible to participate in Cherokee Tribal Drug Court. For the purpose of determining Cherokee Tribal Drug Court eligibility, a sexual offender is a person who has been convicted of, or is currently charged with a "reportable offense" as defined by Cherokee Code Section 14-50.2(4).

1. Cherokee Code, Section 14-50.2(4) Reportable offense means conviction of, adjudicated or committed for a violation, solicitation, conspiracy, or attempt to commit a violation of the following:

- a. Cherokee Code: Section 14-20.1 (taking indecent liberties with children) Section 14-20.2 (aggravated sexual abuse); Section 14-20.3 (sexual abuse); Section 14-20.4 (Sexual abuse of minor or ward); Section 14-30.5 (child abuse in the first degree); Section 14-80.2 (Incest); 14-80.4 (Indecent exposure);
- b. Any offense against a minor prohibited by North Carolina Statutes, all sexually violent offenses prohibited by North Carolina Statutes, including NCGS. 14-27.3 (Second degree rape); NCGS 14-27.4 (First degree sexual offense); NCGS 14-27.5 (Second degree sexual rape); NCGS 14-27.6 (Attempted rape or sexual offense); NCGS 14-27.7 (Intercourse or sexual offense with certain victims); NCGS 14-17.8 (Incest between near relatives); NCGS 14-190.6 (Employing or permitting minor to assist in offenses against public morality or decency); NCGS 14-190.16 (First degree sexual exploitation of a minor); NCGS 14-190.17 (second degree sexual exploitation of a minor); NCGS 14-190.17A (Third degree sexual exploitation of a minor); NCGS 14-190.28 (Promoting prostitution of a minor); NCGS 14-190.19 (Participating in prostitution of a minor); NCGS 14-202.1 (Taking indecent liberties with children);
- c. 18 U.S.C. 2241 (Aggravated Sexual Abuse); 18 U.S.C. 2242 (Sexual Abuse); 18 U.S.C. 2243 (Sexual Abuse of a Minor or Ward); 18 U.S.C. 2251 (Sexual Exploitation of Children); 18 U.S.C. 2252 (Certain Activities Relating to Material Involving Sexual Exploitation of Minors); 18 U.S.C. 2252A (Certain activities Relating to Material Constituting or Containing Child Pornography); 18 U.S.C. 2260 (Production of Sexually Explicit Depictions of a Minor for Importation into the United States);
- d. A reportable offense shall also include all convictions or adjudications or commitments for the above offenses by any tribal, federal, or state jurisdiction which if committed on the Cherokee Reservation or within the State of North Carolina, would have been a sex offense as defined by Chapter 14 of the Eastern Band of Cherokee Code or the North Carolina General Statutes or the United States Code as described above;
- e. All delinquency findings or adjudications of minors for offense listed in subsections (4) a-d above, in any jurisdiction shall also be a reportable offense;
- f. Individuals who have been released from a mental health facility or from a prison's mental health facility for treatment for any mental disorder, mental illness, mental disease, defect, or have been found not guilty or not responsible by reason of mental disease or defect for any offenses enumerated in subsections (4) a-d of this section. In the event that such individual is deemed legally incompetent, it shall be the responsibility of the guardian to register the individual as required by this article.
- g. Reportable offenses must have occurred any time after March 7, 1991.

The phrase "reportable offense" shall include any future amendments in The Cherokee Code of Section 14-50.2 (4) a through g.

2. A sexual offender is also any person who meets the qualifications as set out in Cherokee Code, Section 14-50.2(6) defining "Sexually Violent Person" or who is

required to register as a Sexual Offender under Article X (Sexual Offender Registration Program) of Chapter 14 of The Cherokee Code as now written or as later amended.

3. A sexual offender is also any person who has been convicted of a sexual offense, as commonly defined, which is a crime under the United States Code or the statutes, codes, or ordinances of any state or Native American Tribe recognized by the United States as presently defined or as defined by later amendments.

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Disqualifications

The guidelines that the Wellness Court uses to identify that an offender is ineligible for the program are as follows:

- *o predatory offenses and or past convictions/adjudications for a predatory offense as outlined in MSA §243.166 and MSA §243.167.*
- *Not be a "violent offender" as defined in 28 C.F.R. 93.3(d) as follows:
Violent offender means a person who either—*
 - *Is currently charged with or convicted of an offense during the course of which:*
 - *The person carried, possessed, or used a firearm or other dangerous weapon; or*
 - *There occurred the use of force against the person of another; or*
 - *There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or*
 - *Has previously been convicted of 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.*
- *The offender has a violent criminal history as defined in 28 C.F.R. 93.3(d).*

609.185	Murder in the First
609.19	Murder in the Second
609.196	Murder in the Third
609.20	Manslaughter in the First
609.205	Manslaughter in the Second
609.21 subd.	Criminal Vehicular Homicide
1a(a)	
609.21 subd.	Criminal Vehicular Operation (Great Bodily Harm)
1a(b)	
609.211-	Assault First – Fourth
609.2231	
609.224	If a felony level assault
609.2243	Felony Domestic Abuse
609.228	Great Bodily Harm caused by distribution of drugs
609.229	Crime committed for the benefit of a

N

	gang
609.245	Aggravated Robbery
609.25	Kidnapping
609.2661-	Murder, manslaughter, assault and
609.268	injury/death of unborn child
609.342-	Criminal sex, all degrees
609.3451	
609.498	Witness Tampering
609.561	Arson in the First
609.582	Burglary in the First, subd. 1(a)
609.66	Dangerous Weapons (firearms)
a.	Machine guns and short-barreled shotguns
609.668	Explosive or incendiary devise without injury to others
609.712	Real and simulated weapons of mass destruction
a.	Crimes committed in furtherance of terrorism
609.713	Terroristic Threats
609.855	Crimes involving transit; shooting at transit vehicle

- *The offender declines program participation.*
- *The offender is a juvenile.*
- *The offender fails to report for interview, contract signing and/or initial court date.*
- *The offender shows a lack of desire for change.*
- *The offender wants to transfer supervision out of Cass County.*
- *The offender is required to pay a large amount of restitution.*
- *The offender has serious mental health and/or medical problems.*
- *The chemical assessment and/or mental health assessment indicates the offender is not appropriate for Wellness Court.*
- *The offender is not a resident of Cass County, and/or does not live on Leech Lake Tribal land*
- *Must not be registered as a gang member or affiliated with a gang.*
- *Must not be identified by law enforcement as a dealer of drugs.*
- *Must not have been an integral part of a drug distribution or manufacturing network.*
- *Must not have any outstanding warrants. Once existing warrant has been satisfied, will be eligible to be rescreened.*

Relevant Sample Forms

Pascua Yaqui Drug Court Treatment Card is to be given by Police Officer to a potential participant at the time of their citation or arrest to inform them of the existence of the Healing to Wellness Court. The Police Officer should indicate on the card for what the individual is being cited or arrested, and whether the crime is nonviolent and drug-related.

**PASCUA YAQUI
DRUG
COURT
TREATMENT
(PYDCT)**

**A
CITATION/ARREST
FOR:**

**NONVIOLENT
+ DRUG-RELATED
OFFENSE
= REFERRAL TO
PYDCT**

**FOLLOW THESE STEPS TO FIND OUT
ABOUT DRUG COURT AND IF YOU ARE
ELIGIBLE:**

1. CALL THE PASCUA YAQUI TRIBE'S
PROSECUTOR'S OFFICE # 883-5191.
2. IF YOU ARE ELIGIBLE FOR DRUG
COURT YOU WILL BE REFERRED FOR A
SUBSTANCE ABUSE SCREENING. CALL
THE PYDCT PROGRAM COORDINATOR AT
883-6036.

Chapter 2: Entry into Wellness Court and Team and Participant Rules

Overview

Once a participant has been identified, the participant must be made aware of the Healing to Wellness Court rules and expectations. The “entry” sections of a Policies and Procedures Manual (P&PM) are intended to provide this notice to the participant as well as to the larger community. It may include a description of the process and requirements for being admitted into a Healing to Wellness Court, the contents of any required “agreement to participate,” the program rules, and any required fees or fines. Not only do these sections provide notice to the participant, but they also provide a guide to the Wellness Court team to ensure that the rules and due process protections are being applied consistently and uniformly. Additionally, these sections address the responsibility of Wellness Court team members for ensuring that the participant successfully enters the Wellness Court with all of the requisite notice.

Relevant Key Components

Both Key Component 2 - Referral Points and Legal Process and Key Component 3 - Screening and Eligibility address notice to participants, participant rights, and timely and appropriate clinical screening and assessment of participants.

Key Component #2: Referral Points and Legal Process

Participants enter Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant’s due (fair) process rights.

Key Component #3: Screening and Eligibility

Eligible court-involved substance abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Wellness Court.

Finding from NIJ Tribal Wellness Court Study
Entry: Key Components #2 and #3¹⁶

Problems Identified:

- Participants seemed surprised by the huge time commitment required and did not fully comprehend the requirements, particularly where there was no public defender to advise the potential participant of his or her options.
- Wellness Court teams had communication problems between the team and treatment providers due to “intrinsic differences in the confidentiality of patient records versus court records.”

Lessons Learned:

- Choose participants who are motivated and ready to change their substance abuse behavior.
- Use an informed consent approach with potential participants to ensure that their due process rights are protected.
- Review the program rules regularly with participants while they are in the program.
- Have a clear termination policy in order to weed out participants who are not working the program.

Strengths & Weaknesses Reported to First Four Tribal Wellness Courts:
Entry: Key Components #2 and #3¹⁷

<u>Strengths</u>	<u>Weaknesses</u>	<u>Strength or Weakness?</u>
<ul style="list-style-type: none"> • A public defender is involved in the Wellness Court • P&PM included a “frequently asked questions” section • Team used the P&PM as a checklist 	<ul style="list-style-type: none"> • Participants were not fully apprised of the required commitment • No assessment of participants’ readiness to change • Treatment plans were not individualized • Program requirements were changed and applied retrospectively 	<ul style="list-style-type: none"> • Fast tracked participants into Wellness Court before assessing whether they were dependent on alcohol and/or drugs • Lacked clearly defined termination criteria.

¹⁶ Gottlieb, “Lessons Learned in Implementing the First Four Tribal Wellness Courts,” 17 & 19.

¹⁷ “Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court” (December 30, 2005), “Process and Outcome Evaluations of the Blackfeet Alternative Court” (December 30, 2005), “Process and Outcome Evaluations of the Hualapai Wellness Court” (December 30, 2005), “Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court” (December 30, 2005).

Section A: Entrance Requirements

Purpose

The purpose of this section is to describe the process and the roles and responsibilities of the Healing to Wellness Court team members in successfully transitioning an eligible adult, juvenile, parent, or guardian into the Wellness Court. This section should address the various processes for entrance, including: Who conducts the initial legal and clinical screenings and makes subsequent recommendations? Who will undertake the motivational/readiness screening undertaken? How are potential participants admitted—by judicial order or team vote? Who orients potential participants and how? Additionally, this section should address how the participant is clinically assessed and started in treatment, including: When is a clinical assessment conducted and by whom? Who works with the potential participant and his or her family to develop an individualized treatment plan?

Legal screening refers to the process in which potential participants are identified as legally eligible to participate in Tribal Healing to Wellness Court. Eligibility requirements vary by tribal court and type of Tribal Healing to Wellness Court (adult, juvenile, or family). They generally include a criminal charge, juvenile offense, or civil dependency petition involving alcohol and/or drugs. Depending on the source of program funding and/or tribal law, eligibility may turn on whether the potential participant is a non-violent offender, a non-sex offender, and/or the commission of tribal alcohol-/drug-related offenses.

Clinical screening, or a suitability test, is a determination that the potential participant has the targeted type and severity of substance use/abuse, that he or she is or will be primed to successfully participate in the program (is determined to be ready for change/motivated to change); and that the program has access to the appropriate required treatment services.

Clinical Screening vs. Clinical Assessment

Clinical Screening refers to the process in which potential participants are both *identified as suitable to participate* in Healing to Wellness Court—both in terms of participant need and available treatment services—and are *primed for a successful treatment outcome* from a clinical perspective and *before* participation in Wellness Court. Suitability begins with a screening for the presence, type, and severity of substance abuse before the participant enters the program. But the suitability screening or intake is also quasi-therapeutic in nature. Additionally, because many Wellness Courts may collapse program eligibility screening with treatment intake, the process can strongly influence whether a person completes the Wellness Court and treatment admission procedures, the selection of

appropriate treatment interventions, and the person's successful engagement in treatment.¹⁸

In light of this dynamic, treatment professionals recommend the following intake process, in addition to screening for alcohol and drug abuse: (1) assess the person's readiness for change *and apply appropriate strategies to motivate the client* to enter and participate in treatment;¹⁹ (2) establish a collaborative relationship between intake personnel and the person being screened; (3) identify and overcome barriers that discourage the person from engaging in treatment; and (4) promote the development of individualized interventions that meet each client's needs, rather than fitting the person into a pre-defined program.²⁰ This last recommendation has significant implications for how Wellness Court Phased Treatment Plans are designed in terms of what can be pre-defined and regularized, what should be variable under the direction of a treatment professional, and how the two work together.


Clinical Assessments are characterized by treatment professionals as "ongoing" and vary depending upon a client's history and needs. Clinical *screening* evaluates a person for the possible presence of a particular problem (alcohol and/or drug abuse), the seriousness of the problem, and whether and what types of further clinical assessments are needed. Clinical *assessment* is a process for defining the nature of a problem (going toward a diagnosis) and for developing specific treatment recommendations for addressing the problem. Licensed treatment professionals undertake clinical assessments in the state systems.

¹⁸ See Center for Substance Abuse Treatment, *Substance Abuse: Clinical Issues in Intensive Outpatient Treatment*, Treatment Improvement Protocol (TIP) Series 47, Department of Health and Human Services Publication No. (SMA) 06-4182, Rockville, MD: Substance Abuse and Mental Health Services Administration (SAMHSA) (2006).

¹⁹ See Center for Substance Abuse Treatment, *Enhancing Motivation for Change in Substance Abuse Treatment*, Treatment Improvement Protocol (TIP) Series 35, Department of Health and Human Services Publication No. (SMA) 13-4212, Rockville, MD: Substance Abuse and Mental Health Services Administration (SAMSA) (1999).

²⁰ See SAMHSA TIP 47, at Chapter 5.

Assessment Instruments



A wide variety of substance abuse instruments are available for use in justice systems, but the most commonly used in the Addiction Severity Index (ASI), which is used for screening, assessment, and treatment planning.²¹ Please note that two separate sections of the ASI are frequently used as clinical screening instruments.

For information on other instruments:

- Overview of Assessment Instruments (SAMHSA TIP 44, Chapter 2)
- Assessments for Readiness to Change (SAMHSA TIP 47, Chapter 5, pp. 9–10)²²
- Assessments for Persons with Child Abuse and Neglect Issues (SAMSHA TIP 36)

Assessments for Persons with Co-Occurring Disorders (SAMHSA TIP 42, Chapter 4)

Sample Tribal Wellness Court Wording

Eastern Band of Cherokee

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

ASSESSMENT

Each potential participant must undergo the assessments to establish drug dependency and history of drug use. The Addiction Severity Index (ASI) and the Substance Abuse Subtle Screening Inventory (SASSI-3) are administered by a Certified Substance Abuse Counselor at Analenisgi.

The ASI is a multi-dimensional instrument used to diagnose, evaluate, and assess change in a participant's drug abuse patterns. It identifies personal and family background, current status, and problems in six domains.

The six areas of concentration are:

- | | |
|--------------------------------------|-------------------------------------|
| <i>* medical status,</i> | <i>* employment/support status,</i> |
| <i>* drug/alcohol use,</i> | <i>* legal status,</i> |
| <i>* Family/social relationships</i> | <i>* psychiatric status</i> |

²¹ See SAMHSA TIP 44 Substance Abuse Treatment for Adults in the Criminal Justice System, Chapter 2. The ASI is reproduced in SAMHSA TIP 38, Integrating Substance Abuse Treatment and Vocational Services.

²² Discusses Dimension 4 of ASAM PPC-2R, which assesses an individual's readiness to change for use in ascertaining an individual's readiness to change before conducting full-scale assessments and developing comprehensive treatment plans, and providing a list of brief instruments to help rapidly determine readiness to change or motivational stage.

The ASI is a cost effective, computerized tool based upon the concept that successful treatment of drug-abusing offenders must address problems which may have contributed to drug dependency.

The SASSI-3 instrument is designed to identify individuals who have a high probability of having a substance dependency disorder. Examinations of the SASSI scale scores can be used to generate hypotheses regarding severity of substance dependence, substance abuse, acknowledge substance misuse, the possible need for supervised detoxification, level of acknowledgment, emotional pain, risk of criminal behavior and focus on others rather than self.

Yavapai-Apache

“Yavapai-Apache Family Health Court - Policies and Procedures” (October 2011)

4.0 Entry into the YAFHC (Yavapai-Apache Family Health Court)

4.01

Once a Defendant has entered a plea of guilty or nolo contendere or has been found guilty of a crime, the YAFHC Administrator will conduct a background investigation to determine the applicant’s eligibility to participate in the YAFHC. The Administrator will request a Certification of Legal Eligibility from the Tribal Prosecutor.

4.02

(Insert Referral – new) [sic]

4.03

If the applicant has signed a deferred prosecution agreement to a crime that provides eligibility for the YAFHC, the Administrator will conduct an intake interview to determine if the applicant meets the conditions established Parts 3.01, 3.02, 3.03, 3.04 of these policies. If the applicant qualifies, the Administrator will assist the applicant with filling out the application and will refer the applicant to the appropriate diagnostician for assessment for mental health or alcohol or substance issues.

4.04

The application shall include the information required in Parts 3.01, 3.02, 3.03, 3.04 of these policies and shall include a Waiver of Confidentiality. A preliminary commitment on the part of the applicant to meet the terms of the YAFHC contract will be evidenced by the applicant’s compliance with YAFHC pre-admission requirements. The degree of compliance with YAFHC pre-admission requirements will be considered by the YAFHC team when considering an applicant for admission into the YAFHC.

4.05

The applicant shall have 30 days to complete the assessment process and have the assessments provided to the YAFHC Administrator.

4.06

The applicant may be incarcerated pending acceptance into the YAFHC if the Yavapai-Apache Tribal Court finds that incarceration is necessary for the safety of the applicant, the applicant's family or the community. However, if the applicant is incarcerated, the YAFHC Administrator shall arrange for the administration the necessary assessments [sic].

4.07

The YAFHC team will review the completed application, assessments and recommendations that may be provided by the diagnostician. If the YAFHC team is satisfied that the applicant meets the requirements for participation as established by these policies and has the personal commitment to fully participate in the YAFHC, then that applicant will be accepted into the YAFHC and the jurisdiction over the matter will transfer from the Yavapai-Apache Tribal Court to the Yavapai-Apache Family Health Court.

4.08

Upon notice of acceptance, the applicant will sign the Contract for participation in the YAFHC. The Contract will contain provisions established in part 3.07 of these policies.

Makah Tribe

"Makah Tribal Wellness Court: An Overview" (March 2001)

Screening Process

After receiving an offense report from the Tribal Police Department, the Tribal Prosecutor decides to charge the commission of any offense. The Tribal Prosecutor identifies the defendant's initial eligibility based on current charge(s) indicated in the complaint when filed in criminal court. The Tribal Probation Officer provides local criminal history, if any.

At arraignment, any party can provide notice to the Court of initial eligibility and petition to participate in Wellness Court as an alternative to the normal criminal prosecution. The Court will impose continued release conditions to ensure the defendants compliance with the screening process. Upon receipt of a written referral to Wellness Court, the staff screening the participant is notified of the defendant's next court hearing. Eligibility referral correspondence shall be conducted in a timely manner to the Court. The defendant is responsible for contacting Wellness Court's primary counselor for an assessment and attending subsequent appointments for orientation.

AOD Abuse Assessment

A formal assessment shall take place either prior to or in conjunction with the implementation of treatment service delivery. Basic components of the formal assessment include detailed drug use history, medical history, family history, social/economic history, and a psychological portion.

A clinical assessment is the collection of detailed information concerning the client's substance abuse, emotional and physical health, social roles, and other areas that may reflect the severity of the client's abuse of alcohol or other drugs as a basis for identifying an appropriate treatment regimen.

A second function of assessment is to initiate the process of treatment. The assessment shall conclude with an integrated summary of critical information and diagnostic impressions concerning the individual and his or her treatment needs.

Pascua Yaqui

"Drug Court Treatment" (no date)

Eligibility and Admission Criteria

1. *Must be a member or spouse of a member of the Pascua Yaqui Tribe or; a member of a federally recognized Indian Tribe and who lives on the Pascua Yaqui Pueblo.*
2. *Must be at least 18 years of age.*
3. *Must have an identifiable dependency or addiction to alcohol or other drugs or a person (who is not dependent or addicted) whose use of alcohol or other drugs brings him/her into the criminal justice system.*
4. *Must be willing to participate in Drug Court.*
5. *Within 24 hours of arrest/citation OR the next working day following an arrest/citation or filing of the police report, the Prosecutor will conduct a review of the case and determine if the individual is eligible for referral to Drug Court. The following charges may qualify an individual for Drug Court referral:*
 - A. *Drugs and Narcotics Charges*
 - I. *Drug Use*
 - II. *Paraphernalia Charges*
 - III. *Drug Dealing/Distribution to Support Addiction*
 - B. *Alcohol Use and Dependency*
 - I. *DUI/DWI Charges. Prior DUI/DWI convictions do not exclude one from being eligible.*
 - II. *Liquor Violations*
 - III. *Public Intoxications*
 - C. *Non-Violent Offenses While Under the Influence*
 - I. *Disorderly Conduct*
 - II. *Trespassing*
 - III. *Theft*

IV. Malicious mischief

6. *The Prosecutor will refer the individual to the Drug Court Program Coordinator for a substance abuse screening. The defendant can refuse to participate at any time.*
7. *The defendant must undergo a Drug Court Intake screening to determine if (s)he is appropriate for admission. The Drug Court Program Coordinator performs the intake screening. At intake the defendant will:

 - A) *Receive an orientation describing Drug Court.*
 - B) *Be assessed to determine the extent and severity of his/her problem, dependence or addiction to alcohol and/or other drugs and to recommend the level of treatment to be provided.**
8. *Within 72 hours after the intake screening, the Program Coordinator will submit to the Drug Court a written report describing the findings and recommendations. The report to the Drug Court is limited to verifying the extent of an alcohol or other drug problem, dependence or addiction and the treatment recommendations.*
9. *At the initial hearing and after the review of all relevant materials, the Judge will determine whether or not to transfer the defendant to Drug Court.*
10. *At the scheduled Drug Court Hearing, the Judge will inform the defendant of:

 - A) *His/her waiver of specific rights;*
 - B) *The expectations and conditions of participating in Drug Court;**
11. *At the Drug Court Hearing the Judge will also:

 - A) *Obtain a written commitment from the defendant of his/her desire to participate in Drug Court by having the defendant sign the Pascua Yaqui Drug Court Stipulation and Waiver form;*
 - B) *Render the final decision for Drug Court admission;*
 - C) *Schedule the admission appointment to enter Drug Court Treatment.**

Blackfeet Nation

"Blackfeet Tribal/Family/Alternative Courts – Policy and Procedure Manual for Alternative Courts" (June 2001)

Program Overview – C. Referral Process

- 4) **Vote to accept or deny:** *When an individual has been referred to the Alternative Court, has passed the initial review by the Defender and the Prosecutor, has taken the alcohol/drug assessment and found to be chemically dependent, the case will be staffed by the Alternative Court Team. Each Team member may furnish any information that they know concerning the prospective client, a vote will then be held with each member having one vote, majority rules.*

Yurok Tribal Court

"Wellness Court Program Guide" (July 2010)

Drug Court Program - Screening and Assessment

1. **Legal Screening** – Before being accepted into the program individuals need to have all legal obligations taken care of or be current with any ongoing obligations.
2. **Initial Screening** – The initial screening process entails the YWC team reviewing potential client information, e.g., their needs, wants, strengths, and resources.
3. **Clinical and Cultural Assessment** – Clients will undergo a comprehensive assessment to include substance use and abuse, mental health issues, violence and trauma history, and other needs. A culturally based assessment will be done to determine the level of engagement in traditional Yurok customs and community activities.
4. **Letter for Services** – A letter to the YTC will need to be submitted by the potential client requesting services from the YWC.
5. **Petition of Services** – A Petition will be filed with the YTC, a case number and court date will then be assigned.
6. **Court Order** – At the Court Hearing an Order will be filed accepting or denying potential clients into the YWC Program and Ordering clients to recommended treatment and/or to participate in a treatment plan.

Relevant Template Petitions, Notices, Orders, and Forms

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	PETITION FOR REFERRAL TO
_____	)	TRIBAL DRUG COURT
Defendant)	

TO: PROSECUTING ATTORNEY;
CLERK OF THE TRIBAL COURT

I, _____, the defendant in this case petition the Court to refer of this case to the Spokane Tribal Court.

I have been charged with a non-violent crime(s) which allegedly and directly or indirectly involved the use of alcohol and/or an illegal controlled substance. Without admitting guilt or innocence, I admit I would benefit from a court supervised rehabilitation program.

I understand and agree that, by petitioning the Tribal Court for assignment of the case to the

Spokane Tribal Drug Court:

- a. I am not admitting guilt as the crime charged;
- b. I waive, for two years, my right to a speedy trial;
- c. I agree to submit to a substance abuse evaluation by a counselor at Health and Human Services;
- d. I agree to comply with the treatment recommendation of my evaluator;
- e. I may be required to submit to periodic UA's and/or BA's at the Court's expense as directed by my counselor or Tribal Probation Officer
- f. I may be required to appear in Drug Court as directed by that Court. (This could be as often as once per week or as often as the Court deems appropriate.)

- g. I will be offered information, education on Sexually Transmitted Diseases, including HIV. Clinical screening may be done at Tribal expense if I choose to have it done. The results would be kept confidential despite the waiver in [h] below unless I specifically and expressly allow the results to be sent to the Court.
- h. I authorize all my treatment providers to release to the Drug Court and its Officers any and all information relating to my evaluation, treatment and progress.
- i. I am to fully cooperate with my treatment providers. To that extent, I understand that any statements made to my treatment providers which relate to the crime charged may not be used against me at any time in a criminal proceeding in Tribal Court.
- j. If I fail to satisfactorily complete the program as recommended by my evaluator in my treatment plan, the Tribal Court may re-assign my case for prosecution on the crime(s) charged. If that occurred, I would have all rights given a defendant at arraignment. Speedy Tribal would run for 60 days after the entry of the written order reassigning my case for prosecution.
- k. If I satisfactorily complete the program as recommended by my evaluator, and complete all other requirements imposed on me by the Drug Court, the charge against me will be dismissed and the record of the charge expunged.

Dated: _____

Defendant

Attorney for Defendant

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	PETITION FOR DEFERRED
_____,	)	PROSECUTION
Defendant)	

Comes now the defendant, _____, and petitions the Court for an Order Deferring Prosecution on the above captioned charge(s).

Defendant avers and alleges:

1. I have been charged with a crime of _____. The facts and conduct which led to the charging of this crime were caused by:
 - () Alcoholism;
 - () Drug Addiction; or
 - () Mental Problems

for which I need treatment. Factual allegations supporting the causal connection between my condition or problem and each offense charged are on page four of this Petition.

2. Unless my problem is treated, the probability of recurrence of the above charge is great, and I agree to pay for the cost of diagnosis of such problems if I am financially able to do so.
3. I have a history of problems as marked in paragraph 1 above, including those listed on page three of this Petition.
4. I agree the following documents shall be included as part of this Petition, and that they are hereby incorporated into this Petition by this reference:
 - (A) Advise and Acknowledgement of Rights; and
 - (B) Acceptance of Deferred Prosecution and Stipulation of Facts

I further understand and acknowledge that the above is a stipulation to the admissibility of the facts contained in the written police report and attachments thereto; and that said statement will be entered and used to support a finding of GUILTY if the Court later evokes the Order Granting the Deferred Prosecution.

5. I understand I am not required to submit this Petition; that I may proceed to trial, and, if found guilty, I may seek suspension of some or all of the fines and jail time that may be imposed on the condition I seek treatment. I further understand that I may seek treatment from public, tribal or private agencies at any time without regard to whether or not I am found guilty of the offense charged.
6. I have been advised that the Court will not accept a Petition for Deferred Prosecution from a person who sincerely believes that he/she is innocent of the charges or sincerely believes that he/she does not, in fact, suffer from alcoholism, drug addiction or mental problems.
7. The Petitioner further understands that if the Petition for Deferred Prosecution is approved by the Court, that said Petitioner shall not, during the duration of the deferral, drive a motor vehicle upon the public highways without a valid driver's license and proof of liability insurance in an amount not less than the established in Title 46 of the RCW or Chapter 15 of the Spokane Tribal Law and Order Code.

I certify under penalty of perjury under the laws of the Spokane Tribe of Indians that the above statements are true and correct to the best of my knowledge.

(DATE)

Defendant

Tribal Public Defender

SPOKANE TRIBAL COURT
 SPOKANE TRIBE OF INDIANS
 WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	ACCEPTANCE OF DEFERRED
_____ ,	)	PROSECUTION AND STIPULATION
Defendant	)	OF FACTS

The above named defendant, having been referred for an evaluation at an approved treatment facility of alcoholism, drug addiction, or mental problem; said facility having filed its report and recommended treatment plan, the defendant does:

1. Accept and agree to pursue and complete such treatment;
2. Agree to pay the costs of treatment (if I am able to do so);
3. Agree to maintain total abstinence from alcohol and non-prescription drugs, and further will submit to a test of my breath or blood to determine the alcohol/drug concentration upon request of a law enforcement officer who has reasonable grounds to believe I was using or in possession of alcohol or non-prescription drug or was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor;
4. Agree to be placed on probation with the Tribal Court for the duration of this deferral. If, at anytime, I am determined by the treatment center to be in non-compliance, on notice to this Court, I may be called into the court to show cause why the deferred prosecution should not be revoked.
5. I waive any right of confidentiality that may exist between the treatment center and myself. By waiving this right, I am giving the treatment center permission to communicate with the Court, the prosecutor, and my attorney about my treatment and I will file the necessary release/authorization allowing such communication by the treatment facility.
6. I understand that failure to comply with the treatment plan, or if I am convicted of an offense similar to the one deferred, or if I fail, refuse, or neglect to comply with an order or request of the Court or the Treatment Center, or violate any other term of the deferral within the statutory period, the Court may, on motion and hearing,

revoke my Deferred Prosecution at any time prior to a formal dismissal of the deferred charge(s);

- 7. I further agree that if the Court revokes the order granting this Deferred Prosecution, I stipulate and agree to the admissibility of the facts contained within the written police report, alcohol influence report forms, and any attachment thereto, and their admissibility in evidence to be used to support a finding of GUILTY. I understand, that by this process, I am giving up the right to a jury trial, the right to hear and question witnesses, and the right to testify or not to testify, and the right to appeal a finding of guilt, if later convicted on this charge.
- 8. I understand that under the Indian Civil Rights Act (25 U.S.C. 1302) and the Spokane Tribal Law and Order Code, I am entitled to a trial by jury who would determine my guilt or innocence. I understand before signing this Acceptance of Deferred Prosecution and Stipulation of Facts and Waiver that I have the right to be represented by an attorney, and that if I cannot afford an attorney, one will be appointed for me without cost or expense. I do hereby voluntarily and with knowledge of the above rights waive my right to a jury trial and consent to the trial of this case by the Court pursuant to paragraph seven (7) above;
- 9. I further agree not to operate a motor vehicle upon the public highways without a valid operator’s license and proof of liability insurance in an amount not less than established by Chapter 15, Spokane Tribe Law & Order Code as it exists now or may be hereafter amended;
- 10. I shall immediately report any violation of the above conditions to my attorney who shall as an officer of the tribal Court, disclose such violation to the Prosecuting Attorney; and further;
- 11. I will attend and satisfactorily complete the Victims Impact Panel Program if such attendance is recommended by my treatment provider.

Date

Defendant/Petitioner

Prosecuting Attorney

Attorney for Defendant

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	ORDER DEFERRING PROSECUTION
_____)	
Defendant)	

THIS MATTER, having come on for hearing this date and the Court finding: That the report heretofore ordered, pursuant to SLOC, Chapter 16, recommends treatment for the defendant for:

() alcoholism; () drug addiction; or () mental problems, and proposes a treatment plan;

That the defendant has agreed to comply with the terms and conditions of the plan, and has agreed to pay the cost of the plan (if he/she can) and/or arranged for treatment; the findings of the referral agency are correct and now accepted as Court findings, and further, the Court finds that the petitioner/defendant has stipulated to the admissibility of the facts contained in the written police report; that the petitioner/defendant has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense(s) held subsequent to revocation of the Order Granting Deferred Prosecution; and that the petitioner/defendant’s statements were made knowingly and voluntarily;

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The defendant is accepted for deferred prosecution;
2. The defendant shall comply with all the terms and conditions of the recommended treatment plan, a copy of which is attached;
3. This order shall be attached to the case file, and thereby become part thereof, which case file shall be removed from the regular Court docket and placed in the deferred prosecution file for a period of one/two years from this date, subject to removal; further prosecution of the defendant, dismissal, all pursuant to SLCO, Chapter 16 or the applicable lase of the Spokane Tribe of Indians.
4. The defendant shall be placed under supervision of the Tribal Court.

5. Reports shall periodically be forwarded by the treatment center, but not less than semi-annually. The treatment facility shall report all instance of noncompliance with the defendant’s program and shall report the successful completion of the program when it occurs.
6. The defendant is ordered to keep the Court Clerk, the treatment facility, and his attorney advised, in writing, of all changes of address.
7. The defendant shall not consume any alcohol and/or non-prescription drugs during the period of the deferral.
8. The defendant shall not commit any alcohol- and/or drug-related offenses during the period of the deferral, and further, the defendant will submit to a test of breath or blood to determine the alcohol/drug concentration upon request of a law enforcement officer who has reasonable grounds to believe defendant is in possession of or has used alcohol or a non-prescription drug or was driving or was in actual control of a motor vehicle while under the influence of intoxicating liquor or drugs.
9. The defendant shall not operate a motor vehicle upon the public highways without a valid operator’s license and proof of liability insurance in an amount not less than that established by Chapter 15 of the Spokane Tribal Law & Order Code.
10. The defendant shall successfully complete the Victims Impact Panel Program (if the underlying charge was an alcohol and/or drug related driving offense).
11. The defendant shall comply with the additional provisions as follows:

DONE IN OPEN COURT THIS ____ DAY OF _____, 199__.

cc: Prosecuting Attorney
 Defendant
 Treatment Agency
 Prosecuting Attorney

 JUDGE, SPOKANE TRIBAL COURT

SPOKANE TRIBAL COURT
 SPOKANE TRIBE OF INDIANS
 WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	DISCOVERY REQUESTS
_____ ,	)	AND ORDERS
Defendant)	

TO: THE CLERK OF THE COURT;
 PROSECUTING ATTORNEY FOR THE SPOKANE TRIBE OF INDIANS;
 and DEFENDANT AND DEFENSE COUNSEL

The defendant, _____, requests the following be provided as discovery in the above captioned case:

1. A copy of all police reports relating to this case;
2. A copy of all written statements made by any witnesses and/or the defendant;
3. A summary of all oral statements made by any and all witnesses, and a copy of the investigating officer’s notes regarding these statements;
4. For discovery of all oral, written, or recorded statements made by the Defendant to investigating officers, or to third parties and in possession of the Plaintiff. This request includes any and all notes made by the investigating officers during or after the making of the statements, whether they be consistent or inconsistent;
5. Copies of all results of any forensic or scientific tests made or caused to be made by law enforcement or by the prosecution, whether or not such test will be introduced at trial;
6. A copy of all photographs taken by law enforcement which will be introduced at trial;
7. A copy of all documentary evidence to be introduced at trial;
8. Disclosure of the prosecutor’s theory of the case or in the alternative, a bill of particulars;
9. The disclosure of evidence in the law enforcement or prosecution’s possession favorable to Defendant on the issue of guilt (**Brady** material). This request includes any inconsistent statements of witnesses, evidence tending to implicate another, statements in the possession of law enforcement personnel of which the prosecuting attorney may or may not have knowledge, and any statement or other evidence that raise questions about the reliability or

- 10. integrity of the investigation, including the officers’ credibility.
The disclosure of any and all promises, plea agreements, deals, or other arrangements, oral or written, made to or with any witness, accomplice, or co-defendant;
- 11. For discovery of the names and addresses of Plaintiff’s witnesses and their statements and a summary of their anticipated testimony;
- 12. For discovery of whether: (a) there was an informer involved; (b) whether he/she will be called as a witness at the trial; and (c) disclosure of the name and address of the informer;
- 13. Other request by defendant.

Defendant further requests the above requested items be provided one week prior to the defendant’s pre-trial conference.

PROSECUTION REQUESTS

- 1. Disclosure of the defendant’s theory of the case or in the alternative, a bill of particulars;
- 2. For discovery of the names and address of Defendant’s witnesses and their statements and a summary of their anticipated testimony;
- 3. Disclosure of the defendant’s theory of the case or in the alternative, a bill of particulars;
- 4. A copy of all documents which the defendant intends to introduce as evidence;
- 5. Disclosure of whether the defendant intends to provide an alibi and to produce the details of that alibi;
- 6. Disclosure of whether the defendant intends to claim mental incompetence, either to stand trial or as a defense;
- 7. Other requests.

Plaintiff further requests the above requested items be provided not less than two weeks prior to the commencement of trial.

ORDER

The above numbered requests by defense are granted: _____

The above numbered requests by Plaintiff are granted: _____

Dated _____

Mary L. Pearson, Chief Judge

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	Case No. _____
v.)	
	)	ADVICE AND
_____	)	ACKNOWLEDGEMENT OF
Defendant	)	RIGHTS

I, _____, the undersigned defendant, a Petitioner for a Deferred Prosecution, hereby acknowledge that I have the following rights:

1. The right to be represented by a lawyer at all times, at public expense if necessary.
2. I have the right to a speedy and public trial by an impartial jury in the place where the crime is alleged to have been committed within 60 days of the filing of the complaint or citation.
3. I have the right to remain silent before and during trial, and I need not testify against myself; also that any statement I make can be used as evidence against me.
4. I have the right at trial to call witnesses to testify. These witnesses can be made to appear at no expense to me, but I may be ordered to pay if I am found guilty.
5. I have the right at trial to call witnesses to testify. These witnesses can be made to appear at no expense to me, but I may be ordered to pay if I am found guilty.
6. I am presumed innocent until a charge is provided beyond a reasonable doubt, or I enter a plea of guilty.
7. If I have pled not guilty, and I am convicted at trial, I have the right to appeal a finding of guilty.
8. That if I proceed to trial and am found guilty, I may seek suspension of some or all of the fines and costs, and jail time that may be ordered, upon condition that I seek treatment, and, further, that I may seek treatment from public, tribal, or private agencies at any time without regard to whether or not I am found guilty of the offense charged.

Date

Defendant/Petitioner

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff)	
v.	)	ORDER OF RELEASE
)	
_____)	
Defendant	)	Case No. _____

The above named defendant is hereby released on the following conditions pending trial of this matter.

1. No alcohol and/or non-prescription drugs;
2. No violations of tribal law, including traffic offenses;
3. Appear at all court hearings between now and trial; and
4. Other:

Dated this: _____ day of _____, 19 _____.

Mary Linda Pearson, Chief Judge

FAILURE TO COMPLY WITH THIS RELEASE ORDER IS A CRIME WHICH MAY RESULT IN CHARGES OF CONTEMPT OF COURT AND THE ISSUANCE OF A WARRANT FOR YOUR ARREST, AND IMPOSITION OF A FINE, AND/OR JAIL SENTENCE PURSUANT TO THE SPOKANE TRIBAL LAW AND ORDER CODE.

I accept the conditions of release.

_____	_____	_____	_____
Defendant	Date	Prosecutor	Date
_____	_____		
Witness/Public Defender	Date		

SPOKANE TRIBAL COURT
SPOKANE TRIBE OF INDIANS
WELLPINIT, WA 99040

Spokane Tribe of Indians,)	
Plaintiff	)	STATEMENT OF DEFENDANT ON
v.	)	PLEA OF GUILTY AND PLEA
	)	AGREEMENT
_____ ,)	
Defendant	)	Case No. _____

TO: THE CLERK OF THE COURT and
F. DANA KELLEY, TRIBAL PROSECUTING ATTORNEY:

My Name is _____. My date of birth is _____

I am a member of the _____ Tribe.

I am charged with the crime(s) of: _____

Pursuant to this agreement, I intend to plead guilty to the crime(s) of:

The elements of each crime are: _____;

_____;

I am an Indian and the acts occurred on the
Spokane Indian Reservation.

The maximum penalty for this crime is: _____ ÷
court costs of \$25.00.

There is a mandatory minimum of: _____.

In return for my plea of guilty, the prosecutor is making the following recommendations:

By entering a plea of guilty, I understand I am giving up the following rights:

- The right to a speedy and public trial by a jury or the bench;
- The right to remain silent;
- The right to confront and cross examine witnesses against me;
- The right to present evidence on my own behalf;
- The right to have witnesses for me compelled to appear; and
- The right to appeal a finding of guilt.

I am making this plea voluntarily, knowingly, and willingly. I have been advised by my attorney of the effects of going to trial, this plea and the possible sentencing. I understand that the agreement is between the Prosecutor and myself. The judge does not have to accept this agreement. If the Court does not accept this agreement, I retain the right, but am not required, to withdraw the plea and to go to trial. No promises have been made except those listed above. No one has threatened me or coerced me into making this agreement. I admit there is a factual basis for the plea. I certify that I am not currently under the influence of alcohol or any other drug or medication which affects my awareness or thought processes.

I plead GUILTY to the crime of: _____.

Dated this _____ day of _____, 19_____.

Defendant

Michael C. Beegle
Public Defender

Prosecuting Attorney

ORDER

This court finds the plea to be freely, voluntarily, and knowingly made. The court ACCEPTS/DOES NOT ACCEPT the agreement (Or MODIFIES THE AGREEMENT WITH THE CONSENT OF BOTH PARTIES). A plea of GUILTY is/is not entered.

Date

Mary Linda Pearson, Chief Judge
Spokane Tribal Court

Date Recorded: _____

Court Clerk



**Poarch Creek Band of Creek Indians
Drug Court Information Sheet/Screening Form**

Source of Referral: _____ **Referral Date:** _____ **Screening Date:** _____

PERSONAL INFORMATION

First Name: _____ **Middle:** _____ **Last Name:** _____ **Suffix:** _____

Alias: _____

Client's Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Date of Birth: _____ **Phone Number:** _____ **Alternate Number:** _____

Social Security #: _____ **Case #:** _____ **Enrollment #:** _____

DL State: _____ **DL #:** _____ **DL Status:** _____ **Place of Birth:** _____

Race/Ethnicity: _____ **African American** _____ **Caucasian** _____ **Multi-Racial** _____ **Asian / Pacific Islander** _____
_____ **Hispanic / Latino** _____ **Native American** _____ **Other:** _____

Gender: **M/F** _____ **Marital Status:** _____ **Single** _____ **Married** _____ **Separated** _____ **Divorced** _____ **Widowed**

Ht: _____ **Wt:** _____ **Eyes:** _____ **Hair:** _____

Number of Times Moved in the Last Three Years? _____ **Comment:** _____

Length of Time at Current Primary Address? _____ **Comment:** _____

Living Arrangements: _____ **Independent** _____ **Homeless** _____ **Dependent with** _____

CRIMINAL HISTORY

Are you currently represented by an attorney? _____ **Yes** _____ **No**

If yes, list name of attorney:

Eligible Charge: Statute: _____ **Description:** _____ **Counts:** _____ **Case#:** _____

Arrest Date: _____ **Offense Date:** _____ **1st Appearance Date:** _____ **Plea Date:** _____ **Arraignment Date:** _____

Offense Categories: _____ **B&E/Home Invasion** _____ **Manufacturing/Distribution** _____ **Use/Possession**

_____ **Other Drug Offense** _____ **Property Offense** _____ **Other Traffic Offense (Criminal)** _____ **Neglect & Abuse Civil**

_____ **Neglect/Abuse Criminal** _____ **DUI of Alcohol/C.S.** _____ **1st** _____ **2nd** _____ **3rd** _____ **Other Alcohol Offense**

_____ **Non-violent Sex Offense** _____ **Other:** _____

Charge Type: _____ **Felony** _____ **Misdemeanor** _____ **Other**

Incident Offense: _____ **New Criminal Offense** _____ **VOP Technical** _____ **VOP New Criminal Offense**

Drug Court Approach: _____ **Defer / Delay** _____ **Post Sentence**

Preliminary Date: _____ **Pre-trial Date:** _____ **Adjudication Date:** _____ **Disposition Date:** _____

Sentenced: _____ **Yes** _____ **No** _____ **Sentence Date:** _____ **Disposition:** _____ **Probation Exp. Date:** _____

Jail Status: _____ **Jail** _____ **Not in Jail** _____ **Jail Admit Date:** _____ **Date Released from Jail:** _____

Prior Convictions: _____ **Yes** _____ **No** _____ **If yes:** _____ **Number of Felonies** _____ **Number of misdemeanors**

Dependency Case: _____ **Yes** _____ **No** _____ **If yes:** _____ **No Referrals** _____ **Referrals Non-Substantiated** _____ **Referral Substantiated**

Current Charge or Previous Adjudication of a Violent Crime or Sex Offense, Other Than Domestic Violence? Yes No

If Yes: What Offense: _____

Previous Adjudication for Domestic Violence? Yes No Outstanding Warrants: Yes No

Pending Criminal Charges: Yes No Prior Failures to Appear: 0 1 2 3 or more

Currently on Probation: Yes No If Yes: Probation Officer/Case Manager's Name:

_____ Jurisdiction (County/State) of Probation: _____

Restitution owed: \$ _____ Fines owed: \$ _____

History of Prior Drug Court Participation: None Successfully Completed Transferred
 Voluntary Withdraw Unsuccessful Due to Absconding Unsuccessful Due to New Offense
 Unsuccessful Due to Program Violation

TREATMENT:

Previous Substance Abuse or Mental Health Treatment: Yes No If yes, please list dates and places treatment was received:

Are you currently attending sessions with a substance abuse treatment provider, psychologist, psychiatrist or counselor? Yes No If yes, please list name of provider: _____

SUBSTANCE ABUSE HISTORY

Prior Substance Abuse: Yes No **Prior Substance Abuse Treatment:** Yes No

IV Drug User: Yes No **History of IV Drug Use:** Yes No

Drug of Choice: Enter P-Primary, S-Secondary, A-Additional

Tobacco Alcohol Cannabinoids Other: Steroids/Inhalants

Stimulants: Cocaine Stimulants: Amphetamine Stimulants: Methamphetamine

RX: Stimulants RX: Depressants RX: Opioid Pain Relievers

Hallucinogens: LSD/Mescaline/Psilocybin Club Drugs: MDMA/Rohypnol/GHB

Dissociative: ketamine/PCP/Salvia/DXM/Spice/Bath Salts

Age Began Drugs: _____ Years Using Drugs: _____ Age Began Alcohol: _____ Years Using Alcohol: _____

Drug Type	Age at 1 st use	How often used	Date of Last use
Powder Cocaine			
Crack Cocaine			
LSD			
Marijuana			
Meth			
Opiates			
Oxycontin			
Other: _____			

MEDICAL INFORMATION:

Name of primary medical doctor: _____ Date of Last Doctor/Hospital Visit: _____

Current medical Problems: Please circle all that apply.

- | | |
|-------------------------|---------------------|
| Hearing disorders | Vision disorders |
| Eating disorder | High blood pressure |
| Low blood pressure | Heart condition |
| Asthma | Diabetes |
| Dental problems | Cancer |
| Kidney/Bladder problems | Arthritis |
| Back injury | Seizures |
| Physical disability | Mental disability |

Other: _____

Comments: _____

Current Medications: Yes No

Medications: _____

Pregnant? Yes No N/A Due Date: _____ Hospital: _____

Doctor: _____

Comments: _____

Medical Insurance: None Other Medicaid Medicare Private Carrier: _____

History of Mental Health Condition(s): Yes No Comments: _____

History of Medical Condition(s): Yes No Comments: _____

EDUCATION HISTORY:

Highest Education Completed: No High School Diploma/last grade completed: GED High School

Some Trade School Trade School Graduate Major: _____

Some College College Graduate 2 year Program Major: _____

College Graduate 4 year Program Major: _____

Advanced Degree Major: _____

Name of School last attended: _____

EMPLOYMENT HISTORY:

Employment Status: Unemployed Full-Time Part-Time

Not in Labor Force: Disabled Student

Primary Source of Support: Salary/Wages None Family Foster Care Subsidy Welfare

Veteran's Benefits Disability Retirement Social Security Workers Compensation

Other: _____

Gross Monthly Income (from all sources): \$ _____

Current or last employer: _____

Name of current or last employer: _____

Begin Date: _____ End Date: _____

Reason for Leaving: _____
Supervisor: _____ Approximate Salary: _____
Reliable Transportation: : Yes No Comments: _____

Prior Military Service: None Army Navy Air Force Marine Coast Guard Reserve National Guard
Rank: _____ Discharge Status: _____ DD214: Yes/NO Registered with VA: Yes/NO

FAMILY/CHILDREN

Father's Name: _____ Deceased: Yes No
Mother's Name: _____ Deceased: Yes No

Children

Name: _____ Living with Client: Yes No/live with: _____
Age: _____ Attending School: Yes No School Attending: _____ Comment: _____
Name: _____ Living with Client: Yes No/live with: _____
Age: _____ Attending School: Yes No School Attending: _____ Comment: _____
Name: _____ Living with Client: Yes No/live with: _____
Age: _____ Attending School: Yes No School Attending: _____ Comment: _____
Name: _____ Living with Client: Yes No/live with: _____
Age: _____ Attending School: Yes No School Attending: _____ Comment: _____

Child Support: N/A Paying Current Paying Not Current Not Paying
Custody Status: N/A Never Lost Custody Temporarily Lost Custody Regained Custody
 Rights Terminated

EMERGENCY CONTACT:

Name: _____ Relationship: _____
Address: _____ Phone Number: _____

Name: _____ Relationship: _____
Address: _____ Phone Number: _____

Please explain in your own words why you would like to be admitted into the Drug Court Program:

I hereby consent to communications between the Poarch Band of Creek Indians Drug Court Staff and the following named individuals:

I understand that information to be disclosed is information regarding my attendance or lack of attendance at treatment session or probation meetings, Drug testing results, my cooperation with the Drug Program and completion of the Program requirements.

Signature of Participants _____ Date _____

Signature of Reviewer _____ Date _____

**POARCH BAND OF CREEK INDIANS
DRUG COURT ADMISSIONS EVALUATION REQUEST**

(Please place copy of original in file and forward a copy to prosecutor and defense counsel)

DATE REQUEST SUBMITTED: _____ REQUESTED BY: _____

NAME: _____

SOCIAL SECURITY NUMBER: _____ DOB: _____

CASE NO(S): _____ VOP: _____ VOCC: _____

DIVISION: _____ JUDGE: _____

PROSECUTOR: _____ DEFENSE COUNSEL: _____

CRIMINAL HISTORY: _____

_____ ELIGIBLE _____ INELIGIBLE

TERMS OF ENTRY:

PROSECUTOR

DATE

I wish to enter the Poarch Band of Creek Indians Drug Court Program. I understand that my entry into the program is dependent upon availability of funded slots and entry of plea pursuant an agreement approved by the Tribe/State and the Drug Court Judge. I further understand that even after entry and acceptance of such a plea that final acceptance into the program is contingent upon approval by the Drug Court Addictions Counselor based upon an assessment usually within ten (10) days of the entry of the plea. I acknowledge that if the Addictions Counselor finds me to be an unacceptable candidate that any plea entered and/or sentence imposed will be vacated and a plea of not guilty reentered on my behalf with my case being resent on a docket of the division to which it was originally assigned. I further understand that once my plea is accepted I do not have the option of withdrawing from the Drug Court because of personal problems. I have read and understand the general information sheet attached to this form and understand that it is meant to provide general information only and may be subject to change.

DEFENDANT

DATE

I reviewed both forms with the above defendant and have discussed the Drug Court Program with this defendant who has expressed a desire to enter the program.

DEFENSE COUNSEL

DATE

**PASQUA YAQUI DRUG COURT TREATMENT
INTAKE ASSESSMENT**

PERSONAL DATA

NAME: _____ Age: _____ D.O.B. _____ SS# _____
Address: _____
City/State: _____ Zip: _____ Phone: _____
How long at present address: _____ Who else lives there? _____
Are you employed? _____ How long? _____ Wage/Salary: _____
Name of Employer: _____
Employer's Address: _____

SUBSTANCE ABUSE

Primary Drug: _____ Amount & Frequency: _____ How Administered: _____
Secondary Drug: _____ Amount & Frequency: _____ How Administered: _____

HEALTH/MEDICAL

Any known major medical problems? _____
Are you taking prescribed medications? _____
Name of medication, dosage, frequency? _____

MENTAL HEALTH

Have you ever been
• under psychiatric care? (if yes, when, from whom) _____
• hospitalized in a mental institution? (if yes, when/where): _____
• prescribed psychotropic medications? (if yes, when/type): _____
Have you ever attempted suicide? (if yes, give date[s], details): _____

VOCATIONAL/EDUCATIONAL

What is your educational/training history? Would you like vocational/educational counseling?: _____

SUMMARY

COURT'S DECISION: _____
Case # _____ NEXT COURT APPEARANCE _____

INTERVIEWED BY _____ DATE _____

**PASQUA YAQUI DRUG COURT TREATMENT
BIOGRAPHICAL INFORMATION SHEET**

TREATMENT ADMISSION DATE _____ COMPLETION DATE _____

FULL NAME: _____ D.O.B. _____

ADDRESS: _____ AGE _____

HOME PHONE: _____ WORK PHONE: _____ MSG#: _____

MARITAL STATUS: S M D SEP COMMON LAW AGE: _____ SEX: _____

S.S.I.# _____ ENROLLMENT #: _____

If applicable if not write N/A to the next few questions.

NAME OF PAROLE OFFICER: _____ PHONE: _____

ADDRESS: _____

NAME OF CPS COUNSELOR: _____ PHONE: _____

ADDRESS: _____

NAME OF AFTERCARE COUNSELOR: _____ PHONE: _____

ADDRESS: _____

DO YOU HAVE CHILDREN? YES OR NO HOW MANY? _____ AGES: _____

WHO HAS LEGAL CUSTODY? _____ WHERE DO THE CHILDREN LIVE NOW?

HAVE YOU EVER BEEN CHARGED WITH NEGLECT, ABUSE, CHILD ENDANGERMENT,
CONCERNING YOUR CHILDREN? (EXPLAIN): _____

DO YOU HAVE YOUR OWN HOME YES OR NO; IF NOT, WITH WHO AND WHERE DO
YOU LIVE? _____

WHICH HOSPITAL DO YOU GO TO: _____ PHONE: _____

IN CASE OF EMERGENCY, WHICH HOSPITAL WOULD WE TAKE YOU: _____

_____ PHONE: _____

IN CASE OF EMERGENCY, WHO DO WE CONTACT: _____

PHONE: _____ ADDRESS: _____

RELATIONSHIP: _____

.....
COUNSELOR ASSIGNED: _____ DATE: _____

SERVICE LEVEL ASSIGNED: _____ DATE: _____

**Navajo Nation Judicial Branch
D.A.N.A. Drug Court
Intake Assessment Form**

Client's Name: _____ Case No: _____

Mailing Address: _____

Chapter Affiliation: _____ Census No: _____

Describe physical residence location: _____

A. Present Case Status:

B. Employment and Financial Data:

C. Marital and Family Data:

D. Educational and Military Data:

E. Prior arrest and court appearances:

F. Client's current substance abuse:

G. Last Physical Examination:

H. Past History of Treatment and Counseling:

I. Prior Temporary Release and Community Services Work:

J. Traditional and Non-Traditional Background:

Recommendations: _____

Submitted by: _____

D.A.N.A. Drug Court Officer

Client's Signature: _____ Date Acknowledged: _____

**JUDICIAL BRAND OF THE NAVAJO NATION
D.A.N.A. Drug Court
Adult In-Take Screening Instrument**

PERSONAL INFORMATION:

Name: _____ aka: _____

Address: _____ City: _____ State: _____

Zip Code: _____ Telephone Number: _____

Physical residence: _____

SS#:: _____ Census No: _____ DOB: _____ Age: _____

Sex: Male or Female Height: _____ Weight: _____ Color of Eyes: _____

Place of Birth: _____ Tribe: _____ Body marks, scars, or tattoos:

Name of community chapter: _____

EMPLOYMENT, MILITARY & COURT INFORMATION:

A. Employment Information: Are you employed? Yes or No. . . If yes, employer's name & place of employment: _____ Employer's phone: _____
What type of job do you do? _____ If unemployed, reason for your unemployment: _____ If unemployed, what is source of family income? _____

B. Military Data: Are you a Veteran? Yes or No. If yes, please answer the following information: Military Branch: _____ Year(s) served: _____

C. Court Information: Are you currently on probation? Yes or No. If yes, please answer the following: What Courts placed you on Probation? _____
Do you have any Outstanding "Warrant(s) or Fines" with the Navajo Nation, San Juan County, Farmington, or other Courts? Yes or No. If yes, please provide specific information: _____

Name of your Probation Officer: _____ Phone Number: _____

Provide prior arrest history with Navajo Nation, San Juan County, or State such as: DWI, DUI, PI, DC; possession of liquor, delivery of liquor, endangerment of child: _____
_____ Are you currently facing charges or awaiting a Hearing: Yes or No. If yes, please provide specific information: _____

MARITAL AND FAMILY INFORMATION:

Marital status: Single (Never Married); Married; Separated; Divorced; Widowed: If Married:
Name of spouse: _____ No. of dependents: _____ Years Married:
_____ Age: _____ DOB: _____ Place of spouse employment: _____
Are you in a girl- or boyfriend relationship? If yes, provide name: _____
Are you in a common-law relationship? Yes or No. If yes, provide name of common-law
spouse: _____ Age: _____ DOB: _____ Years living together: _____
Are you a step-parent? Yes or No. If yes, no. of step-children: _____
What are your personal religious beliefs? (Circle One) Dine Traditional Ceremonies; Native
American Church (NAC); or Christian Church: What is your parents' religious belief?
_____ What is the religious belief of your spouse, common-law
spouse, or girl/boyfriend? _____ How long since you attended a religious
service? _____

SUBSTANCE ABUSE INFORMATION:

What substances do you regularly depend on? Alcohol, Marijuana, Methamphetamine,
Cocaine: _____ At what age did you start using substances? _____
What is the reason why you use substances? (Please be specific): _____
_____ Were you ever Court Ordered to go to
Treatment Facility? Yes or No. If yes, how long did you stay? (This could be days or
months): _____ Name of treatment facility: _____
Are you willing to be "refer" to a treatment facility? Yes or No. If you answer no, provide
reason: _____

EDUCATIONAL INFORMATION:

Highest Grade Completed: _____ Name of last school attended: _____

Are you willing to pursue your GED? Yes or No. If yes, Drug Court can refer you to a GED Program. Are you attending Post Secondary Education? Yes or No. If yes, where? _____

_____ Expected date of graduation: _____

THE IN-TAKE INFORMATION IS KEPT WITH STRICT CONFIDENTIALITY:

Submitted by: _____, Drug Court Officer

Signature of D.A.N.A. Client: _____ Date: _____

Section B: Agreement to Participate

Purpose

This section provides an effective notice to participants about what taking part in the Healing to Wellness Court Program will require, what the choices are, what a potential participant is legally agreeing to, and what will happen to the participant if he or she breaks the agreement. Wellness Courts tend to require that a potential participant read and sign an agreement to participate before being admitted into the Wellness Court. Some tribes have a written admission policy (in addition to the agreement to participate form) that sets time frames and deadlines for admitting participants, when he or she is oriented and completes the admission packet, when he or she is assigned a counselor and is assessed, and how all of these steps are documented. See the “Admission Policy” of the Pascua Yaqui Tribe, below.

A comprehensive agreement to participate includes language on treatment participation; to refrain from substance possession and use; an agreement to maintain stable housing arrangements (with assistance and approval); to refrain from violations of the law; to maintain employment, education, or job training; to attend scheduled court appearances; the right to voluntarily terminate participation; an agreement to release one’s own information and to permit the team and other agencies to communicate about it; an agreement not to disclose other participants’ information; to seek appropriate medical attention; a list of the participant rights; notice regarding home and worksite monitoring visits; a consent to law enforcement searches of the person, automobile, and residence (including alcohol and drug testing); and notice of the criminal tribal court consequences for program termination.

Sample Tribal Wellness Court Wording

Eastern Band of Cherokee

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

Agreement of Participation

The Agreement of Participation outlines the basic rules of the program and sanctions that may be imposed by the Cherokee Tribal Drug Court Judge for failure to abide by the conditions of Cherokee Tribal Drug Court. The form is read to each participant to ensure understanding of the requirements and possible sanctions. Each Participant must sign the form prior to admission.

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Client Agreement

Client shall read and voluntarily sign the Client Contract, Rules and Regulations, Participation Agreement, and Payment Agreement. Failure to agree to the terms within these documents can result in being ineligible for the Waabshki-Miigwan program.

*Relevant Sample Forms***CHEROKEE TRIBAL DRUG COURT AGREEMENT OF PARTICIPATION**

NAME: _____ ROLE #: _____ DOB: _____

1. **Drug Treatment and Counseling.** I will attend drug treatment and will participate in group, family, and/or individual counseling.
2. **Refrain from Further Possession or Use of Drugs.** I will not possess and/or use illicit drugs and agree to submit to frequent and random drug testing for the presence of drugs. I understand and agree that chain of custody and validity of testing procedures is not required and the results of my tests shall be admissible as evidence in Drug Court.
3. **Housing.** I understand that stable housing is necessary for my recovery and must be approved by the Drug Court staff. I agree to comply with recommendations and restrictions.
4. **Refrain From Further Violations of Law.** I will not violate laws. I understand that any violation or arrest must be reported to the Drug Court staff within 24 hours.
5. **Employment, Education and/or Job Training.** I agree to maintain approved employment and/or attend any education or job training programs to which I am referred. I will inform the Drug Court staff prior to changing employment. I agree to inform my employer of my participation in Drug Court and the possibility of a site visit
6. **Agreement to make all Scheduled Appearances.** I will provide for my own transportation and shall appear as scheduled for Drug Court sessions and all other appointments.
7. **Voluntary Termination.** I understand that I may petition the Court for termination from this program. If the Court determines that the termination petition is intelligently and voluntarily made, sentence will be imposed by the Tribal Criminal Court Judge after the Tribal Drug Court Judge issues an order for termination from the program.
8. **Exchange of information.** I understand Drug Court data is confidential. I will not discuss the program or disclose participant information without approval from the Drug Court staff. I understand the Drug Court staff will make reports to the Judge concerning my progress in treatment; that the psychologist patient/counselor-patient privileges shall not apply. I agree to release information and permit communication with outside agencies to assist in fulfilling the requirements of the Drug Court program.
9. **Medical Issues.** I agree to seek medical attention when appropriate and follow through with the recommendations. I agree to report all prescriptions with adequate documentation to the Drug Court staff.
10. **Disclosure of Program Information.** I understand for purposes of study or review of this program, some confidential information may be discussed to third parties, but that under no circumstances will this statistical data include my name, address or other personal identifying information.
11. **Confidentiality of Drug Court Participation.** I understand that any statements or disclosures I make during the course of my participation in treatment, counseling or court proceedings, in regard to drug use or drug-seeking behavior shall be held confidential. If I am terminated from this program, the fact of my participation, the results of any testing, any statements I made during the course of this program, and the reason(s) for termination shall be privileged subject to appropriate waivers of said privilege.
12. **Participants Not asked to Inform on Others.** The Court agrees that no defendant participating in this program will be requested to be an informant or encouraged to disclose information concerning any third parties as a condition of entry or completion of this program.
13. **Appropriate Behavior Among Participants.** I agree to respect the opinions and feelings of other program participants and understand verbal or physical threats or abuse will not be tolerated. I agree not to engage in any romantic or sexual relationships with other Drug Court participants while actively involved in the program.
14. **Site Visits.** I understand site visits to my home and place of employment will be conducted by Drug Court staff and/or law enforcement officers.

15. **Consent to Search:** I do consent to allow any law enforcement agency/probation to search my person, automobile, or residence. I acknowledge that any contraband which may be found may be used against me. This search may be without probable cause. I understand that I have a constitutional right but I waive that right for the purpose of ensuring my compliance with the agreement of participation executed with the Drug Court.

I understand that I must abide by the conditions of the Cherokee Tribal Drug Court, including my individual program plan, and failure to do so may result in sanctions including, but not limited to, in-patient drug treatment, community service, home incarceration, imprisonment in the county jail, or termination from the program.

Participant: _____

Date _____

Witnessed by: _____

Date _____

**Poarch Band of Creek Indians
Drug Court Participation Agreement
For Tribal Court Referred Participants**

I, _____, agree to the following as conditions of my participation in the Poarch Band of Creek Indians Drug Court:

1. I admit that I need treatment of my drug/alcohol addiction and hereby agree to comply with all conditions of the Drug Court Program.
2. Following acceptance by the Poarch Creek Indians Drug Court and review, I will report to the Tribal Court Administrator/Tribal Probation Officer/Case Manager for review of Program requirements and sign any further documents necessary to participate in the Drug Court Program.
3. I agree to a pre-screen testing for tuberculosis.
4. I agree to work with the Addictions Counselor, Tribal Probation Officer/Case Manager and any other necessary person to formulate a treatment plan.
5. I understand that I am to remain in Escambia County, Alabama, and not change my residence without obtaining permission from the court. I am required to submit my current address and telephone number to the court.
6. I understand that I must allow the Probation Officer, Case Manager, or any Law Enforcement Officer directed by the Drug Court to search my person, home, vehicle, or any other property under my control.
7. I understand that I must notify the Tribal Probation Officer/Case Manager of any medical condition that requires attendance by physician and to have my physician provide a statement in writing to the court of the medical condition, the prescribed treatment and anticipated length of time of the medical service.
8. I understand that the Drug Court Judge has the discretion to dismiss me from the Drug Court Program at any time upon finding that I have not been honest and truthful to the Court.
9. I agree to sign an individual plan for treatment and to use my best efforts to accomplish the goals and objectives as designed and said plan of treatment.
10. I shall attend all meetings as instructed by the Drug Court.
11. I understand that I may graduate from the program and a minimum of 12 months, as long as I do not have any setbacks. I also understand that I may be in the program longer than 12 months depending on my actions and pace of advancement through the Program.
12. I understand that I must schedule my treatment/support meetings each Friday for the following week. I understand that if I have to cancel or reschedule my treatment appointment it must be done within 24 hours of the scheduled appointment or I will not be allowed to reschedule the appointment until the following week.

13. I understand that if I am 15 minutes or later for any scheduled appointment, I will not be allowed to attend that meeting/appointment that day.
14. I agreed to submit to urine testing were other procedures for the testing of drug and alcohol usage.
15. I consent to open communications between Tribal Court, any medical treatment provider, my Probation Officer/Case Manager, and Drug Court staff. This consent relates to any communication, test results, opinions, observations, or other matters, otherwise privileged or not, that may be relevant to my prognosis, compliance, and progress in the Drug Court Program. I understand that this consent shall remain in effect and cannot be revoked by me until there has been a formal termination of my involvement in the Drug Court Program. I consent to a copy of this agreement and release being made available to my medical treatment provider to effectuate the disclosure of confidential information. I agree to sign any other release of information forms that may be needed in favor of the Poarch Creek Indians in order for information to be obtained.
16. I consent to the Poarch Band of Creek Indians Drug Court Team being informed of my attendance in counseling results of urinalysis and progress in any treatment programs.
17. I understand failure to attend any counseling, remain drug and alcohol free or demonstrate progress in treatment will result in a review of my case by the Poarch Creek Indians Tribal Court Team. This review will determine if I remain in the Drug Court Program or if I am removed from the Program.
18. I understand that should I not successfully complete the Drug Court Program, pending charges shall be pursued or I will be returned to the proper jurisdiction/court for adjudication or execution of sentence as if I had not been a participant in the program.
19. I understand that, if applicable, all terms and conditions of any sentencing order, pre-trial diversion agreement, bond or other agreements or orders of the Court that issued such orders shall remain in full force and effect throughout my participation in the Drug Court Program.
20. I agreed to complete weekly assignments, homework, etc., as given by the Addictions Counselor. I understand that the Drug Court Judge will be updated on my progress or lack of each week in a written report.
21. I understand that my attendance at SUPPORT MEETINGS/and/or church is encouraged. I also understand that I can only receive 1 credit per week for attending any outside meetings.
22. I understand that if I feel to comply with orders of the drug court or the rules of the Drug Court Program I may be ordered to be confined to jail or detention center.
23. I shall comply with all terms and conditions of my sentencing order or pre-trial diversion agreement, bond (i.e., pay fines, pay court costs, etc.). If applicable, I shall comply with all terms of probation provided by my Probation Officer/Case Manager and all directives of the Drug Court.
24. I agree to pay \$50.00 per month for Drug Court fees and \$25.00 per month for monitoring fees (if applicable), in addition to any and all court costs, fines and any other fees the court may assess in my case(s). (Program fees are subject to change.)

25. I consent to the garnishment of my wages in the event that I do not pay any administrative cost or court-ordered monies within the time prescribed by the Drug Court, or at the rate of frequency ordered by the Drug Court.
26. By signing this document, I grant the Poarch Band of Creek Indians ("Tribe") and Poarch Band of Creek Indians' Drug Court a security interest in any and all (1) stipends owed to the participant for attendance at Board, Commission, Authority or Committee meetings of tribal entities, and (2) future per capita payments (otherwise known as "birthday checks") issued by the Tribe to the Participant up and until the amount of all sums owed by Participant are paid to Poarch Band of Creek Indians' Drug Court. The grant of such security interest shall also constitute a Voluntary Assignment of the per capita payments and stipends under the Tribal Code to the extent of the amounts owed. Should the Participant be in Default under this Agreement at any time, the Tribe and its Drug Court in the exercise of its rights under this Security Interest and Voluntary Assignment, shall have the right and authority upon notice of Default to the Participant, and without any further action or judicial process, to retain and withhold the per capita payment(s) and stipends otherwise payable to Participant and to pay and apply such per capita payments and stipends to itself to satisfy any amount owed because of the Default. Participant further agrees that Poarch Band of Creek Indians' Drug Court may record a Financing Statement (UCC – 1) granting the Tribe and its Drug Court a Security Interest in any and all stipends and future per capita payments provided that no such filing shall subject the construction or enforcement of this document to state law or in any way limit or restrict the Tribe's power to enforce the Security Interest and Voluntary Assignment in accordance with its terms under tribal law.
27. I further acknowledge that success in treating addiction within the context of the Drug Court Program depends on full and immediate disclosure and exchange of participant information related to treatment and legal issues between the participant and the Drug Court Team (including but not limited to the Drug Court Judge, prosecutor, defense attorney, administrator, Addictions Counselor, Treatment Personnel and Probation Officer/Case Managers) and in consideration for my acceptance into the Drug Court Program, I waive, to the extent that such as provided by rules of law, any assertion of confidentiality and any prohibition against ex-parte communication between the aforementioned Drug Court component personnel and other aforementioned informational sources.
28. I further understand that once my plea is accepted and/or I have been accepted into the program, I do not have the option of withdrawing from the Drug Court because of personal problems.
29. I agree to abide by all the terms and conditions of the Poarch Band of Creek Indians Drug Court Participant's Manual.
30. I understand that program requirements of the Poarch Creek Indian Drug Court may be modified during my participation in the Program and that I will be subject to any such changes.
31. I have read or have had read to me and understand the contents of this agreement.
32. I hereby execute this agreement intelligently, voluntarily, not under the influence of drugs and/or alcohol or duress.

Participant

Date

Probation Officer/Case Manager

Date



**Poarch Band of Creek Indians
Drug Court Participation Agreement
For State Referred Participants**

I, _____, agree to the following as conditions of my participation in the Poarch Band of Creek Indians Drug Court:

1. I admit that I need treatment of my drug/alcohol addiction and hereby agree to comply with all conditions of the Drug Court Program.
2. Following acceptance by the Poarch Creek Indians Drug Court and review, I will report to the Tribal Court Administrator/Tribal Probation Officer/Case Manager for review of Program requirements and sign any further documents necessary to participate in the Drug Court Program.
3. I agree to a pre-screen testing for tuberculosis.
4. I agree to work with the Addictions Counselor, Tribal Probation Officer/Case Manager and any other necessary person to formulate a treatment plan.
5. I understand that I am to remain in Escambia County, Alabama, and not change my residence without obtaining permission from the court. I am required to submit my current address and telephone number to the court.
6. I understand that I must allow the Probation Officer/Case Manager, or any Law Enforcement Officer directed by the Drug Court to search my person, home, vehicle, or other property under my control.
7. I understand that I must notify the Tribal Probation Officer/Case Manager of any medical condition that requires a physician and to have my physician provide a statement in writing to the court of the medical condition, the prescribed treatment and anticipated length of time of the medical service.
8. I understand that the Drug Court Judge has the discretion to dismiss me from the Drug Court Program at any time upon finding that I have not been honest and truthful to the Court.
9. I agree to sign an individual plan for treatment and to use my best efforts to accomplish the goals and objectives as designed and said plan of treatment.
10. I shall attend all meetings as instructed by the Drug Court.
11. I understand that I may graduate from the program and a minimum of 12 months, as long as I do not have any setbacks. I also understand that I may be in the program longer than 12 months depending on my actions and pace of advancement through the Program.
12. I understand that I must schedule my treatment/support meetings each Friday for the following week. I understand that if I have to cancel or reschedule my treatment appointment it must be done within 24 hours of the scheduled appointment, or I will not be allowed to reschedule the

appointment until the following week. I understand that if I am 15 minutes or later for any scheduled appointment, I will not be allowed to attend that meeting/appointment that day.

13. I agreed to submit to urine testing were other procedures for the testing of drug and alcohol usage.
14. I consent to open communications between Tribal Court, any medical treatment provider, my Probation Officer/Case Manager, and Drug Court staff. This consent relates to any communication, test results, opinions, observations, or other matters, otherwise privileged or not, that may be relevant to my prognosis, compliance, and progress in the Drug Court Program. I understand that this consent shall remain in effect and cannot be revoked by me until there has been a formal termination of my involvement in the Drug Court Program. I consent to a copy of this agreement and release being made available to my medical treatment provider to effectuate the disclosure of confidential information. I agree to sign any other release of information forms that may be needed in favor of the Poarch Creek Indians in order for information to be obtained.
15. I consent to the Poarch Band of Creek Indians Drug Court Team being informed of my attendance in counseling results of urinalysis and progress in any treatment programs.
16. I understand failure to attend any counseling, to remain drug and alcohol free, or to demonstrate progress in treatment will result in a review of my case by the Poarch Creek Indians Tribal Court Team. This review will determine if I remain in the Drug Court Program, or if I am removed from the Program.
17. I understand that should I not successfully complete the Drug Court Program, pending charges shall be pursued, or I will be returned to the proper jurisdiction/court for adjudication or execution of sentence as if I had not been a participant in the program.
18. I understand that, if applicable, all terms and conditions of any sentencing order, pre-trial diversion agreement, bond or other agreements or orders of the Court that issued such orders shall remain in full force and effect throughout my participation in the Drug Court Program.
19. I agreed to complete weekly assignments, homework, etc., as given by the Addictions Counselor. I understand that the Drug Court Judge will be updated on my progress or lack of each week in a written report.
20. I understand that my attendance at SUPPORT MEETINGS/and/or church is encouraged. I also understand that I can only receive 1 credit per week for attending any outside meetings.
21. I understand that if I am found in non-compliance with the Poarch Band of Creek Indians Drug Court rules or treatment plan, the court may impose any sanction that I voluntarily agreed to when I entered the Drug Court Program including 2–7 days in jail. I understand that I forfeit my right to an evidentiary hearing regarding a positive alcohol or drug screen, unless I am contesting the accuracy of the urinalysis. In that case, I will be entitled to an evidentiary hearing if the court has abused its discretion by not abiding by the sanctions set out in the Drug Court rules. A jail sanction will not necessarily be predicated on a finding or indirect or direct criminal contempt. I will not be entitled to an evidentiary hearing to test the validity of the Poarch Band of Creek Indians Drug Court protocol since I am entering the Poarch Band of Creek Indians Drug Court voluntarily.

22. I understand that I will only be allowed three major infractions. On the fourth infraction a motion will be filed by the Tribal Prosecutor to remove me from the program. I understand that I may remove myself from the program by signing a Request for removal from the program and waiver of a revocation hearing form.
23. I shall comply with all terms and conditions of my sentencing order or pre-trial diversion agreement, bond (i.e. pay fines, pay court costs, etc.). If applicable, I shall comply with all terms of probation provided by my Probation Officer/Case Manager and all directives of the Drug Court.
24. I agree to pay \$50.00 per month for Drug Court fees and \$25.00 per month for monitoring fees (if applicable), in addition to any and all court costs, fines and any other fees the court may assess in my case(s). (Program fees are subject to change.)
25. I consent to the garnishment of my wages in the event that I do not pay any administrative cost or court ordered monies within the time prescribed by the Drug Court, or at the rate or frequency ordered by the Drug Court.
26. By signing this document, I grant the Poarch Band of Creek Indians ("Tribe") and Poarch Band of Creek Indians' Drug Court a security interest in any and all (1) stipends owed to the participant for attendance at Board, Commission, Authority or Committee meetings of tribal entities, and (2) future per capita payments (otherwise known as "birthday checks") issued by the Tribe to the Participant up and until the amount of all sums owed by Participant are paid to Poarch Band of Creek Indians' Drug Court. The grant of such security interest shall also constitute a Voluntary Assignment of the per capita payments and stipends under the Tribal Code to the extent of the amounts owed. Should the Participant be in Default under this Agreement at any time, the Tribe and its Drug Court in the exercise of its rights under this Security Interest and Voluntary Assignment, shall have the right and authority upon notice of Default to the Participant, and without any further action or judicial process, to retain and withhold the per capita payment(s) and stipends otherwise payable to Participant and to pay and apply such per capita payments and stipends to itself to satisfy any amount owed because of the Default. Participant further agree that Porch Band of Creek Indians' Drug Court may record a Financing Statement (UCC – 1) granting the Tribe and its Drug Court a Security Interest in any and all stipends and future per capita payments provided that no such filing shall subject the construction or enforcement of this document to state law or in any way limit or restrict the Tribe's power to enforce the Security Interest and Voluntary Assignment in accordance with its terms under tribal law.
27. I further acknowledge that success in treating addiction within the context of the Drug Court Program depends on full and immediate disclosure and exchange of participant information related to treatment and legal issues between the participant and the Drug Court Team (including but not limited to the Drug Court Judge, prosecutor, defense attorney, administrator, Addictions Counselor, Treatment Personnel and Probation Officer/Case Managers) and in consideration for my acceptance into the Drug Court Program, I waive, to the extent that such as provided by rules of law, any assertion of confidentiality and any prohibition against ex-parte communication between the aforementioned Drug Court component personnel and other aforementioned informational sources.
28. I further understand that once my plea is accepted and/or I have been accepted into the program, I do not have the option of withdrawing from the Drug Court because of personal problems.

- 29. I agree to abide by all the terms and conditions of the Poarch Band of Creek Indians Drug Court Participant's Manual.
- 30. I understand that program requirements of the Poarch Creek Indian Drug Court may be modified during my participation in the Program and that I will be subject to any such changes.
- 31. I have read or have had read to me and understand the contents of this agreement.
- 32. I hereby execute this agreement intelligently, voluntarily, not under the influence of drugs and/or alcohol or duress.

Participant

Date

Probation Officer/Case Manager

Date

DRUG COURT CASE NUMBER _____

**POARCH BAND OF CREEK INDIANS DRUG COURT
CONDITIONS OF PARTICIPATION**

I AGREE TO THE FOLLOWING as a condition of my participation in Drug Court (DC),

1. *I will continue to abide by all orders, terms and conditions placed upon me by the Poarch Band of Creek Indians Tribal Court and/or any City, County, State.*
2. *I will not possess, use or consume alcohol or illegal substances, or misuse prescription medications.*
3. *I will abide by all rules and policies as set forth by the Poarch Band of Creek Indians Drug Court Program.*
4. *I agree to attend and participate in all support and treatment programs as required by the court.*
5. *I understand that if I am found in non-compliance with Drug Court policies or treatment plan, the court may impose any sanction that I voluntarily agreed to when I entered the Poarch Band of Creek Indians Drug Court including from 2–60 days in jail. I understand I forfeit my right to an evidentiary hearing regarding a positive alcohol or drug screen, unless I am contesting the accuracy of the urinalysis. In that case, I will be entitled to an additional drug test by an independent laboratory using the same specimen. A jail sentence will not be necessarily predicated on a finding of indirect or direct criminal contempt. I will not be entitled to an evidentiary hearing to test the validity of the Drug Court Protocol if I have entered the Poarch Band of Creek Indians voluntarily.*
6. *If I enter the Poarch Band of Creek Indians Drug Court Program voluntarily including referrals from other state court systems, I can ask to be removed from the Program at any time by submitting a Request for removal from the program and waiver of a revocation hearing form. If removed from the program voluntarily or involuntarily the appropriate authorities will be notified of my removal.*
7. *My progress in recovery will be monitored by the Tribal Probation Officer/Case Manager, who will submit progress reports to the Drug Court Judge. The progress reports will contain:*
 - *The result of every alcohol/drug test*
 - *Attendance of required meeting and/or counseling sessions*
 - *Participation at required treatment program activities*
 - *Adherence to the rules of Drug Court and the rules of the treatment program*
 - *Compliance with my Treatment Plan*
8. *Each of the following achievements will be considered a “compliant event”:*
 - *Attendance at court appearances*
 - *A negative result from an alcohol/drug test*
 - *Compliance with submitting to all alcohol/drug testing*
 - *Attendance/participation at required meetings and/or counseling session*
 - *Attendance/participation at required treatment program activities*
 - *Compliance with Treatment Plan*
 - *Compliance with any other tasks identified in the Treatment Plan (i.e., ability to maintain employment, obtaining a GED)*
 - *Ability to maintain housing.*

9. For each “compliant event” any of the following rewards may be granted:
- Acknowledgment by Judge
 - Reduced court fees
 - Reduced court appearances
 - A phase advancement certificate in court
 - Graduation ceremony, including picture with Judge
10. Each of the following may be considered a “non-compliant event” at the discretion of the Judge:
- Failure to make an appearance on time in Court
 - Leaving treatment program
 - Involuntary termination from the program
 - A positive result from an alcohol/drug test (a “dirty” test)
 - Failure to attend required meetings and/or counseling sessions
 - Failure to comply with the other tasks in the Treatment Plan
 - Failure to comply with the rules of the treatment program
 - A dishonest statement (written or spoken) to the WC Judge
 - Failure to comply with other tasks ordered by the WC Judge or Team
 - Failure to perform sanctions
11. For each “non-compliant event,” any of the following sanctions may be imposed:
- Reprimand from Court
 - Increased court appearances
 - Increased intensity in treatment program
 - A referral to in-patient treatment
 - Reduction in phase
 - Jail sanctions
12. If a jail sanction is imposed, I forfeit the right to an evidentiary hearing unless I am contesting the validity of the urine analysis (drug testing) and/or the court’s compliance with the Drug Court Protocol.
13. My signature on this Agreement indicates my consent to the terms and conditions set forth.
14. Should you choose to consult with your attorney, he/she will also sign this Agreement.

Participant

Date

Participant’s Attorney (Optional)

Date

Tribal Probation Officer/Case Manager

Date

**PASCUA YAQUI DRUG COURT TREATMENT
ADMISSION AGREEMENT**

1. I recognize my need for assistance and hereby apply for admission to the Pascua Yaqui Drug Court Treatment (PYDCT).
2. It is understood that my admission and continued service is dependent upon my needing such assistance and my willingness to help myself, including completing treatment tasks assigned to me.
3. I understand that it is my responsibility to maintain abstinence and contribute to the success of my treatment and participate in the program activities.
4. I agree to remain alcohol and drug free and not to have them in my possession.
5. It is understood that Pascua Yaqui Drug Court Treatment is dedicated solely to the physical and social rehabilitation and the spiritual growth of those persons who are in need of such assistance.
6. I understand that Pascua Yaqui Drug Court Treatment is prohibited from serving as my guardian, or accepting power of attorney for its clients. It is further understood that under no circumstances can Pascua Yaqui Drug Court Treatment be under any obligation to me; and that I am a beneficiary and not an employee of Pascua Yaqui Drug Court Treatment.
7. I agree for myself, my heirs, or assigns, that should any accident occur involving personal injury to myself, or loss or damage to my property, during my treatment at Pascua Yaqui Drug Court Treatment, to hold Pascua Yaqui Drug Court Treatment free and harmless from any and all liability in connection therewith.
8. I understand that if I am discharged for not complying I will be referred back to the court and my original charges will be prosecuted.
9. I understand that I will be subject to periodic tests for possible alcohol or drugs either by the use of breathalyzer or a urine test.
10. I agree to have at least one family, other relative, or friend participate along with me in the treatment process.

Client Signature: _____ Date: _____

DC Judge: _____ Date: _____

PYDCT Staff Signature: _____ Date: _____

**PASCUA YAQUI DRUG COURT TREATMENT
ADMISSION POLICY**

POLICY

This serves to guide the admission, documentation, and duties of staff and to effectively process new clients into PYDCT.

PROCEDURE

1. New clients must begin the admission process within 24 hours following the Drug Court Judge's decision to admit the client into the program.
2. The client must complete the program admission packet, which contains the following forms: Biographical Information, Admission Agreement, Contract for Treatment, Clients Rights, Confidentiality of Alcohol and Drug Abuse Client Records, and Confidentiality Agreement. To be completed day one of admission.
3. The above documents will be inserted into the client's treatment file, along with an intake summary (See Documentation Policy).
4. The client will be given a packet that includes the following information: Welcome Letter, PYDCT Guidelines, PYDCT Treatment Description, Grievance Procedure and 12-Steps. This information will be provided on day one.
5. The client will be provided with an orientation session to discuss the above information, the tasks that will follow admission and to answer any questions the client may have.
6. The client will be assigned a primary counselor who will, by the 3rd day, meet with the client and provide the client with the Phase One Criteria, Petition Procedure and treatment plans (See Documentation Policy) that will range from 30 to 60 days. An orientation to these documents and tasks will be provided to the client.
7. The client will be introduced to PYDCT staff and peer group.
8. The primary counselor and client will fill out the Comprehensive Assessment form by the 4th and 5th day the client entered PYDCT. This form will be placed in the treatment file (See Documentation Policy).
9. The primary counselor will complete the scheduling and documentation of treatment activities.

Section C: Program Rules

Purpose

This section informs participants about their court and treatment hearing/group times and venues and lays the ground rules for their attendance and participation. There appears to be a difference between what might be called a program participation contract (the “agreement to participate”) and daily program guidelines (or “program rules”), although some Healing to Wellness Courts may conflate the two into one document. Program rules tend to be about notice of where to be and when, and to promote responsibility, accountability, and respect. They tend to include things like a pledge to remain alcohol and drug free, to respect others, to be on time, to call and notify if late or going to be absent, to dress appropriately, not to commit violence, threaten others, or engage in intimidating behavior, not to smoke/chew tobacco, abide by rules about phone calls, not to bring food or drinks in court/group, etc.

Sample Tribal Wellness Court Wording

Pascua Yaqui

"Drug Court Treatment" (no date)

PYDCT Client Guidelines

As a client of the Pascua Yaqui Drug Court Treatment, you are asked to read and familiarize yourself with these written guidelines. These guidelines are here to create and keep a positive, safe, and alcohol- and drug-free environment.

1. *Remain alcohol and drug free. If you are suspected of being under the influence, you will be required to submit to an alcohol and drug test, and may not be allowed to participate for the day and/or until the issue is resolved. Refusal to submit to a test will be considered a non-compliant matter.*
2. *Please respect others.*
3. *Be on time and attend scheduled program and treatment activities. This shows you are being responsible. Your treatment schedule will be based on whether you are employed or unemployed.*
4. *If you will be late or will not be attending scheduled activities, call and notify staff and give the reason for your being late or for you not attending that day. For medical reasons you may be requested to provide a doctor’s notice [sic]. Be aware that the reason for your being late or not attending may not be considered a valid*

reason and may be a non-compliant matter. Emergency cases may be handled according to the situation.

- 5. Dress appropriately, clothes that have drug, alcohol, sexual, and/or any negative message or symbols are not allowed; you will be asked to return home and change clothing. Also, clothes that are physically revealing are not allowed.*
- 6. No violence, threats, or intimidating behavior. Any of these acts will result in either of the following: Staff confrontation, mediation, report to the authorities, or addressed by the Drug Court Judge. Consequences may vary from verbal awareness to discharge from the program.*
- 7. Unless it is previously arranged, no one else is to attend the program with you.*
- 8. While in treatment, you are requested to give your full attention and participation to the treatment program.*
- 9. You must remain in the program; unauthorized leaves will be considered a non-compliant matter.*
- 10. For leave (vacation, cultural, emergency, personal, etc.), please make arrangements with the program staff and/or Drug Court Judge. Fill out a leave form as detailed as possible.*
- 11. This is a no smoking facility; if you smoke, please do so in designated areas and during breaks.*
- 12. If you chew tobacco, please do so during breaks and dispose of fluids in a container or other appropriate place.*
- 13. Phone calls will be allowed during breaks and only with the approval of the staff member. You must monitor your calls, limit to 10 minutes. We prefer you take care of some of these calls on your own time. Your phone call request may be denied based on the excessive use and/or type of call.*
- 14. If you will be seeing a doctor or going to the hospital, inform your primary counselor or program staff. If you are going to get prescribed medication, you will be advised to consult with your doctor to seek prescribed medication that is non-narcotic; this only applies in cases where the option is possible and applicable. Not communicating this can cause problems for you when you are tested for drugs.*
- 15. Food or drinks are not allowed while in group or individual counseling. During other activities, it is at the discretion of the staff.*
- 16. In case of fire or other emergency requiring evacuation of this facility, follow the procedures; you will be orientated to these.*

17. *If you are cited or arrested for another charge, inform the program staff as soon as possible.*
18. *There are other guidelines, which will be discussed with you in regards to group participation, sessions, and the treatment service.*
19. *All petitions to graduate to a higher phase must be reviewed and approved with the drug court judge and team, and PYDCT staff.*
20. *Treatment plans may change based on your progress which is defined as either compliant or non-compliant.*
21. *The following is a short list of what compliant and non-compliant issues are:*

COMPLIANT

- Clean and sober*
- Follows treatment plan*
- Listens in groups, participates*
- Receives feedback from others*
- Avoids slippery places*
- Obeys laws*

NON-COMPLIANT

- Continues to use AOD*
- Misses sessions, group, etc.*
- Disruptive, argues, etc.*
- Closes up, refuses to listen*
- Goes to bars, hangs out with users*
- Arrested/cited or criminally involved*

Fort McDowell Yavapai Nation

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

WELLNESS COURT - PROGRAM RULES

PARTICIPANTS WILL BE REQUIRED TO ABIDE BY THE FOLLOWING RULES:

1. *All participants must appear in court before the Wellness Court Judge every Thursday at 3:00 P.M. unless otherwise notified. The purpose of the weekly Wellness Court hearing is to discuss the participant's progress in the program. Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.*
2. *Participants are NOT excused from attending (1) weekly court hearings, or (2) treatment sessions, unless they speak personally with the Tribal Court Case Manager, Program Coordinator, or their Counselor, and get permission directly. (Leaving a phone message, or any other kind of message, that you are not coming to court or to your scheduled treatment session, does not authorize permission to miss court or treatment.)*
3. *Do not schedule appointments/activities during scheduled court hearings or treatment*

sessions.

4. *All participants will provide the Wellness Court Coordinator, Case Manager, and Therapist with a current and active phone number.*
5. *Participants must submit, in advance, written requests to the committee for permission to attend overnight activities or events outside of the community.*
6. *All participants must remain in court until all cases are heard. The only exception to this rule is when a participant has provided a written request to the Wellness Court Committee prior to the hearing. No last minute requests (i.e., during the Wellness Court hearing) will be granted.*
7. *During the Wellness Court hearing the Judge will call the Participant before the bench and address his or her progress or lack thereof in court. Cases are called in random order decided by the Judge. The Judge reserves the right to call any case in a closed setting depending on the circumstances.*
8. *All information (i.e., drug test results, new arrests, etc.) discussed in court during hearings is confidential and may not be discussed with any person outside of Wellness Court. In other words, any participant who hears something in court and reveals confidential information to any person outside of the Wellness Court will be subject to sanction and may be subject to an offense of Disobedience of a Lawful Court Order or Contempt of Court.*
9. *Participants are responsible for their own transportation to and from all court hearings, treatment sessions (i.e., alcohol and drug education classes, individual and family counseling sessions and other scheduled activities).*
10. *The participant must attend all weekly scheduled treatment counseling sessions. This includes any and all scheduled recreational activities, alcohol/drug education classes, individual and family counseling sessions. This also includes any other activities or appointments that may be developed during the course of his or her participation in the program.*
11. *Participants must be on time for all treatment sessions, recreational activities, community work service, and weekly court hearings. If late, the participant may not be allowed to attend/participate in a scheduled activity, (i.e., counseling, education classes, group sessions etc.), and will be considered to have missed that session. Contact the Counselor or Case Manager if there is a possibility of tardiness or missed session. Names and phone numbers of emergency contacts will be provided. Generally, only a verified medical matter is a reasonable excuse.*
12. *The Participant must submit to weekly direct observation random drug tests (urine, saliva, breath, or other appropriate means of monitoring) to determine if he/she has been using illegal drugs or alcohol. The Participant must submit to testing upon request or as directed by the Wellness Court or Committee Member. The Participant's refusal to provide a sample will be considered a positive test for substance abuse.*

13. *A positive drug test, refusal to test or failure to immediately respond to a phone call request for a drug test will be grounds for an arrest warrant, immediate apprehension, and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions. Additional sanctions may also be imposed at the next regularly scheduled court hearing.*
14. *The Participant must tell any medical professional who is treating them that they are in recovery. All prescriptions and over-the-counter medications information must be provided to the Case Manager/Program Coordinator at the earliest convenience but no later than 24 hours. If the participant is prescribed a narcotic prescription, as defined by the Federal Law, an additional appointment with a doctor that specializes in addiction will be required. Coordinator and Case Manager may request a count of prescription pills daily.*
15. *Participants will not consume any form or brand of energy drink during their program. (i.e., RedBull, 5 Hour Energy Shot, Monster, Rockstar, or similar drink).*
16. *The Participant shall perform a minimum number of community work service in each phase of the program. (The minimum number of community work hours and frequency required is identified in each of the phase requirements.)*
17. *To verify that community work service was performed, a Participant will be required to provide a signed form. Each Participant is responsible for obtaining forms from the Case Manager or Program Coordinator. Participants will present the completed/signed forms to the Case Manager or Program Coordinator by the designated due date. A Participant will NOT be allowed to fill out the form on the day of court.*
18. *The Participant shall actively participate and progress in their individualized fitness plan developed by the Fitness Coach at Wassaja Memorial Clinic. To verify fitness compliance, a Participant will be required to provide a signed form. (The minimum number of activity hours required is outlined by the Fitness Coach.)*
19. *The Participant shall be responsible for the cost of court-ordered home electronic monitoring (HEM), secure, continuous, remote alcohol monitor (SCRAM), and global positioning system (GPS).*
20. *All Participants are required to comply with a curfew established by the Wellness Court Committee. The Fort McDowell Police Department, Program Case Manager, Program Coordinator, and Team Members will monitor curfew and house arrest compliance.*
21. *All participants are subject to random house and curfew checks by Wellness Court Team, Probation and Fort McDowell Police including the K-9 Unit. Compliance includes consent to search home and/or surrounding areas, vehicle, cell phone, or personal property (including but not limited to wallet, purse, bag, computer, flash drives, disk or other storage media) searches.*
22. *Participants must dress appropriately at all times while participating in Wellness Court activities, including Wellness Court hearings, treatment sessions, and recreational activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar*

- messages are considered inappropriate. Clothing such as shorts, cutoff pants, midriff tops, and flip-flops are also considered inappropriate. Accessories such as sunglasses and hats are not to be worn inside the courtroom unless medically required.*
- 23. Participants shall not use profanity and other vulgar or rude language during Wellness Court activities; this includes all court hearings, treatment sessions, community work service, and recreational activities.*
 - 24. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.*
 - 25. Participants shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Probation Officer, Court Bailiff, Wellness Court Committee members, and Police Officer during all Wellness Court activities.*
 - 26. Wellness Court terms and conditions (i.e., court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.*
 - 27. All Participants must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Committee, and court staff during all Wellness Court hearings, treatment sessions, and recreational activities.*
 - 28. The participant will be required to have all program fees/costs paid in full prior to being released from the program. Fees/costs include drug testing, book fees, home electronic monitoring, fines, restitution, incarceration costs, etc.*
 - 29. Participants understand that Wellness Court Program rules, policies and procedures are subject to modification as deemed necessary by the Wellness Court Committee and/or Judge.*

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Rules and Regulations

Prohibited Acts

- *Waabshki-Miigwan participants shall not violate any city, state, Tribal or federal law. Any arrest or contact with police must be reported to LTBB Tribal Probation Officer within twenty-four (24) hours.*
- *Participants shall not commit any acts of violence or threats of violence or engage in belligerent behavior.*
- *Romantic relationships among participants are strongly discouraged*

- *Participants shall not have in their possession, use, sell, distribute, or have under their control, any paraphernalia or drug except as prescribed by a licensed physician.*
- *Participants shall not use or possess any alcoholic beverage nor shall they be present at any establishment where the greater part of revenue is generated by the sale of alcoholic beverages.*
- *Participants shall not attend any program requirement while in the possession of a weapon of any form including firearms or knives.*
- *Participants shall not refuse to comply with any reasonable program requirement.*
- *Participants shall not miss any scheduled program/counseling appointments, drug court appearances, urine screens, or self-help meetings without proper notification.*
- *Participants shall not refuse to cooperate with all Drug Court personnel at each level and strive to progress through each level to the best of their ability.*

Required Acts

- *Be honest to yourself and to the Drug Court Team.*
- *Attend all counseling sessions and be on time. In the event a participant is unable to attend, the participant will call his or her counselor or the Tribal Court. At least twenty-four (24) hours in advance to reschedule the appointment within one week.*
- *Attend all Drug Court appearances and be on time.*
- *Maintain the confidentiality of all other drug court participants.*
- *Submit to onsite screening upon the request of LTBB Court Staff.*
- *Submit any required reports to the Drug Court, as ordered.*
- *Keep the Drug Court informed of a current address and phone number. The participant shall not change address or phone number without notifying the Court within forty eight (48) hours.*
- *Comply with the guidelines of the 30/30/30 program as outlined in the Waabshki-Miigwan Manual. Each participant will provide proof of employment, employment search, community service, or school grades to the Drug Court. Report any changes of status within one week.*
- *Submit to any rehabilitative, medical, or psychological program, as directed by the Drug Court.*
- *Pay all costs, restitution, fines, etc., ordered by Tribal Court as laid out in program policy.*
- *Pay all Drug Court Program fees, as agreed to as a result of any financial assessment.*
- *Make satisfactory progress in the program as measured by each level requirement.*

Section D: Confidentiality

Purpose

The purpose of this section is to provide legally effective notice and to obtain legally sufficient participant consent with respect to federal confidentiality laws for Healing to Wellness Court functions. We recommend using the NDCI template administrative order and consent form below. We recommend further that team members enter into a memorandum of understanding (MOU) that details the information that will be shared, by whom, and for what limited purpose, that it contain the acknowledgment of team members as to the applicability of and adherence to federal and tribal laws, and that it contain file access limitations and storage standards.

Two federal statutes regulate the disclosure of participant alcohol and drug treatment information in the drug court context, the Health Insurance Portability and Accountability Act (HIPAA) (and their 2002 regulations),²³ and the Drug Abuse Prevention, Treatment and Rehabilitation Act.²⁴ HIPAA created a privacy rule that prohibits covered entities from disclosing health information without proper consent or authorization. The Drug Abuse Prevention, Treatment and Rehabilitation Act and its regulations provide for the confidentiality of patient records "maintained in connection with the performance of any program or activity relating to substance abuse, education, prevention, training, treatment, rehabilitation or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States."²⁵

Although the provisions of HIPAA do not apply to drug courts, law enforcement, or probation officers,²⁶ the National Drug Court Institute recommends that drug courts issue administrative orders requiring that treatment providers disclose relevant treatment information to the drug court team, and that drug court participants sign a consent form that meets HIPAA requirements.²⁷ See sample template NDCI administrative order and consent form, below.

²³ Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936; 45 C.F.R. Parts 160-164.

²⁴ Public Health Services Act of 1944, 42 U.S.C. §290 dd.

²⁵ 42 U.S.C. §290dd-2.

²⁶ THE NATIONAL DRUG COURT INSTITUTE'S DRUG COURT JUDICIAL BENCHBOOK (February 2011), pp. 183-184 (citing John Petrila, National GAINS Center, *Dispelling the Myths About Information Sharing Between the Mental Health and Criminal Justice Systems* (2007); and 45 C.F.R. §165.512(k)(5)).

²⁷ THE NATIONAL DRUG COURT INSTITUTE'S DRUG COURT JUDICIAL BENCHBOOK (February 2011), p. 184.

**Excerpts from the NDCI Drug Court Judicial Benchbook²⁸
(citations omitted)**

D. [§9.6] What Is a Program Covered by Federal Confidentiality Laws?

The federal confidentiality law applies to any “program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States.” The definition has two components: (1) that the program involves substance abuse education, treatment, or prevention, and (2) that it is regulated or assisted by the federal government. Involving substance abuse education, treatment, or prevention is quite broad because it includes not only diagnosis and treatment, but also referral for treatment. Thus, a court employee who administers an alcohol or other drug screening and assessment or a judge who orders substance abuse treatment as a condition of probation or drug court participation arguably brings the court within the ambit of the federal definition of program. The second part of the definition is equally as broad because it covers both direct and indirect funding and assistance. The regulations include, inter alia, (1) any entity being a recipient of any federal funds, including funds not used for alcohol or other drug diagnosis, treatment, or referral; (2) activities conducted by a state or local governmental unit, which through revenue sharing or otherwise receives federal funds that could be (but are not necessarily) spent on a substance abuse program; or (3) a program that receives tax exempt status or the program has donors who receive income tax deductions for contributions to the program. Thus, any state or local court system would almost certainly qualify as being a recipient of federal assistance.

Irrespective of whether the drug court meets the two tier qualification for being a federally assisted program, the drug court judge is undoubtedly going to be the recipient of treatment information protected by federal confidentiality laws. When a court receives information protected by the federal confidentiality laws, the court is prohibited from redisclosing such information, absent a proper consent or those limited authorized disclosures permitted without consent. Hence, it is prudent to assume that the federal confidentiality laws apply when operating a drug court.

E. [§9.7] What Information Is Protected?

The federal confidentiality laws apply to all records relating to the identity, diagnosis, prognosis, or treatment of any patient in a substance abuse program. Thus, 42 U.S.C. § 290 dd applies to information that either reveals the identity of a person receiving treatment or discloses that a person is receiving, has received, or has applied to receive substance abuse treatment services. Drug-testing results alone are not protected information, unless used for the diagnosis, treatment, or referral for treatment. Because of the therapeutic use of drug-testing results, the drug court should generally consider them as covered by the federal confidentiality laws.

F. [§9.8] How Can Protected Information Be Shared?

²⁸ *Id.* at Chapter 9, Confidentiality, pp. 181-94.

The general rule is that for participants in alcohol and drug treatment programs, patient-identifying information cannot be shared. However, the federal regulations carve out exceptions. Information can be shared where there is proper written consent. Under limited circumstances, where there is no consent, there exist permissive and mandatory disclosures. The alternatives will be discussed in turn.

1. [§9.9] Consent

There are two requirements for procuring a valid consent, the advisement and the actual consent. The advisement must contain the following notices:

- 1. A header with the following statement: "This notice describes how medical and drug and alcohol related information about you may be used and disclosed and how you can get access to this information. Please review it carefully."*
- 2. A citation to both HIPAA and the confidentiality law and regulations.*
- 3. A description, including at least one example, of the types of uses and disclosures that the program is permitted to make for treatment, payment, and health care operations (include only those permitted under 42 CFR Part 2).*
- 4. A description, including at least one example, of each of the other purposes for which the program is permitted or required to disclose PHI without the individual's consent (this should include only those permitted under 42 CFR Part 2, including a warning that information can be released if the patient commits or threatens to commit a crime on program premises or against program personnel) and that the program must report suspected child abuse or neglect.*
- 5. A statement that other uses and disclosures will be made only with the individual's written consent and that the individual may revoke this consent.*
- 6. A statement of the individual's rights and a description of how the individual may exercise his or her rights.*
- 7. A statement that the program is required by law to maintain the privacy of and to provide individuals with notice of its legal duties and privacy practices.*
- 8. A statement that the program is required to abide by the terms of the notice.*
- 9. A statement that the program reserves the right to change the terms of the notice, and a description of how the program will provide individuals with a revised notice.*
- 10. A statement that (1) a violation of 42 CFR Part 2 is a reportable crime and that (2) under HIPAA, individuals may complain to the program and to the Department of Health and Human Services (HHS) if they believe their privacy rights have been violated, together with (3) a description of how the complaint may be filed.*
- 11. The name, title, and telephone number of a contact for further information.*
- 12. The date on which the notice became effective.*

In the criminal justice context, consent cannot be revoked. Conversely, HIPAA requires that consent can be revoked. However, if the drug court has issued an appropriate order, it can still obtain the needed treatment participation information.

The elements of the written consent are as definite as the notice. The consent form requires ten elements:

- a. The name or general designation of the program(s) making the disclosure.*

- b. *The name of the individual or organization that will receive the disclosure.*
- c. *The name of the patient who is the subject of the disclosure.*
- d. *The purpose or need for the disclosure.*
- e. *A description of how much and what kind of information will be disclosed.*
- f. *The patient's right to revoke the consent in writing and the exceptions to the right to revoke or, if the exceptions are included in the program's notice, a reference to the notice.*
- g. *The program's ability to condition treatment, payment, enrollment, or eligibility of benefits on the patient agreeing to sign the consent, by stating either (1) that the program may not condition these services on the patient signing the consent, or (2) the consequences for the patient refusing to sign the consent.*
- h. *The date, event, or condition upon which the consent expires if not previously revoked.*
- i. *The signature of the patient (and/or other authorized person).*
- j. *The date on which the consent is signed.*

In the criminal justice context, expiration of the consent may be conditioned on an event instead of a date. Thus, expiration may be conditioned upon the drug court participant's successful completion of or termination from the program. Once the consent form has been completed, the participant must be informed that the information disclosed is protected by federal law and that any further disclosures (redisclosure) must be made in accordance with 42 CFR, Part 2. Disclosures that are permitted pursuant to a valid consent form include information that can be used for a probation revocation, including alcohol or other drug-use admissions

Although not explicitly required, the drug court should employ practices that will ensure the participant's consent is knowingly obtained and entered into voluntarily. The participant should have the opportunity to consult a lawyer before executing the consent.

Because of potential literacy concerns, the notification and consent and redisclosure prohibition should be read to the participant before execution. When appropriate, the consent should be translated for the participant. The participant should be asked to reexecute the consent during program participation when there is a change in drug court team membership and to rectify any situation where the participant was still using drugs when the original consent was obtained. Finally, the various team members should enter into a memorandum of understanding (MOU) that details the information which will be shared, by whom, and for what limited purpose. The MOU should also contain the acknowledgment of team members as to the applicability of and adherence to federal and state confidentiality laws including those related to redisclosure. Of particular significance, are the limitations upon prosecutorial use of information gained from treatment programs and in staffing. The MOU should also include file access limitations and storage standards.

[§9.10]

In addition to the practices surrounding the execution of the consent and the team execution of the MOU, the court should consider certain additions to the consent. First, the participant should admit he or she was advised and had the opportunity to have counsel present. The consent could also contain language acknowledging sobriety and understanding. Finally, in the consent form, the participant should recognize that the

courtroom is public and the potential exists for disclosure of confidential information during open court proceedings.

NDCI Template HIPPA Order²⁹

**NDCI EXHIBIT 1.
HIPPA ORDER**

IN THE _____ COURT

_____, STATE OF _____

(County, District)

Case No. _____

People of the)	
State of _____)	
	)	ORDER RE:
Plaintiff,	)	Limited Release of
v.	)	Specific Substance
	)	Abuse Treatment Records
_____)	
Defendant.)	

This matter is before the court for consideration of the limited release of specific substance abuse treatment records. The court makes the following findings:

1. On _____ (Date), the defendant was accepted into/referred to the _____ Drug Court.
2. As a condition of participation in the drug court program, the defendant must attend substance abuse treatment and the drug court team must monitor the defendant’s progress in substance abuse treatment.
3. The defendant has voluntarily and knowingly signed a HIPAA and 42 C.F.R. Part 2 compliant release.
4. The information necessary to monitor the defendant’s progress in substance abuse treatment includes:
defendant's diagnosis, defendant’s urinalysis results defendant’s treatment attendance or nonattendance, defendant’s cooperation with treatment, defendant’s progress in treatment, and defendant’s prognosis. This treatment information is the minimum necessary to carry out the purpose of the disclosure. *See* 45 C.F.R. § 165.502(b)(11) and 42 C.F.R. § 2.13(a).

²⁹ *Id.* at 191.

It is therefore ordered that:

1. (_____ [Name of treatment provider]) shall provide to the members of the drug court team (as reflected in the HIPAA/42 C.F.R. Part 2 Consent to Release Form or team member replacements) the following information:
defendant's diagnosis, defendant's urinalysis results defendant's treatment attendance or nonattendance, defendant's cooperation with treatment, defendant's progress in treatment, and defendant's prognosis.
2. The named treatment provider shall continue to provide the treatment information until defendant's successful completion of or termination from the drug court program or further court order, whichever shall first occur.
3. The drug court team shall not redisclose the information received pursuant to this Order, except as may be provided by law.

SO ORDERED this _____ day of _____, 20_____.

Judge

NDCI Template Consent for the Release of Confidential Information³⁰

CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION:

CRIMINAL JUSTICE SYSTEM REFERRAL

I, _____ (Name of defendant), authorize (initial whichever parties apply):

[The ABC Alcohol and Drug Treatment Program]
(Name of general designation of program making disclosure)

[The Probation Department] employees supervising my case

[The Case Managers] employees supervising my case

(Name of the appropriate drug court)

(Name of prosecuting attorney)

(Name of criminal defense attorney)

(Other)

to communicate with and disclose to one another the following information (nature and amount of the information as limited as possible):

_____ my diagnosis, urinalysis results, information about my attendance or lack of attendance at treatment sessions, my cooperation with the treatment program, prognosis, and

The purpose of the disclosure is to inform the person(s) listed above of my attendance and progress in treatment.

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. Parts. 160 & 164. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

³⁰ *Id.*

[Specify the date, event, or condition upon which this consent expires. This could be one of the following:]

_____ There has been a formal and effective termination or revocation of my release from confinement, probation, or parole, or other proceeding under which I was mandated into treatment, or

_____ (Specify other time when consent can be revoked and/or expires)

I understand that I might be denied services if I refuse to consent to a disclosure for purposes of treatment, payment, or health care options, if permitted by state law. I will not be denied services if I refuse to consent to a disclosure for other purposes.

I recognize that my review hearings are held in an open and public courtroom and it is possible that an observer could connect my identity with the fact that I am in treatment as a condition of participation in drug court. I specifically consent to this potential disclosure to third persons.

I understand that if I refuse to consent to disclosure or attempt to revoke my consent prior to the expiration of this consent, that such action is grounds for immediate termination from drug court.

I have been provided a copy of this form.

I acknowledge that I have been advised of my rights, have received a copy of the advisement, and have had the benefit of legal counsel or have voluntarily waived the right to an attorney. I am not under the influence of drugs or alcohol. I fully understand my rights and I am signing this Consent voluntarily.

Dated: _____
Signature of Drug Court Participant

Witness: _____
(position)

PROHIBITION ON REDISCLOSURE OF CONFIDENTIAL INFORMATION

The notice accompanies a disclosure of information concerning a client in alcohol/drug treatment, made to you with the consent of such client. This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is **NOT** sufficient for this purpose. The federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse patient.

Sample Tribal Wellness Court Wording

Navajo Nation

"D.A.N.A. Program Procedures Manual" (August 2000)

X. DANA Process - E. Confidentiality

All Navajo Nation, State, and Federal laws regarding confidentiality shall be observed and practiced by all personnel working with the DANA program.

Makah Tribe

"Makah Tribal Wellness Court: An Overview" (March 2001)

Confidentiality of Alcohol & Drug Abuse Patient Records

The confidentiality of alcohol and drug abuse patient records maintained by this program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- 1. The patient consents in writing;*
- 2. The disclosure is allowed by a court order; or*
- 3. The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.*

Violation of the federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations.

Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Confidentiality Statement

Any program that specializes, in whole or in part, in providing treatment counseling or assessment and referral services for clients with alcohol or drug problems must comply with the Minnesota state and federal confidentiality regulations.

The Wellness Court Team must adhere to the Minnesota Government Data Practices Act and other applicable laws and policies relating to their respective departments. The Wellness Court clients must be informed of privacy rights in writing and are required to sign releases upon entering the program and be provided a copy. Information that is protected federal confidentiality regulations may always be disclosed after the client has signed a proper consent form. Said forms are signed upon admission to Wellness Court and treatment providers to facilitate information sharing.

A proper consent form must be in writing and must include all of the following:

- the name or general description of the program(s) making the disclosure; t
- the name or title of the individual or organization that will receive the disclosures; t
- the name of the client who is the subject of the disclosure; t
- the purpose or need for the disclosure; t
- how much and what kind of information will be disclosed; h
- a statement that the client may revoke the consent at any time, except to the extent that the program has already acted upon it; a
- the date, event, or condition upon which the consent expires if not previously revoked; t
- the date and signature of the client. t

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Ethics and Confidentiality

The fundamental concern of the Waabshki-Miigwan program is addressing alcohol and substance abuse through treatment. Federal requirements and any tribal policies regarding confidentiality of client records must be considered. To properly address the confidentiality rights of participants, the Waabshki-Miigwan team must incorporate confidentiality regulations into its policies and procedures. Confidentiality regarding substance abuse treatment is protected by United States Code and the Code of Federal regulations. Therefore, all treatment providers and team members are bound by confidentiality guidelines.

The Waabshki-Miigwan team can share information regarding participants by obtaining written consent from each participant or through court order. Participants can sign a "Release of Confidential Information Form" where the participant gives his/her consent,

in writing, allowing treatment providers and team members to share and disclose information regarding substance abuse issues.

Additionally, the purpose and conditions of the Release of Confidential Information Form should be explained to the participant by a member of the Waabshki-Miigwan Team (defense, probation, prosecution). It is important for the participant to understand the duration of the consent and that consent may be revoked, but that revoking consent may affect his or her ability to remain in the Wellness Court Program.

Because participants are involved in group counseling, it is essential that they respect the confidentiality of other participants. They should agree not to disclose sensitive information discussed during sessions. This topic will be addressed in the Client Contract and the initial orientation. Also, measures must be taken by the team to ensure that information disclosed is relevant, reliable, and limited to the scope of the program and that it takes place in a professional forum.

In the event that a court staff member and a client should come in contact outside of a professional setting, communication should not take place unless initiated by the drug court participant.

Finally, Tribal law and regulations do not protect any information about suspected child abuse or neglect from being reported under tribal law to appropriate state or local authorities. Other instances of mandated reporting are in case of emergency, or threats to harm self or others.

Blackfeet Nation

"Blackfeet Tribal/Family/Alternative Courts – Policy and Procedure Manual for Alternative Courts" (June 2001)

D. General Program Policies

(1) Contract (SEE ATTACHMENT #1)

Each client will be required to read, understand, and sign the Confidential Contract.

Relevant Sample Forms

District Court of Navajo Nation
P.O. Box 1168
Shiprock, New Mexico 87420
(505) 368-1270
FAX (505) 368-1288

THE NAVAJO NATION
JUDICIAL BRANCH

Family Court
P.O. Box 1168
Shiprock, New Mexico 87420
(505) 368-1287/1286
FAX (505) 368-1288

**JUDICIAL BRANCH OF THE NAVAJO NATION
DANA DRUG COURT PROGRAM
CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION**

I, _____, authorize _____ to receive
(Name of Client) (Name of Treatment Provider)
from and disclose Confidential Information to the Navajo Nation Judicial Branch DANA Drug Court Program. Confidential information will include: history of alcohol and Drug use, Substance Abuse and Mental Health issues and other treatment provision; for the purpose of assisting the Navajo Nation Judicial Branch DANA Drug Court Program to conduct an effective treatment process for said client.

I understand that my records are protected under the Federal and State Confidentiality Regulations (42 CFR Part 2); Indian Health Services (42 CFR 2.31 (b)) Alcohol and Drug Abuse, Patients Rights and Accessing Health Information; Department of Behavioral Health (42 CFR Part 2, Section 2.31 (a) and 2.33); and cannot be disclosed without my written consent unless otherwise provided. I understand I may revoke this consent at any time except to the extent that action has been taken in reliance on it and that in any event this consent expires automatically in One Full Year unless otherwise specified below.

Other expiration specification: _____

Executed this _____ Day of _____, 2000/2001

Signature of Client: _____

Signature of Witness: _____ Title: _____

Signature of Drug Court Officer: _____

Revised 11/27/00

Consent for the Release of Confidential Information

Makah Wellness Court Referral

I, _____, hereby consent to communication between the **Makah Wellness Court Program Staff** including: Judge(s), the primary Counselor, and other treatment providers, Prosecutor, Public Safety, Defense Advocate, Adult Probation Officer, Wellness Court Coordinator, and Support Specialist II.

The purpose of, and need for, the disclosure authorized herein is to inform the named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance and progress in accordance with the drug court’s monitoring criteria.

Disclosure of this confidential information may be made only as necessary for, and pertinent to, hearings and/or reports concerning my current charges.

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, and cannot be disclosed without my written consent and that recipients of this information may redisclose it only in connection with their official duties.

Date

Name

Cass County/Leech Lake Wellness Court Release of Information

Consent to Release Confidential Information for the Criminal Justice System and Related Agencies

I, _____ DOB: _____, hereby consent to and authorize communication between all Law Enforcement Agencies in Cass County, Cass County/Leech Lake Wellness Court Program, the Wellness Court Judges, the Cass County Attorney’s Office, the Cass County Probation Department, the Ninth Judicial District Public Defender’s Office (or private attorney _____), Cass County Health and Human Services, Leech Lake Band of Ojibwe, Minnesota Department of Corrections, my treatment program _____), my mental health worker(s) _____, and District Court Administration. The following information related to my attendance and participation in the Cass County/Leech Lake Wellness Court Program. The nature of and need for the disclosure is to inform the Wellness Court, treatment providers and Human Services Agencies listed above of attendance and progress in treatment. The information is needed to develop and implement an assessment, diagnosis, and treatment plan; to provide continuity of care through interagency communication and referral; and to assist in the case management of my progress. Information will be gathered from the above agencies and shared between representatives of these agencies. The extent of information to be disclosed is the recommendation of my chemical use assessment, my attendance or lack of attendance at treatment sessions, drug testing results, my cooperation with the treatment program, completion of program, and assessment information required for local, state, and national research.

Disclosure of the confidential information may be made only as necessary for, and pertinent to, hearings, and/or reports concerning the Cass County/Leech Lake Wellness Court. I understand that this information may be discussed in open court.

I understand that this consent will remain in effect until I have revoked the consent, until there has been a formal and effective termination of my involvement with the Wellness Court Program or upon my successful completion of the Wellness Court requirements or upon sentencing for violating the terms of my Wellness Court involvement. I understand that if I revoke the consent while enrolled in Wellness Court it will result in my termination from Wellness Court.

Federal regulations regarding the confidentiality of alcohol, and drug abuse client records precludes anyone from making further disclosure of this information without specific written consent of the client (statue 42 CFR, Part 2)b

Signature: _____ Date: _____
Client

Signature: _____ Date: _____
Witness

**BLACKFEET
TRIBAL/FAMILY/ALTERNATIVE**



P.O. BOX 1170, BROWNING, MT 59417
406-338-5061 FAX 406-338-2722

THE BLACKFEET TRIBE,)

CASE NO.99AC0036

PLAINTIFF,)

)

-VS-

CONFIDENTIAL CONTRACT

)

DEFENDANT,)

This agreement made and entered into this 29th day of June, 1999, between the Blackfeet Tribe by Prosecutor Wendy Running Crane, and defendant _____, upon the advice and consent of his/her counsel.

It appearing that the offenses in this case are such that the public safety does not demand or require that the said defendant suffer the penalties of Law imposed upon him/her at this time.

THEREFORE: In consideration of the diversion to the Alternative Court Program, it is hereby admitted and agreed by the said defendant and counsel as follows:

1. That I admit that there is probable cause for the offenses charged by the complaining witness and the complaints or citations on file herein and hereby admits that I did in fact do the acts in violation of the Law and Order Code or Ordinance charged in the complaint(s) or citation(s). I hereby waive my rights to confronting witnesses against me on these charges, to have a trial by jury, my right against self-incrimination, my right to an attorney, my right to a bond, and my right to an appeal.
2. That I agree to the terms and conditions of this CONTRACT and to ANY sentence which may result from the guilty plea entered herein in order to complete the Blackfeet Tribal Alternate Court Program with entitled court retaining continuing jurisdiction over me and my fulfillment of the terms of the CONTRACT.
3. I **will not** violate any Federal, State, or Tribal Laws.
4. I **will not** drink any alcoholic beverages or use any non-prescription drugs.
5. I **will** maintain contact with the Blackfeet Tribal Alternative Court Probation Officer(s) as needed and present any future problems or concerns as soon as possible.

- 6. I **will** be responsible for my actions.
- 7. I **will** appear in Blackfeet Tribal Drug Alternate Court as directed and will pay a Ten Dollars (\$10.00) court fee for each court session.
- 8. I **will** submit to a Urinary Analyze (UA) or a blood test as requested by Court or Law Enforcement Personnel and will be responsible for paying a fee of ten dollars (\$10.00) if the results test positive, further, I agree to abide by all test results.
- 9. I **understand** that this contract is in effect from this date until I complete the Drug Alternate Program or until I resign or I am expelled.
- 10. I **agree to** fulfill all of the above contract terms and conditions in order to complete my probation. Further if I fail to abide by this contract or if I am **arrested and charged with an alcohol/drug or violent offense by a Law Enforcement Officer**, I understand that my probation officer will be required to file a PROBATION VIOLATION report that the court.
- 11. I **agree** that I will be subject to the maximum sentence for the offenses as listed in the Blackfeet Law and Order Code and Ordinances if a Probation Violation is filed by my Probation Officer. I further agree that any delay in the SENTENCING for reasons of implementation of this CONTRACT will not constitute grounds for asserting that my constitutional rights have been violated in any manner and I further agree that any delay has arisen only at the specific request of me and my counsel.
- 12. In consideration of the defendant complying with all of the above terms, conditions, and provisions of this agreement, the Blackfeet Tribal Prosecutors and the Blackfeet Tribe, for their part, agree that for a period of one (1) year, that may be extended if needed, from the date hereof, they will defer the imposition of the sentence on the charges to which the defendant hereby pleads guilty, subject to the terms of this agreement. They further agree that at the successful completion of all conditions of said CONTRACT, the Blackfeet Tribal Defenders and the Blackfeet Tribe will move the Court to dismiss with prejudice, the charges referred to herein and on file in the court and the Court will dismiss said charges. Defendant at that time may request that the guilty plea be withdrawn and the Court will grant such a request, and the record of this conviction will be expunged.
- 13. The Blackfeet Tribal Prosecutor agrees that the defendant does not breach this CONTRACT agreement by violations of minor traffic laws, etc., but this agreement does include all criminal actions covered in the Blackfeet Law and Order Code.

IT IS SO DATED THIS _____ DAY OF _____, 1999.

DEFENDANT

DEFENDER, PETE SELLARS

PROSECUTOR, WENDY RUNNING CRANE

Fort McDowell Yavapai Nation
Wellness Court Program

10755 N. Fort McDowell Road, Suite 1
Fort McDowell, AZ 85264
Fax (480) 789-7605

Program Coordinator: Ron Warber
Phone: (480) 789-7619

Case Manager: Chloe Selina
Phone: (480) 789-7616

Limited Consent to Release Confidential Information

Name

Date of Birth

Court Case Number

AUTHORIZATION

I hereby authorize the court, tribal police, prosecutor, education, substance abuse therapist and the probation officer to release information to the Wellness Court Committee for the purpose of determining my eligibility into the Adult Wellness Court Program. The information will be limited to:

- Criminal Complaint
- Police Report
- Criminal History Background
- Tribal Enrollment Information
- Educational and Employment Records
- Clinical Screening to determine if appropriate for Substance Abuse Treatment

I certify that this request is made freely, voluntarily, and without coercion. I understand that I may revoke this authorization at any time. I understand that this consent will automatically expire (60) days from the date of signature unless I express written revocation at an earlier date.

Printed Name of Wellness Court Participant

Signature of Wellness Court Participant

Date

Address

Phone

Defense Attorney/Advocate

Date

Section E: Fines, Fees, and Court Costs

Purpose

The purpose of this section is to provide an effective notice about any required fines, fees and/or court costs required to be paid by Healing to Wellness Court participants. A number of Healing to Wellness Courts use these mechanisms to defray the costs of their Tribal and Wellness Court operations. In the state system, some states have likewise attempted to cover the costs of alcohol and drug treatment services through participant user fees and/or to assess reasonable fees for participation. However, state programs found that “the minimal amount of monies created ... were not enough to sustain a drug court program.”³¹ We recommend that Wellness Courts, likewise, develop an alternate or additional sustainability strategy.

Sample Tribal Wellness Court Wording

Poarch Band of Creek Indians

"Poarch Band of Creek Indians Drug Court Program Participant's Manual" (April 2014)

XXL. Payment of Fees

Before being admitted into the Drug Court Program, Drug Court will stress the requirement of payment of all administrative fees. Drug Court will require an administrative fee of \$50.00 per month for as long as the participant is in the program. Participants will also be charged \$25.00 per month for the use of a monitoring device as long as monitoring is required by the Court. Participants may be allowed to perform community services in lieu of payment with the approval of the Drug Court Judge. Community service in lieu of payment shall be in addition to any other community service in which a participant is already assigned (uncompensated community service). In extenuating circumstances, participants will be allowed to deduct fines/fees from their per capital distributions. A participant will only be allowed to sign a voluntary assignment for fines and/or fees two (2) times for Drug Court Administrative fees. All fines/fees must be paid in full prior to a participant advancing into another phase of the Program.

The Participant shall grant the Poarch Band of Creek Indians (“Tribe”) and Poarch Band of Creek Indians’ Drug Court a security interest in any and all (1) stipends owed to the Participant for attendance at Board, Commission, Authority, or Committee meetings of tribal entities, and (2) future per capital payments (otherwise known as “birthday checks”) issued by the Tribe to the Participant up and until the amount of all sums owed by

³¹ Dennis A. Reilly and Atoundra Pierre-Lawson, *Ensuring Sustainability for Drug Courts: An Overview of Funding Strategies*, in NATIONAL DRUG COURT INSTITUTE MONOGRAPH SERIES 8, 12 (2008), quoting State of Mississippi Drug Court Coordinator Joseph Carter.

Participant are paid to Poarch Band of Creek Indians' Drug Court. Therefore, the Drug Court shall have authority to garnish a participant's wages, future per capita payments, and stipends owed to the tribal member for attendance at board, commission, and authority or committee meetings for tribal entities to insure prompt payment of fees/fines.

Navajo Nation

"D.A.N.A. Program procedures Manual" (August 2000)

X. D.A.N.A. Process - F. Program Fees

1. *All fees required shall be paid by the client. This includes:*
 - A. *D.A.N.A. program participation fees of \$15.00 a month or community service.*
 - B. *Peacemaking fee of \$60.00 per session.*
 - C. *Drug/Alcohol testing fees of \$5.00 per test.*
 - D. *Assessment fees.*
 - E. *Commutation fees.*

2. *These program fees can be waived upon the request of an indigent client.*

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Fines, Fees, and Court Costs

Fines and Fees are determined by the Judge on a case-by-case basis depending on a participant's infractions and needed services.

Relevant Sample Forms

MAKAH DRUG COURT PARTICIPANTS

FINANCIAL ASSESSMENT

EMPLOYMENT _____

If not employed,

SOURCE OF INCOME _____

MONTHLY INCOME AMOUNT _____

If not able to pay entrance fee because of little or no income, the Court can waive the fee.

If not able to pay the monthly fee of \$25.00, please explain and the Court can waive the monthly fee.

REMINDER:

The only other payment is a sanction used for an unclean urine drug screen, which is \$7.50.

Chapter 3: Team Roles and Responsibilities

Overview

The formation of a Healing to Wellness Court can be a trying yet rewarding experience, usually involving several dedicated individuals leading the charge toward effecting change. This process can look completely different from tribe to tribe, with different team members assuming different roles. As time progresses, Wellness Courts remain living entities, with potentially new team members joining the folds as the needs of the community and the participants evolve. In addition, Wellness Courts, like their state drug court counterparts, are subject to team member turnover and change. A healthy Wellness Court uses the Policies and Procedures Manual to document the team members based on their roles and responsibilities, not based on individuals. Additionally, this section can be used to describe the structure and composition of the Wellness Court.


Relevant Key Components

These sections are implicated by Key Component 1 to the extent that they describe basic Wellness Court structure—bringing together alcohol and drug treatment, community healing resources, and tribal justice process using a team approach.

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment and community healing resources and the tribal justice process, using a team approach to achieving the physical and spiritual healing of the individual participant and to promoting native nation building and the well-being of the community.

Finding from NIJ Tribal Wellness Court Study
Key Component #1: Individual & Community Healing Focus




Problems Identified:

- Wellness teams had a great deal of member turnover.

Lessons Learned:

- Develop a strong structure for your Tribal Wellness Court by building the Tribal Wellness Court team based on roles, not on individuals, in order to avoid the disintegration of the team due to staff turnover.
- Detail the responsibilities of team members from various agencies in written policies and procedures, such as memoranda of understanding, in order to ensure the team’s integrity.

Strengths & Weaknesses Reported to
First Four Tribal Wellness Courts:
Key Component #1: Individual & Community Healing Focus



<u>Strengths</u>	<u>Weaknesses</u>
<ul style="list-style-type: none"> • Good teamwork • Team members “walk the talk” • Compassionate & concerned team • Committed team at beginning • Home & school liaison involvement • Tolerance and respect for other team members’ opinions • Core team stability 	<ul style="list-style-type: none"> • Lack of participation by schools, mental health, tribal elders, and tribal leaders • Long and poorly facilitated staff meetings • Poor communication between Wellness Court and mental health provider • Core team changes • Poor communication between chemical dependency counselors and team • Not all team members “walk the talk” • No Wellness Court coordinator • Staff meetings not regularly scheduled

Section A: Oversight/Steering Committee Structure, Roles, and Responsibilities

Purpose

Steering committee members are community leaders and senior government stakeholders (such as the Attorney General, the public defender, the probation department, and substance abuse services) who come together to negotiate the formation of the Healing to Wellness Court; to review how the program is performing; and to address any needed changes to its policies and procedures. These individuals are invited to form a steering committee and have the ultimate authority to enter in to memoranda of understanding (MOUs) or memoranda of agreement (MOAs), and to define the authority of the Wellness Court and the roles and responsibilities of the respective parties. Many of these senior people will delegate to their subordinates within their agencies the authority to attend meetings and report back to their superiors what was discussed and whether there are any proposals on the table. The decision whether to sign on to such proposals would reside with the appropriate agency directors and political officials. "Public stakeholders," may be invited in as non-voting members, such as local business leaders, members of the press, and members of the recovery community, in order to bring the public to weigh in on the importance of the program and the effects of alcohol- and drug-related crime on the community.

Sample Tribal Wellness Court Wording

Yurok Tribal Court

"Wellness Court Program Guide" (July 2010)

Steering Committee

The Steering Committee will convene quarterly to discuss policy matters, allocation of resources, design culturally relevant treatment curriculum, and long-term strategic planning. The Committee will review outcome and quality data and make recommendations regarding services and efficiency. The Committee will include representatives from all major stakeholders, including the Yurok Tribal Court, Yurok Social Services, Yurok Public Safety, Community Members and/or Tribal Elders. The Steering Committee will take the lead on fundraising and public relations on and off the Reservation.

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Steering Committee

The Steering Committee is comprised of executive-level personnel from the below-listed agencies to facilitate the process, to expeditiously resolve issues, and to provide buy-in at the upper echelon so that later committees with non-executive level personnel will be comprised of people who are confident that the head of each agency is supportive of the Wellness Court mission. The Steering Committee consists of representatives from the following agencies:

- ❖ 9th Judicial District Court
- ❖ Leech Lake Band of Ojibwe
 - Tribal Court
 - Tribal Council Member Representative
 - Law Enforcement
 - Treatment
 - Family Services
- ❖ Cass County
 - County Attorney
 - County Board Member Representative
 - Sheriff's Department
 - Probation
 - Human Services: Adult Services
- ❖ 9th Judicial District Public Defender's Office
- ❖ Department of Corrections

Navajo Nation

"D.A.N.A. Program procedures Manual" (August 2000)

VI. D.A.N.A. Macro Team

- A. *Judicial Branch - The Judicial Branch macro team will be an advisory team for the whole D.A.N.A. program operation. The Macro team for the Judicial Branch will consist of the following members:*
1. *D.A.N.A. Program Coordinator*
 2. *Court Solicitor(s)*
 3. *Chief Probation Officer*
 4. *Peacemaking Coordinator*
 5. *Chief Prosecutor*
 6. *Chief of Police*
 7. *Director-Department of Behavioral Health*
 8. *Director-Division of Social Services*

9. Director-IHS Behavioral Health/Social Service
10. Director-Office of Public Defender
11. Director-Department of Corrections

B. *Judicial District - The Judicial District macro team will be an advisory team for the D.A.N.A. program operation at the judicial district level.*

1. Judge(s)
2. D.A.N.A. Program Officer
3. Probation Officer(s)
4. Peacemaker Liaison
5. Prosecutor
6. Tribal Court Advocates
7. Detention Officer(s)
8. Treatment Provider(s)
9. Police Officer(s)
10. Public Officials
11. Community Representatives
12. Peacemakers
13. Religious Leaders
 - a. Diné Traditional Ceremonies Specialists
 - b. Native American Church Leaders and Roadmen
 - c. Christian Leaders

VII. D.A.N.A. Micro Team

The D.A.N.A. micro team will admit clients into the program. They will attend the staffing meetings and DANA program court sessions. The Micro team will consist of the:

- A. Judge(s)
- B. D.A.N.A. Program Officer
- C. Probation Officers
- D. Peacemaker Liaison
- E. Treatment Provider(s)

Section B: Team Roles and Responsibilities

Purpose

The purpose of this section is to transparently describe the purpose, structure, composition, roles, and responsibilities of the Healing to Wellness Court Team and its members. A Wellness Court team is the group of professionals who are primarily responsible for overseeing the day-to-day operations of the Wellness Court and for administering the treatment and supervisory interventions. The Wellness Court judge is the leader of the team, and other members will commonly include the tribal Attorney General, prosecutor, or presenting officer, public and private defenders (both attorneys and lay advocates), probation officers, treatment providers, case managers, law enforcement, a Wellness Court Coordinator, and in many cases tribal leaders and/or elders. Some tribes have extended teams and core teams, with the core team responsible for day-to-day operations and weekly meetings, and the larger group meeting less frequently. The National Drug Court Institute (NDCI) provides a “Core Competencies Guide” for the various drug court team members.³² (See excerpts below.) Please refer to the complete NDCI guide for a detailed list of responsibilities for each team member for both the planning and operational phases of a drug court.

³² National Drug Court Institute, *Core Competencies Guide: Adult DCPI Trainings*, available at <http://ndcrc.org/sites/default/files/PDF/Core%20Competencies%20Guide.pdf>

NDCI CORE COMPETENCIES GUIDE (excerpts)³³
Drug Court Judge Core Competencies

A drug court judge presides over non-adversarial court appearances for drug court appearances and leads the drug court team in creating a participant focused recovery program.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure their success.

COMPETENCY 2: As part of the Drug Court team, in appropriate non-court settings (i.e., staffing), the judge advocates for effective incentives and sanctions for program compliance or lack thereof.

COMPETENCY 3: Is knowledgeable of addiction, alcoholism, and pharmacology and generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

COMPETENCY 4: Is knowledgeable of gender, age, and cultural issues that may impact the offender's success.

COMPETENCY 5: Initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current court processes and procedures and thereafter collaborates to coordinate innovative solutions.

COMPETENCY 6: Becomes a program advocate by utilizing his/her community leadership role to create interest and develop support for the program.

COMPETENCY 7: Effectively leads the team to develop all the protocols and procedures of the program.

COMPETENCY 8: Aware of the impact that substance abuse has on the court system, the lives of offenders, their families, and the community at large.

COMPETENCY 9: Contributes to education of peers, colleagues, and judiciary in the efficacy of Drug Courts.

³³ *Id.*

NDCI CORE COMPETENCIES GUIDE (excerpts)
Drug Court Prosecutor Core Competencies

A drug court prosecutor is usually a “gate keeper” and selects offenders who participate in the program; he/she obtains prior criminal histories of offenders, participates in team meetings, and attends non-adversarial court proceedings.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure his/her success.

COMPETENCY 2: The prosecutor, while in Drug Court, participates as a team member, operating in a non-adversarial manner, and promoting a sense of a unified team presence.

COMPETENCY 3: As part of the Drug Court team in appropriate non-court settings (i.e., staffing), the prosecutor advocates for effective incentives and sanctions for program compliance or lack thereof.

COMPETENCY 4: Ensures community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment which focuses on the benefits of therapeutic program outcomes.

COMPETENCY 5: Monitors offender progress to define parameters of behavior that allow continued program participation and suggests effective incentives and sanctions for program compliance.

COMPETENCY 6: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

COMPETENCY 7: Negotiates and monitors treatment and ancillary service contracts. Conducts site visits, reviews progress reports, and assists in audits and certification monitoring. Creates and monitors standards for urine collection and compliance reporting. Ensures gender, age, and culturally specific treatment services.

COMPETENCY 8: Contributes to the team’s efforts in community education and local resource acquisition.

COMPETENCY 9: Contributes to education of peers, colleagues, and judiciary in the efficacy of Drug Courts.

NDCI CORE COMPETENCIES GUIDE (excerpts)
Drug Court Treatment Provider Core Competencies

A drug court treatment provider provides rehabilitative therapy sessions, drug screening, case management and monitoring for drug court participants in keeping with the holistic recovery of the drug court participant. Additionally, within the bounds of ethics and legalities, a drug court treatment provider shares information regarding the progress of a participant in appropriate settings to all drug court team members.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission, and goals and works as a full partner to ensure their success.

COMPETENCY 2: Ensures that the participant receives the highest level of care available, at a reasonable cost, by all contracted and ancillary service providers. Develop post-program services, client outreach, mentor programs, and alumni associations.

COMPETENCY 3: Ensures that offenders are evaluated in a timely and competent process and that placement and transportation are effectuated in an expedited manner.

COMPETENCY 4: Develops effective measure for drug/alcohol testing and treatment progress reporting that provide the team with sufficient and timely information to implement incentives and sanctions systems.

COMPETENCY 5: Assists in providing advanced training in substance abuse, addiction and treatment methodologies so as to provide the team with a meaningful basis to implement incentives and sanctions systems and design program protocols and procedures.

COMPETENCY 6: As part of the Drug Court team, in appropriate non-court settings (i.e., staffing), the treatment provider advocates for effective incentives and sanctions for program compliance or lack thereof.

COMPETENCY 7: Is knowledgeable of gender, age, and cultural issues that may impact the offender's success.

COMPETENCY 8: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

COMPETENCY 9: Contributes to the team's efforts in community education and local resource acquisition.

COMPETENCY 10: Contributes to education of peers, colleagues, and judiciary in the efficacy of Drug Courts.

NDCI CORE COMPETENCIES GUIDE (excerpts)
Drug Court Community Supervision Core

A drug court community supervision officer actively monitors drug court participants outside of the drug court setting, including conducting home and job visits. All client contact is documented and visits logged to help encourage positive participant behavior.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure their success.

COMPETENCY 2: Provides coordinated and comprehensive supervision so as to minimize participant manipulation and splitting of program staff. Develop post-program services, client outreach, Mentor programs and Alumni Associations.

COMPETENCY 3: Develops effective measures for drug testing and supervision compliance reporting that provide the team with sufficient and timely information to implement incentives and sanctions systems.

COMPETENCY 4: Coordinates the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, job skills training, and placement to provide a strong foundation for recovery.

COMPETENCY 5: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

COMPETENCY 6: Is knowledgeable of gender, age, and cultural issues that may impact the offender's success.

COMPETENCY 7: Contributes to the team's efforts in community education and local resource acquisition.

COMPETENCY 8: Contributes to education of peers, colleagues, and judiciary in the efficacy of Drug Courts.

NDCI CORE COMPETENCIES GUIDE (excerpts)
Drug Court Community Policing Officer/Law Enforcement Core Competencies

A drug court community supervision officer actively monitors drug court participants outside of the drug court setting, including conducting home and job visits. All client conduct is documented and visits logged to help encourage positive participant behavior.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure their success.

COMPETENCY 2: Provides information of participant appropriateness from law enforcement sources to the team and makes recommendation to the team.

COMPETENCY 3: Facilitates the swift delivery of bench warrants for participants who have absconded from the program.

COMPETENCY 4: Acts as a liaison to police agencies, providing education, information, and training on the importance of the drug court program to community safety and the benefits of law enforcement in collaborating with the Drug Court.

COMPETENCY 5: Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

COMPETENCY 6: Is knowledgeable of gender, age, and cultural issues that may impact the offender's success.

COMPETENCY 7: Provides a monitoring function to the team (along with supervision and treatment): i.e., going on joint home visits, reporting on participant's activities in the community, and supervising participation in community service.

COMPETENCY 8: Provides assistance, information, and support to participants in the community encouraging them to succeed in the program.

NDCI CORE COMPETENCIES GUIDE (excerpts)
Drug Court Evaluator Core Competencies

A drug court evaluator assists the drug court team in developing, capturing, and communicating useful and useable information for key stakeholders and other audiences.

COMPETENCY 1: Gets involved in the program during the planning process, enabling the effective development of a data collection and evaluation components that collect relevant information critical to the program's survival.

COMPETENCY 2: Become an adjunct to the team, familiar with its policies and procedures, the program process, and the inner workings of the program.

COMPETENCY 3: Utilizes the knowledge and resources of the team to develop a data collection/operating system.

COMPETENCY 4: Ensures that the information system assists the team in monitoring the progress of the participant in the program and enhances the ability of the team to act immediately when there is non-compliance.

COMPETENCY 5: The data collection/operational system assists the team in monitoring program protocols and procedures to allow the team to react quickly to program deviations and the development of trends.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menīpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

Staff Responsibilities

Purpose: The purpose of this policy is to define the roles and responsibilities of the Menīpaniw Court Team members.

1. **Team** – The entire staff serves as the facilitator of treatment by resolving issues, helping to overcome problems impeding treatment, and resolving any other difficulties. In addition, the team oversees the case processing aspect and is actively involved in the program, as well as providing the leadership, authority, and management capacity to enable the Menīpaniw to operate. Each member of the team appears in court in each

week with the participants. Each member of the team has one vote and majority rules in aspects with the exception of legal matters. In addition, each member of the team has the below listed responsibilities:

- A. **Menīpaniw Court Judge** oversees the weekly court appearances by participants and imposes any sanctions that have been voted on by the team at the weekly staffing of participants.
- B. **Menīpaniw Court Prosecutor** explains the Menīpaniw Court to prospective participants and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants.
- C. **Menīpaniw Court Public Defender** explains the Menīpaniw to prospective participant and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants. Once the participants have been terminated or successfully complete the program, the court defender has no further responsibility to them.
- D. **Menīpaniw Court Intake/Counselor** screens prospective participant by administering SASSI (as defined – earlier) and SUDDS evaluations and upon acceptance by the team provides outpatient counseling and makes recommendations to the team if a participant needs inpatient treatment. The Intake/Counselor and the Menīpaniw Court Probation Officer are responsible for developing a treatment plan with each individual and determining if participants are compliant.
- E. **Menīpaniw Court Probation Officer** works with the Intake/Counselor and the participant to develop a treatment plan and to determine if participants are in compliance. The Probation Officer also works with schools and other agencies to provide GEDs, college courses, and job opportunities.
- F. **Menīpaniw Court Coordinator** facilitates the collection and organization of all relevant information by receiving, recording, and maintaining all documents and records of the Menīpaniw Team and the participants. Assist in participant entry to program, follow up, and grant administration which includes grant reporting/ program fiscal responsibilities

Yurok Tribal Court

"Wellness Court Program Guide" (July 2010)

Roles of Personnel

Tribal Court Chief Judge: The Judge ensures supervision by presiding over status hearings, attending staff meetings, and holding team members and participating agencies accountable for providing the proper services and asserting team

professionalism. The Judge will also impose original sentencing and sanctions or incentives recommended by the YWC team. The Judge administers the policies and procedures and makes final determinations regarding participants.

Tribal Court Administrator: *The Administrator organizes relevant information regarding the YWC Program, its undertakings, meetings, data collection, and reports to government or tribal agencies. The Administrator also provides the public and committee members with necessary information regarding the operations and success of the YWC.*

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: *Serves as a liaison between the YTC and Yurok persons involved in the State Court System. Maintains participant files and administer 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 Court Clerk: *Schedules hearings, files necessary documents, acts as an assistant to the Judge, and helps with communication between the Judge and other YWC team members.*

Office of Tribal Attorney Prosecutor: *Participates in the referral process and provides the Tribe's opinion about the participant's potential success and legal eligibility. The Prosecutor also contributes their opinion as it relates to the safety and welfare of the community.*

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.*

Indian Health Services: *Provides clinical assessments, recommends treatment options and length of services needed. IHS providers will work closely with clients in phase development with family counseling, behavioral counseling, substance abuse counseling, parenting skills, and child welfare services.*

Treatment Provider: *Provides substance abuse counseling, alcohol counseling, drug education, and relapse prevention. Provider is required to maintain a current schedule of*

services it offers, and provides each client with the treatment necessary to address his or her specific needs. They are required to report to the team on the progress and compliance of participants and make recommendations regarding modifications to treatment plans, sanction, and incentives.

Steering Committee: The Steering Committee will convene quarterly to discuss policy matters, allocation of resources, and design culturally relevant treatment curriculum and long-term strategic planning. The Committee will review outcome and quality data and make recommendations regarding services and efficiency. The Committee will include representatives from all major stakeholders, including the Yurok Tribal Court, Yurok Social Services, Yurok Public Safety, Community Members and/or Tribal Elders. The Steering Committee will take the lead on fundraising and public relations on and off the Reservation.

Yurok Wellness Court Team: The YWC team will consist of the Yurok Tribal Court Chief Judge, Office of Tribal Attorney (Prosecutor), Tribal Court Administrator, Case Managers, Substance Abuse Assessor, and Treatment Provider Representative. The YWC team will develop case plans in conjunction with sentencing courts, local law enforcement, probation and parole departments, prisons, jails, and treatment facilities. The YWC team will convene once per month for formal case conferencing and participant status hearings. The team will include family involvement where applicable for client case planning.

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Team Member Roles

The **Waabshki-Miigwan Judge** supervises and re-enforces treatment by reviewing the reports from the Waabshki-Miigwan team members and input from each participant and will assign various sanctions and incentives to encourage compliance with the Waabshki-Miigwan Program. The Judge will establish a rehabilitative relationship with the participant through intensive interaction during court appearances. The Judge assumes the role of not only judge, but also mentor and encourager.

The Judge responds quickly to any relapse or other violations with immediate sanctions that address the problem and encourages more dedication to the treatment process. The Court will utilize graduated sanctions to become more restrictive as the severity and frequency of the behavior increases. The court can utilize all the sanctions and incentives spelled out in the Waabshki-Miigwan Policy Manual and any other deemed proper by the Court.

The Drug Court will actively supervise and re-enforce the treatment received by the client. It is a goal of the Drug Court to be an optimistic outlook for each participant in encouraging that client to complete the Drug Court Program as they and the community will both benefit immensely.

*The **LTBB Tribal Prosecutor** reviews each participant's case and advises the Drug Court as to whether or not the participant might be a possible candidate for the Waabshki-Miigwan Program. The prosecutor's assessment will include the verification of whether the candidate's charges are appropriate for the program and whether the participant has any prior convictions or charges that may disqualify him from participation. The Tribal Prosecutor will report to the Court his findings. The Tribal Prosecutor will not prosecute any pretrial participant who is participating in the Drug Court Program unless the client is unsuccessful in the program and is terminated. If the participant is unsuccessfully discharged from the Waabshki-Miigwan Program, the prosecutor can pursue the charges as normal.*

*The **Court Administrator** and the **Court Clerk** of the LTBB Tribal Court are responsible for receiving and filing all original documents, keeping current files and making them available at all Drug Court hearings. The Court Administrator and Clerk of the Court will also be responsible for receiving and recording all payments made to the Drug Court by a client. Finally, the Court Administrator will oversee all budgetary tasks and any grant-related objectives or reporting.*

*The **LTBB Substance Abuse and Mental Health Department** has reserved slots for participants, allowing the participant to access services immediately. Each participant will go through in an intake-initial screening and assessment process at the onset. The participant is assigned a substance abuse counselor and/or a mental health therapist based upon this assessment. The participant and the counselor or therapist will develop a treatment plan based on the abilities, needs, and strengths of the participant and also work together to complete the Waabshki-Miigwan Curriculum. The substance abuse counselor and the mental health therapist will provide timely and accurate progress reports regarding the participant to the Waabshki-Miigwan Team prior to each court appearance of the participant. The substance abuse counselor or mental health therapist will provide any recommendations based on the progress report to the team.*

*The **Waabshki-Miigwan Court Coordinator** will update files and prepare notes relating to each participant's progress in the Waabshki-Miigwan Program. They will also provide the Client, Client's attorney, or other representative the proper forms for entry into the Drug Court Program. The Adult Drug Court Coordinator will be responsible for preparing any orders and distributing them to the appropriate parties. Copies of all the documents pertaining to the client will be sent to the appropriate personnel (i.e., Program Coordinator, Tribal Probation, and Tribal Prosecutor). The Adult Drug Court Coordinator will pay special attention to each Drug Court client's progress and coordinate with Tribal Probation to make necessary adjustments to client's track.*

*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 **Cultural Resource Advisor** will coordinate all cultural components of the Waabshki-Miigwan Program. They will build and maintain a community network of Tribal members capable of assisting the client in completing the culturally relevant tasks throughout the Waabshki-Miigwan Program. Also, the Cultural Resource Advisor will work closely with the Waabshki-Miigwan Program Coordinator to complete all the goals and objectives laid out in the strategic plan.*

*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, the Law Enforcement may provide transportation, and drug screening.*

Chapter 4: Treatment and Phase Systems

Overview

The treatment and phase systems sections of a Policies and Procedures Manual (P&PM) include clinical assessment, treatment planning, treatment and other services, the design and structure of the phase system, cultural elements, the sanction and incentive structure and content, termination criteria, and graduation requirements and activities. This section describes how the Healing to Wellness Court will approach its treatment services, how progress will be measured, and how mistakes will be addressed. This section provides not only guidance to the treatment providers, but possibly also a crucial insight for team members with little or no treatment experience.

Relevant Key Components

These sections are implicated by both Key Components 3, 4, and 6 to the extent that they describe the treatment structure of the Wellness Court and how participants will be held accountable for their progress through treatment.

Key Component #3: Screening and Eligibility

Eligible court-involved substance abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Wellness Court.

Key Component #4: Treatment and Rehabilitation

Tribal Wellness Court provides access to holistic, structured and phased, alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

Key Component #6: Sanctions and Incentives

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Wellness Court requirements.

**Findings from NIJ Tribal Wellness Court Study
Key Components #3, #4, and #6³⁴**

Problems Identified:

- Participants seemed surprised by the huge amount of time commitment required by the Tribal Wellness Court and did not fully comprehend the Tribal Wellness Court requirements (no public defender or the public defender did not advise participant of his or her options before entering the Tribal Wellness Court).
- Recidivism (post-program arrests) for alcohol – or – drug related offenses for a 3 year period following Tribal Wellness Court participation ranged from 50 to 59% in the adult courts and more than 90% in the juvenile courts.
- Incarceration was often too readily used as a sanction, in which participants could serve more time while in Tribal Wellness Court than their original sentence.
- Participants complained that hearsay evidence was used in determining noncompliance behavior.
- Participants complained about inconsistent application of sanction and incentives (lack of graduated sanctions and incentives tied to specific behaviors).
- Too much focus on sanctioning negative behavior and not enough focus on rewarding positive behavior.
- Using incarceration too readily, rather than more therapeutic alternatives.

Lesson Learned:

- Choose participants who are motivated and ready to change their substance abuse behavior in order to maximize scarce resources and increase Tribal Wellness Court success. Participants who enter Tribal Wellness Court only to avoid incarceration may not “get with the program” and work to change their behavior.
- Have a clear termination policy in order to weed out participants who are not working the program after a reasonable time if an inclusive admittance policy is used.
- Integrate cultural tradition into treatment, but do not require participants to do activities that can be perceived as religious rather than cultural because many tribes are religiously diverse.
- Emphasize culture – how to build a sweat lodge – not religion – participating in a sweat lodge ceremony – in order to avoid conflict with individual religious beliefs.
- Reward compliant behavior with incentives rather than emphasizing the punishment of noncompliant behavior with sanctions.
- Be judicious in levying non-therapeutic sanctions, such as incarceration, that are antithetical to the holistic healing philosophy underlying Tribal Wellness Court.

³⁴ “Process and Outcome Evaluations of the Fort Peck Community Wellness Court” (December 30, 2005); ³⁴ “Process and Outcome Evaluations of the Blackfeet Alternative Court” (December 30, 2005); “Process and

Strengths & Weaknesses Reported to First Four Tribal Wellness Courts: Key Components #3, #4, and #6 ³⁵		
<u>Strengths</u>	<u>Weaknesses</u>	<u>Strength or Weakness?</u>
Key Component # 3: Screening & Eligibility		
<ul style="list-style-type: none"> • Team members know potential participants • Participants are drawn from several sources 	<ul style="list-style-type: none"> • Drug dealers accepted into Wellness Court • More time spent in WC than would have been spent in jail • No assessment of readiness to change • No individualized treatment plan 	<ul style="list-style-type: none"> • Fast track to WC and chemical dependency assessment completed after program acceptance • Inclusive and court-ordered participant selection with no assessment of readiness to change
Key Component #4: Treatment & Rehabilitation		
<ul style="list-style-type: none"> • Parental involvement • Exclusive full-time chemical dependency counselor • Culture integrated • Family treatment center • Treatment as structure in participants' lives • Recognition of value of counseling & classes • Traditional healing practices incorporated 	<ul style="list-style-type: none"> • Poor integration of cultural activities • No family involvement in treatment • Lack of organized aftercare • Too little family involvement • No phases in juvenile treatment tract • No aftercare program • Poor coordination of counseling • Available aftercare not utilized 	
Key Component #6: Sanctions & Incentives		
<ul style="list-style-type: none"> • Provision of incentives • Recognition of progress • Therapeutic sanction for juveniles (sanctions that could be learning experiences) 	<ul style="list-style-type: none"> • Vague & incomplete incentives & sanctions • Inconsistent application of incentives & sanctions • Non-therapeutic sanctions (incarceration) • Lack of a written policy on application of incentives and sanctions 	

Outcome Evaluations of the Hualapai Wellness Court" (December 30, 2005); "Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005)."

³⁵ *Id.*

Section A: Treatment Planning, Services, and Program Phases

Purpose

The treatment section of a Healing to Wellness Court Policies and Procedures Manual (P&PM) is likely to serve multiple functions for multiple audiences. It may serve as a cross-training document where non-treatment team members (especially the judge) learn about addiction, clinical assessments and individualized treatment planning, the state-of-the-art and available alcohol and drug treatment modalities, and the basic components of intensive outpatient treatment (as well as other levels of care from detoxification to residential treatment programs).³⁶ It may serve as an educational and public relations document for tribal leaders and community members. It provides a formal notice of the Healing to Wellness Court structure and process and what is expected of participants and their families. The P&PM may also memorialize how cultural and traditional elements will interface with treatment services and the phase system.

Given these multiple functions and audiences, it may be helpful for the treatment section of the P&PM to discuss the following basic topics:

- (1) How the wellness court concept is consistent with traditional justice and healing concepts;
- (2) Educational information about addiction and the participants' perspectives about addiction;
- (3) The purpose and process for obtaining clinical assessments and individualized treatment plans;
- (4) The available alcohol and drug and mental health treatment services, the available levels of care, and efforts to maintain a continuum of care;
- (5) The phase system including additional required educational classes, support groups, medical, educational/job training, and social services, cultural and traditional components, community service requirements, etc., requirements for phase advancement and program graduation, and the incentive, sanction, and grievance structure;
- (6) How relapse prevention training or counseling and aftercare activities are incorporated into the phase system; and
- (7) Criteria for program termination.


Most of the Wellness Court materials reviewed and excerpted below generally cover these topics, with the exception of describing the specifics of available treatment services (excluding additional phase requirements such as educational classes, support groups,

³⁶ For a basic introduction to these topics, see the updated *Tribal Healing to Wellness Court: The Key Components*, KEY COMPONENT #4: TREATMENT AND REHABILITATION, pp. 28-40, available at www.wellnesscourts.org/HWC_Publication_Series.cfm.

medical, educational/job training, and social services, cultural and traditional components, and community service requirements, etc.).

Healing to Wellness Courts in tribal communities with their own treatment centers will often include the treatment center brochure with the list of specific treatment services, which may include individual counseling and many different types of group counseling or classes and other services such as monitoring of substance use, medication management, case management, medical and psychiatric exams, crisis intervention coverage, and enhanced services (for example, adult education classes, recreational activities, acupuncture, mediation, nicotine cessation treatment, etc.). See, for example, the brochure from Menominee's Maehnowesekiyah Wellness Center, below. It is a best practice to incorporate a description of available treatment services into the P&PM, particularly for tribes that do not have an established treatment center with their own descriptive materials.

General Alcohol and Drug Treatment Goals³⁷



- (1) To achieve abstinence;
- (2) To foster behavioral changes that support abstinence and a new lifestyle;
- (3) To facilitate active participation in community-based support systems (e.g., 12-Step fellowship);
- (4) To assist participants in identifying and addressing a wide range of psychosocial problems (e.g., housing, employment, adherence to probation requirements);
- (5) To assist participants in developing a positive support network; and
- (6) To improve participants' problem-solving skills and coping strategies.

³⁷ TIP 47 SUBSTANCE ABUSE: CLINICAL ISSUES IN INTENSIVE OUTPATIENT TREATMENT, Chapter 3, p. 2.

Promising Treatment Interventions for Use in the Tribal Healing to Wellness Court Context



- Motivational Interviewing & Motivational Enhancement Therapy—Uses empathic listening where the intake personnel or counselor explores a participant’s attitude toward substance abuse and treatment, supporting past success and encouraging problem-solving strategies (client centered, goal driven, and encouraging client self-sufficiency). SAMHSA TIP 47, Chapter 8, & SAMHSA TIP 35.
- Cognitive Behavioral Interventions (for example, Moral Reconciliation Therapy)— Individual and group sessions teaching participants skills that will help them recognize and reduce relapse risks, maintain abstinence, and enhance self-efficacy. Clients must be motivated and counselors/instructors must receive special training for interventions to succeed. SAMHSA TIP 47, Chapter 8.
- Relapse Prevention Therapy—Teaching behavioral skills to participants to help them identify their own personal triggers for relapse and the process by which they tend to lead themselves down the road toward substance abuse. NDCI Drug Court Judicial Benchbook (February 2011) p. 74.
- Family Based Interventions—From creating family genograms and social network maps to engaging the family in treatment to providing family services, to multi-family groups, family therapy groups, individual family therapy, couples therapy, child-focused therapy, and support groups. SAMHSA TIP 47, Chapter 6.
- Non-Native Treatment Providers Working with Diverse Populations in Intensive Outpatient Treatment - See SAMHSA TIP 47, Chapter 10.

Sample Drug Court Phases & Phase Advancement Requirements³⁸			
Phase I Treatment/Engagement	Phase II Early Recovery	Phase III Maintenance	Phase IV Community Support
<p>(1) Establish a treatment contract with the counselor that specifies treatment goals, participant responsibilities, and the counselor's efforts;</p> <p>(2) Work to resolve acute crises;</p> <p>(3) Engage in a therapeutic alliance; and</p> <p>(4) Prepare a treatment plan with help from the counselor</p>	<p>(1) Maintain abstinence;</p> <p>(2) Demonstrate ability to sustain behavioral changes;</p> <p>(3) Eliminate drug-using lifestyle and replace it with treatment-related routines and drug-free activities;</p> <p>(4) Identify relapse triggers and develop relapse prevention strategies;</p> <p>(5) Identify personal problems and begin to resolve them; and</p> <p>(6) Begin active involvement in a 12-Step or other mutual-help program</p>	<p>(1) Solidify abstinence;</p> <p>(2) Practice relapse prevention skills;</p> <p>(3) Improve emotional functioning;</p> <p>(4) Broaden sober social networks; and</p> <p>(5) Address other problem areas</p>	<p>(1) Maintain abstinence;</p> <p>(2) Maintain a healthy lifestyle;</p> <p>(3) Develop independence from the treatment program;</p> <p>(4) Maintain social network connections;</p> <p>(5) Establish strong connection with support groups and pursue healthy community activities; and</p> <p>(6) Establish recreational activities and develop new interests.</p>
<p>Phase Advancement Requires:</p> <ul style="list-style-type: none"> • Complete clinical assessments • Regularly attend treatment sessions • Obtain stable living arrangements • Obtain a self-help group sponsor 	<p>Phase Advancement Requires:</p> <ul style="list-style-type: none"> • A minimum number of days of consecutive drug-negative urine samples • Completion of community service obligations or probation requirements 	<p>Phase Advancement Requires:</p> <ul style="list-style-type: none"> • Obtain employment • Work toward GED or attend vocational or parenting classes 	<p>Graduation Requires: (requirements substantially reduced for attendance at treatment sessions, probation appointments, and court hearings)</p> <ul style="list-style-type: none"> • Attend school/work • Attend self-help group and alumni association meetings

³⁸ The sample treatment goals are taken from TIP 47 SUBSTANCE ABUSE: CLINICAL ISSUES IN INTENSIVE OUTPATIENT TREATMENT, Chapter 3. Sample phase advancement requirements are taken from the DRUG COURT JUDICIAL BENCHBOOK (February 2011), National Drug Court Institute, pp. 37-38.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menōpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

TREATMENT AND SERVICES

1. **The Goal of the Menōpaniw Court** treatment plan is to provide participants with the tools, incentive, and opportunity to stop using drugs and/or alcohol for a minimum period of one year resulting in the following Tribal and Personal Participant benefits:
 - A. Reducing criminal activity
 - B. Reducing court calendar
 - C. Furthering the education of the Participant
 - D. Building self-esteem of the Participant,
 - E. One year alcohol/drug-free lifestyle
 - F. Reduction in Community Tribal criminal activity

2. **Accomplishing the Goal:** In order to accomplish the goal of the treatment plan, the following components will be utilized for effective treatment:
 - A. **ASSESSMENT** using SUDDS (Substance Use Disorder Study), or SASSI (Substance Abuse Subtle Screening Inventory) is a psychological assessment tool to help determine if a patient has a substance abuse disorder or other models of determining the individual's current status regarding addiction and the best possible treatment service that can be formed taking into consideration personality, background, mental condition, and the extent and duration of substance abuse.
 - B. **COMPREHENSIVE SERVICES** include a full range of services that are in addition to the alcohol/drug addiction, that include, but are not limited to: social services, education, medical, and job training.
 - C. **RELAPSE PREVENTION** is based on assessing an individual's "triggers," those: situations, events, people, places, thoughts, and activities that create the desire for alcohol/drugs, and how to avoid those "triggers."
 - D. **ACCOUNTIBILITY** by both the participant and the court in determining the success of specific treatment approaches, and the results such as reduced criminal activity,
 - E. **INDIVIDUAL COUNSELING SESSIONS** will be provided to each participant, the length and duration of these sessions will be determined by the Intake/Counselor who may refer the participant for inpatient treatment at any time that it becomes necessary. Each plan will be a custom-designed program to fit each participant's unique needs.
 - F. **INDIVIDUAL PARTICIPATION** is required by the participant. Each participant will work cooperatively with the Intake/Counselor and participate in group counseling, MRT meetings (Moral Reconciliation Therapy) led by Maehnowesekiyah staff, individual counseling, appropriate medical care, school programs, GED, college, and any job skills programs that are available.

3. Designing An Individualized Treatment Program

- A. *An individualized treatment plan will be developed for each participant by the entire team and the participant.*
- B. *The treatment plan will take into consideration the structure of the family, peer groups, social environment, job, education, and chemical addiction.*
- C. *Each Participant will work with the Intake/Counselor to design their own program, which may include, but is not limited to: group counseling, individual counseling, family counseling, appropriate medical care, inpatient treatment, education, and job training.*

4. Residential Services

- A. *Participants requiring residential services, as a part of their individualized treatment plan will be accepted into Maehnowesekiyah's residential program as long as they meet the usual criteria established for our participants.*
- B. *Participant not meeting the criteria for acceptance into Maehnowesekiyah's residential program will be referred to an appropriate alternative residential program.*

5. Cultural Component

- A. *Participants will participate in seasonal cultural activities, which will assist and enhance cultural knowledge which builds awareness of self, improves self-esteem, and builds a stronger and greater community wellness. Activities include Winter Roundhouse, Teaching Lodge, Sugar Camp, Sturgeon Feast, Ricing, Culture Camp, etc.*

...

PHASES AND TRANSITION

Purpose: The purpose of this policy is to provide general time lines and guidance for movement through the phases of this program. These guidelines are general, and participants may progress or digress at different rates.

1. Phase I 60 – 90 Days

- A. *Develop Individual Treatment Plan*
- B. *Stabilize participant and orient regarding addiction, treatment planning, and Menīpaniw Court procedures*
- C. *Participant orientation regarding the addiction, treatment plan, and Menīpaniw procedures.*
- D. *Weekly Menīpaniw court appearances*
- E. *Weekly random Drug Screens*
- F. *Weekly meeting with Probation Officer*
- G. *Weekly meetings with MRT*
- H. *Review of confidential contract prior to moving to Phase II*

MRT: MRT Counseling

2. Phase II 90 – 120 days

- A. *Bi-weekly court appearances*
- B. *Weekly random drug screening*
- C. *Bi-weekly meeting with Probation Officer*
- D. *Counseling will be reduced based on Individual Treatment Plan, and address long-term personal and life planning with the Participant*
- E. *Aftercare and/or follow-up treatment, encouragement to explore aftercare sources and groups.*

MRT: Finish MRT, Continue Counseling, Start cultural component (such as initiating the creation of a Ribbon Shirt)

3. Phase III 6 months

- A. *Counseling will be reduced based on Individual Treatment Plan*
- B. *Random Drug Screens*
- C. *Two meetings per month with Probation Officer*
- D. *Bi-weekly court appearances*

MRT: (Continue Ribbon Shirt) counseling, service to the community

4. Transition

- A. *Must successfully complete all three Phases of the Menīpaniw Program.*
- B. *All fines received while in the Menominee Menīpaniw Court must be paid by participant prior to the participant successfully completing the Program.*
- C. *After completion of treatment, participant must have demonstrated a minimum of 180 days, chemical-free.*
- D. *The charge(s) will be deleted from the participant's record upon successful completion.*
- E. *The Menīpaniw Court Team will recognize participants' successful completion of the program requirements with a ceremony appropriate to the ceremony occasion, participants will be able to showcase their journey by wearing the ribbon shirt and sharing their own story*
- F. *The Menīpaniw Court Team at its digression based on positive participant progress may allow a participant to graduate prior to completing Phase III.*
- G. *Continue service to the Community*
- H. *Take on leadership/mentor role*
- I. *Counseling as needed*

Pascua Yaqui

"Drug Court Treatment" (no date)

Pascua Yaqui Drug Court Treatment Description

Drug Court offers adult Yaqui men and women comprehensive treatment as an option to jail. Through the partnership of the Court, prosecutor, public defender, and treatment providers, Drug Court provides outpatient and residential treatment services focused on

teaching clients the necessary skills and behaviors to remain free from alcohol and other drugs. Treatment providers, as Case managers, access and make referrals to support services, which enhance the client's success to remain free from alcohol and other drugs.

A key component of PYDCT is the Alternative Medicine Program. This program will offer a full range of therapeutic health care options, including:

- Acupuncture Therapy
- Massage Therapy
- Botanical Medicine
- Nutrition and Diet
- Homeopathy
- Traditional Healing and Herbal Techniques

Additional services available are:

- Mental Health - Centered Spirit
- AIDS/HIV Program
- Diabetes Program
- Tobacco/Cessation
- Fitness/Gym
- GED, Higher Education
- Vocational Training
- Employment Assistance
- Family Counseling, Parenting Services

Upon entering PYDCT, each client will be evaluated to determine the level of support required for a successful recovery. A combination of therapeutic services will be provided based on the evaluation and the needs expressed by the client.

Outpatient treatment is the primary service and is provided by the Drug Court Treatment staff (Program Coordinator, Primary Counselor, Acupuncture and Massage Therapists). There are three levels of treatment. Each client's recommended treatment level is identified at the initial screening and confirmed in the admission assessment. The following is a description of the treatment levels and activities:

LEVEL ONE: The client in this level of service is an individual who does not have a lengthy history of alcohol or drug use, but whose use of alcohol or other drugs brought him/her into contact with law enforcement. The Program Coordinator's assessment concludes that the client is not yet dependent or addicted to alcohol or other drugs. Hence, clients at this treatment level will require a lesser treatment intensity. For persons whose use/abuse patterns are indicative of involvement in high-risk behaviors for contracting communicable diseases, the individual will be referred for a medical examination.

The treatment approach combines individual counseling, 12-Step meetings, educational workshops on the disease concept of addiction and related topics. Individual treatment plans are developed for each person.

LEVEL ONE - Phase One: 30 to 60 days

- *Weekly Court Hearings*
- *Weekly counseling session (2 sessions per week, decreasing to once a week)*
- *Two 12-Step meetings per week (minimum)*
- *Workshops on alcohol or drug abuse, relapse prevention, etc.*
- *Drug testing (3 per week)*
- *If employed, the client will be required to remain employed. If the client is unemployed, (s)he will be required to enroll in the tribal job service for employment assistance and will be expected to follow through with the recommendations.*

LEVEL ONE - Phase Two: 60 to 90 days

- *Semi-monthly Court hearing.*
- *Bi-weekly counseling sessions.*
- *One 12-Step Meeting per week (minimum).*
- *Drug testing (2 per week)*

LEVEL ONE - Phase Three: 30 to 90 days

- *Court Hearings as assigned by the Judge.*
- *Bi-weekly counseling session (focus is on after-care services).*
- *One 12-Step meeting per week (minimum).*
- *Drug testing as assigned by the Judge.*

LEVEL ONE - DRUG COURT DISCHARGE.

- *Completes and graduates from treatment regimen.*
- *Criminal complaint dismissed.*

LEVEL TWO: INTENSIVE OUTPATIENT SERVICE: *The client in this level of service is an individual who has a lengthy history of alcohol or drug use and whose use of alcohol or other drugs brings him/her into repeated contact with law enforcement. The Program Coordinator's assessment concludes that the client is dependent or addicted to alcohol or other drugs. For the most part, the client remains somewhat functional in his/her home, employment and community. Clients at this treatment level will require a highly structured outpatient treatment service with increased participation rate. A five-day partial care treatment approach will be developed and implemented. For persons whose use/abuse patterns are indicative of involvement in high-risk behaviors for contracting communicable diseases, the individual will be referred for a medical examination.*

The treatment approach combines group and individual counseling, 12-Step meetings, educational workshops on alcoholism and the disease of addiction, and family counseling. Individual treatment plans are developed for each person.

LEVEL TWO - Phase One 60 to 90 days

- Attendance to Day Treatment Program.
- Individual counseling (2 sessions per week).
- Four 12-Step meetings per week (minimum).
- Drug testing (5 per week).
- Weekly Court hearings.
- Family Program.
- If employed, the client will be required to remain employed. The day treatment regimen will be modified to keep within the employee's work schedule. If the client is unemployed, (s)he will be required to enroll in tribal job service for employment assistance and will be expected to follow through with the recommendations.

LEVEL TWO - Phase Two 30 to 60 days

- Attendance to Day Treatment Program (3 days per week).
- Individual counseling (1 session per week).
- Three 12-Step meeting per week (minimum).
- Drug testing (2 per week).
- Semi-monthly Court hearings.
- Educational, employment activities as scheduled.

LEVEL TWO - Phase Three

- Attendance to Family Day Treatment session.
- Individual counseling (1–4 sessions per month).
- Two 12-Step meetings per week (minimum).
- Drug testing as scheduled by Judge.
- Court hearing as scheduled by Judge.
- Educational, employment activities as scheduled.
- Begins planning for aftercare services.

LEVEL TWO - DRUG COURT DISCHARGE.

- Completes and graduates from treatment regimen.
- Criminal compliant dismissed.

LEVEL THREE - RESIDENTIAL TREATMENT SERVICE: *The client in this level of service is an individual who has an extended history of alcohol or drug use and whose use of alcohol or other drugs brings him/her into constant contact with law enforcement. The Program Coordinator's assessment concludes that the client is severely dependent or addicted to alcohol or other drugs. For the most part, the client is not able to function in his/her home or community, is not consistently employed and his/her alcohol or drug use creates problems within his/her family or significant other. Persons admitted for residential treatment require a medical examination and treatment of any communicable disease.*

The Pascua Alcoholism Treatment Homes in collaboration with the Drug Court will provide

intensive, short and long-term residential treatment 24 hours/7 days a week to persons severely addicted to alcohol and/or drugs.

The services combine individual and group counseling, 12-Step meetings, educational workshops in an intensive and highly structured environment. Individual treatment plans are developed for each resident.

LEVEL THREE - Phase One: 90 to 120 days

- *Satisfactory progress in residential treatment.*
- *Drug testing (2 per week).*
- *Three 12- Step meetings per week (minimum).*
- *Weekly/Semi-monthly court hearings.*

LEVEL THREE - Phase Two: 60 to 90 days

- *Day treatment program (three days per week, including family session).*
- *Individual or group counseling (2 sessions per week).*
- *Drug testing (3 per week).*
- *Two 12-Step meetings per week (minimum).*
- *Semi-monthly Court hearings.*
- *The client will be required to enroll in tribal job service for employment assistance assessment and will be expected to follow through with the recommendations.*

LEVEL THREE - Phase Three: 60 to 90 days

- *Attendance to Family Day Treatment Session.*
- *Individual or group counseling (2 session per month).*
- *Two 12-Step meetings per week (minimum).*
- *Vocational and employment activities as scheduled.*
- *Court hearings as assigned by the Judge.*
- *Drug testing as assigned by the Judge.*
- *Begin to plan for after-care services.*

LEVEL THREE - DRUG COURT DISCHARGE.

- *Completes and graduates.*
- *Criminal compliant dismissed.*

Pascua Yaqui Drug Court Treatment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		9-12 Noon PYDCT Staff Meeting				
				<u>AT PYDCT</u> 1-3:30 p.m. Topic Group	<u>AT PYDCT</u> 1-3:30 p.m. Open Group	<u>AT PYDCT</u> 1-3:30 p.m. Open Group
			1-3 p.m. Drug Court Team Meeting			
	UA Testing TBA		3-5 p.m. Drug Court Hearing	3:30-5 p.m. Open Time	3:30-5 p.m. UA's, 1x1, Open time	3:30-5 p.m. Open Time, UA's
12-Step Meeting at Women's Path			5-5:30 p.m. UA's	5-6 p.m. Dinner	5-6 p.m. Dinner	5-6 p.m. Dinner
	5:30-6:30 p.m. 12 Step Meeting at PYT-ASAP	12-Step Meeting	5-6:30 p.m. Dinner	6-9 p.m. 12-Step Meeting at PYT- ASAP	6-9 p.m. 12-Step Meeting Night	6-9 p.m. Family
			6:30-9:30 p.m. Topic Group at PYDCT			Topic Group

Utilization of Psychiatric and Psychological Services**Policy:**

A client of PYDCT shall have access to psychiatric or psychological assessment and treatment.

Procedure:

1. PYDCT staff determines a client's mental health status is a concern, (s)he shall initiate a recommendation to the Program Coordinator for review of the concern(s). The referral for further evaluation and recommendation is appropriate at any time any if the following are present:
 - A. The client is not able to focus on his/her treatment program.
 - B. The client is not able to understand the tasks of treatment
 - C. For any reason in which PYDCT staff believe a need exists for consultation (e.g., suicidal ideation, severe erratic behavior, etc.)
2. The Program Coordinator shall make an assessment of the client's functioning, through an individual interview, review of case records, and any other available client records, and determine the need for further referral to the psychiatrist or psychologist.
3. The Program Coordinator shall make a report of the findings and recommended course

of treatment.

4. If the Program Coordinator recommends that a mental health assessment be performed, the recommendation will be discussed with the primary counselor and the client.
5. If the recommendation from this staffing is to pursue the mental health assessment the Program Coordinator shall then schedule an evaluation for the client. The Program Coordinator or the Primary Counselor shall coordinate the details for the assessment.

The mental health assessment and the recommendations will be integrated whenever possible into the treatment services provided to the client. The outcome will be documented in the client's treatment file.

Fort McDowell Yavapai Nation

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

Phases

The Adult Wellness Court Program is a five-phased, highly structured program lasting a minimum of 13 months; the length of time varying on a participant's individual progress.

Each phase consists of specific requirements for transition into the next phase. Phase movement will be the result of accomplishing the following: goals as determined by a case plan along with the specific phase requirements and other responsibilities as discussed with the case manager. Participants apply for phase moves and graduation by filling out an application packet. A review of their Adult Wellness Court contract will occur to ensure total program compliance; the Adult Wellness Court Committee will review their status and then make a recommendation for phase movement based on performance.

Orientation - All entering participants begin in Orientation Phase.

Phase Requirements

Court hearings

Meet with Case Manager and/or Probation Officer

Primary treatment and continuing care

Attend support group/12-step meetings

Random drug testing

Meet with Fitness Coach

House arrest entire phase

Refrain from use of alcohol and other drugs

Bio-psychosocial assessment

Physical examination with medical doctor

Strength-Based Questionnaire

Phase Advancement

Minimum of 30 days
Establish fitness plan
Refrain from use of alcohol and other drugs
Completion and submittal of Phase Application Packet
Treatment plan progress
Compliance with all program requirements
Approval of Committee

Committee Responsibilities in Orientation Phase

Case Manager/Coordinator complete enrollment forms, case manage and ensure everything on track
Education complete background report
Wassaja Family Services complete assessment and develop treatment plan
Committee members develop Wellness Plan based upon fitness and medical assessments

Phase I - Stabilization

Phase Requirements

Court hearings
Meet with Case Manager and/or Probation Officer
Primary treatment and continuing care
Fitness plan
Attend support group/12-step meetings
Lineage/Family Tree
Curfew or House Arrest
Abstinence
Random drug testing
Community service hours

Phase Advancement

Minimum of 60 days in this Phase
Completion of Lineage/Family Tree
Fitness plan progress
Abstinence a minimum 30 days consecutive at advancement
Completion and submittal of Phase Application Packet
Treatment plan progress
Compliance with all program requirements
Approval of Committee

Committee Responsibilities in Phase I

Case Manager/Coordinator case manage, review rules, and waivers
Wassaja Family Services make adjustments to treatment if necessary
Committee members communicate and adjust Wellness Plan if necessary

Phase II – Intensive Treatment

Phase Requirements:

Court hearings
Meet with Case Manager and/or Probation Officer
Primary treatment and continuing care
Attend support group/12-step meetings
Fitness plan
Abstinence
Random drug testing
Community service hours
Strength based questionnaire

Phase Advancement

Minimum of 90 days in this Phase
Abstinence a minimum 60 days consecutive at advancement
Fitness plan progress
Completion and submittal of Phase Application Packet
Treatment plan progress
Compliance with all program requirements
Approval of Committee

Committee Responsibilities in Phase II

Case Manager/Coordinator case manage, complete questionnaire, review 1-38 pages MRT, rules, and waivers
Wassaja Family Services complete reassessment and make adjustments to treatment if necessary
Committee members communicate and adjust Wellness Plan if necessary

Phase III – Maintenance

Phase Requirements:

Court hearings
Fitness Plan
Meet with Case Manager and/or Probation Officer
Primary treatment and continuing care
Attend support group/12-step meetings
Abstinence
Random drug testing
Community service hours
Life skills plan

Phase Advancement

Minimum of 90 days in this Phase
Fitness plan progress

*Abstinence a minimum 90 days consecutive at advancement
Completion and submittal of Phase Application Packet
Treatment plan progress
Compliance with all program requirements
Approval of Committee*

Committee Responsibilities in Phase III

*Case Manager/Coordinator case manage, assist in development life skills plan, review rules and waivers
Wassaja Family Services make adjustments to treatment if necessary
Human Resources discuss employment options for life skill plan
Education discuss educational options for like skill plan
Committee members communicate and adjust Wellness Plan if necessary*

Phase IV – Continued Care

Phase Requirements:

*Court hearings
Fitness Plan
Meet with Case Manager and/or Probation Officer
Primary treatment and continuing care
Attend support group/12-step meetings
Abstinence
Random drug testing
Community service hours
Strength-based questionnaire
Exit Interview*

Phase Advancement

*Minimum of 120 days in this Phase
Fitness plan progress
Abstinence a minimum 120 days consecutive at advancement
Completion and submittal of Graduation Application Packet
Treatment plan progress
Compliance with all program requirements
Approval of Committee*

Committee Responsibilities in Phase IV

*Case Manager/Coordinator case manage, complete questionnaire, assist with continued care plan, review rules and waivers
Wassaja Family Services reassess, develop continued care plan and make adjustments to treatment if necessary
Committee members communicate and adjust Wellness Plan if necessary.*

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Treatment Procedure

Upon completion of the chemical dependency assessment, the client is given a recommendation for substance abuse treatment by the chemical dependency assessor (a complete assessment file is provided to the Wellness Court Coordinator). The recommendation may include day/night treatment or may be a referral to a different modality, including secure (in jail) treatment, non-secure treatment, inpatient treatment or traditional drug counseling.

Appropriate cases are assigned to a particular program and location, depending on client's need, financial situation, and residence location. The client is informed to report to Court the following court date for his/her first Wellness Court appearance. The client will be required to report to court on a regular basis at the instruction of the Wellness Court Judges. Verbal/written updates from treatment and chemical monitoring will be presented at subsequent Court dates. If the client is not in custody, a treatment provider will schedule the client's first appointment with his counselor.

TREATMENT PROVIDERS:

Following the screening process, Wellness Court clients appear in Wellness Court at a time regularly set aside for these reviews. The Wellness Court Team is in attendance. The Team includes representatives of the treatment providers and probation officers. The clients are addressed by the Wellness Court Judge to ascertain that they understand the demands and rigorous schedule the program will place upon them. They will then speak with their treatment provider representative, who will give them specific information regarding the time and place of treatment.

Those at liberty leave the Court and are expected to report at the designated time to the assigned treatment facility for intake. Those who are incarcerated are returned to jail and will be picked up by the treatment provider and transported to the facilities where the treatment intake process takes place. They begin treatment immediately (if day treatment clients) or return that evening.

Report forms indicating attendance progress, problems, and drug screen results are provided to the Court at staffing. All clients must return to Wellness Court as directed by the Wellness Court Judge.

At the end of the treatment program, the clients have completed the structured treatment program and continue to participate in community support meetings under supervision of the Wellness Court Team.

Community Support Meetings/Sponsors

Each participant is expected to attend community support meetings. Participants can use the following as support group meetings: Alcoholics Anonymous, Alanon, Wellbriety, Narcotics Anonymous, Talking Circles, individual counseling, and Sweat Lodges. If a participant wishes to substitute any other meeting or activity, he/she can bring it to the Team for approval.

Each participant is expected to obtain at least one sponsor. A participant's sponsor must be the same gender as the participant; must be willing to talk with the Wellness Court Team; must be a person that will help the participant work on his/her 12 Steps; work out of the Big Book; and attend meetings with the participant. The sponsor is also being left open to a spiritual /cultural advisor who will support the participant in their recovery.

Verification: Participants must have their journals signed at their support meetings and be able to provide follow-up verification if necessary. The Wellness Court probation agent also may be "spot checking" for verification.

Yavapai-Apache

"Yavapai-Apache Family Health Court - Policies and Procedures" (October 2011)

6.0 Alcohol/Substance Abuse Program Policies

6.01

Participants assigned to the alcohol/substance abuse track shall participate in a three-phase program that is directed by the treatment plan and enforced through regular contact with the YAFHC.

6.02

Phase 1 shall last for six (6) weeks and shall have the following requirements:

- a. A minimum of two (2) drug tests a week.*
- b. At least of one (1) court appearance per week.*
- c. Maintaining a journal.*
- d. Individual and group counseling as defined in the treatment plan.*
- e. Other treatment activities defined in the treatment plan.*
- f. Optional spiritual counseling as defined by the treatment plan.*
- g. Optional traditional healing as defined by the treatment plan.*

6.03

Phase 2 shall last for twelve (12) weeks and shall have the following requirements:

- a. A revision of the treatment plan to include individual goals for sobriety, employment, education, housing, and child care, if necessary.*
- b. One (1) drug test per week.*
- c. One (1) court appearance per week.*
- d. Individual group counseling as defined in the treatment plan.*
- e. Physical training as determined by the YAFHC team.*

f. *Other treatment activities as defined by the treatment plan, including but not limited to:*

- 1) *Tribal culture, language, or history classes*
- 2) *Community service*
- 3) *Education or job training*
- 4) *Development of a life plan*
- 5) *Journaling*
- 6) *Optional spiritual counseling*
- 7) *Optional traditional healing*

6.04

Phase 3 shall last for fourteen (14) weeks and shall have the following requirements:

- a. *Occasional drug testing.*
- b. *One (1) Individual counseling session per week.*
- c. *One (1) group counseling session per week.*
- d. *Court appearances as ordered by the Court.*
- e. *Procure and maintain employment or education.*
- f. *Journaling.*

6.05

Phase four (4) lasts for an indeterminate period and is optional for those whose participation in the YAFHC is based on an alcohol and substance abuse diagnosis. The purpose of the fourth phase is to provide an additional period of monitoring without the rigid structure of the first three phases. Drug testing and court appearances will be occasional as ordered by the YAFHC for a period of time to be determined by the YAFHC team.

6.06

A participant can be terminated from the YAFHC alcohol and substance abuse track if:

- a. *The participant has had so many relapses that include alcohol or drug use that the YAFHC team is convinced that the participant cannot complete the program, or*
- b. *The participant has missed court sessions or has participated in other negative behavior that has led to the imposition of sanctions and the sanctions have not changed that behavior, or*
- c. *The participant flees the jurisdiction of the Yavapai-Apache Tribal Court, or*
- d. *The participant commits another crime while in the YAFHC.*

6.07

A participant can be terminated from the YAFHC through a Petition for Termination filed by the Yavapai-Apache Tribal Prosecutor.

6.08

Before a participant can be terminated from the YAFHC, there must be a hearing in the YAFHC to provide the participant the opportunity to address the issues that gave rise to the petition for termination. The participant will be represented by the Public Defender at the termination hearing.

6.09

If a participant is terminated from the YAFHC, the YAFHC will lose jurisdiction over the matter and jurisdiction will revert to the Yavapai-Apache Tribal Court.

6.10

Graduation from the YAFHC alcohol and substance track will be the result of the successful completion of the three phases of the program and successful living while in Phase 4. A participant will be recommended for graduation by the Tribal Prosecutor and, upon consensus of the YAFHC team, will be scheduled for graduation. Graduation is a celebratory event marking the beginning of a new life for the participant and should be recognized by the YAFHC decorum as such.

1.0 Mental Health Program Policies

7.01

Participants assigned to the mental health track shall participate in a three-phase program that is directed by the treatment plan and enforced through regular contact with the YAFHC.

7.02

Participants assigned to the YAFHC mental health track shall enjoy the following rights:

- a. The right to participate in the development of the treatment plan and to have the terms of the treatment plan explained to them.*
- b. If participating in the YAFHC under deferred prosecution, the right to refuse medications or a particular treatment, however, such a refusal may impact the YAFHC decision to accept the participant into the YAFHC or may result in termination from the YAFHC.*
- c. The right to have potential sanctions for non-compliance with the treatment plan or requirements of the YAFHC written into the treatment plan.*
- d. The right to have relapses and non-compliance issues to be reviewed in the light of whether the relapse or non-compliance was willful, a symptom of mental illness, or an indicator of the need to modify the treatment plan.*
- e. The right to have medical information kept out of public records and to have medical aspects of their case in YAFHC discussed in a way that respects the participant's right to privacy; however, the participant will be advised that some medical information may be discussed in open court and that the participant may be required to sign a Waiver of Confidentiality as a requisite for participating in the YAFHC.*

7.03

Phase 1 shall last for eighteen (18) weeks and shall have the following requirements:

- a. A treatment plan that includes mental and physical health care, medication administration, alcohol or substance abuse treatment and case management. The case management aspect of the treatment plan shall address housing, employment, education, and family-based issues.*
- b. One (1) drug test a week, unless a dual diagnosis has been made and the participant continues to use alcohol or drugs and has the capacity to control their*

drug or alcohol use, in which case the YAFHC will establish the schedule for drug testing.

- c. At least one (1) court appearance per week.*
- d. Individual and group counseling as defined in the treatment plan.*
- e. Other treatment activities defined in the treatment plan.*
- f. Other case management activities as defined by the treatment plan.*
- g. Optional spiritual counseling as defined by the treatment plan.*
- h. Optional traditional healing as defined by the treatment plan.*
- i. The participant shows some degree of improvement during the course of the phase.*

7.04

Phase 2 shall last for eighteen (18) weeks and shall have the following requirements:

- a. A revised treatment plan that includes mental and physical health care, medication administration, alcohol or substance abuse treatment, and case management. The case management aspect of the treatment plan shall address housing, employment, education, and family-based issues.*
- b. Occasional drug testing unless a dual diagnosis has been made and the participant was sanctioned three (3) or more times during Phase 1 for alcohol or drug use, in which case at least one (1) drug test a week will be required.*
- c. At least one (1) court appearance per week.*
- d. Individual and group counseling as defined in the revised treatment plan.*
- e. Other treatment activities defined in the revised treatment plan.*
- f. Other case management activities as defined by the revised treatment plan.*
- g. Optional spiritual counseling as defined by the revised treatment plan.*
- h. Optional traditional healing as defined by the revised treatment plan.*
- i. The participant shows some degree of improvement during the course of the phase.*

7.05

Phase 3 shall last for fourteen (14) weeks and shall have the following requirements:

- a. A revised treatment plan that includes mental and physical health care, medication administration, alcohol or substance abuse treatment, and case management. The case management aspect of the treatment plan shall address housing, employment, education and family-based issues.*
- b. Occasional drug testing unless a dual diagnosis has been made and the participant was sanctioned during Phase 2 for alcohol or drug use, in which case the YAFHC will determine a schedule for drug testing.*
- c. At least one (1) court appearance per week.*
- d. Individual and group counseling as defined in the revised treatment plan.*
- e. Other treatment activities defined in the revised treatment plan.*
- f. Other case management activities as defined by the revised treatment plan.*
- g. Optional spiritual counseling as defined by the revised treatment plan.*
- h. Optional traditional healing as defined by the revised treatment plan.*

7.06

Phase 4 lasts for an indeterminate period and is required for those with a mental health diagnosis. The purpose of the fourth phase is to provide an additional period of monitoring without the rigid structure of the first three phases. During the fourth phase, the YAFHC will continue to monitor medication and treatment plan compliance with court appearances to be determined by the YAFHC. Those with dual diagnoses will have drug testing and court appearances as ordered by the YAFHC for a period of time to be determined by the YAFHC team.

7.07

Graduation from the YAFHC Mental Health track will be the result of the successful completion of the first three phases of the program and successful living while in Phase 4. The participant will also need to demonstrate progress and stability. A participant will be recommended for graduation by the Tribal Prosecutor and, upon consensus of the YAFHC team, will be scheduled for graduation. Graduation is a celebratory event marking the beginning of a new life for the participant and should be recognized by the YAFHC decorum as such.

7.08

A participant can be terminated from the YAFHC Mental Health Track if:

- a. The participant has had so many relapses that include alcohol or drug use that the YAFHC team is convinced that the participant cannot complete the program or*
- b. The participant has missed court sessions or has participated in other negative behavior that has led to the imposition of sanctions and the sanctions have not changed that behavior, or*
- c. The participant flees the jurisdiction of the Yavapai-Apache Tribal Court, or*
- d. The participant commits another crime while in the YAFHC.*

7.09

A participant can be terminated from the YAFHC through a Petition for Termination filed by the Yavapai-Apache Tribal Prosecutor.

7.10

Before a participant can be terminated from the YAFHC Mental Health Track, there must be a hearing in the YAFHC to provide the participant the opportunity to address the issues that gave rise to the petition for termination. The participant will be represented by the Public Defender at the termination hearing.

7.11

The termination hearing for a participant in the Mental Health Track shall review the Participant's entire record of participation in the YAFHC. In order to be terminated from the YAFHC, the Prosecution must provide clear and convincing evidence that the negative behaviors giving rise to the termination petition are willful on the part of the participant or that the participant's mental illness has reduced the participant's capacity to understand or participate in the YAFHC process.

7.12

If a participant is terminated from the YAFHC, the YAFHC will lose jurisdiction over the matter and jurisdiction will revert to the Yavapai-Apache Tribal Court.

...

9.0 Access to Treatment

9.01

The essence of the YAFHC is the ability to access treatment services for participants in the program.

9.02

At the time of intake, the YAFHC Administrator will determine whether the applicant has health insurance or eligibility in any other program which may include mental health or alcohol or substance abuse treatment services. The YAFHC Administrator will also assist the applicant in applying for the AHCCCS eligibility.

9.03

The YAFHC Administrator will have the responsibility to develop partnerships and intergovernmental agreements with local, state, and federal agencies to secure treatment services for YAFHC participants.

9.04

The YAFHC Administrator will have the responsibility to develop relationships and contracts with private mental health and substance abuse treatment providers to secure treatment for YAFHC participants.

9.05

The YAFHC Administrator shall have the responsibility to seek out funding through programs, projects, and grants that will provide treatment services to the YAFHC participants.

Navajo Nation

"D.A.N.A. Program Procedures Manual" (August 2000)

XI. Treatment Process

The treatment providers are licensed professionals who deal with people with alcohol and drug problems. They have their own process and timeline for healing a client. That timeline will be respected and honored by the D.A.N.A. program. A document of protocol will be established between the DANA program and the treatment providers.

A. The process that the Court will follow will have four phases as a guideline and the conditions as a guideline for the client to develop his/her treatment plan. All or a few of the requirements will be part of the treatment plan depending on each case.

1. Phase One will be for eight (8) weeks.

a. Contact DANA Program Officer once a week.

- b. *Drug/Alcohol testing during report to DANA Program Officer.*
 - c. *Unannounced visitation by DANA Program Officer or a Probation Officer. Drug/alcohol testing will be given.*
 - d. *Provide documentation for proof that treatment provider(s) was/were visited and assistance was received.*
 - e. *Provide documentation for proof that a spiritual advisor was visited and assistance was received every week. (Assistance means spiritual counseling, helping out a leader in a church, NAC ceremony, a traditional ceremony, and/or attending a sweat lodge.)*
 - f. *Provide documentation for proof that an AA class was attended and assistance was received.*
 - g. *Provide documentation for proof that a DUI class was attended and assistance was received. (Refers only to DUI clients).*
 - h. *Provide documentation for proof that three (3) sobriety events were attended every week.*
 - i. *Provide ten (10) hours of community service every week.*
 - j. *Attend Drug Court biweekly.*
 - k. *The client will demonstrate by documentation that he/she is trying to obtain employment or continue their education.*
 - l. *With assistance from the DANA Program Officer, the client will demonstrate he/she is working toward a stable living condition.*
2. *Phase Two will be for twelve (12) weeks.*
- a. *Contact DANA Program Officer biweekly.*
 - b. *Drug/Alcohol testing during report to DANA Program Officer.*
 - c. *Unannounced visitation by DANA Program Officer or a Probation Officer. Drug/Alcohol testing will be given.*
 - d. *Provide documentation for proof that treatment provider was visited and assistance was received.*
 - e. *Provide documentation for proof that a spiritual advisor was visited and assistance was received biweekly.*
 - f. *Provide documentation for proof that an AA class was attended and assistance was received.*
 - g. *Provide documentation for proof that a DUI class was attended and assistance was received. (Refers only to DUI clients).*
 - h. *Provide documentation for proof that four (4) sobriety events were attended biweekly.*
 - i. *Provide five (5) hours of community service per week.*
 - j. *Attend Drug Court biweekly.*
3. *Phase Three will be for sixteen (16) weeks.*
- a. *Contact DANA Program Officer once a month.*
 - b. *Drug/Alcohol testing during report to DANA Program Officer.*
 - c. *Unannounced visitation by DANA Program Officer or a Probation Officer. Drug/Alcohol testing will be given.*
 - d. *Provide documentation for proof that treatment provider was visited and assistance was received.*
 - e. *Provide documentation for proof that a spiritual advisor was visited and assistance was received twice a month.*

- f. Provide documentation for proof that an AA class was attended and assistance was received monthly.*
 - g. Provide documentation for proof that a DUI class was attended and assistance was received monthly. (Refers only to DUI clients).*
 - h. Provide documentation for proof that six (6) sobriety events were attended monthly.*
 - i. Obtain a sponsor and meet with them twice a month.*
 - j. Attend Drug Court monthly.*
- 4. After Care will be for sixteen weeks.*
- a. Contact DANA Program Officer every three (3) months.*
 - b. Drug/Alcohol testing during report to DANA Program Officer.*
 - c. Unannounced visitation by DANA Program Officer or a Probation Officer. Drug/alcohol testing might be given.*
 - d. Provide documentation for proof that a spiritual advisor was visited and assistance was received twice a month.*
 - e. Provide documentation for proof that two (2) sobriety events were attended monthly.*
 - f. Obtain a sponsor and meet with them once a month.*
 - g. Attend Drug Court every three months.*

Relevant Sample Forms

Phase Change Petition

CASS COUNTY/LEECH LAKE WELLNESS COURT

Form Phase 1 (Treatment) to Phase 2 (Skills)

Name: _____ Date: _____

I have at least 60 continuous days of clean and sober time.

My sobriety date is: _____

I completed Primary Treatment on: _____

At (facility/program): _____

I started or completed Phase 2 of treatment on: _____

At (facility/program): _____

I have been employed, volunteering, and/or attending school an average of _____ hours per week at _____ since _____

I believe I'm ready to move to Phase 2 based on the fact that I have developed and am following a recovery plan that consists of the following:

- Have you accepted that you are chemically dependent and understand that you cannot use mood-altering chemicals without suffering consequences?
Yes _____ No _____

Explain your answer:

- Have you started attending an abstinent-based recovery group on a regular basis?
Yes _____ No _____

If Yes, where and when: _____

If No, explain your answer: _____

- Have you approached someone to be your sponsor?

Yes _____ No _____ Not yet _____

If Yes, who and telephone number: _____

If No, explain your answer: _____

Describe how your thoughts about your sobriety and chemical dependency have changed.

Please list other positive changes you feel you have made in your sober life.

Participant Signature: _____ Date: _____

Please return completed form to Wellness Court.

This petition has been reviewed, and the Wellness Court Team recommends a phase change.

Wellness Court Coordinator Date: _____

Phase Change Petition

CASS COUNTY/LEECH LAKE WELLNESS COURT

From Phase 2 (Skills) to Phase 3 (Growth)

Name: _____ Date: _____

I have _____ days of sobriety. My sobriety date is: _____

I completed Phase II of treatment on: _____

At (facility/program): _____

I believe I'm ready to move to Phase 3 based on my answers to the following questions:

I have obtained a sponsor:

Yes _____ No _____ Not yet _____

If yes, who and telephone number: _____

If no, explain your answer: _____

What are the benefits you have realized from working with your sponsor?

The name of my home group is: _____

It meets on _____ at _____.

What benefits have you seen in having a home group?

As a result of my sobriety, I believe I have made progress in the following areas:

Employment/career:

Education:

Becoming a better citizen:

Family/relationships:

Other life areas such as obtaining a driver's license, having a stable/supportive living environment, etc.:

Are there any areas of your life that you are struggling with and/or believe the Wellness Court Team could assist you with?

Participant Signature: _____ Date: _____

Please return completed form to Wellness Court.

This petition has been reviewed, and the Wellness Court Team recommends a phase change.

Date: _____

Wellness Court Coordinator

Phase Change Petition

CASS COUNTY/LEECH LAKE WELLNESS COURT

From Phase 3 (Growth) to Phase 4 (Transition)

Name: _____ Date: _____

I have _____ days of continuous clean and sober time. My sobriety date is: _____

I completed Phase II of treatment on: _____

At facility/program: _____

Are all of your fines and fees paid? Yes No

Give examples of how you have worked your recovery plan in the following areas:

Spiritual: How has your behavior changed toward others (i.e., tolerance, taking responsibility for your actions, resolving your differences with others, overcoming resentment, etc.)?

Emotional: How has your thinking has changed (i.e., planning ahead, following-up on things, putting others needs ahead of yours, prioritizing tasks, improving communication, etc.).

Physical Well-Being: Explain how you are taking care of the physical aspects of your life (i.e., eating habits, paying off debts, medical appointments, paying rent, exercise, etc.).

Based on my answers above, I believe I am ready to move to Phase 4.

Have you completed your Community Service Action Plan? Yes No

What are your thoughts and feelings about giving back to the community?

Please give examples of how the Wellness Court Team has helped or hindered your success in transitioning to a healthy lifestyle (i.e., work, school, housing, driver's license, etc.).

As you transition to Phase 4 of the Wellness Court program, what areas of your life will you continue to focus on to maintain your healthy lifestyle?

What are some things you are grateful for as a result of your sobriety and the Wellness Court program?

Please give some examples of how you are developing ways of having fun and enjoying life without chemicals.

Participant Signature: _____ Date: _____

Please return completed form to your probation officer.

This petition has been reviewed and the Wellness Court Team recommends a phase change.

_____ Date: _____

Wellness Court Coordinator

**CASS COUNTY/LEECH LAKE WELLNESS COURT
MY SAFETY/RELAPSE PREVENTION PLAN**

1. My diagnosis is: _____
2. Four symptoms I experience with my illness are (spiritual, mental, emotional, and physical):
 - a. _____
 - b. _____
 - c. _____
 - d. _____
3. Stressful events that endanger my health and put me in crisis: _____

4. What can I do to avoid these types of stressful events in the future? _____

5. Current stressors in my life today are: _____

6. Three ways that I can reduce my stress are:
 - a. _____
 - b. _____
 - c. _____
7. Three of my positive qualities are:
 - a. _____
 - b. _____
 - c. _____
8. Supportive friends/family members that I can call on a regular basis:
Name: _____ Phone number: _____
Name: _____ Phone number: _____
9. A daily community/leisure/healing activity I will engage in is: _____

10. An activity I will definitely avoid is: _____

11. Three steps I will take to prevent relapse (when symptoms return or get worse) are:
 - a. _____
 - b. _____
 - c. _____
12. If I begin to relapse, I will: _____

Participant signature: _____ Date: _____

**CASS COUNTY/LEECH LAKE WELLNESS COURT
Application for Special Event Furlough**

Event Date: _____ Event Time: _____

Activity Description (give specific information regarding what the event is and what you will be doing): _____

Activity Location (if specific location, provide address and telephone number): _____

Who is attending (provide specific information regarding first and last names and relationship with you):

Why do you want to attend? (please be specific): _____

Who have you talked to about your desire to attend: _____

WHY or HOW will attendance benefit your sobriety: _____

What risks or trigger will attendance at this event present:

- 1. _____
- 2. _____
- 3. _____

How will you deal with each risk or trigger:

- 1. _____
- 2. _____
- 3. _____

Signature of DWI Court Participant

Date

An applicant must have participated in DWI Court for at least 90 days and have at least 45 continuous days of sobriety. This application must be submitted to your probation agent by 3:00 pm the Monday prior to your next DWI Court appearance.

APPROVED: ___ DENIED: ___

Signature of Probation Agent

Date

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL ONE TREATMENT

PHASE ONE: 30 TO 60 DAYS

ASSIGNMENTS:

1. Attend weekly court hearings: _____
2. Attend 2 counseling sessions per week. Counselor will schedule.
Session # 1 Day and Time _____
Session # 2 Day and Time _____
3. Attend 2 AA or NA 12-Step Meetings a week.
4. Attend assigned workshops and group. Counselor will assign.
5. Attend scheduled alcohol and/or drug tests, minimum 3 per week.
Test #1 _____
Test #2 _____
Test #3 _____
6. Complete Step One Packet.
7. Petition to Graduate to Phase Two.

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL ONE TREATMENT

PHASE TWO: 60 TO 90 DAYS

ASSIGNMENTS:

1. Attend scheduled drug court hearings. Scheduled in court.
2. Attend scheduled counseling sessions. Scheduled with Counselor.
3. Attend one 12-Step meeting per week (minimum).
4. Attend scheduled groups and workshops. Scheduled with Counselor.
5. Attend scheduled alcohol and/or drug testing. Scheduled in Court.
6. Complete Step Two and Three Packet.
7. Petition for Phase Three.

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL ONE TREATMENT

PHASE THREE: 30 TO 90 DAYS

ASSIGNMENTS:

1. Attend drug court hearings as assigned by the judge. Scheduled in court.
2. Attend bi-weekly counseling sessions. Scheduled with Counselor.
3. Attend one 12-Step meeting per week (minimum).
4. Attend scheduled alcohol and/or drug testing. Scheduled in Court.
5. Complete Step Four and Five Packet and Assignment.
6. Write a short- and long-term plan.
7. Petition to Graduate Treatment.

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL TWO TREATMENT

PHASE ONE: 60 TO 90 DAYS

ASSIGNMENTS:

1. Attend Day Treatment Program.
2. Attend weekly court hearings _____.
3. Attend counseling sessions. Counselor will schedule.
4. Attend 4 AA or NA 12-Step Meetings a week.
5. Attend scheduled alcohol and/or drug tests, minimum 5 per week.

Test #1 _____

Test #2 _____

Test #3 _____

Test #4 _____

Test #5 _____

6. Complete Step One within first 30 days.
7. Write your life-story, 5 pages or more.
8. Complete Step Two Packet within 60 days.
9. Receive a peer evaluation.
10. Petition to Graduate to Phase Two.

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL TWO TREATMENT

PHASE TWO: 30 TO 60 DAYS

ASSIGNMENTS:

1. Attend Day Treatment Program. Scheduled in Court.
2. Attend scheduled drug court hearings. Scheduled in court.
3. Attend scheduled counseling sessions. Scheduled with Counselor.
4. Attend AA or NA 12-Step Meeting. Scheduled in court.
5. Attend scheduled groups and workshops. Scheduled with Counselor.
6. Attend scheduled alcohol and/or drug tests. Scheduled in court.
7. Complete Step Three Packet.
8. Write 3 pages or more about the treatment issue(s) you have identified.
9. Receive a peer evaluation.
10. Write a short- and long-term plan.
11. Petition for Phase Three.

PASCUA YAQUI DRUG COURT TREATMENT

LEVEL TWO TREATMENT

PHASE THREE: 60 TO 90 DAYS

ASSIGNMENTS:

1. Attend Family Day Treatment sessions.
2. Attend drug court hearings as scheduled by drug court judge.
3. Attend counseling sessions. Scheduled in court.
4. Attend AA or NA 12-Step Meeting. Scheduled in court.
5. Attend scheduled alcohol and/or drug tests. Scheduled in court.
6. Complete Step Four and Five Packet and Assignment.
7. Present a topic on recovery in Day Treatment Program.
8. Petition to Graduate Treatment.

PASCUA YAQUI DRUG COURT TREATMENT

Master Treatment Plan

Client Name: _____ Date: _____

Problem # _____ : _____

Goal: _____

Treatment Objectives

Achievement Dates

Actions to Achieve Goal:	Evidence of Success:	Target:	Completed

Primary Counselor Signature Date

Client Signature Date

PASCUA YAQUI DRUG COURT TREATMENT

7490 S. CAMINO DE OESTE
TUCSON, AZ 85746
(520) 883-5020 EXT. 6036

REFERRAL REQUEST

Name of Client: _____

Address: _____

Identification: _____

Phone Number: _____ Date: _____

REASON FOR REFERRAL:

- _____ Client is in need of detoxification services.
- _____ Client is in need of hospital based on secure treatment.
- _____ Client requires services not provided by P.Y.D.C.T.
- _____ Client has demonstrated non-compliant behavior and attitude.
- _____ Client is requesting referral to another agency.
- _____ Client has completed P.Y.D.C.T. program.

Explanation: _____

REFERRED TO (Facility-Physician): _____

Address: _____

Phone Number: _____

Client Signature

Date

Primary Counselor Signature

Date

**PASCUA YAQUI DRUG COURT TREATMENT
CONTRACT FOR TREATMENT**

I HAVE RECEIVED, READ, AND UNDERSTAND THE PASCUA YAQUI DRUG COURT PROGRAM RULES AND EXPECTATIONS, AND I UNDERSTAND THAT IF I VIOLATE THE FOLLOWING RULES I MAY BE DISCHARGED.

1. NO USE AND/OR POSSESSION OF ALCOHOLIC BEVERAGES OR OTHER MOOD-ALTERING SUBSTANCE INCLUDING INHALANTS OR TOXIC VAPORS.
2. NO POSSESSION OF FIREARMS OR WEAPONS.
3. NO PHYSICAL VIOLENCE OR THREATENING BEHAVIOR.
4. NO SEXUAL BEHAVIOR OR GESTURES.
5. FAILURE TO ATTEND OR PARTICIPATE IN SCHEDULED ACTIVITIES.
6. FAILURE TO RETURN FROM AN AUTHORIZED LEAVE AT THE AGREED UPON DATE OR FAILURE TO NOTIFY PYDCT WITHIN 24 HOURS AFTER YOUR EXPECTED RETURN OF ANY CHANGES.

I UNDERSTAND THAT I AM TO BE ACTIVELY INVOLVED IN MY OWN TREATMENT, AND I AGREE TO COMPLY WITH THE PASCUA YAQUI DRUG COURT TREATMENT RULES AND EXPECTATIONS. INFRACTIONS WILL RESULT IN CONFRONTATION BY STAFF, CONSEQUENCES, AND/OR POSSIBLE DISCHARGE FROM PYDCT. I UNDERSTAND AND THE COURT WILL BE NOTIFIED IN CASE I AM DISCHARGED.

MY RIGHTS TO CONFIDENTIALTY ACCORDING TO THE "CONFIDENTIALITY ACT" 42 CFR HAVE BEEN EXPLAINED TO ME.

IF STAFF DETERMINED THAT YOU ARE GOING TO PHYSICALLY HARM YOURSELF OR ANY OTHER INDIVIDUAL, PYDCT IS REQUIRED TO REPORT THAT BY LAW; ALSO, IF YOU REPORT THAT A CRIME HAS BEEN COMMITTED.

I UNDERSTAND THAT ISSUES RELATED TO CHILD ABUSE MUST BE REPORTED TO THE AUTHORITIES.

I HAVE READ MY RIGHTS AS A CLIENT/PARTICIPANT OF THE PASCUA YAQUI DRUG COURT PROGRAM AND HAVE BEEN INFORMED OF THE GRIEVANCE PROCEDURE IN THE EVENT I FEEL MY RIGHTS HAVE BEEN VIOLATED.

CLIENT SIGNATURE DATE

PYDCT STAFF SIGNATURE DATE

PASCUA YAQUI DRUG COURT TREATMENT CLIENT RIGHTS

AS A PYDCT CLIENT, YOU HAVE THE RIGHT:

1. To be treated with consideration, respect, and full recognition of your dignity, identity, and individuality without regard to sex, age, handicap, income level, tribal affiliation, religious preference, or sources of payment for care.
2. To expect quality care and services and to be informed of PYDCT relationships with other health care institutions insofar as your treatment is concerned.
3. To be fully informed prior to the time of admission and during your participation of the fee for services at PYDCT.
4. To know the names of the staff responsible for your treatment.
5. To participate in planning your treatment.
6. To talk with your treatment staff, to consult other health care professionals, and to be informed of the diagnosis, proposed treatment, prognosis, possible alternative treatments, and all significant information regarding your condition. All information will be explained in terms that you understand.
7. To refuse treatment. Staff will explain the possible consequences of this decision.
8. To refuse to participate in experimental research.
9. To be informed, as early and clearly as possible of PYDCT rules and expectations governing your conduct as a client.
10. To be informed of the procedure for a client to initiate complaints and the process of review and resolution of complaints.
11. To expect reasonable safety insofar as PYDCT practices and environment are concerned.
12. To be free from mental and physical abuse.
13. To not be required to perform services for PYDCT which are not included for therapeutic purposes in your plan of care.
14. To Confidentiality according to **FEDERAL LAW, “THE CONFIDENTIALITY ACT,” 42 CFR CHAPTER 1, SUB-CHAPTER A.**

Client Signature

Date

Staff Signature

Date

PASCUA YAQUI DRUG COURT TREATMENT

CLIENT PROGRESS REPORT

DATE OF STAFFING

CLIENT'S ID NUMBER

REVIEW OF TREATMENT:

ASSESSMENT OF TREATMENT:

PLAN FOR CONTINUED TREATMENT:

PROGRESS OF TREATMENT: ___ SATISFACTORY ___ COMPLIANT ___ STAGNANT ___ RESISTANT

REPORT REQUEST: ___ N/A ___ NO ___ YES SENT

PRIMARY COUNSELOR

DATE

DRUG COURT COORDINATOR

DATE

PASCUA YAQUI DRUG COURT TREATMENT

Master Problem List

Client Name: _____

Date of Admission: _____

Date/Problem Identified	Problem Statement	Code	Outcome

CODE
 MTP – To be address on a Master Treatment Plan
 AP – To be addressed only on the Aftercare Plan
 M – Monitor during treatment
 N – Problem noted but no action required

Outcome
 R – Resolved
 PR – Partially Resolved

**PASCUA YAQUI DRUG COURT TREATMENT
VERIFICATION OF COUNSELING**

This is to confirm that _____ obtained a(n):

- _____ Domestic Violence Evaluation
- _____ Alcohol Evaluation
- _____ Substance Abuse Evaluation
- _____ Other _____

from me on: _____

- Recommendation:
- _____ Further treatment optional
 - _____ Further treatment
 - _____ AA meetings
 - _____ Weekly counseling, one-on-one
 - _____ Group meetings
 - _____ Other: _____
 - _____ No further treatment

COUNESLOR’S Name: _____ Phone Number: _____

COUNSELOR’S Signature: _____ Date: _____

To Client:

You must have the counselor/secretary fill out and sign this form. Then you must [source document illegible] with PYDCT. This is required as proof of compliance with the conditions of the program.

FORM DUE BY: _____

Counselor, was unable to sign: _____

Print name here: _____

Date: _____

Was another appointment made? _____ YES _____ NO

PASCUA YAQUI DRUG COURT TREATMENT

Aftercare Plan

Client Name: _____

Date: _____

Problem #: _____

Goal: _____

Aftercare Objectives

Achievement Dates

Actions to Achieve Goal:

Evidence of Success:

Target:

Completed:

Actions to Achieve Goal:	Evidence of Success:	Target:	Completed:

Primary Counselor Signature Date

Client Signature Date

**HEALTH PROGRAMS
PASCUA YAQUI DRUG COURT TREATMENT
7490 S. CAMINO DE OESTE
Tucson, AZ 85746
(520) 883-5020 EXT. 6036**

DISCHARGE SUMMARY

NAME: _____ ADMISSION DATE _____
CLIENT # _____ REPORT DATE _____ DISCHARGE DATE _____

REASON FOR DISCHARGE: _____

EVALUATION OF TREATMENT: _____

IDENTIFIED GOALS: _____

PROGRESS: _____

UNRESOLVED ISSUES AT DISCHARGE: _____

RECOMMENDATIONS AT DISCHARGE: _____

Staff Signature

Date

Client Signature

Date

PASCUA YAQUI DRUG COURT TREATMENT

DRUG COURT PARTICIPANT PROGRESS REPORT

Defendant's Name: _____ Case Number(s): _____
Date of this Appearance: _____ Report #: _____ Date Last Appeared: _____

Client ID #: _____ Caseworker: _____
Date of Admission: _____ Case Phase: _____ Phase Start Date: _____
(Phase = 1st, 2nd, 3rd) (R = Repeated Phase) (RR = Repeated Phase Twice)

DRUG TESTS RESULTS: _____ **CUMULATIVE SINCE LAST COURT APPEARANCE**
Number of Tests Ordered: _____
Number of Positive Tests: _____
Number of Negative Tests: _____
Number of Non-Appearances: _____
Number of Times Refused to Test: _____
Date of Last Test: _____ Test Results: _____
Drug Type (of positive): _____

COUNSELING ATTENDANCE: _____ **CUMULATIVE SINCE LAST COURT APPEARANCE**
No. of Sessions Required Group: _____ Ind.: _____ Group: _____ Ind.: _____
No. of Sessions Attended Group: _____ Ind.: _____ Group: _____ Ind.: _____
Date of Last Session: _____

ACUPUNCTURE SESSIONS: _____ **CUMULATIVE SINCE LAST COURT APPEARANCE**
No. of Sessions Attended: _____
Date of Last Session: _____

MASSAGE SESSIONS: _____ **CUMULATIVE SINCE LAST COURT APPEARANCE**
No. of Sessions Attended: _____
Date of Last Session: _____

SANCTIONS Residential Treatment: _____ Number of Days: _____ Date Ordered: _____
Ordered into Custody: _____ Number of Days: _____ Date Ordered: _____
Other: _____ Date Ordered: _____

SUMMARY _____

SUBMITTED BY

DATE

**SHIPROCK OUTPATIENT TREATMENT CENTER
DANA DRUG COURT
MONTHLY PROGRESS REPORT**

Patient's Name: _____ Case Review Date: _____

Patient Consent of Release updated: YES NO

Patient Status:

Active Yes No

Inactive Yes No

Other Comments: _____

Attendance:

Good: _____

Fair: _____

Poor: _____

Participation:

Good: _____

Fair: _____

Poor: _____

Other Comments: _____

Other specific recommendations _____

Summary report submitted by: _____

Primary Counselor
Shiprock Outpatient Treatment Center

D.A.N.A. Drug Court Program Sobriety Attendance Tracking Form

Name of Counseling Agency	Address and Tel. #	Person Responsible of Session	Date	Time

**Judicial Branch of the Navajo Nation
D.A.N.A. Drug Court Program
“Sober Activities” Form:**

I, _____, agree to participate in the Drug Court Sober Activities. I understand I will be responsible to initiate communication and introduce myself with the sponsoring organization/program prior to the activities to begin. It is my responsibility to complete this Sober Activities Form by actively involving, or participation thereof. Immediately after activity is complete, I shall approach the “sponsor” for signature of participation.

A “sober activity” is considered one of the following events: cultural sensitive or athletic events; educational or community wellness activities; church and employment recreational activities are encouraged.

Should the sponsoring organization report to Drug Court Officer the client was under the influence or, fail to involve to participate, client shall be sanctioned by District Court.

Signature of Client: _____ Phase: _____

Name of Activity: _____ Number of Hours: _____

Name of Sponsor: _____ Date: _____

Signature of Drug Court Officer: _____

Section B: Cultural Elements

Purpose

The incorporation of culture and tradition has consistently been identified as one of the more important duties of a Healing to Wellness Court, providing both an opportunity to reintegrate the participant into the social and spiritual fabric of the community, as well as the means by which to do so. Tribal Key Component 4 states, “Tribal Healing to Wellness Court[s] provide access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate custom and tradition.” The Gottlieb evaluators interpreted this language to mean that:

A principle of tribal wellness court philosophy is the integration of the traditional ways of healing to help fill the spiritual void the participant is now filling with drugs and alcohol. A wellness court that does not provide holistic, structured, phased treatment that incorporates the culture and tradition of the tribe is a court with a drug offense docket, not a true wellness court.

However, the Gottlieb evaluators found that in all of the first four Tribal Wellness Courts evaluated: (1) many tribal members do not practice traditional ways; (2) there was a lack of traditional knowledge and cultural resources in the community; (3) each Tribal Wellness Court had to make an immense effort to bring a cultural component into its program with little guidance from their trainings; (4) regardless of the difficulties, all four tribal wellness courts were able to integrate a cultural educational component; yet (5) care should be taken when integrating culture to avoid integrating religion in religiously diverse communities (emphasize culture not religion). “Cultural education” included prayers, sage burning, sweats, talking circles, fasting, preparing for Sun Dance, learning tribal history, and learning how to build a canoe or tan a deerskin. Graduation ceremonies were another place the Gottlieb evaluators found traditional aspect incorporated—from having honor songs sung for the participants to the giving of blankets.

Healing to Wellness Courts today incorporate a wide range of cultural, traditional, customary and/or community values, practices, and activities within their phased treatment plan requirements. These may include diagnostic, healing, and cleansing activities, such as consulting a medicine man or woman or participating in a cleansing ceremony (e.g., sweats or smoking); native justice-related activities that seek to repair broken relationships such as peacemaking, talking circles, or mediation; participation in spiritual or community activities such as religious society membership, traditional ceremonial participation, participation in competitions, feasts and games, or participation in the Native American Church; or seeking out the advice and/or mentorship of knowledge holders and elders. Wellness Courts may also incorporate substantive educational courses on tribal history and/or subsistence skills, or engage participants in family tree mapping or other tribal history or social projects (e.g., language preservation or revitalization efforts). They may also engage participants in community service projects ranging from subsistence activities to assisting the elderly. The possibilities are endless.

Sample Tribal Wellness Court Wording

Navajo Nation

"D.A.N.A. Program Procedures Manual" (August 2000)

General Overview:

The Navajo Nation Judicial Branch D.A.N.A. Dine Adil Nidliigo A'nai Neeh Program is a one-of-kind establishment offering defendants/offenders the opportunity to enter a court-supervised treatment program as an alternative to criminal prosecution or incarceration. The D.A.N.A. program will recognize both traditional and western-based treatment options to address the diverse beliefs of the program participants. D.A.N.A. will utilize the mainstream Drug Court concept involving leveraging the coercive power of the criminal justice system to achieve abstinence and alter criminal behavior through a combination of extensive supervision, court appearances, therapy, educational classes, drug testing, community services, incentives, sanctions, and case management.

D.A.N.A. Translation:

The Dine people have a unique Kinship structure that addresses the spiritual, behavioral, social, and physical characteristics of each individual. These aspects transform into individual self-identity, which dictates the rationale of avenues for seeking guidance. The elderly have stressed in their teaching that you must maintain balance and harmony within your personal and family relationships by learning and enriching your family and cultural values.

To best illustrate the meaning and significance of the term Dine Adil Nidliigo A'nai neeh, a traditional account is in order. In the Navajo traditional way, when a baby had their first laugh, an offering was made for them so they would have happiness throughout their life. A piece of traditional salt was also given out to the immediate relatives. Why traditional salt? The Dine people believed in a deity called Salt Woman. Salt Woman was the guardian of the great water. Salt Woman bestowed that best hospitality to all visitors with respect and pity.

The Dine people adopted the practice of giving out-traditional salt so the child would prosper and have respect and pity. Self-respect is taught and learned using the clan system. Each clan has an origin story that consist of gifts and talents. The ten fingers and ten toes all depict a profound purpose in life. The toes of the right foot are specified with five teachings we are to abide by, they are: 1.) Be careful; 2.) Use kinship terms; 3.) Do not lie/steal; 4.) Have self-respect and; 5.) Try your best.

To have self-respect is the take care of the physical and mental being. As a Dine, we are a reflection of our past and a reproduction of our parents. The right side of our body represents our mother, the left side represents our father. Our body belongs to our parents, and we are merely caretakers. We have to think right, drink right, and eat right,

clearly stated, consume only what is of good nourishment to our body and mind. That is the basis of self-respect.

Dine Adil Nidliigo A'nai neeh literally means: **Dine**, a five-finger people; **Adil**, to affirm self-assurance or self-identification; **Nidliigo**, to acquire self-worthiness or self-respect; **A'nai neeh**, to restore the lost balance and harmony.

...

DANA Program Treatment Policy and Procedures:

The defendant/offender that is processed through D.A.N.A. Drug Court Program, after initial intake assessment, the defendant/offender is referred as a "client" when he/she is under the care of Treatment Providers:

I. Designing an Individualized Treatment Plan:

- a. The treatment plan will take into consideration the structure of the family environment, peer groups, social trends, education, and employment status.
- b. Each client will work with the Drug Court Officer to discuss the treatment plan process, confirm the action and responsibilities of the client.
- c. After confirming the treatment plan, the client will then be referred to the appropriate: group counseling, individual or family counseling, appropriate medical care, and outpatient treatment.
- d. The Treatment Phases are designed in accordance to the Dine philosophy and maternal aspect; specifically, this is a nine (9) month matrilineal process. The mother carries the child in her womb for nine months, and to structure the phases is to balance our approach for each client, and to have the client recognize this process is definitely important to re-establish their personal and family values.

II. Orientation:

The client will meet with the Drug Court Officer will determine his/her eligibility and further explain the processes of Drug Court. Intake Case Assessment Form, Individual and Parental Consent Forms, and other documents will be completed at this initial meeting. The Drug Court Officer will determine if there are any additional assessment that need completed, i.e., physical examination of client, female who may be pregnant, or individuals who have not had a physical examination for more than a year.

III. Screening, Assessment and Evaluation:

The client will be given ten (10) working days to contact Department of Behavioral Health Services who will initiate screening, assessment, and evaluation, to determine his/her eligibility for this treatment program. The client will report back to the Drug Court Officer to ensure procedures are complied with. The Drug Court Officer will contact DBHS to return all screening, assessment, and evaluation forms to initiate the Treatment process.

IV. Traditional and Non-Traditional Treatment Providers:

There are two types of treatment providers the client will initiate to establish communication and it shall be the sole responsibility of the client to initiate the process. Prior to the initiating the process, the client will sign a Traditional and Non-Traditional Treatment Providers Consent Form to signify the client's preference.

- A. *Non-Traditional Treatment Providers:
A Western Concept of treatment provision.*
- B. *Traditional Treatment Providers:
Native American Church, Dine Ceremonies, Peacemaking, and other traditional treatment providers, as available.*

To secure the services of the traditional treatment provider, it shall be totally up to the client and the family shall understand and this is a family-oriented healing process. The Navajo Nation D.A.N.A. (Drug Court) will not be responsible for any financial obligation toward the healing process.

...

V. Inter-Departmental Cooperation and Working Relationship

- A. *Peacemaking Division
The Judicial District Peacemaker Liaison will coordinate with the DANA Program Officer to schedule peacemaking sessions by a respective peacemaker for the development of the treatment plan and to schedule peacemaking sessions for the client and his/her family or support group during any of the phases.*

...

X. DANA Process

...

- A. *Peacemaking Session*

A peacemaking session may be set up after the clinical screening and assessment is available and the family or support group established. During the peacemaking session, a realistic treatment plan to have the client regain self-respect and a positive self-image so they can make constructive changes in their life will be developed by the client and his family or support group. The Peacemaker, DANA Program Officer, and a representative from the treatment provider will attend the session.

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Program Phase Objectives

During each phase of the WMDCP curriculum clients will look at specific areas of their lives in order to obtain a holistic balance.

In Phase One the client will:

1. *See what their reality is through the community's eyes;*
2. *Come to terms with the destruction of their addiction;*
3. *Meet others in the LTBB Community who are also in recovery;*
4. *Become willing to make positive changes in their life;*
5. *Be introduced to the basic principles of Alcoholics Anonymous (AA), Wellbriety, and the WMDCP;*
6. *Complete an in-depth study on Step One of the AA/Wellbriety programs.*
7. *Reconnect with the principles and guides within the culture of our ancestors;*
8. *Begin to understand the impact that their behavior has had on their family and community;*
9. *Begin to build a healthy routine;*
10. *Be introduced to the concept of sponsorship;*
11. *Be introduced to the concept of mind-mapping;*
12. *Begin to identify triggers;*
13. *Remain abstinent from drugs and alcohol; and,*
14. *Experience hope.*

In Phase Two the client will:

1. *Begin or strengthen their relationship with a higher power;*
2. *Begin to see how their life could be enhanced rather than hindered in sobriety;*
3. *Understand that their current situation is a result of their choices;*
4. *Become willing to except help and advice;*
5. *Continue meeting others in recovery and seek out the fellowship of LTBB elders;*
6. *Gain a deeper understanding of the culture of our ancestors;*
7. *Begin to apply the principles of Alcoholics Anonymous (AA), Wellbriety, and the WMDCP;*
8. *Complete an in-depth study on Steps Two and Three of the AA/Wellbriety programs.*
9. *Strengthen their new healthy routine with daily prayer and meditation and weekly physical activity.*
10. *Become comfortable at the self-help meetings they attend;*
11. *Choose a permanent sponsor; and*
12. *Remain abstinent from drugs and alcohol.*

In Phase Three the client will:

1. *Learn how to develop life goals and objectives;*
2. *Learn about their family and community history and the role they play in both;*
3. *Analyze their innermost fears, resentments, and sex conduct;*
4. *Place trust in their sponsor and build a relationship with them;*
5. *Chair self-help meetings;*
6. *Increasingly apply the principles found in the culture of our ancestors;*
7. *Complete in-depth studies on Steps Four, Five, Six, and Seven of the AA/Wellbriety programs.*
8. *Become willing to let go of unhealthy defense/survival mechanisms;*

9. *Humble themselves;*
10. *Learn about relapse prevention;*
11. *Be comfortable praying out loud; and*
12. *Remain abstinent from drugs and alcohol.*

In Phase Four the client will:

1. *Begin to examine their past and identify situations when they hurt others around them.*
2. *Find ways to reconcile past situations in which they harmed others;*
3. *Complete an in-depth study on Steps Eight, Nine, Ten, Eleven, and Twelve of the AA and Wellbriety programs;*
4. *Receive a personal business makeover;*
5. *Improve their job interviewing skills;*
6. *Build a resume;*
7. *Have a deep consciousness of a higher power;*
8. *Be comfortable admitting when they are wrong;*
9. *Remain abstinent from drugs and alcohol; and*
10. *Carry a message of hope to the LTBB community.*

Graduation:

Graduation will occur after successful completion of the program. Clients will be required to do an “Open Talk Project” where they will present their recovery story. Members of the LTBB community will attend to hear the client’s story and also celebrate the client’s success in recovery. A feast will be prepared in the client’s honor and a certificate of completion will be awarded at the conclusion of the night. Prior to release from probation, the client must complete an exit interview.

Phases of Treatment

<i>Pre-Programming: Committee Group Interview, Team Acceptance, Possible In-Patient/Extensive Out-Patient Treatment before admittance.</i>			
PHASE I (Yellow)(Spiritual) Honesty	PHASE II (Red)(Emotional) Humility, Respect	PHASE III (Black)(Physical) Bravery, Love	PHASE IV (White)(Mental) Wisdom, Truth
Learning Level (Detoxification & Beginning Treatment)	Accepting Level (Stabilization & Treatment)	Willing Level (Maintenance & Treatment)	Succeeding Level (Aftercare)
Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 25% Court Costs & Fines Payed,</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 50% Court Costs & Fines Payed,</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 75% Court Costs & Fines Payed,</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 100% Court Costs and Fines Payed,</i>

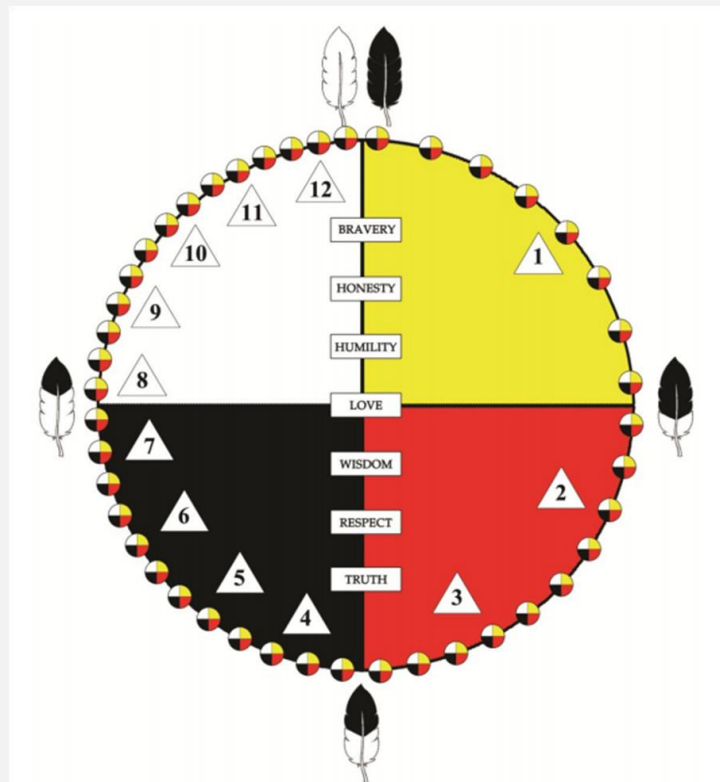
<i>Wellness Projects Complete, 8 Successful Weeks, Team Recommendation</i>	<i>Wellness Projects Complete, 10 Successful Weeks, Team Recommendation</i>	<i>Wellness Projects Complete, 12 Successful Weeks, Team Recommendation</i>	<i>Wellness Projects Complete, 14 Successfully Weeks, Team Recommendation</i>
8 successful weeks a + b + c = successful week	10 successful weeks a + b + c = successful week	12 successful weeks a + b + c = successful week	14 successful weeks a + b + c = successful week
Wellness Projects	Wellness Projects	Wellness Projects	Wellness Projects
Status Hearings 4X/month	Status Hearings 4X/month	Status Hearings 2X/month	Status Hearings 2X/month
PBT's Daily Drug Test 2X/week Minimum	PBT's Daily Drug Test 2X/week Minimum	PBT's Random Drug Test 1X/week Minimum	PBT's Random Drug Test Random
1 hr/week physical activity	1 hr/week physical activity	1 hr/week physical activity	1 hr/week physical activity
Case Management & Supervision	Case Management & Supervision	Case Management & Supervision	Case Management & Supervision
<i>Individual Counseling (2 x/week) Educational, Cognitive Behavioral</i>	<i>Individual Counseling (1 x/week) Educational, Other Methodology</i>	<i>Individual Counseling (as needed) Educational, Other Methodology</i>	<i>Individual Counseling (as needed) Maintenance, Other Methodology</i>
Self-Help Meetings 4 x/week	Self-Help Meetings 3 x/week	Self-Help Meetings 3 x/week	Self-Help Meetings 2 x/week
Daily Morning Prayer/Meditation	Daily Morning Prayer/Meditation	Daily Morning Prayer/Meditation	Daily Morning Prayer/Meditation
Step 1	Steps 2 & 3	Steps 4-7	Steps 8-12
			Develop & Implement Aftercare Plan
			GRADUATION
			Steps 10-12

Program Phase Breakdown

PHASE ONE	PHASE TWO
A) Phase One - Week-to-Week Workbook	B) Phase Two - Week-to-Week Workbook
Week 1 – Where am I? Where will I go? Week 2 – What to Expect from Us? What We Expect... Week 3 – Those Around Us Week 4 – How will We Start the Fire? Week 5 – Step One, Part One Week 6 – Step One, Part Two Week 7 – Step One, Part Three Week 8 – Presentation on Step One Accomplishment	Week 9 – Step Two Part One Week 10 – Step Two Part Two Week 11 – Step Two Part Three Week 12 – Presentation on Step 2 Accomplishment Week 13 – Step Three Part One Week 14 – Step Three Part Two Week 15 – Step Three Part Three Week 16 – Take Step Three Week 17 – Sponsorship, pt. 1 Week 18 – Sponsorship, pt. 2
B) Phase One - Week-to-Week Planner	B) Phase Two - Week-to-Week Planner
Probation Reporting 1X/week Status Hearings 4x/month Daily PBT's, drug test 2x/week minimum 1 Hour of physical activity/week Individual Counseling 2x/week Self-Help meetings 4x/week Daily morning prayer and meditation	Probation Reporting 1X/week Status Hearings 4x/month Daily PBT's, drug test 2x/week minimum 1 Hour of physical activity/week Individual Counseling 1x/week Self-Help meetings 3x/week Daily morning prayer and meditation
C) Follow ALL Program Rules and Regulations	C) Follow ALL Program Rules and Regulations
PHASE THREE	PHASE FOUR
A) Phase Three - Week-to-Week Workbook	A) Phase Four - Week-to-Week Workbook
Week 19 – Setting Life Goals Week 20 – Know Where You Come From Week 21 – Family Tree Presentation Week 22 – Step Four, Part One Week 23 – Step Four, Part Two Week 24 – Step Four, Part Three Week 25 – Step Four, Part Four Week 26 – Step Five Week 27 – Step Six Week 28 – Step Seven Week 29 – What is Relapse Prevention? Week 30 – Relapse Prevention Presentation	Week 31 – Step Eight, Part One Week 32 – Step Eight, Part Two Week 33 – Step Nine, Part One Week 34 – Step Nine, Part Two Week 35 – Step Nine, Part Three Week 36 – Personal Makeover Week 37 – Understanding Your Shape Week 38 – Building Your Resume Week 39 – Interview for Your Dream Job Week 40 – Step Ten Week 41 – Step Eleven Week 42 – Aftercare, Part One Week 43 – Aftercare, Part Two Week 44 – Your First Lead
B) Phase Three - Week-to-Week Planner	B) Phase Four - Week-to-Week Planner
Probation Reporting as needed Status hearings 2X/month Random PBT's, drug test 1X/week minimum 1 hour of physical activity/week Individual counseling as needed Self-help meetings 3X/week Daily Morning Prayer and meditation	Probation reporting as needed Status hearings 2X/month Random PBT's, random drug test 1 hour of physical activity/week Individual counseling as needed Self-help meetings 2X/week Daily Morning Prayer and meditation
C) Follow ALL Program Rules and Regulations	C) Follow ALL Program Rules and Regulations

Week-to-Week Diagram (Poster)

The WMDCP Week-to-Week Diagram is a tool used to display client progress in the curriculum. Throughout the program, the client will receive incentive patches for successful completion of certain tasks. For example, when a client completes step 1, they will receive a patch that symbolizes their completion of that step. Other patches are awarded for work in the Seven Grandfather teachings, the 12 steps, and for advancing to the next phase. The client also receives a medicine wheel patch for each successful week completed. As the client progresses through the WMDCP program, their diagram will become increasingly detailed until they finally complete the diagram upon graduation. Below is an example of what a completed diagram will look like when a client is successful in completing the WMDCP.



Seven Grandfather Teachings

Nibwaakaawin—Wisdom: To cherish knowledge is to know Wisdom. Wisdom is given by the Creator to be used for the good of the people. In the Anishinaabe Language, this word expresses not only "wisdom," but also means "prudence," or "intelligence." In some communities, Gikendaasowin is used; in addition to "wisdom," this word can also mean "intelligence" or "knowledge."

Zaagi'idiwin—Love: To know Love is to know peace. Love must be unconditional. When people are weak they need love the most. In the Anishinaabe language, this word with the reciprocal theme /idi/ indicates that this form of love is mutual. In some communities, **Gizhaawenidiwin** is used, which in most context means "jealousy" but in this context is translated as either "love" or "zeal." Again, the reciprocal theme /idi/ indicates that this form of love is mutual.

Minaadendamowin—Respect: To honor all creation is to have Respect. All of creation should be treated with respect. You must give respect if you wish to be respected. Some communities instead use **Ozhibwaadenindiwin** or **Manazonidiwin**.

Aakode'ewin—Bravery: Bravery is to face the foe with integrity. In the Anishinaabe language, this word literally means "state of having a fearless heart." To do what is right even when the consequences are unpleasant. Some communities instead use either **Zoongadikiwin** ("state of having a strong casing") or **Zoongide'ewin** ("state of having a strong heart").

Gwayakwaadiziwin—Honesty: Honesty in facing a situation is to be brave. Always be honest in word and action. Be honest first with yourself, and you will more easily be able to be honest with others. In the Anishinaabe language, this word can also mean "righteousness."

Dabaadendiziwin—Humility: Humility is to know yourself as a sacred part of Creation. In the Anishinaabe language, this word can also mean "compassion." You are equal to others, but you are not better. Some communities instead express this with **Bekaadiziwin**, which in addition to "humility" can also be translated as "calmness," "meekness," "gentility," or "patience."

Debwewin—Truth: Truth is to know all of these things. Speak the truth. Do not deceive yourself or others.

Medicine Wheel Summary**Mshkiki Dedbise**
Medicine Wheel

Direction	Medicine	Season	Life Stage	Color	Time of Day
<i>Waabinong</i> <i>waa bi nong</i> East	<i>Semaa</i> <i>se maa</i> Tobacco	<i>Mnookmi</i> <i>mi noo ki mi</i> Spring	<i>Binoojiinh</i> <i>bi noo jiinh</i> Child	<i>Ozaawa-</i> <i>o za wa</i> Yellow	<i>Kizhep</i> <i>ki zhep</i> Morning
<i>Zhaawanong</i> <i>zhaa wa</i> <i>nong</i> South	<i>Kiizhik</i> <i>kii zhik</i> Cedar	<i>Niibin</i> <i>nii bin</i> Summer	<i>Shkiniigi</i> <i>shki nii gi</i> Youth	<i>Mskwaa-</i> <i>m skwaa</i> Red	<i>Naakwe</i> <i>naa kwe</i> Noon
<i>Epangishmok</i> <i>e pan gish</i> <i>mok</i> West	<i>Mashkodewashk</i> <i>ma shko de</i> <i>washk</i> Sage	<i>Dgwaagi</i> <i>da gwaa gi</i> Fall	<i>Ntaawgi</i> <i>ni taaw gi</i> Adult	<i>Makade-</i> <i>ma ka de</i> Black	<i>Naakshik</i> <i>naak shik</i> Evening
<i>Giiwedionong</i> <i>gii we di</i> <i>nong</i> North	<i>Wiingash</i> <i>wiin gash</i> Sweetgrass	<i>Biboon</i> <i>bi boon</i> Winter	<i>Kikaa</i> <i>ki kaa</i> Elder	<i>Waabshkaa-</i> <i>waab shka</i> White	<i>Niibaadibik</i> <i>Nii baa di</i> <i>bik</i> Night

Prepared by the LTBB Language Department

Yurok Tribal Court

"Wellness Court Program Guide" (July 2010)

**Drug Court Program
Screening and Assessment**

1. **Legal Screening** – Before being accepted into the program, individuals need to have all legal obligations taken care of or be current with any ongoing obligations.
2. **Initial Screening** – The initial screening process entails the YWC team reviewing potential client information e.g., their needs, wants, strengths, and resources.
3. **Clinical and Cultural Assessment** – Clients will undergo a comprehensive assessment to include substance use and abuse, mental health issues, violence and trauma history, and other needs. A culturally based assessment will be done to determine the level of engagement in traditional Yurok customs and community activities.
4. **Letter for Services** – A letter to the YTC will need to be submitted by the potential client requesting services from the YWC.
5. **Petition of Services** – A Petition will be filed with the YTC, a case number and court date will then be assigned.

6. **Court Order** – At the Court Hearing, an Order will be filed accepting or denying potential clients into the YWC Program and ordering clients to recommended treatment and/or to participate in a treatment plan.

Program Design - Treatment Program (Requirements in each phase will be designed to fit the needs and wishes of the individual participant)

Phase I – Detoxification and Establishment of Treatment

Objective: To understand the Yurok Wellness Court concept and what is required of each individual client

Duration: 2 – 4 weeks

Suggested Requirements:

- Sign and complete necessary paperwork
- Initial intake and legal screening
- Chemical and cultural assessment
- Weekly check-ins with case manager

Phase II – Stabilization and Treatment

Objective: To enter and successfully complete the recommended treatment program

Duration: 3 – 6 months maybe extended by agreement

Suggested Requirements:

- Individual and group counseling
- Alcohol and drug education
- 12-step program
- Red Road/Traditional Values in Recovery
- Talking Circles
- Relapse Prevention
- Sweat Lodge
- Weekly check-ins with YWC team members
- Monthly status reports

Phase II – Stabilization and Transitional

Objective: Develop and work through individualized case plans

Duration: 3 – 6 months

Suggested Requirements:

- Appear before Court once a month
- Submit to random drug testing
- Twice weekly AA or Wellbriety meetings

- *Twice weekly meetings with Case Manager by phone or in person*
- *Twice monthly individual counseling sessions*
- *Attend at least 3 sober activities a month planned or approved by Case Manager*
- *Actively looking for a job and/or plan to attend higher education/vocational schooling*
- *Every other week meet with spiritual leader, mentor, or advisor (where applicable)*

Phase III – Maintenance

Objective: *Utilize recovery skills to maintain sobriety*

Duration: *3 – 6 months*

Suggested Requirements:

- *Appear before Court once a month*
- *Attend AA or Wellbriety meetings*
- *Once a week check-ins with Case Manager*
- *Weekly random drug testing*
- *Maintain employment and/or attend school*
- *Every other week meet with spiritual leader, mentor, or advisor (where applicable)*

Phase IV – Alumni

Objective: *Establish a support and mentoring group*

Duration: *3 months; continuous*

Suggested Requirements:

- *Maintain employment and/or attend school*
- *Mentor new YWC clients with sobriety*
- *Attend weekly Alumni Group meetings*

Graduation

Eligibility:

- *Successfully progressed through all phases of program*
- *Maintained sobriety for at least 180 consecutive days*
- *YWC team recommendation for graduation*

...

Cultural Division

Description: *Tribally specific cultural healing and traditional knowledge intervention initiative for ongoing treatment and recovery of clients and their families.*

Requirements: *Depending on the level of cultural engagement, readiness, and desire, clients will be placed at different levels for their case planning.*

Level I – Cultural Engagement

Peer Counselors – *individuals involved in ceremonial and/or cultural activities that demonstrate leadership skills. The Peer Counselors will work primarily with youth and young adults.*

Related Activities:

- *Cultural awareness building*
- *Yurok teachings*
- *Instruction on traditional knowledge*

Level II – Cultural Competencies and Traditional Skill

Cultural Advisors – *recognized cultural artisans, linguist, and other individuals with proficient skills and acquired knowledge of Tribal customs and traditions.*

Related Activities:

- *Survival skills*
- *Construction of equipment, tools, and related accoutrements*
- *Food gathering, production, and processing*
- *Traditional hunting*
- *Fishing skills*
- *Ceremonial regalia making*
- *Language acquisition*
- *Cultural awareness building*
- *Development of a positive self and tribal identity.*

Level III – Traditional Health and Healing

Traditional Practitioners – *respected elders, dance leaders, ceremonial leaders, and cultural caregivers. To ensure maximum effectiveness, the Yurok Wellness Court might petition the Yurok Tribal Council and seek formal certification or credentialing of Traditional Practitioners for their tribally specific knowledge and expertise.*

Related Activities:

- *Teachings of traditional laws and custom*
- *Cultural and gender-specific life ways*
- *Tribal ceremonies protocol instruction*
- *Intergenerational guidance on personal, family, and socio-cultural wellbeing*
- *Oversight of family mediation and reconciliation*

Eastern Band of Cherokee

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

Levels of The Tribal Drug Court Program

The Cherokee Tribal Drug Court Program is divided into seven phases to correspond with the seven clans of the Eastern Band of Cherokee Indians. These phases are named after each clan in alphabetical order.

1. **Bird Clan:** This phase encompasses the Cherokee Court Trial Judge's determination that the criminal defendant is potentially eligible for Tribal Drug Court and the initial order referring the defendant to the Tribal Drug Court Program.
2. **Blue Clan:** This phase encompasses the time in which the referred participant:
 - Receives his or her initial review, criminal record check, and Substance Abuse Assessment from Analenisgi,
 - Receives his/her orientation about the Tribal Drug Court program from the case manager, if he/she is eligible to continue, and;
 - Receives his/ her review and acceptance into the program by the Tribal Drug Court Team.
3. **Deer Clan:** This phase consists of a stabilizing period, which includes at least 90 Days of continuous sobriety.
 Minimum Requirements:
 - A. Attend one Drug Court session per week;
 - B. Provide random drug screens which reflect no use of alcohol or illegal drugs;
 - C. Attend all assigned documented Alcoholic Anonymous (**AA**) Narcotic Anonymous (**NA**) meetings; Begin a 12-step Recovery Program; obtain a sponsor;
 - D. Attend all assigned group, family, and/or individual counseling sessions;
 - E. Develop a payment plan for court obligations;
 - F. Remain in court-approved stable housing;
 - G. Maintain court-approved employment, training, and/or education referrals;
 - H. Write daily journal assignments which are submitted to the Judge;
 - I. Comply with any necessary medical referrals;
 - J. Learn to speak and write their name in the Cherokee language;
 - K. Maintain daily phone contact with case coordinator or program coordinator by providing a phone message with date, time, and name. Restricted numbers will not be accepted;
 - L. One office visit per week.
4. **Longhair Clan:** This phase encompasses an educational period, which includes 90 days of continuous sobriety.
 Minimum Requirements:
 - A. Attend one Drug Court session every week;
 - B. Provide all assigned drug screens each week, which will reflect no use of

- alcohol or illegal drugs;*
- C. Attend all assigned documented AA/NA meetings;*
- D. Attend all assigned group, family, and/or individual counseling sessions;*
- E. Continue a payment plan to satisfy any court obligations;*
- F. Maintain court-approved housing;*
- G. Maintain court-approved employment, training, and/or educational referrals;*
- H. Turn in daily journal assignments;*
- I. Read a cultural book every two weeks and turn in a report to the Judge;*
- J. Maintain daily physical activity, which is reported to the Judge;*
- K. Perform at least one good deed every week to be reported to the Judge;*
- L. Maintain regular contact with sponsor and continue work on a 12-step program;*
- M. Write a paper on three (3) things they have learned about themselves;*
- N. Maintain daily phone contact with case coordinator or program coordinator by providing a phone message with date, time, and name. Restricted numbers will not be accepted;*
- O. Attend office visit every week*

5. **Paint Clan:** *This phase covers life skills, including 90 days of Continuous Sobriety.*

Minimum Requirements

- A. Attend one Drug Court Session every other week;*
- B. Provide all assigned drug screens each week, which will reflect no use of alcohol or illegal drugs;*
- C. Attend all assigned documented AA/NA meetings;*
- D. Attend all assigned group, family, and/or individual counseling sessions;*
- E. Continue payments to court obligations;*
- F. Maintain court-approved housing;*
- G. Maintain court-approved employment, training, and/or educational referrals;*
- H. Turn in daily journal assignments;*
- I. Read a cultural book every two weeks and turn in a report to the judge;*
- J. Maintain daily physical activity which is reported to the Judge;*
- K. Do at least one good deed every two (2) weeks and report to the Judge;*
- L. Maintain regular contact with sponsor and continue work on the 12-step program;*
- M. Interview a cultural leader or elder (presentation determined by team);*
- N. Maintain phone contact two (2) times week;*
- O. Attend an office visit every other week.*

6. **Wild Potato Clan:** *This phase encompasses a self-motivational period which includes 90 days complete sobriety.*

Minimum Requirements:

- A. Attend one Drug Court session every three (3) weeks;*
- B. Provide all assigned drug screens each week, which reflect no use of alcohol or illegal drugs;*
- C. Attend all assigned documented NA/AA meetings;*
- D. Attend all assigned group, family, and/or individual counseling sessions;*
- E. Pay remainder amount of court obligations;*
- F. Maintain court-approved housing;*

- G. *Maintain court-approved employment, training, and/or educational referrals;*
- H. *Turn in journal assignments;*
- I. *Read a cultural book and turn in a report to the Judge;*
- J. *Maintain regular contact with sponsor and continue to work on a 12-step program;*
- K. *Do at least one good deed and report to the Judge;*
- L. *Mentor a new Drug Court participant and/or group session;*
- M. *Complete an exit calendar, exit interview, and plan for aftercare;*
- N. *Demonstrate tribal, cultural skill to participants;*
- O. *Obtain GED or High Skill equivalency;*
- P. *Attend graduation, and present a speech on what the program meant to you.*

7. **Wolf Clan: AFTERCARE**

Participants are required to be available for 3 months after graduation to serve as a mentor for new participants or group session and/or perform public speaking as requested by the program. Aftercare also involves continued attendance at AA or NA meetings, regular graduate support groups that continue to work on relapse prevention, alumni social meetings, and random urine screens or breathalyzers if requested by staff or the Cherokee Tribal Drug Court Judge. Graduates shall notify the Cherokee Tribal Drug Court Team of any changes in address or employment status and contact the office at least once a year for 5 years for statistical purposes.

Graduates of the program are encouraged to call the Cherokee Tribal Drug Court if they are struggling in their sobriety or are experiencing other crisis situations. A Case Manager, Program Coordinator or SA Treatment Counselor will be available to address the issues and offer assistance to support.

If graduates fail to meet the requirements of aftercare, the Tribal Drug Court Judge may then order the graduate to continue participation, or in some cases, revoke the conditional discharge from probation.

Attendance at all appointments will be verified through communication with the Tribal Drug Court Staff and the agency providing the services.

The case(s) is then placed on the Cherokee Tribal Court criminal docket for sentencing proceedings.

Relevant Sample Forms

**NAVAJO NATION JUDICIAL BRANCH
DANA Drug Court Spiritual Advisement Consent Form**

I, _____, have read and understand the requirement for my participation in the Navajo Nation Drug Court Program.

I “agree” to participate in the Traditional and non-Traditional as a “client” to seek spiritual advisement from a Traditional Practitioner, Native American Church (NAC), or a Non-Traditional provider (Church).

I understand that my family and I are responsible for payment of fee(s) for Traditional and NAC Prayer Services. And, I understand in the event the participation consent is not honored in Phase I or II, I can be sanctioned by the District Court.

It is the client’s responsibility to approach the Traditional practitioner, NAC Road Man, or Non-Traditional to gain their signature to verify participation.

Recommendation by Spiritual Advisor.

Client’s Signature

Spiritual Advisor’s Signature

Drug Court Officer

Date of completion

**Judicial Branch of the Navajo Nation
 Shiprock District Court
 D.A.N.A. Drug Court Referral to Peacemaking Division**

Referral Date: _____ Referred to: _____
 (Name of Peacemaker Liaison)

Name of Client: _____ Census #: _____ DOB: _____

Mailing Address: _____

Note: Peacemaker Liaison will fill in items A to E and return form to DANA Drug Court Officer.

- A. Purpose of Peacemaking Session:

- B. Names of family members, Treatment Provider, and significant others that attended session:

- C. If a Treatment Plan Provided by Treatment Provider: (Yes or No) If Yes, see recommendation listing, or if client declines participation, provide statement:

- D. Peacemaker’s Fee: \$60.00 per session. Did DANA Drug Court Client agree to pay for fee: (Yes or No)

- E. Was the Peacemaking Session a success? What was resolved? Will Peacemaker provide written report for client?

Drug Court Officer: _____	Date: _____
Peacemaker Liaison: _____	Date: _____
DANA Drug Court Client: _____	Date: _____
Treatment Provider: _____	Date: _____

Section C: Sanctions, Incentives, and Termination

Purpose

The purpose of this section is to clearly describe, and to put participants and their families on notice of, how the system of sanctions and incentives will work, and what will trigger sanctions and program termination. The National Drug Court Institute recommends that infractions be concretely defined, with the permissible range of sanctions that can be imposed for certain types of infractions clearly specified, in the written Policies and Procedures Manual (P&PM).³⁹

Concrete information about the grounds for termination should also be clearly described in the P&PM. Failure to specify the grounds for termination up front may lead to a due process challenge whereby a participant can argue that he or she faces a loss of liberty without adequate notice. The Healing to Wellness Court team should consider what behaviors might lead to immediate termination from the Wellness Court (e.g., behaviors that jeopardize public safety or threaten the welfare of staff members or other participants, DUI, dealing drugs to other participants in the program, threatening the staff, etc.). Less serious infractions would be typically punished on a graduated or escalating basis with termination being the last sanction on the graduated scale (e.g., steadily increasing sanctions for each alcohol-positive urine test).

Below is an excerpt of how sanctions and incentives work from *Tribal Healing to Wellness Courts: The Key Components*, Key Component 6: Sanctions and Incentives, to facilitate analysis of your Wellness Court's sanction/incentive structure.

The drug court model was designed to use strategies to respond to participant behavior, for example to reward positive behavior and sanction negative behavior. The goal is to have participants successfully comply with and complete the Tribal Healing to Wellness Court requirements and their individual treatment plans. The primary focus has been on how such incentives and sanctions are applied in the courtroom. But drug court professionals stress that such measures should also be applied in treatment, probation, and case-management settings. The basic techniques break down into positive reinforcement methods and sanctions. Positive reinforcement methods (incentives) are associated with promoting sustained behavior change, and sanctions are associated with short-term effects (hours or days) when a behavior "cannot be permitted to recur and must be squelched quickly in the interest of public safety."⁴⁰ Tribal Healing to Wellness Court teams can and should model incentives and sanctions in culturally appropriate ways. Each community is distinct, and what may be an incentive in one community may be

³⁹ Quality Improvement for Drug Courts: Evidence -Based Practices, Subchapters on "Application of Sanctions," pp. 113 - 114, Monograph Series 9, National Drug Court Institute (2008).

⁴⁰ National Drug Court Institute (NDCI), *Quality Improvement for Drug Courts: Evidence-Based Practices*, "Motivational Incentives in Drug Courts," MONOGRAPH SERIES 9, 101-104, 109-114 (2008); see also *id.* at "Motivational Incentives in Drug Courts" and "Application of Sanctions," 97 and 107, respectively.

irrelevant in another. Evaluating the value of items and activities to the community base will provide the Tribal Healing to Wellness Court team with several tribally appropriate motivational options for rewarding (incentivizing) or sanctioning participant behavior.

Positive Reinforcement Methods—“The point of motivational incentive programs is to bring the benefits of abstinence forward in time by providing tangible and immediate rewards.”⁴¹ The original model was a “voucher system” model in which points could be earned each time a negative drug test was submitted.⁴² The points had a monetary value and could be used to purchase retail goods (for example, clothing and sports equipment) and services (for example, rent or bill payments) with the staff making the purchases. A later version called a “fishbowl system” varied the model in order to lower costs. In the fishbowl system, participants could draw a slip of paper from a bowl each time they submitted a drug-free test, with a chance of winning prizes that were displayed on site. Both systems have been shown to promote sustained abstinence in treatment settings. Drug courts are now applying this approach (using low-cost, prize-based motivational incentives) in order to achieve other goals, such as improved attendance and adherence to treatment goals. The principle of positive reinforcement is thought to promote desired behavior while “fostering a more positive and celebratory atmosphere.” Three basic steps are followed in implementing a successful positive reinforcement intervention: (1) selection and definition of target behaviors (for example, keeping regular status hearing dates, giving urine samples on demand, attending self-help meetings, and remaining abstinent); (2) identification of effective “reinforcers” (for example, prizes, vouchers, verbal praise, and social support); and (3) development and implementation of a plan that ensures immediate, reliable, and consistent application of the intervention.⁴³

Evidence-Based Practices in Nontribal Drug Courts: Incentives⁴⁴

1. Positive reinforcement should be incorporated into all levels of the drug court program.
2. Reports to the judge should highlight the success and accomplishments of participants.
3. The judge should deliver praise for accomplishments at all status hearings.
4. In courts with more resources, tangible incentives (for example, vouchers, gift cards, or prizes) should be incorporated into the system at drug treatment, probation, case-management, and courtroom levels to reinforce regular attendance and drug abstinence in each of these settings.

Sanctions—“Generally speaking, rewarding desired behavior is more effective and efficient than punishing undesired behavior for improving client outcomes . . . sanctions may bring with them a host of negative side effects and their influence tends to be fleeting once control over the client has ended. Nevertheless, some behaviors cannot be permitted to recur and must be squelched quickly in the interest of public safety.”⁴⁵ Sanctions, when

⁴¹ *Id.* at 99.

⁴² *Id.*

⁴³ *Id.* at 99–100.

⁴⁴ *Id.* at 103–4.

⁴⁵ *Id.* at 109.

administered correctly and in combination with adequate treatment and incentives for sobriety, are thought to be effective at reducing substance use and crime.

Administering sanctions correctly requires attention to eight attributes:

(1) Specificity—Clients need to have advance notice about the specific behaviors that may trigger a sanction;

(2) Certainty—It is important to closely monitor a participant’s treatment attendance, substance use, and criminal activity on a continuous basis in order to ensure that infractions are detected and elicit an appropriate consequence;

(3) Second Chances—Giving a participant a second chance before administering a sanction reduces the certainty that sanctions will be applied, which in turn reduces their efficacy;

(4) Immediacy—A participant’s performance must be evaluated frequently and sanctions applied quickly because the effects of sanctions degrade within only hours or days of an infraction;

(5) Magnitude—Sanctions tend to be least effective at the lowest and highest magnitudes and most effective within a moderate range;

(6) Therapeutic Response versus Punitive Sanctions—A controversy exists about whether an increase in treatment requirements should be treated as a sanction for misbehavior (for example, sends negative signals about treatment and interferes with the “therapeutic alliance”);

(7) Behavior Shaping—Distinguish between short-term and long-term goals and apply sanctions accordingly (excessive demands on clients can overwhelm them and cause them to give up); and

(8) Fairness—Participants are most likely to respond well to a sanction if they feel that they had a fair opportunity to voice their side of the story, were treated in an equivalent manner to similar people in similar circumstances, and were accorded respect and dignity throughout the process.⁴⁶

⁴⁶ *Id.* at 109–13.

Evidence-Based Practices in Non-Tribal Drug Courts: Sanctions⁴⁷

1. Lay the Ground Rules in Advance. Infractions should be concretely defined and the permissible range of sanctions that can be imposed for certain types of infractions should be clearly specified. The information should be memorialized in a written program manual.
2. Monitor Clients Closely. Treatment attendance, substance use, and criminal activity should be carefully monitored on a continuous basis to ensure infractions are reliably detected and responded to. The frequency of urine testing should be the last supervisory burden that is lifted, only after clients have achieved several months of consecutive abstinence in a non-controlled setting.
3. Second Chances Should Be Earned. Sanctions should only be withheld if clients have engaged in concrete actions intended to correct transgressions.
4. Respond to Infractions Promptly. Clients' performance must be evaluated frequently and sanctions applied quickly where indicated. Delays greater than two weeks can substantially reduce the efficacy of sanctions, especially for individuals with more serious drug problems or criminal backgrounds.
5. Use Moderate Sanctions. Sanctions tend to be least effective at the lowest and highest magnitudes and most effective in the moderate range. It is best to have available a range of intermediate sanctions that can be ratcheted upward or downward in response to clients' behaviors.
6. Punish Misbehavior But Treat Dysfunction. Administer punitive sanctions for willful noncompliance with program requirements, but apply remedial or therapeutic responses to insufficient progress in treatment.
7. First Things First. During the early phases of treatment, shape client's behavior by applying higher-magnitude sanctions for failing to satisfy short-term proximal goals, and lower magnitude sanctions for failing to satisfy long-term distal goals.
8. Be Fair. Give clients a chance to explain their side of the story, pay careful attention to issues of equal protection, and always treat clients with respect and dignity.
9. Do Not Rely on Sanctions Alone. The effects of sanctions are unlikely to endure after graduation unless clients also receive positive rewards for engaging in pro-social behaviors that will continue to compete against drug use and crime on into the future.

⁴⁷ *Quality Improvement for Drug Courts: Evidence-Based Practices, Subchapters on "Application of Sanctions," pp. 113-114, Monograph Series 9, National Drug Court Institute (2008).*

Sample Tribal Wellness Court Wording

Fort McDowell Yavapai Nation

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

Suspension

In the event an individual is ordered to enter inpatient/residential treatment while participating in Wellness Court, their participation in Wellness Court will be temporarily suspended while they are in inpatient treatment. The Wellness Court committee will determine if the participant can return to the Wellness Court based on factors which include, but are not limited to, length of time in treatment, successful completion of treatment, recommendations of treatment staff, and clinical reassessment as to eligibility. Progress made by the participant prior to their admission into inpatient treatment will be considered by the committee to determine which phase the participant will return to. Participants who enter an inpatient treatment facility during their Orientation Phase of Wellness Court will start at the beginning of the Orientation Phase after completion of inpatient treatment.

Termination

The goal of the Adult Wellness Court program is for each Participant to successfully work through each of the treatment phases to graduation. However, from time to time, a Participant may be unable or unwilling to commit to the treatment process, and it may be necessary to terminate the Participant from the program.

Voluntary Termination

A Participant may elect to be terminated from the program at any time. The court shall determine that the decision to be terminated from the program is voluntarily, intelligently, and knowingly made. Upon such determination, the case will be referred back to the Tribal Criminal Court and the Prosecutor’s office for entry of the conviction(s) and for sentencing.

Involuntary Termination

A Participant may be involuntarily terminated from the program by a majority vote of the Adult Wellness Court committee at a meeting in which a minimum of 5 committee members is present. Participants are required to actively participate in his or her treatment plan. A Participant who fails to comply with his or her treatment plans and components will receive cumulative termination points through the program. A Participant who obtains a total of 100 points or more shall be automatically terminated from the program.

If the Participant refuses to comply with necessary program requirements, threatens to undermine the integrity of the program, is convicted of a serious crime, or poses a safety concern to themselves or others, he or she may be immediately terminated from the program. If the participant is involuntarily terminated from the program, the judge will automatically set the matter before another judge and appoint defense counsel. The participant has a due process right to a hearing. At the hearing, the coordinator or case manager may be required to testify as to the reasons for termination.

Incentives and Sanctions

Incentive: A positive consequence that is the direct result of and is a reward for the participant's positive behavior.

Sanction: A negative consequence in response to undesirable behaviors by participant that must be predictable, consistent and immediate.

The sanctions and incentives will be applied as soon as possible after notice of the participant's behavior. The principle applied is that the participant should receive the least restrictive sanction based upon prior behavior and sanctioning.

Incentives may include:

*Fishbowl/basket drawing
 Gift cards or certificates
 Encouragement and praise from the bench in open court
 Release from house arrest or curfew
 Certificates of Accomplishment
 Recovery materials (books, mugs, key chains, etc.)
 Decrease in community work service hours
 Event tickets
 Participation in positive community activities
 Decrease in termination points
 Judge discretion, decrease of 1 to 5 points*

Sanctions may include:

*Increase hours of community work service or approved community participation
 Letter or essay writing
 House arrest or curfew
 Home electronic monitoring
 Increase court appearances
 Increase in frequency of direct observation random drug testing
 Repeat a previous or present phase
 Repeat MRT steps
 Lengthen phase
 No contact/no association
 Increase contact with Case Manager/Coordinator
 Termination Points
 Incarceration
 Fines
 Judge discretion, increase of 1 to 10 points
 Termination*

Drug Use Sanctions

Infraction		Sanction								
Drug Use		Minor Sanctions (1-2 Occurrences)		Moderate Sanctions (2-3 Occurrences)		Major Sanctions (3 or More Occurrences)				
Untimely UA with Neg. Results	3 Pts	AND 1 or more of the following:	<ul style="list-style-type: none"> • Admonition • Letter of Apology • Essay • Community Service • Curfew • Increase Contact w/ Case Mgr. • No Contact/ Association • Lengthen Phase • Increase UAs • Repeat MRT Step • Dress Code • Make-up Appointment • Home Monitoring/ GPS • SCRAM X-bracelet • Points 	AND 1 or more of the following:	<ul style="list-style-type: none"> • House Arrest • Home Monitoring/ GPS • Repeat Phase • Increase Contacts w/Case Mgr. • No Contact/ Association • Increase Court Appearances • Increase UAs • Fine • Repeat MRT Step • SCRAM X-bracelet • Includes Minor Sanctions 	AND 1 or more of the following:	<ul style="list-style-type: none"> • Jail • Termination • Includes Minor and Moderate Sanctions 			
Missed UA	5 Pts							5 Pts	10 Pts	10 Pts
Positive UA - Admission of Use Prior to Hearing	3 Pts							5 Pts	10 Pts	10 Pts
Positive UA - Denial of Use Prior to Hearing	5 Pts							10 Pts	5 Pts	15 Pts
Submitting (or attempt) Tainted/Diluted/ Substituted Sample	5 Pts							5 Pts	5 Pts	15 Pts
Misuse of Prescription Drugs/Over the Counter Drugs	3 Pts							5 Pts	5 Pts	10 Pts
Use of Prescription Drug without Proper Notification	3 Pts							5 Pts	5 Pts	10 Pts
Misuse of stimulates, steroids, hormones or other similar products	2 Pts							4 Pts	4 Pts	8 Pts

Relationship Sanctions

Infraction		Sanction					
Relationships		Minor Sanctions (1-2 Occurrences)		Moderate Sanctions (2-3 Occurrences)		Major Sanctions (3 or More Occurrences)	
Violation of Court Order Prohibiting Contact with Another Person	3 Pts	AND 1 or more of the following:	<ul style="list-style-type: none"> • Admonition • Letter of Apology • Essay • Community Service • Curfew • Increase Contact w/ Case Mgr. • No Contact/ Association • Lengthen Phase • Increase UAs • Repeat MRT Step • Dress Code • Make-up Appointment • Home Monitoring/ GPS • SCRAM X-bracelet • Points 	AND 1 or more of the following:	<ul style="list-style-type: none"> • House Arrest • Home Monitoring/ GPS • Repeat Phase • Increase Contacts w/Case Mgr. • No Contact/ Association • Increase Court Appearances • Increase UAs • Fine • Repeat MRT Step • SCRAM X-bracelet • Includes Minor Sanctions 	AND 1 or more of the following:	<ul style="list-style-type: none"> • Jail • Termination • Includes Minor and Moderate Sanctions
Violation of Confidentiality	10 Pts							5 Pts	Termination from Program	10 Pts	Termination from Program

Attendance Sanctions

Infraction	Sanction		
	Minor Sanctions (1-2 Occurrences)	Moderate Sanctions (2-3 Occurrences)	Major Sanctions (3 or More Occurrences)
Late for Court Hearing	2-3 Pts	4-5 Pts	8-10 Pts
Missed Court Hearing	5 Pts	10 Pts	15 Pts
Late for Treatment Session	3 Pts	5 Pts	10 Pts
Missed Treatment Session	3 Pts	10 Pts	15 Pts
Excused from Treatment Session	Make Up Session	Make Up Session	Make Up Session
Failure to Complete Treatment Assignment	3 Pts	5 Pts	10 Pts
Late for Court Ordered Appointment/Activity	2 Pts	4 Pts	8 Pts
Missed Court Ordered Appointment/Activity	5 Pts	5 Pts	10 Pts
Violation of Curfew	3 Pts	5 Pts	10 Pts
Violation of House Arrest/Monitoring System	3 Pts	5 Pts	10 Pts
Missed AA/NA Meeting	1 Pt/ Make Up Meeting	2 Pts/ Make Up Meeting	3 Pts/ Make Up Meeting
Failed to Timely Submit 12 Step Attendance Form	2 Pts	3 Pts	5 Pts
Forging 12 Step Attendance Form	5 Pts	10 Pts	15 Pts
Absconding from Program/Placement (depends upon length)	Gone 1 day to 2 weeks 10-20 Pts	Gone 2 weeks to 6 weeks 30-40 Pts	Gone 6 weeks or more 50 Pts

Behavior Sanctions

Infraction	Sanction		
	Minor Sanctions (1-2 Occurrences)	Moderate Sanctions (2-3 Occurrences)	Major Sanctions (3 or More Occurrences)
Lying	5 Pts	10 Pts	15 Pts
Inappropriate/Disrespectful/Disruptive Attitude or Behavior	5 Pts	10 Pts	15 Pts
Use of Inappropriate language or gestures	5 Pts	10 Pts	15 Pts
Inappropriately Dressed at Court/Activities/Events	3 Pts	5 Pts	10 Pts
Negative Behavior with Police with Admission	2 Pts	3 Pts	5 Pts
Negative behavior with Police without Admission	5 Pts	10 Pts	15 Pts
Missed Court Ordered Appointment/Activity	5 Pts	5 Pts	10 Pts
Unfulfilled Employment/School Requirement Absent Evidence of Good Faith Effort	2 Pts	3 Pts	5 Pts
Unsuccessful termination from inpatient treatment facility or other treatment related facility	5 Pts	10 Pts	15 Pts
Conviction of Non-serious Offense (Class III, IV or V criminal offense/ comparative) or Class C traffic offense/ comparative	3 Pts	5 Pts	10 Pts
Conviction of serious Offense (Class I or II criminal offense/ comparative) or Class A or B traffic offense/comparative -- except use of illegal substance via program UA	AUTOMATIC DISMISSAL FROM PROGRAM		
Threatening Behavior against Participant, Staff, Committee Member or their Family	AUTOMATIC DISMISSAL FROM PROGRAM		

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Incentives

Incentives are responses to compliance, perceived as a positive by the receiver. The Wellness Court Judges will reward participants with incentives for complying with program requirements on the basis of their own discretion and recommendations from the Wellness Court Team. Incentives may include any of the following:

- *Verbal recognition/praise*
- *Applause*
- *Phase advancement*
- *Decreased restrictions (fewer drug tests, fewer Court appearances, etc.)*
- *Court appearance priority given according to Phase Level (Phase 3 clients appear first)*
- *Recovery Days: Fish bowl drawings will be held during Court, giving participants the chance to win various prizes. Participants will have to have attended all groups, treatment, and sober support groups to be eligible for this drawing. There may be other incentives if the Core Team believes the participants have earned additional incentives. Once an incentive is received, per the above, a participant will not be eligible for the same incentive should the client repeat a phase.*

**see attached NDCI Sanctions and Incentives.*

Sanctions

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity. The Wellness Court Judges will impose sanctions on participants on the basis of their own discretion and recommendations from the Wellness Court Team. Sanctions may include any of the following:

- *Verbal reprimands and warnings from the Judges*
- *Verbal or written apology to the Judges or Team members*
- *Community service/additional educational programs*
- *More chemical testing, Court hearings, and/or support meetings*
- *Moved back a phase*
- *Sit in special term Court session*
- *Jail*
- *If a participant absconds from supervision, his/her sobriety days shall be reset to zero.*
- *If a participant "stalls" before any type of testing, his/her sobriety days shall be reset.*

**see attached NDCI Sanctions and Incentives.*

These Sanctions will usually be followed.

However, the Judge has the right to alter any according to the circumstances.

Menominee Indian Tribe of Wisconsin

"Menīpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

VIOLATIONS AND SANCTIONS

Purpose: The purpose of this policy is to outline and advise participants of Menīpaniw. Violations and sanctions imposed so that participants are held accountable and responsible for their own actions.

Sanctions will be administered in a swift and just manner and are under the final decision of presiding Menīpaniw Judge.

Sanction Hearing Procedure:

1. *There are limited due process rights for sanction violations. All sanctions shall be written and filed by the Prosecutor and the supporting evidence attached to the motion.*
2. *The motion shall include the specific Menīpaniw Participant contract violation. Participant shall be given notice of the sanction, the reason for the sanction, and the evidence (attached to the filed motion) support the sanction.*
3. *Defense counsel shall explain the motion and consequence of the sanction. Defense Counsel shall also explain what the Defendant can object to.*
 - a. *If the participant contends that he/she did not engage in the conduct, the Court shall give the participant a hearing with notice of the allegations, the right to be represented by Counsel, the right to testify, the right to cross-examine witnesses and call his or her own witnesses.*
 - b. *If a sanction is contested, the sanction hearing shall take place the same day the motion for sanction was filed by the team. Exception made only when necessary to subpoena clinical staff collector in order to explain specific collection procedure pertaining to that specific participant.*

1. VIOLATION:

Positive drug or alcohol test whether taken at the request of any member of the Menīpaniw Team or as a result of the weekly random tests or alteration of samples or attempting, in any way, to avoid test results that indicate use.

SANCTION:

1ST Offense – Immediate detention (jail) for 24 hours and 4 hours community service.

2ND Offense – Immediate detention (jail) for 48 hours and 8 hours community service.

3RD Offense – Immediate detention (jail) for 10 days and 40 hours community service.

If participant truthfully discloses at the time of the sample collection the circumstances surrounding the use of alcohol and/or drugs, the Menīpaniw Team at its discretion may consider a reduction of up to 50% in detention (jail) and/or community service.

2. **VIOLATION:**
Failure to attend all sessions of the Program or failure to call in within the specified time frames, general 8:00am – 10:00am, without proper notification with approval of the appropriate Menīpaniw staff.
SANCTION:
All Violations – 24 hours detention (jail) and 2 hours of community service.

3. **VIOLATION:**
Any violations of the law including minor traffic tickets and those specifically defined elsewhere.
SANCTION:
Menīpaniw Team will hold staffing, penalties shall include setback in weeks of participation, time in jail, community service, or any other recommendations from the Team.

4. **VIOLATION:**
Participants shall not possess a weapon of any kind while at the Law Enforcement Center, Maehnowesekiyah or while engaged in any Menīpaniw Court activities.
SANCTION:
If a weapon is found on a Participant, the Participant will be immediately terminated from the program, face possible additional charges associated with weapons possession, and the original sentence will be immediately imposed.

5. **VIOLATION:**
Threatening staff or other participants
SANCTION:
Immediate Termination

6. **VIOLATION:**
Dealing/trafficking of controlled substances
SANCTION:
Immediate termination

7. **VIOLATION**
Violation(s) of the Confidential Contract not otherwise specified in above sanction:
 - 1ST Offense – detention (jail) up to 24 hours and/or community service.*
 - 2ND Offense – Immediate detention (jail), 48 hours and 8 hours community service.*
 - 3RD Offense – Immediate detention (jail), 10 days and 40 hours community service.*

8. **ANY OTHER VIOLATION, not specified, with ALL final decision set forth by Presiding Judge of Menīpaniw**

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LEAVING MENĪPANIW – TRANSITION, WITHDRAWAL, & TERMINATIONS

1. **Basis for leaving Menīpaniw**
 - A. *Transition: Participant has successfully complied with the Menominee Menīpaniw Wellness Court Program*
 - B. *Withdrawal and termination at Participant’s request*

- C. *Termination for failure to comply with the Program mandates and guidelines.*
2. *Transition*
Participant has successfully complied with the Menominee Menīpaniw Wellness Court Program
- A. *The Participant shall be nominated for satisfactory completion by the program coordinator or the Probation-Parole Officer of Menīpaniw. A Participant may be nominated if he or she has complied with all of the following:*
- (1) *Participant has remained Drug and Alcohol free for a minimum of 180 AFTER treatment has been successfully completed.*
 - (2) *Participant has committed no crime during the time that he/she is in the Program.*
 - (3) *Participant has satisfactorily completed all required treatment phases of the Menominee Menīpaniw Wellness Court Program.*
 - (4) *Participant has complied with all the requirements imposed on him/her by the Menīpaniw Court.*
 - (5) *Participant has satisfactorily complied with all the requirements of his/her confidential contract.*
- B. *Upon nomination by the Probation-Parole Officer or program coordinator under section 2A the Menominee Menīpaniw Team members shall accept or reject said nomination by majority vote.⁴⁸*
- C. *If the Menominee Menīpaniw Team votes to terminate the participant for satisfactory completion of the Program, the Tribal Prosecutor shall file a motion with the court dismissing the underlying charges with the court and attach the supporting vote of the Menominee Menīpaniw Team signed by its members.*
- D. *Upon presentation of the Prosecutor’s motion above, the Court shall dismiss said charges and allow the participant to withdraw his/her guilty or no contest plea.*
- E. *Upon acceptance of the Prosecutor’s motion, the Court shall present the participant with a certificate of completion at a graduation ceremony.*
3. *Withdrawal/Termination at Participant’s Request*
- A. *At any stage, the participant can request the Court to terminate the program. This request can be made on the following grounds:*
- (1) *The participant no longer wishes to be in the program, and asks the court to impose a criminal sentence not to exceed the maximum sentence for the deferred crimes.*
- B. *The Court retains discretion to grant or to refuse such an application or request.*
- C. *If the Court grants the application or request, the stay shall be lifted, and the sentence shall be imposed by the Tribal Judge.*
4. *Termination after failure to comply with the Program*

⁴⁸ An official vote, by motion or otherwise, shall be recorded in the meeting minutes for reference.

- A. *After program violation, Menīpaniw may consider termination of a program on the application of a team member, prosecutor, treatment provider, or on its own motion.*
- B. *The participant shall be terminated on motion if the participant is arrested and charged with any violent offense in any jurisdiction.*
- C. *A participant shall be administratively terminated from the program if a bench warrant remains outstanding after thirty (30) days after its issue. Absconding for more than thirty (30) days will be treated as a self-termination from Menīpaniw.*
- D. *Menīpaniw will consider termination of the Program if the participant:*
 - (1) *has been unable to progress past a phase within three months of the expected duration of that phase or otherwise demonstrates a lack of commitment to Menīpaniw*
 - (2) *Repeated Program Violations over an extended period of time*
 - (3) *is unlikely to make any further progress because the participant is subject to a treatment plan which appears to be unsuitable, and no apparent highly suitable treatment plan is available*
 - (4) *has absconded thirty days or more on a Menīpaniw warrant. According to the Menīpaniw contract, any individual participant agrees that if they are absent from programming essentials for thirty days or more – at that time the participant is deemed self-terminated, and voluntary elected participation is finished.*
 - (5) *Threatens other Menīpaniw participants, a treatment provider or anyone connected with the Court, or repeatedly disrupts any process related to the participant’s program*
 - (6) *Is in possession of prohibited drugs within the jurisdiction of the Court;*
 - (7) *Is alleged to have committed any criminal offense.*
 - (8) *Any act, conduct, and/or behavior that would affect the safety of the public*
 - (9) *Continued use of alcohol and/or controlled substances during the course of the program*
 - (10) *Selling drugs and/or simulated controlled substances*
 - (11) *Tampering with drug testing*
 - (12) *Any act, conduct, and/or behavior that would undermine the integrity of Menīpaniw*

****this section in no way changes the violations of Menīpaniw explicitly defined as requiring immediate termination from Menīpaniw found in the participant contract or other sections of the Policies and Procedure ****

- E. *Termination shall be considered at a Menīpaniw Team Staff meeting before being determined by the Court and the specific violations shall be given to the team by the member(s) recommending termination. Upon these recommendations, written termination documentation shall be produced or collected by the Menīpaniw Court Coordinator or the respective proponent of termination. These documents shall include the specific violations, sanctions, and evidence of the violations, sanctions, and/or terms of the Menīpaniw contract/participant agreement to be distributed to the team before the final vote. If requested, the person providing the information should be available for questioning by the participant’s legal representative or other members of the Menīpaniw Team.*

- F. A vote for termination shall not occur before the team has reviewed all of the documents mentioned above in D. and/or all of the documents the prosecutor will be attaching in a Motion for Termination.
- G. A participant's legal representative and treatment provider (if any) are to receive reasonable notice from the Menīpaniw that the participant's program is to be considered for termination at a team meeting, and are to be afforded the opportunity of making submission to the Menīpaniw Team meeting, and have adequate opportunity to make submission to the relevant team (orally, in writing, or via conference telephone).
- H. The termination of a participant will be done by a super majority vote of the Menīpaniw Members. The Judge shall not be a voting member for termination.
- I. At no time is a vote decision considered termination from the program. A participant is only terminated by order of the Menipaniw Judge.
- J. If the Court terminates the participant for violating the terms of Menīpaniw for the criteria stated above and in the manner noted in this section, the stayed sentenced that was entered in open criminal court for the underlying drug charge will be lifted.

Eastern Band of Cherokee

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

SANCTIONS

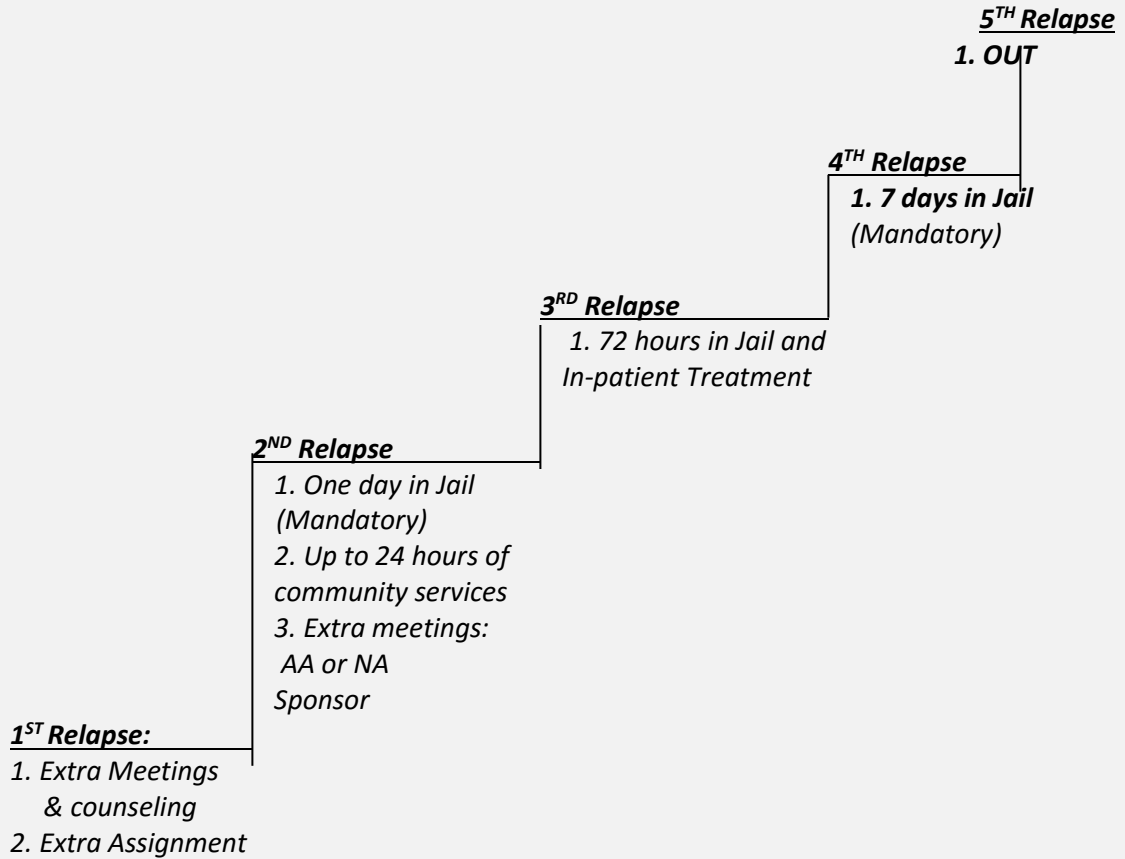
The Cherokee Tribal Drug Court Judge may employ a wide range of graduated sanctions as a result of program violations. It is the responsibility of the participant to comply as ordered, and the responsibility of the Tribal Drug Court Staff to verify compliance.

<u>VIOLATION</u>	<u>SANCTIONS (CONSEQUENCES)</u>
A. Curfew Violation	1 st violation = Curfew moved forward 30 minutes, Must call office phone nightly for 1 week from home phone 2 nd violation = 8 hours community services, Increased call-ins for 1 month 3 rd violation = 24 hours Jail , Write a paper: responsibility
B. Missed office meetings with Drug Court Staff	1 st violation = Extra AA/NA meetings for one week 2 nd violation = 8 hrs. community service and extra meetings for one month
C. Failure to complete assignments and/or extra assignments	1 st violation = 4 hours community services to be completed within a week
D. Missed counseling	1 st violation = Reschedule within 24 hours; attend 2 extra

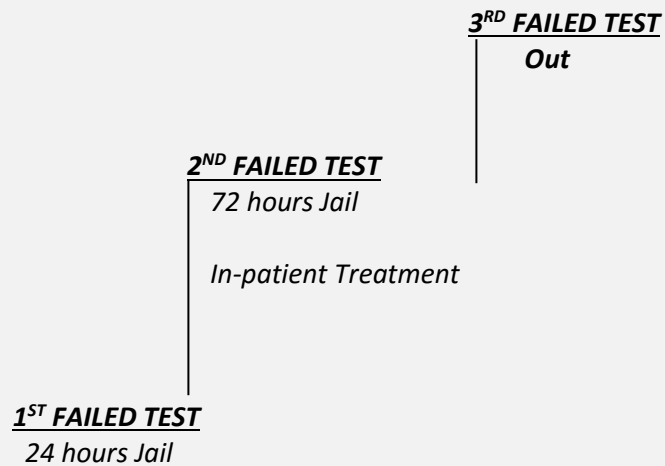
session	meetings within a week 2 nd violation = 24 hours in Jail
E. Failure to Notify Drug Court within 24 hours of change of address or job status	1 st violation = increased meetings to be determined by DC Team
F. Failure to notify Drug Court Team members of contact with Law Enforcement, whether or not a warrant, citation or indictment was issued, within 24 hours of contact	1 st violation = increased meetings or other sanctions determined by DC Team
G. Failure to Notify Drug Court of contact with law enforcement, resulting in warrants, citations, indictments, or new charges for participants	1 st violation = 24 hours Jail
H. Missing AA/NA meeting	1 st violation = 24 hours Jail 2 nd violation = 48 hours Jail & extra AA/NA
I. Missing Court sessions	1 st violation = 24 hours Jail 2 nd violation = 48 hours Jail
*** If participant is late or leaves early for and from meetings, he or she will not get credit and must make up a meeting/session. Must have signature for verification and reason(s). Sanctions will be at the discretion of the Drug Court Team.	
J. Failed Drug/Alcohol Test	1 st violation = 24 hours Jail & increased AA/NA 2 nd violation = 72 hours Jail & inpatient treatment 3 rd violation = Terminated from program
If defendant leaves the treatment facility early, it is considered a violation and defendant will be terminated.	
K. Relapses: will continue to carry the sanctions outlined on the Chart for Relapse Consequences.	

<p><u>Relapse Definition</u>: To fall or slide back into former state; to regress after partial recovery from illness; to slip back into bad ways. <u>Self-reported</u> (admitting prior to tests that defendant has used)</p>	
<p>L. Abscond from Drug Court:</p>	<p>Violation: Four weeks: warrant issued, terminated from program. Can be incarcerated up to 60 days, sanctions must be completed before terminated from program.</p>
<p>M. Forged Slips:</p>	<p>1st violation = Phase back 2nd violation = Terminated</p>
<p>N. Sanctions for any other violation of the policy and procedures manual will be determined by the Drug Court Team. Community service, jail time, extra assignments, or combination thereof will be given as determined to be in the best interest of the individual participant.</p>	
<p>O. Defendant's termination from Drug Court will not be effective until defendant completes all sanctions given by Drug Court Team.</p>	
<p>P. Defendants who are remanded to Jail will be responsible for jail fees and sign a volunteer garnishment from their Per Capita as restitution to the Cherokee Police Department for such fees.</p>	

**Consequences for Relapses
(Voluntarily Reported)**



Consequences for Failed Drug /Alcohol Test



Incentives:

Verbal encouragement (from Judge and team)
 Gimmicks, pens, pins, t-shirts, cups, tokens
 Public graduation and advancement ceremonies
 Gift cards
 Gas Cards
 \$2 bills
 Dinners
 Cook outs - outings with family/children

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Incentives and Sanctions

Sanctions and incentives are developed and applied to guide participants' compliance and change destructive or illegal behaviors. Sanctions or incentives are administered in a graduated manner to direct participants toward compliance and guiding them on their healing to wellness journey. The Waabshki-Miigwan Team has laid out the possible Incentives and Sanctions in the Waabshki-Miigwan Policies. Sanctions will be applied when a participant fails to comply with the terms in the Client Contract. Conversely, incentives are given when participants are meeting program requirements, test clean, exhibit good behavior, and graduate through the phases of the Waabshki-Miigwan Program. Members of the team recommend sanctions and incentives to the judge, who makes the final decision. All sanctions and incentives will be applied immediately.

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Sanctions and Incentives

The Waabshki-Miigwan Program utilizes a variety of rewards to recognize and reinforce progress, and applies a range of sanctions to address noncompliance. Behavior that results in a reward or a sanction will be addressed at status review hearings. Since sanctions are most effective when applied immediately, participants who have violated the terms of the client contract will be required to report in person at the next scheduled Drug Court hearing to accept the resulting penalty.

Participant rewards may include:

- a. Encouragement and praise from the Drug Court Judge;*
- b. Applause and praise by the Drug Court Team in hearing;*
- c. Ceremonies and progress patches or certificates of progress;*
- d. Decreased frequencies for court appearances;*
- e. Decreased drug and alcohol testing;*
- f. Overriding imposed drug court sanctions when appropriate, and at the direction of the judge;*

- g. Restoration of lost privileges;*
- h. Gifts from the Tribal Court;*
- i. A reduction in assigned court fees;*
- j. Graduation ceremonies; and*
- k. Other rewards as determined by team.*

Participant sanctions may include:

- a. Warnings and admonishments by the Drug Court Judge in open court;*
- b. Increased frequency in court appearances;*
- c. Increased frequency of AA meetings;*
- d. Increased frequency of drug testing and/or breath testing;*
- e. Inpatient treatment program;*
- f. Assignment to a work detail;*
- g. Increased supervision by Tribal Probation;*
- h. Tether or SCRAM unit;*
- i. A halt in weekly progress through the program (phase freeze);*
- j. Escalating periods of jail confinement;*
- k. Termination from Drug Court and referral to the Tribal Prosecutor for re-sentencing; and/or,*
- l. Other sanctions determined by team.*

Restorative Choice is an optional incentive for participants who would like to restore any non-compliance penalty imposed by the program or any misbehavior/action while in the program. The Restorative Choice may include additional wellness activities or any other activity approved by the Waabshki-Miigwan Team. Clients must always complete the tasks assigned in the Waabshki-Miigwan Program Workbook in order to graduate.

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Disqualification/Termination Criteria

Enrollment and participation in Waabshki-Miigwan is an opportunity for an eligible participant to overcome his/her drug and/or alcohol dependence. Participants may be disqualified from program entry, continuation, or graduation if it is in the best interest of the community, and/or the credibility of the LTBB Tribal Court to do so. Examples include:

- a. Committing a crime of violence;*
- b. Co-occurring disordered clients whose mental illness is so severe as to prevent active and full participation;*
- c. A demonstrated lack of capacity or willingness to engage in treatment and comply with the conditions of probation;*
- d. Continuing criminal activity;*
- e. Acts of violence while participating in LTBB Tribal Court Programs; and/or*
- f. Continued positive drug/alcohol screens.*

Yurok Tribal Court*"Wellness Court Program Guide" (July 2010)***Sanctions and Incentives**

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


Sanctions	Incentives
<i>Observe other Court Proceedings</i>	<i>Family Involvement</i>
<i>Increase UA Testing</i>	<i>Cards and notes</i>
<i>Increase Time in Phase</i>	<i>Gift Card and/or Certificates</i>
<i>Verbal and/or Written Apologies to Judge and Team</i>	<i>Yurok Memorabilia</i>
<i>Journaling and/or Essays</i>	<i>Medicine/Root</i>
<i>Return to Lower Phase</i>	<i>Books (inspiring, native specific, etc.)</i>
<i>Fines</i>	<i>Family Pictures</i>
<i>Lengthen time in program</i>	<i>Sweets (cookies, cakes, etc.)</i>
<i>Assignment to Tribal Elder</i>	<i>Smoked Salmon</i>
<i>Home visits</i>	<i>Recognition Dinner Involving Family and Community</i>
<i>Termination from Program</i>	<i>Praise from the Judge and team</i>
<i>Community Service</i>	<i>Wave certain fines/fees</i>
	<i>Lunch/Dinner with Judge</i>
	<i>Graduation</i>
	<i>Phase Reduction</i>
	<i>Less Supervision</i>
	<i>Involvement in Traditional Activities</i>

Section D: Graduation

Purpose

The purpose of this section is to clearly describe, and put participants and their families on notice of, what is required for program graduation. Describing the requirements for graduation from Healing to Wellness Court could be the description of an accumulation of the phases, or an entirely separate graduation packet.

NDCI Graduation Criteria⁴⁹



Many factors may be considered in determining graduation criteria. The most common criteria include a specified duration of "clean" time (i.e., a consecutive interval of sobriety as confirmed by negative urine drug screens). Evidence suggests that ninety days of consecutive sobriety is minimally necessary to predict sustained abstinence, but many programs require four to six months or more of sobriety to increase the confidence that participants will maintain their gains over the long term. In addition, graduation requirements often include payment of victim restitution and court fines or fees (if applicable), successful completion of all treatment requirements, obtaining a job or pursuing an education, and securing a stable residence. With all of these requirements, the team must ensure that adequate resources are available and accessible in the community to make obtaining these goals possible. No drug court should set its participants up for failure by making unreasonable demands. When balancing the reasonableness of drug court requirements, the team will need to consider the required length of the program and whether the graduation requirements can be reasonably accomplished during that period of time. Research has indicated that programs with set lengths of roughly twelve to sixteen months tend to have higher success rates than programs of lesser or greater duration. It may help the team to map out the time requirements on a calendar to gain a clear visual of what the drug court demands. If drug court participants are required to hold down full-time jobs, attend twelve to sixteen hours of treatment per week, meet with their case managers, provide two or more unscheduled urine specimens per week, and attend court sessions, this may not be realistically possible. To make matters more complicated, many participants may not have a driver's license, may have child care responsibilities, and may not be able to rely on family support. The best way to balance requirements is to have some responsibilities decrease over time while others increase over time.

⁴⁹ THE DRUG COURT JUDICIAL BENCHBOOK (February 2011), National Drug Court Institute, pp. 35-36.

List of Graduation Requirements Across Reviewed Tribal Wellness Courts⁵⁰

1. Make all court appearances and treatment appointments
2. Reach the goals of individual case plan
3. Continued sobriety for 180 consecutive days
4. Complete all phases
5. Complete a community service project
6. Have a continuing care plan that may include community support meetings, mental health care, outpatient counseling, or group
7. Complete all court obligations
8. Have a stable living arrangement with clean and sober relationships
9. Attain high school diploma or GED
10. Obtain driver's license and voter's registration (if applicable)
11. Be gainfully employed or in vocational/academic training
12. Pay restitution
13. Participate in the "Open Talk Project," where they will present their recovery story
14. Complete a graduation questionnaire showing they understand their problems with addiction, criminal behavior, and relapse prevention
15. Complete exit interview
16. Payment of all fees and costs
17. Recommendation for graduation by team
18. Attend graduation ceremony

Sample Tribal Wellness Court Wording

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Commencement Criteria

- The client must prepare their written responses to the graduation questionnaire, which shows that they understand their personal problems with addiction, criminal behavior, and relapse prevention.
- The client must show continued sobriety—no positive tests for 180 consecutive days prior to graduation.

⁵⁰ Taken from the Wellness Court materials of the Eastern Band of Cherokee, Fort McDowell Yavapai Nation, Leech Lake Band of Ojibwe, Little Traverse Bay Band of Odawa Indians, and the Poarch Creek Indian Tribe.

- The client must be gainfully and consistently employed or in vocational/academic training, except in exceptional cases approved by the Team.
- The client must make all scheduled Court appearances and treatment appointments.
- The client must reach the goals of their individual case plan.
- The client must have stable living arrangements with clean and sober relationships.
- The client must have a definitive continuing care plan that may include community support meetings, mental health care, outpatient counseling, or group attendance.
- The client must have completed a community service project that was pre-approved by the Wellness Court Team (for clients enrolled after 6/1/08).
- The client must fulfill all Court obligations.

Commencement

The client will be eligible for commencement from the program when they have successfully progressed through all three phases of the program and completed the pre-graduation questionnaire. The Wellness Court Team will determine when the clients are ready for commencement. At commencement there will be a special ceremony and acknowledgement by the Wellness Court. Commencement ceremonies will occur once a quarter with the location rotating each time. All participants will be expected to attend graduation. Participants will remain on traditional probation for 6 months on a gross misdemeanor and 12 months on a felony.

Little Traverse Bay Band of Odawa

"Waabshki-Miiqwan Court Manual" (January 2011)

Graduation:

Graduation will occur after successful completion of the program. Clients will be required to do an "Open Talk Project" where they will present their recovery story. Members of the LTBB community will attend to hear the client's story and also celebrate the client's success in recovery. A feast will be prepared in the client's honor and a certificate of completion will be awarded at the conclusion of the night. Prior to release from probation, the client must complete an exit interview.

Graduation Requirements

Graduation will occur after successful completion of the program. The Client must complete all Forty-Four Weeks of the Curriculum (A+B+C for 44 weeks). At the end of the forty-four (44) weeks, clients will be required to do an "Open Talk Project," in which they will present their recovery story. Members of the LTBB community will attend to hear the client's story and also celebrate the client's success in recovery. A feast will be prepared in the client's honor and a certificate of completion will be awarded at the conclusion of the night. Prior to release from probation, the client must complete an exit interview.

Phases of Treatment

<i>Pre-Programming: Committee Group Interview, Team Acceptance, Possible In-Patient/Extensive Out-Patient Treatment before admittance.</i>			
PHASE I (Yellow)(Spiritual) <i>Honesty</i>	PHASE II (Red)(Emotional) <i>Humility, Respect</i>	PHASE III (Black)(Physical) <i>Bravery, Love</i>	PHASE IV (White)(Mental) <i>Wisdom, Truth</i>
Learning Level <i>(Detoxification & Beginning Treatment)</i>	Accepting Level <i>(Stabilization & Treatment)</i>	Willing Level <i>(Maintenance & Treatment)</i>	Succeeding Level <i>(Aftercare)</i>
Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 25% Court Costs & Fines Paid, Wellness Projects Complete, 8 Successful Weeks, Team Recommendation</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 50% Court Costs & Fines Paid, Wellness Projects Complete, 10 Successful Weeks, Team Recommendation</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 75% Court Costs & Fines Paid, Wellness Projects Complete, 12 Successful Weeks, Team Recommendation</i>	Phase Graduation Requires: <i>Clean Tests, Meeting Attendance Requirements, 100% Court Costs and Fines Paid, Wellness Projects Complete, 14 Successfully Weeks, Team Recommendation</i>
8 successful weeks a + b + c = successful week	10 successful weeks a + b + c = successful week	12 successful weeks a + b + c = successful week	14 successful weeks a + b + c = successful week
Wellness Projects	Wellness Projects	Wellness Projects	Wellness Projects
Status Hearings 4X/month	Status Hearings 4X/month	Status Hearings 2X/month	Status Hearings 2X/month
PBT's Daily Drug Test 2X/week Minimum	PBT's Daily Drug Test 2X/week Minimum	PBT's Daily Drug Test 1X/week Minimum	PBT's Daily Drug Test Random
1 hr/week physical activity	1 hr/week physical activity	1 hr/week physical activity	1 hr/week physical activity
Case Management & Supervision	Case Management & Supervision	Case Management & Supervision	Case Management & Supervision
<i>Individual Counseling (2 x/week) Educational, Cognitive Behavioral</i>	<i>Individual Counseling (1 x/week) Educational, Other Methodology</i>	<i>Individual Counseling (as needed) Educational, Other Methodology</i>	<i>Individual Counseling (as needed) Maintenance, Other Methodology</i>
<i>Self-Help Meetings 4 x/week</i>	<i>Self-Help Meetings 3 x/week</i>	<i>Self-Help Meetings 3 x/week</i>	<i>Self-Help Meetings 2 x/week</i>
<i>Daily Morning Prayer/Meditation</i>	<i>Daily Morning Prayer/Meditation</i>	<i>Daily Morning Prayer/Meditation</i>	<i>Daily Morning Prayer/Meditation</i>
<i>Step 1</i>	<i>Steps 2 & 3</i>	<i>Steps 4 - 7</i>	<i>Steps 8 - 12</i>
			Develop & Implement Aftercare Plan
			GRADUATION
			Steps 10 - 12

Fort McDowell Yavapai Nation

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

Graduation Requirements

A Participant may graduate from the program upon successful completion of all recommended treatment phases and recommendation of the Adult Wellness Court committee. The Participant will also be required to have all program fees/costs paid in full prior to being released from the program. Fees and costs may include, but are not limited to, drug testing, book fees, home electronic monitoring, SCRAM X monitoring, treatment costs, fines, restitution, and incarceration costs. In addition, the Participant will complete an exit interview with the Case Manager or Program Coordinator.

Eastern Band of Cherokee

"Cherokee Tribal Drug Court - Participant Handbook" (March 2009)

Graduation and Completion of Program

All Tribal Drug Court graduates will receive a certificate at a graduation ceremony. The family of the graduate is invited to attend the ceremony presided by the Tribal Drug Court Judge.

Upon voluntary or involuntary termination from Tribal Drug Court, a participant shall be permanently ineligible to re-enter the Tribal Drug Court.

Upon successful completion of the Tribal Drug Court, the Tribal Drug Court Team may make recommendations to the Sentencing Judge to dismiss all charges.

Poarch Band of Creek Indians

"Poarch Band of Creek Indians Drug Court Program Participant's Manual" (April 2014)

XXII. GRADUATION REQUIREMENTS

An Application for Graduation (Exhibit 14) must be completed by the participant prior to graduation. This Application outlines the goals and objectives that a participant has completed while participating in the program.

The following is a list of objectives that must be met prior to the application for graduation being accepted.

1. Must complete a minimum of 12 months in the Drug Court Program and must successfully complete all phases of the Program.

2. *Must have 180 days without a positive Drug test.*
3. *Must have attended all require Support/Treatment meetings.*
4. *All Group/Individual sessions attended.*
5. *Attain a High school diploma, GED, if applicable.*
6. *Must be attending a higher education program or be employed, if applicable.*
7. *Must obtain a driver's license and voter's registrations, if applicable.*
8. *Must pay all fees paid to Poarch Band of Creek Indians Drug Court.*
9. *Must have attended required status hearings.*
10. *Must pay all restitution.*
11. *Must pay all fines/court cost paid to Tribal Court as ordered.*
12. *Must write an essay based on the participant's experience in the Drug Court Program, his/her accomplishments in the program, goals, and expectations in the future.*
13. *Must participate in a final exit interview with the Drug Court Team.*

All graduating participants are expected to attend a graduation reception to receive their certificate of completion.

Relevant Sample Forms

**CASS COUNTY/LEECH LAKE BAND OF OJIBWE
WELLNESS COURT**

Pre-Graduation Questionnaire

Please answer the following questions in preparation of your graduation from Wellness Court. It is to your advantage to provide as much detail and information as possible when answering these questions.

1. How long have you been clean/sober? _____
2. Do you have a sponsor? _____
3. How long have you had this sponsor? _____
4. What step are you working on currently? _____
5. Has having a sponsor been helpful to you? How?

6. Describe your relationship with your sponsor.

7. Besides your sponsor, describe your support system.

8. Are you currently employed? Or currently in school?

9. How long have you been employed/unemployed?

10. What kind of work do you, or could you do?

11. What are your educational plans or goals?

12. Is there room for advancement where you work?

13. Describe your life prior to your entry in the Wellness Court Program.

14. Describe how your life is different today (after Wellness Court).

15. What did you like most about the Wellness Court Program?

16. What did you like least about the Wellness Court Program?

17. Please describe, in detail, the following:

- Two of your 90-day goals

- Two of your 6-month goals

- Two of your 1-year goals

- Do you have "life goals"? How do you intend to attain them?

18. Do you intend to stay alcohol/drug free? Why? How?

19. How do you intend to remain crime free?

20. Describe how your recovery has affected your relationships with others (include your husband/wife, children, parents, sisters/brothers, and close friends.)

21. How will you handle stressful situations?

22. Where do you live? Who else lives with you?

23. What community support meetings are you attending?

24. Do you have any commitments in the 12-step/AA/NA community? _____

Please return this questionnaire to your Wellness Court Coordinator or Probation Agent at least two weeks prior to your proposed graduation date.



**POARCH BAND OF CREEK INDIANS DRUG COURT PROGRAM
Application for Graduation**

Name: _____ Reviewed by: _____

Address: _____ Date Packet Issued: _____

Phone: _____ Date Submitted: _____

On a separate sheet of paper, answer the following questions. Use white, standard size paper, single-sided only. Please use pen (blue ink only) or type your responses. Include the questions, then the answer.

It is to your advantage to provide as much detail and information as possible when answering these questions. Make sure your name is on every page and remember this is a reflection of your time spent in the Poarch Band of Creek Indians Drug Court.

1. *List and explain the goals you have set for yourself after graduation.*
2. *Explain how you plan to avoid the “people/places/things” that may be your relapse triggers.*
3. *What are your future home and job plans?*

Self-Assessment

1. *Complete an essay explain what Drug Court has done for you and how you are benefiting from it.*

After you have completed the above, turn into your Addictions Counselor.

To be completed by Probation Officer/Case Manager and Addictions Counselor:

	PO	Counselor
A minimum of 12 months in the Drug Court Program	_____	_____
Six months clean time	_____	_____
All required support meetings attended	_____	_____
All group/individual sessions attended/ all treatment assignments completed	_____	_____
High School Diploma or GED attained, if applicable	_____	_____

	PO	Counselor
Obtained driver’s license and voter’s registrations, if applicable	_____	_____
All fees paid to Poarch Band of Creek Indians Drug Court	_____	_____
All required status hearings attended	_____	_____
All restitution paid	_____	_____
All fines/court costs paid to Tribal Court as ordered	_____	_____
Completion of written essay outlining the participant’s experience in the Drug Court Program, his/her accomplishments, goals, and expectations in the future	_____	_____

Counselor Comments:

Counselor Recommendation:

Approve: _____ Deny: _____ Signature: _____

Probation Officer/ Case Manager Comments:

Probation Officer/Case Manager Recommendation:

Approve: _____ Deny: _____ Signature: _____

ORDER

It is ORDERED that the Participant’s request to graduate:

_____ is denied.

_____ is granted

Signature of Drug Court Judge

Date

Chapter 5: The Judge and Wellness Court Staffing and Hearings

Overview

The sections of the Policies and Procedures Manual (P&PM) governing the role of the Judge, the purpose and process of the Healing to Wellness Court case review meetings (a.k.a. “staffings”), and the Wellness Court hearings are implicated by Key Component 7 - Judicial Interaction.

The success of a Wellness Court hinges upon the team’s ability to meet regularly and effectively. At the staffing, team members gather to report to each other and discuss the progress of each participant. Without a structured meeting format, even a small docket can consume an entire afternoon of endless discussion. It is the role of the Judge to lead these meetings effectively. However, in Wellness Court the Judge is no longer the sole arbiter, but a member of a non-adversarial team. The Judge thereby exudes good team membership.

At the hearings, the Judge represents the team’s consensus on how the participant is progressing, and whether an incentive or sanction is warranted. Judges have good relationships with the participants while holding participants accountable for their actions.

The P&PM outlines the structure of the hearings and the staffings, providing notice of expectations to all of the team members. It can additionally establish the expectations of the Judge in order to assist judicial turnover and unfamiliarity with Wellness Court philosophy.

Relevant Key Components

Key Component #7: Judicial Interaction

Ongoing involvement of a Tribal Healing to Wellness Court Judge with Tribal Wellness Court team and staffing, and ongoing Tribal Wellness Court Judge interaction with each participant are essential.

Findings from NIJ Tribal Wellness Court Study: Key Component

Problems Identified:

- (1) The original judge left and was replaced by a judge who did not practice Tribal Wellness Court principles or who was not a team player.

Lessons Learned:

- Choose a judge for Tribal Wellness Court who understands and practices Tribal Wellness Court philosophy. The judge makes or breaks the Tribal Wellness Court; not every judge can relinquish the traditional role of sole arbiter and be a team player.

Strengths & Weakness Reported in the First Four Tribal Wellness Courts⁵² Key Component #7: Judicial Interaction

Strengths	Weakness
<ul style="list-style-type: none"> • First & second judges team players • First judge catalyst for WC • Judge’s good relationship with participants 	<ul style="list-style-type: none"> • Judge not integral member of the team • Third judge not perceived as team player • Current judge perceived by some as too lenient

⁵¹ Gottlieb, “Lessons Learned in Implementing First Four Tribal Wellness Courts,” 40.

⁵² “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” (December 30, 2005), “Process Outcome Evaluations of the Poarch Band of Creek Indians Drug Court” (December 30, 2005).

Section A: Judicial Supervision

Purpose

The purpose of this section is to clearly describe the role, function, and what might be expected of the Healing to Wellness Court Judge in case reviews, Wellness Court hearings, decision making, and so forth

The National Drug Court Institute focuses on nine "core competencies" for Drug Court Judges. See Chapter 3, Section B: Team Roles and Responsibilities. Consistent with these core competencies, a Drug Court Judge is expected to possess or acquire skills as a leader, communicator, educator, community collaborator, and institution builder. For a detailed discussion of each of these roles, see Chapter 3, The Roles of the Drug Court Judge in the NDCI Drug Court Judicial Benchbook.⁵³ Below are excerpts of relevant segments on "Judge as Leader" and "Judge as Communicator."

Excerpts from NDCI's 'The Roles of the Drug Court Judge'⁵⁴
Judge as Leader
(citations omitted)

II. [§3.2] JUDGE AS LEADER

The author Ken Kesey observed: "You don't lead by pointing and telling people some place to go. You lead by going to that place and making a case." While putative leaders imagine that leadership can provide power, control, or perks, the actual role of a leader consists of empowering others, helping others fix problems, and serving others. At least three core competencies directly relate to the judge as leader. The cornerstone of the drug court is a team of professionals, which is led by the drug court judge. As a team member, the drug court judge is fully committed to the program mission and goals and works as a full partner to ensure program success.

...

The role of the judge at staffings and in the courtroom is being the first among equals. Core Competency 2 requires that the judge be at the forefront in identifying appropriate sanctions during the planning stage and in selecting and delivering motivational consequences during the operational stage. At the planning stage the judge should:

- Discuss with the team when staffings will convene;
- Participate in client staffings;
- Preside over court sessions;

⁵³ THE DRUG COURT JUDICIAL BENCHBOOK (February, 2011), pp. 45-61, National Drug Court Institute.

⁵⁴ *Id.* at 47-53.

- Learn science-based principles regarding the development and use of incentives and sanctions;
- Explore, along with the team, community resources available for the imposition of incentives (e.g., gift certificates for local businesses) and sanctions (e.g., community service at local animal shelter);
- Participate in the development of incentives and sanctions to be used in the drug court program.

Once the court becomes operational, the judge should:

- Participate in scheduled staffings to review progress of participants;
- Preside over court sessions;
- Solicit information regarding the participant's progress from every team member in attendance;
- Remain abreast of research regarding behavior modification techniques and the imposition of incentives and sanctions;
- Impose incentives and sanctions that are consistent while considering the individual needs of each drug court participant;
- Establish separate meetings to ensure that policy and staffing issues are discussed;
- Deliver coordinated response to participants in the courtroom.

...

Drug court judges simply do not give up their discretion or independence. Ultimately, when a consequence has to be imposed due to a drug court participant's noncompliant behavior, it is the judge's decision, after giving due consideration to the merits of the other team members' input.

Excerpts from NDCI's *The Roles of the Drug Court Judge*⁵⁵ **Judge as Communicator** (citations omitted)



III. [§3.3] JUDGE AS COMMUNICATOR

Several of the core competencies touch on the needed communication skills of the judge, including Competency 2: the judge as sanction and incentive advocate, and Competency 6: the judge as program promoter. Deserving of singular attention is the relationship between the judge and the drug court participant. Some have described it as therapeutic. Detractors complain that drug court judges are acting as amateur psychiatrists. What separates drug court judges from traditional judges is training in addiction, understanding how to motivate behavior change, and simple empathy.

...

It is not only the type and magnitude of the consequence for (non)compliance that shapes

⁵⁵ *Id.* at 47-53.

a drug court participant's behavior in the future. The court's interaction with the participant and the delivery of the response also impact a participant's subsequent performance. People interacting with the judiciary believe they will be treated fairly because such treatment will produce an equitable result. The touchstone of the court's interface with the drug court participant should be procedural fairness. Individuals who receive a negative outcome in court are much more likely to accept the result if they perceive they were treated fairly by the court. The keys to procedural fairness are fourfold:

Voice. The ability to participate in the case by expressing their viewpoint.

Neutrality. Consistently applied legal principles, unbiased decision makers, and a "transparency" about how decisions are made.

Respectful Treatment. Individuals are treated with dignity and their rights are plainly protected.

Trustworthy Authorities. Authorities are benevolent, caring, and sincerely trying to help the litigants. This trust is garnered by listening to individuals and by explaining or justifying decisions that address each litigant's needs.

...

Additionally, the judge must be cognizant of the audience of drug court participants. Drug courts frequently use court progress hearings to illustrate lessons to audience participants who are waiting to have their case called. Perceived unfairness impacts not only the recipient but also those who observed the alleged injustice. To avoid an appearance of unfairness, it is critical that the drug court judge explain the basis for the decision. Initially, the judge should discuss various factors during the staffings when selecting a particular sanction or incentive, such as the severity of the participant's addiction, mental illness, criminal background, response to treatment and program compliance or noncompliance. Advanced trainings by NDCI on sanctions and incentives recommend that when the judge delivers a consequence, the court should review with the offender the severity of their substance abuse problem; the behavior being responded to; how that particular behavior is temporally important in their recovery; and why the particular sanction and magnitude were selected.

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Team Member Roles

The Waabshki-Miigwan Judge supervises and re-enforces treatment by reviewing the reports from the Waabshki-Miigwan team members and input from each participant

and will assign various sanctions and incentives to encourage compliance with the Waabshki-Miigwan Program. The Judge will establish a rehabilitative relationship with the participant through intensive interaction during court appearances. The Judge assumes the role of not only judge, but also mentor and encourager.

The Judge responds quickly to any relapse or other violations with immediate sanctions that address the problem and encourages more dedication to the treatment process. The Court will utilize graduated sanctions to become more restrictive as the severity and frequency of the behavior increases. The court can utilize all the sanctions and incentives spelled out in the Waabshki-Miigwan Policy Manual and any other deemed proper by the Court.

The Drug Court will actively supervise and re-enforce the treatment received by the client. It is a goal of the Drug Court to be an optimistic outlook for each participant in encouraging that client to complete the Drug Court Program as they and the community will both benefit immensely.

Fort McDowell Yavapai Nation

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

The Adult Wellness Court Judge

The judge is the key leader for the Adult Wellness Court Program. The judge not only oversees the program participant's performance and progress but must also bring together all of the "parts" of the program, those within the criminal justice system as well as those associated with community, educational, public health, mental health, and other resources needed to support the participant's progress. The Court will convene weekly to review the status of all participants involved in the program. The judge shall supervise and re-enforce treatment by reviewing the reports from the treatment providers and input from each participant and will use various incentives, both positive and negative, to encourage compliance with the treatment program. The Court will forward all court-ordered release conditions to the Wellness Court Coordinator. The Program Coordinator will delegate court orders to appropriate individuals for monitoring purposes, i.e., curfew requirements to police, job or school attendance and performance to Career Development or education, intake/treatment program requirements to Wassaja Family Services, drug/alcohol testing to probation, etc.

Yavapai-Apache

“Yavapai-Apache Family Health Court - Policies and Procedures” (October 2011)

2.0 YAFHC Team, Roles and Responsibilities

2.11

The Judge for the YAFHC shall:

- a. Preside over the YAFHC.*
- b. Participate in YAFHC pre-court staffing.*
- c. Provide instructions to, grant incentives to, and impose sanctions on YAFHC clients based upon recommendations by the YAFHC team.*
- d. Provide information to the Defendant on the YAFHC as a sentencing option upon a plea of guilty or nolo contendere or upon the finding of guilt by the Court of jury.*
- e. Preside over any hearing to terminate a participant from the YAFHC.*
- f. Preside over periodic review hearings in accordance with the participant’s treatment plan.*

Section B: Wellness Court Hearings

Purpose

The purpose of this section is to clearly describe the purpose of the Healing to Wellness Court hearing, how it proceeds, how often it is held, and what is expected of the participant.

Excerpts from NDCI's Schedule of Status Hearings⁵⁶

(citations omitted)

IV. [§7.4] SCHEDULE OF STATUS HEARINGS

Most drug courts apply incentives and sanctions during court hearings, after the team has had an opportunity to review the case in a staffing and agree upon a suitable consequence. The ultimate decision about what consequence to impose is determined by the judge, but is based upon a consideration of the relevant evidence and expertise contributed by the various team members. The longer the time interval between staffings and between status hearings, the longer the delay will be between participants' accomplishments and the imposition of rewards, and between their infractions and the imposition of sanctions.

Fortunately, research provides clear indications about when to schedule status hearings. Outcomes in drug courts appear to be optimized when participants appear in court no less frequently than every two weeks, at least during the first three to six months of the program. Requiring participants to appear in court at least every two weeks permits the team to respond to their accomplishments and infractions in a reasonably short interval of time, which is necessary to modify their behavior effectively.

This is not to suggest that holding status hearings on a weekly basis is harmful or undesirable. Rather, there is no clear indication from the research that the additional expense and inconvenience of weekly hearings (for both the participants and staff) is warranted based upon the relative differences in outcomes. It also remains unclear whether this finding applies equally to populations other than adult drug offenders, such as mentally ill offenders or juvenile delinquents. More research is needed to determine how frequently status hearings should be scheduled for other populations. The best advice that can be offered at this juncture is that biweekly status hearings appear to be a reasonable and evidence-based schedule to follow in a drug court program.

There is no clear indication yet from the research evidence about when it is appropriate to ratchet down the frequency of status hearings. Most drug courts reduce the schedule of court hearings as participants move through the various phases of the program. If

⁵⁶ *Id.* at pp. 144-45.

advancement through the phases is based upon objective evidence of progress in treatment (which it should always be), and if participants continue to be reliably tested for substance abuse and other relevant behaviors, then it appears suitable to gradually reduce the frequency of court hearings over time. More research is needed to determine how quickly those adjustments can and should be made.

Sample Tribal Wellness Court Wording

Sisseton-Wahpeton Sioux Tribe

"Sisseton-Wahpeton Sioux Tribal Treatment Court Policies and Procedures" (no date)

III. Procedure in Treatment Court

Treatment court shall be conducted in an informal manner with an emphasis on rewarding positive behavior and applying immediate sanctions for violent behavior. Initially, the treatment court will be in two sessions, one session for adults and one for juveniles. Each session will be limited to a maximum of ten participants, none of whom can be previously convicted of violent behavior. Treatment court sessions are mandatory and will be on a weekly basis for approximately one hour each. Those in attendance will be the Tribal Judge, the tribal prosecutor, probation officer, and a representative of Dakotah Pride.

The probation officer will compile a compliance list for each person in Treatment Court containing a list of objectives identified by Dakotah Pride, the probation officer and School, where applicable, and a time period for meeting those objectives. The compliance list shall, at a minimum, cover the person's treatment program (in-patient or out-patient treatment, AA meeting attendance) and record of compliance; the person's compliance with paying for the cost of Treatment Court sessions and other costs for counseling and other requirements; a record of compliance with unannounced and announced PBT's and other tests for drugs or foreign substances; a spiritual aspect permitting the person to utilize his spiritual and religious beliefs to assist him in compliance (this will be optional and not imposed upon a person); employment or educational record; and a self-inventory to be completed each week by the individual revealing how he has worked on his Treatment Court program that week.

The Judge shall review each of the files before Court with the prosecutor and probation officer, who will highlight any violations and provide a summary of how that person is doing. The Judge will then review with each participant his/her file and discuss compliance and any issues that the participant wishes to discuss in court, including any problems that the individual is having working with the various individuals in the court and the treatment program. If a violation is admitted in court the Judge shall immediately impose the appropriate sanction as indicated hereinafter. The Judge shall

also promote and demote participants at the time of Treatment Court. Treatment Court will not be a court of record.

Navajo Nation

"D.A.N.A. Program Procedures Manual" (August 2000)

VII. DANA Drug Court Operations

After the appropriate documents are completed and signed by the defendant/offender and/or parent(s) or legal guardian. The defendant/offender will appear in Drug Court at designated time for progress review by the Judge. Parents or legal guardian(s) are required to appear at each Drug Court Hearing. Defendant/offender must maintain communication with Drug Court Officer for subsequent Drug Court Hearing.

B. Court Appearance

- 1. A client will appear before the Judge for case review per the phase that they are in.*
- 2. The treatment provider and/or a spiritual advisor will be allowed to attend.*

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 List⁶⁰	
Function	Task
Assessment	<ul style="list-style-type: none"> • Initial determination of participant’s needs, wants, strengths, resources
Planning	In collaboration with the participants and the team: <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	Maintain ongoing communication with services and supports, and conduct ongoing assessments of the participant’s progress to determine: <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	Help the participant access services for which he or she is eligible through: <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-psycho-social” 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)

SUPERVISION 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) _____

CLIENT'S SUMMARY OF PREVIOUS OFFENSES: _____

PREVIOUS OFFENSES: _____

HEALTH (ANY PHYSICAL ILLNESS) INCLUDE ANY CHEMICAL DEPENDENCY:

CONTACTS

DATE	TYPE	INT	UA	RESULTS	COMMENTS
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____
__/__/__	P	C	____	Y N	_____

**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

Chapter 7: Alcohol and Drug Testing

Overview

The sections of the Policies and Procedures Manual (P&PM) governing alcohol and drug testing detail the procedures by which the Healing to Wellness Court team will subject its participants to drug testing, what drugs are being tested, and how randomness will be achieved. This section serves to put participants on notice of what specifically will be required of them during the drug testing process, what behavior will not be acceptable, and how and when a positive test will be determined. This section also serves to put the team on notice of what drug testing entails. Understanding the drug testing process is critical to determining whether incentives or sanctions are warranted, and ultimately the overall progress of the participant.

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.

Findings from NIJ Tribal Wellness Court Study Key Component #5⁶¹

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 participants 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 and at unexpected times.

⁶¹ Gottlieb, "Lessons Learned in Implementing the First Four Tribal Wellness Courts," 29.

Strengths & Weaknesses Reported in the First Four Tribal Wellness Courts Key Component #5⁶²	
Strengths	Weakness
<ul style="list-style-type: none"> • Monitoring as structure and accountability in participants' lives • Two or three full-time Wellness Court probation officers • Intensive monitoring during Phase I • Combined roles of counselor and probation officer 	<ul style="list-style-type: none"> • Infrequent and non-random alcohol and drug testing • Full-time Wellness Court probation officer assigned non-community Wellness Court duties • Wellness Court probation officer usual work hours 8–4:30 (need to monitor participants in evening and on weekends when participants are most likely to abuse) • Non-intensive supervision by probation officers • Law enforcement officers not assisting with monitoring and supervision • Drug testing procedure and drug test results not documented

Purpose

The purpose of the sections of the P&PM governing alcohol and drug testing is to clearly describe the alcohol and drug testing policy, process, and what is expected of the Healing to Wellness Court participant. The National Drug Court Institute recommends that Drug Court programs: (1) design an effective drug detection program, place the policies and procedures of that program into written form (a Drug Court manual); and (2) develop a client contract that clearly enumerates the responsibilities and expectations associated with the court's drug detection program.⁶³

⁶² Taken from "Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court" (December 30, 2005), "Process and Outcome Evaluations of the Blackfeet Alternative Court" (December 30, 2005), "Process and Outcome Evaluations of the Hualapai Wellness Court" (June 2010), "Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005).

⁶³ THE DRUG COURT JUDICIAL BENCHBOOK (February, 2011), p. 137, National Drug Court Institute.

Frequent, random, and observed alcohol and drug testing are essential to document the participant's compliance with Wellness Court requirements, including abstinence or continued abstinence from drug and/or alcohol use. Testing may be done as part of an intake process to confirm a newly admitted participant's substance use history, as part of routine treatment and/or Wellness Court monitoring, and to identify an intoxicated participant or to confirm abstinence. Testing monitors progress and encourages behavior change. Alcohol and drug testing results are objective measures of treatment effectiveness, as well as a source of important information for periodic review of treatment progress. Testing also helps to shape the ongoing interaction between the Court and each participant. Timely and accurate test results promote frankness and honesty among all parties. They also give the participant immediate information about his or her own progress, keeping the participant actively involved in the recovery process, rather than as a passive recipient of services.

This chapter covers client contracts, specimen options, sample collection issues, selection of drugs to be tested, testing methods, interpreting results, drug detection times, tampering, client excuses, and more.

Excerpts from NDCI's *The Judicial Benchbook*⁶⁴
Drug Testing Rationale
(citations omitted)

II. [§ 6.2] DRUG TESTING RATIONALE

Key Component 5 of the Ten Key Components...states: "Abstinence is monitored by frequent alcohol and other drug testing." The benefits of drug testing in a therapeutic court environment are numerous. Drug testing:

- Provides a deterrent to future drug usage—a therapeutic tool as participants develop and refine their coping and refusal skills aimed at rejecting new drug use opportunities;
- Identifies clients who are remaining abstinent and guides incentives or rewards;
- Identifies drug court participants who have relapsed, allowing for (1) rapid intervention, and (2) effective utilization of finite court resources by targeting those participants who most need assistance;
- Provides incentive, support, and accountability;
- Serves as an adjunct to treatment.

Achieving success in overcoming substance abuse often focuses on guiding clients up and out of despair while assisting them in avoiding a disastrous relapse. Successful abstinence monitoring via drug testing can provide drug courts with the requisite data to aid in attaining these recovery goals.

⁶⁴ Id. at 115.

Excerpts from NDCP's *The Judicial Benchbook*⁶⁵
Specificity in the Client Contract (citations omitted)

III. [§ 6.3] SPECIFICITY IN THE CLIENT CONTRACT

Defining client expectations in a drug court setting begins before the first sample is ever collected. The client contract should serve as an instructional instrument— both detailing the court's benchmarks and the participant's obligations associated with the drug-testing process. The following examples are designed to provide greater specificity to the language of the drug court client contract as it relates to abstinence monitoring. Sample contract language includes the following:

I understand I will be tested for the presence of alcohol and other drugs in my system on a random basis according to procedures established by the drug court team and/or my treatment provider.

I understand that I will be given a location and time to report for my test.

I understand that it is my responsibility to report to the assigned location at the time given for the test.

I understand that if I am late for a test, or miss a test, it may be considered as a positive test for alcohol or other drugs and that I may be sanctioned.

I understand that if I fail to produce a urine specimen or if the sample provided is not of sufficient quantity, it may be considered as a positive test and that I may be sanctioned.

I have been informed that the ingestion of excessive amounts of fluids can result in a diluted urine sample, and I understand that my urine sample will be tested to ensure the sample is not diluted.

I understand that if I produce a diluted urine sample it may be considered as a positive test for alcohol or other drugs and that I may be sanctioned.

I understand that substituting or altering my specimen or trying in any way to modify my body fluids or other specimens for the purposes of changing the drug-testing results will be considered as a positive test for drugs/alcohol and will result in sanctioning and may be grounds for immediate termination from drug court.

Clearly establishing the court's ground rules in advance and communicating those expectations to participants (and staff) promotes compliance, reduces confusion, and mitigates concerns over potential sanction inequalities.

⁶⁵ *Id.* at. 115-16.

Excerpts from NDCI's *The Judicial Benchbook*⁶⁶
Ten Principles of a Good Testing Program

A. [§6.15] Ten Principles of a Good Testing Program

The ten most important principles of a successful drug-testing program can be summarized as follows:

1. Design an effective drug detection program, place the policies and procedures of that program into written form (drug court manual), and communicate the details of the drug detection program to the court staff and clients alike.
2. Develop a client contract that clearly enumerates the responsibilities and expectations associated with the court's drug detection program.
3. Select a drug-testing specimen and testing methodology that provides results that are scientifically valid, forensically defensible, and therapeutically beneficial.
4. Ensure that the sample-collection process supports effective abstinence monitoring practices, including random, unannounced selection of clients for sample collection and the use of witnessed/direct observation sample-collection procedures.
5. Confirm all positive screening results using alternative testing methods unless participant acknowledges use.
6. Determine the creatinine concentrations of all urine samples and sanction for creatinine levels that indicate tampering.
7. Eliminate the use of urine levels for the interpretation of client drug-use behavior.
8. Establish drug-testing result interpretation guidelines that have a sound scientific foundation and that meet a strong evidentiary standard.
9. In response to drug-testing results, develop therapeutic intervention strategies that promote behavioral change and support recovery.
10. Understand that drug detection represents only a single supervision strategy in an overall abstinence-monitoring program.

If universally adopted, these ten principles will sustain drug courts as models of effective and appropriate jurisprudence far into the future.

⁶⁶ *Id.* at 137-38.

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Chemical-Free Home

All clients enrolled in the Waabshki-Miigwan program will reside in a chemical/alcohol-free residence. Everyone that lives in the client residence must agree to random home visits by a member of the LTBB Tribal Court Team to assure that this is complied with. All residents must sign the Chemical/Alcohol Agreement Form.

Non-compliance with this agreement can be grounds for denial or removal from the Waabshki-Miigwan program.

Drug and Alcohol Screening

Drug and Alcohol screenings are a major component of the Waabshki-Miigwan Program. The screenings are used to determine substance use and to monitor the participant's progress.

Screenings are conducted on a frequent and random basis. The participant will be drug-screened throughout the entire program as mandated by each phase. It is the responsibility of the participant to seek clarification of guidelines that are not fully understood. Testing will be at a scheduled time as well as on a **random basis** and may occur **any day of the week**. Results of drug screens will be reported to the court and maintained in the participant's file.

For the protection of the participant, use of any schedule 1 & 2 drug prescriptions must be brought to staff for review and approval along with verification by the prescribing doctor. Prior to receiving a prescription, it is the responsibility of the participant to inform the physician of the participant's involvement in the program. All medications will not be automatically approved. Failure to comply with proper procedure or a positive screen (excluding the baseline screen) will result in the following sanction(s):

- First Positive Screen - Minimum 3 days Incarceration
- Second Positive Screen - Minimum 7 days Incarceration
- Third Positive Screen - Minimum 30 days Incarceration
- Fourth Positive Screen - Termination, referral to LTBB prosecutor for re-sentencing

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Drug Testing Procedure

Alcohol and other drug testing is one of the ten key components for a problem-solving Court and is essential to program integrity. Test results can act as a deterrent to future alcohol and drug use; identify clients who are maintaining abstinence; identify clients who have relapsed; provide incentive, support, and accountability for clients; is adjunct to treatment; and frames sanction decisions. Effective testing is frequent (at least twice a week), random (unexpected, unannounced, and unanticipated), and observed. The Wellness Court uses different methods to test the clients for chemical use; some of the most common are:

1. Preliminary Breath Test (PBT)
2. Saliva Tests
3. Urine Tests

All Wellness Court clients are informed about testing policies and procedures upon entry into the program and sign an agreement to comply with testing requirements. Therapeutic and/or punitive responses to continued use of alcohol and drugs are determined by the Wellness Court Judges on the basis of their discretion and recommendations from the Wellness Court Team. Random breathalyzers are conducted and can occur during any contact with the Wellness Court agent, including during field visits, during Court sessions, and as determined by any other Wellness Court Team member. Clients choosing to enter the Wellness Court program must agree to cease the use of all mood-altering substances that would test positive during a drug test including, but not limited to, narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications. If during the course of participation it becomes necessary for a participant to take prescription medication, prior approval must be sought by the Judges and Wellness Court Team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis based on the established facts. Any use of doctor-monitored prescription drugs is determined on a case-by-case basis by the Judges and Wellness Court Team.

Dilute UA's

If a participant produces a urine sample that is observed to be diluted by the collecting agent or treatment provider, the participant will be advised to provide another sample in two hours. It is the participant's responsibility to arrange for another UA in two hours. Failure to do so will result in the initial test to be considered positive and will be sanctioned accordingly.

In the event of substance use

Whether by positive testing results or admission of use: the participant's treatment counselor shall be notified. If the participant has either completed treatment, or has not yet begun treatment, the chemical dependency assessor shall be notified.

If a participant has a positive PBT, he/she shall be taken into custody. If a participant's field test comes back positive for use, and the participant denies use, the sample shall be sent to the

lab for further testing. If a participant's failed test comes back positive, and the participant admits to use, a jail sanction will be imposed in accordance with the sanctions schedule. Any participant taken into custody should remain in the county jail until he/she can appear in Wellness Court.

Menominee Indian Tribe of Wisconsin

"Menīpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

MENĪPANIW DRUG SCREEN PROCESS

Participants in the Menominee Tribal Menīpaniw Court Program are required to submit to A DRUG SCREEN in each Phase of the Program. Once the participant signs the confidential contract and enters a plea of "no contest" or "guilty," they are subject to Alcohol/Drug Screens.

1. *Calling In*
 - A. *Participant must call in EACH DAY of the week to the Menīpaniw Court Coordinator, Accessible by calling (715) 799 – 7095 Monday through Friday, between the hours of 8:00 a.m. – 10:00 a.m. to check if they are on the list for DRUG SCREENING that day. ONLY In case of absence of Menīpaniw Coordinator, a participant then calls Maehnowesekiyah – same time frame applies. Message explaining Coordinator absence will be recorded for participant.*
2. *Reporting*
 - A. *Participant must report to Maehnowesekiyah Treatment Center between the hours of 8:00 – 11:30 a.m. and 1:00 – 4:00 p.m. only if they are on the list for Drug Screen that day.*
3. *The Menominee Menīpaniw Wellness Court will use Policy "Participant Drug Screen Protocol," which is the policy of Maehnowesekiyah Treatment Center (Next page).*
4. *Participant will appear at Maehnowesekiyah Wellness Center for a Baseline Drug Screen after signing Menīpaniw Court contract. Participant will have until 2:00 p.m. that day of Menīpaniw to appear at Maehnowesekiyah. During the Baseline Drug Screen Process, the participant will schedule an Assessment and pay the Assessment fee. Participant has two weeks to secure, pay, and schedule an appointment for the assessment.⁶⁷*
5. *While random Drug Screen monitors drug use, participants will further utilize an alcohol-monitoring device for the period of time participating in the Menīpaniw Court Program.*

⁶⁷ Fees could be waived depending on grant resources, and amounts may change in future; all allowances for changes will be made by administration and those changes will be presented to all active participants.

Eastern Band of Cherokee

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

DRUG SCREENS

Drug tests are a major component of the Cherokee Tribal Drug Court program to determine drug abuse patterns and to monitor participant progress. Drug tests will be conducted on a frequent and random basis or as directed by the Cherokee Tribal Drug Court Team.

The tests are used to discern drug use and for treatment purposes. The tests need not follow the official rules of chain of custody. The results of the tests are not admissible in court except for Cherokee Tribal Drug Court purposes.

A drug test referral form is used to assist the Cherokee Indian Hospital in providing the appropriate service. The referral form is given to all prospective participants for the initial screening. Drug tests can be administered by the Cherokee Police Department or certified/authorized court team member for random testing, and when a participant advances, or is demoted.

Eastern Band of Cherokee

"Cherokee Tribal Drug Court - Participant Handbook" (March 2009)

Random Drug Screens

Random drug screens play a significant role in your recovery. They should be used as a tool to assist you in staying clean and sober. It is your responsibility to make sure that you understand and comply with the guidelines explained to you during your program orientation. If you go to the doctor you must take the drug court medical verification form with you for the physician's signature and return it to the Tribal Drug Court Staff. If you are prescribed any medications while in the program, you must bring the prescription to the Tribal Drug Court office along with the medical verification form for approval prior to filling the prescription. You must also report any over-the-counter medication to the Tribal Drug Court staff prior to taking them. Failure to comply with the proper procedure may result in sanctions.

Relevant Sample Forms

POARCH BAND OF CREEK INDIANS

Drug Court/Probation Drug Testing Procedures

These procedures apply to individuals and/or Drug Court participants who are subject to the regulatory authority of the Poarch Band of Creek Indians Probation.

All prior amendments and interpretations of Drug testing procedures are hereby repealed and replaced with these procedures.

When Tests are Given

It is the policy of the Poarch Band of Creek Indians Drug Court/Probation Program to conduct frequent and random Drug/alcohol tests of all participants. A test will be performed on each participant when he or she is ordered by the court or on the day in which the participants is scheduled to enter the Drug Court/Probation Program. The Participant will not begin earning credit in the program until a urinalysis free of illegal substances is obtained.

The Drug Court will utilize a call in color code testing procedure. Each participant shall submit to urine/alcohol testing each day. Each participant will call a designated line every day after 9:00 a.m. to verify which color is to be tested and the time and location to submit to such testing. If a participant fails to submit a specimen within the allotted time, that participant's Drug/alcohol test result will be considered as positive. A participant who misses their test will be considered as having a positive Drug/alcohol test result and sanctions will be imposed.

Both Drug Court and Probation Participants may also be called upon at the discretion of the Probation Officer/Case Manager at any time to submit to Drug/alcohol testing.

Time

If a participant is unemployed and not attending school at the time of the color code testing procedure, the participant will be given three (3) hours to report to the Probation Officer/Case Manager to provide a urine sample. If a participant is working or in school at the time of the color coded testing procedure, the participant will be given six and a half (6.5) hours to report to the Probation Officer/Case Manager to provide a urine sample. If a participant is late or does not appear for the test, the test will be considered positive. If the participant has proven extenuating circumstances as determined by the Tribal Court Administrator, the participant may be given the opportunity to provide a urine sample. During random tests, the Probation Officer/Case Manager will give the participant an appropriate amount of time to get to the testing site. The Probation Officer will take into consideration the distance the participant is from the testing site.

Storage of Urinalysis Supplies

Urinalysis supplies shall be stored in a locked room accessible only by judicial staff.

Safety Precautions

All personnel handling urine/saliva specimens are required to wear surgical gloves.

Specimen Collector and Monitor

The Specimen Collector and Monitor may be a Tribal Probation Officer/Case Manager, Tribal Police Officer, or a designated Tribal Court Administration employee. The Specimen Collector may also be the Monitor.

The Specimen Collector shall instruct participants during the collection, receive and make an initial inspection of the urine specimen provided by the participant, and initiate and complete the Drug test. The Monitor shall physically watch the participant urinate into the collection container. The Monitor must be the same gender as the participant; there are no exceptions to this requirement.

To avoid a potential conflict of interest, neither the Specimen Collector nor the Monitor should be an immediate family member of the participant. *Immediate family member* means spouse (including common law relationship), parent, child, sibling, grandparent, and/or grandchild. These relationships are determined by consanguinity, affinity, adoption, foster care, or legal wardship. If at any time the Specimen Collector or Monitor feels that a conflict of interest may exist, they shall notify the Tribal Court Administrator.

The Specimen Collector will be asked to provide his/her name and contact information on relevant Drug testing forms.

Collection Site

A collection site is a place (permanent or temporary) selected by the Specimen Collector where participants present themselves for the purpose of providing a urine specimen for the Drug test. Usually, the collection site is the Tribal Court Administration Offices. The Probation Officer/Case Manager or designee may also make visits to the Participant's place of employment and/or home. A Participant may be asked to provide a specimen during such visits. The Probation Officer/Case Manager or designee must allow the participants access to the following:

1. *A restroom or stall with a toilet.*
2. *A source of water for washing hands. If water is not available at the collection site, the Specimen Collector may provide moist towelettes or hand sanitizer.*
3. *The Specimen Collector and/or Monitor shall not allow anyone other than himself/herself and the participant in a multi-stall restroom during the collection process.*

All collection sites must meet the following security requirements:

- 1. The Specimen Collector should prevent public access to the site during the collection;*
- 2. The Specimen Collector must prevent the participant or anyone else from gaining unauthorized access to the collection materials/supplies. They must also ensure that the participant does not have access to items that could be used to adulterate or dilute the specimen (e.g. soap, disinfectants, cleaning agents, undyed water);*
- 3. The Specimen Collector shall be responsible for secure handling and storage of specimens. All specimens that are being sent to a lab for confirmation are to be kept in a locked refrigerator or a refrigerator in a locked room until they are prepared and picked up for processing.*

Participant Identification

The participant must provide appropriate identification upon arrival at the collection site if requested. Acceptable forms of identification include:

- 1. State-issued driver's license or state identification card; or*
- 2. Any other picture identification issued by a federal, state, tribal, or local government agency*

General Specimen Collection Procedures

- *All participants are required to remove coats and jackets. All purses or other carried items must be left in the control of the Specimen Collector.*
- *All participants must roll-up any long-sleeved shirts, blouses, or sweaters to a point that the Specimen Collector deems necessary.*
- *A participant maybe searched if appropriate.*
- *The participant must not be asked to remove certain articles of clothing, such as shirt, pants dress, or undergarments.*
- *Shoes may be removed if there is a reason to suspect that the participant has something in them, which may be used to adulterate or substitute a specimen.*
- *The participant may be directed to empty his or her pockets and display the items to ensure that no items are present that could be used to adulterate the specimen. The items will be placed in a container until the collection of the specimen is complete. If the participant refuses to empty his or her pockets, this action is considered a refusal to test and will be dealt with accordingly.*
- *If an adult rating substance is found that appears to have been brought to the collection site with the intent to adulterate a specimen, the adulterating substance will be secured and it will be considered a positive test. For example, a bottle of liquid or urine would suggest intent to tamper with the specimen. Whatever unusual substances a participant brings into the collection site will be confiscated (i.e., plastic bags with fluid in them, artificial or mechanical objects for providing substituted urine, etc.) and should be fully described in an attached memorandum for the record. These substances will be provided to the Judge.*
- *The participant may not use soap until after the urine has been collected. The participant is required to rinse his/her hands (with water only) prior to the collection process. The participant will be provided a collection kit or collection container (if it is separate from the kit) from the available supply.*
- *The participant should take only the collection container into the room used for urination. The participant will be directed to go into the restroom used for urination and provide a specimen of at least 40 ml.*

- *Female participants will be required to utilize a nuns cap collection container.*
- *The Participant should be instructed not to flush the toilet until given permission.*
- *Urinals/toilets shall be flushed after a collection is completed and the participant has left the area.*
- *As an added precaution blue dye may be placed in the toilets prior to specimen collection.*
- *The participant shall place the top on the specimen bottle and dry the outside of the specimen bottle with a paper towel or tissue before handling the urine to the Specimen Collector.*
- *The temperature of the urine sample shall be checked by the Specimen Collector to confirm temperature.*

Monitored Collection Procedure

A monitored collection is one that is conducted under less than completely private conditions and requires that a Monitor physically watch the participant urinate into the collection container.

A monitored collection is conducted in the following manner:

1. *Secure a room for the monitored collection so that no one except the participant and the Specimen Collector or Monitor can enter until after the collection has been completed.*
2. *If there is no practicable work place outside of the restroom, Specimen Collector/Monitor may set up an area within the multi-stall restroom to be used as a work area and for finalizing the required paper work.*
3. *The following procedures must be following during the collection:*
 - a. *The Monitor enters the restroom or facility where urination occurs with the participant. If it is a multi-stall restroom, the Monitor must enter the stall with the participant. The Monitor must watch the participant urinate into the collection container. Specifically, the monitor must personally and directly watch the urine go from the participant's body into the collection container (use of mirrors or video cameras is not permitted).*
 - b. *After the participant has completed urinating into the collection container, the participant and Monitor leave the enclosed toilet stall/restroom and the participant's hands the collection container directly to the Specimen Collector responsible for collection of the specimen. The Monitor must contain visual contact of the collection container until the participant hands the container to the Specimen Collector responsible for the collection of the specimen.*
 - c. *If the Monitor is the same person responsible for the collection of the specimen, then that individual may receive the collection container from the participant.*
 - d. *If a participant declines to allow a monitored collection as required, the Specimen Collector shall discard any specimen the participant provides and notify the Judge as soon as possible. This type of conduct shall be treated as a refusal to test.*

Unmonitored Collection Procedures

This procedure is only used if a monitored collection cannot be administered, which occurs when there is not a Monitor available of the same gender.

The above-mentioned Monitored Collections Procedures shall be applied with the exception of the following steps, which may be taken before each collection to deter potential tampering, adulteration, or substitution of the specimens:

1. Water sources must be secured or otherwise made unavailable to participants (e.g., turn off water inlet, tape handles to prevent opening faucets).
2. Water in the toilet and tank (if applicable) has bluing (coloring) agent added to the water. Tape or otherwise secure any movable toilet tank top, or put bluing in the tank water.
3. Removal of soap, disinfectants, cleaning agents, or other possible adulterants which are present.
4. Inspection of the collection site to ensure that no foreign or unauthorized substances are present.
5. Inspection of the collection site to ensure that undetected access (e.g., through a door not in your view) is not possible.
6. Secure/inspect areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas) that appear suitable for concealing contaminants.
7. Post limited access signs at the collection site in order to secure against unauthorized access during the collection procedure and to ensure privacy of the participant.

Specimen Volume

The Specimen Collector checks to confirm that the specimen contains a sufficient amount of urine (a minimum of 40 ml).

Insufficient amount of urine provided (Shy Bladder Procedures)

The term “shy bladder” refers to a situation when the participant does not provide a sufficient amount of urine (40 ml) for a required Drug test. If participant informs the person responsible for the collection of the specimen, upon arrive at the collection site, that he or she cannot provide a specimen, the person responsible for the specimen collection must still begin the collection procedure. The person responsible for the specimen collection should tell the participant that most individuals can provide 40 ml of urine, even when they think they cannot urinate, and direct the participant to make the attempt to provide the specimen. The participant is requested to go into the restroom and try to provide a specimen. If the participant provides an initial insufficient specimen, it will be discarded.

At this point the “shy bladder” collection process being as follows;

The participant is explained about the shy bladder collection and urged to drink up to six (6) ounces of fluids, distributed reasonable through a period of up to two hours. If the participant declines to drink, this action will not be considered refusal to test.

Participants are placed in front of a recorded video system or directly monitored by Drug Court staff. At no time should a participant remove themselves from camera view. The participant must remain seated until called upon by Drug Court personnel or other authorized personnel. A participant will be checked every thirty minutes. The participant must be informed that he or she is not permitted to leave the collection site and if they do so, that their action will be considered a refusal to test.

The Specimen Collector should be sensitive about how frequently they ask the participant to provide a specimen. For example, forcing the participant to provide a specimen every half hour may not provide sufficient specimen. The participant should be asked every hour but not forced to provide a specimen.

The Specimen Collector should maintain a record of time of each attempt, whether there was any specimen provided and the quantity of specimen provided. If the participant refuses to make the attempt to provide a urine specimen or leaves the collection site before the collection process is completed, the Specimen Collector must discontinue the collection, note the facts and immediately notify the Tribal Court Administrator. This type of action is considered a refusal to test and treated accordingly. If the participant has not provided a sufficient specimen within two hours of the first successful attempt, the collection is discontinued. The Specimen Collector shall note the fact that the collection was discontinued and immediately notify the Tribal Court Administrator.

Temperature

The participant should also be informed that the temperature of the specimen is a critical factor and therefore the participant should provide the specimen as soon as possible after urination. The temperature of the specimen must be checked as soon as the participant hands over the specimen, but no later than four minutes after the participant produces the specimen. The acceptable temperature range is 32°-38°C / 90°-100°F. Temperature is determined by reading the temperature strip originally affixed to or placed on the outside of the collection container after the participant submits the specimen to the Specimen Collector. If the specimen is not within the temperature range, it will be considered a positive test.

Adulteration or Substitution

The Specimen Collector must inspect the specimen for unusual color, presence of foreign objects or material, or other signs of tampering or adulteration. If it is apparent from this inspection that the participant has adulterated or substituted the specimen (e.g., the specimen is blue, exhibits excessive foaming when shaken, or has the smell of bleach) the specimen will be considered a positive test.

- *If the Specimen Collector suspects that adulteration of the urine specimen has taken place, tests will be run immediately. If the tests results confirm the urine specimen was adulterated, the sample will be retested for a second confirmation. If both tests do not confirm the adulteration, the test shall be deemed negative.*
- *If a Collector suspects a specimen has been adulterated, a test will be run for Creatinine only. If the test indicates that the Creatinine level is high and flushing has occurred, a positive result will be noted. Flushing is the attempt of a participant to flush out their system by drinking unusual amounts of fluid before testing. (Creatinine level is tested on all urine specimens using the Indigo Machine or another competent onsite Drug testing machine.)*
- *If the Creatinine and specific gravity reading is within the specified range, a Drug test will be performed using the Indigo Machine or another competent onsite Drug testing machine on the urine specimen provided.*

Other Information:

- *The Specimen Collector must make sure that the participant's identifying information is filled out completely, accurately, and legibly. The Specimen Collector must confirm that the name and other identifying information on the specimen matches that of the participant submitting the specimen.*
- *The Specimen Collector shall only collect a specimen from one participant at a time.*
- *The Specimen Collector shall strive to assure that the specimen is not compromised or contaminated. They shall also be cognizant of the creativity of participants who may attempt to circumvent the Drug testing procedures and take necessary steps to prevent such attempts.*
- *If the participant disagrees with the test results, the participant can request that the specimen be sent to an alternate lab for confirmation. All alternate lab confirmation testing shall be at the participant's own expense. All monies must be paid before the specimen is sent for confirmation. If the test shows the urinalysis was negative, the money collected will be returned to the participant as soon as possible.*
- *Creatinine level is tested on all urine specimens using the Indigo Machine or another competent onsite Drug testing machine.*

THE NAVAJO NATION JUDICIAL BRANCH
DANA DRUG COURT PROGRAM
Authorization for Drug/Alcohol Screening

I, _____, have been informed of my legal rights and willfully consent to participate in the DANA Drug Court Program and hereby authorize the DANA Drug Court Officer to conduct regular RBTV Breathalyzer test and random drug screens.

I understand that immediate results will be reported to the DANA Drug Court Program, screening and testing information will be disclosed only to assure compliance with the agreed terms under the DANA Drug Court Program.

I understand that any information disclosed will not be used as evidence to file additional criminal complaints.

I understand that this authorization will remain in effect and cannot be revoked by me until there has been a formal termination or graduation from the Navajo Nation DANA Drug Court Program.

Signature of DANA Drug Court Client

Date

DANA Drug Court Officer

Date

**THE NAVAJO NATION JUDICIAL BRANCH
DANA DRUG COURT PROGRAM
Drug Screen Acknowledgment**

I, _____, take responsibility for using substance (alcohol/drugs), which resulted in a positive urine drug screen taken on Date: ____ / ____ / ____.
This acknowledgement confirms the findings of the urinalysis to be true and accurate.

Consequences for my actions are as follows:

- _____ () Payment of \$ _____ for urinalysis testing
- _____ () Return to Phase _____ (Acceptance to the rule)
- _____ () Detention/House Arrest for 24 Hours
- _____ () Increased Drug Screening
- _____ () Termination from D.A.N.A. Drug Court Program for repeat Drug Screening violation. A minimum of two (2) failed urinalysis testing.
- _____ () Other: _____

Comments:

Client's Signature

D.A.N.A. Drug Court Officer

Presiding Judge

Date

**THE NAVAJO NATION JUDICIAL BRANCH
DANA DRUG COURT PROGRAM
DrugCheck™ Collection Record**

Defendant Name _____ Date _____

Test type: _____ DrugCheck 4 (THC, OPI, COC, MET)

Reason for test: _____ Random _____ Follow-Up _____ Reasonable cause
 _____ Other _____

Medications: _____

DrugCheck™ Drug Test

Directions: Open the pouch in front of the defendant and ask the defendant to use the bathroom to void into the specimen cup. Show the defendant how much urine specimen is needed and ask for as close to the minimum as possible. If the defendant voids more specimen than is needed, direct the defendant to pour out the extra. Ask the defendant to put the lid on the cup and return it to you. Read the temperature strip and record the temperature below. Make a note of the time you receive the cup from the defendant.

1. Temperature of sample within range? (90° to 100°F) Yes _____ No _____

Time cup given to defendant: _____ Time cup returned: _____ Time of reading: _____

The result can be read as soon as the cup is returned to the collector. Remove the paper tab covering the test strips. As soon as all lines (two per panel) are visible, you can call the test negative. The Control Lines must appear for the test to be valid. Any line, regardless density, in the test zone is a negative test. If a line has not appeared in the test zone within 10 minutes, the result is a screening positive or an inconclusive result.

Results: _____ Negative _____ Screening positive for _____

Certifications

I certify that I have conducted the test indicated on this form on the specimen provided by the above-named defendant. I am qualified to conduct this test, and the results are accurately recorded on this form.

Signature of Drug Court Officer: _____ Date: _____

I have provided my urine specimen to the Drug Court Officer; I have not adulterated it in any manner. I accept the accuracy of these results and request that no further testing be done this sample.

Signature of Defendant: _____ Date: _____

Chapter 8: Data Tracking and Evaluation

Overview

The sections of the Policies and Procedures Manual (P&PM) governing data tracking and evaluation are implicated by Key Component 8 - Monitoring and Evaluation. Strong Healing to Wellness Courts do not all look alike. However, they are more likely to have a stated mission that is reflected upon through analyzing the data they have collected throughout the year. This reflection, an action distinct from the day-to-day routine of serving participants, can be a difficult yet crucial process.

Relevant Key Components

Key Component #8: Monitoring and Evaluation

Process measurement, performance measurement, and evaluation are tools used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Healing to Wellness Court and to the tribal court process, determine participant progress, and provide information to governing bodies, interested community groups, and funding sources.

Findings from the NIJ Tribal Wellness Court Study:⁶⁸ Key Component #8

Problems Identified:

- (1) The purpose and goals of the Tribal Wellness Courts were not well known to their communities at large.
- (2) Lack of automated (computerized) Wellness records.
- (3) Tribal Wellness Court ended once the federal funding ended.

Lessons Learned:

- Begin systematic and automated data collection on day one of the Tribal Wellness Court in order to allow for rigorous internal and external evaluations.
- Do not wait until the Tribal Wellness Court is underway and retrospectively collect the information.

⁶⁸ Gottlieb, "Lessons Learned in Implementing the First Four Tribal Wellness Courts," 46.

Strengths and Weaknesses Reports in the First Four Tribal Wellness Courts ⁶⁹	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Culture of self-evaluation • Form revision • Case files well-organized and well kept 	<ul style="list-style-type: none"> • Incomplete and missing case files • Incomplete information in case files • Wellness Court file information not automated • Lack of regular reviews

Purpose

Tribal Healing to Wellness Court teams are expected to develop evaluation plans (a.k.a., "logic models") that describe the interim and long-term goals. The National Drug Court Institute and its National Research Advisory Committee have created a sample list of goals for drug courts, to which additional tribal goals should be added. (See table below.) These teams are further expected to develop data collection and tracking systems (a.k.a., forms and computer databases with the ability to generate reports), and then to collect and report on the data collected at certain intervals. This information is used to monitor and troubleshoot program operations annually (this is known as a "process evaluation"), and to demonstrate the long-run effectiveness and impact of the Healing to Wellness Court on the community—usually at the end of a three year grant (this is known as "performance measurement" or an "outcome evaluation").

Process evaluations look at whether you are meeting your program goals, whether you are serving the appropriate target population, whether your alcohol/drug treatment is appropriate, whether your court process is working, whether your Wellness Court requirements and services are working, whether your team is cooperating, and whether the community supports your Wellness Court program.

Performance evaluations look at whether you are retaining your Wellness Court participants, whether they are maintaining longer stretches of sobriety, whether they are re-offending less, and whether your Wellness Court program and treatment are using the appropriate types and amounts of treatment services. Outcome evaluations are no longer recommended for evaluating the long-term outcomes of drug courts.

⁶⁹ Taken from "Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court" (December 30, 2005), "Process and Outcome Evaluations of the Blackfeet Alternative Court" (December 30, 2005), "Process and Outcome Evaluations of the Hualapai Wellness Court" (June 2010), "Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005).

Template Evaluation Plan/Logic Model Goals (“Outputs” and “Outcomes”)	
Interim Goals (a.k.a. “outputs”) (what we plan to be doing right now)	Long Term Goals (a.k.a. “outcomes”) (what we hope to achieve in 3 years)
Type of Evaluation: Process Evaluation	Type of Evaluation: Performance Evaluation
<ol style="list-style-type: none"> 1. We are doing what we said we were going to do (“Program Goals”). 2. We are doing what the Tribal Council says we are mandated to do (“Legislative Goals”). 3. We are serving the right people (“Target Population”). 4. We are providing appropriate treatment services of assessed needs in the right combinations and amounts (“Units of Services” or “appropriate dosages of treatment”). 5. We admit participants into our Wellness Court in a timely fashion. 6. We are providing treatment services on a timely basis. 7. Our participants are complying with Wellness Court requirements. 8. Our participants are getting the services they need. 9. We are conducting alcohol/drug tests on a timely basis. 10. We apply incentives and sanctions in a way that makes sense and has the intended effect on participants. 11. Our Wellness Court team works well together. 12. Our community supports the Wellness Court program. 	<ol style="list-style-type: none"> 1. Our participants have completed the Wellness Court Program (“Retention”). 2. Our participants get and stay sober for longer periods during the program (“Sobriety”). 3. Our graduates stay sober longer (“Sobriety”). 4. Our participants do not re-offend or re-offend less during the Wellness Court Program (“Recidivism”). 5. Our graduates do not re-offend or re-offend less after graduation (“Recidivism”). 6. Our Wellness Court Program treatment services have positively affected our participants (“Units of Services” or “appropriate dosages of treatment”). 7. The way our Wellness Court Program collaborated and brokered treatment services affected our participants in a positive way (“Units of Services” or “appropriate dosages of treatment”).

Comparative Types of Evaluation Questions for Process, Performance & Outcome Evaluations



Process Evaluation	Performance Evaluation
1. Is the Wellness Court achieving its program goals?	1. What is the retention rate?
2. Is the Wellness Court achieving its legislative goals?	2. What is the average longest stretch of sobriety for a graduating participant?
3. Is the Wellness Court reaching the defined target population?	3. What are the trends in participant sobriety over the course of the program?
4. Is the target population appropriately defined?	4. What is the in-program recidivism rate?
5. Is the Wellness Court providing the appropriate dosage of treatment for participants?	5. What is the post-program recidivism rate?
6. Are participant treatment needs (as determined by assessment) being addressed?	6. How do Wellness Court participants compare to other similarly situated offenders in recidivism?
7. Is the Wellness Court admitting participants in a timely fashion?	7. Which services are affecting participants in a positive way?
8. Are alcohol/drug tests and services occurring on a timely basis?	8. Is the way the Wellness Court program is collaborating and brokering services affecting participants in a positive way?
9. Do incentives and sanctions make sense?	
10. Are incentives and sanctions having the intended effects?	
11. What is the ratio of incentives and sanctions to the precipitating behaviors of participants?	
12. Are participants compliant with Wellness Court requirements?	
13. Are participants getting the services they need?	
14. Does the Wellness Court team work well together?	
15. Does the community support the program?	

Personal Data to Be Collected at or near Intake (Adult) ⁷⁰			
1.	Name		
2.	Unique System Identifier		
3.	Age		
4.	Date of Birth		
5.	Gender		
6.	Race		
7.	Source of Referral		
8.	Coercive Factors	<ul style="list-style-type: none"> a. Current Offense b. Likely Sentence c. Open Cases d. Bench Warrants e. Suspended Sentences 	
9.	Risk Factors	<ul style="list-style-type: none"> a. Previous Offenses (misdemeanors or felonies) b. Arrests c. Convictions d. Total Time Services 	<ul style="list-style-type: none"> d. Total Time Served <ul style="list-style-type: none"> i. Jail ii. Prison
10.	Substance Abuse Factors	<ul style="list-style-type: none"> a. Primary, Secondary and Tertiary Drug of Choice b. Length of Use c. Use in Last 30 Days d. Age at First Use e. Prior Treatment Episodes f. 12-Step Participation g. Last Treatment Episode h. Adult or Juvenile Treatment 	<ul style="list-style-type: none"> g. Last Treatment Episode <ul style="list-style-type: none"> i. Inpatient ii. Outpatient

⁷⁰ Cary Heck, "Local Drug Court Research: Navigating Performance Measures and Process Evaluations" National Drug Court Institute, Monograph Series 6 (June 2006), Appendix B.

11. Health Factors	a. Historical Services/Disabilities	
	b. Pregnancy	
	c. Detox Questions	
	d. Co-Occurring Disorders	
	e. Psychotropic Medications	
	f. Other Prescription Medications	
<hr/>		
12. Educational Factors	a. Years of Formal Education	
	b. GED	
	c. High School Diploma	
	d. College	
<hr/>		
13. Family Factors	a. Marital Status	b. Children
	b. Children	i. Custody
	c. Welfare Status	
	d. Family Drug and Alcohol Use History	d. Family Drug and Alcohol Use History
	e. Homelessness	i. Current Use in Immediate Family
	f. English as a Second Language	

Personal Data to be Collected In-Program ⁷¹			
1. Treatment	a.	Attendance	d. Inpatient
	b.	Type	i. Time Spent in
	c.	Organization	Treatment
	Providing Treatment		(recorded in days)
	d.	Inpatient	ii. Halfway
	e.	Outpatient	Houses (recorded
	(recorded in hours)		in days)
	f.	Participation	
	g.	Progress	
<hr/>			
2. Court Process	a.	Screening	c. Alcohol and
	b.	Assessment	Drug Testing
	c.	Alcohol &	i. Scheduled
	Drug Testing		A. Absent
	d.	Program	B.
	Start Date		Administered

⁷¹ Id.

	e. Hearings	Status	ii. Type of Test
	f. with Judge	Encounters	A. Panels
	g. Contact (used primarily for absconders)	Last Date of	B. Negative
	h. and Incentives	Sanctions	C. Absent
	i. and Fees	Court Fines	D. Stalled
			E. Tampered
			F. Inconclusive
			h. Sanctions and Incentives
			i. Precipitating Event
			ii. Type of Sanction or Incentive
			iii. Completion of Sanction
			iv. Who Imposed the Sanction or Initiated the Sanction
			v. Severity
			i. Court Fines and Fees
			i. Paid
			ii. Assessed
3. Services (referral and performance)	a. health	Mental	
	b.	Medical	
	c.	Vocational	
	d.	Educational	
	e. Assistance	Public	
	f.	Housing	
	g.	Family	
4. New Charges or Arrests	a.	Charge	e. Type of Charge
	b. Incident	Date of	i. Alcohol Charge
	c. Arrest	Date of	ii. Drug Charge
	d.	Conviction	iii. DUI
	e. Charge	Type of	iv. Theft
			v. Violent Crime
			vi. Crime Against Person

Personal Data to be Collected Post-Program and Follow-Up (Adult)		
1. Aftercare		
2. Continued Treatment		
3. 12-Step Participation		
4. Support Groups		
5. Arrests	a. Charge	d. Type of Charge
	b. Date of Incident	i. Alcohol Charge
	c. Date of Arrest	ii. Drug Charge
	d. Type of Charge	iii. DUI
		iv. Theft
		v. Violent Crime
		vi. Crime Against Person
		vii. Conviction

Sample Tribal Wellness Court Wording

Cass County Leech Lake Band of Ojibwe

"Wellness Court Procedure Manual Ninth Judicial District" (July 2014)

Evaluation

An evaluation must be tailored to the political and organizational context of the program to be evaluated. It typically involves assessment of one or more of five program domains: (1) program need; (2) program design; (3) program implementation and service delivery; (4) program impact or outcomes; and (5) program efficiency. An evaluation requires an accurate description of the program performance or characteristics at issue and assessment of them against relevant standards and criteria.

NPC Research is conducting an online assessment of all Minnesota DWI Court programs. The reviews include:

- *Programs and best practices*
- *Program data*
- *Other available data*

The three main areas of evaluation are:

- *Process (program improvement)*
- *Outcome (impact)*
- *Cost (cost-benefit)*

Our current funding did not allow for an individual evaluation of our program, but rather a statewide evaluation of DWI Courts in the state of Minnesota. The Wellness Court will comply with all requests from the state evaluation team.

Monetary Procedures

The Wellness Court Coordinator and Agent will utilize standard operating procedures for collection of cost of supervision and Wellness Court fee payments. Wellness Court fee payments will be processed through the Ninth Judicial District Administrator's Office.

Case Reviews

Case reviews will be conducted by the Wellness Court Team on a bi-weekly basis. Cases will again be reviewed by the Wellness Court Team thirty (30) days prior to termination. The Wellness Court Agent will prepare a status report on each Wellness Court client each week for review by the Wellness Court Team. If the Wellness Court Agent is not able to attend a staffing, that Agent will relay information to the probation designee who will provide status reports to the Wellness Court Team.

Eastern Band of Cherokee

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

STATISTICAL REPORTING

In order to continuously assess Drug Court progress, monthly gathering of information of participant activity is required. Defendant's Drug Assessment and information on Intake log relating to criminal behavior, progress in program and passing and failed drugs tests provides this information that will improve the program design and alert the key players to potential problems.

To determine the positive impact of Cherokee Tribal Drug Court, goals are set in order to assess progress. As statistical information is collected and evaluated, goals and program designs may need revision.

Reports are compiled through ongoing monitoring, tracking, and assessments conducted on a monthly basis. It is important to maintain open lines of communication with all service providers in order to collect data from all components of the Cherokee Tribal Drug Court.

Monthly statistical reports are used as a primary resource when compiling quarterly and annual reports. The Drug Court staff will contribute to compiling statistics. The report must be submitted the 10th day of the following month.

Relevant Sample Forms

CASS COUNTY/LEECH LAKE WELLNESS COURT PARTICIPANT SURVEY

Questionnaire for Drug Court Client June, 2008

Age _____ Male ___ Female ___

What phase of the program are you currently in? (Circle) 1 2 3

When you started drug court, did you understand what it was about? ___Yes ___No

Is there anything that could have been explained better? (Please Explain)

Please circle the number that best describes your opinions:

	Agree	Disagree			
Drug Court Supervision					
1. Drug court is helping me.	1	2	3	4	5
2. I have a good understanding of the drug court requirements	1	2	3	4	5
3. Before entering drug court, I was given adequate information about the requirements.	1	2	3	4	5
4. The drug court judges treat me fairly.	1	2	3	4	5
5. The drug court judges seem genuinely concerned about me.	1	2	3	4	5
6. At hearings, I have enough time to talk to the judges.	1	2	3	4	5
7. I have frequent contact with my drug court probation officer.	1	2	3	4	5
8. I can easily get ahold of my probation officer.	1	2	3	4	5
9. Law enforcement visiting my home assists with my recovery.	1	2	3	4	5
10. Writing in a journal to the judge has been helpful to me.	1	2	3	4	5
11. I frequently talk to other drug court team members.	1	2	3	4	5
12. Drug court has helped me get other services I need (such as housing, employment, medical or mental health services).	1	2	3	4	5
13. Drug court has been understanding of my cultural background.	1	2	3	4	5
Drug Court Treatment					
14. I have a good relationship with my treatment counselor.	1	2	3	4	5
15. My drug court treatment goals are reasonable and achievable.	1	2	3	4	5
16. The drug court treatment program is meeting my needs.	1	2	3	4	5
17. The amount of hours I attend treatment each week is appropriate.	1	2	3	4	5
18. I should spend more hours in treatment each week.	1	2	3	4	5
19. I should spend less hours in treatment each week.	1	2	3	4	5
20. I participate in pro-social activities.	1	2	3	4	5
21. Participating in pro-social activities is helping me.	1	2	3	4	5
22. Attending support group meetings (like AA, NA) is important to my recovery.	1	2	3	4	5
23. Treatment program staff are supportive.	1	2	3	4	5
24. Treatment staff are understanding of my cultural background.	1	2	3	4	5
Drug Testing					
25. It would help me to be drug tested more often.	1	2	3	4	5
26. I should be drug tested less often.	1	2	3	4	5
27. I am able to continue using chemicals without getting caught.	1	2	3	4	5
Suggestions about drug testing?					

Incentives/Sanctions & Outcome/Benefits	Strongly Agree			Strongly Disagree	
28. I frequently receive incentives for making progress (handshake, applause, gift certificates, etc.).	1	2	3	4	5
29. Receiving rewards helps motivate me.	1	2	3	4	5
30. Sanctions I have received have been fair and reasonable (if never sanctioned, leave blank).	1	2	3	4	5
31. Some participants seem to get special treatment.	1	2	3	4	5
32. Because of drug court, I am getting along better with my family.	1	2	3	4	5
33. Because of drug court, I am doing better at work.	1	2	3	4	5
Suggestions about improving the use of incentives:					
Suggestions about the kinds of incentives:					
Suggestions about improving the use of sanctions:					
Other					
Why did you join drug court? <u>Check all that apply</u>					
<input type="checkbox"/> Avoid prison/jail					
<input type="checkbox"/> Avoid fines					
<input type="checkbox"/> Getting charges reduced or dropped					
<input type="checkbox"/> I want to change my life					
<input type="checkbox"/> I want to stop using chemicals					
<input type="checkbox"/> I was talked into it by <input type="checkbox"/> family <input type="checkbox"/> friends <input type="checkbox"/> my lawyer					
<input type="checkbox"/> Other (explain) _____					
How is drug court helping you?					
What could make drug court better for you?					
What is the best part of drug court?					
What do you like least about drug court?					

Chapter 9: Wellness Team

Overview

The section of the Policies and Procedures Manual (P&PM) governing the overall functions and ethics of the Healing to Wellness Court Team are intended to bolster the strength and unity of the team. These sections are implicated by Key Component 1 - Individual and Community Healing Focus, Key Component 9 - Continuing Interdisciplinary and Community Education, and Key Component 10 - Team Interaction.

One of the most common struggles across all Healing to Wellness Courts is team dynamics. Team communication and cooperation must constantly be prioritized, especially when bringing together distinct departments, agencies, and jurisdictions. There are some common best practices that can assist in this endeavor. Best practices include teams that are committed at the beginning, are compassionate and concerned, have members who "walk the talk," and whose members have tolerance and respect for each other's opinions. Stability often follows teams that have diverse groups at national trainings during the planning stages, attended national conferences to stay abreast, served as mentor courts, involved tribal council members in the planning stages, had law enforcement as an integral part of the team, made public outreach attempts, and did successful team building at local planning meetings.

Less healthy teams suffer from a lack of many of the above components. The absence of a Wellness Court Coordinator; lack of participation by schools, mental health, tribal elders, and tribal leaders; little support from the tribal leadership; lack of a community-wide steering committee; lack of buy-in from other agencies; and a community unfamiliar with the Wellness Court and the Wellness Court and that never institutionalized the notion that all can contribute to a unstable team.

Internally, a lack of regularly scheduled meetings, long and poorly facilitated meetings, poor communication between team and chemical dependency counselors and the mental health provider, core team changes, a lack of training or too generalized of training, and a lack of written material for cross-training and drug court institutionalization can further destabilize a team.

The P&PM can contribute to a strong and stable team by detailing the structure of the Wellness Court based on roles, not individuals; detail the responsibilities of team members from various agencies in written policies and procedures and memoranda of agreement/understanding; and include a written curriculum for the Tribal Wellness Court staff including educational information on substance abuse and the Wellness Court philosophy.

Relevant Key Components

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant, and to promote Native nation building and the well-being of the community.

Key Component #9: Continuing Interdisciplinary and Community Education

Continuing interdisciplinary and community education promote effective Tribal Healing to Wellness Court planning, implementation, and operation.

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

Findings from the NIJ Tribal Wellness Court Study:⁷² Key Components #1, #9, and #10

Problems Identified:

(1) Wellness teams had a great deal of member turnover.

Lessons Learned:

- Develop a strong structure for your Tribal Wellness Court by building the Tribal Wellness Court team based on roles, not individuals, in order to avoid the disintegration of the team due to staff turnover.
- Detail the responsibilities of team members from various agencies in written policies and procedures, such as memoranda of understanding, in order to ensure the team's integrity.
- Develop a written curriculum for Tribal Wellness Court staff – a Tribal Wellness Court handbook that includes educational information on substance abuse, the Tribal Wellness Court philosophy, and specific information on the policies and procedures of your court. This curriculum can be used to educate new members and help to institutionalize the Tribal Wellness Court even as staff turnover occurs.

⁷² Gottlieb, "Lessons Learned in Implementing the First Four Tribal Wellness Courts," 5, 51, and 57.

**Strengths and Weaknesses Reports in the First Four
Tribal Wellness Courts⁷³
Key Components #1, #9, and #10**



Strengths

- Good team work
- Team members “walk the talk”
- Compassionate and concerned team
- Committed team at beginning
- Home and school liaison involvement
- Tolerance and respect for other team members’ opinions
- Core team stability

- Diverse group at national trainings during planning stage
- Attendance at national conferences to stay abreast
- Mentor court to other tribes
- Training changed team members’ attitudes
- Public outreach attempts
- Tribal council members involved in planning stage
- Successful team building at local planning meetings

Weaknesses

- Lack of participation by schools, mental health, tribal elders, and tribal leaders
- Long and poorly facilitated staff meetings
- Poor communication between Wellness Court and mental health provider
- Core team changes
- Poor communication between chemical dependency counselors and team
- Not all team members “walk the talk”
- No Wellness Court coordinator
- Staff meetings not regularly scheduled
- New team members have not received basic drug court training
- Repetitive training (training not matched to team’s needs)
- Lack of written materials for cross-training and drug court institutionalization
- No buy-in from other agencies
- Little support from tribal executive board
- Community not familiar with Wellness Court
- Lack of support from Tribal Council
- Law enforcement not integral part of the team

⁷³ Taken from “Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court” (December 30, 2005), “Process and Outcome Evaluations of the Blackfeet Alternative Court” (December 30, 2005), “Process and Outcome Evaluations of the Hualapai Wellness Court” (June 2010), “Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court” (December 30, 2005).

Section A: Ethics

Purpose

The purpose of this section is to clearly delineate a set of ethical standards for Healing to Wellness Court Team members and to provide notice to these team members, the participants, their families, and the tribal community. These ethical standards include the agreement between team members to keep discussions about participants during staffing confidential.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menīpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

Staff Responsibilities

Purpose: The purpose of this policy is to define the roles and responsibilities of the Menīpaniw Court Team members.

2. **Team** – The entire staff serves as the facilitator of treatment by resolving issues, helping to overcome problems impeding treatment and resolving any other difficulties. In addition, the team oversees the case processing aspect and is actively involved in the program, as well as providing the leadership, authority, and management capacity to enable the Menīpaniw to operate. Each member of the team appears in court in each week with the participants. Each member of the team has one vote, and majority rules in aspects with the exception of legal matters. In addition, each member of the team has the below listed responsibilities:
 - G. **Menīpaniw Court Judge** oversees the weekly court appearances by participants and imposes any sanctions that have been voted on by the team at the weekly staffing of participants.
 - H. **Menīpaniw Court Prosecutor** explains the Menīpaniw Court to prospective participants and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants.
 - I. **Menīpaniw Court Public Defender** explains the Menīpaniw to prospective participant and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants. Once the participants have been terminated or successfully complete the program, the court defender has no further responsibility to them.
 - J. **Menīpaniw Court Intake/Counselor** screens prospective participant by administering SASSI (as defined – earlier) and SUDDS evaluations and upon acceptance by the team provides outpatient counseling and makes recommendations to the team if a

participant needs inpatient treatment. The Intake/Counselor and the Menīpaniw Court Probation Officer are responsible for developing a treatment plan with each individual and determining if participants are compliant.

- K. **Menīpaniw Court Probation Officer** works with the Intake/Counselor and the participant to develop a treatment plan and to determine if participants are in compliance. The Probation Officer also works with schools and other agencies to provide GEDs, college courses, and job opportunities.*
- L. **Menīpaniw Court Coordinator** facilitates the collection and organization of all relevant information by receiving, recording, and maintaining all documents and records of the Menīpaniw Team and the participants. Assist in participant entry to program, follow up, and grant administration which includes grant reporting/program fiscal responsibilities*

Pascua Yaqui

"Drug Court Treatment" (no date)

PASCUA YAQUI DRUG COURT TEAM

PURPOSE:

The Pascua Yaqui Drug Court (PYDC) Team plans, implements, evaluates, revises, and oversees the services and activities provided through Drug Court Treatment Accordingly, the role of PYDC Team is to uphold the integrity and responsibility of each partner to provide a quality service to the Pascua Yaqui Community and its people.

POLICY:

The PYDC Team shall meet weekly to review program items and the status of participants. The members of this team are the Drug Court Judge, prosecutor, public defender, and treatment providers). The Team can request that additional persons participate on an as-needed basis or regular basis.

PROCEDURE:

- 1. The Drug Court client's progress is reviewed, monitored, and evaluated at the PYDC Team staffing, which occurs prior to the Drug Court Hearing.*
- 2. The Drug Court Program Coordinator shall be responsible for organizing the agenda for the meetings, recording the minutes, and organizing any follow-up that may be required. The Program Coordinator will ensure that reports are submitted in a timely fashion, attend participants' clinical reviews with the treatment provider(s), report to the Drug Court Team, and attend the weekly Drug Court hearing.*
- 3. The Program Coordinator will provide a written report to each member of the PYDC Team, recording the client's:*
 - A) UA Test Results.*
 - B) Attendance to meetings, groups, and individual sessions.*
 - C) Revisions and/or additions to the treatment plan based on the level of*

compliance and participation.

4. *Noncompliance issues, especially positive alcohol and/or drug test results, shall be reported immediately to the Drug Court Judge, prosecutor, and if required the public defender.*
5. *The Judge supervises the client's progress in treatment. The Judge will review, address, and resolve a client's non-compliance by amending the treatment regimen or discharging the client from the program.*
6. *The PYDC Team shall be responsible for ensuring that the established goals of the program are maintained.*

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Ethics and Confidentiality

The fundamental concern of the Waabshki-Miigwan program is addressing alcohol and substance abuse through treatment. Federal requirements and any tribal policies regarding confidentiality of client records must be considered. To properly address the confidentiality rights of participants, the Waabshki-Miigwan team must incorporate confidentiality regulations into its policies and procedures. Confidentiality regarding substance abuse treatment is protected by United States Code and the Code of Federal regulations. Therefore, all treatment providers and team members are bound by confidentiality guidelines.

The Waabshki-Miigwan team can share information regarding participants by obtaining written consent from each participant or through court order. Participants can sign a "Release of Confidential Information Form," where the participant gives his/her consent, in writing, allowing treatment providers and team members to share and disclose information regarding substance abuse issues.

Additionally, the purpose and conditions of the Release of Confidential Information Form should be explained to the participant by a member of the Waabshki-Miigwan Team (defense, probation, prosecution). It is important for the participant to understand the duration of the consent and that consent may be revoked, but that revoking consent may affect his or her ability to remain in the Wellness Court Program.

Because participants are involved in group counseling it is essential that they respect the confidentiality of other participants. They should agree not to disclose sensitive information discussed during sessions. This topic will be addressed in the Client Contract and the initial orientation. Also, measures must be taken by the team to ensure that information disclosed is relevant, reliable, and limited to the scope of the program and that it takes place in a professional forum.

In the event that a court staff member and a client should come in contact outside of a professional setting, communication should not take place unless initiated by the drug court participant.

Finally, Tribal law and regulations do not protect any information about suspected child abuse or neglect from being reported under tribal law to appropriate state or local authorities. Other instances of mandated reporting are in case of emergency, or threats to harm self or others.

Section B: Team Transition

Purpose

The purpose of this section is to establish a policy governing what will happen when there is turn-over in the Wellness Court Team.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menōpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

Team Transition

Periodically it becomes necessary to replace members of the Wellness Court Team. Outgoing Team members are requested to submit a letter of resignation that includes the last day of participation to the team with a copy going to the Chief Justice. Upon receipt of the resignation, the Wellness Court Judge will contact the parent agency of the resigning member and request that a replacement be named as soon as possible.

Once named, the new member will receive from the Wellness Court Coordinator a packet of information that includes the mission statement, the Wellness Court policy handbook, and minutes of previous meetings. At the new member's first meeting, the other team members will provide a brief verbal account of the team's responsibilities and their own in particular.

Chapter 10: Appendices to Tribal Policies and Procedures Manuals

Overview

All ten of the Key Components for Tribal Healing to Wellness Courts can implicate the appendices of the Policies and Procedures Manual. The appendices can include any supplemental information and attachments that the team deems relevant, such as contact information for other agencies, memorandum of agreements, or background information on treatment philosophies.

Relevant Key Components

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieving the physical and spiritual healing of the individual participant, and to promote Native nation building and the well-being of the community.

Key Component #2: Referral Points and Legal Process

Participants enter Tribal Healing to Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant's due (fair) process rights.

Key Component #3: Screening and Eligibility

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

Key Component #4: Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

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.

Key Component #6: Incentives and Sanctions

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements.

Key Component #7: Judicial Interaction

Ongoing involvement of a Tribal Healing to Wellness Court judge with the Tribal Wellness Court team and staffing, and ongoing Tribal Wellness Court judge interaction with each participant are essential.

Key Component #8: Monitoring and Evaluation

Process measurement, performance measurement, and evaluation are tools used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Healing to Wellness Court and to the tribal court process, determine participant progress, and provide information to governing bodies, interested community groups, and funding sources.

Key Component #9: Continuing Interdisciplinary and Community Education

Continuing interdisciplinary and community education promote effective Tribal Healing to Wellness Court planning, implementation, and operation.

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

Purpose

The purpose of the appendices is to provide helpful educational and reference materials to both the Healing to Wellness Court Team and to the participants and their families.

Sample Tribal Wellness Court Wording

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Appendices***AA Twelve Steps***

1. *We admitted we were powerless over alcohol—that our lives had become unmanageable.*
2. *Came to believe that a Power greater than ourselves could restore us to sanity.*
3. *Made a decision to turn our will and our lives over to the care of God as we understood Him.*
4. *Made a searching and fearless moral inventory of ourselves.*
5. *Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.*
6. *Were entirely ready to have God remove all these defects of character.*
7. *Humbly asked Him to remove our shortcomings.*
8. *Made a list of all persons we had harmed, and became willing to make amends to them all.*
9. *Made direct amends to such people wherever possible, except when to do so would injure them or others.*
10. *Continued to take personal inventory and when we were wrong promptly admitted it.*
11. *Sought through prayer and meditation to improve our conscious contact with God, as we understood Him, praying only for knowledge of His will for us and the power to carry that out.*
12. *Having had a spiritual awakening as the result of these Steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.*

The Indian Twelve Steps - Walking the Red Road

1. *We admitted we were powerless over alcohol — that we had lost control of our lives.*
2. *We came to believe that a power greater than ourselves could help us regain control.*
3. *We made a decision to ask for help from a higher power and others who understand.*
4. *We stopped and thought about our strengths and our weaknesses and thought about ourselves.*
5. *We admitted to the Great Spirit, to ourselves, and to another person the things we thought were wrong about ourselves.*

6. *We are ready, with the help of the Great Spirit, to change.*
7. *We humbly ask a Higher Power and our friends to help us change.*
8. *We made a list of all the people who were hurt by our drinking and want to make up for these hurts.*
9. *We are making up to those people whenever we can, except when to do so would hurt them more.*
10. *We continue to think about our strengths and weaknesses and when we are wrong we say so.*
11. *We pray and think about ourselves, praying only for strength to do what is right.*
12. *We try to help other alcoholics and practice these principles in everything we do.*

Ten Key Components of Wellness Courts

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.*

Key Component #2: *Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.*

Key Component #3: *Eligible substance abuse offenders are identified early through legal and clinical screening and are promptly placed into the Tribal Healing to Wellness Court.*

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.*

Key Component #5: *Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.*

Key Component #6: *Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.*

Key Component #7: *Ongoing judicial interaction with each participant and judicial involvement in a team staffing is essential.*

Key Component #8: *Monitoring and evaluation measure the achievement of program goals 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.*

Key Component #9: *Continuing interdisciplinary education promotes effective wellness court*

planning, implementation, and operation.

Key Component #10: The development of ongoing communication, coordination, and cooperation among team members, the community, and relevant organizations are critical for program success.

Seven Grandfather Teachings

Nibwaakaawin—Wisdom: To cherish knowledge is to know Wisdom. Wisdom is given by the Creator to be used for the good of the people. In the Anishinaabe Language this word expresses not only "wisdom," but also means "prudence," or "intelligence." In some communities, **Gikendaasowin** is used; in addition to "wisdom," this word can mean "intelligence" or "knowledge."

Zaagi'idiwin—Love: To know Love is to know peace. Love must be unconditional. When people are weak they need love the most. In the Anishinaabe language, this word with the reciprocal theme /idi/ indicates that this form of love is mutual. In some communities, **Gizhaawenidiwin** is used, which in most context means "jealousy," but in this context is translated as either "love" or "zeal." Again, the reciprocal theme /idi/ indicates that this form of love is mutual.

Minaadendamowin—Respect: To honor all creation is to have Respect. All of creation should be treated with respect. You must give respect if you wish to be respected. Some communities instead use **Ozhibwaadenindiwin** or **Manazonidiwin**.

Aakode'ewin—Bravery: Bravery is to face the foe with integrity. In the Anishinaabe language, this word literally means "state of having a fearless heart." To do what is right even when the consequences are unpleasant. Some communities instead use either **Zoongadikiwin** ("state of having a strong casing") or **Zoongide'ewin** ("state of having a strong heart").

Gwayakwaadiziwin—Honesty: Honesty in facing a situation is to be brave. Always be honest in word and action. Be honest first with yourself, and you will more easily be able to be honest with others. In the Anishinaabe language, this word can also mean "righteousness."

Dabaadendiziwin—Humility: Humility is to know yourself as a sacred part of Creation. In the Anishinaabe language, this word can also mean "compassion." You are equal to others, but you are not better. Some communities instead express this with **Bekaadiziwin**, which in addition to "humility" can also be translated as "calmness," "meekness," "gentility," or "patience."

Debwewin—Truth: Truth is to know all of these things. Speak the truth. Do not deceive yourself or others.

Chapter 11: Participant Handbooks

Overview

Participant Handbooks are distinct from Court Rules, Program and Personnel Policies, and Agency/Team Policy and Procedures Manuals. Early in the development of Healing to Wellness Courts, these courts used brochures for this purpose (see tribal examples below). With their growth and evolution, tribes are now starting to draft and use full-blown handbooks. The critical differences between Participant Handbooks and Policies and Procedures Manuals are the target audience – primarily the participant. Use simple, lay-friendly language. Use a tone of guidance and support for the individual in his or her wellness journey. Use a question and answer format where the questions are taken from the participants' perspectives as they move through the process. Cover an array of topics designed to provide full, informed consent, to advise about program rules, to give notice and information about rights with respect to confidentiality, application of incentives and sanctions, phase advancement/graduation and program termination, alcohol and drug testing, and treatment planning and service provision.

Participant Handbooks are an important tool to help ensure that potential participants are fully informed about the Wellness Court and their commitment to the program, including the amount of time the Wellness Court is expected to take. The Wellness Court requirements detailed in the Participant Handbook must be enforced, though not applied retrospectively. The Participant Handbook should provide a complete list of incentives and sanctions, along with a written policy on the application of incentives and sanctions. Additionally, the Participant Handbook can detail how the team will use hearsay evidence in determining noncompliant behavior, and how use of the evidence differs from criminal court.

Relevant Key Components

Key Component #2: Referral Points and Legal Process

Participants enter Tribal Healing to Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant's due (fair) process rights.

Key Component #3: Screening and Eligibility

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

Key Component #4: Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

Key Component #6: Incentives and Sanctions

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements.

Findings from the NIJ Tribal Wellness Court Study:⁷⁴ Key Components #2, #3, #4, and #6

Problems Identified:

- (1) Wellness courts had communication issues between the team and treatment providers due to intrinsic differences in the confidentiality of patient records versus court records.
- (2) Participants seemed surprised by the huge time commitment required by the Tribal Wellness Court and did not fully comprehend the Tribal Wellness Court requirements (no public defender or the public defender did not advise participant of his or her options before entering the Tribal Wellness Court).
- (3) Recidivism (post-program arrests) for alcohol- or drug-related offenses for a 3-year period following Tribal Wellness Court participation ranged from 50 to 59% in the adult courts and more than 90% in the juvenile courts.
- (4) Incarceration was often too readily used as a sanction, and participants could serve more time while in Tribal Wellness Court than if they had served their original sentence.
- (5) Participants complained that hearsay evidence was used in determining noncompliant behavior.
- (6) Participants complained about inconsistent application of sanctions and incentives (lack of graduated sanctions and incentives tied to specific behaviors).
- (7) Too much focus on sanctioning negative behavior and not enough on rewarding positive behavior.
- (8) Using incarceration too readily, rather than thinking of more therapeutic alternatives.

Lessons Learned:

- Use an “informed consent” approach with potential participants to ensure their due process rights are protected. In this approach, all benefits, risks, and alternatives of the Tribal Wellness Court are communicated early to the offender.
- Review the Tribal Wellness Court rules regularly with the participant while in the program.
- Choose participants who are motivated and ready to change their substance abuse behavior in order to maximize scarce resources and increase Tribal Wellness Court success. Participants who enter Tribal Wellness Court only to avoid incarceration may not “get with the program” and work to change their behavior.
- Have a clear termination policy in order to weed out participants who are not working the program after a reasonable time, if an inclusive admittance policy is used.
- Integrate culture and tradition into treatment, but do not require participants to do activities that can be perceived as religious rather than cultural because many tribes are religiously diverse.
- Emphasize culture – how to build a sweat lodge – not religion – participating in a sweat lodge ceremony – in order to avoid conflict with individual religious beliefs.

⁷⁴ Gottlieb, “Lessons Learned in Implementing the First Four Tribal Wellness Courts,” 12, 19, 24, and 35.

- Reward compliant behavior with incentives rather than emphasizing the punishment of noncompliant behavior with sanctions.
- Be judicious in levying non-therapeutic sanctions, such as incarceration, that are antithetical to the holistic healing philosophy underlying Tribal Wellness Courts.

Strengths & Weaknesses Reported to First Four Tribal Wellness Courts: Key Components #2, #3, #4, and #6⁷⁵		
<u>Strengths</u>	<u>Weaknesses</u>	<u>Strength or Weakness?</u>
<ul style="list-style-type: none"> • Policy & Procedure Manual used as a checklist • Presence of public defender • Participant Manual includes Frequently Asked Questions (FAQs) • Participants terminated with due consideration 	<ul style="list-style-type: none"> • Policy & Procedure Manual not approved by resolution • Program requirements not enforced • Potential participants not fully informed about Wellness Court • Hearsay evidence on noncompliance admitted • Program commitment not emphasized with potential participants • Program requirement changes applied retroactively 	<ul style="list-style-type: none"> • No clearly defined termination criteria
<ul style="list-style-type: none"> • Team members know potential participants • Participants drawn from several sources (tribal court, state court, and social services) 	<ul style="list-style-type: none"> • Drug dealers accepted into Wellness Court • Alternative court used to avoid incarceration where more time spent in Wellness Court than would have been spent in jail • No assessment of readiness to change • No individual treatment plan 	<ul style="list-style-type: none"> • Fast track to Wellness Court chemical dependency assessment completed after program acceptance • Inclusive and court-ordered participant selection with no assessment of readiness to change
<ul style="list-style-type: none"> • Parental involvement • Exclusive full-time chemical dependency counselor 	<ul style="list-style-type: none"> • Poor integration of cultural activities • No or too little family involvement in 	

⁷⁵ Taken from “Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court” (December 30, 2005), “Process and Outcome Evaluations of the Blackfeet Alternative Court” (December 30, 2005), “Process and Outcome Evaluations of the Hualapai Wellness Court” (June 2010), “Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court” (December 30, 2005).

<ul style="list-style-type: none">• Culture integrated into Wellness Court• Family treatment center• Treatment as structure in participants' lives• Recognition of value of counseling and classes• Traditional healing practices incorporated	<ul style="list-style-type: none">• treatment• Lack of organized aftercare• No phases in juvenile treatment track• No aftercare program• Poor coordination of counseling• Available aftercare not utilized
<ul style="list-style-type: none">• Provision of incentives• Recognition of progress• Therapeutic sanction for juveniles (sanctions that could be learning experiences)	<ul style="list-style-type: none">• Vague and incomplete incentives and sanctions list• Inconsistent application of incentives and sanctions• Non-therapeutic sanctions• Appellate court held Wellness Court did not follow the Policy and Procedures Manual• Lack of written policy on incentive and sanction application

Section A: Participant Handbook

Purpose

The purpose of a Healing to Wellness Court Participant Handbook is to help the participant fully and successfully participate in his or her wellness journey; to help the participant understand the mission, goals, and process; and to advise the participant of his or her legal rights, particularly with respect to confidentiality and potential sanctions and termination. The language and tone of the handbook should be lay-friendly, positive, and supportive. The handbook will be undermined by using vague or overly technical language. We recommend the use of pictures, flow-charts, stories, and quotations as much as possible.

Process for Developing Contents

We recommend developing a list of topics and then either soliciting participants' perspectives or having the team put themselves in the shoes of the participants to ask at least three questions per topic. The goal would be to use a question-and-answer format per topic to answer questions framed from the perspective of the participants.

Consider the following list of contents for a Wellness Court Participant Handbook:

- I. Vision/Mission of Wellness Court and Participant's Personal Wellness Journey
- II. A Description of the Wellness Court Program (i.e., "adult criminal," "juvenile," "family," etc.)
- III. Eligibility Criteria for Wellness Court Program Participation
- IV. The Journey to and through the Wellness Court Program (from tribal court to Wellness Court)
- V. Orientation and Entrance (with checklists of required tasks)
- VI. Wellness Court Phase Requirements
- VII. Testing
- VIII. Compliance and Incentives
- IX. Violations and Sanctions
- X. Treatment Services
- XI. Graduation and Termination
- XII. Pathways for Success (How do I make this work for me?)
- XIII. Wellness Court Program Rules
- XIV. Confidentiality Policy
- XV. Hearsay Policy
- XVI. Grievance Policy
- XVII. Fines, Fees, and Costs
- XVIII. Wellness Court Team Roles
- XIX. Forms (intake information, confidential contract, release of information, orientation checklist, etc.)

Menominee Wellness Court Outline for Drafting Participant Handbook

Chapter/Section	Participant Questions	Team Member Assigned to Draft
Vision/Mission -of Wellness Court Program -of Personal Wellness Journey	(1) What is this Wellness Court Program all about? (2) How am I supposed to do what I am expected to do? (3) Who is going to guide/help me do what I am expected to do?	Law Enforcement & Treatment (founding agencies)
Wellness Court Program Description	(1) Why/how does this Wellness Court Program apply to me? (2) How long is this going to take? (3) What do I have to do? (4) What is the Tribal Court's/Wellness Court's role/involvement with me?	Wellness Court Coordinator & Public Defender
Eligibility Criteria for Wellness Court Participation	(1) Am I in the Wellness Court Program or not? (2) Who is in the Wellness Court Program with me? (3) Why are we here?	Wellness Court Judge & Probation
Journey to and through Wellness Court (flow charts of Tribal Court to Wellness Court and Wellness Court process)	(1) Do I really have to go through all that? (2) Why is the jail time so long, and why are the phases so long? (3) What happens next?	Wellness Court Coordinator & Law Enforcement
Orientation & Entrance (checklist of tasks/requirements)	(1) Why do I get a lawyer? (2) Who is the Wellness Court Coordinator, and why is she here? (3) Who will be talking to me about my problems? (4) What is the plan/schedule going forward from here?	Wellness Court Coordinator & Public Defender
Wellness Court Program Phase Requirements (diagram/table of phases and requirements)	(1) What am I supposed to do in treatment? (2) What are these phases? (3) How do I move or promote through the phases? (4) How long do I spend in each phase?	Treatment & Law Enforcement
Testing	(1) What is the testing process and how does it work? (2) What do the numbers mean? (3) If I get tested in a given week do I still have to call in that week? (4) Can I cheat a UA sample?	Treatment & Law Enforcement

Chapter/Section	Participant Questions	Team Member Assigned to Draft
Compliance & Incentives	(1) What is an incentive? (2) Why do I care about incentives? (3) Why do other participants get an incentive and I don't?	Wellness Court Judge & Prosecutor
Violations & Sanctions	(1) How does this work? (2) Why do I get sanctioned and others don't? (3) Why am I sanctioned when I said I didn't do it/ not do it?	Wellness Court Judge & Prosecutor
Treatment Services	(1) What kind of counseling am I going to get? (2) What does being alcohol & drug free mean? (3) Why do I have to do all these other things (getting driver's license, job seeking, paying fines, etc.)?	Treatment & Law Enforcement
Transition & Termination	(1) What is transition (graduation)? (2) What am I transitioning to? (3) When and why would I be terminated? (4) Then what happens to me? (5) After transition, who helps me?	Prosecutor & Probation
Pathways for Success	(1) How do I make this work for me? (2) Can I really do this? (3) What does pathways to success mean to me?	Treatment & Probation
Wellness Court Program Rules	(1) What are the rules? (2) What happens if I break the rules? (3) Who can explain the rules?	Public Defender & Prosecutor
Confidentiality Policy	(1) What is it? (2) Who is going to know I am here? (3) What are you going to do with the information that I share? (4) How does what happens to me in the Wellness Court Program impact me in Tribal Court? (5) What does my password really mean? (6) How does it work? (7) What should I keep confidential?	Prosecutor & Probation
Fines, Fees, Costs	(1) How much are the fees? (2) Why do I pay fees in the Wellness Court Program? (3) Am I responsible for the cost of a UA? (4) What is the transition administration fee?	Wellness Court Judge & Wellness Court Coordinator

Chapter/Section	Participant Questions	Team Member Assigned to Draft
Grievance Policy	(1) What is a grievance policy? (2) Can I challenge a test result? (3) Can I challenge a sanction? (4) Whom do I file a grievance with? (5) What if I have a problem with a team member or service provider?	Prosecutor & Public Defender
Wellness Team Roles	(1) Role of Wellness Court Judge?* (2) Role of Wellness Court Coordinator?* (3) Role of Probation Officer?* (4) Role of Law Enforcement Officer?* (5) Role of Treatment Provider?* (6) Role of Prosecutor?* (7) Role of Defense Counsel? *Who are these people; what do they do; whom do I go to for help?	All Team Members
Forms	(1) Participant Self-Reporting Form (for use in Wellness Court Hearings); (2) Notice of Appearance for Wellness Court Hearings; (3) Confidential Contract; (4) Orientation Checklist/To Do List upon entry to the Wellness Court Program; (5) Release of Information Form; and (6) Intake Information Form.	All Team Members

Sample Tribal Brochures

Blackfeet Tribal Alternative Court

The Blackfeet Tribal Court handles over 5,000 criminal cases each year. There are also over 3,500 traffic tickets processed through the Court. The Tribal Court staff along with the community have recognized the fact that the main contributors to this serious community problem is alcohol and drugs. We have also recognized that the old system of punishment was not working to deter crime or stop the use of alcohol and drugs. In January of 1998 the Blackfeet Alternative Court began operation due to the efforts of Susan Spotted Bear and James Olsen who successfully applied for a grant from the National Drug Court Association.

WHO IS ELIGIBLE?

Any person over the age of eighteen years old who has been charged in the Blackfeet Tribal Court, has been found to be chemically dependent through assessment, does not have a violent felony on record, is not currently being charged with a violent offense, and is accepted into the program by majority vote of the Alternative Court staff.

STAFF

The Blackfeet Tribal Alternative Court (BTAC) is a team of Tribal Court staff along with concerned community members.

-Susan Spotted Bear is the BTAC Coordinator and Grant Manager. She is an acting member of the team.

-Dan Minnis is the BTAC Judge. He is an acting member of the team and meets with the clients.

-James Arnoux is also a BTAC Judge. He is an back-up member of the team.

-James Olsen is the BTAC Probation Officer and Grant Manager. He is an acting member of the team who is responsible for drug testing and tracking of clients compliance and sobriety.

-Wendy Running Crane is the BTAC Prosecutor. She is an acting member of the team with the responsibility of looking out for the public's safety and best interest.

-Cheryl Guardipee is the BTAC Public Defender. She is an acting member of the team who looks out for the clients rights. Although there is a Defender on the team, whenever the Defendant's counsel is can represent him/her in BTAC.

-Helen Gobert is the BTAC Clerk. She is an acting member of the team who is responsible for record keeping for the BTAC.

-Don Mallo is the BTAC Treatment Provider. He is an acting member of the team who provides out-patient treatment and assessments to clients.

-Teri Jo CalBoss Ribs is the BTAC Officer. She is an acting member of the team and is responsible for transporting clients when needed and testing.

BLACKFEET TRIBAL



ALTERNATIVE COURT

P.O. Box 1197
Browning, MT. 59417
Phone: (406) 338-5061
Fax: (406) 338-2722
E-Mail:
BlftCrt@3Rivers.Net

HERE'S HOW IT WORKS.....

1. Case is staffed after being referred to BTAC by the Prosecutor and Defender after completion of a record check by the Prosecutor and an assessment by the BTAC Treatment Provider.
2. A democratic vote is done with all staff members having one vote on whether or not the participant will be accepted into the program.
3. If accepted, the client then goes before the Judge and makes a guilty plea. A deferred sentencing agreement/contract is then signed by the Participant and Counsel, Prosecutor, and Judge.
4. The Participant enters Phase 1 of the program. To complete Phase 1 the participant must complete all treatment requirements for that Phase plus attend weekly AA meetings. The participant must attend weekly court appearances and submit to random drug testing during this period. He/she must have at least 10 consecutive negative drug tests in order to move to the next phase. If not a high school graduate, he/she must begin the GED process during this phase. It is also a requirement that he/she either find work or attend higher education during this time. If all requirements made by the team have been completed, the participant will then move up.
5. The Participant enters Phase 2 of the Program. To complete Phase 2 the participant must complete all treatment requirements for that Phase plus attend weekly AA meetings. Must attend court twice per month and submit to random drug testing. He/she must have at least 12 consecutive negative tests to move up. If all other requirements have been met, the Participant will move up.
6. The Participant enters Phase 3 of the Program. To complete, he/she must complete all treatment requirements and attend weekly AA meetings. Must attend Court once per month and have 12 consecutive negative tests to move up. When all requirements have been met, the Participant will move up.
7. The Participant enters Phase 4 of the Program. To complete, he/she must complete all treatment requirements and attend weekly AA meetings. Must attend Court once per month and have 12 consecutive negative tests to move up. The Participant must take an additional assessment at graduation for comparison. At the completion of this Phase, the Participant will graduate from the program.

SANCTIONS & INCENTIVES

Sanctions and incentives are based upon the teams discretion as to what sanction or incentive will best assist the Participant in his/her recovery.

SANCTIONS

- Monetary Fines
- Backward steps in Phases, weeks
- Increased treatment hours
- Increased AA meetings
- House arrest
- Weekends in jail
- Supervised personal time (exercise or activities ordered by the Court)
- Time in Jail
- Removal from program (last resort)
- Other sanctions deemed appropriate by team

INCENTIVES

- Reduced conditions
- Deferralment of sentence
- Accelerated progress
- Graduation
- Other incentives deemed appropriate by team



The main purpose of the Traditional Wellness Court is for the participant to:

- Learn to be alcohol / drug-free
- Reclaim pride in being HoChunk/Winnebago
- Improve family / friend relationships
- Build community support
- Stop criminal activity that hurts the person, community and Tribe while healing

For More Information:
Traditional Wellness Court
 of Winnebago, Nebraska
 P.O. Box 626
 Winnebago, Nebraska 68071
 Tel.: 1-402-878-2662
 Fax: (402) 878-2167
 Valerie Danielson, TWC Coordinator
 vdanielson@winnebagotribe.com



Winnebago Tribe of Nebraska
 P.O. Box 626
 Winnebago, Nebraska 68071

WINNEBAGO, NEBRASKA
TRADITIONAL WELLNESS COURT
FOR JUVENILES

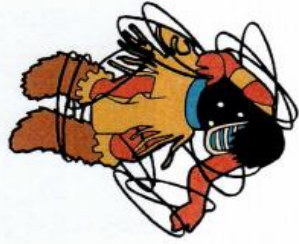


RAŠGUNĪ KĪ
 "MAKING HEALTHY"

MISSION STATEMENT

The mission is to aid youth in the Winnebago Community to better themselves through traditional values, cultural awareness and family involvement.

WINNEBAGO RAŠGUNI KI, WELLNESS COURT



... is a specialized program for first time offenders. The program requires a commitment to work with the Wellness Court Panel and to remain drug and alcohol free.

ELIGIBILITY

- 1st time juvenile offenders.
- Did not have a previous case before the Traditional Wellness Court.

Goal: To help participants walk a path to wellness with the support of family and friend.

A DIFFERENT WAY

In Rašguni Ki Traditional Wellness Court, a team joins together with the participants to provide structured monitoring and an individualized treatment plan for success. Team members are the Judge, Coordinator, Public Defender, Prosecutor, Probation Officers and TWC Panel of Elders.



HOW IT WORKS

A participant is accepted into the Traditional Wellness Court voluntarily by entering a plea. The participants understand that any violation of the case plan will result in an immediate consequence.

The case plan is a result of a collaborative effort to bring the participant's life back into harmony with himself / herself, family, Tribe and community. The participant is expected to meaningfully and actively participate.

Immediate consequences are a foundation of Rašguni Ki Traditional Wellness Court: rewards are given for compliance or progress and sanctions are immediately imposed for violations. Consequences are always focused upon assisting the participant to return to their wellness plan.

SANCTIONS MAY INCLUDE:

- DETENTION
- HEIGHTENED MONITORING
- BA OR UA TESTING
- COMMUNITY SERVICE
- RETURN TO COURT FOR SENTENCING

REWARDS MAY INCLUDE:

- RECREATION PASSES
- GIFT CERTIFICATES
- ADJUSTMENTS OF PROBATION
- DISPOSITION OF THE OFFENSE

FOUR PHASES

The Rašguni Ki Traditional Wellness Court Program can last for a few months to a year and consists of four separate phases. Each phase has specific requirements:



Phase One

- Court reviews weekly
- Contact with Coordinator once a week
- Employment or school attendance
- Develop a Spiritual-Cultural plan
- Treatment or counseling if needed
- Maintain sobriety
- Attend group cultural activity when offered

Phase Two

- Court reviews every 2 weeks
- Meet with Coordinator once a week
- Employment or school attendance
- Begin Spiritual-Cultural plan
- Continue with treatment / counseling if needed
- Maintain sobriety

Phase Three

- Court reviews every 3 weeks
- Less frequent contact with Coordinator
- Counseling as recommended
- Maintain sobriety

Phase Four

- Court reviews every 4 to 6 weeks
- Less frequent contact with Coordinator
- Employment or school attendance
- Continue with Spiritual-Cultural plan
- Counseling as recommended
- Maintain sobriety

Section B: Flow Charts of Process

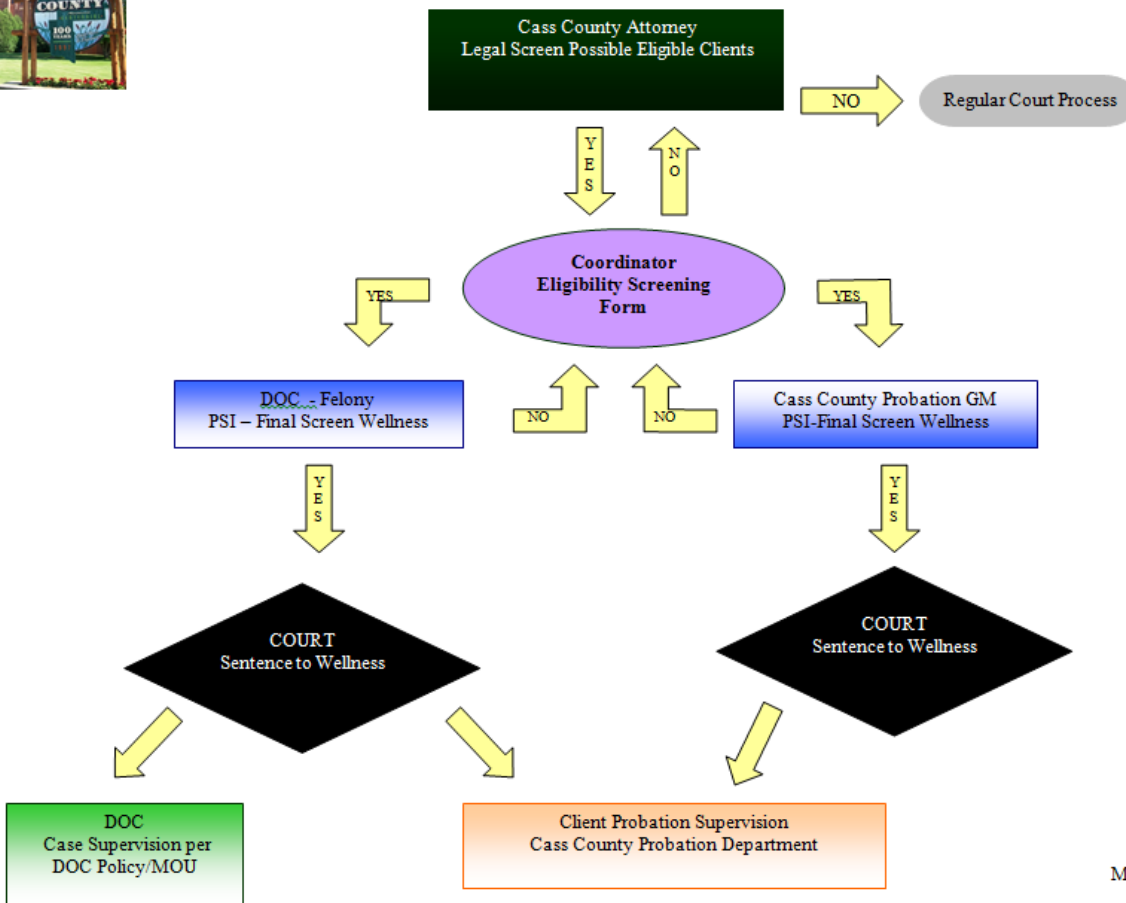
Purpose

It is helpful to include flowcharts to ensure that the Healing to Wellness Court team members have agreed-upon standard processes, that they see the “flow” the same way, and that they share this information with potential and active participants so that they understand how the program works and what is expected of them. Consider charting two processes from the participant’s perspective: the process of moving into Wellness Court (see Flow Chart below) and the Wellness Court process itself.



Cass County/Leech Lake Band of Ojibwe Wellness Court

Entry Process



May 1, 2012

Section C: Written Policies on Incentives and Sanctions

Purpose

The purpose of having written policies on incentives and sanctions is to make sure that the Team and the Participant are on the same page to maximize the therapeutic effect and to be fair to all participants. A written policy should be available and used at every team meeting reviewing participant progress and conduct. A written policy should also be included in the Participant Handbook so that Participants understand how it works and so that they can modify their conduct accordingly. A good written policy will have a section on incentives (rewards) and sanctions (punishments). The policy should list each type of anticipated bad conduct, for example:

- (1) testing positive for a controlled substance,
- (2) failing or refusing to test,
- (3) missing a court session without receiving prior approval for the absence,
- (4) being late to court with no prior approval,
- (5) failure to attend the required number of AA/NA meetings or support group meetings,
- (6) failure to attend and complete the assigned treatment program,
- (7) failure to keep in contact and/or cooperate with the Court Coordinator, Probation Officer, or Case Manager,
- (8) being convicted of a new crime,
- (9) violence or threats of violence directed at staff or other participants,
- (10) lack of motivation to seek employment or continue education,
- (11) refusing to terminate association with individuals who are using,
- (12) failure to comply with court directives,
- (13) lack of motivation to seek safe housing, etc.

For each type of conduct, there should be a list of standard sanctions and standard treatment responses. For example, if the Participant tests positive for a controlled substance, the standard increasing sanctions would include: increased supervision, increased urinalysis, community service, a written assignment, incarceration (1–10 days on first; 1 week on second), or discharge from the program. The standard treatment responses would include: a review of the treatment plan for appropriate treatment services, the writing of an essay about relapse and the things the participant would do differently, the writing of a list of why the participant would want to stay clean and sober, etc.

Eastern Band of Cherokee Nation Tribal Drug Court Participant Handbook**Incentives**

Incentives may be provided during drug court sessions and may include, but are not limited to:

- promotion to the next phase, certificates, and tokens;
- decreased supervision; increased privileges and responsibilities;
- praise from the Tribal Drug Court Judge and Team;
- Extended curfews and other individual incentives approved by the Tribal Drug Court Team.

Although some tangible incentives may be given, you will come to recognize that natural incentives are occurring throughout your time in Tribal Drug Court that include re-establishing relationships, and trust with the family, obtaining employment, meeting educational goals, becoming current on financial obligations, and other rewards gained as a result of becoming a productive member of the tribe and maintaining drug-free, crime-free lifestyle.

Sanctions

You are expected to comply with all requirements and other conditions established by Tribal Drug Court. Failure to comply will result in Tribal Drug Court Judge imposing sanctions upon you.

Sanctions may include, but are not limited to:

- Reprimand from the Tribal Drug Court Judge;
- Increased level of outpatient treatment or residential drug treatment, community service, phase demotion;
- Increased contacts with the Tribal Drug Court Staff;
- Home confinement;
- Jail;
- Termination from the program.

Graduated sanctions may be used for continuous non-compliance. All sanctions will be appropriate, consistent, and immediately applied. Participants will be responsible for payment each time they are remanded to county jail for non-compliance.

Chapter 12: Statutory Provisions

Overview

Statutory provisions may be implicated by any or all of the ten Key Components of Tribal Healing to Wellness Courts.

Purpose

Tribal laws establish, authorize, fund, and regulate tribal programs. Secondly, the process of adopting a tribal law puts tribal leaders on notice of tribal programming and requires them to officially declare support for or against such programming. Tribal Healing to Wellness Court participants and their families have a right to know what laws govern their Wellness Court participation.

Sample Tribal Wellness Court Wording

Muscogee (Creek) Nation of Oklahoma

CHAPTER 6. FAMILY DRUG COURT PROGRAM (last verified April 3, 2015)

Historical and Statutory Notes

NCA 00-32, § 101, provides:

“Findings: The National Council finds that:

“A. On August 29, 1998, the National Council adopted 98-77 that established a Family Drug Court Pilot Project, created a Family Drug Court Implementation Team and authorized the adoption and implementation of Family Drug Court Rules, policies and procedures.

“B. Section 105 of NCA 98–77 created an expiration date for the Family Drug Court Pilot Project which was to occur twenty-fourth months after the date on which said ordinance was enacted.

“C. In June 1999, the Family Drug Court Pilot Project began accepting participants and providing a specialized court docket in which to provide treatment, supervision, case management, and accountability for Family Drug Court participants.

“D. The Family Drug Court Implementation Team has executed a Memorandum of Understanding between the respective agencies involved, drafted policies and procedures to govern the Family Drug Court Program, and developed standardized forms and orders to be used by said Program. The Family Drug Court Implementation Team meets regularly and is encouraged by the operation of the Family Drug Court Program and the level of cooperation between the participating agencies.

“E. There is a need to continue the operation of the Family Drug Court Program beyond the expiration date of the Family Drug Court Pilot Project and to enhance the resources and services provided to Family Drug Court participants and their families.

“F. It is in the best interests of the Muscogee (Creek) Nation and its Indian families to establish a permanent Family Drug Court Program and to pursue funding sources to assist in the continuation of the Family Drug Court Program.”

NCA 98–77, § 101, provides:

“Findings: The National Council finds that:

“1. The Muscogee Nation currently has both a criminal code and a juvenile code governing criminal and juvenile actions arising within the jurisdictional boundaries of the Muscogee Nation.

“2. Drug and/or alcohol abuse is a commonly recurring factor in a substantial number, if not the majority, of juvenile cases within the Nation's Children and Family Services Administration as well as in adult criminal cases.

“3. The Nation's current programs and services designed to address family problems and conditions are often inadequate where such problems and conditions are the result, in whole or in part, of chronic drug and/or alcohol abuse.

“4. There is a need to reduce the incidence of drug and alcohol abuse within the Muscogee Nation and to create and implement a program integrating alcohol and drug treatment and other rehabilitative services and resources within the Nation's judicial system.

“5. With funding provided in 1996 from a grant funded in 1996 by the U.S. Department of Justice, the Nation formed a family drug court planning team whose members have been meeting since February 1997 to discuss and plan a family drug court program within the Muscogee (Creek) Nation judicial system. The members of the family drug court planning team have also participated in both national and state drug court training sessions to assist them in developing a drug court program.

“6. The family drug court planning team members studied the problems of chronic alcohol and drug abuse and its effects on families and have recommended the establishment of a Family Drug Court Pilot Project as the initial substantive step in creating a program specifically designed to address the cycle of alcohol and drug abuse and the disintegration of families within Muscogee Nation caused by such abuse.

“7. The Muscogee Nation was recently awarded a drug court implementation grant by the U.S. Department of Justice to assist with funding the implementation of a family drug court program within the Nation's criminal and juvenile justice system.

“8. It is in the best interests of the Muscogee Nation and its Indian families to implement a Family Drug Court Pilot Project pursuant to the federal drug court grant awarded by the Department of Justice.”

§ 6—101. Establishment of program

There is hereby established a Family Drug Court Program within the Muscogee (Creek) Nation's judicial system.

§ 6—102. Powers and authority of Court

The judge of the Muscogee (Creek) Nation District Court is hereby authorized to order and/or impose sanctions and incentives for participants who enter into the Family Drug Court Program. The Court's powers and authority hereunder shall include, but are not limited to, the following:

A. approving and enforcing treatment plans;

- B. *holding participants in direct or indirect contempt of court for willful violations of the Court's orders, including Court-ordered treatment plans;*
- C. *imposing fines and/or costs;*
- D. *ordering the performance of community service;*
- E. *ordering participants to receive mandatory inpatient/outpatient drug or alcohol treatment or counseling;*
- F. *ordering random and/or periodic urinalysis testing;*
- G. *placement of children in the legal and/or physical custody of Children and Family Services Administration and/or other persons;*
- H. *authorizing increased or restricted contact with other family members or increased or restricted supervised visitation with children);*
- I. *extending, accelerating, and/or terminating treatment plan(s) and/or ordering that non-compliant participants be discharged from the Family Drug Court program;*
- J. *where a participant in the program has materially and/or repetitively violated the terms of his or her court-ordered treatment plan, ordering that the participant be placed in confinement for a period not to exceed 5 days for each violation, but only after the Court expressly finds that the participant's violation of the plan was willful and that other sanctions or incentives are inadequate; and*
- K. *imposing any other condition, standard, requirement, treatment, service, training or activity which the Court deems appropriate under the facts and circumstances of the case in the exercise of the court's sound discretion.*

§ 6—103. Rules and procedures

The District Court may, in its discretion, adopt written rules and procedures for the conduct of hearings and proceedings within the Family Drug Court program and the administration of cases therein, provided that copies of such rules and procedures shall be public documents and made available to all persons participating in the Family Drug Court Program and, upon request to any citizen or attorneys admitted to the Muscogee (Creek) Nation Bar Association.

§ 6—104. Family Drug Court Implementation Team

- A. *There is hereby established the Family Drug Court Implementation Team, which shall consist of at least one (1) representative from each of the following agencies or departments of Muscogee (Creek) Nation: Office of the Attorney General, Children and Family Services Administration (hereinafter CFSA"), Muscogee Nation Behavioral Health and/or Employee Health Department, Lighthorse Police, and such other person or persons as may be designated by the Principal Chief. The Speaker of the National Council may appoint one member of the National Council to attend Implementation Team meetings in an ex-officio capacity.*
- B. *The Family Drug Court Implementation Team is hereby authorized to develop policies, procedures, and inter-agency/departmental protocols and standards for use in the operation of the Family Drug Court Program, as well as standardized forms and other documents to be used in the program. In developing the foregoing, the Team shall consult with their respective agencies, the judicial*

branch, attorneys who provide indigent defense services, and other outside agencies.

§ 6–105. Children and Family Services Administration responsibilities

The CFSA shall be primarily responsible for managing and coordinating services and activities under the individual treatment plans, provided that in drafting and formulating individual treatment plans, CFSA shall consult with other agencies participating in the program in accordance with the interagency protocols and standards adopted pursuant to subsection B of Title 26, § 6–104.

§ 6–106. Muscogee (Creek) Nation Behavioral Health responsibilities

Muscogee (Creek) Nation Behavioral Health shall be the primary service provider for alcohol and drug abuse assessments, testing, counseling, and treatment services to be provided under the individual treatment plans, provided that Muscogee (Creek) Nation Behavioral Health shall coordinate its services with other agencies participating in the program in accordance with the interagency protocols and standards adopted pursuant to subsection B of Title 26, § 6–104.

§ 6–107. Search for funding

The Principal Chief or his designee is authorized to seek and apply to other funding or sources for the purpose of implementing a Family Drug Court Program within the Muscogee (Creek) Nation justice system.

§ 6–108. Cooperative agreements or contracts

- A. *The Principal Chief, with the assistance of the Attorney General, is hereby authorized to negotiate and enter into on behalf of the Muscogee (Creek) Nation appropriate cooperative agreements with state and local governments for integrating and/or coordinating the Muscogee (Creek) Nation Family Drug Court Program with agencies of such other governments.*
- B. *In addition, the Principal Chief, with the assistance of the Attorney General, is hereby authorized to negotiate and enter into on behalf of the Muscogee (Creek) Nation appropriate cooperative agreements/contracts with substance abuse treatment facilities, local jails and/or detention facilities, and other agencies in order to provide more comprehensive treatment and sanctions services for the Family Drug Court Program.*

§ 6–109. Severability

The provisions of this chapter shall be considered severable such that if any provision shall be held invalid by a court of competent jurisdiction, all other provisions shall continue to be valid and given full force and effect.

Eastern Band of Cherokee

Sec. 7C-6. – Cherokee Tribal Drug Court procedures.

(a) Establishment of policies and procedures.

(1) Policies and procedures for the Cherokee Tribal Drug Court shall be established by

the Cherokee Tribal Drug Court Team.

(2) Thereafter, the Cherokee Tribal Drug Court Team shall amend and modify the policies and procedures as necessary to improve the Cherokee Tribal Drug Court process. Any such amendments or modifications shall be by a majority vote at a Cherokee Tribal Drug Court Team meeting with each member eligible to carry one vote and notice of the meeting must be given to each member of the Cherokee Tribal Drug Court Team at least seven days prior to the meeting.

(3) In order for the policies and procedures to be amended or modified, there shall be present at the Cherokee Tribal Drug Court Team meeting the judge and at least four other members of the Cherokee Tribal Drug Court Team.

(b) Sessions.

(1) All Cherokee Tribal Drug Court sessions shall be closed to the public except for invited guests as allowed by HIPAA regulations.

(2) The Cherokee Tribal Drug Court is strictly a non-adversarial forum and there shall be no prosecuting or defense attorneys allowed to participate in any court proceedings.

(3) The Cherokee Tribal Drug Court Judge shall make all findings of facts relevant to each participant's case pursuant to the policies and procedures adopted by the Cherokee Tribal Drug Court Team

(4) Cherokee Tribal Drug Court sessions shall proceed pursuant to the policies and procedures adopted by the Cherokee Tribal Drug Court Team.

SEXUAL OFFENDER PROHIBITION

People categorized as "Sexual Offenders" are not eligible to participate in Cherokee Tribal Drug Court. For the purpose of determining Cherokee Tribal Drug Court eligibility, a sexual offender is a person who has been convicted of, or is currently charged with a "reportable offense" as defined by Cherokee Code Section 14-50.2(4).

1. Cherokee Code, Section 14-50.2(4) Reportable offense means conviction of, adjudicated or committed for a violation, solicitation, conspiracy, or attempt to commit a violation of the following:
 - a. Cherokee Code: Section 14-20.1 (taking indecent liberties with children) Section 14-20.2 (aggravated sexual abuse); Section 14-20.3 (sexual abuse); Section 14-20.4 (Sexual abuse of minor or ward); Section 14-30.5 (child abuse in the first degree); Section 14-80.2 (Incest); 14-80.4 (Indecent exposure);
 - b. Any offense against a minor prohibited by North Carolina Statutes, all sexually violent offenses prohibited by North Carolina Statutes, including NCGS. 14-27.3 (Second degree rape); NCGS 14-27.4 (First degree sexual offense); NCGS 14-27.5 (Second degree sexual rape); NCGS 14-27.6 (Attempted rape or sexual offense); NCGS 14-27.7 (Intercourse or sexual offense with certain victims); NCGS 14-17.8 (Incest between near relatives); NCGS 14-190.6 (Employing or permitting minor to assist in offenses against public morality or decency); NCGS 14-190.16 (First degree sexual exploitation of a minor); NCGS 14-190.17 (second degree sexual exploitation of a minor); NCGS 14-190.17A (Third degree sexual exploitation of a

- minor); NCGS 14-190.28 (Promoting prostitution of a minor); NCGS 14-190.19 (Participating in prostitution of a minor); NCGS 14-202.1 (Taking indecent liberties with children);*
- c. 18 U.S.C. 2241 (Aggravated Sexual Abuse); 18 U.S.C. 2242 (Sexual Abuse); 18 U.S.C. 2243 (Sexual Abuse of a Minor or Ward); 18 U.S.C. 2251 (Sexual Exploitation of Children); 18 U.S.C. 2252 (Certain Activities Relating to Material Involving Sexual Exploitation of Minors); 18 U.S.C. 2252A (Certain activities Relating to Material Constituting or Containing Child Pornography); 18 U.S.C. 2260 (Production of Sexually Explicit Depictions of a Minor for Importation into the United States);*
 - d. A reportable offense shall also include all convictions or adjudications or commitments for the above offenses by any tribal, federal, or state jurisdiction, which if committed on the Cherokee Reservation or within the State of North Carolina, would have been a sex offense as defined by Chapter 14 of the Eastern Band of Cherokee Code or the North Carolina General Statutes or the United States Code as described above;*
 - e. All delinquency findings or adjudications of minors for offense listed in subsections (4) a–d above, in any jurisdiction shall also be a reportable offense;*
 - f. Individuals who have been released from a mental health facility or from a prison’s mental health facility for treatment for any mental disorder, mental illness, mental disease, defect, or have been found not guilty or not responsible by reason of mental disease or defect for any offenses enumerated in subsections (4) a–d of this section. In the event that such individual is deemed legally incompetent, it shall be the responsibility of the guardian to register the individual as required by this article.*
 - g. Reportable offenses must have occurred any time after March 7, 1991.*

The phrase “reportable offense” shall include any future amendments in The Cherokee Code of Section 14-50.2 (4) a through g.

- 2. A sexual offender is also any person who meets the qualifications as set out in Cherokee Code, Section 14-50.2(6) defining “Sexually Violent Person” or who is required to register as a Sexual Offender under Article X (Sexual Offender Registration Program) of Chapter 14 of The Cherokee Code as now written or as later amended.*
- 3. A sexual offender is also any person who has been convicted of a sexual offense, as commonly defined, which is a crime under the United States Code or the statutes, codes, or ordinances of any state or Native American Tribe recognized by the United States as presently defined or as defined by later amendments.*

Fort McDowell Yavapai Nation**Law and Order Code of the Fort McDowell Yavapai Community, Arizona****VIII. WELLNESS COURT.****Rule 84. Wellness Court eligible cases.**

- (a) **Referral.** *In any case wherein the facts of the case and the defendant meet the legal criteria for Wellness Court participation outlined in the Wellness Court Program, the Nation may refer such case and defendant to the Wellness Court Committee for consideration in accordance with Wellness Court Policies and Procedures.*
- (b) **Information to Defendant.** *In any case referred to the Wellness Court Committee for consideration, the Court will provide information to the defendant about the Wellness Court and refer the defendant to the Wellness Court Coordinator and/or Wellness Court Case manager to answer questions, and if appropriate, to execute a limited consent form so that the Wellness Court Committee may consider the defendant's admission to the program.*

Rule 85. Offer for Wellness Court is made/declined.

If the Wellness Court Committee accepts a defendant into the Wellness Court Program and the defendant declines participation or fails to accept participation within ten (10) business days of program acceptance, the Nation has sole discretion to offer Wellness Court as a diversion program at any point prior to trial.

Rule 86. Tolling of time; speedy trial.

When Wellness Court participation is offered for the benefit of a defendant prior to trial, time is tolled for purposes of speedy trial calculations so long as the offer for Wellness Court participation is made in good faith and is not for purposes of delay.

Rule 87. Entry of guilty plea; deferred acceptance of plea.

In any case wherein Wellness Court is offered, the defendant will be required to enter a plea of guilty to the charges. The Court will make a determination whether the plea was entered knowingly, intelligently, and voluntarily and, if possible, find a factual basis. However, the Court will defer acceptance and entry of the guilty plea onto the record and order the defendant to the Wellness Court program(s) for successful completion. The Court shall advise the defendant that if he or she fails to successfully complete the Wellness Court program, the Court will, upon notification and at hearing, formally accept the guilty plea and set the matter for sentencing. In addition, the Court will also advise the defendant that if he or she fails to successfully complete.

Chapter 13: Agreements

Overview

Agreements and their provisions may be implicated by any or all of the ten Key Components of Tribal Healing to Wellness Courts, but are specifically referenced in Key Component 10 - Team Interaction.

The Gottlieb Evaluations of the First Four Tribal Wellness Courts identified the following strengths and weaknesses relevant to the design and structure of a Wellness Court (and thus agreements and their provisions): Strength of First Four Tribal Wellness Courts - Tribal Wellness Courts involved tribal council members in the planning stages of their Wellness Courts, law enforcement was included as an integral part of the Wellness Court Team, and the Wellness Court did successful team building at local planning meetings. Weaknesses of First Four Tribal Wellness Courts - there was little support from tribal leadership, there was no community-wide steering committee, there was no buy-in from other agencies, law enforcement was not an integral part of the Wellness Court Team, there was a lack of support and interference from the Tribal Council, the community was not familiar with the Wellness Court and there was a lack of community support for it, and there was a failure to institutionalize the Wellness Court.

The Gottlieb findings relevant to agreements and their provisions included the finding that: Wellness teams had a great deal of member turnover. The Gottlieb “lessons learned” include the recommendations to: (1) develop a strong structure for a Tribal Wellness Court by building the Tribal Wellness Court team based on roles, not individuals; and (2) detail the responsibilities of team members from various agencies in written policies and procedures and memorandums of agreement/understanding.

Relevant Key Components

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

**Findings from NIJ Tribal Wellness Court Study:
Key Component #10⁷⁶**

Problems Identified:

- (1) Wellness teams had a great deal of member turnover.

Lessons Learned:

- Develop a strong structure for your Tribal Wellness Court by building the Tribal Wellness Court team based on roles, not on individuals, in order to avoid the disintegration of the team due to staff turnover.
- Detail the responsibilities of team members from various agencies in written policies and procedures, such as memoranda of understanding, in order to ensure the team's integrity.

**Strengths & Weaknesses Reported in First Four Tribal Wellness Courts
Key Component #10⁷⁷**

Strengths

- Public outreach attempts
- Tribal Council members involved in planning stage
- Successful team building at local planning meetings (facilitated by Chief Judge, who became WC judge, included readings and in-depth exploration of team's feelings about substance abuse and how it affected their lives and the community)

Weaknesses

- No buy-in from other agencies
- Little support from tribal executive board
- Community not familiar with WC
- Lack of support and interference from Tribal Council
- Law Enforcement not integral part of team

Purpose

⁷⁶ Gottlieb, "Lessons Learned in Implementing the First Four Tribal Wellness Courts," 57.

⁷⁷ "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" (December 30, 2005), "Process Outcome Evaluations of the Poarch Band of Creek Indians Drug Court" (December 30, 2005).

Written agreements represent detailed, firm commitments, and if signed and/or adopted by tribal resolution, may be legally binding. Such agreements (often called Memorandums of Agreement, Memorandums of Understanding, or letter agreements) are useful, if not indispensable, in carrying-out inter-agency and inter-governmental cooperation. Agencies, rather than individuals, are bound to serve and cooperate with the Healing to Wellness Court. The process of negotiating such agreements is almost as important as having the signed agreement itself, as this process can serve an educational, input, cross-training, and/or consensus-building function. Healing to Wellness Court participants and their families have a right to know the contents of any agreements governing their participation.

Sample Tribal Wellness Court Wording

CASS COUNTY/LEECH LAKE BAND OF OJIBWE WELLNESS COURT

MEMORANDUM OF UNDERSTANDING

AGREEMENT between the Cass County Attorney's Office, Cass County Sheriff's Department, Regional Native Public Defense Corporation, Minnesota Department of Corrections, Leech Lake Tribal Policy Department, Leech Lake Tribal Court, Leech Lake Addiction and Dependency Program, First Step Walker, Ninth Judicial District Administration and Cass County District Court Judge.

The parties to this Agreement endorse the mission and goals of the Cass County Wellness Court (wellness court) so that participants may eliminate future criminal behavior and improve the quality of their lives. The parties recognize that for the wellness court mission to be successful, cooperation and collaboration must occur within a network of agencies.

The parties to this Agreement support the following mission statement:

The purpose of the Cass County Leech Lake Band of Ojibwe Wellness Court is to reduce the number of repeat substance-dependent and DWI offenders by using a team approach in the court system. Upon acceptance, candidates will be provided the opportunity to participate in individual treatment programs designed to promote accountability and self-sufficiency and to enhance public safety. Compliance will be accomplished by using an established system of court-ordered sanctions/incentives as well as community and family support systems.

The parties agree that there are ten principles under which the respective agencies will work cooperatively. They are:

1. *The wellness court integrates alcohol and other drug treatment services with criminal justice system processing.*
2. *The wellness court uses a non-adversarial approach, prosecution, and defense counsel to promote public safety while protecting participants' due process rights.*

3. *Eligible participants are identified early and referred to the wellness court.*
4. *The wellness court provides access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.*
5. *Frequent alcohol and other drug testing monitors abstinence.*
6. *A coordinated strategy governs the wellness court responses to the participant's compliance.*
7. *There is ongoing judicial interaction with each wellness court participant.*
8. *A monitoring and evaluation plan measures the achievement of program goals and gauges effectiveness.*
9. *Continuing interdisciplinary education promotes effective substance abuse court planning, implementation and operations.*
10. *Forging partnerships among wellness courts, public agencies and community-based organizations, generate local support and enhance the wellness court's effectiveness.*

INDIVIDUAL AGENCY RESPONSIBILITIES AND STAFF COMMITMENTS

Wellness court Judge

1. *The judge will assume the primary role to motivate and monitor the participants of the wellness court program.*
2. *The judge will ensure a cooperative atmosphere for attorneys, case managers, probation, law enforcement, and treatment providers to stay focused on the task of providing substance abusers with treatment opportunities.*
3. *The judge will provide the necessary reinforcers when deemed appropriate while maintaining the integrity of the court.*
4. *The judge will participate as an active member of the staffing team and chairs the Steering Committee.*
5. *The judge will provide training to new or replacement judges.*
6. *The judge will act as a mediator to develop resources and improve interagency linkages.*
7. *The judge will act as a spokesperson to educate the community and peers about the wellness court program.*

Wellness court Coordinator

1. *The coordinator will be assigned to the wellness court program for the term of this Agreement, as funding permits, and will participate as an active member of the staffing team and the Steering Committee.*
2. *The coordinator will provide oversight to the wellness court program.*
3. *The coordinator will organize events and meetings, compile supporting materials to disseminate to stakeholders and providers of services to maintain linkages, develop marketing strategies, create a press package and act as a media contact person.*
4. *The coordinator will continuously monitor and evaluate the progress of the wellness court program participants.*
5. *The coordinator will seek funding sources; respond to grant solicitations; implement and monitor grant funds and provide fiscal, narrative and statistical information as required by the funding source to ensure the ongoing operation of the program.*
6. *The coordinator will provide or seek continuing training for the wellness court team.*

7. *The coordinator will provide an annual report setting forth the incidence of recidivism among wellness court graduates.*
8. *The coordinator will provide leadership and direction to ensure compliance with the National Standards set forth by the National Association of Wellness court Professionals.*
9. *The coordinator will create court calendars; prepare reports for staffings and assure timely dissemination of compliance information; perform case flow coordination; expedite processes of notification, service placement, rescheduling, and preparation of warrants; collect fees; and monitor compliance.*
10. *The coordinator will provide training to new or replacement coordinator.*
11. *The coordinator will negotiate and monitor treatment and ancillary service contracts; conduct site visits; review progress reports and assist in audits and certification monitoring; create and monitor standards for urine collection and compliance reporting; ensure gender, age and culturally specific treatment services.*
12. *The coordinator will create and maintain a data collection system to monitor client compliance, identify trends and provide a basis for evaluation.*

Cass County Attorney

1. *The county attorney will be assigned to the wellness court program for the term of this Agreement, as funding permits, and will participate as an active member of the staffing team and the Steering Committee.*
2. *The county attorney will assist in identifying non-violent defendants arrested for specified drug or alcohol-related offenses.*
3. *The county attorney may dismiss charges on drug-related offenses only after the participants have successfully completed the wellness court program.*
4. *The county attorney agrees that a positive drug test or open court admission of drug possession or use alone will not result in the filing of additional charges based on that admission.*
5. *The county attorney makes decisions regarding the participant's continued enrollment in the program based on performance in treatment and in the program rather than on legal aspects of the case, barring additional criminal behavior.*
6. *The county attorney will participate as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.*
7. *The county attorney, during staffings, will advocate for effective sanctions and incentives for program compliance or lack thereof.*
8. *The county attorney will contribute to the team's efforts in community education and local resource acquisition.*
9. *The county attorney will contribute to the education of peers, colleagues, and judiciary in the efficacy of wellness courts.*
10. *The county attorney will provide training to new or replacement prosecutor.*

Defense Counsel

1. *The defense counsel will be assigned to the wellness court program for the term of this Agreement, as funding permits, and will participate as an active member of the staffing team and the Steering Committee.*
2. *The defense counsel will assist in identifying non-violent defendants arrested for specified drug or alcohol-related offenses.*

3. *The defense counsel will advise the defendant as to the nature and purpose of the wellness court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in wellness court will affect his/her interests.*
4. *The defense counsel will explain all of the rights that the defendant will temporarily or permanently relinquish.*
5. *The defense counsel will explain that because criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful with the judge, the case manager and the treatment staff, and inform the participant that he or she will be expected to speak directly to the judge, not through an attorney.*
6. *The defense counsel will participate as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.*
7. *The defense counsel, during staffings, will advocate for effective sanctions and incentives for program compliance or lack thereof.*
8. *The defense counsel will contribute to the team's efforts in community education and local resource acquisition.*
9. *The defense counsel will contribute to the education of peers, colleagues, and judiciary in the efficacy of wellness courts.*
10. *The defense counsel will train a new or replacement public defender.*

Treatment Provider

1. *The treatment provider will participate fully as a team member and will work as a partner to ensure their success.*
2. *The treatment provider will ensure that the participant receives the highest level of care available, at a reasonable cost, by all contracted and ancillary service providers.*
3. *The treatment provider will ensure that the participants are evaluated in a timely and competent process and that placement and transportation are effectuated in an expedited manner.*
4. *The treatment provider will provide progress reports to the team prior to staffings so that the team will have sufficient and timely information to implement sanctions and incentive systems.*
5. *The treatment provider will advocate for effective sanctions and incentives during staffings.*
6. *The treatment provider will provide training to the team on assessment basis of substance abuse, the impact of treatment on the offender and the potential for relapse.*
7. *The treatment provider will contribute to the team's efforts in community education and local resource acquisition.*
8. *The treatment provider will contribute to the education of peers, colleagues, and judiciary in the efficacy of wellness courts.*

Probation Officer

1. *One probation officer will be assigned to provide field supervision of wellness court participants for the term of this Agreement, as funding permits, and will participate as an active member of the staffing team.*

2. *The probation officer will provide coordinated and comprehensive supervision and case management so as to minimize participant manipulation and splitting of program staff.*
3. *The probation officer will monitor accountability of social activities and home environment of the participant.*
4. *The probation officer will develop effective measures for drug testing and supervision compliance reporting that provide the team with sufficient and timely information to implement sanctions and incentive systems.*
5. *The probation officer will participate in bi-weekly case reviews with the judge, treatment provider and wellness court staffing team.*
6. *The probation officer will coordinate the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.*
7. *The probation officer will provide on-site progress reports to the judge.*
8. *The probation officer will provide frequent, observed drug testing on a random basis.*
9. *The probation officer will participate as an active member of the Steering Committee.*
9. *The probation officer will contribute to the team's efforts in community education and local resource acquisition.*
10. *The probation officer will contribute to the education of peers, colleagues, and judiciary in the efficacy of wellness courts.*

Cass County Sheriff's Department

1. *An officer from the sheriff's department will be assigned to the wellness court program for the term of this Agreement, as funding permits, and will participate as an active member of the Steering Committee.*
2. *The sheriff's department will provide information of participant appropriateness from law enforcement sources to the team, and make recommendations to the team.*
3. *The sheriff's department will provide access to in-custody treatment services for those returning to custody as a sanction.*
4. *The sheriff's department will facilitate the swift delivery of bench warrants for participants who have absconded from the program, and release them into treatment on the judge's orders.*
5. *The sheriff's department will provide a monitoring function to the team by going on joint home visits, reporting on a participant's activities in the community, and supervising participation in community service.*
6. *The sheriff's department will provide assistance, information, and support to participants in the community, encouraging them to succeed in the program.*

Police Departments

1. *The police department serves as a liaison between the Steering Committee and the community and provides information to the Steering Committee on community issues related to drug or alcohol abuse.*
2. *The police department provides feedback on potential candidates for the wellness court program.*

3. *The police department will provide a monitoring function to the team by going on joint home visits, reporting on a participant's activities in the community, and supervising participation in community service.*
4. *The police department will provide assistance, information, and support to participants in the community, encouraging them to succeed in the program.*
5. *A representative from the police department will participate as an active member of the Steering Committee.*

Minnesota State Patrol

1. *The state patrol will serve as a liaison between the Steering Committee and the community and provide information to the Steering Committee on community issues related to drug or alcohol abuse.*
2. *The state patrol will provide feedback on potential candidates for the wellness court program.*
3. *The state patrol will provide a monitoring function to the team by reporting on a participant's activities in the community.*
4. *The state patrol will provide assistance, information, and support to participants in the community, encouraging them to succeed in the program.*
5. *A representative from the state patrol will participate as an active member of the Steering Committee.*

Ninth Judicial District Wellness Court Coordinator/Evaluator

1. *The district wellness court coordinator will assist in providing oversight to the wellness court program.*
2. *The district wellness court coordinator will assist the wellness court team with monitoring the progress of the program.*
3. *The district wellness court coordinator will assist in developing a data collection system that will collect relevant information critical to the program's survival, such as immediately detecting noncompliance of a participant or to observe developmental trends.*
4. *The district wellness court coordinator will develop evaluation policies and procedures, and manage the evaluation process of the wellness court.*
5. *The district wellness court coordinator will assist in: seeking funding sources; responding to grant solicitations; implementing and monitoring grant funds; and providing fiscal, narrative, and statistical information as required by a funding source to ensure on-going operation of the program.*
6. *The district wellness court coordinator will assist in providing or seeking on-going training of the wellness court team.*

In creating this partnership and uniting around a single goal of addressing an underlying problem affecting our community, we are pledged to enhance communication between the courts, law enforcement, and treatment programs. Through this linkage of services, we expect greater participation and effectiveness in addressing drug offenders involved in the criminal justice system.

Agreement Modifications

Any individual agency wishing to amend/modify this Agreement will notify the Steering Committee of the issue(s). The Steering Committee will address the issue(s) for purposes of modifying/amending the Agreement. The issue will be decided by consensus (if possible) or by simple majority, if not.

IN WITNESS THEREOF, the parties have caused their duly authorized representatives to execute this Agreement.

Dated:

Ninth Judicial District Court Judge

Ninth Judicial District Administrator

Leech Lake Tribal Council

Leech Lake Tribal Court

Regional Native Public Defense Corp.

Ninth Judicial District Public Defender

Cass County Attorney

Cass County Sheriff's Department

Police Department

Minnesota State Patrol

First Step Walker Treatment Center

Leech Lake Addiction and Dependency Program

*Cass County Health, Human
Veterans Services*

Minnesota Department of Corrections and

Appendix: Consortium of Technical Assistance Providers

Tribal Law and Policy Institute

8235 Santa Monica Blvd., Suite 211

West Hollywood, CA 90046

Telephone: 323.650.5467

Fax: 323.650.8149

Websites: www.tlpi.org

www.WellnessCourts.org

Jerry Gardner, Executive Director

Lauren van Schilfgaarde, Tribal Law Specialist

Chia Halpern Beetso, Tribal Court Specialist

Center for Children and Family Futures**Office of Juvenile Justice and Delinquency Prevention Family Drug Court Training and Technical Assistance Program**

4940 Irvine Blvd., Suite 202

Irvine, CA 92620

Telephone: 714.505.3525, ext. 205

Fax: 714.505.3626

Website: www.cfffutures.org

Center for Court Innovation**Drug Court Projects**

520 Eighth Avenue, 18th Floor

New York, NY 10018

Telephone: 646.386.4470

Websites: www.courtinnovation.org/topic/drug-court

www.drugcourta.org

www.drugcourtonline.org

Fox Valley Technical College**National Criminal Justice Center**

1825 N. Bluemound Drive

P.O. Box 2277

Appleton, WI 54912

Telephone: 888.370.1752

Fax: 920.720.6837

Website: www.ncjtc.org

Institute for Native Justice**American Indian Resource Center**

110 W. Choctaw Street

Tahlequah, OK 74464
Telephone: 918.708.1708
Fax: 918.208.0513
Website: www.institutefornativejustice.com

Justice Programs Office
School of Public Affairs
American University
Drug Court Technical Assistance Project
4400 Massachusetts Avenue NW, Brandywine Suite 100
Washington, D.C. 20016-8159
Telephone: 202.885.2875
Fax: 202.885.2885
Website: www.american.edu/spa/jpo

National Association of Drug Court Professionals
901 N. Pitt Street, Suite 370
Alexandria, VA 22314
Telephone: 703.706.0576
Fax: 703.706.0577
Website: www.nadcp.org
www.ndci.org

National Congress of American Indians
1516 P Street, NW
Washington, D.C. 20005
Telephone: 202.466.7767
Fax: 202.466.7797
Website: www.ncai.org

National Tribal Judicial Center at the National Judicial College
Judicial College Building/MS 358
Reno, NV 89557
Telephone: 775.327.8202
Fax: 775.784.1253
Website: www.judges.org/ntjc

Tribal Judicial Institute
UND School of Law
215 Centennial Drive Stop 9003
Grand Forks, ND 58202-9003
Telephone: 701.777.6306
Fax: 701.777.0178
Website: law.und.edu/tji/index.cfm

For additional Healing to Wellness Court information,
visit the Wellness Court website:

www.WellnessCourts.org



“Providing resources and technical assistance for Tribal Healing to Wellness Courts”