The History and Promise of Tribal Healing to Wellness Courts

Developed by National Drug Court Institute (NDCI) with assistance
the Tribal Law & Policy Institute
For the SAMHSA's GAINS
Center for Behavioral Health & Justice Transformation
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Why Wellness Courts?

Tribal Institutions Created to Address and Respond To Substance Abuse Related Crime

Substance Abuse and Crime Blur our Tribal Visions & Blinds our Paths
Our Visions:

Peace – Harmony - Happiness?

‘Living together well’

Most tribal nations have a saying that translates this concept

*Suminangwa – Community Cooperation*
*Katsi – Life*
*Sonwai Katsi – Beautiful Life*
(Hopi)
BUT,
Obstacles & Obstructions Exist
That keep us from clearly seeing and reaching our Visions(s)

Obstacles and Obstructions Pose critical and costly challenges to Indigenous community building & Indigenous nation building

Obvious Obstacles/Critical Challenges:
1. Substance Abuse
2. Crime
3. ______________
Death from Heavy Drinking for Native Americans is 6 times greater than U.S. population.

Cirrhosis of the liver is 14 times greater for Native Americans than U.S. population.

Native Men: 27 % of Deaths are alcohol related (variation by Tribe)

Native Women: 13 % of Deaths are alcohol related (variation by Tribe)
Vehicular Homicide – higher than norm

Homicide – higher than norm

Suicide – much higher than norm

Higher level of risk for concomitant mental health disorders

Source: Milbrodt (2002)
“We had a funeral the other day with a lady who passed away, not even a month ago we buried her other sister. I think she got in a car accident and they were drinking. It was alcohol related. Everybody can almost go down the list of the people who died in the last two years. The majority of them, I could say 99% of them were alcohol related deaths. So, it’s sad. I can’t honestly think of any body who doesn’t drink. I think every body does it. Its been done all over the years. That’s the lively hood I guess you would say.

Community Member,
Gottlieb, et. al., Process and Outcome Evaluations in Four Tribal Wellness Courts (2005)
Do we do what we see, what is modeled to us?

Does the Drunken Indian stereotype prevail/promote drinking?

“This inaccurate stereotypes may lead one to conclude that drinking to excess is normative within the group.”

(May & Smith, 1988)

Why so much drink?
(Alcohol) makes some believe it helps them to cope “with low self-esteem, anxiety, feelings of frustration, powerlessness, hopelessness, and despair presumably caused by discrimination and oppression” and other things.
In a study conducted among 4 Tribes with 131 women, 65% reported extensive alcohol abuse in the immediate family.

Tribal respondents in a Tribal Law and Policy Institute Needs Assessment identified the need to work with the family.

Sources: NIAAA & TLPI 2010 Wellness Court Needs Assessment
Marijuana is the most commonly used illegal drug among adolescents and adults in the United States. Some studies have linked early marijuana use with later dependence on the drug and use of additional substances.


Illegal drugs – marijuana, opiates, cocaine and stimulants – are increasing among Indians, but the drug of choice is still alcohol.

http://www.pbs.org/indiancountry/challenges/abuse.html
Marijuana is the most commonly used illegal drug among adolescents and adults in the United States. Some studies have linked early marijuana use with later dependence on the drug and use of additional substances.

Illicit Drug Use

Among racial/ethnic groups, the highest rate of current cocaine use was 2% for Native Americans/Alaskan Natives and the lowest use was 0.2% for Asians

Percentages of past year cocaine use, persons aged 12 or Older:

- American Indians/Alaskan Natives: 3.8%
- 2 or more races: 3.7%
- Native Hawaiian/Pacific Islanders: 3.1%
- Hispanics: 2.8%
- African Americans: 2.6%
- Caucasians: 2.5%
- Asians: 0.7%
In subsequent years 2002, 2003, & 2004, methamphetamine use was highest among Native American & Native Hawaiian Communities:

- 1.7% Native Americans
- 2.2% Native Hawaiians
- 0.7% Caucasian
- 0.5% Hispanic
- 0.2% Asian
- 0.1% African American

Office of Applied Studies, Substance Abuse and Mental Health Services (2005)
Prescription Drug Abuse

- Prescription drug abuse is an emerging problem in our country and showing an increasing trend.

  Source: NIDA Community Alert Bulletin on Prescription Drugs was published in September, 2005
  http://archives.drugabuse.gov/prescripalert/index.html

- A large number of respondents in TLPI’s 2010 Wellness Court Needs Assessment identified prescription drugs as common drug among participants
The Cost(s) of Substance Abuse for Tribal Nations

Native Americans suffer disproportionately compared with other groups in the United States from diseases and death due to alcohol, drugs, and substance abuse.

= disconnection, disharmony, and conflict
The Cost(s) of Substance Abuse for Tribal Nations

- **Human Costs**
  - Loss of friends and family
  - Conflict, Crime & Controversy
  - Greater Need for Social Services

- **Higher Health Care Costs**
  - Alcohol and drug abuse rehabilitation/counseling
  - Emergency medical services (due to accidents)
  - Long-term quality of life care after injury

- **Productivity/Economic Costs**
  - Decreased and human capital (less and impaired)
  - Impaired job performance
  - Institutionalized population
  - Incarceration
  - Criminal victimization
  - Stunted Human Capital

Adapted from Harwood et al., Addiction, 1999.
Substance Abuse Supports Crime

- Most crimes in Indian Country are related to alcohol.

- Domestic violence, child abuse and neglect, and assault constituted the leading category of calls for service.

In America 1.5 million prison-bound arrestees at risk for drug abuse or dependence

Source: Urban Institute Report, April 2008
Incarceration alone?

- In the U.S. 29.9% of prisoners released in 1998 in 15 states were rearrested within 6 months and 67% are rearrested within 3 years. (BJS, 2002)
“(Wellness Court) is something we’ve always wanted to do even before we even knew what a drug court was. We’d always talk about what we need to do. We got into this system, like the western thought, punishment, punishment, throw a kid in jail, that will make him get back on the right track. Well that don’t work. It doesn’t work. It doesn’t work anywhere in the world.”

Gottlieb Study, Wellness Court Team Member
Incarceration

On any given day an estimated one in 25 American Indians 18 years old or older is under the jurisdiction of the nation’s criminal justice system.

2.4 times the rate for whites and 9.3 times the per capita rate for Asians, but about half the rate for blacks.

American Indian confinement in local jails is estimated to be nearly 4 times the national average.

Approximately 70% of jailed American Indians convicted of violent offenses reported that they had been drinking at the time of the offense.

Source: The Bureau of Justice Statistics (BJS) reported in American Indians and Crime PRISONERS (date)
Treatment v. Incarceration:

- Does Incarceration alone help heal offenders?

- From 2004-2007 the number of native inmates confined increased 24%


Approximately 70% of jailed American Indians convicted of violent offenses reported that they had been drinking at the time of the offense.

Incarceration alone?

A recent report shows since 1940 Native Americans have been over-represented in the prison system.

Other elements of reservation life make natives more likely to end up in prison. The use of alcohol and drugs is a significant factor. 80 percent of all prisoners, regardless of race, are in jail due to drugs or alcohol.

Author suggests that the one thing that can help keep people out of prison is connection with family.

Source: Native Americans over-represented in Indian Country prisons
Air Date: 12/18/2009 Klumper, Cory
A 2002 study found that among Indians entering substance abuse treatment programs in the U.S., 63% were struggling with alcohol compared with only 42% for all other admissions. Interestingly, Native Americans are more likely to complete treatment (64.7%) compared to Caucasians (44.7%).

What is a Tribal Perspective Based on Culture & Tradition?

Punishment v. Rehabilitation (jail v treatment)

Adversarial v. Non-Adversarial
“Participant has a right to choose either traditional or Christian, depending on faith. Sweats, talking circles, traditional family or parenting groups.”

VS.

“We have attempted in the past to incorporate tribal customs and traditions, however our participants feel this is something that they feel they can incorporate on their own.”

Source: TLPI 2010 Wellness Court Needs Assessment
Wellness Courts promote healing & look beyond punishment

A Healing to Wellness Court brings treatment and the criminal justice system together to address the underlying problems, the source(s) of the abusive behavior. Wellness Courts help participants confront and challenge the conflict within, which helps to strengthen the citizenry & society. In the long run Wellness Courts promote productive and peaceful communities.
10 Key Components

- Tribal Justice & Community Integration
- Non-adversarial approach.
- Early Identification
- Holistic Approach
- Drug Testing
- Coordinated Strategy
- Judicial Supervision
- Monitoring & Evaluation
- Interdisciplinary Action
- Forging Partnership
Healing to Wellness: Familiar Remedy

- Team Approach to Healing/Treatment
- Culturally Accordant – ‘teamwork’
- Citizens (members) of Nations (of tribes)
  - Security interest (well/strong human capital)
Healing to Wellness Court Efforts in Indian Country

89 as of June 30, 2012
2,734 Drug Courts

- 1,475 Adult Drug Courts
- 458 Juvenile Drug Courts
- 334 Family Treatment Courts
- 208 DWI Courts
- 89 Tribal Healing to Wellness Courts
- 31 Federal District Courts
- 30 Reentry Drug Courts
- 104 Veterans Treatment Courts
- 5 Campus Drug Courts

(as of June 30, 2012)
1,122 Problem Solving Courts

185 Truancy Courts
349 Mental Health Courts
225 Domestic Violence Courts
63 Child Support Courts
26 Community Courts
66 Reentry Courts
7 Prostitution Courts
5 Parole Violation Courts
7 Gun Courts
0 Gambling Courts
22 Homelessness Courts
167 Other
(as of June 30, 2012)
National Native Support

- National Congress of American Indians
- National Tribal Court Judges Association
- International Association of Chiefs of Police
- Tribal Chiefs of Police
Preliminary Research

- If Drug Courts significantly reduce crime and drug abuse, what about Wellness Courts?
- N.I.J Evaluation of the first 4 Tribal Mentor Courts: Lessons Learned (Gottlieb, et. al.)

Qualitative Accounts

V.

Quantitative Results
Benefits to Community

- Less Criminal Justice Costs
- Less Victim Costs
- Employability
- Drug Free-Babies
“(We are) in process of development Family Wellness Court, which will eventually include juvenile delinquency and dependency cases. Our present juvenile program will be incorporated in the family.”

Source: TLPI 2010 Wellness Courts Needs Assessment
Healthier Families!
“We are just now opening a transitional house which will be used to house participants without a place to live until they gain employment and/or suitable housing. We hope this is going to work out well for us.”

Source: TLPI 2010 Wellness Court Needs Assessment
“I known a couple of the participants to actually go out and commit a crime to get back into wellness, which is incredible, but the downfall that I see is that there is no aftercare, and that’s a big component, a huge component, and its lacking.”

Source: Gottlieb
“It feels pretty good (to be clean and sober). (Wellness Court) helped me discover the person that I am and want to be and where I want to go and stuff like that. It helped me realize there’s more to life (than) alcohol and drugs. It was a good experience for me and I’m glad I went through it and there’s a lot of stuff you can learn in there. And if anybody wants to go in there I’m all for it.”

(male juvenile graduate – Gottlieb Report)
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