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

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
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