



Tribal/State Collaboration: Transfer Agreements, Joint Jurisdiction Courts and Beyond

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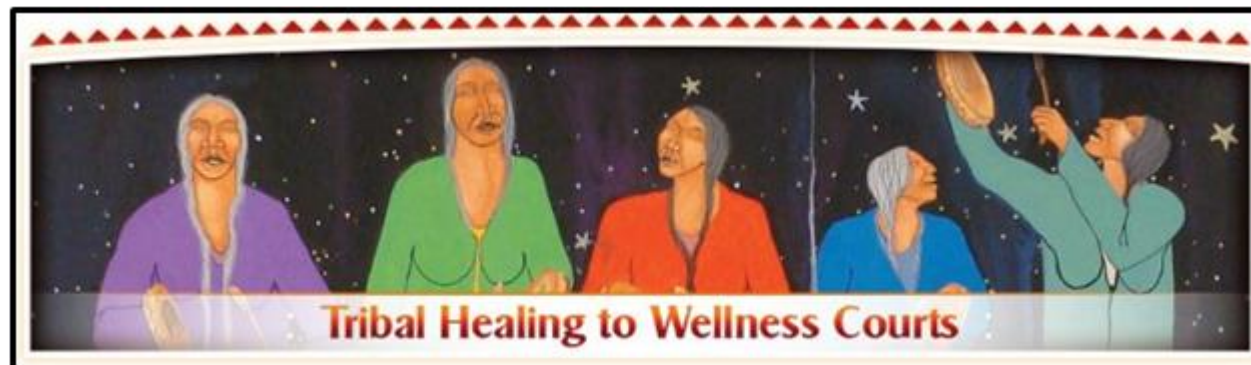
Disclaimer

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Objectives of Today's Presentation

- Goal: Spark ideas of what kinds of collaboration are possible
 - Brief discussion about collaboration mechanics
 - Provide examples of collaborations tribes have engaged in with their state and local partners
- Goal: Have a Discussion
 - What kinds of collaborations would you like to see?
 - What support would help you make them happen?





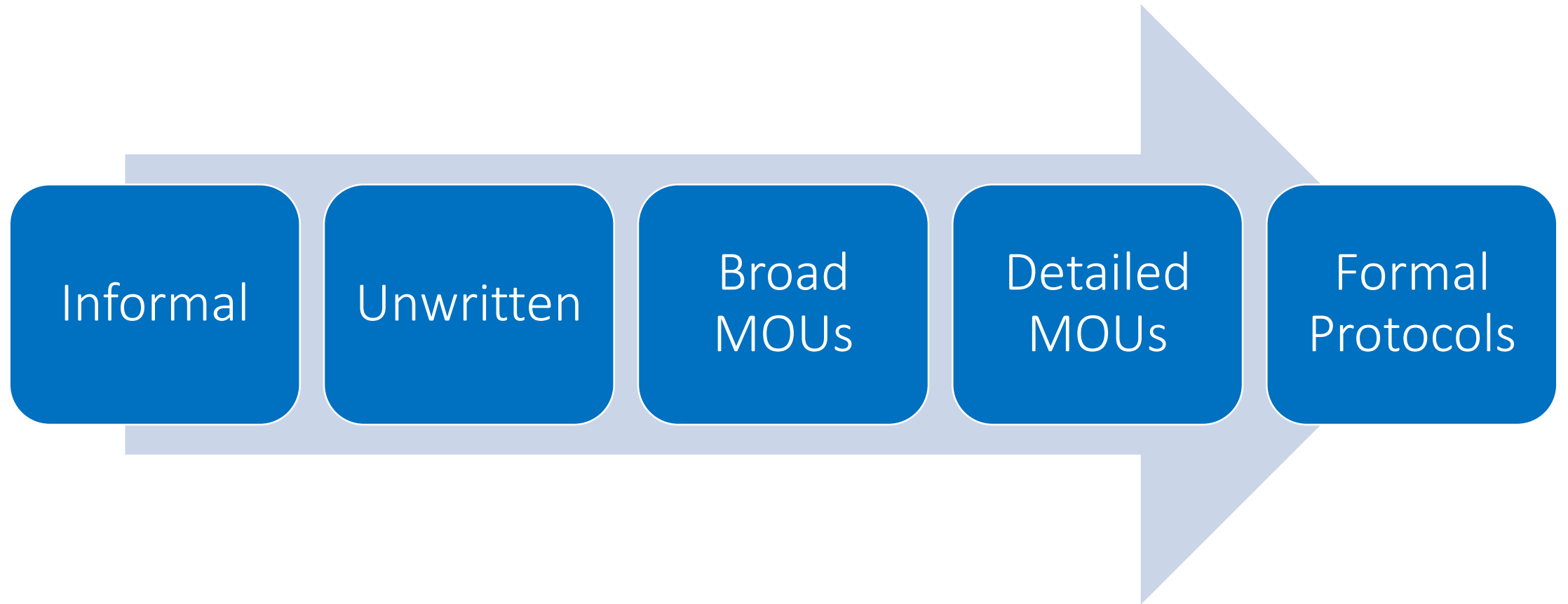
Why Collaborate Generally?

- Tribes' jurisdiction is limited and complex
- Cases/service providers in multiple jurisdictions
- Federal funding streams with limited scope/difficult to access/limited to one jurisdiction
- State/local agencies struggle to provide culturally-appropriate services and ancillary services



Why Collaborate within Wellness Courts?

- Deliver culturally appropriate services/ increase cultural competency/literacy
- Provide geographically relevant services
- Enhance supervision
- Coordinate multiple case plans
- Leverage legal incentives
- Maximize shared resources
- Reduces administrative costs
- Respond to unique community needs
- Stay ahead of issues
- Increase funding opportunities
- Coordinate jurisdictional authority to provide necessary treatment and supervision
- Build positive relationships that can benefit other programs
- Exercise sovereignty



Kinds of Collaboration

Informal Collaborations

Advantages

- Less bureaucracy
- Adaptable
- Great for small issues or projects
- Requires fewer resources
- May not require legislative or executive approval
- Can be a steppin- stone

Disadvantages

- Can be undone by changes in staff
- No enforcement mechanism
- Difficult to apply to complex issues with multiple stakeholders
- Difficult to bring to scale, i.e. serve large number of participants
- Ripe for a perception of unfairness
- Limits the role of other team members, and thereby their buy-in and ability to contribute or innovate

Formal Agreements

Advantages

- Clearly defined collaboration
- Increased accountability
- Survives staff turnover
- Added participant, department, and community assurance
- Increased perception of fairness
- Combats against unequal enforcement

Disadvantages

- Increased bureaucracy, more layers of approval
- More difficult to create
- Difficult or slow to amend
- Lack of clear funding stream
- Liability concerns

Formal Agreement Considerations



Pre- or Post-Adjudication

Equal protection

Retention of a carrot and stick for either jurisdiction

Ability to coordinate between prosecutors and defense



What triggers a referral? How will tribal members be identified?



Will probation and Wellness Court case plans/requirements be consolidated?



What authority will the Tribe have to issue incentives and sanctions?



Discharge – What's the incentive? Who authorizes?



Communication – How is case progression communicated? How is prior case info shared?

Levels of Interaction

WELLNESS COURT COLLABORATION

Minimal Cooperation

There are some efforts to provide help to the other jurisdiction so that both operate more efficiently.

Full Cooperation

The governments work together so that they each operate at maximum efficiency, but their operations are completely independent.

Collaboration


Each government is operating at high efficiency and actively seeking to help external governments through positive interaction.

Co-Creation

At this level each government is working collaboratively with other governments to co-create systems and tools that can be used to maximize the results for each—a joint effort.

Informal Collaborations



A photograph of three people seated in a row, likely at a panel discussion or training session. The person on the left is a man with dark hair, wearing a dark jacket and light-colored pants, holding a microphone. The person in the middle is a woman with blonde hair, wearing a dark top. The person on the right is a man with glasses and a beard, wearing a dark suit and tie. They are all wearing name tags. The background is a wood-paneled wall.

Co-Training

- Makah Nation and Port Angeles Court Observations
- Pueblo of Laguna Hosts Tribal Wellness Court Teams
- Forest County Potawatomi Naloxone Trainings
- Northern Michigan Tribal Healing to Wellness Court Training
- Paiute Indian Tribe of Utah Naloxone Training Program

Informal Collaborations

Chickasaw

Ho-Chunk

Saginaw Chippewa

Pojoaque Pueblo

Chickasaw Nation Recovery Resource Services

- Pontotoc County
 - The first rural state drug court in Oklahoma
 - Serves approximately 130 participants, a third are Native.
- Informally, the Chickasaw Nation provided transportation and case management services for the court.
- 2014 MOA with the County
 - Chickasaw Nation's holistic services became fully integrated into the drug court for all participants
 - Full-service substance abuse treatment
 - Assessment services
 - Recovery outpatient services and
 - Recovery intensive outpatient services





Ho-Chunk Nation Clan Mothers

- Collaboration leadership for the Family Wellness Court
- Elders seek to visit with all entities that interact with Ho-Chunk Nation families
- Make training and consulting visits to county and private service providers to share cultural knowledge, resources, and perspective that better equips the non-Indian staff to provide culturally-informed services
- Helps provide a layer of oversight by reporting any issues back to the court



Pueblo of Pojoaque Intertribal Wellness Court

- Collaboration
 - With neighboring Pueblos
 - Accepted into program if eligible offense
 - With neighboring county
 - Wellness court as a condition of probation
 - With reentry programs
 - Sober living apartments
- No formal referral process
- Updates back to referring source
- Regular communication

Formalized Collaborations

St. Regis Mohawk

Ho-Chunk Nation

Yurok Tribe

St. Regis Mohawk

- MOU with Partridge House - inpatient treatment
- Franklin County Probation - joint supervision
- Akwesasne Justice Program and the Akwesasne Mohawk Police - information sharing and procedures for home visitation across international border





Ho-Chunk Nation

- Written agreement with hospital – hospital conducts drug testing during holidays and weekend



Yurok Tribe

- 2012 MOUs with 2 counties to transfer adult nonviolent criminal and juvenile delinquency cases to tribal court for supervision and services
- Humboldt County
 - Transfer is optional
 - Joint supervision with Yurok as lead
- Del Norte County
 - Concurrent jurisdiction over juvenile cases
 - Adult cases – county notifies Yurok so case can be diverted to tribal court who screens them for eligibility in wellness court

Co-Creation

Leech Lake/Cass County/Itasca County

Shingle Springs/El Dorado County

Kenaitze/Kenai

Yurok/Humboldt County/ Del Norte County

Hoopa/Humboldt Joint Jurisdiction Family Wellness Court



The First Joint Jurisdiction Step

- Leech Lake Band of Ojibwe – Cass County (2006)
 - A handshake and a commitment
 - Joint Powers Agreement
- Leech Lake Band of Ojibwe – Itasca County (2008)

Bamenim Anishinaabeg Approach

- Tribal Court Case Management Team
- Culture-specific; trauma-informed, strengths-based; family oriented; based on Ten Principles of Wraparound Process
- Focus on co-occurring disorders (mental health/substance abuse)
- Sustainability through reimbursement for services



Joint Jurisdiction Wellness Court Teams

- Judges – State District Court Judge & Tribal Court Judge
- County Attorney
- Public Defender – Regional Native Public Defense Corp.
- Probation/Supervision – MN Dept. of Corrections and County Probation
- Law Enforcement – County Sheriff & Leech Lake Police
- Treatment Assessor/Provider – Leech Lake Outpatient & Private Treatment Providers
- Coordinator/MIS – 9th Judicial District and County Probation

A blurred background image showing a group of people sitting around a table in a meeting room. The text is overlaid on this image.

Leech Lake Family Drug Court

- Child Protection Involvement in Tribal Court or State Court
- Open to Tribal Members and Non-Indians living on Leech Lake Reservation
- Participants enter Joint Jurisdiction Wellness Court

Leech Lake Juvenile Programs



Diversion

Open to Tribal Members and Non-Indians living on Leech Lake Reservation

Cass County Probation provides supervision under cross-appointment order

Leech Lake members make up Diversion Board

Circle format with team and family problem-solving together



Delinquency

County or Tribal cases

Joint Powers Agreement

Leech Lake Tribal Court exercises expanded jurisdiction over PARENTS

Individualized “service” plans

Leech Lake Tribal Court case managers provide services

Cass County Probation provides supervision under cross-appointment order



Re-Entry

County or Tribal cases

Youth placed involuntarily in inpatient treatment or juvenile detention facility

Cass County Probation provides risk/needs assessments

Leech Lake Wraparound Care Coordinator/ Advocates begin working with youth/family before placement, continue after return

Other Agreements

- Joint Powers Agreement with State for Leech Lake Police services for Wellness Court
- Contract with 9th Judicial District for Guardian ad litem services
- Incarcerated parents can appear by ITV in Tribal Court for child protection hearings
- MOA between Cass County and Leech Lake for Wellness Court and Juvenile Restorative Justice Program (Leech Lake flags presented to Cass County Board of Commissioners)
- Regular Joint Meetings between Leech Lake Tribal Council and Boards of Commissioners
- Cross Appointment of Cass County Probation Agents



Shingle Springs Band of Miwok Indians and El Dorado County, CA





Shingle Springs Joint Jurisdiction Family Wellness Court

- Hears: juvenile justice, child welfare, domestic violence (as part of a dependency, child custody, protective order petition, and criminal cases)
- Judges preside over all cases jointly
- One unified proceeding
 - Avoid conflicting orders
 - Address the entirety of the families' issues in a holistic fashion
- Emphasize culturally-appropriate restorative justice practices
- Wrap-around continuum of care



Challenges

- Historical conflicts between Tribe and County
- PL-280
 - Increased conflicts
 - Decreased Tribal justice system development
- Still lack of trust in both communities
- Tribal Youth getting lost in the system
 - Charter School
 - Juvenile records



Strengths – Intra - Tribal

- Shingle Springs believes Wellness Court is good governance
- General funds available to fund the court
- Established a Wellness Board of key personnel and officials to recommend Wellness plans for individuals
- Robust health clinic with many services on the reservation



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- El Dorado County has extensive experience with “specialty” court models and success
- County Leaders are favorable to progressive approaches to juvenile justice

Strengths – Intra -County

Strengths – Inter

- Strong relationship with El Dorado County Court since Tribal Court began.
- Tribal Court State Court Forum
- Collaboration on Truancy Cases
 - Student Attendance Review Board (SARB)



Kenaitze
Kenai Superior Court

Henu' Community
Wellness Court



Henu' Community Wellness Court



Joint-jurisdictional therapeutic court



Serves adults, Native or non-Native, who face legal trouble stemming from substance use,

Focusing on drug and alcohol offenders
Families may be involved in dependency cases



Optimal Outcomes

Lifetime sobriety
Healthy Family Reunification
Avoid future involvement with criminal justice system and/or incarceration

Project Goals

1. A safer and healthier community
2. Building innovative and effective justice solutions through collaboration
3. Reduce incarceration
4. Better treatment outcomes and sustained healing and wellness by breaking cycles
5. Successfully rehab to sustain crime reduction, reduce recidivism and reduce collateral consequences
6. More families recruited and an emphasis on helping children
7. Promote self-sufficiency for a more productive community
8. Embracing cultural values
9. Building connections and relationships through respect



Yurok/Humboldt
Yurok/Del Norte
Hoopa/Humboldt

- Joint jurisdiction family wellness courts
- Written Infrastructure
 - Tribal Resolution
 - Joint powers agreement
- Focus addressing families affected by pre-natal exposure



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