

18th Annual National Association of Drug Court Professionals Conference

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How Tribes & States can Collaborate Better to Improve the Effectiveness of State Drug Courts and Tribal Healing to Wellness Courts

Presenters:

Joseph Thomas Flies-Away, J.D., M.P.A.,
Carrie Garrow, J.D., M.P.P., &
Donna Humetewa
TLPI Consultants &
Jerry Gardner, TLPI Executive Director

Tribal Law and Policy Institute

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Introduction & Expectations

Who Are We? Why Are We Here?

What is TLPI? (tlpi.org) & (www.walkingoncommonground.org)

Community & Nation Building

- Collaboration as an Expression of Sovereignty

**Considerations for Collaborative Possibilities
& when collaboration is not possible**

TLPI: WOG & Promising Strategies (see J.G. text)

EX: Wellness Court Collaboration – St. Regis

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Collaborative Benefits/Incentives

- ❖ Expression & Exercise of Sovereignty – *Community & Nation Building*
 - ❖ Cross Sovereign Education & Understanding
 - ❖ Collective Confrontation-Team Work/Holistic Approach - *culturally accordant*
 - ❖ Promotes and/or Maintains Culture & Tradition
 - ❖ Stretches/Strategically Utilizes Limited Resources
- THUS
- ❖ Enhances Services to Citizens/Communities

When Collaboration is Not Beneficial

- ❖ Collaboration is *not* being told what to do
- ❖ Slippery Slope to becoming a State Actor
 - ❖ *Assume State responsibilities without compensation*
 - ❖ *Assume liability*
 - ❖ *Appearance of surrendering sovereignty and/or independence*
- ❖ When Historical Issues have not been addressed
 - ❖ *State collaborators must understand the cultural trauma underlying each tribal community*
 - ❖ *But we must move on: empathy over guilt*

Promising Strategies

- ❖ Wisconsin State Gaming Appropriations & Policing Grants
- ❖ State Police Officer Status
- ❖ Arizona Court Rule Providing State Recognition of Tribal Court Judgments
- ❖ Arizona Recognition and Enforcement of Tribal Court Involuntary Commitment Orders
- ❖ Washington – Joint Executive-Legislative Workgroup on Tribal Retrocession
- ❖ New York Federal-State-Tribal Courts Forum
- ❖ Tribal Representatives in Maine Legislature
- ❖ Kake Peacemaking Court
- ❖ Intertribal Court of Southern California

Criteria for TLPI Promising Strategies

- **Innovative**
- **Culturally Compatible**
- **Community Component**
- **Respect for and Enhancement of Tribal Authority**
- **Fairness**
- **Intergovernmental Cooperation**
- **Management Effectiveness**
- **Sustainable**
- **Replicable**

And . . .

- **Cultural Diversity**
- **Geographic Diversity**

Common Themes in Strategies

- Strong Leadership, institutionalizing relations
- Educational efforts
- Effective Comprehensive Justice Services
- Culturally compatible policing and court alternatives
- Cooperation between tribal-county-state
- Enhancement of tribal government powers
- Agreeing to disagree on certain issues
- Fairness is priority
- Reduce costs, duplicative litigation

Walking on Common Ground

Resource for promoting & facilitating collaboration

-Interactive map by topic

-Lists cooperative agreements, MOUs, MOAs, articles, etc.

Not evidence based - promising strategies



St. Regis Mohawk Tribe
Healing to Wellness Court