

# NADCP 2012 Tribal Nations Forum

*Gaylord Opryland Resort & Convention Center*

*Nashville, TN*

*Wednesday, May 30<sup>th</sup>: 2:00—5:00pm*

The Tribal Law and Policy Institute (TLPI) provides a wide array of Training and Technical Assistance (T/TA) to assist tribal jurisdictions in developing tribal adult, juvenile, and/or family drug courts (wellness courts), to strengthen existing Tribal Healing to Wellness Court programs, and provides state-of-the-art information and resources on effective strategies for addressing substance-abusing offenders in Tribal Healing to Wellness Court programs. TLPI provides both off-site (telephone, email, webinars, etc.) and on-site T/TA (we can send 1-2 trained consultants to visit your court and team and to individually assess and address your unique needs). If you would like to take advantage of TLPI's services, simply email [lauren@tlpi.org](mailto:lauren@tlpi.org), or fill-out our on-line [Tribal Wellness Court T/TA Request Form](#).

During the annual Tribal Nations Forum, attendees discussed issues facing their own Tribal Healing to Wellness Courts, and brainstormed solutions. The solutions were derived from discussion amongst attendees and do not necessarily represent best practices. Below are some of the issues that were touched upon.

Concerns included:

- There is a need to better connect behavioral health providers with the legal team.
  - Encourage team members to attend trainings outside of their traditional roles.
  - Return to the Key Components: Team Members must be aware of other team members' roles.
  - Integration should additionally include more emphasis upon sovereignty, such as individual conferences.
- HONESTY: How does a Team handle participants that lie, but there is little to no actual evidence of the lie and the participant has given their word to the contrary?
  - Ultimately rely upon the participant's history of good behavior as a factor in examining the "totality of the circumstances." Wellness Court is distinct from criminal court in that we are not simply addressing the criminal *act*, but rather the *behavior*. We are not seeking the truth behind the act, but rather seeking to reach out to the participant to change his or her behavior.
  - Thus, it is important to consider the course of action that will be best for the future progression of the participant, rather than what is the best punishment.
    - Depending upon the participant, punishment or compassion will have the more lasting effect.
  - Reward all honesty (even admission to wrongdoing), even if the reward is simply a lesser sanction.
  - It is important to recognize improvement.
  - In the face of a lie, follow-up with a different type of drug test at a different time.
  - However, compassion for the participant must be balanced against the integrity of the Wellness Court, as well as against the sanctity of the use of the word "sober."
- Given that many tribal communities are small, how does a Team handle gossip that is heard about participants outside of Drug Court?

- The Team must incorporate the participant’s due process rights. Participants are owed a chance to respond to any accusations.
  - Accusations should be addressed by the *entire* Team.
  - The Therapeutic relationship can be a useful tool to acquire the truth from a participant him or herself.
- How do Teams screen or identify participant eligibility for their Drug Court program, especially pertaining to issues of participant family members?
    - Because tribal communities tend to be small, and because tribal “family” members do not always correlate with the traditional Anglo conception of family, it is all the more important to have firm procedures for determining eligibility.
      - For example, one tribal drug court limits eligibility solely to the participant’s alcohol and drug use history and to the history of the use of drug and alcohol in their criminal history (such as an assault that was instigated by the use of alcohol).
    - There must be a flexible definition of “family.”
      - While agencies such as HUD might limit benefits to legal spouses, participants often do not operate within such a clear-cut world. Participants may be in long-term relationships, but not married. Participants may consider aunts, uncles or grandparents as close as parents. Support networks can vary and are often larger within Indian Country than in other state systems.
      - On the other hand, this larger definition of “family” also means that enablers for a participant’s drug or alcohol use may be more persons than simply immediate family.
        - One drug court used their Tribal Code to take jurisdiction over the entire “household,” so that anyone living in the house was subject to the same searches and drug tests as the participant. Remember that due process does not equate the 6<sup>th</sup> Amendment. Rather, due process is defined by your Tribe and the Indian Civil Rights Act.
- How do Teams determine the best sanctions and incentives for a participant?
    - During the initial Assessment, the Team should aim to identify the participant’s strengths and weaknesses generally, rather than simply the participant’s past alcohol and drug use. Often alcohol and drug abuse stem from mental and/or emotional issues or trauma. Recovery, and thus the road to recovery that includes sanction and incentives, must address these underlying issues.
      - Need to identify Trigger Points, and incorporate these Trigger Points in sanctions (or simply a blanket prohibition unrelated to sanctions. One participant’s path will differ from another’s).
    - Assessment Tools:
      - The [University of New Mexico’s Center on Alcoholism, Substance Abuse, and Addictions](#) provides a useful [Motivational Interviewing Assessment](#) tool.
      - Moral Reconciliation Therapy (MRT) Cognitive Behavioral Treatment has provided a particularly useful tool within Indian country.
- How do Teams garner the support of the Tribal Council?
    - Invite the Tribal Council to participant graduations.
      - Create a unique gift that the Tribal Council gives to graduates, such as a Pendleton blanket.
    - Have the Tribal Council hear individual stories, both of hardship as well as success.

- Form a Tribal Council position on the Wellness Court Team.
  - Ensure that the Tribal Council understands that the Wellness Court Team is an essential part of the Tribal Government because the Wellness Court Team is fulfilling an important role: ensuring a healthy tribal population. Remind the Tribal Council of their responsibility to address drugs and alcohol within the tribal community such as connecting their duty to a previously passed Tribal Resolution concerning drugs and alcohol, such as a zero-tolerance policy. Connect the Wellness Court Team to the fulfillment of this responsibility.
  - Public Relations: You must sing your own praises:
    - Garnering Tribal Council support includes garnering community support. Submit an article to the local newspaper.
    - Organize public events, such as a “Sobriety Powwow.”
    - Solicit external praises from organizations such as the NADCP, NDCI, TLPI, etc...
- Fear of Success: How do Teams address a participant’s potential for relapse immediately before graduation?
    - Many participants have never experienced success, or have been praised for their strengths. Moreover, participants may have been abused and dissuaded from any sort of success. Graduation from a program may represent a never-before-seen milestone, and can thereby be scary.
    - During the program, be sure to celebrate all small success to develop a gradual appreciation and tolerance for success.
    - During the program, engage in Skill-Building, such as obtaining a GED or a Driver’s License. This is opposed to simply providing tools. By building skills, participants can be accustomed to developing their own lives and careers and accumulating their own successes.
    - Be sure to have an After-Care Plan in place upon graduation.
    - Develop an Alumni Program.
    - As graduation nears, increase, rather than decrease, contact with counselors.
    - Throughout the program, but especially as graduation nears, prepare the participant for the impending emotional shift. All experiences are about to be re-defined as “sober experiences,” thus both big and small events are new.
  - Moving Forward: Things Wanted from TLPI
    - Stories of successful Tribal Wellness Courts
    - Stories of successful Alumni
    - A Panel of Alumni during trainings
    - Effective solutions/best practices for addressing issues facing youth
    - Use of social networks such as facebook
    - Provide a Tribal Social or Retreat that stems beyond national conferences and is aimed specifically at Tribal Drug Courts.

If you have additional comments, suggestions, questions...anything, please share!

Email [lauren@tlpi.org](mailto:lauren@tlpi.org)