



TRIBAL YOUTH  
RESOURCE CENTER

[www.TribalYouth.org](http://www.TribalYouth.org)

THURSDAY, DECEMBER 15<sup>TH</sup>

***Keynote Speaker:***


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# ▶ BEFORE WE GET STARTED...

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*The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.*




# Tribal Healing to Wellness Courts

## Why do we do what we do?

## What is possible?

## Looking Ahead



*So much can get worked through within Wellness Court teams and between Tribal, State, and University partners, where it begins with an open, problem-solving mindset, with recurrent drug court training, and where professionals are committed to cross-training each other. Successful teamwork includes the building and maintenance of going relationships. This is the sweet spot where innovation, cultural tailoring, and recovery happens.*

# ▶ PROBLEM-SOLVING & THE CURRENT CHALLENGES

How can we effectively partner and collaborate "**Before the Perfect World Appears**" (BPW) Before laws change for the better

Before the funding is full

The central challenges BPW:

1. Access to effective treatment & services
2. How to effectively integrate treatment with the justice system
3. How to effectively integrate Native culture with Western process & approaches





# ▶ How do Wellness Courts Matter?

- 1989 – 1<sup>st</sup> State Drug Court (Miami-Dade County, Florida)
- Late 1990s – birth of the Tribal Healing to Wellness Courts
- From
  - “punishing the addiction out of them”
- To
  - “a rigorous program of treatment and supervision in lieu of jail time”
- Targeted first-time, non-violent offenders arrested for crimes stemming from their substance use
- Studies of state drug courts since have shown that most people who graduate from a drug court program are never arrested again
- AND governments save money when they invest in drug courts



# ▶ How do Wellness Courts Matter? (cont.)

- Important to remember that the original model focused on adults in a criminal justice context
  - Needs modification for
    - Adolescents (& their teenage brains)
    - Avoiding use of incarceration as a sanction
    - Assess available treatment/services
- Today's drug courts come in different forms
  - Adult Criminal
  - Juvenile
  - Family
  - DUI
  - Re-entry



The first drug court in action. Judge Stanley Goldstein presides over the Miami-Dade Drug Court.



# ▶ UNDERLYING ASSUMPTIONS OF WELLNESS COURTS

In general ...

Substance use disorders are chronic & impairing

Exposure to stress & trauma in childhood greatly increases the likelihood of subsequent drug abuse

The use of alcohol & other drugs changes the brain



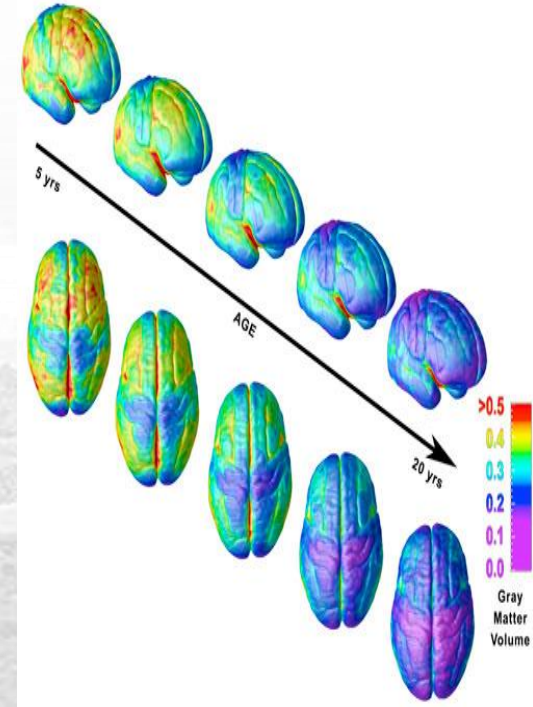




# UNDERLYING ASSUMPTIONS OF WELLNESS COURTS (CONT.)

Adolescence is a critical “at-risk period”

- Use substances for reasons vastly different from those of adults
- Girls are more likely to have mood disorders or to have experienced physical or sexual abuse
- Boys are more likely to have conduct, behavioral & learning problems
- A teenage brain is a still developing brain
- Most teens do not escalate from experimenting with drugs to developing an addiction or substance use disorder
- Adolescents use substances for reasons vastly different from those of adults



Courtesy of Paul Thompson / UCLA School Of Medicine  
Harvard Magazine  
Right Now | A Work in Progress  
The Teen Brain  
by Debra Bradley Ruder  
September-October 2008



- Native Americans have a higher rate of co-occurring disorders than any other population in the United States

- Major depression
- Bipolar disorder
- PTSD
- Other major anxiety disorders



[www.nida.nih.gov](http://www.nida.nih.gov)

National Institute on Drug Abuse (NIDA)

A survey comparing drug use among Native American youth living on or near reservations to a national sample of American youth found that Native American youth report substantially higher use of alcohol, marijuana, cigarettes, and other illicit drugs.



- Drug involved offenders have different risks & different needs & thus need different interventions
- Drug Courts work best with more serious types of drug offenders (“High Risk & High Need”) who can be safely managed in the community

HOWEVER

- There are circumstances distinct to rural Tribes & Native communities that argue for Wellness Court Programs where:
  - No other programs/services are available
  - To obtain initial buy-in from tribal & state leadership, etc.
- Take care to develop the appropriate tracks & phase elements



<https://ark.nadcp.org>





# ► Underlying Assumptions of Wellness Courts (cont.)

- Today we understand that individuals will relapse and will need ongoing support systems



‘Professional care is necessary, but ongoing support from friends, family and others can help enormously when recovering from addiction.’

Photograph: SolStock/Getty Images

The Guardian

Why do so many drug and alcohol addicts relapse? The answers are complex.

Diane Young



# The Hopi Youth Wellness Court (HYWC)

(began operating in 2002 - evaluated in 2004 - no longer active)



- General impressions in retrospect
  - a huge improvement over what we had before
  - meant a great deal to the youth & families that participated
  - Youth described as helpful the ...
    - “[cognitive behavioral] workbook and classes”
    - “alcohol and drug education”
    - “relapse prevention”
    - “parental involvement in Wellness”
  - Parents & Guardians reported it was most helpful in ...
    - “improving my child’s family relations”
    - “reducing my child’s alcohol use”
    - “helping my child feel better about himself/herself”



Hopi Police Department Lt. Paul Sidney with Hopi High students Meagan Ua and Christopher Lomayestewa. Photo/Stan Bindell

Navajo-Hopi Observer  
Hopi High School continues fight against drug and alcohol abuse on campus  
Wednesday, December 14, 2022





# ▶ The Hopi Youth Wellness Court (HYWC) (cont.)

- The Evaluation Report provides ...
  - a rare glimpse into the growing pains of a newly implemented Wellness Court
- Over 30 youth were involved with the HYWC
  - (16 participants at time of evaluation)
- Most youth had multiple drug dependencies
  - (primarily alcohol & marijuana; with some on cocaine and/or meth)
- Most youth had a “criminal record”
  - (substance related offenses, theft, disorderly conduct, destruction of property, assault, gang activity, and curfew violations)



## HOPI TRIBAL COURT HOPI YOUTH WELLNESS COURT EVALUATION REPORT

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August 2004



# The Hopi Youth Wellness Court (HYWC) (cont.)

Benefits (according to the Wellness Team):

- Decreased substance use
- Heightened self-awareness about themselves & drug use patterns
- Development of a support network
- Learn to examine their lives & make better choices
- Learn values (honesty, trust, accountability, & responsibility)
- Gave youth something meaningful to be a part of
- Knowledge & skills development to address use/abuse & to be drug-free
- Greater involvement in cultural responsibilities
- Parents & guardians transform once they see the effects of the program
- Parents get important services (treatment, family counseling sessions, structure)
- Parents get an enlarged support network
- Parents learn parenting skills
- Siblings benefit from a more stable home environment
- Parents gain better understanding of court process
- “ripple-effect” throughout Hopi community & schools
- Schools now have an avenue
- Reduced stealing & vandalism, youth off the street, drug & alcohol use declining
- Community see youth trying to give back (community work service)
- The community learns about drugs & alcohol



# ▶ The Hopi Youth Wellness Court (HYWC) (cont.)

## Challenges

- Funding
- Lack of resources
- Maintaining confidentiality
- Lack of support & cooperation from parents & guardians in early phases
- Problems motivating youth participants
- Problems with treatment
- Poor collaboration
- Lack of community support





## The Evaluators' Recommendations:

- Funding needs to be stabilized
- Interagency cooperation needs to be improved
- Record keeping needs to be improved
- Processing times should be improved
- Treatment plans should be based on the availability of full information
- The program is “sanction heavy and incentive light”
- Consistency is a principle to strive for
- The HYWC program walks a delicate balance between two worlds
- Need to do a better job of sharing successes & generating public support



Hopi butterfly dancers, Kykotsmovi Village, Arizona, 2010. Courtesy of photographer Kyle Knox





# What could we be doing better?





# Native Nation Building

Stephen Cornell

## Self-governance vs. Self-administration

- Native nations that seize authority & govern
- Assert rights & capacities to reshape their Nations according to their own designs
- To make & enforce laws
- To develop & pursue long-term strategies of community development
- To negotiate new relationships with other governments
- To exercise meaningful jurisdiction over lands & peoples within their borders
- (a challenge in Alaska where most Tribes lack territorial jurisdiction BUT have jurisdiction over their members)





# Treatment Buy-in & On-board

- Educating & on-boarding existing treatment providers
  - About drug courts in general
  - About drug court cognitive behavioral workbooks & groups
  - The goal of not throwing away court involved-youth who may not “walk-in” to treatment
  - Stakeholder & practitioner involvement in any “Evidence-based” (EB) Treatment/Practice identification process



[http://www.tribaltribune.com/news/article\\_21699388-ff19-11e9-a5a3-63aae2741bec.html](http://www.tribaltribune.com/news/article_21699388-ff19-11e9-a5a3-63aae2741bec.html)

Justus Caudell/Tribal Tribune

Tribal Tribune

Lezard completes tribes' Healing to Wellness Court  
Justus Caudell/Tribal Tribune Nov 4, 2019

Tribal Youth Resource Center [www.TribalYouth.org](http://www.TribalYouth.org)





# ▶ The definition of “evidence-based” refers to:

... a treatment that has gone through **a rigorous process of proving that**, when implemented in a standardized way with fidelity by multiple clinicians across multiple real-world settings, **it leads to positive benefits** that are consistent with the underlying theory of the “effective ingredients” of that intervention, and that those benefits differ in degree and kind from the positive changes that might be attributable simply to the passage of time or the provision of “non-specific” factors such as positive attention from a therapist.\*

\*NCJFCJ, Starting a Juvenile Drug Court, A Planning Guide (2014), 15.



# Getting Target Populations & Tracks & Phases Right

- Determining what “tracks” & phase elements to include for the target population(s)
- Especially in PL 280 states where the State will only refer or divert a very small number of low-level offenders – to a Tribal Court
- Absent a Tribe-State Joint Jurisdiction Wellness Court, participants are more likely to be:
  - “Low Risk & High Need”
  - OR
  - “Low Risk & Low Need”

**NATIONAL DRUG COURT INSTITUTE**  
CAROLYN HARRIN, SENIOR DIRECTOR FEBRUARY 2012 Vol. VII, No. 1

## DRUG COURT PRACTITIONER

### FACT SHEET

TARGETING THE RIGHT PARTICIPANTS FOR ADULT DRUG COURTS  
PART ONE OF A TWO-PART SERIES<sup>1</sup>

By Douglas B. Marlowe, JD, PhD  
Chief of Science, Law & Policy  
National Association of Drug Court Professionals

#### INTRODUCTION

Adult drug courts are not designed to treat all drug-involved adult offenders. They were created to fill a specific service gap for drug-dependent offenders who were not responding to existing correctional programs—the ones who were not adhering to standard probation conditions, who were being rearrested for new offenses soon after release from custody, and who were repeatedly returning to court on new charges or technical violations.

Admittedly, eligibility criteria for some of the earliest drug courts did not clearly reflect this limited objective. Largely in an effort to avoid appearing “soft on crime” or to gain the buy-in of local prosecutors or other stakeholders, some of the earliest drug courts began as pre-plea diversion programs for first-time, drug-possession cases. The goal, however, was not to remain fixated on this low-level population, but rather to expand upon and focus the admissions criteria once the programs proved their worth and science identified the best populations to serve.

<sup>1</sup> A companion fact sheet to this document, entitled *Alternative Tracks in Adult Drug Courts: Matching Your Program to the Needs of Your Clients*, is available from the National Drug Court Institute at [www.ndci.org](http://www.ndci.org)





# Drug Court “Evidence-Based” (EBs) Treatment & Practices

- Even the state drug courts found that their systems & providers lacked evidence-based treatment/practices
- Consequently, the legislatures in a few states have adopted laws pushing EBTs/EBPs
- See, e.g., Washington’s 2012 Act (House Bill 2536) Re Evidence-Based Practices
  - NOT offering this for states to mandate tribal EBs
  - RATHER, looking at WA’s process as a starting point for tribal law
  - TO set out a process for an intra-tribal community dialogue with stakeholders & providers

An issue brief from the Pew-MacArthur Results First Initiative | April 2017



## How Policymakers Prioritize Evidence-Based Programs Through Law

Lessons from Washington, Tennessee, and Oregon

### Overview

Policymakers seeking the best return on taxpayer dollars are increasingly focusing on cost-effective programs that have been proven to achieve desired outcomes. Evidence-based policymaking, which relies on rigorous analysis of program results to inform budget, policy, and management decisions, is one strategy gaining support among public leaders who want to reduce wasteful spending, expand successful programs, and strengthen accountability.

With state and local governments often challenged by budget shortfalls or changes in leadership priorities, laws that promote evidence-based programs are one of several strategies that can help institutionalize these practices and save taxpayer dollars over the long term.<sup>1</sup> Several states have passed laws to prioritize evidence-based programs, including providing incentives for using such programs, requiring agencies to inventory and categorize existing programs, and prohibiting funding of those shown to be ineffective.<sup>2</sup>

This brief highlights laws in three states—Washington, Oregon, and Tennessee—mandating the use of evidence-based programs and practices, and documents each state’s experience, the impact of these efforts, and lessons learned. The analysis found that the laws drove state agencies to develop baseline information on existing





# Washington's Evidence-Based Practices Act of 2012 (House Bill 2536)

- The Washington Legislature

- intended services to be primarily evidence-based, research-based, & provided in a culturally competent manner
- Acknowledged that information was not available re which EBs & RBs were then available or how much they would cost, including for training, “fidelity-monitoring,” cultural appropriateness & adaptation, etc.
- Recognized they needed baseline data
- Mandated that State agencies work with the WA State Institute for Public Policy & the EBP Institute at the University of WA, national experts, & practitioners to:
  - Publish definitions (“evidence-based,” “research-based,” & “promising practices” in child welfare, juvenile rehabilitation, & children’s mental health services)
  - Prepare an inventory of these for prevention & intervention services
  - Complete a baseline assessment
  - Consult with tribal governments
  - Work with DSHS in coordinating treatment plans & developing EBP implementation strategies



## Washington's Evidence-Based Practices Act of 2012 (House Bill 2536) (cont.)

- The University of Washington's Evidence-Based Practice Institute (EBPI)
  - Convened a Community Advisory Council
  - Developed a graduate level course
  - Provided faculty-supervised TA to organizations to conduct program evaluations
  - Maintained a website
  - Faculty presented at community meetings
  - Faculty provided EBP trainings
  - Faculty oversaw the "Promising Practices" application & review process



# Lesson for Tribes

1. Teamwork = going relationships
2. Train, cross-train, keep doing it
3. Partner lawmaking with research (and Tribes with Universities)
  - To ensure purported EBs actually work with Native clients/participants
  - To maximize the use of culturally tailored treatment interventions for substance use & mental health disorders
  - Tribe-University partnerships will increase the likelihood that home-grown & culturally adapted western interventions will be funded
4. Tribal legislation should authorize/mandate such partnerships
  - It should also include a stakeholder & provider engagement process







*So much can get worked through within Wellness Court teams and between Tribal, State, and University partners, where it begins with an open, problem-solving mindset, with recurrent drug court training, and where professionals are committed to cross-training each other. Successful teamwork includes the building and maintenance of going relationships. Remember, this is the sweet spot where innovation, cultural tailoring, and recovery happens.*



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