

# Tribal 10 Key Components

Key Considerations for  
Planning, Operating and Maintaining a  
Tribal Healing to Wellness Court in Indian Country



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## Tribal Healing to Wellness Court Toolkit

Ten Key  
Components

NIJ Gottlieb  
Study

TLPI T/TA

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## **Ten Key Components of Tribal Drug Court**

Developed by the National Association of Drug Court Professionals  
Drug Court Standards Committee and  
adapted for Tribal Healing to Wellness Courts.

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## **NIJ Gottlieb Study**

An evaluation of the first four Tribal Wellness courts funded under  
the Tribal Drug Court Initiative, Blackfeet Alternative Court, the  
Fort Peck Community Wellness Court, the Hualapai Wellness Court,  
and the Poarch Band of Creek Indians Drug Court.

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## Key Component #1: Individual and Community Healing Focus

**Tribal 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.**

- For tribal people, there is an important interconnection among internal nation-building activities, the physical and spiritual well-being of their people, and the future of the tribal government and its citizens as a people.

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## Findings from the NIJ Wellness Court Study: Key Component #1

- Planning should be carried out by a broad-based group, including people who represent all parts of the tribal justice system, the local treatment programs, tribal leaders, knowledge holders and elders, and others.
- Detail team member responsibilities in written policies and procedures based on roles, not individuals.
- Methods of shared decision making and conflict resolution within the team should be established.

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## Key #2: Referral Points and Legal Process

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

- Ordinarily, individuals are brought to the court's attention through law enforcement. However, Tribal Wellness Court participants may enter the process by referral from different agencies such as social services, housing departments, and schools.

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## NIJ Wellness Court Study: Key Component #2

- The team should determine early what charges, offenses, or negative conduct will be appropriate for Wellness Court participation.
- Use an "informed consent" approach to ensure participants are aware of all the benefits, risks, and alternatives to Tribal Wellness Court.
- The team should comply with all tribal and federal regulations governing privacy and confidentiality.

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## Key #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.**

- Prompt action, taken after traumatic events, uses the crisis period to stress the consequences of the substance-abusing behavior as well as the potential benefits of participating in Tribal Wellness Court.
- **Legal Screening:** potential participants are identified as legally eligible to participate in Tribal Wellness Court.
- **Clinical Screening:** potential participants are identified as suitable to participate in terms of participant need and available treatment services, and are primed for a successful treatment outcome from a clinical perspective.

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## NIJ Wellness Court Study: Key Component #3

- Have a clear termination policy in order to “weed out” participants who are merely avoiding incarceration, rather than working to change their behavior.
- Team members should be designated and trained to legally screen cases.
- Trained treatment professionals should conduct a clinical screening to determine if the individual’s needs will be met by the available treatment services.

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## Key #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.**

- Traditional methods of justice for American Indians and Alaska Natives focus on the root cause underlying the addictive and/or abusive behavior, rather than on the bad act.
- Tribal Wellness Courts incorporate a wide range of cultural, traditional, customary and/or community values, practices, and activities within their phased treatment plan requirements.

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## NIJ Wellness Court Study: Key Component #4

- Team members should learn about addiction and the leading approaches in treating addiction.
- Treatment plans should be tailored to the individual participant's needs, in which the participant takes an active role.
- Integrate cultural tradition into treatment, but do not require participants to do activities that can be seen as religious, rather than cultural.

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## Key #5: Intensive Supervision

**While participants and their families benefit from effective team-based case management, participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use.**

- Because of the arduous nature of the journey, participants sometimes require strict assistance stay on the right path. Drug testing plays this integral corrective role in a participant's healing to wellness journey.

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## NIJ Wellness Court Study: Key Component #5

- Testing should be frequent, undertaken multiple times per week during the early phases of treatment, and with reduced frequency thereafter.
- The scope of testing should be sufficiently broad in order to detect the participant's primary drug of choice as well as other potential drugs.
- Tribal Wellness Courts should develop a coordinated strategy for responding to positive, missed, and fraudulent tests.

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## Key #6: Sanctions and Incentives

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

- The point of motivational incentive programs is to bring the benefits of abstinence forward in time by providing tangible and immediate rewards.
- Rewarding desired behavior is more effective and efficient than punishing undesired behavior... [S]anctions may bring with them a host of negative side effects... Nevertheless, some behaviors cannot be permitted to recur and must be squelched quickly in the interest of public safety.

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## NIJ Wellness Court Study: Key Component #6

- Monitoring and support of participants should occur during regular business hours *and* in the evening and weekends.
- The Tribal Wellness Court's policy regarding compliance should be explained verbally and provided in writing to participants.
- Consistent and equitable distribution of sanctions and incentives require close supervision of participants and transparent documentation of the reward and sanction system used.
- If detention is to be utilized as a sanction, a clear policy should be reviewed with participants and consistently followed.

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## Key #7: Judicial Interaction

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

- Being a Tribal Wellness Court judge requires the relinquishment of some control and decision-making power to the team.
- A Tribal Wellness Court judge must incorporate a healing aspect in the administration of justice and have the ability to connect and communicate with team members, clients, and the community.

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## NIJ Wellness Court Study: Key Component #7

- Tribal Wellness Courts require judges to step beyond their role of sole decision maker and into a position that promotes a partnership perspective, at times more captain than coach, and at other times, vice versa.
- The judge uses court appearances to educate the participant as to the benefits of program compliance and consequences of noncompliance.
- The judge plays an active role in the treatment process, including frequently reviewing participant treatment progress as well as the status provided by the treatment providers and staff.

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## Key #8: Monitoring and Evaluation

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

- It is important to frequently monitor internal program operations in order to make changes to improve the existing process and demonstrate the program's impact.

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## NIJ Wellness Court Study: Key Component #8

- Specific and measurable goals that define the parameters of data collection and management should be established early.
- If feasible, a qualified independent evaluator should be given responsibility for conducting a process and performance evaluation design and for preparing interim and final reports.
- The success of Tribal Wellness Court graduates and those individuals within a comparison group should be examined in order to determine the long-term performance of the Tribal Wellness Court.

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## Key #9: Continuing Interdisciplinary and Community Education

**Continuing interdisciplinary and community education promote effective Tribal Wellness Court planning, implementation, and operation.**

- Tribal Wellness Court teams may include tribal employees and service providers—Native and non-Native—as well as community leaders, healers, mentors, or others.
- Team members bring a wealth of experience, expertise, and resources to the Tribal Wellness Court from their different fields and backgrounds.

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## NIJ Wellness Court Study: Key Component #9

- Tribal Wellness Court team members need to understand each other's roles to be effective, and ongoing cross-training is encouraged.
- Judges and court personnel typically need to learn about the nature of alcohol and drug problems, as well as theories and practices supporting specific treatment approaches.
- Treatment providers typically need to become familiar with criminal justice accountability issues, court operations, and legal theory and practice, particularly due process.

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## Key #10: Team Interaction

**The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal 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.**

- Tribal Wellness Courts cultivate administrative connections between branches and arms of tribal government that force collaboration and creativity.
- By working together to reach a shared vision, it is easier for the tribal community to develop plans and road maps to guide their efforts.

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## NIJ Wellness Court Study: Key Component #10

- Form a steering committee comprised of Tribal Wellness Court agencies and community partners that provide healing resources and define roles and responsibilities in writing.
- Provide opportunities for community involvement including the holding of informational meetings, community forums, and other outreach.
- Use tribal and local media for community education, for program announcements, and to recruit funds and resources.

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## **Tribal Law & Policy Institute Training & Technical Assistance BJA FY09 Grant**

The Tribal Law and Policy Institute (TLPI) serves as the primary technical assistance provider for the BJA Tribal Drug Court grantees under TLPI's BJA Tribal Wellness Court Technical Assistance (TA) grant.

In addition, TLPI serves as Tribal Healing to Wellness Courts with remaining available funds.

This can include providing onsite and offsite TA, producing publications and online resources, and providing trainings.

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