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Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court

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FORT PECK TRIBES EXECUTIVE SUMMARY

The Fort Peck Community Wellness Court (CWC) began in February 1998 and ended in September 2003. There were 54 active juvenile participants. Of the first 50 participants, 15 (30 percent) graduated and 35 (70 percent) were terminated for being noncompliant, fleeing the jurisdiction, being remanded to federal custody, being excused for a medical reason, and reaching 18 years and aging out of the juvenile justice system.

A review of the key components of the Fort Peck CWC showed the strengths were:

- Good teamwork,
- Team members “Walk the Talk”,
- Compassionate and concerned team,
- Recognition a public defender or other family advocate needed,
- Hearsay evidence not sufficient to sanction participant,
- Detailed weekly task list,
- Parental involvement,
- Provision of incentives,
- Culture of self-evaluation,
- Diverse group at national trainings during planning stage,
- Attendance at national conferences to stay abreast,
- Mentor court to other tribes, and
- Public outreach attempts.

The CWC also had two characteristics with both strength and weakness qualities.

- Fast track to CWC with chemical dependency assessments completed after program acceptance and
- Inclusive and court-ordered participation with no assessment of readiness for change.

The CWC did make an impression on many of the participants and imparted accountability and structure to the lives of the participants. Comments from participants, team members, family members, and the community praised the CWC and credited it with making a difference in the participants' lives. Yet, it was not possible to document quantitatively a "wellness court" effect in the participants. Forty-five of the 50 participants, or 90 percent, were arrested on criminal charges, usually Disorderly Conduct, after leaving CWC. There was no statistically significant relationship between completion status and recidivism; graduates were as likely to be arrested for a post-program alcohol or drug charge as were terminated participants. Also, graduated and terminated participants recidivated on average in the same amount of time, 8 months, after leaving CWC. When a subset of those who had been out of the CWC for 3 years was examined (N = 18), 94 percent had a post-program arrest. A comparison of the number of pre- and post-program charges for this subset showed no difference in the number of charges in the 3 years before CWC and the 3 years after CWC for the participants.

Weaknesses in the implementation of the Community Wellness Court were:

- Lack of participation by schools, mental health, tribal elders, and tribal leaders,

- Long and poorly facilitated staffing meetings,
- Poor communication between CWC and mental health provider,
- Lack of understanding of the CWC commitment by parents,
- Poor integration of cultural activities,
- Infrequent alcohol and drug testing,
- Full-time CWC probation officer assigned other non-CWC duties,
- CWC probation officer usual work hours 8 to 4:30,
- Vague and inconsistent incentives and sanctions list,
- Inconsistent application of incentives and sanctions,
- Nontherapeutic sanctions,
- Judge not integral member of team,
- Incomplete and missing case files,
- Difficulty in training new team members,
- No buy-in from other agencies,
- Little support from tribal executive board, and
- Community not familiar with CWC.

The lack of understanding by the family of the CWC commitment, no assessment of readiness for change, non-intensive monitoring and supervision, and nontherapeutic sanctions were the weaknesses that could have lessened the impact of the CWC in effecting behavioral change in the juvenile participants. But the overall message from team members and community members was it is difficult to put the successes on paper. They saw small positive changes in many of the participants and these small positive changes were all that much bigger given the dysfunctional and dispiriting environment

the participants came from. It appears juvenile wellness courts need to offer the participants more than treatment; they need to offer education, job training, and a focus on a positive future.

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Background

The Fort Peck reservation in northeastern Montana is home to peoples of two great warrior nations—the Assiniboine and the Sioux. The reservation covers over two million acres and is 110 miles long by 40 miles wide. It includes the towns of Wolf Point and Poplar and the smaller communities of Frazer, Brockton, Fort Kipp, and Oswego. There are over 10,000 enrolled members and over 6000 live on or near the reservation. Many bands of Assiniboine and Sioux are represented on the reservation. In general, the Assiniboine live in the Poplar and Frazer communities and the Sioux live in the Wolf Creek community.

***We have sort of a competition between the Assiniboine and the Sioux and we tease each other.** You drive across Tule Creek every morning and come up here to Poplar and that little bridge that's in the middle, well, the west side of Tule Creek, the west side of the reservation belongs, that's the dividing line, is supposed to be the Assiniboine side, the east side is Sioux. You know, people have intermarried, there are intermarriages between the Assiniboine and Sioux.* - Team Member

Poplar is the governmental seat for the reservation. The tribal executive board, the official governing body, is located there. Members are elected at large every two years. Both the Indian Health Service and the Spotted Bull Treatment Center are located in Poplar. The main tribal court building is in Poplar where the wellness court was located and criminal and juvenile matters are heard; civil cases are heard at the Wolf Point court annex. The reservation has five public school districts and high schools in Poplar, Wolf Point, Brockton, and Frazer. Fort Peck Community College and Native American Education Service College are the post-secondary educational institutions. The major employers are tribal government, Fort Peck Community College, the Bureau of Indian Affairs, and the Indian Health Service.

Although the Assiniboine and Sioux lived as one people in the Lake Superior region before contact with Europeans, differing paths led them to share the Fort Peck reservation. The two tribes, traditional enemies, have been distinct and separate for hundreds of years.

Assiniboine bands were living a nomadic life in the eastern Montana Territory, hunting the buffalo and bartering furs with the English and French, in the first half of the 19th century. The wars between the Sioux and the U.S. Army in Minnesota and the Dakota Territory in the 1860s caused the westward migration of Sioux bands to the same area. There, until the disappearance of the buffalo in the early 1880s, the Sioux also lived a nomadic life as buffalo hunters.

The 1880s proved to be a time of great change; not only did the buffalo disappear but white ranchers settled on the original Assiniboine reservation with the approval of the U.S. government. The U.S. government already had established boarding schools in the area that led to the erosion of traditional ways by disrupting the parent-child teaching and learning process. In 1886, the Assiniboine and Sioux Tribes agreed with the U.S. government to the creation of the Fort Peck reservation north of the Missouri River. During the same year the U.S. government outlawed the Sun Dance, an important summertime renewal ceremony where people come into contact with the spirit world through visions. In general, the U.S. government tried to replace the Native American cultures with the majority European culture.

The events of the late nineteenth century are still felt today by the people and are a root cause of the substance abuse seen in the communities.

*I always look at several things when I talk, when I talk about the 1860s and General Bill Sheridan, who says “Kill the buffalo and kill the Indian,” and that didn’t work, so they went a little bit further, so they took our ancestral lands and put us on reservations, and that didn’t work, and they took our kids and put them in boarding schools, and that didn’t work, the final straw was in 1882, was the Major Crimes Act brought ex parte, **it marked the end of how we as Indian Nations knew how to settle disputes among ourselves.***

And I think that until we go back to that restorative reparative type justice, we're never going to make ends meet. - Team Member

*And I say this, and it sounds like an excuse, but it's really a reason why we're in the situation that we're in, and **it started back when we were put on Indian reservations and our culture and our spirituality was taken from us.** My parents had a really profound experience with that when they were put into boarding school and their hair was cut and their bodies were scrubbed with lye and had all these horrible physical experiences, they were beaten regularly for talking their language, and they grew into parents who felt they didn't want their children to have those same experiences and so they didn't teach us how to talk Indian. So, here we are, we're full-blooded people, in our family we're all full-bloods, but we don't know how to speak our language because our parents didn't teach us because they felt they were protecting us. So, now we're playing catch-up with our own culture and at the same time the society in general has accepted Indian culture, and has said, "Okay you can have your culture, you can have your language," after they spend decades beating it out of us. So, we're kinda like coming back from a deep freeze if you will and we are realizing that it's okay to be Indian and then at the same time the society in general is bringing things to us that require our response and we're not quite ready, it's just like a huge education process. **It's like it's imminent, it's almost like we're in a situation now where criminal behavior and misbehavior and the crisis that our families are in, it's to a point now where we have to address it. We have got to do something about it because it's affecting everybody.*** - Community Member

The crisis the community member is speaking of is alcohol and drug abuse.

*Ninety percent of the crime in this city is fueled by booze. . . . **If it weren't for alcohol, we'd be out of business.** . . . Right now we have 150 calls for assistance a month, including 21 DUIs (Driving Under the Influence charges) and a dozen domestic abuse calls—and we're only a four-man department.* - Poplar Police Chief in a 1999 Great Falls Tribune article

Alcohol is just raging amongst our people, it's destroying young people. You walk down Poplar, down the street, you'll see people, young guys drinking, digging in cans looking for stuff, whatever. It's tough and it's sad. So hopefully by us having our drug court it's going to make a difference. - Team Member

I think that was one of my main concerns because our kids are so young, and they're starting out earlier and earlier to use alcohol and for awhile there we went through a phase of hard liquor with our young ones, it really concerned me, because there were so many young girls that were drinking, and that liquor will block them out and stuff and things happen. It was always a concern. - Team Member

The alcohol abuse also affects the general health of the people—either from instances of acute alcohol poisoning or more chronic alcohol damage. Alcohol-related diseases are the fourth-leading cause of death at Fort Peck according to a 1996 report—behind cancer, accidents, and heart disease. A more poignant statistic is from a 1996 Montana study finding one schoolchild in six on the reservation is affected by Fetal Alcohol Syndrome. Drugs became more prevalent as the reservation moved into the twentieth-first century. Huffing gasoline and aerosol products is also a problem on the reservation for those who do not have access to alcohol and drugs.

The drug of choice is usually alcohol-related, probably up until about a year ago. Now you're dealing with a lot of crank, or methamphetamines I guess. The bad thing is that because the addiction is so easy, one try and you're addicted and stuff like that, you see a lot of young kids getting into that and the treatment aspect, you know, they'd rather use the drugs. - Team Member

For the littler guys it's huffing. For the middle ones, it's drinking and pot. Meth is coming in now. I had a little girl come up to me and show me her arms and I believe we sent her off to treatment. But, it's tough with meth, and people can get addicted to that so bad. You can tell who's got a meth problem just by looking at them and your teeth and what it does to them, it's sad. - Team Member

I don't know if I'd say [huffing] is a big deal, but it definitely is a deal that's going around, you know. It kinda waxes and wanes too. I've seen kids as young as 5 years old, kindergarten age, they're huffing. . . . Gasoline, nail polish, about anything aerosol, sprays. [The damage is so severe] you can pick it up on an IQ test. - Provider

Every night, every weekend, and it seemed like we were the only ones out looking for (our teenage son), cause we didn't want to wake up the next morning and find him dead, cause he was a huffer. . . . He was huffing and he was just with the wrong crowd. - Parent of Terminated Participant

Tribal government applied for one of the first tribal drug court grants from the Drug Court Program Office (DCPO) of the U.S. Department of Justice (DOJ) in 1996 to attack the rampant substance abuse problem. A parallel development in Fort Peck Tribal Court, the idea that incarceration was not working for juveniles, was occurring at the same time. The tribal court joined with other tribal agencies to form a Community Corrections Council to coordinate juvenile services in 1997.

[Drug court] is something we've always wanted to do even before we even knew what a drug court was. We'd always talked about what we need to do. We got into this system, like, the western thought, okay, punishment, punishment, throw a kid in jail, that will make him get on the right track, well that don't work. It doesn't work and it doesn't work anywhere in the world even. We knew we had to do something different and we knew the only way we could focus on, we have such, it's a generational thing, it's been from, I don't know, we could start from Christopher Columbus, okay, alcoholism, family alcoholism and the whole community thing, I'm not saying the community doesn't care, but it's more like, it's [the other people's] problem, so they can take care of it. Ok, so it's the court's problem and they need to take care of it without getting that support from the other agencies. We knew we had to do that. [Tribal court and law enforcement] . . . got to talking and we had the same ideas of what we wanted to do, and we just basically started doing it and getting other people involved. - Team Member

The Tribes have received three grants for their wellness court from U.S. DOJ DCPO. An 18-month planning and implementation grant was received in 1997, a one-year continuation grant in 1999, and a two-year enhancement grant in 2000. The enhancement and continuation grant funds were used to pay the salary of a full-time chemical dependency counselor, a full-time probation officer, and at times a two-day a week cultural education teacher. The funds also were used to pay for drug testing kits, drug testing laboratory procedures, and some office supplies, but the majority of the funds went to staff positions.

Although the tribal court had been involved with other agencies in coordinating juvenile justice services, they were not quite sure what to do with the planning and implementation grant at first.

[DCPO] was giving out tribal planning grants and we were I think maybe, I don't know if it was two or three tribes who got the planning and implementation grants. So, we thought, "Well, okay, fine, that's nice," oh geez, how much was it?, I think it was forty or thirty thousand [for] planning and seventy thousand [for] implementation. "Well, geez, that's a lot of money. Now what are we supposed to do with it? Well, I don't know, we didn't know, what's the heck a drug court?" Because we're thinking about the drug court in Miami with all the cocaine and whatever and drug trafficking and I said, "Sure we have an issue with a list of drugs, but it's not as big an issue (at that time) as alcohol." So, [DCPO] was telling us, "No, you can use alcohol also." "Okay, so that's fine, what are we supposed to do?" We didn't have a clue. - Team Member

After the team's first training in Albuquerque, they knew the drug court concept meshed well with what they wanted to do for the Fort Peck juveniles.

Yeah, we still didn't have a clue what we were supposed to be doing. And so when we got down to Albuquerque it was like, after they started talking about it, everybody just looked at each other, and "Yeah, this is exactly [what we wanted to do]." - Team Member

The decision to concentrate on juveniles was not a hard decision.

Every other tribe was doing adult drug court, and they asked us “Why did you decide juvenile?” and we just looked at each other, and we never even thought of an adult drug court, I mean, because we feel, we had talked about prevention and intervention type of programs and get them while they’re young. We won’t have these problems later in life. I guess we knew exactly what we were going to do, but how do we do it? - Team Member

Our youth are important. And I just can’t stress how important it is to work with our youth because we have so many different drugs and stuff that are going on today that they didn’t have back in our days and they’re our future, they’re going to run this place one day. - Team Member

Although at first the tribal court did call its wellness court a drug court after the terminology of the day; the court later changed the name to “Community Wellness Court” (CWC) to better reflect its goals after a training meeting in Albuquerque.

[Albuquerque is] where the term was coined at because they said think of a name for your court, because we didn’t like the term “drug”, we didn’t like the negative term. So, actually we had a wellness center here, and so we thought we’d call ourselves the Fort Peck Community Wellness Court. - Team Member

However, many in the community continued to refer to the CWC as the “drug court”.

Everybody refers to it as drug court. - Father of Participant

They used to call this drug court, didn’t they? When it first started? That’s what we used to call it, then [the community] didn’t like that name, most of those parents didn’t like that name. “I graduated from drug court, we sure don’t like that name, I wish they would change that name, we’re not druggies.” But then someone said it was Community Wellness Court. - Juvenile Justice Staff

In August 2002 the Tribes created a new chapter to the Tribal Code on Drug Abuse Prevention and Control that strengthened the Tribes' response to the production, trafficking, and consumption of drugs. The CWC closed its doors in September 2003 after five years of operation. The tribal court plans to resurrect elements of CWC as a Family Wellness Court that would handle abuse and neglect cases where the parents have been convicted of substance abuse offenses. They began planning for the Family Wellness Court in 2004 with funding from the Drug Court Planning Initiative of U.S. DOJ. The tribal court has drafted policies and is looking to put the memoranda of agreement in place with the various service agencies and implement the Family Wellness Court in 2006 whether or not federal funds are obtained.

*I'd like to see us have a family drug court, I mean to work with our civil cases **because a lot of our children are taken away from the families because of alcohol or drug use. If we can get those people into our drug court, you know we can help them, you know, parenting. . . . And then as they go through the program, maybe go to Phase II, maybe give them their kids back, and still support them and then gradually get them back into a healthy family again. That's what I would love to have because then we could get the support from the state and the BIA (Bureau of Indian Affairs) social services, get them involved because it could be a long process. I used to see people come in [to court], and I'd see them 6 months down the road, and they still didn't get their kids back because they still haven't done this or that, but if we could get them court ordered into a family drug court, then we can have tabs on them, check them out every week and see what they're doing, or every two weeks. If they were in family drug court, they'd have the judge's leverage on them every week to participate, and have them think about why their kids were taken away because of this, so I would love to see a family drug court and an adult drug court. It's so important.** - Team Member*

Process Evaluation

The monograph, *Tribal Healing to Wellness Court—The Key Components*¹ [*Key Components*], defines a process evaluation as “information to describe and analyze how a program is operating or meeting its administrative and procedural goals and to identify problems or concerns in implementing a program.” The ten key components as detailed in the monograph provide the framework for this process evaluation. *The Key Components* describe the basic elements that define tribal drug courts or tribal healing to wellness courts and are adapted from the key components for state drug courts. The *Key Components* are meant to be aspirational and not intended as a checklist, but they do address the major components of wellness courts and suggest recommended practices acknowledging they may or may not be feasible for a particular tribe. The *Key Components* were prepared by the Tribal Law and Policy Institute (TLPI) with the collaboration and consultation of the Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts. The implementation of each key component by the Fort Peck CWC as observed by the evaluators circa summer 2002 is detailed below.

Key Component #1

Tribal Healing to Wellness Courts bring together community healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.

This key component focuses on the importance of the team in the success of the planning and implementation of the wellness court. Ideally, the wellness court team is made up of representatives from across the reservation, including tribal elders and others who embody traditional values. The members must put aside any feelings of territoriality and collaborate as a team to integrate their respective skills and backgrounds to achieve a holistic approach to treating

the participant with substance abuse problems. Regular communication among the team members is crucial as well as stability of the core team. Memoranda of understanding and written procedures and policies help construct the infrastructure of this shared decision making. Also critical is interdisciplinary education for the team members so all learn a little bit about the other disciplines brought to bear on the problem.

What They Did

The original wellness court team that attended the first DCPO training in Albuquerque in February 1998 included the juvenile court judge, the tribal court administrator who went on to double as CWC coordinator, the director of Public Safety, a member of the tribal executive board, the director of the tribal Spotted Bull Treatment Center, and the juvenile court coordinator. After the Albuquerque training, representatives from the Tribes visited the state drug court in Missoula, a mentor court for both the Blackfeet and Fort Peck wellness courts.

At the time of the evaluation site visit in summer of 2002, none of the original planning team were members of the CWC team that was running the wellness court, that is, regularly attending the staffing meeting. The CWC coordinator was still involved in CWC operations and often attended the staffing and on occasion substituted for the wellness court judge when he was not available.

A typical CWC staffing in 2002 included the chemical dependency counselor, juvenile probation officer, the CWC probation officer, the juvenile intake officer, and a juvenile case manager from the tribal Juvenile Detention Center (JDC). The CWC judge and tribal prosecutor, although technically members of the CWC team, did not regularly attend the staffing. At this time the Tribes had no public defender although they had in the past (he was now in the juvenile

probation officer position). This was a much smaller group than had gathered for staffing in the earlier years of the CWC.

*Back in the day we had a good support team, everybody supported each other, we're trying to look at what we can do to make it a better court system. **I don't know what happened, but it kinda went down, I don't know when it went down. . . . I sat in on one of their meetings, or several of their meetings, and it's like, it's not the way it used to be.** You know, everybody was involved back then, I sat exactly in the same room there and I didn't think [everybody was involved]. We used to have to meet way back in the other courtroom and we'd put two tables together and it would be full. I came in here, there was myself, one here, one there, and one here, when it used to be a big thing. - Team Member*

*For some reason, **[the prosecutor attending the staffing] has fallen to the wayside too,** the prosecutor doesn't come no more, and I don't know, I heard somebody tell the prosecutor they can't come no more. . . . but I think that's a big factor, the prosecutor has to be there. - Team Member*

The team met every Wednesday morning before the afternoon CWC status hearing. The meeting began with screening any possible new candidates and then moved to reviewing the progress of the current participants. These Wednesday meetings did not start on time and were long, basically all day until the CWC status hearing in the late afternoon.

*Well we do just have one vote, **but most of the time we sit there and discuss it until we can come to agreement on it.** There's a lot of times that we have somebody that's not doing so well, or just trying to rush through the program, and that's when we have to discuss some things. - Team Member*

Strengths

Good Teamwork. Several team members mentioned teamwork as a strength of the CWC.

I think the strong points are the staff itself, their commitment to this philosophy.

I think [integrating the legal and mental health components] works pretty good, if we can stick together and stay with it. The hoverance of authority over these people to sober up versus somebody saying, "C'mon I'll help you." The concept works.

*Well, I think what it is **we all work together as a team** and many times we don't agree and then we have some discussions on it until we all agree with. And I think that's one of our strong points.*

*We have a good team, I think. **The majority of the team sticks together and we all agree together.***

*My mom grew up a traditional lifestyle and so she believes that community a long time ago set the tone, "Are you going to be jailed or not?" **So, she liked the fact that [the team] made that decision, and not just one judge.** That's what she liked about the wellness court.*

Team Members "Walk the Talk". One of the team members mentioned the importance of the wellness court team modeling a sober life style for impressionable teenagers.

*One thing that I feel personally that with the CW court, based on the fact that we have juveniles, juveniles are learning, they're in a learning stage, and they're all going to try alcohol sooner or later. . . . **The staff, I think one of the most important things with the Community Wellness Court staff, is that they need to have a commitment and they need to have a heart for our youth and they need to be role models.** - Team Member*

A strength of the CWC is the team members do want to serve as role models for sober living and agree not to drink or do drugs even though alcohol purchase and use is legal on the reservation for those over 21 years. Although the CWC does not test the team to determine if they are keeping the agreement, the Tribes do random urinalysis of tribal staff to detect drugs in anybody who works for the Tribes. There is no random testing for alcohol use. Even without the threat of testing, any public alcohol or drug use would be known in the community.

*I think we all made a commitment pretty much, **we want to be examples and role models in our community.** . . . That's how it is because **you choose to walk your talk.** I have no problem with people wanting to [drink alcohol], it's just my choice [to abstain]. There are other alternatives I could use in my life. I don't need to even have a glass of wine, I can just be as happy sitting down and talking with a good friend. **Pretty much, I would say, the whole team has taken that commitment.** There's a few that just started, and I haven't really got to know them very well, but just knowing them in the community, they've been non-drinkers. . . . We've had that problem in the past with team members who aren't here anymore and we had kids complain and parents complain, "You're telling me to stay out of the bar and provide a healthy environment for my child, but yet you're in the bar when I'm in the bar, drinking?" **And that really hurt [the team member's] credibility.** - Team Member*

*I believe pretty much most of the team don't use and that's always been one of my concerns, you know. **One thing I always expressed was when working with kids, you walk the talk** and if you're going to be in the bar drinking and then they're going to say, "Hey, there she is drinking and she is telling me or he's telling me." Because we had an incident at the JDC (Juvenile Detention Center) that some of the individuals had seen our counselor out drinking, and they had no respect, they had nothing to do with the individual, I mean, why should we? I always express that, **being a role model.** - Team Member*

It's an affirmation. This is actually a small community, if you're drinking, people know.

- Team Member

Compassionate and Concerned Team. In addition to good teamwork and serving as role models, the team members also cared about the participants and encouraged them on their journey to wellness.

Once the kids realize we're actually there to help, once you get over that hurdle, that we really do care, they know they can count on us, they know we'll be there for them if they need us. - Team Member

The people [on the team] now, or I should say a majority, most of them, really care what happens to our youth and I think that's the best part of it. - Team Member

I guess I can relate to some of it, I can understand what [the participants are] going through and no wonder why they use drugs and alcohol to be free, to not hurt anymore, and because of the struggles that they have gone through in their life, and I can understand that. I sit and I talk with them, and let them know you can do something about it, or what will happen if you continue using alcohol, you'll wind up like the street people, or the winos down here or the tree (street) people in Wolf Point. . . . And then I talk to them in regards to that and let them know that you can do something, you do have choices in your life, it's your choice what you want to do. - Team Member

The staff, I think one of the most important things with the Community Wellness Court staff is that they need to have a commitment and they need to have a heart for our youth and they need to be role models. All three of these things are pretty much present now. - Team Member

The wellness court has been sort of a passion for me, it's one of my most favorite things I ever did. It's probably the best thing I ever did. The most enjoyable thing I ever did. - Team Member

*Another strong point is that [the team is] showing the parents **there are people, there are programs, out there who care about them and their children and that there is someone who is willing to help them.*** - Provider

*[A strong point is CWC] focuses more on the client's problem and we can interact with them a little bit more than we could have before in regular juvenile court. **We can follow their progress and get involved with their problems and help them get through their problems and it works pretty good.*** - Team Member

Weaknesses

Lack of Participation by Schools, Mental Health, Tribal Elders, and Tribal Leaders.

Almost all team members recognize the current wellness team is insular and court-based and there are other departments and agencies that should be on the team and attend staffing meetings regularly. Specifically, the schools, the prosecutor, an advocate, juvenile services, law enforcement, social services, mental health, elders, tribal government, tribal health, an adolescent peer, and the Bureau of Indian Assistance. There was never a tribal leader or elder on the CWC team. The addition of people in these positions would benefit the wellness court in several ways. One, a tribal leader to the team, perhaps a member of the tribal executive board or the Law and Justice Committee, would increase the exposure of the CWC to the tribal executive board and the community at large. Two, a tribal elder could serve as a role model to the parents and children alike and help to integrate the traditional healing and dispute resolution practices into the CWC treatment component.

*I would like to see [the CWC] regrouped, **I would like to see more entities involved with the Community Wellness Court.***

*If we can get a public defender or some type of advocate to be there. **We should have the prosecutor, a public defender, somebody from juvenile services, and somebody from the schools and that's not happening right now.***

*I would say if we got more programs involved in wellness court [it would work better]. Like on our staffing, once a week, you know, **like if we had law enforcement come in, maybe if we had somebody from one or more of the schools come in and give their report.***

*What I'd like to see in there, the people, **we had some people coming in from the schools and they were good, but I'd like to see that someone from BIA (Bureau of Indian Affairs) in there, social services, they should have one person from there. We had an officer coming in several times, and we need somebody like that, so they can talk to the people and tell them what they will do and everything. . . . But, that's one of the things we should have in there, someone from the police force, schools, social services and probably somebody from the [tribal executive] board every week. Then they would know what was going on.** This way the only one that knows what is going on is the court staff, so something like that would really be helpful to them.*

*[I'd like to see] a social worker, somebody in mental health [added to the team]. . . . We need to start recruiting, we need to get a school representative there. **We probably need to get an elder involved and maybe another peer, another adolescent on the team.***

*I would like to see somebody from law enforcement, of course we have the juvenile court system, I'd like to see maybe once a month, a social worker, or every two weeks. I'd like to see more people from the schools, **any people that work with the youth, like tribal health, I'd like to see somebody get involved with the drug court.** I would like to see more involvement from Spotted Bull [Treatment Center], I mean we get [the full-time chemical dependency counselor], but they have a variety of people over there.*

Given the CWC is a juvenile court, the schools need to be very involved in the wellness court. In the beginning the Poplar and Wolf Point high schools did send a representative and the Brockton high school faxed over a report. Unfortunately, there were no representatives from the reservation schools on the wellness court team in its latter stages. Some of this problem may have been mitigated by including school representatives at the planning stage and having them attend wellness court trainings to better understand the importance of marshalling all of a tribe's resources to attack substance abuse.

Actually, [in the beginning] we had more school involvement which I think is more important than anywhere else. We faithfully had a person from the Poplar school district. He was a counselor, but he believed in [CWC]. He was committed to that. And we had an individual, who's still working in the Wolf Point school, but the principal decided she shouldn't be attending, I don't know why. So we've worked out a deal with the schools, well, every Wednesday morning we get a report from them on these individuals, like an attendance sheet and then anything else, any issues that might have popped up in school.

I'd like to see the schools involved. We reached out to the schools and they were coming at the first, the schools would send a representative which helped a lot. You'd bring up so and so's name, well here's the absent or tardy list and she'd also tell us that [the participant is] doing good in school, "I know she was absent this day, but she was doing this and that's why she was absent." But now all we see is the absentee list and we found out that they find them absent even if they're 10 minutes late for class. So, we sanction them for being absent, and that's wrong, but if we had a school representative in there that could talk about it, and we did at one time when we first started, we'd do better. It was the school superintendent in Poplar and the Home School Coordinator in Wolf Point. We never did get anybody from Frazer or Brockton.

Last year at the beginning of the school year, I went and talked to, I think he's the superintendent, and asked if we could have somebody from the schools come in and be

*involved in our wellness court, so if we have questions about whichever students they would have some answers for us. He did assign one woman to come, **but the only thing she could do was come in the mornings and give us a report on them, they were missing these days or had these disciplinary actions. She would come early in the morning and just tell us that in our other screening, she didn't have time to come and sit in on our staffing.***

It is important to recruit “positions” for the wellness court team, not people. People change jobs and when the new person comes on board he or she may not realize the importance of attending the wellness court staffing.

I think one of our problems is that there has been a change of hands so many times, you know, different people getting involved with the drug court. I believe only one person sitting here has been involved from Day One. - Team Member

*[A school representative stopped coming], I think it was last year, one of the guys that worked at the school, **he moved on to another program and it kinda got lost. They didn't really designate one person.** And then the Wolf Point schools we had one person designated, and then it got to the point where she wouldn't show up this week or the next week, there was something going on and they had her doing things, and we just kinda lost it.* - Team Member

A formal memorandum of agreement (MOA) between the CWC and other agencies could decrease the occurrence of member drop-off. Formal agreements also would emphasize the importance of bringing all the community's resources to bear on the problem of substance abuse. For example, the Department of Social Services did not think it had to be involved in the CWC unless there had been charges of abuse and neglect brought against the parent.

*And doing an MOA, it's so important, or some type of a qualified service agreement with the other agencies to say, **because people leave, people come and go, and sometimes the***

agency forgets to send a new rep in and I think that's important to have that and to renew it annually. Just so everybody remembers this is what it's about, always do something, a type of annual meeting at least. - Team Member

*Probably we need to get a **MOA in place** or something.* - Team Member

Long and Poorly Facilitated Staffing Meetings. A contributing factor to the decreased attendance may be the long length of the staffing meetings and the lack of a strong meeting facilitator. The team makes decisions by consensus and has a lot of discussion about the participants' progress. The staffing is facilitated by different individuals in turn. This consensus building and democratic meeting style is very much in the Native American tradition. But, if the staffing meeting was run more tightly and started on time, representatives from the other departments and agencies might be more likely to work the staffing into their schedule. These are two team members' opinions.

You know what slows us down is that when we go in there and start talking about these kids, everybody's got to have their say, and this and that. They should let one person talk, and then they could all say something, one at a time, but there's always this guy has to say something and then this one has to say something, they should all, I told them that several times. . . . Everybody wants to have their say. . . . I think we could handle twice as many [participants] as we do because we got all this time in the morning and we shouldn't talk about one person all that time. We should be able to handle about five in the morning, and then the rest in the afternoon. . . . And I think we could as a group we should be able to go right through them, and then write it down and then afterwards, after we get everything done, then we could sit down and talk about what needs to be done with some of these kids. Get the main part over with first, and then sit down and talk about like we used to do.

Yeah, [our staffings do go a long time], too long, much, much too long. Longer than they should be. Actually they're shorter than they used to be, they used to be 6 hours.

In addition, the lack of tight control on the staffing meeting means the start time of the subsequent status hearing is variable.

There's one problem that I can see because the tribal courts are so overwhelmed, that the clients are waiting and waiting and so by the time their time comes to go into the court, the frustration level is already high, so I don't think they have a good opinion of the wellness court. But, it's just circumstances, you know, I've seen them because I've seen the court running here, running there, trying to get everything done. "If I'm going to be fined for being late, why can't they be fined for being late?" - Provider

Poor Communication Between Community Wellness Court and Mental Health Provider.

It appeared from a review of the participants' wellness court files there had been no mental health sessions even though many participants were considered to have a dual diagnosis of chemical dependency and a mental health disorder. Yet, several interviewees mentioned they thought all, or almost all, of the participants had been seen by one of the psychologists at the Indian Health Service (IHS) mental health clinic. The information flow between the CWC and the psychologists (who do not attend the weekly staffing meeting) is problematic; evaluations are court ordered and performed, but there appears to be no follow-up by the court. In addition, the mental health psychologists are not receiving the information they need to tailor their clinical assessment of the participant. A solution to this problem is an integrated juvenile justice information system.

A referral will come to [IHS mental health], but then there won't be a release or a request, like for follow-up or anything from the court. So, oftentimes, we'll get just a piece of paper, mental health referral or evaluation with no particular question, referral question, on there. . . . I mean the best assessment would be, actually, I'll tell you what

*we do, the ideal would be if we had in addition to the court order **something from the judge or the members of the team saying, “These are areas of concern, we’re concerned about substance abuse or we’re concerned about family dynamics, or is there family stress going on,” anything like that which would give us some clues as to what to really assess for.** See, we don’t get that routinely. . . . They’ll say “needs an evaluation,” but we won’t get the rap sheet or anything. **It’s been hit-or-miss on getting anything. And mostly lately, it’s been miss.** There have been times when we’ve gone to the court and said, “Hey, we really need this information,” not that we’re nosy, but we want to know as part of our assessment, are we dealing with somebody who has that kind of sociopathic thinking, you know, do they have a conscience? - Provider*

*But again, sometimes I don’t come over [to the juvenile justice staffing meetings], **we get busy too. That’s part of the problem, the communication. I think the major [concern] is communication being fragmented,** but I think that’s true for all the different agencies. I know when one judge was there, we had talked with her about it, and so for awhile we were getting that piece of the pie, but then a new judge, and I know that [the juvenile justice staff], **part of what [they] are trying to do is that we’d have one file and people can share that information, and I think it makes more sense to do it electronically.** - Provider*

*I don’t think [the team is] getting that type of report (**the mental health evaluation**). - Team Member.*

Key Component #2

Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

This component is mainly concerned with protecting the due process rights of the offenders when they are being considered for, and considering, wellness court participation. Most people would agree a juvenile is better off participating in wellness court and receiving

treatment to help his or her substance abuse problem than being in detention with no treatment. But the process that leads the offender down the path to wellness court rather than detention needs to safeguard the rights the offender is entitled to under tribal law and the Indian Civil Rights Act. This is especially important in tribal courts like Fort Peck that do not provide a public defender. If the offender has the choice whether or not to enter wellness court, he or she needs to be fully cognizant as to what is being agreed to, that is, give an informed consent. The offender should be advised as to the nature and purpose of the wellness court, the sanctions imposed when the rules are not followed, what rights the offender will give up, and in the true spirit of informed consent, what legal and treatment alternatives are available if the wellness court option is not chosen.

What They Did

A little background on how the Fort Peck juvenile justice system works is necessary to understand how the CWC fits into the Fort Peck juvenile justice system. For a first juvenile offense, unless it is something serious like aggravated assault, the juvenile goes straight to diversion; there is no plea of *Guilty* or *Not Guilty*. The juvenile is assigned a case manager and assessed using the Strategies for Juvenile Supervision (SJS) tool in central intake at the Juvenile Detention Center (JDC). There is no option for entering CWC on a first offense. If a juvenile is charged with a second offense then he or she goes to court and either pleads *Guilty* or *Not Guilty* to the charges. At this point the offender is eligible for CWC, one of several diversion type options available for juveniles.

In the very beginning of the CWC, eligible offenders volunteered as participants.

No, I didn't [feel I was forced into the CWC]. I liked it, I liked it because it made my home more stable with the girls. - Parent

*Well, it's your choice, you choose, **they ask you if you want to do this drug court or do you want to sit this time? Me, I just chose drug court.** . . . It was my choice. They asked me.* - Former Participant

*They said that there are certain things we have to do in drug court, we have to go to court every Wednesday, and then Spotted Bull Tuesdays and Thursdays, and then checking-in with the probation officer, and they give us a task list to do that. **[I chose that rather than sit 30 days in detention] because they said it would help me and if I complete it I wouldn't have no record. That was important to me.*** - Former Participant

As word spread throughout the community that CWC was a lot of work and it was easier for the juvenile to do the time in the Juvenile Detention Center (JDC), eligible offenders stopped volunteering and all subsequent participants have been court ordered into CWC.

*And then later it got to be where they don't volunteer and the court would order them now. . . . **The word got out that it's easier to let your kid sit through 30 days of jail instead of spending 12 months in wellness court or longer.*** - Team Member

*Well, when I first started, they were given that choice [between detention and wellness court] **and the majority of them would take the jail time.*** - Team Member

*It was a voluntary basis, but what happened was that when you would set up an appointment, bring them in, explain the program to them, and we'd give them all the paperwork and tell them "Okay, you take all this home and take a couple of days and read it over really good, and come back on this date." **And they'd come back and they'd say "No thanks, we don't want to do that."*** - Team Member

Now a lot of them are listening to the parents who say "Let your kid sit 30 days and be out of here." - Juvenile Justice Staff

The Fort Peck CWC was a post-plea wellness court, the juvenile has either pled *Guilty* or been found guilty before entering the CWC. The prosecutor was the main gatekeeper for CWC, although the juvenile judge or another team member also could propose a potential participant. Team members in interviews often used the word “choice” in discussing CWC participation; they said the juvenile and parents “chose” or “volunteered” for wellness court. In this situation the prosecutor would have discussed the two options available—detention or wellness court—and the family chose wellness court over detention. In at least one case the parent chose the wellness court option without discussing it with the juvenile.

*They are **choosing** between detention and 8 months of wellness court.* - Team Member

We either did [CWC] or had to sit 90 days [in JDC] for it. - Current Participant

*[The juvenile detention center is] better than being in jail, but still it sucks, **but I guess [CWC] was my only option.*** - Current Participant

*My mom just signed it for me **without me even knowing it**, and I didn't know it would be this long, she just went ahead and signed it [when] I was in JDC.* - Current Participant

Yet it appears some juveniles were clearly court ordered into the CWC against their and their parents' wishes and did not have an option to do the time in detention.

*Some might be court ordered into wellness court at the time of sentencing. At this point the wellness court has agreed to accept the child, **and if the parents and child don't agree, the prosecutor will ask the judge to court order them in.*** - Team Member

Court orders happen more often than the juvenile volunteering to be in the wellness court upon a guilty plea. - Team Member

*Yeah, most of them are court ordered into the program. It's not volunteer. There was only one volunteer and she declined, **but they brought her back into court and court ordered her into the program.** She don't like it at all. - Juvenile Justice Staff*

*Usually by the time [the team is] discussing [whether to admit the participant], they've been court ordered by the court. Even if it's court ordered, we seriously talk about it, whether they're a good candidate or not. **By that time the child has pretty much lost his choice.** - Team Member*

*[They didn't say detention or wellness court], they just picked us out because he was always in-and-out of trouble, in-and-out of court all the time, like every week, and they just, **I think they just pick out the ones who really need the help,** that's how we got in there. - Parent of Terminated Participant*

The juvenile and the parents both signed a CWC contract that spelled out what was expected of them. A team member explained the contract signing process.

*The prosecutor is there during the contracts, . . . **they go through the whole packet, and once they go through the whole packet and understand what they have to do with the schedules, what the steps are, everything, the sanctions, the incentives, the responsibility of the client, the responsibility of the parent, once they go through all of that, the prosecutor will not let them sign it that day.** Even though the prosecutor has gone through everything with them, the prosecutor tells them "I don't want you to sign anything, I want you to go home, review this, in a day or two, my next available time." The prosecutor tells them to come back at this time and they'll sign the contract. **"Don't sign it if you have any questions, please ask them and [the prosecutor will] answer them."** And then once their questions are all answered, then they'll sign the contracts. . . . They all come back. We only had problems with one client.*

The role and the wording of the contract has evolved over the life of the CWC as voluntary participation for the juvenile changed to voluntary participation for the juvenile and

parent, and then court-ordered participation for the juvenile to CWC, and finally to court-ordered participation for both the juvenile and the parents to CWC. The wording of the contract has also been strengthened.

[The contract] used to be more lenient. - Team Member

The contract is a vestige from the early days of the CWC when there were juveniles agreeing to CWC without a court order. Now, the contract is more properly seen as a document that details the CWC expectations of the parents and the juveniles.

Well, [the parents are] saying, “If I’m ordered in by the court, why do I have to sign this contract?” But, it’s basically to understand this is what [is required]. The contract came from before where we would actually do voluntary people, people who would voluntarily enter into the wellness court and we actually had a few people who volunteered. - Team Member

I think they need something for guidance; to show them what they need to do. - Team Member

In the contract [the parents are] to provide a drug-free, alcohol-free environment, and provide a safe environment for your child. That’s their part of the contract. - Team Member

The CWC is based on both the juvenile and parent participating. A juvenile cannot participate if the parents do not participate. If a juvenile is court ordered into CWC, the parents are pressured to sign the contract. If they are unwilling to participate, the parents also can be court ordered into CWC. One participant was terminated from CWC because the parent was not cooperative.

No [I had no choice], I couldn’t say no [to signing the contract]. - Parent

After I got over there and I read the whole thing that I had to sign and all the stuff we had to go through, “Well this seems like too much for skipping school,” and they said “It’s too late, you’re court ordered, you have to sign it.” “Okay, I don’t want to go against the law, I’ll sign it.” - Parent

Strengths

Recognition a Public Defender or Other Family Advocate Needed. This sentence appears in the *Polices and Procedures* (p. 2).

*If a majority agree to accept the youth, **the youth is instructed to contact the Public Defender (or the Youth’s lawyer) who will briefly discuss legal aspects of FPCWC with the Youth.***

However, the tribal court, and hence the CWC, lost their public defender position due to funding cuts shortly after the CWC started. The Indian Civil Rights Act does not require the Tribes supply a public defender for those charged in criminal cases; although it also does not prohibit a Tribe from funding the position. The Fort Peck Tribal Code states a defendant can have an attorney at his or her expense. Lay advocates charge \$300 for going to court, a cost out of the reach for many tribal members.

*Well, if they can’t afford [a private attorney], **they’re just out of luck.*** - Team Member

The loss of the public defender position was felt by the team members and there was concern the civil rights of the juvenile offenders and their parents were not being protected as much as they could have been had there been a public defender.

[The prosecutor] has to make sure there are no violations of civil rights on both sides as we don’t have a public defender, which makes it difficult for everybody. - Team Member

*We have a lot of parents who felt they had issues with the process itself without realizing it's their parental duty to ensure these things or whatever, **I thought maybe we need to have someone on board who's more like a family advocate, but who would actually advocate for the family,** yes, when it was necessary, but someone who could also put that responsibility back on that person. - Team Member*

*[At first], the process was the public defender and the prosecutor would sit down with them and go over every step of the contract, now I don't know how they do that now, and I don't know if they're doing it now. **One of the reasons is we did lose the public defender, we don't have a public defender, so it's basically the prosecutor and maybe the probation officer sitting down doing the contract. I would like it to go back to the prosecutor and the public defender if we get one.** [It puts the prosecutor and the judge in an odd position], **the judge ends up being the advocate for the child in some cases, and he asks "Were their rights and due process looked at before we do this?"** - Team Member*

*Tribes don't think [a public defender is] important and that's why I think it's important we have a family advocate, **someone who would advocate for a member of the wellness court when they felt they were unfairly dealt with.** - Team Member*

One team member mentioned that because the prosecutor, rather than another team member, goes over the contract with the family, there is the perception CWC is a punitive rather than rehabilitative diversion.

***I think that's why they have the image of [CWC] being a sentence or a punishment, because [the prosecutor] goes over it with them.** And so if it was [done by another team member], it would be a different image, that it would be an image that we're here to help them, not give them an either, or.*

An additional reason for a family advocate is the parents do not understand they cannot speak to the judge ex parte when the family is in CWC. The parents do not believe they have an avenue to bring their concerns to the CWC. A family advocate could mitigate this situation.

*When I went in to talk to the judge, [a team member] got mad and the judge told me this, "I can't talk to you anymore." He said "You have to come into the screening [staffing meeting] and talk to everyone because [a team member] went to the tribal board and said I'm doing favors for certain ones." [The team member] complained to the tribal board about the judge having secret meetings with some clients, **when we're just trying to tell somebody so they will take it into screening and discuss it.** - Parent*

*I have gone to staffing. They just tell you to come on Wednesdays, they start at one [o'clock] before court starts. So I have been in there a couple different times, **but every time we get a new judge, they say something different, you know, he said, "Come in and talk to me," and I did, and I got into trouble for it, and somebody got sore about it.** So, I can see where some people are confused because one person's telling you something and the others are telling you something else, and I would like everybody to get on the same page. - Parent*

*I've requested four times now to talk with the judge, it never gets to him, I can never set up a meeting, [the team] never sets up a meeting. . . . Set it up with private sessions because there's a lot of things I can say to the judge, **but not in the open. I don't have any other chance to talk to the judge. They don't give you that opportunity and they should.** - Parent*

[I would change the drug court] by letting the parents in on the screening meetings first thing when their child was being discussed. I think a parent should be allowed in there, in the screening without the kids, because there are all the counselors and all the people they got involved there, they should be able to tell the parent what's going on. And I think it would have worked a lot better instead of being left out, cause you're already in court, not knowing what is being said. You find out in court about your kid, but it's too

late. . . . [I went to jail] and then I had to appeal to get my husband out of jail. It was because I missed a meeting and I can't remember if the kids did something. Because if you didn't report [noncompliant behavior of the juvenile], and [the team] found out, we'd get in trouble. Sometimes you'd sit in jail until the next wellness court. Sometimes the next day. I didn't believe in that, I think a parent should be able to be in the screening part, without the kids. **They had it all planned before we really even went into drug court. See, that was in the screening and that's why I really believe we should have been allowed in the screening. If [the husband] was allowed in the screening, he would have known he was going to jail and spoke up and say what the problem was and they could have addressed it, but there was no recourse to that, you just had to go to jail.** - Parent

In addition, when parents are jailed for noncompliance there is no support for the family from the CWC.

I don't know if they should have a representative for the parents and the families that are in here because when they had us picked up the last time, we told them "Could you have somebody to call a babysitter, to have the house locked up, anybody could walk in." We asked twice at the jail, they said, "But we can't do that, when the officer comes in, we'll tell them." The other two [children], they got drunk with [the CWC participant]. We told them three times, will you go over and check on them? **They should have one of those people if they're going to do that to us, they should have at least one of them, that they contact that person from the wellness court and make arrangements.** - Parent

Hearsay Evidence Not Sufficient To Sanction Participant. There was a problem in the earlier stages of the CWC with sanctioning people based on hearsay evidence of substance use.

*The weakest part of the link . . . is the people that were making decisions and deciding on sanctions do not understand the legal aspects of court and that's where it really threw a monkey wrench in a lot of things. **Some people will tell you that we weren't, but we were violating civil rights in a lot of aspects because of that.*** - Team Member

This was eventually changed so hearsay evidence of substance use was not sufficient to sanction a participant. In the CWC, even the probation officer cannot sign an affidavit stating he saw so-and-so drinking last night. If a probation officer suspects that a participant has been drinking, it is necessary to conduct a breathalyzer test.

I think a lot of time the kids themselves will make up stories, so a lot of times we don't go on affidavit, we have to have evidence, we have to have witnesses to all of this. Too many times we have people coming in, "I want to sign a complaint because he did this." Well, what do have to go on? Their word? Well, we can't go on that. - Team Member

You hear about a lot of stuff that happens, and you can report it to the CWC, but to sanction that person, no you cannot. People are not sanctioned on hearsay. - Team Member

We need to make sure that before we sanction this person, that this person actually did it, we can't go on gossip. We heard that so-and-so was doing this, so let's give him a \$50 fine. They were being fined on hearsay, it doesn't happen any longer. - Team Member

Detailed Weekly Task List. The weekly task list given to each participant was detailed and clearly stated what was expected of the participant for the coming week. It was in the form of a court order so there was no question the tasks were mandatory. There were 15 tasks and the probation officer checked off which ones were required of that participant. The task list was detailed so the participant knew what days to check-in, how many community service hours he should perform, what fines were outstanding and their amount, what classes to attend and their times and places, which counselors to arrange an appointment with and their phone numbers, and the time of the next court session.

Weakness

Lack of Understanding of the CWC Commitment by Parents. Too many of the parents do not realize the commitment they are undertaking when their child enters CWC. All they hear is the juvenile does not have to serve detention, the previous charges will be dropped, and the juvenile will be helped.

*They let me read [the contract] for two days, . . . he court ordered her and gave me the papers and said take them home and read them, so I did. **When [a team member is] sitting there, everything is all positive, everything will come out good, I kinda focused on what they were saying.** The only thing that is for the best is my daughter is responsible and off the streets and away from alcohol and drugs too.* - Parent

*The prosecutor said, "I'll give you a choice what's going to happen, I can refer her to going to wellness court or she could sit 30 days in JDC. . . . [It was her] second [contact with the court], she was drunk, she had drank and she got caught and arrested. . . . What the prosecutor told me was she might be using crank too, and that was the time she got picked up for skipping school. **It was either that, or she could sit in jail. It was during school, I didn't want her to sit in JDC,** I wanted her to keep attending school even though they have the opportunity to do that [when they're in JDC].* - Parent

When the parents realized how much they had to do—attend meetings, attend court, stay sober and drug-free—or there would be sanctions including jail time for them, they no longer wanted to participate. This realization seriously hurt the CWC morale. There is no process before participation begins to buy the parents into the program. Team members, staff members from other involved agencies, and parents voiced this concern.

*Hopefully, the way the process works, and I don't know if they're still doing that. **Are they still sitting down and explaining step-by-step their responsibilities as parents?** I don't know if that's happening.* - Team Member

And once [the parents] know how much stuff they have to do and all, they want out of it. - Juvenile Justice Staff

I would tell [other tribes planning wellness courts] to make sure to read the contract and follow the guidelines, . . . give the parents an opportunity to read it, tell them what this whole court is about. A lot of them don't really know what it's about and when they get in there, they don't realize what the grant is all about, all they know is "I'm not sitting in jail today if I sign this." A lot of parents say, "Well, I didn't know that." So I would tell them to make sure the parents read the contract. - Juvenile Justice Staff

But the weak point is that they don't stress all the stuff involved to the parents, how many hours you have to go to meetings, AA has groups. More like misinformed or something. . . . The day I sat in on some interviews when we brought kids in, the parents and the kids, the parents don't like a lot of people [in the counseling session], they'd rather be on-to-one, [not] in a group [but] they're automatically agreeing, "Yeah, I'll do it," they'll do it just to get out of here, and then they come to find out since they signed it, they have to do all this stuff. If they miss group, they're sanctioned. - Juvenile Justice Staff

One concern I had and I know I had talked to [the court administrator] about it, was the lack of communication when a new family was brought into the wellness court. They were told about the program, what was expected of them, or why they would be fined for noncompliance, I don't think those [points] had been clearly gone through after the program had started. . . . Generally when you go through a contract with parents, and I'm the same way, I need to go back over it again at another time because I don't retain, there are questions that I have. I can see where a lot of them are angry at being there and I can see where a lot of them aren't paying attention and so I think the contract needs to be gone over with them after they're in the program, like say a month. -

Provider

*I have heard that when they do the interviews, or the introduction, some of the people, our staff I believe, didn't really buy [the parents] into the program, they just say, "This is how it's going to be, da, da, da." Well, when we first started, we would sit down, set a time up, bring in the parents and the child and tell them **these are the benefits** of it, this is what's going to come out of it, this is how we're going to help you. **But these are the downfalls**, you're going to do this, you're going to be sanctioned, you're the parent, you're responsible. **If you're just going to tell them to do this and that, they're just going to buck the system because we're not going to buy them into the program. You have to buy them into the program, and that's real important to explain everything to them that could take place if they were noncompliant, warrants would go out, whatever.** One of the things to stress to them too is that we're doing it to help them help their child because who else is going to teach them, and if they're going to get in trouble, and they're going to use, then we need to help them before it escalates into something worse. **I feel that the people who do the introduction now need to, I think they need to get some little bit of training on how to communicate because some of the people could get belligerent, they could get really no good. At the signing and later on, "You didn't tell me that when I signed that."** - Team Member*

Statements from parents and juveniles confirm some of them do not know what they are getting into when they sign the CWC contract. For some families, with the demands of a job, school, or other children, it can just be too much. Although the team stated they took individual family circumstances into account, for example, allowed a mother and father to alternate weeks, one family was contemplating divorce thinking that would let one parent leave the wellness court.

I thought this was going to be a program where we get counselors and all that, people who work with you and your kid, I didn't realize we were going to be in the courts all the time, having sanctions, . . . they told us [only one parent had to come, we could switch off]. If we ain't both there now, it's jail. [I had no idea they could put you in jail when I signed the form.] I thought it was a program, it said "wellness court", I thought

what I thought it was, it would be like 90-day [treatment], I thought it was just going to be like aftercare, like going to treatment, that type of thing. **Boy, they fooled me.** - Parent

They had a contract that they asked us to sign, **but they didn't explain it to us very well, so to us it was just like forcing us, if we don't do this, we'll throw you in jail, so we signed it just to keep out of jail and now we're just, everything.** There was just a bunch of people there, and they took us, both my husband and I, and they told us that if we comply with the program and he complies, they'll wipe [the son's] record clean. So, we were forced to do this. - Parent

Well, I don't feel it was [the right choice] for us in our case. This all started out kind of innocent. . . . We tried to get [our child] help, okay? . . . And so when [the child] came back [from treatment], that's when the tribal court gave [the child] a choice, or gave us a choice, so they made it sound good, but at the same time, it was either put [the child] in [CWC] or [the child's] going to go sit in jail and sit in detention too. So, we did, and the way it was explained to us, I didn't read the whole thing, like I said, we were supposed to do this right away, and after we got in, we found out there was more and more to it. - Parent

For our situation, . . . with my family it just turned from bad to worst. **It went from a good thing in asking for help, turned bad to worse, and now the whole family has been affected by it.** I don't have time to spend with my other children, I have a child at home I'm worried about, in a gang now, just joined a gang, I never talk to [the child]. I've got a younger [child], I don't spend time with [the child] anymore because, and they're both jealous of my other [child] in the wellness court, because all the attention is on [the participant]. . . . I've got so, many things I've got to do, I've got Al-Anon, AA, one-on-ones [counseling sessions], community service. - Parent

For our family, **by getting a divorce until we get out of this wellness court and then get remarried, that way [one parent] can stay out of it, and I would be the only one that had to be in it.** Because I know another couple families that have broken up on this, and

*another family is still having trouble who were in here. It still affects their family, they're still having trouble. So for us and our [child], I don't see the, **I don't think we had no choice.*** - Parent

I don't know if that contract said jail and fines. . . . I think they made that up. . . . The jail time [came as a surprise], two days flat each. - Parent

I think they need to work on the way they present it to people, and maybe read through it, and on top of that, I think they should make sure that it fits that child and their needs and not just court order them. The prosecutor gave me 10 minutes to decide before they went into the courtroom. . . . They gave [the contract] to me and they said, "You can take it home and read it and get it back to us within two days, signed." So, I read through it and signed it. - Parent

*Well first of all, when I got into this program, I was given 5 minutes to look over the thing, and sign it, and the prosecutor said I had to sign it, so I signed it. **I know I should have read it, but I got into something I shouldn't have, now that we think about it, we should have let my child sit the time—they 30 days, I've been in this program a year and 2 months now.*** - Parent

*[To make wellness court better], first of all, explain what you're getting into. **Actually sit down with them and explain the whole paper, the whole 30-page letter, this thing you're signing.*** - Parent

*When it was first explained to me, they said "It would take 6 to 8 months," they said, "It's up to the child," they said, "6 to 8 months and you're done and you complete the programs and the records you know, are expunged." **But, that's not true. The way they explained it to me the first time, not explained, but kinda told me about drug court, not that they actually read the contract, but that the time frame about it was, you do it and you're done, but it's not that way.*** - Parent

They should have an orientation, more orientation before you sign because you're signing your life away for 8 to 12 months, that's quite a long time. Especially if you have other children, I have two besides the one that's getting into trouble, it takes away from family time. - Parent

They didn't explain it to my mom, they just ordered her to sign, so she just signed it, not knowing what she was signing till after. - Current Participant

Although some parents say they only had a few minutes to decide whether to sign the contract, others were allowed to take the contract home to review. But, some may not be able to read the contract and be too embarrassed to ask for help.

What we usually do, what I do, is I let them take the contract home and read it. . . . Well [if they can't read it], when they come back, I read it to them and so it's up to them then if they want to sign it or not. We've had quite a few, most of them, let's put the majority of the people who took the contracts home could read it, understood it and everything. But like I said, there's some, surprisingly, can't read or write. - Team Member

[The Missoula Drug Court] had a, which really impressed me, is they had a person working from the literacy and that's one of the biggest problems we have here, you wouldn't believe. [People can't read the contract] and they won't tell you. They learned how to go through life, they've learned how to write their name and stuff like that, but aren't really [literate], and I really believe there's a lot of people like that, there's more of them. You've got people who drop out of school in junior high, but they may not have even been at that educational level when they ended up dropping out. So, that's what I was so impressed about, and that's why I kept harping we had to do some type of assessment because my biggest fear was that what we're asking kids is impossible for them to do. And we have a lot of people who are FAE (Fetal Alcohol Effect, not as serious as Fetal Alcohol Syndrome). . . . There's a new term for it now, alcohol-related disabilities. - Team Member

This one little girl, she was a ninth grader, and I give her that contract to read, and she couldn't read it. I asked her, "Can't you read?" She said, "No." I said, "How did you make it to ninth grade?" "I don't know," she said. So, from that time on, I tried to encourage her to read a little bit, a little at a time. Well I read the contract to them, her mother read as much as she could, and we got it signed. - Team Member

And even for those who are literate, the contract is written at a high level of comprehension with unnecessary legalese and psychological buzzwords, not appropriate for the target audience. Here are two examples.

*That I admit that there is **probable cause** for the offenses charged by the complaining witness and the complaints or citations on file **herein and hereby** admits that I did in fact do the acts in violation of the Fort Peck Tribal Criminal Code of Justice charges in the complaint(s) or citations(s).*

*Parents must be **engaged, empowered,** and helped to see their roles as **part of the solution.** When necessary, parents must **relearn parenting skills in the context of proactive parenting** designed to best help the adolescent with substance problems.*

Due process is a concern in wellness courts because a liberty interest is at stake, one of the sanctions for juveniles and parents is detention or incarceration. There were three crucial junctures in the CWC "sign-up" process where due process concerns came into play. The first was when the juvenile was charged with his or her second offense and was given the option of either pleading *Guilty* or having a hearing on the facts. At this point the juvenile and the parents should have been given an opportunity to decide without pressure whether to plead or contest the charges. They must understand their options and the implications of those options. The lack of a public defender or family advocate to advise the family of their rights and allow them to make an informed decision is a serious concern.

The second crucial due process juncture occurred when a juvenile and the family were given a choice between detention and wellness court after the guilty plea or conviction. The team member painting a rosy picture of wellness court without explaining the parental (and juvenile) commitment was a violation of due process rights. Although the team members responsible for explaining the CWC option believed they were doing a good job, a review of the documents used in 2002 did not provide supporting evidence. For example, the Fort Peck CWC Policies and Procedures did not spell out the full extent of the family's responsibilities. A quote from the CWC *Policies and Procedures* (p. 2) being used in 2002 illustrated this.

*The youth's family is required to provide a supportive environment, adequate supervision, and to help ensure the youth's active participation as much as possible during involvement with the FPCWC. The family's involvement is essential for the youth's long-term success. The family **may** also be required to participate in counseling, treatment, parenting classes, and other rehabilitative services that is necessary to promote the youth's success [emphasis added].*

Another example of not disclosing the true scope of the commitment was the contract the juvenile and parents signed. All requirements as to staying sober, being tested for drugs, attending classes et cetera were directed to the juvenile, not the parent. The parent agreed to general statements such as providing a substance-free environment that promotes recovery and being actively involved in the development of the child's treatment plan, family treatment and counseling, and the resultant aftercare. Nowhere was it stated a parent can be fined or incarcerated for noncompliance.

The length of time the program theoretically took was contradictorily and confusingly stated. The *Policies and Procedures* stated on page 1, the CWC "is an 8-12 month program." Yet, the first three phases were described as taking 90 days each (pp. 6 to 8) and the fourth phase

is described as usually lasting around 12 weeks, or until graduation from the program. Reading that it appeared the program is a minimum of 13 months. In addition, the contract said the program “*may take up to a year*” and that contradicted what was stated in the *Policies and Procedures*. In actuality, almost half the participants stayed in CWC over a year and graduates averaged 14 to 15 months in the program (see Table 9 in the Outcome Evaluation). Four participants spent more than 2 years in the program and three of them were eventually terminated for noncompliance.

The third crucial due process juncture involved those juveniles who were court ordered into CWC after a guilty plea or conviction and not given a choice between detention and CWC participation. In this situation, the juvenile (and his or her parents) were in reality being “sentenced” to CWC. Even though the court was not required to explain a sentence to a defendant, due process (that is, procedural fair treatment) was still required. It is disturbing when a team member states the following.

[I don't explain the wellness court] at length, these are kids who pled guilty.

If the Fort Peck CWC or a variant of it is resurrected, additional training on due process is necessary. Team member education on due process is especially vital for tribal wellness courts because few of the members are law trained and some come from the entirely different perspective of treatment. Often team members were so enthusiastic about wellness court and how it can help people, or were attempting to increase the wellness court's enrollment, that it was difficult for them to take a step back and realize offenders cannot be pressured into choosing wellness court over other options.

Some lessons can be learned from informed consent procedures used in medical treatment. The contract (and the *Policies and Procedures*) should be written at an

understandable reading level, usually a sixth grade level where the general reading level in the target audience is low. The contract should be read to the participant in small sections, and the participant repeats in his or her own words what the passage means. And most importantly, the contract should specifically detail the parental responsibilities and the consequences for noncompliance. In addition, it would be beneficial to review the contract obligations with the juvenile and the parents at regular intervals after the original signing, perhaps at phase advancement.

Key Component #3

Eligible substance abuse offenders are identified early through legal and clinical screening for eligibility and are promptly placed in the Tribal Healing to Wellness Program.

One of the wellness court precepts is that a critical window of opportunity to intervene exists following an arrest and the wellness court needs to act fast to identify eligible potential participants. Eligibility screening includes both legal and clinical screening. Each individual wellness court decides what crimes are eligible with the restriction that federal funding precludes participants who have a prior violent conviction. Clinical screening is usually performed by a trained intake officer or treatment provider to determine if the offender's treatment needs can be met by available treatment resources. Some clinical screening may include assessment such as the Strategies for Juvenile Supervision (SJS)—a case management aid. Another crucial timing is once an eligible participant is identified and agrees to enroll, he or she needs to go before the wellness court judge for an initial appearance and start active involvement in the wellness court immediately.

What They Did

The Fort Peck Tribes have a large juvenile justice system and CWC was seen as one of several diversion programs where a juvenile could be directed rather than detention. A juvenile who was charged with a second alcohol or drug-related offense and was not a violent offender was eligible for CWC. Alcohol and drug-related offenses were not specifically defined. The offense can be the more general Disorderly Conduct (similar to Public Intoxication in other jurisdictions) or Youth in Need of Supervision or a specific alcohol or drug-related offense such as Driving Under the Influence or Unlawful Possession of Dangerous Drugs. Table 1 shows the offenses bringing juveniles into CWC were a mixture of juvenile status offenses (Youth in Need of Supervision) and more serious adult crimes (Felony Theft, Unlawful Possession of Drugs).

Table 1. Primary Offense Bringing Participant into Community Wellness Court

PRIMARY OFFENSE	PARTICIPANTS	
	#	%
Disorderly Conduct	12	32%
Youth in Need of Supervision	7	18%
Felony Theft	5	13%
Contempt of Court	3	8%
Criminal Trespass	3	8%
Simple Assault	2	5%
Unlawful Possession of Dangerous Drugs	2	5%
Criminal Mischief	1	3%
Driving Under the Influence	1	3%
Huffing	1	3%
Social Services Referral	1	3%
Missing Information	12	--
Total	50	100%

The prosecutor was the main gatekeeper into CWC, although the juvenile judge or another team member such as the juvenile intake counselor also could propose a potential participant if the prosecutor did not. The prosecutor did the legal screening and prepared a report and presented the case at the next CWC screening meeting after a guilty plea or conviction had occurred. Wellness courts that use federal funds are prohibited from enrolling violent offenders and the CWC did not accept anyone who pled or was convicted of a serious bodily injury. When the team received the prosecutor's report, often in conjunction with a clinical assessment from the juvenile intake counselor, they conducted a screening meeting for the offender and made a determination.

*One of the standards we looked at was . . . **SJS, bio [Biosocial Psychological Assessment], we've did from the beginning, . . . their criminal record, all the alcohol and drug-related issues, . . . whether they were violent ones or not.** - Team Member*

Team members commented a juvenile's Strategies for Juvenile Supervision (SJS) category was an important determinant in assessing whether a juvenile was a good candidate for wellness court. SJS is a case assessment and corrections management tool given to all juveniles at Fort Peck central intake in JDC upon their first contact with juvenile court. The juvenile is subjectively scored based on answers to a semi-structured interview and categorized into one of four SJS groups: (1) selective intervention [SI], (2) limited setting [LS], environmental setting [ES], and case control [CC]. The juveniles who are categorized as SI, the SJS category that needs the least amount of supervision, and ES, youth who are easily led by others, are considered the best candidates for CWC. Juveniles who score as LS and CC, who need more supervision, are not considered good candidates for CWC.

*We have ES children in wellness as well as SI. **The only ones we don't like to bring into wellness court are the LS . . . they're usually violent.** - Team Member*

*I guess the thing is eligibility, we look out to see if there is a criminal history there. **Also looking at their SJS, whether they're like a LS or a CC, I think those shouldn't be in wellness court and mainly report SI's on their behavior, that they're capable I guess.*** - Team Member

A review of the SJS categories for 35 CWC participants who were assessed showed the majority were SI (see Table 2). Over three-quarters of juveniles in a sample of 116 assessed at the Fort Peck JDC were SI.

Table 2. Strategies for Juvenile Supervision Diagnoses

SJS DIAGNOSIS	PARTICIPANTS	
	#	%
Selective Intervention (SI)	19	54%
Limited Setting (LS)	1	3%
Environmental Setting (ES)	10	28%
Case Control (CC)	4	11%
SI and CC	1	3%
Total	35	100%

The chemical dependency counselor used the Substance Use Disorder Diagnosis Schedule (SUDDS) and Substance Abuse Screening Inventory (SASSI) assessments to provide a clear indication of the level of impairment caused by substance use. Table 3 shows the diagnostic results for 41 of the 50 CWC participants. Almost all participants (95 percent) were diagnosed with either alcohol abuse or alcohol dependence. The most common diagnosis was alcohol dependence with 29 or 71 percent of the participants being assessed as alcohol dependent. More of the participants (33 or 81 percent) received a cannabis abuse or dependent diagnosis. Two participants were not diagnosed as having a substance abuse or dependence problem.

Table 3. Substance Use Diagnoses

DSM IV DIAGNOSIS	PARTICIPANTS	
	#*	%
Alcohol Abuse	10	24%
Alcohol Dependence	29	71%
Amphetamine Abuse	1	2%
Amphetamine Dependence	1	2%
Cannabis Abuse	13	32%
Cannabis Dependence	20	49%
Cocaine Dependence	1	2%
Inhalant Abuse	4	10%
Inhalant Dependence	1	2%
No Substance Abuse, Dependence	2	5%
Missing Information	9	--

* The numbers total more than the 50 participants because a person can have more than one diagnosis, for example, be both alcohol dependent and cannabis dependent.

Although the term “substance abuse” is used in a general sense by lay people, psychologists distinguish between substance abuse and substance dependence. Substance dependence is a more serious condition than substance abuse. Abuse is usually defined as continued use in spite of negative consequences such as a decrease in school or job performance. When the problem of abuse is accompanied by evidence of physiological tolerance, withdrawal, or compulsive behavior, the diagnosis of dependence should be used. Once an individual receives a dependence diagnosis, there is a zero to slight chance he or she can successfully turn around without help. Chemically dependent individuals need the assistance of others and treatment to achieve wellness. Note that the participants were more likely to have the more serious alcohol or cannabis dependence, not the abuse, diagnosis.

The team also considers if the parent would be a good participant for CWC.

*We also need to look at the parents, **whether the parents would be workable or not.*** -

Team Member

Strengths or Weaknesses?

It is important for a community, especially a tribal community, to take the drug court concept and tailor it to their needs. The Fort Peck Tribes designed an inclusive wellness program hoping to help as many people as possible. The Fort Peck CWC was a program that cast a wide net to help juveniles in the community lead a sober life free of alcohol and drugs. The CWC did not “cherry-pick” participants, they did not limit participation to those who were the best candidates for a behavioral intervention such as wellness court. They accepted participants into the program before they knew if they were chemically dependent and they court ordered juveniles into the program who might not be ready to change their substance abuse behavior. This “inclusiveness” approach may be a causal factor in the long length of time many participants were in the program (half the participants were in the program for 336 days or longer, 10 percent were in the program for 2 years or longer), the relatively small (30 percent) percentage of graduates, and the relative high (90 percent) rate of recidivism. So, is it a strength or weakness of the program that they tried to help as many people as possible rather than target potentially successful candidates better?

Fast Track to Community Wellness Court and Chemical Dependency Assessment Completed After Program Acceptance. Although quantitative data were not available, it appears potential participants for CWC were identified in a timely fashion. Juveniles who were charged with a second alcohol or drug-related offense were promptly presented to the screening committee. This is due in part to a prosecutor who kept an eye out for possible CWC candidates

and recommended the juvenile to the team and in part to Fort Peck's juvenile justice system.

Juveniles are assessed upon intake to the juvenile justice system and provided with the services they need.

One weakness of this relatively fast track to CWC was the SUDDS and SASSI chemical dependency assessments were completed AFTER the juvenile had been accepted into CWC. Staff at Youth Services at the JDC or the Spotted Bull Treatment Center were responsible for conducting these assessments and in the earlier years of the program, staff did complete these assessments PRIOR to the juvenile being accepted into the program. However, in the later years of the program, there were delays in the SUDDS and SASSI being conducted.

*Well, that's my biggest concern, **why does it take so damn long to get an alcohol evaluation?*** - Team Member

One parent commented on this order of events.

*I think they should before they even court order anybody into signing that paper to have the alcohol and drug evaluations done first. **You're court ordered to have that done, and you're in [CWC] all ready.*** That should be done first. - Parent

Although 71 percent of the juveniles were assessed as being alcohol dependent and 49 percent marijuana (cannabis) dependent (see Table 4), assessing the juvenile for chemical dependency after being accepted into the program led to some non-chemically dependent juveniles being in a treatment program for a problem they did not have.

*We do have one right now who shows non-chemically dependent, she was still in the program. She had maybe one or two alcohol-related incidents, **but it's mostly behavioral,** though she's actually probably going to be graduating next month.* - Team Member

In their defense, team members voiced the opinion the CWC was not only for those with chemically dependency, but also for those in an earlier stage with behavioral issues involving alcohol and drugs.

But the thought is, even if they're basically not dependent, there are still issues there. - Team Member

No, it doesn't concern me [that some participants are not chemically dependent] because the drug court is also a prevention program too, you know, they can also hopefully prevent them from going into dependency, maybe we can catch them early, make them more aware, provide them a lot of education and a lot of structure and hopefully work for them. I think that's why we have both dependence and abuse in our program. - Team Member

Inclusive and Court-Ordered Participant Selection with No Assessment of Readiness for Change. Only 15 of 50 CWC participants (30 percent) graduated and all but one of them who did graduate had a post-program arrest. In all, 90 percent of the participants had a post-program arrest. While it is possible that not all these post-program charges are drug or alcohol-related, the majority are. (See the Recidivism section in the Outcome Evaluation for a more detailed discussion.) Treatment models, such as the trans-theoretical model of behavioral change,² predict people are more likely to change their negative health behaviors, such as substance abuse, when they are READY to change. When someone is court ordered to a treatment program, or chooses to participate for the “wrong” reasons, for example, to avoid incarceration, the prognosis for change is not positive.

I didn't want to sit in jail so my mom signed the paper. - Current Participant

*[They would say] “At least we didn’t have to sit in jail, we’re in wellness court,” but they don’t like to have to go to AA, and they don’t like all these things, **but they’d rather do that than sit in jail.** - Relative of Participant*

*There’s probably one [parent] right now in [CWC] that they think is helping their kid, I believe it is helping them, **but the rest of them are just coming so they can get their kid out of the deferred sentence, finish the program so that they don’t have to be charged with their previous charges.** - Juvenile Justice Staff*

In the screening meeting, the eligibility discussion emphasized the SJS category, the Biosocial Psychological Assessment, family history, and criminal history of the juvenile. The Fort Peck CWC, like all tribal wellness courts, did not have the expertise or resources to identify juveniles (or their parents) who were showing “readiness for change”. The team was more focused on whether the juvenile and family NEEDED help with substance abuse rather than the juvenile and family WANTED help with substance abuse.

***We don’t go into really lengthy discussion [in screening] on [whether or not wellness court will work with this kid], [the intake officer] will bring up what she knows about the background, [the chemical dependency counselor] will bring up what she knows, and [the prosecutor] will bring up what she knows, if it’s mostly alcohol or drug-related. We try to look into the parents’ history too, if they’re drinking we feel the program could do them some good too. And if we feel it will work for the whole family and the whole family needs it, then you know we usually bring them in.** - Team Member*

Two team members realized the attitude of the participant was important to success in wellness court.

[Success in wellness court] depends on the clients themselves, if they want to change their life, I think that makes a lot of difference. . . . If they realize that there’s a problem, they admit there’s a problem here, “Yeah, we do need some help.” Some of

them are in total denial, they could be in the program for a year, a year and a half, and they're still denying, they don't want to work on those issues. They don't think there's an issue or they don't want to admit that there is. - Team Member

*If you've got a parent who's got a history of being in prison, or violent crimes, and then having him come in, he's going to be defiant, he's going to fight the system all the way. But if you get a parent, a single parent who's really having a tough time with their teen kid and wants some help and we're here to help them, they are the ones willing to come in and get that help. **But the parents strongly involved in alcohol and drugs don't seem like they're willing to change at this point, it would be hard to get them involved.** [Some] parents are drinking now, and it looks like if we helped them, they'd be willing to quit, they'd be good and there's a way, if there was an evaluation system we could use to figure them out, we'd need to do that. - Team Member*

A current female participant and a mother of one participant echoed the same thought of the need for people wanting to change.

*Drug court did help me, it kinda made me realize I'd done a lot of bad things and it helped me to get through my phases quicker, but I haven't gotten sanctioned before, I haven't got into any fines. I always got hand claps and all that and **drug court does really help you, but it's just to the people who want it, they can get it, but if they don't want it, they're just going to be same old, same old, that's the people that don't want to open up to it.** - Current Female Participant*

*I thought [CWC] was a good program, **I think it's up to the kid whether they accept help** these days because a lot of kids are confused and my son is one of them and keeps falling down, he keeps getting in more trouble, and so I decided that it's not working for him, so they sent him to Butte, they get more help there, it depends on the kid how long they stay, they won't get released until they finish their program. His older sister was there and she was there for 11 months. But that was all up to her, she could have been*

*out of there sooner, but she just kept refusing to cooperate. **So, it's up to him.*** - Mother of Participant

The same attitude of helping everyone who needs substance abuse help, even those who have been in the program a long time and are not in compliance, leads to participants being in the program for lengthy periods and not “getting with the program”. Eventually, they are terminated anyway with the result that the staff is exhausted, the participant feels as if he has failed, and the morale of the CWC is damaged.

*Well, a lot of, a couple of our clients that were in there a long time, they have periods where they're workable and they really sit down and “I'm going to do this” and they do try. You know, it's like taking one step forward and two steps back sometimes, **but you really want to keep moving because you think they can do it.** And after 2 years of trying, you know, we've exhausted all the, we've done everything that we can for them. **Once they've been discharged, we know we've given some kind of skills to go on anyway. They know where to look for help.*** - Team Member

It's tough to let them go, we still want to help, it's hard, maybe because [the team is] mostly women, it's hard to, we want to help them, we want to fix them. Yeah, we've had to come to that decision [to terminate someone] some times. Like “Hey, we've done all we can do.” **Hopefully, something will sink in,** it's hard for me to let them go, it is, for me personally, **I don't like to let any of them go.** I want to make them better. You see, they have some redeeming qualities and stuff. - Team Member

In this respect the team did not follow its own *Policies and Procedures* where “motivated” was listed as the number one criterion for suitability for the program.

And there was an example where a person entered wellness court for the wrong reasons and it was a very positive experience.

[I chose wellness court because] my juvenile file was getting kinda big, so if I wanted it to be erased I didn't have no choice but to go to wellness center, and I wanted to do that, so, me and my mom went in there and we did it. . . . Now after what happened, I didn't really want to [participate], but I just thought, "Oh, well, I might as well get it over with." But when I came out of it I found out that me and my mom had a chance to bond and get closer and stuff and I think that was a good thing that happened. -

Former Participant

In an ideal situation with unlimited funds, resources, and time it does make sense to have a very inclusive policy for wellness court and hope “*something will sink in.*” However, the Fort Peck CWC did not have this ideal situation. The 5 years of federal funding was seed money to plan, implement, and enhance the CWC wellness court. DCPO provided this funding in the expectation that once the wellness court was up and running the Fort Peck Tribes would continue the funding. Perhaps if the resources had been directed to those who were ready to change their behaviors, there would have been more success stories to encourage the tribal executive board to continue funding the CWC.

Key Component #4

Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.

This key component specifies the type of treatment to be administered in the tribal wellness court—holistic, structured, phased, and incorporating the culture and tradition of the tribe. This is a tall order. Treatment was probably the weakest component in three of the four tribal wellness courts evaluated. And treatment is probably one of the most crucial components in a treatment-based wellness court. Treatment issues include the lack or shortage of trained

drug and alcohol counselors and mental health professionals on the reservation, lack of regularity of activities such as parenting classes or cultural classes due to the changing availability of funding and instructors, the inapplicability of much of the AA and other 12-Step materials to the reservation, unfamiliarity with treatment options by the team members, and most importantly for the tribal wellness courts evaluated, a tribal justice system based on the state court model rather than traditional methods of dispute resolution. All four tribal wellness courts in this evaluation are in communities where many members do not practice the traditional ways. All four tribal wellness courts had to make an immense effort to bring a cultural component to their wellness court.

What They Did

As in the other tribes with wellness courts, treatment has two meanings. There is treatment in the sense of out-patient chemical dependency counseling, such as provided in sessions at the tribal Spotted Bull Treatment Center by the full-time CWC chemical dependency counselor who was funded by the wellness court grants. There is also treatment in the in-patient sense such as a 30 or 90-day detoxification program. There was no on-site treatment program such as this on the Fort Peck reservation, although some participants had been to in-patient treatment centers in Wyoming, North Dakota, or South Dakota. Spotted Bull did provide residential aftercare and an out-patient post aftercare program called Circle of Care for adolescents. Neither of these programs was directly tied into CWC although some participants did attend the residential aftercare program either before or after CWC. Here is one participant's experience.

I went to Williston (a detoxification center in Williston, South Dakota) and then for a little while there I got in trouble, so then they put me in [CWC], I was in [CWC] for a while, and then I messed up, got drunk, did something, I got in trouble, and then they

put me back in [Circle of Care] until I finished it and finished this place. - Terminated Participant

A typical week for a participant and his or her family in the CWC's earlier period consisted of a juvenile group session, a juvenile and parent group session, a one-on-one session between the juvenile and the chemical dependency counselor, and a support meeting such as Alcoholic Anonymous for both the juveniles and the parents. In addition, the parents attended a multi-session parenting class taught by the community college and the juveniles attended anger management classes offered by the JDC. The chemical dependency counselor used the Responsible Life Patterns program with the juveniles, a type of cognitive therapy that teaches them to be responsible and accountable for their criminal behavior. The family session is based on a 12-Step program. All these activities worked together to give structure and support to the participants' lives.

*I think just being court ordered into this program and working with them, where otherwise they may have sat in detention center, I mean, what is that going to do? When they get out [of detention], they don't have any support there. **Where here, they have support here.*** - Team Member

In addition to providing structure and support, CWC also made the participants accountable and responsible for their behavior.

*I think going to court had a lot to do with it because they had to be consistent in keeping their skin out of trouble. It was held every week, and they couldn't get no bad reports from school, that was the court process that did that. . . . They had to follow what the court told them or there was detention time for not obeying the court orders. **And it helped them do better in school too because they had a counselor, someone from the school participated in the drug court, who made weekly school reports on them, so it helped with their grades plus their attitude in school, and that was a big help because I***

*didn't have to go to school as often as I did before. . . . She seems to like [school] more than she did before. I don't have to chase her after school any more, make sure she goes. I give her a ride in the morning, let her off, **and she stays there whereas before she used to be in the hallways and places where she shouldn't have been, everywhere but her classroom.** - Parent of a Graduate*

The CWC had made several attempts at integrating cultural education into the wellness court prior to 2002 that did not work out. Graduation ceremonies, however, incorporated traditional elements.

*When somebody is graduated, we really like to celebrate that, we do it in a ceremony type of program. **They'll sing a traditional song for them. We'll have a good prayer, the traditional leader will do a ceremony, like, smoke their pipe, or drum.** . . . We have a big dinner, food is probably universal among all cultures, you know, as a celebration. - Team Member*

In 2002 the CWC hired a part-time traditional Sioux cultural educator who worked with the chemical dependency counselor to teach the weekly juvenile group sessions. The cultural educator followed the Responsible Life Patterns session and gave the cultural perspective on it based on the tribes' values and culture.

All these activities resulted in a busy week for the participants.

*That's how it was basically cause I can't remember my schedule now, but I remember we had to go to meetings Tuesday and Thursday and you either had to go to AA meetings Saturday night [at Spotted Bull] or Thursday night at the church. And then you had to do some other stuff, probation visits, what do you call it when you pee in a cup?, UAs (urinalysis), and check-in with your probation officer, **it kept us pretty busy** but we were happy when we got out of there cause no more of that but besides that it was pretty fun, I got to know a lot of people. - Graduated Participant*

This graduate from the early years of CWC felt the group sessions at Spotted Bull really benefited her.

*Actually going to Spotted Bull was the real thing that really helped me. [The chemical dependency counselor's] classes because we'd always do these card games and then we'd each get a certain amount of cards and we'd pick one, you'd read it off and you had to compare yourself to that card, **just talking about yourself more, your problems, your troubles, and anything else, you'd just get better.** . . . I talk to my mom a lot now, I communicate more with people instead of brushing things off and trying to hide it all.*

In the later years of the CWC, team members questioned whether the treatment program being used should be changed or a time limit for participation instituted.

*I know we would need to refocus on the treatment phase because I know that's where, and I'm not saying we're failing, **but we need to do something different there,** because, like I said, maybe we're expecting perfection, I don't know, . . . **could we individualize treatment more?***

*[What needs to be changed is] the length of time they're in there, **if it's not working, maybe they need something else.** I feel it's way too long and maybe we should change it to a point system if this one's not working.*

*We talked about this when we were back in revising our policies and procedures. We were talking about maybe giving it a limit of 18 months, and if they don't complete within 18 months, they need to be discharged. **We had some that were going to 1½ years, I mean they're just going around and around.***

It is perhaps not fair to judge the CWC treatment program by one class session, but the weekly juvenile group session attended by the evaluators in 2002 was a showing of an AA video featuring a non-Native American dock worker in Los Angeles dealing with his alcoholism. It is difficult to see how Native American adolescents living on a Montana reservation can identify

with what they saw on the video. In addition, a problem that occurs when a participant is in the program a long time is that the weekly activities were repeated. Two current participants contributed the following opinions.

Stop showing those boring videos, get some new ones, that's what I would like to see.

*Well, if [the wellness court] were to be for the next generation, . . . have their classes changed to something else. **It's gotta be to catch their eyes, how they feel.***

Dual diagnosis (that is, chemical dependency and mental health issues) was also a problem the CWC had to address. There were no mental health services at Spotted Bull, only at the Indian Health Service (IHS). It could take months to see a psychologist at the IHS and only two of the four psychologists specialized in children and adolescents. A review of the individual CWC case files did not show any notations for mental health sessions, but the sessions did occur to some extent. A team member estimated probably half of the participants were court ordered for mental health services and an IHS staff member estimated that he had seen all the CWC participants.

If there was enough money and I had a million dollars I would get a psychologist because what we're finding out too is a lot of dual diagnosis, a lot of mental health issues that are underlying, they start off with a drug and alcohol evaluation, and after you work with them awhile, then you start noticing their behavior and you refer them over to mental health at IHS. . . . They're understaffed, they only have three psychologists and a caseload, they said, of 800 people, and I think that's overwhelming to them. We need more help there. - Team Member

Yeah, the dual diagnosis [is a problem]. I guess that's the toughest because you think you're dealing with alcohol or drug problem, and then all of a sudden, once we start getting to the root of the problem, and it's sometimes more than we can handle, the

mental health issues because some of this stuff that goes on with them, it changes your perspective, thinking. - Team Member

Strength

Parental Involvement. Probably the greatest strength of the Fort Peck CWC is the involvement of the parents in the wellness court. Parental participation began about 2 years after the start of CWC with the parents enrolling in the Positive Indian Parenting classes already being taught on the reservation. Later, drug and alcohol counseling and treatment for the parents were added. The parents signed a contract that said they agreed not to drink and do drugs and would submit to random drug testing. Parents who were not compliant faced sanctions including incarceration

The CWC's philosophy was two-fold; parents needed to have the idea that they were responsible for their children's activities emphasized and it was self-defeating to help juveniles overcome their substance abuse problem and then send them back to a home with substance-abusing parents. By bringing the parents into the program and helping them lead sober lives, the result was the parents could provide positive models for their child.

We had people crying out, "The court's not making people responsible for their children." - Team Member

[The judge said], "I've jailed my first parent and I always thought that we had the wrong person in jail." - Juvenile Justice Staff

Yeah, [a parental urinalysis] happens in practice, we try to look more at sanctioning than incarceration in that aspect, you know, but the kids want to live a sober and drug-free life and it's hard for them to do that when mom and dad are still drinking, that knocks a monkey wrench into the whole thing, the kids feel "What the heck, mom and dad are still doing it, so why shouldn't I?" - Team Member

Team members underscored the importance of including the parents in the CWC and recognized it was one of the strongest points of their wellness court.

One of the greatest things that has happened to my life here is working with these kids because we have a chance to change their lifestyle and the parents also.

*Well I think it's just the support they have from everybody, the support is the staff, the family counseling, **they get together with their parents and work things out.** I think that makes a lot of difference. I think it's just being able to work with them instead of just the adolescent or just the adult, **I think working with the whole family makes the difference.***

*When drug court was thought of and built, I believe they had intercity kids in mind, so we had to kinda adjust it for reservation-type situation, and it works, it's almost tailor-made some times for the reservation, **especially getting the parents involved and into the situation and involved with their kids and keeping a sober home.***

*My feeling is, if you're going to assist a child in becoming drug free, you send them to treatment, and they do what they're supposed to be doing, **they go right back into the home, and it starts all over again.** My feeling is that we need to get the parents involved.*

*That is the strong point, the constant interaction with the clients and **getting the parents involved more.***

*I think probably **having that family involvement [is the strong point],** that parental involvement.*

*[My advice to other tribes is to] make it a family, not just the kid **because if only one does it, it ain't going to work, the whole family has to be involved for it to truly work,** because it's a lifestyle change, a behavior change.*

*I think one of the strongest points about the wellness court is that we get to work with the whole family and it seems to be what you really need to help the child, **you gotta make sure that the parents are clean also.***

*We had this one girl we thought **if we would have found a foster home, if social services would have become involved, and went into a foster home and not back into her family, she would have been a success story instead of being withdrawn from the Community Wellness Court.** You see her now, she slumps, when she went to treatment and come back, she was good for quite a while and was on the verge of graduating and then she started drinking again and that was because she was back in the home.*

Other community members also realized the importance of including the parents. The opinions of the juvenile justice system members were especially telling since they see juveniles in trouble who were not in CWC and have something to compare with CWC.

*[The strong point of the wellness court] is the **involvement of the parents.** - Provider*

*You're involving the family and I think really, for any kind of long-term change you have to have that piece of it, that's what's flawed with a lot of the models of intervention basically is that you can call it what you want, identified patient or whatever, . . . here's the problem right here, this kid, sitting in the chair before you, that's the problem, **but when you start digging into it you find, that maybe he's the symptom bearer, the family dynamics are chaotic or crazy.** - Provider*

*I think one of the **strong points is making the parents accountable,** making them aware what their children are actually doing. I think that's probably one of the strong points. - Provider*

*[The strongest point of wellness court is] **the parent involvement** I would say. [You don't see that with non-wellness court kids.] [The parents] take a more active role in*

their kid's life, some of [the parents] are alcoholics, and this program helps the parents too. - Juvenile Justice Staff

*[A strong point of wellness court is] accountability. **I think family involvement, making those families accountable for their actions. That's the big one.** [It gets criticized by the families] cause you're dealing with family issues. - Juvenile Justice Staff*

*I think one of the strong points is the key strong point to me, my own opinion, of course, is that **making the parents come, responsible for their kid's action** and making the youth responsible for their actions. - Juvenile Justice Staff*

*Cause it's the parents, you know, the parents need to, with these kids, **it's what they see in the house, it's all they know, they don't know everything we know and we're always punishing the kids and it ain't their fault, they're not taught right from wrong.** You see all the drinking in the house, partying, fighting, I think that's not right. - Juvenile Justice Staff*

*I seen where the wrong people were incarcerated at times, **I thought the parents should have been doing the time, not the juvenile.** And some of my last contact with the juvenile court was I seen that happen, where the parents were being held more accountable for the acts of their children. . . . **That's the big breakdown of the system, not only here at Fort Peck, but Indian Country in general, you know, you're holding the wrong person accountable.** - Community Member*

For at least one parents his CWC involvement was a wake-up call.

*None of [CWC] was really tough, it was just getting through it and helping him. But, then when he moved to boot camp, **that's when we realized why he drank, it's because we did drugs. When we did drugs, he drank.** . . . And now when he comes home, he tells us to behave, or knows that we're doing drugs, he knows. So, we're trying to keep away from it now. . . . **For our child's sake, if he can do it and go to boot camp and try his hardest, so we can try our hardest for him.** . . . **The problem's all in the home and in***

the family. You know it took us a while to figure that out. . . . It's hard admitting it after you think about it, you know, you know you're in the wrong. - Parent of Terminated Participant

The CWC had difficulty getting some parents to cooperate with the program because these parents were in denial about their substance-abusing behaviors and their need to be accountable for themselves and their children.

We have the parents in denial basically saying "It's not my fault, it's the kid's fault, he's getting me into trouble." - Team Member

Well, it starts out pretty tough at the beginning because the parents come in trying to understand the drug court system and how it works, it's supposedly explained to them, once the kids start screwing up and not doing stuff right, lot of the parents are working, it's mandatory for them to attend parenting classes and any kind of alcohol and drug classes that the kids go to too, and some parents aren't prepared for that and some parents really don't want to do that, they want their kid to do it, but they don't want to get involved with it. And that's where it starts a little discord between the parents and the courts and drug court staff. - Team Member

Basically the parents are responsible for their children's actions, lot of times you figure the child is out drinking at 2 o'clock in the morning, you've got to ask the parents where they were. We get pretty harsh on them about that and they start understanding. The problem with that is when the parents start getting the spotlight put on them because they're not doing what they're supposed to be doing it causes a lot of flak politically, a lot of the parents will go to the [tribal executive] board and say that the drug court is treating them unfairly and violating their civil rights, and not doing this and not doing that, what we try to do is sit down with them . . . and explain the situation, and ultimately try to give them a warning first, and if it continues to happen, maybe a fine, starting community service, and sometimes the parents go to jail. - Team Member

*There were parents with terrible attitudes, I mean, **there were just totally screaming mad parents . . . because they had to do certain things, they had to go to classes and stuff.***

*One of my suggestions was the next time we start getting these kids involved, rather than just screening the kids for drug court, **we need to look at the parents and screen the parents and see if they're motivated enough to be in drug court.** Most of our parents we've got now are real good parents, and willing to work with the drug court, **there's usually one or two that comes to court every week and usually has a big problem because they don't want to stop using themselves. It's a big fight.** - Team Member*

*I think actually once we get the kids believing it's a good thing for them, it's hard to convince them, then once we show them we're there for them and we just want to help and it's not a sentence or a punishment, they work with us pretty well, **as long as the parents do. It's tough to [hold the parents accountable] too, there's always a fight.** - Team Member*

*I hear from a lot of parents that will come in and say, "We got to do this, and we got to do that, we've been in this program for a year, if she would have just went over there and sat her 30 days, we wouldn't have had to, you know." . . . **Well, I guess we just pretty much tell them, "What's 30 days in detention going to do, is it going to help? Is it going to help with the problem?" This program is here to help them, it's not a punishment, but a lot of them look at it as a punishment. . . . I think they understand what we're saying, it's whether they want to understand that.** - Team Member*

***I think one of the things that surprised me was when the parents started getting mad because they had to do this or do that.** And I don't know, I guess I thought people would be more than happy to do some of the things that they were required to do because it was for their child. I know people work and stuff, but we tried to work around their schedule, we even changed the classes at night, to the afternoon. **Yeah, I think that's one of the things I didn't really expect and it was kinda like a surprise when some parents got upset because of something they had to do.** - Team Member*

*Well, [what surprised me was] how frustrating it is to get the parents involved because I think that's one of the key issues there, the kid's success rate is going to be how much the parents are involved. It's hard getting them in. **They go kicking and dragging, the parents as well, because we have a bad image.** I don't think it's a deserved bad image, I think once they actually come in and see that we're actually trying to help them to keep their kids out of jail or change their behaviors or whatever, then their views do change and I think it is just a bad image. - Team Member*

*I wish parents would not enable their kids. What I mean by enabling is like instead of trying to fight the system, **they say "Hey, my child has a problem, I have a problem, and we need to do something about it because my life is affecting my child's life."** - Team Member*

*The only thing I would say is that some people who are in it are fighting it. **Some of the parents are fighting it.** . . . I've said this for a long time, **we'd have less problems if we didn't have the adults.** I just see that sometimes they're fighting to get [their child] out of [CWC], they're fighting [the chemical dependency counselor] she said this and [the chemical dependency counselor] said that. - Provider*

Some parents lost sight of the fact the CWC was there to help their child and they complained participating in CWC was too invasive of their privacy and too difficult to work into their already busy week. At least one family was thinking of moving off the reservation to escape their CWC responsibilities.

***Yeah, [I would close CWC] because it's an invasion of our privacy,** we're at home and they come over there and this one, I think he's a probation officer or some juvenile person, my neighbors saw him peeking in our windows at night, every little thing, they fine us, . . . it's just a real strain, I even have to go to the doctor, he wrote a paper for me telling them that, it's just really a lot of stress on us. . . . We need time to go to bed, we have a two-story and [the children] climb out the window, and if we don't report it, [the CWC will] throw us in jail. It's just really a stressful thing. - Parent*

*[The worst thing about wellness court is the] **invasion of privacy**, we feel like we're in a communist world or something. - Parent*

***It's just too much.** . . . See every little thing, . . . really, we need these jobs and [the CWC] don't care if you're working or not. - Parent*

*Now when we first signed the contracts, or whatever, they said we could kinda work around whenever, we could work around your work schedule. Like the one-on-one [counseling], [the chemical dependency counselor] said we can work around that, but that would be the only one, the other ones were all court ordered, it was like, "What am I going to do when I have to leave [for work]?" You get short pay, and the boss was asking "How long was this going to take?" because [my husband] works from 12 to 8, and then a half hour to get here and then go to the class, and by then, it's too late to go back, so for him, that's 4 hours, 5 for the wellness court, actually that's another hour and a half, so for him, **it's almost 5 hours of leave a week.** - Parent*

***It's just that I don't like it that they throw up jail every little while.** They're always campaigning, get your education, but after they enter, they don't care, they don't help you. **We were thinking about moving, moving off the reservation.** - Parent*

In addition, parents have found themselves at the mercy of their teenager's behavior.

*Sometimes I feel like I've given [the **juvenile**] **the opportunity to use the courts, they're leveraging, controlling you because "I'm going to go out and get drunk and you're going to get in trouble too for it."** [laughs]. . . . Yeah, a couple times, she said, "You're just afraid because you're going to get into trouble." I said, "No, I'm compliant with everything we do," but I said, "You're the one who's just going to get us both in deeper trouble." - Parent of Current Participant*

One team member put this all in perspective.

*And when you think about it, . . . and I thought about it and I thought about it, **and the worst thing we're doing is asking them to take some time for their kids, that was the***

worst thing we were doing. So, I told them that, I told them all that in court one time. If you've got a problem, go ahead and get legal counsel and challenge us, **but right now I feel the worst things we're asking you to do is to take some time out of your lives for your children.** - Team Member

Weakness

Poor Integration of Cultural Activities. The CWC had problems integrating traditional cultural activities into the treatment plans of the participants.

It's been a pretty difficult issue. - Team Member

I would like to see more cultural stuff in our drug court, like sweats, talking circles. – Team Member

The first person they hired in the cultural educator position was a member of the Native American Church and there were issues with the Native American Church's use of peyote.

And so we kinda terminated our relationship with him because of it. I mean, drug court and all. . . . We actually promote spirituality, but there's a line we have to draw, especially with the controversy about the Native American Church anyway. - Team Member

There was not another cultural educator hired until 2002. In the interim there were sporadic cultural activities for the juveniles. CWC included a spirituality component into the wellness court by giving the participants options. For example, instead of attending a weekly AA meeting (which has a Christian philosophy) they could attend the church of their choice.

The cultural portion of [the program surprised me], that was like a shocker for me and how important it was, I guess, to be careful about how we have some New Agers around here too, you know, and it's just being careful about who we get involved in the program

that includes a lot of religion, so what we basically did was just give people the option of what they want to do. - Team Member

One cultural activity was a 2-week hike when the wellness court participants and other juveniles from the juvenile justice system carried a log around the reservation to symbolize the return of the children to the Tribes. A participant from the hike enjoyed the experience.

We carried [the log] way past Poplar and we passed two sites, then that's when they said we didn't have to carry it anymore. It was way too heavy and it was way too hot. . . . Yeah, we had fun when we camped, it was fun putting up those teepees cause that's something that we learned, putting up those teepees and take them down. . . . Yeah [I liked the traditional activities], it was pretty, to me, it was pretty educational for me. I always wanted to know how to put up a teepee, take it down, and then they taught us how to carve things in wood, and taught me how to canoe, and we had to do that, and fish.

In 2002 the CWC hired a tribal member who practiced the traditional Sioux ways as the cultural educator to promote spirituality in the wellness court.

We try to promote [indigenous healing practices of the Tribes] the best we can, we have [the cultural educator] that helps out a little bit and he's going to start sweat lodges and he's willing to do sweats with anybody else and we'll take that as an AA meeting if they want to do that. We'll accept that as an AA meeting. - Team Member

One community member bemoaned the lack of traditional cultural integration into CWC and blamed politics.

At one time they did bring in the cultural component and the "p" word "politics" came in. [A cultural component] has to be there, it had to be there. These are the very things that kept us well and balanced are our own culture. It's missing, it's conspicuous to a point where it's almost deafening, it's so conspicuous. I think once we get back in balance ourselves and understand that's what's going to help us make ends meet. We're

not going to go too far without it, it's not just Fort Peck, it's just about every reservation. They talk about it and that's about as far as it gets.

Ironically, there was no shortage of cultural activities available to juveniles before the CWC hired the cultural educator in 2002. One example was a semester-long Native American Culture course at the Fort Peck Community College taught by a tribal member who practices the traditional ways. Any CWC participant could have taken the course, or the instructor could have been approached to offer something similar to the CWC, but there was never any communication between CWC and the instructor about it.

*The way I run my class is that I let anybody come into my classes who's interested in our culture because to me, they have to learn, they really need to learn, **it's almost an obsession with me to teach them something about culture.** If they are not enrolled and they are interested in coming, I let them come and I tell the college I've got three people in my class that are not officially enrolled, they don't have the money to enroll, or to buy supplies or anything, but I let them stay there. - Community Member*

Another example of the bounty of available cultural activities was in 2001 the Tribes hired a federally funded cultural diversion activities program coordinator to provide activities for juveniles. The activities were tailor-made for cultural education.

*There's different types of activities that I do specifically, personally, myself, but I have other people. Part of my job is to recruit artists, not just artists, but also presenters and so what we did was **scraping deer hides, making drums, how to scrape them, the five steps to making rawhide.** We have right now, I'm working on a **Warrior Society group using basketball as an avenue of approach, girls and boys, and I also utilize the elders.** . . . Basically my job is just to create these programs and have other artists do it. Because of the fact that we don't have a lot of money for me to be spending to pay people, we utilize other entities like the community college, they also have a horsemanship program. . . . So basically that's what my job is to do, when anybody needs anything to*

*deal with youth, and not just youth, but also the community. . . . **We're going to be going out in Indian summer here and collecting berries here and we're going to show the girls how to make wo-shop-pee (crushed berries cooked and made into berry pudding). Juneberries, chokeberries. So, we're going to teach them that and the food drying process, drying corn, drying meat, drying turnips, stuff like that, that's what the elders will be doing here in Indian summer time. And that's a program that's coming up here the first part of September through Labor Day weekend.***

The CWC was one of the tribal programs that could send juveniles to these activities, but the court did not order participants to attend any activities provided by this coordinator.

Although the CWC was aware of the cultural diversion activities and the coordinator was happy to have CWC participants attend his activities on a regular basis, there was no discussion of the matter. This was a true loss for the CWC because this coordinator, as well as the instructor of the Native American Culture course, embodied the philosophy of wellness courts.

*Yeah, I guess the way I look at it is for me, my point of view is a lot different than a lot of the kids because I believe it's a very strong tool to be who you, to identify who you are. That's one of the problems on the reservation; a lot of kids don't know who they are. **And my idea, and my own philosophy is you're going to re-incorporate the culture, then you have to re-incorporate identities and to do that, they have to know who they are. So I believe my programs are a really big part to this rebuilding of our history, of our culture itself.** You know because I do dance programs, I do dances of the buffalo, I do Native American fur trade, making moccasins, making pipe bags.*

This lack of coordination with appropriate cultural activities, some literally across the street, highlighted the need for outreach with other tribal agencies to draw on available resources in the community to strengthen the wellness court.

Key Component #5

Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substances.

Monitoring in a wellness court usually includes a weekly sign-in, curfew checks, and frequent and random testing for alcohol and narcotics. Drug testing plays an integral role in the wellness court because it provides a reliable method for measuring the participant's progress toward sobriety. Ideally a wellness court program has a probation officer of each gender whose full-time responsibility is the wellness court participants. Tribal resources do not usually permit that and there is usually one probation officer with law enforcement officers covering the gaps. A positive drug test result usually leads to a sanction at the weekly status hearing.

What They Did

Juveniles in CWC had several people keeping an eye on them and their progress. Besides the wellness team, every juvenile who passed through JDC was assigned a case manager who followed them until they reached 18 years old. In addition, it was estimated by one team member that 90 percent of the participants also had a YDI (Youth Dynamics, Inc., a Montana organization with an office in Wolf Point providing therapeutic behavioral health services for families and children) case manager assigned to their case. But, the primary person responsible for intensively monitoring both the juvenile participants and their parents was the CWC probation officer. The CWC probation officer also was responsible for providing updates to the wellness court team of the juvenile's and the parents' progress.

In juvenile court I can order them to get drug and alcohol evaluation and follow the recommendations of that evaluation, I can even put them on probation and it's monitored by the probation officer and supposedly they're supposed to be working with Spotted Bull Treatment Center, but that process gets monkey wrenches put in it sometimes, because of

*the caseload of the probation officers a lot of times, they can't really oversee the clients as much as they should be able to oversee the clients. **In drug court, we've got a whole team that's overseeing the clients, and getting involved with what they're doing and I think [the participants] get a little bit more case management and I think things happen a little bit better for them.** [There are not more services available to wellness court participants compared with juvenile court participants], **but they get a little bit more interaction from the staff than they would in regular court and they come into court regularly.** We see their progress every week whereas in regular court probably won't even see their progress unless they mess up again and come to court again, then I'll get a progress report from the police officer. - Team Member*

The task list for the juveniles and parents required them to check in weekly on a specific day. The CWC probation officer did weekly home visits as often as possible. She also was available for after-hours telephone calls.

***They don't usually know I'm coming.** . . . On a home visit I just go in, I ask them how they're doing, if they have any problems, look around the home environment. Just a visit, nothing professional, just a friendly-type basis. - CWC Probation Officer*

*Once in awhile [there'll be a call at night], one of my clients if they're having a hard time **and they need somebody to talk to, but not very often.** - CWC Probation Officer*

The CWC tested for drugs using urinalysis (UA) and alcohol with a portable breathalyzer. The *Policies and Procedures* states "the treatment program will include random, visually supervised urine screens and breath analysis during the course of treatment." However, the frequency of the drug testing is not specified (for example, once a week during Phase I) in the *Policies and Procedures* nor in the contract. It appeared from a review of the case files the drug testing often was done on a less than monthly basis (although some were tested more

frequently). A team member justified the infrequent testing on practical and financial considerations.

*If somebody smoked [marijuana] today and a UA would be done on them, it would come back positive, we usually wait about 3 or 4 weeks before we do another one **because then it's a waste of a test. Two weeks it's still going to show up positive.** A chronic user will have it in their system maybe 3 to 4 weeks. If it's just somebody who smokes once or twice a week, it may come out of your system in a couple of weeks. You just kinda go by their usage. . . . If after a month if they're still positive, then we know they're still using. We used to do weekly UAs but now it's random, so that they don't really know when it's going to be done. - Team Member*

In some cases it appeared people were tested for alcohol and drug use when it was suspected they were using.

*Every once in a while we might do one that is 2 weeks later. . . . Like on a meth user, the meth only stays in their system for 2 to 3 days. You might notice there's quite a few UAs on one client, **because if you're expecting them using on a Saturday, you want to catch them on a Monday to catch that.***

If we have a report, say like somebody calls in and says one of your clients is in a home and there's a party going on and the parents are drinking, we'll go over and do a PBT [Portable Breath Test], but I don't do them like the UA, only if there is a reason.

The after-hours and weekend monitoring was left to tribal law enforcement that had updated lists of juveniles who were in CWC. However, they were not really monitoring the participants as much as identifying them as CWC participants when trouble broke out. It also appeared some of the monitoring effort was placed on the parents; they were told to report the juvenile to law enforcement if they suspected substance use.

I thought my son would be monitored more closely. . . . I think they said they'd do home visits, and all the weeks we've been in here, they came to my house twice. . . . When I suspected he was using or drinking, I was supposed to call an officer, and that would have been all up to him. – Parent

Weaknesses

Infrequent Alcohol and Drug Testing. Alcohol and drug testing is a crucial component of the wellness court because without the results from testing it is not known how well the treatment is working. The *Key Components* recommend testing occurs a minimum of three times a week during the early phases of treatment. Yes, it is true marijuana stays in the system for several weeks, but frequent testing will document a drop in tetrahydrocannabinol (THC, the active ingredient in marijuana) levels and provide feedback to the team and the participant that the drug use is no longer occurring. Frequent alcohol testing is even more essential since alcohol use can be detected only by a breathalyzer for a short amount of time. Even if participants were drug users rather than alcohol users when they entered the program, often substance abusers switch to alcohol when they stop using narcotics.

But, most importantly, frequent alcohol and drug testing is sending a message to the participants that their substance-abusing behavior is being monitored. The purpose of the testing is not only to “catch them” after they used, but also to act as a deterrent to use. The following quote illustrates that the CWC is using the drug testing more to catch people who have used rather than as a deterrent to use.

Usually the parents have UAs if we believe them to be using, some of them don't use, so they don't actually get UAs. Just the users we do UAs on periodically, not as much as the clients themselves. . . . A lot of times you can tell by their actions [if they're a user], like a methamphetamine user you can tell by their body movements, you know, you can just pretty much tell. The THC, I don't know, I guess it just comes from, I don't know them,

but somebody else in the court will say, "I know that person smokes, and I know there's a problem there," so that will give us reason to, it's on their task list that we can order them. - Team Member

This message that the participants are being watched cannot be reinforced too much when a program is attempting to change a person's behavior. The quote below shows frequent testing can have a positive effect on wellness.

We have some parents who drink quite a bit and there's a lot of problem, and what we did about a month or so ago, we ordered them to do BAs (the breathalyzer test) every day for a whole week, it kept them clean the whole week. - Team Member

The cost of the testing supplies was not a valid excuse for less frequent testing because the CWC received more than sufficient funding from the grants to purchase these supplies. Drug testing is an essential part of a wellness court, without it you do not have a wellness court. More emphasis should have been placed on drug testing the participants at different times and places rather than simply having them sign-in at the probation office on a week.

Full-Time Community Wellness Court Probation Officer Assigned Non-Community Wellness Court Duties. At the time of the evaluation site visit in 2002 the Fort Peck juvenile justice system had two juvenile probation officers. One of the positions was funded by the wellness court grant from DCPO and that juvenile probation officer was supposed to be the full-time probation officer for CWC participants. It appeared due to manpower shortages in juvenile probation, the CWC probation officer was assigned other non-CWC probation duties by the supervising probation officer. This was against the *Policies and Procedures* that stated the juvenile probation officer will be supervised by the CWC judge.

[The probation officer] is supposed to be 100 percent wellness court, but she does spend 2 days a week in the regular probation department, wellness is paying for all 5

days. They're [regular probation is] short-staffed and they needed somebody to kinda fill in. On Mondays she's in the regular probation office all day and on Thursdays she's in the Wolf Point office all day, doing both juvenile and adults. She pretty much sits and does probation pledges and checks them in. They're not really her caseload, she just kinda helps out. - Team Member

*Yeah, we got a probation officer for the drug court, **but she has other duties that the chief probation officer has her doing, it's hard for her to keep up,** [she should] go out in the field a lot, like when there's a class, and somebody don't show up, I'd like to see [someone] call [the probation officer] and say so-and-so didn't show, and [the probation officer] getting up and going out there and finding out why. . . . [It isn't happening because] they're telling me they're just too busy to do that, I don't know why. . . . They say they're shorthanded over there, **that specifically should be her only job is drug court clients. Matter of fact, it would be a perfect caseload for a probation officer to have this many clients. That would be a perfect scenario for a probationer officer in my mind,** just to see how well it works, [the probation officer] has told me several times that she has other duties that she has to perform, I don't know how we're going to get through that. - Team Member*

The supervising probation officer decided they needed to have [the CWC probation officer]. - Team Member

The probation officer whose position was paid for with wellness court funds should have spent 100 percent of her time monitoring and supervising the wellness court participants. The lack of a full-time probation officer for CWC is exasperating because the Tribe's DCPO implementation proposal specifically requested an additional probation officer to monitor juvenile offenders who entered the court system.

Community Wellness Court Probation Officer Usual Work Hours 8 to 4:30. A wellness court probation officer needs to be monitoring the participants in the evenings and weekends

when they are most likely to abuse alcohol or drugs. Participants who are not regularly monitored at these times cannot be considered to be “intensively monitored”. In 2002, the CWC probation officer worked a straight 8-hour day, 8 a.m. to 4:30 p.m. due to an inflexible work schedule. These hours do not promote effective participant monitoring. Prior to 2002 it appeared the probation officer worked after hours and on weekends with tribal vehicles but the tribal executive board stopped that practice.

*She used to [work Friday or Saturday nights]. When she first started, she and one of the other female probation officers would patrol for 4 hours and they were usually on once a month. . . . They got comp time for that. But now, I don't understand really what it is, **it's come down from the in-house attorney that they're not allowed to do that anymore, something to do with the liability issue or whatever.** - Team Member*

*No. [There is no probation officer checking on them after 5 o'clock.] They used to have juvenile officers working night shifts and stuff, they had government vehicles to do that, **but the [tribal executive] board decided that wasn't a good idea, although I thought it was a good idea because they're out there working with the kids.** - Team Member*

*Also, if she worked late, she wouldn't be paid overtime, she'd get comp time, she'd hardly been able to use it. The other thing I would like to have seen, **I brought it up once, is have [the CWC probation officer] work different hours, like come to work at noon and start from there.** - Team Member*

In addition, the juvenile probation officers were not equipped adequately to do their job. They were not given a tribal vehicle or mileage reimbursement to do their rounds like the juvenile officers from JDC.

*The juvenile officers have cars and radios and stuff like that. **Probation officers, all they have for their own protection is a radio.** - Team Member*

But then you've got transportation issues, working over hours. . . . [The CWC probation officer] needs either a government car or a court car, I'm pretty sure she'd be willing to use her own car but she wouldn't get paid mileage. - Team Member

These weaknesses—the infrequent drug testing, the inflexibility in work hours, the additional non-CWC duties, and the lack of a tribal vehicle crippled the CWC probationer officer's effectiveness in providing intensive monitoring of the participants. A wellness court probation officer, especially a juvenile probation officer, needs to be out in the community getting to know the participants and watching what they are doing, and not sitting at a desk checking in probation pledges. One of the team members provided this opinion when asked about what changes should be made to CWC.

*I would strengthen the probation officers, I would like to see them work out with the clients a little bit more. I'd like to see them help the clients deal with their daily issues that they can deal with and they never actually had to deal with sober. . . . If you're a probation officer, I think you need to be a counselor also, there's a different door you have to walk through if you're going to be an alcohol and drug counselor. **You've got to be a surrogate parent, you also have to be an authoritative figure, very different aspect to being a probation officer and if you're a good probation officer, especially in a juvenile setting, you can someone to turn around, you've just got to have that motivation.** You just have got to be willing to do that. And a lot of times, it's tough to do. It takes a lot of your emotional life and physical life and a lot of your time.*

Key Component #6

Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.

The focus of this key component is to emphasize the journey toward wellness is marked by advances and setbacks that need to be rewarded or sanctioned. Achieving wellness is a

learning experience that is enhanced when a step forward in reducing substance abuse (compliance with program requirements) is rewarded and a step backward (noncompliance with program requirements) is sanctioned. The *Key Components* recommend the reporting process for noncompliance should be clearly spelled out in the wellness court's policies and procedures. The responses to compliance and noncompliance, or the incentives and sanctions, should be explained verbally and in writing to the participants. Incentives and sanctions should vary in intensity according to the degree of compliance and noncompliance.

What They Did

The range of incentives and sanctions from the *Policies and Procedures* is listed below. The CWC differentiated between the incentives and sanctions associated with treatment and those not associated with treatment.

Incentives

- Recognition in court,
- Excused from court appearance during the fourth week if the 3 prior weeks are clean and in total compliance with program,
- Decreased drug testing if client remains clean—lower UA fees,
- Faster progress through program,
- Graduation to next phase,
- Special awards from area merchants, business people, and other donors,
- Reduction of community service hours,
- Job opportunities,
- Dismissal of charges/expungement of record (no Youth Court record), and
- Graduation from program.

Incentives of Continuing Treatment/Remaining Clean

- Decreased counseling sessions,
- Decreased outside meetings,
- Decreased drug testing,
- Graduation to next phase, and
- Early graduation from treatment phase/program.

Sanctions

- Increased court appearances,
- Community service hours (through Project Positive Community Awareness),
- Assignment of book report,
- Additional chores at home,
- Home arrest (Conventional Supervision),
- Detention (Level I only),
- Increased drug testing if client continues to use,
- Attend and report on adult court proceedings,
- Slower progress through program,
- Termination from drug court and reinstatement of the pending imposition of sentence in Juvenile Court (if applicable), and
- Commitment to Fort Peck Indian Youth Services Center.

Treatment-Related Consequences/Testing Dirty

- Increased counseling sessions,

- Increased outside meetings,
- Increased drug testing,
- Repeat of previous phase,
- Attend AA/NA (Narcotics Anonymous), and
- Out-of-home placement.

Surprisingly, the sanctions list made no mention of incarcerating the parents either for their noncompliance or the noncompliance of their child and yet this was probably the sanction the parents most dreaded.

*I think the only concerns anybody ever had was that **nobody liked that jail thing**. - Parent of Terminated Participant*

*As soon as you walk in the courtroom [at the weekly status hearing], you see a cop and you know someone's going to jail, but you don't know who. **It was scary for the kids, and scary for the parents**. See if [my son] got into trouble and you had to go to court again, you go in front of the judge and you never know what they're going to do. . . . **It's scary when you've got to go in front of the court, the judge—knowing that you're going to get thrown in too**. We used to fight all the time about [whether me or my husband was] going to go to court [laughs]. - Parent of Current Participant*

*Negative points [of the wellness court]? **Being scared of going to jail for the kids' actions**. . . . My husband did [get sent to jail], . . . just my daughter came back [from the weekly status hearing], she said "Dad's in jail." - Parent of Graduate Participant*

*There was people who got more time than [two days flat]. We were lucky we just got that. Other people got 10, 28 days flat. . . . **Some of the parents you see walk out of there crying, you know**. - Parent*

Oh, [what concerns me is] just how every little thing they turn up, to put us in jail. -

Parent

A related issue with some was parents did not know what was discussed in the staffing meeting and were often blindsided by charges during the subsequent status hearing that they did not know about. Parents were not allowed to attend the staffing meeting, but could speak to the team as a whole at the end of the staffing.

They know at 10 o'clock every Wednesday, if they want to talk to us about a problem, they can come in and talk to us all about it. - Team Member

But the dilemma was because parents did not know there was a problem that was discussed at the staffing meeting and was going to be brought up at the status hearing for which they might be sanctioned, they did not plan on attending the staffing. The result was a participant could receive a sanction, including jail time, that might not be deserved and could not be retracted until the next status hearing.

[The wellness team] meets in secret, you don't get to hear what they say. Why do you have to sit there, and some of us get bawled out and get embarrassed there, but it's already been decided. . . . [The charges] are made up before you go in that courtroom. They're made up that morning in the meeting. . . . You can say "I wasn't drinking," but they're not listening. That's like when I told her over there that I wasn't drinking, she still won't listen, if I could take a BA [breathalyzer] and she found out, if I have a chance to offer, but it's just the attitude they have there, it's like they're not there to help, they're just there to prosecute the kids and persecute the parents. It's already cut-and-dried before you meet, you don't have a chance to talk. I've gone over there before during the week, I talk with [the probation officer], you know, she seems to be one to lend an ear, but I don't know whether she takes that to court and tells them because it comes up and when I try to explain, it's already said and done. So, that's my concern about it. - Parent of Current Participant

*And there was parents who went to jail for the kids goofing up. The part I didn't agree was you not being able to be in the screening process (the staffing meeting), **because if they take you to jail, and I appealed that that time, you can't defend yourself with good reasons. They have it so it's too late in the afternoon, you know, to get verified. So you have to sit in jail for nothing.*** - Parent of Graduate

One team member thought about changes to the incentives and sanctions and had this suggestion.

*But I think I would like to look at something like that point system [used in the Spokane tribal drug court], where people get through faster and it also gives them, **Indians are competitive people, they like to gamble, and, you know, compete. So, I think it would give them more incentive [to complete the program].*** - Team Member

Strength

Provision of Incentives. The incentives provided by the CWC consisted of praise and applause for participants who had done well that week, being able to skip an AA meeting or group meeting, a chance to win gift certificates, parties at phase advancement, and gifts such as at Christmas and graduation.

This juveniles' and the parents' comments show incentives were appreciated.

The praising seems to build him up a little. - Parent

The graduation ceremony was really good, they had . . . a big dinner for them, and gave them gifts and stuff. - Parent

They gave incentives as prizes, for people who were straight week-to-week, they gave them prizes. So it wasn't all the court, there was some fun in it. - Parent

*[What surprised me about CWC was] those incentives, **you get presents if you're good.** -
Graduated Participant*

One innovative approach used by the CWC was a drawing to distribute incentives such as a Frostee's certificate or carnival tickets.

*It depends, every week if you're good, they'll give you a certain amount of tickets, then they get the other half and they put it in this bucket, and mix it around, and then at the end of the month, **they'll pull the tickets and there will be all those gifts.** You get to pick which ones you want. - Female Graduate*

Later, the drawing was held every week. All those who were compliant that week had a chance to win something.

Weaknesses

Vague and Incomplete Incentives and Sanctions List. It was not clear from the *Policies and Procedures* what sanction was linked with what misbehavior. Nor, was it clear if the incentives and sanctions were to apply to the juveniles only, or also their parents. The incentives were a mix of tangible and intangible rewards and the sanctions were a mix of minor and major punishments. There was no gradation of incentives or sanctions and no policy how sanctions might increase on repeat instances of noncompliance. For example, what happened the first time a participant missed the group meeting? What happened the third time a participant missed the group meeting? Besides not mentioning incarceration as a sanction for parents, the sanctions did not include mention of fines for missing meetings. There were notations in the case files showing that this did occur frequently, for example, a \$25.00 fine for missing an AA meeting.

The wellness court needed to have a graduated list of incentives and sanctions clearly linked to compliant and noncompliant behaviors respectively.

Inconsistent Application of Incentives and Sanctions. A consequence of a lack of written policy as to what incentive or sanction was linked to what behavior was the inconsistent application of incentives and sanctions. Team members, juvenile justice system staff members, and participants noticed the inconsistency in the application of sanctions.

One of the biggest problems they had in the staffing is that they weren't consistent in dishing out sanctions or dishing out incentives, they were never ever consistent. And that's the first thing those kids caught on to. "Well, so-and-so got this and here you're making me spend 24 hours in jail." . . . There was never any type of consistency. . . . [There are consistent graduation criteria], that's to complete basically the four phases. - Team Member

*But what my cousin [a CWC participant] didn't like was that they tend to let certain ones go, and the kids know that, and that's what my aunt didn't like either, "how come we had to pay all these fines and these other ones don't have fines to pay?" Because my aunt and uncle work and they can afford to pay it. For example, my cousin and another girl left a meeting and were gone for 10 minutes. **They came back and fined my aunt \$25 and they fined the other girl \$10. So, where's the justice there? And my aunt knew it and the kids laughed about it, so that's that inconsistency.** - Juvenile Justice Staff*

*Sometimes they make sanctions over little funny things, they're too overprotective. And I'd say, it's supposed to keep the kids out of trouble. **So, you can't have anything shorter than anything else.** You can't make it shorter, because all they're going to do is mess up if they think it's the easy way out. **They gotta have prerogatives [precedents?] and all that.** - Current Participant*

Sometimes they put us in jail for stupid reasons. . . . I don't know because I went to spend time with my dad where he lives . . . and I came back, and they tried to put me in JDC for a week, just for going with my dad. - Current Participant

One team member blamed the judge for the inconsistencies in sanctions because he changed the sanction the team agreed upon in staffing. Once again, a written policy on what sanction for various types of noncompliant behavior would solve this problem.

*Sometimes, he will change his order on the bench, he has done it to us before. . . . Yeah, the kids are picking up on it, **there's no consistency**. We give one sanction and he changes it a lot of times and so it's like he's enabling. . . . The majority of the time [he's more lenient than the rest of the team], Yeah, I feel so. - Team Member*

Nontherapeutic Sanctions. The underlying concept of a wellness court is that participants receive treatment to help them stop their substance-abusing behavior rather than get caught in the revolving door of incarceration. Yet, the court has a bigger enforcement stick than a treatment facility in that it can sanction participants for noncompliance. Sanctions can range from attending extra meetings to incarceration. The sanctions a wellness court uses should be therapeutic rather than nontherapeutic. One of the team members articulated this thought.

*It's been sort of, I don't want to say a battle or what, but we have some people who sit on the staffing, . . . that they think jail's the best answer, that's going to straighten [the participants] out. Or, looking at sanctions that aren't really therapeutic, **I keep telling myself I'm going to make a big sign to put in the jury room there (where the staffing meeting is held) for the wellness court to look at, maybe on all four walls, "Is the sanction therapeutic? Is what we're doing therapeutic?"***

Several people echoed the thought that there were people on the CWC team who believed incarceration was the answer.

*[The concern I have] is the **old school "lock them up and throw the key away."** There's still somebody in that drug court that sits on the team that feels that way, and that's my*

concern. . . . I'm confident that at some point in time with training these people can change. . . . Unfortunately tribes are 150 years behind time in the juvenile justice area, . . . **they want to lock them up until everything gets okay.** . . . That's where Indian Country is right now, there are alternatives out there, and they are simple things, and everything is within our grasp and it doesn't cost any money and we need to look at what works, and we need to utilize those programs. - Community Member

[Some team members say], "Damn it, we told them we was going to [give them a sanction], they better do it, they didn't do it last time, **and now we're going to show them a lesson, now we're going to throw them in jail.**" - Team Member

Incarceration in the Fort Peck JDC functioned as a wake-up call for at least one juvenile.

I didn't know what was going on when I first went [to CWC] and when I started getting thrown in [JDC], then I figured everything out. My first time I went [to CWC] I got thrown in, the first time, for 4 days. . . . So I thought, "Oh my god, my first time I'm going in JDC." And I just start crying and I was shaky every time I ate their food, so I don't eat when I go in there. **I've been in there mostly every time I went [to CWC]. And then I started telling [the CWC] the truth.** - Female Graduate

For other juveniles, being in detention was sometimes seen as a badge of honor.

Yeah [being a wellness court participant has a negative image], it doesn't have the image of healing or being therapeutic, or being helpful. **And around here, kids think jail time is prestige. I hear it all the time from talking to kids. "I did this time."** - Team Member

[Going to JDC] is almost like a status, especially for kids. - Provider

One of the treatment providers made a very cogent point regarding the danger of overusing detention as sanction.

I don't think you can say [whether being in wellness court or sitting jail is more shameful]. I think we can make our kids, especially with alcohol and drug problems,

*more responsible in different ways rather than throwing them in jail. Either they got little self-esteem and a no-hope attitude in the first place, **and so in accepting jail, they're going to go ahead and start learning to accept adult jail as part of their life.***

When a wellness court earns a reputation for being punitive rather than therapeutic it has lost sight of the original goals and philosophies.

*There's really minimal positive regard for the clients, **it's more like "punish them, punish them, punish them,"** and like I even showed them I kept everything, all the paperwork that we ever went through and this sanctions list that they have, . . . it says they will go to the least punitive to the most punitive. **Well, they just jumped way down here to the most punitive.** And like he was saying, skipping school for 20 minutes, they were going to throw her in jail for a whole week for that when some kid can go roll a car and steal a cop car and not sit 1 day in JDC? - Parent*

*Well, I'm never one, I don't believe in holding a gun to somebody's head, and I think that's exactly what [CWC is] doing now. **Rather than giving [the participants] the encouragement to participate and succeed in it, they're doing just the direct opposite, the failures come from that.** Once you're in the system, you never get out of it, that's the bad part about the juvenile justice system on the reservation, there's no way out, we accept those kids in, **we need to build them a road out.** - Community Member*

***Lots of times the parents feel that both they and their children are treated too harshly.** - Team Member*

Fines were not a therapeutic sanction either, especially when even a relatively nominal fine was a financial hardship for the participant or his family.

*And a lot of us have a hard time, we're on a monthly budget **and it's like every little thing they're fining us.** - Parent*

*The sanctions I'd say are too much for the people around here I think **and then [the participants] get disgusted, their fines build up so much.*** - Team Member

*Oh yeah, we do the fines, but you know, I think the fine system, I mean the fines are good, **but you have to remember that 75 percent, 80 percent of our people are unemployed.*** - Team Member

Community service, especially for the juveniles, can be a therapeutic sanction. By helping others, people can heal themselves.

*Community service is more therapeutic I believe, it's sort of instilling the thought of the whole process. **I believe in the community service because of giving some people some pride in what they do, or a feeling of giving back, "At least I did something worthwhile."*** Paying money is not working. You can see by the outstanding fines people owe. - Team Member

A review of the court files showed some participants did receive community service although there was no record of what kind of community service or whether it was performed. At the time of the 2002 site visit the tribal court had just hired a community service coordinator.

The merit of incarceration as a wellness court sanction is debatable. The team has a delicate balance in deciding what sanction to mete out for noncompliance. If the sanction does not significantly affect the participant in a negative way, the sanction is not doing its job in preventing future noncompliance. If the sanction is too harsh for the accompanying noncompliant behavior, the court has moved into a punishment mode. This is especially true with the sanction of incarceration and its concomitant restriction on individual freedom. Incarceration is qualitatively different than a requirement of additional drug testing or extra meetings.

More care needs to be taken in meting out incarceration as a sanction in a treatment-based wellness court, due process concerns aside, because participants usually do not receive treatment when they are in jail. Incarcerating a participant for having a relapse when they are trying to beat chemical dependency is not in the spirit of wellness courts. CWC, being CWC and not regular tribal court, should only turn to the sanction of incarceration as a last resort, when all other sanctions have failed. The inherent guiding principle of CWC was substance abusers are ill and need treatment; holistic healing does not occur in a jail cell, especially if you're a juvenile.

Key Component #7

Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

This key component acknowledges the leadership role the judge plays in the wellness court and how integral the judge is to the success of the wellness court. An effective wellness court judge is able to be both leader and team player. The judge's responsibilities in the wellness court include learning about substance abuse and treatment options, participating in the legal screening of potential participants, setting the tone of the wellness court at the participant's initial appearance, attending the weekly case staffing meeting to prepare for the status hearing, and presiding over frequent status hearings to establish and reinforce the wellness court's policies. Although the wellness court team weighs in on whether to impose a sanction or award an incentive, the meting out of sanctions and incentives is done by the judge at the status hearing.

What They Did

The CWC judge was usually the juvenile judge. In its 5 years of existence there were four judges.

I don't know [why the CWC is having problems]. It could be because we changed judges so much too. We've had every year it seems a different judge, then that judge

just gets into the wellness court and then they change judges again and it's like, that could be one of the things. - Team Member

At the time of the 2002 evaluation site visit there was tension between the current CWC judge and the rest of the team and the judge was not regularly attending staffing meetings. Many team members thought the judge was being too lenient with the participants and their families and not being a team player by changing decisions made in staffing on the bench.

Well, with this particular judge, I know the majority of the team feels we're being undermined by him. . . . And it's frustrating; we're all frustrated with that situation. . . . He's not [a team player]. . . . Sometimes, he will change his order on the bench, he has done it to us before. - Team Member

The judge thought he was being a team player while guarding the participants' due process and civil rights and working with the families to defuse their anger at the CWC. The judge felt especially pressured to look out for the participant's rights because there was no public defender.

When we don't have a public defender, a lot of that responsibility, especially in court, lays on me, I have to make sure that their rights are being upheld, there's no one jumping up, I have to bring it up myself, and it's tough on me sometimes. And there are times when [the participants] have legitimate excuses where they couldn't make certain meetings or couldn't be at certain places, but we don't know that in the screening (staffing meeting). I'd like to get that found out before we get to the screening (staffing). . . . We just can't sanction somebody or throw them in jail without them two elements [due process and civil rights] being addressed.

Almost every parent that stepped up to that bench was ranting, raving about this and that.

The participants appreciated the judge's style.

*Sometimes when we'd get up to that stand, we'd just be shaking, just hoping we won't get in trouble. Did we do something? Cause the judge would just sit there and look at you just serious. **He was a good judge, he was excellent, he was excellent with kids.** First it was [another judge who] wasn't good at all, [that judge] just went down too hard on people, when they first got in trouble, especially when they'd try to explain to them, [the judge would] just said, "I don't want no lip from you." **[This judge] lets you talk when you're not swearing, he'll give you a chance.** - Graduated Participant*

Weakness

Judge Not Integral Member of Team. A wellness court team that does not have the judge as an integral member is not a true wellness court team. The team wanted to keep to its rules; if a participant had an excuse for an episode of noncompliance, it must be presented to the team by the 10:00 a.m. staffing meeting. They wanted to hold the participant accountable, a laudable goal. For whatever reason, their insistence on the rules moved the CWC along the continuum from rehabilitative to punitive. The judge wanted to ensure the due process and civil rights of the participants were protected, also a laudable goal. His insistence on this alienated him from the rest of the team. The result was a splintered and ineffective team.

There were two things that could have been done to prevent this impasse. One, in other tribal wellness courts the probation officer contacts the participants before the staffing if there are instances of noncompliance for the previous week, finds out if there is an excuse, and then reports this to the team at staffing. If it turns out there was not a valid excuse, the episode of noncompliance is dealt with the next week. Second, if some team members need additional training in due process and civil rights, then they should receive that training.

Key Component #8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress, and preparing evaluative information for interested community groups and funding sources.

Program monitoring and evaluation activities are a component often overlooked in the bustle of implementing a new program, yet these activities are crucial for wellness court success. Monitoring during the course of the wellness court provides feedback as to what practices work and what practices do not work and allows for timely modifications to be made. A process evaluation, comparing what was planned to what was actually done, in the early stages of the wellness court is another way to fix what might not be working and reflect on what works and what does not. An outcome evaluation that measures the “success” of the wellness court provides information to the court and to outside funding agencies as to whether the goals of the wellness court are being achieved. Good record keeping from Day One that gathers data to be compared against specific and measurable goals is the core of informative monitoring and evaluation. Ideally, the record keeping system is automated, integrates the legal and treatment information, and generates a variety of reports.

What They Did

The CWC first did an internal assessment of the program’s operations in January 1999. This was conducted by Raymond A. Perales who was a member of the original Fort Peck team that attended the first training presented by DCPO. The CWC had a process evaluation required by the tribal drug court grant conducted in October 2000 by Robert A. Kirchner PhD of Glacial Consulting, Inc. and Kenneth D. Robinson, Ed.D of Correctional Consulting, Inc. At that time

the program had 24 former or current participants. The CWC also commissioned an evaluation focused on specific implementation issues from the Hon. Mary L. Pearson (Spokane Tribal Court) in May 2002. The CWC also requested technical assistance to review the treatment component from the Tribal Law and Policy Institute in 2002.

The CWC case file information was in two sets of files; a court file kept in the Fort Peck Tribal Court Building and a treatment file kept at the Spotted Bull Treatment Center. None of the court files were computerized or entered into a case management system. Some information in the treatment files was entered into a database but that information was not available to the CWC (or the evaluators). The probation officer, rather than the court clerk, was responsible for the maintenance of the court records. Eighteen court case files were destroyed in a fire in the court building in the summer of 2001 and a great deal of information was lost at that time for those participants. All the court files of former participants were shredded in early 2004 for confidentiality reasons.

Strength

Culture of Self-Evaluation. The CWC had a culture of self-evaluation. Only one of the evaluations mentioned above was required by the granting agency. In addition, several of the team members mentioned the treatment modality, the sanctions and incentives, and the *Policies and Procedures* were being considered for revision.

I think if we're doing something wrong, we need to change what we're doing, that was the purpose of asking for the TA (technical assistance). The TLPI (Tribal Law and Policy Institute) was to come and review what we're doing, what's basically wrong here because there is something, I feel myself, we're not doing, maybe we're missing something somewhere. . . . The biggest thing I've been concentrating on probably is why are kids stuck in Level 1 and Level 2 forever till they get so frustrated they'll do

anything to get out of the program, or the staff gets so frustrated they end up saying, "They're in total noncompliance, we can't work with this kid anymore." - Team Member

*I think this is the best program there is, you're continually adapting to new situations, you're learning as you go. Like right now, we have to revise our policies and procedures . . . because we've noted we're growing as a program, **what we started off with as procedure doesn't work now, and we have to adapt and revise.** - Team Member*

Weakness

Incomplete and Missing Case Files. Accurate and complete court record keeping is important for two reasons. One, because the court record documents the procedures (that is, due process) that occurred during the life of the case. Was there a status hearing? What was the outcome? Were drug tests performed? What were the results? What were the subsequent sanctions? Two, the court record is important because it provides information for evaluation. What was the charge that brought the individual into wellness court? How many positive drug tests were there? How many sanctions were imposed? Did the person complete the program? If not, why not?

It was difficult to evaluate the program for process since not only were there gaps in the record, but for 18 of the 50 participants studied (over one-third) the case file was destroyed in the fire. A copy of the information would have been available after the fire if the information had been entered into a case management system, or even a simple computerized database based on the Microsoft Excel or Access program. There were also gaps in recording for some of the remaining case files that made it difficult to tabulate the number of positive UAs or the amount of fines assessed or number of days in detention sentenced. It was also difficult to tell how long participants had spent in the different phases because phase advancement dates were missing. In

some cases it appeared a person had skipped a phase but one team member ascribed it to bad record keeping.

You can't skip a phase and I think it's bad record keeping is what it is. It's really bad record keeping. Those records are a mess, really, when you really think about it, they are a mess. They don't tell you the whole story, there's too many gaps in it. Hopefully, if you come back 5 years from now, it will be a little bit different, more consistent with [the central intake officer] and [the probation officer] working on it. - Team Member

The CWC knew they needed to automate the records. An integrated justice system for the juveniles would be ideal.

An integrated justice system is one of our goals. We sort of have an integrated criminal justice information system in the makings here, but getting all the agencies to be consistent and feed their data into it takes time. Eventually it will, we've taken some giant strides here in the past 10 years. - Team Member

Key Component #9

Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

The focus of this key component is the interdisciplinary education underlying the success of the wellness court team; the court players need to learn about the treatment process and the treatment players need to learn about the court process. All key personnel have to have at least the minimum required education and experience to perform their wellness court responsibilities and benefit from cross-training and continuing education. Interdisciplinary education may include DOJ trainings specifically designed for tribal wellness courts or more general conferences such as the annual NADCP conference. A written education syllabus and curriculum describing the court's program needed to be developed for personnel who came on

board after the initial flurry of training to share the values, goals, and operating procedures of the wellness court.

What They Did

Their first drug court training through NADCP was in Albuquerque in February 1998. The training had a tribal component to it. The people who attended the training were the juvenile judge, the public safety director, the Spotted Bull Treatment Center's director, the Tribes' juvenile coordinator, the tribal court administrator, and a tribal executive board member. After Albuquerque the same group went to the state drug court in Missoula, the only mentor drug court in Montana at that time, for 3 days. There they met with the Missoula team, sat through their staffing meeting and court session, and met individually with all the people involved with the drug court.

One of the team members thought there was a lack of training that addressed more general issues such as learning how to deal with difficult people.

*One of the things about, I don't know if it's just about Indian people, but I notice here definitely is if someone would come in and argue with you about a procedure, the first thing some [team members] would be totally affronted by that, like they were attacked personally instead of sitting down and trying to talk, some people get offended very, very easily and they took it very personally. And I think that's the problem. **I think we need to have training on dealing with difficult situations instead of overreacting.***

Strengths

Diverse Group at National Trainings during Planning Stage. Educational and workshop sessions at national trainings and conferences are most productive when several team members attend as a group. The CWC used their planning grant funds to send six people as a group to the first training. They had representatives not only from the tribal court, but also law enforcement,

treatment, the tribal executive board, and the juvenile justice system. Attending the national trainings as a group helped coalesce the diverse backgrounds of the members into one vision of what the wellness court should be.

*There was like three stages we went through before we got rolling and those **I believe were the most crucial ones because then we're all on the same page.*** - Team Member

Attendance at Regional and National Conferences to Stay Abreast. Several members of the 2002 team attended a juvenile justice workshop in Spokane where they not only learned some new things but also shared their knowledge with other tribes.

*[The Spokane court's point system] was pretty good I thought and we were also able to share some of our stuff that they're going to use in their court. That's the beauty of these trainings for drug court, they're excellent, they've got good facilitators, and we always meet up with other drug courts, **we'll share what we've been doing, they'll share what they've been doing. We get new ideas from each other.*** - Team Member

What I thought was interesting is going to see another drug court to see how they run things. Of course, this one was an adult drug court, but they do a lot of things similar and some things are different, I kinda like that. - Team Member

Mentor Court to Other Tribes. The CWC served as a Mentor Court to other tribes since its inception. Also, the court administrator is a member of the Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts.

We've maybe had as many as ten different tribes come through. I remember one year, they brought like two busloads, we were in Williston having the training there and then they came over here. They were from all over, various tribes, several times. And I believe they were saying we're having another one coming up next year. - Team Member

Weakness

Difficulty in Training New Team Members. Only one of the six people who attended the original training in Albuquerque was still involved with the court 4 years later. The team members who came on board later did not receive basic drug court training.

*I think one of our problems is that there has been a change of hands so many times, you know, different people getting involved with the drug court. **I believe only one person sitting here has been involved from Day One.*** - Team Member

*We had a problem in the beginning, most of the people who had the drug court training, moved on to different things, and different people started coming in and moving in, **and the concept itself started fading away.*** - Team Member

*I'd like to see, well it's kinda late for that, us get more technical training on alcohol and drugs and learning how to work with our adolescents **because of the big turnover, the employees.*** - Team Member

The difficulties that emerge with team members who do not have the original training can be mitigated by having a training manual or educational syllabus that emphasizes the philosophy and procedures and practical matters of wellness courts.

Key Component #10

The development of ongoing communication, coordination, and cooperation among team members, the community, and relevant organizations are critical for program success.

The heart of this key component is wellness courts cannot be isolated from the rest of the tribal community, but need to build coalitions with other tribal departments and community agencies to enhance public trust and confidence and ensure program success. The wellness court

can serve as a conduit between the tribal justice system and community organizations. The *Key Components* recommend the formation of a steering committee made up of community members to show support for the wellness court in the community. The steering committee needs to be formed even before the wellness court receives the grant award to garner community buy-in from the very beginning and foster community ownership of the wellness court. The wellness court cannot be something the court is doing; it must be something the tribal community is doing.

What They Did

Community support is very important for a wellness court and looking back it appeared the CWC did not emphasize community outreach enough, or their efforts at community outreach were not sufficient for an indifferent community. The CWC held dinners in the communities, had articles in the tribal newspaper, and presented informational meetings. But there was still the thought the community did not know of the existence of the CWC, or if they did, the community still did not understand what CWC really was.

There was one problem the CWC had that they really could not fix. That was parents of participants going to the tribal executive board to complain of a CWC ruling.

That's always been our main problem, is when parents dislike our decision, they go to the [the 12-member tribal executive board]. That's the terrible thing about it, [the board] hears their side, the way we rule and mistreat them, but they didn't hear our side or let them know why they were treated that way.

Strength

Public Outreach Attempts. The team attempted to inform the community about the CWC and what it did.

There would probably be a lot of people out there who would say, “What is the wellness court?” but I think there should be at least some people there who know about it, we tried to, we do a lot of PR (public relations). - Team Member

Right now, I don’t think [the community is] too aware of [CWC] despite the fact that we tried a lot of PR, we put articles in the paper, but that doesn’t mean everybody’s going to read them. We tried even outreach, going to each community, holding a meeting, tried that. On one nobody came. The only thing we haven’t done yet is televised a short program, maybe that would help. . . . And right now, I don’t think it’s too positive because they’re not aware of really what it is. They always look at the tribal court as adversarial. - Team Member

Getting the community involved was a tough thing, you know. We had gone out to the various little communities, we would take food, soup, fry bread, whatever we could to feed them. We went out to Brockton, it was supposed to start like 6:30 or something, we stayed there until like 8:30 and nobody showed up. We sent out flyers, it was to give people an overview of the wellness court. It was tough to get people involved, it’s hard to get people involved, to get involved with our youth. – Team Member

One way the CWC tried to inform the community of the CWC was do have the local newspaper write a story on the graduates. Although some tribal wellness courts are wary of doing this because of confidentiality concerns for the participants, this was not a problem at Fort Peck.

When we have a graduation, we have the newspaper come and do a story on it, “this kid has done so well,” we’ve never had any objections from parents, [such as] “I don’t want no one to know my kid graduated from drug court.” We’ve never had that. But with every graduation, we’ve done something. - Team Member

They put the wellness court graduates in the paper. . . . Why not? They’re proud of it, it’s an achievement. . . . See in the Indian world we don’t judge each other. We don’t

find any criticism with each other at all. We never do that, and if that's their mark of achievement and if it's something good they've done for themselves and we support it, and we encourage them and empower them to keep going in that direction so we don't look at it [as stigmatization]. They make a lot of jokes about it, you know, if someone has been in trouble we tell them, our way of saying we know you're in trouble is to say, "I saw your picture in the post office," and that's a silly way of saying it but that's Indian humor. That's how we talk about serious things, we make light of it so that it doesn't become a heavy burden you know. - Community Member

*I have some relatives who had been a part of [CWC], **I know they were involved because when they graduated [CWC] put their picture in the paper.** - Community Member*

Weaknesses

No Buy-In From Other Agencies. In retrospect, it appeared the CWC did not cast a wide enough net during the planning stages to include other community stakeholders in the wellness court process. The result was there was no buy-in from other agencies. A steering committee, starting during the planning stages and continuing through the life of the CWC, that included community members, school representatives, tribal elders, and tribal leaders would have helped increase the community's ownership of the CWC and mitigate turf battles.

*Make sure you get everybody to buy-in. Make sure you get all the agencies. I think because we were so unsure of what we were actually supposed to be doing, **we didn't get all the key players at the beginning, and the thing is I think if you have your key players in place before you even implement, when you're starting in on the policy making so everybody has some ownership there.** - Team Member*

*Let's see, I would ask that there be programs that get involved, like IHS, mental health, social workers to be involved in this program, not just the ones that are involved now. Schools, I think elders, more people from Spotted Bull Treatment Center. **I think once you establish that and have everybody involved and working as a team, instead of "stay***

out of my turf” sort of thing, I think the community would understand what the program is all about and the upper people, like the tribal executive board, the directors and stuff, would understand what we’re trying to do, to assist, basically I guess, families. - Community Member

Little Support from Tribal Executive Board. Although it did not appear the tribal executive board attempted to interfere with the operation or rulings of the CWC, the board was not supportive either. Besides politics (that is, board members not wanting to alienate any constituents), part of the problem might be because the tribal executive board was elected every 2 years, the need to educate the members about the CWC was continual.

I think somewhat [the tribal executive board] does [support us], but what I see a lot is that the parents get angry and they disagree with something and they run out to the board and it seems like they get somebody mad there and they’re calling [the tribal court administrator] or calling somebody and saying “Why are you doing this or that?” I think if they knew what the program was all about, they would understand more, then maybe they would just let it go. - Team Member

Like for example, the parents would go up to the board and all this and that, saying that we were picking on them, saying we were having them do all this and that, so they only hear one side. They called us over there about 6 months ago I guess, they didn’t really listen to us, it was like, “What are you doing this to these people, why are you guys picking on these people?” - Team Member

I don’t think half of the people even know we exist. I think it’s because we’re not supported wholly from the Tribe. I think if they supported us more. I think if it was in their code, “This is what you have to do if you get in trouble, this is an alternative to help you get better,” perhaps. - Team Member

*I think [CWC] is a good thing, I mean, I think it's necessary, but we need the support I feel of the executive board to make it truly change, to make it a good thing, not a bad thing. **Put it in the [tribal] code so you don't have a choice, and I think we'd have more leverage that way too.*** - Team Member

*It was our feeling, and we had the executive board saying, "How come you aren't making the parents more responsible?" . . . **Well, when we started making parents responsible, then that's where a lot of, I guess the executive board did an about face, "Why are you picking on these parents, why are you picking on . . . you know. That was some of the battle, it's something we won. I can tell you honestly the parental involvement, you don't have too many resistant parents, actually once they get into it, we have a few.*** - Team Member

*Another thing too, that we need, or we think we should have, **is maybe support from the tribal executive board,** and to get as many other agencies involved as they can.* - Team Member

*And like the tribal executive board, they don't even know what the wellness court does. **It's like "we're picking on everybody, and certain families, why we sanction them and this and that."** We requested that somebody come and talk to them in regards to what the CWC was, what we are there for, we are not here to torment people, we're there to try to help, and sometimes it takes a lot.* - Team Member

[The tribal executive board] knows about [the CWC], I don't really think they know what it's all about.** Well, we have a couple people on there who used to be our tribal judges, and I believe [he] understands it, and I believe if it comes up, he explains, because he's been involved with it since Day One, since the planning of it. I think it would be nice if we could get them to know a little bit more, why we're doing this, why we have this, without breaking any kind of confidentiality stuff. But I think they need to understand why we put sanctions out or why this child has this much time in jail. **They need to understand that, because if you know politics, people get mad at you and

they're going to run up and complain about you. They can make your life miserable, but they don't understand, they need to understand what our purpose is, what are goals are, what we want to accomplish out of this. - Team Member

It seems like we're continually having to educate people, especially our tribal board, they're only elected every 2 years, you finally get them aware of what the drug court program is, and they have an election and maybe a whole new board and we have to start all over again. You're continually having to educate people about what it is. - Team Member

*The negative things I have to say about it, parents get fines against them, well, they'll turn around and go to the tribal board and say, "How come we have to do this, I can't afford this," so then the tribal board gets in there, and they're trying to micromanage these different programs, and it doesn't work because how can we do our job effectively, if we have to answer to them when we already have a job to do which is to help our people. That's what I don't like, parents running to the board. That's the bad thing and the judge needs to bring that up, I think. . . . ***[The board doesn't tell the parents that it's the court decision] because it's political, because that's somebody from the [surname] family and they have 200 members of that big family, I'm going to stick up for them, I've got 200 votes right there. See, those are the political parts we have to play with.*** That's what I don't like. And we have no control over it because they're the overall, superior.* - Community Member

Community Not Familiar with Community Wellness Court. Although one team member thought CWC could not easily make the community more aware of the CWC because of confidentiality concerns, there was a consensus that what CWC did was not well known in the community. As mentioned above though, articles and photos about graduation and the graduates appeared in the tribal newspaper.

No, [I haven't seen a lot of changes in the community due to the CWC] because I don't think we do enough PR (public relations) work. - Team Member

No, I don't [hear people talking about the wellness court]. I wish I did. During the first year and a half, that's the most positive I seen. - Community Member

The only [negative] thing [about being a participant] is that a lot of people didn't understand what we were doing, what our process was, what our goals are. Some people would know something about, "Oh, yeah, I heard something about that," I think they could be educated more. - Team Member

I believe they would [see the wellness court as effective] if they knew more about it. We don't seem to have a lot of the communities involved in wellness court. - Team Member

There's a lot of people who don't know the wellness court and the functions of it. We have scheduled meetings and stuff like that but the public will not come. - Team Member

I don't think [the community] understands what it's about. We can go out and talk to them in regards to the CWC and have meetings scheduled, and as I said, they will not come to the meetings. But, what they hear, like in any society, they listen to the bad and not the good of things. Like one of the ladies that's in the program now, said "My brother's daughter was in it, and she failed the program, it didn't do nothing for her, it ain't going to do nothing for my daughter." So, it's like that kind of attitude. - Team Member

Not everybody's familiar with this court, even over at the police station, I was supposed to go twice a day, the cops didn't even know wellness court, it's like something that's being kept secret. - Parent

Outcome Evaluation

I would rate it, I think [CWC] has been really good, between 1 and 10, I'd say it's about an 8 or 9, I would say. - Team Member

We have, I'm not saying great success, but we've had quite a bit, we've accomplished a lot of goals that I did not think could be done. . . . I helped a lot of these children graduate, some of them may not have graduated, but they did real well, they were maybe 100 percent better than they were when they first started the program, I've seen a lot of changes in the juveniles that we worked with. - Team Member

Actually, I think [CWC] is a real positive thing we have here. - Community Member

The *Key Components* define an outcome evaluation as “gathering information to determine a program’s success in meeting its goals. An outcome evaluation may look at a program’s impact on the individual and on the community.” The CWC summarized their goals in its mission statement.

*The mission of this program is to develop a **community based model**, through a **collaborative effort of service providers and relevant agencies to break the cycle of substance abuse and its related social problems**, through the development of a **Community Wellness Court Program that mandates accountability**, yet provides **comprehensive services to substance-abusing offenders who enter the system, thereby reducing the over reliance of the judicial system.***

Has the CWC accomplished what it envisioned in its mission statement? This outcome evaluation will look at the impact of the wellness court on the participant, the family, and the community from the perspective of the participants, family members, wellness court team members, and community members. Outcome also will be assessed quantitatively by examining the number of participants, the number of graduates, and the recidivism rate.

Qualitative Component

Impact of Community Wellness Court on Participant

The CWC had a positive effect on the participants that went beyond being sober; parents noticed an increase in responsibility in their children, team members noticed an increase in self-esteem, and community members noticed a change in attitude.

Participant's Perception of Impact on Participant. A graduate related how his progress through the CWC was a struggle, but he finally succeeded in achieving sobriety.

*I'd get in trouble by the drug court, they'd fill us in for a week till the next drug court, then say we've been good, then ask us why we did it, and all that and then after that, "well you can go home, but you'd better do better next time, do what your task list says, and complete everything, and just work your way up there." **I did that for almost 2 years, in a couple more days it would have been 2 years I'd been in there, they finally graduated me. . . . Since I've been out of drug court, I've been sober for over a year now.** - Male Graduate*

*[CWC] helped me in school. . . . **Helping me sober up and helping me in school, every time I went to school I got suspended [before CWC]. . . . It kept me out of trouble because every time I got in trouble there, I would end up in JDC and I didn't want to end up in JDC. . . . [I've been sober] for awhile now.** - Female Graduate*

*[I was happy to be in it], it helped me out with my anger and then my drinking, **it slowed me down** and then there was this guy I was with and he helped me out, **so all together, I just quit everything.** - Female Graduate*

***It feels pretty good [to be clean and sober]. . . . [CWC] helped me discover the person that I am and that I want to be and where I want to go and stuff like that. It helped me realize there's more to life to such like 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 Graduate*

Family's Perception of Impact on Participant. Parents saw the difference CWC made on their children.

The good points? I think they come out of it better people, better persons, they show more respect, more positive attitudes. I think when we had our sessions at Spotted Bull twice a week it taught them to bring out feelings I think, I mean, even now, today, they still tell me, like "I love you mom," and that was something we never really practiced and that was from getting those counseling sessions from Spotted Bull. . . . Keeping them to improve their behavior back home and learn responsibility, be responsible for their actions, things they did, when they went to their court every week. . . . I think they come out of it better people, better persons, they show more respect, more positive attitudes. . . . I notice about a 90 percent turnaround for them, especially with the anger. . . . Wellness changed their attitude and behavior. - Mother of Graduates

It's helped her to have a little bit more responsibility, to understand what it is, and to see examples of it and what people actually have to get through when they get in trouble in the real world, that's been one good thing. It's helped her take a little bit of responsibility. - Mother of Participant

Team's Perception of Impact on Participant. The team saw gradual changes in the participants over time. These changes included an increase in self-esteem, improvements in appearance, and doing better in school. CWC also gave a graduate a second chance after getting in trouble with the juvenile justice system because the juvenile record was expunged.

Lot of times you don't see [changes in the participants] right away, but when you start working with them and start knowing them, you can start seeing subtle differences in them and subtle changes. They start to look a little bit better, start to come to court with a little bit better attitude, start to have a little spark about them, and even coming to court and arguing. That to me tells me that they're getting some of that fire back into them. That they've started to get their pride back. Most of the kids, even in regular court, they come in there and they'll sit down and you can look at them, and they already

see themselves as losers. They already feel they're losers. **Sometimes in drug court we can build them up and let them know they're not losers, they made a mistake, but they're not losers.**

The two [participants] I like talking about; their appearance, their attitude, the two that really brings into light are these two girls who used a lot of alcohol and drugs and the parents also abused alcohol, they never took showers, really, really bad attitude, constantly slouching down, putting their heads down, mouthy as could be, had no care, no respect, no discipline, no nothing. They were in the program approximately 2½ years before they graduated. . . . **They're beautiful people, once they completed the program, they stood tall, their appearance was clean, their attitude was totally different, they were always smiling.** . . . It took a long time, but everything changed and that's the best success story.

Can I give you an example? This one kid graduated back in February of '99 and I believe he's like 19 now. When we first got him into the Community Wellness Court, oh, this kid just didn't want to listen, didn't want to take responsibility, lack of respect, he was a tough kid. . . . **But he come to trust us, he come to trust the staff, he knew we were there for him. When he got in trouble with the school, there was times we worked with the school, help him get situated and get straightened up, we were always there for them.** . . . And now, I still have contact with his mother, she'll see me, she'll tell me how he's doing, and he's the kid that graduated and came back with a traffic violation [not involving drugs or alcohol] and that's the last time I ever seen him. **So I was really proud of him and knew that it really made him think twice about his choices.** He went off to Job Corps, I don't know if he got his GED or anything, his mom just keeps in touch and tells me he's doing good and stuff whenever I see her.

We have another one that graduated while I was here, the mother kind of fell once, but she got back up, **the daughter's doing really good still, she hasn't been in trouble. She's still in school, she's continuing her outside counseling through Youth Dynamics, she's still working with them, and she's still doing really good.** And I guess that's kinda

what I mean, she graduated and she knew where she could go for help, she knew to continue with it.

*Some of these kids come from very dysfunctional homes—no structure, no stability, no respect. Who's going to want that kid over there in their [Job Corps] program? When we work with them and they obviously done well, that's why they graduated, they have a second chance still. And kids, if they want to go into the service, [the armed forces] kinda look at their backing. **All those juvenile charges being gone is the best thing that could happen to them.** I believe according to the code, we don't get rid of them until 20 or 21 [if they didn't graduate from CWC].*

Community's Perception of Impact on Participant. A community member saw graduates as productive members of the community whose success was an example for others.

*I think of those who have graduated, I've been to some graduation celebrations, and they're working and they've found jobs in the system and I'm thinking of three of them, are they using today? I'm not completely sure, they probably could be, but at that point and time they had some successes and that's worth a lot. **Jobs, I think of the little girl who worked with the Tribes right up there, and a boy was over here in the courts working, it really just changed him and his attitude and his dress and his appearance. Now, there's a couple success stories.***

Impact of Community Wellness Court on Family

Parental involvement was required for the juvenile to be a participant in the CWC. A primary impact of CWC on the family was an increase in teenagers talking with their parents and tighter family bonds. Parents also learned new skills that helped them parent their teenagers.

Participant's Perception of Impact on Family. Two graduates reported more communication with their parents.

I talk to my mom a lot now, I communicate more with people instead of brushing things off and trying to hide it all. - Female Graduate

When I came out of it I found out that me and my mom had a chance to bond and get closer and stuff and I think that was a good thing that happened. . . . We tried to stay away from alcohol the best way we can. - Male Graduate

Family's Perception of Impact on Family. Three mothers of current participants also commented on the improved communication between parent and child.

[A good thing about CWC is] me and my son talk more. - Mother of Current Participant

[A good thing about CWC is] more communication than before. That's about the only thing that's come out. Me and my daughter we talk more. - Mother of Current Participant

And we've been learning to communicate more with each other, I tried to before, but it was like, "Nobody else does," you know. But, now she can see other kids do talk to their parents and they do have arguments and they do go through things, it's not just us. - Mother of Graduate

Two parents reported the classes the family attended helped with discipline.

[The CWC was the right choice for them] because it kinda helped me keep them in line, it was just different things that they attended too, like one-on-one's with counselors, family groups with counselors at Spotted Bull Treatment Center, even though a lot of times they didn't speak out. But, I was able to speak out and say things I wanted to. Yeah, yeah [we'd talk about the classes at home later], we'd joke around mostly about it because they'd say, "Oh, you didn't have to say this," but I'd say, "That's what you're in here for." . . . And [my husband] did [have a drinking problem], and it helped keep him straight quite a bit. - Mother of Graduates

Maybe [CWC] straightened them up to a point to where I could [parent them], like they sent me to parenting classes. . . . I really liked [parenting classes]. . . . I learned a lot more than I thought I would and I enjoyed the sessions. - Mother of Graduate

Team's Perception of Impact on Family. The team also saw positive changes in the parents that carried over to the family.

[The mother is an example of someone who really got their life together]. [She] is a prime example. I just want to tell you I seen her yesterday and she was dressed up, had her hair done, she had earrings, if you would have seen her then. . . . I just see [her] as being a total success . . . they pulled themselves above it, . . . it's like a miracle to be honest with you.

*Some of the clients when we first brought [the parents] into the court system, and you compare them to now, **they're totally different.** . . . Like before they didn't hardly smile or laugh compared to now, **before I used to see the parents drinking a lot, now I hardly see that.** I don't know if they've turned to being like a closet drinker, I don't think so, **I think they've realized as the parent what they're doing as parents are reflecting off the child. So, they start changing and making a difference, that their child will start too.***

*I know of one girl, she graduated last December, she went to treatment, her mother went to treatment, and her father went to treatment because of the wellness court. . . . We work with the family. We can send that child to treatment and that child comes back with new skills, but if we don't help deal with the whole family, that child is going to go right back into the same situation. **And those parents wanted to go, and that's what we do, we said, "If they want the help, we help them."***

[I've seen changes in] one [family] specifically, I worked with her for about 6, 7 years now, and [the mother] was a chronic alcoholic and had bad problems. She had four kids, they were always getting in trouble, she was partying every weekend, having parties at her house. Numerous attempts were made to sober her up, she was charged with four

or five counts of child neglect over the years and we started her in drug court, and all of a sudden there is a total turnaround. She's a positive person. . . . And she has just sobered up 110 percent, I think she's still going to college, doing real good, a positive attitude, she takes care and watches over her kids now whereas before they just ran their own lives. She has been the most supportive [for her child in CWC], she's always coming to court.

Community's Perception of Impact on Family. The community also saw the CWC's impact of families.

I would say yes [CWC is helping the mother get her life together], well, she's got a long ways to go. But, yeah, I think so. I think there will be, they're taking baby steps. We're talking generations of, I work on parenting skills, you know, things that most of us take for granted, that people just know, and I think the wellness court does that too.

There are some families who really welcome [CWC]. In one family it really helped the mother because she's been sober too and I think her sobriety is also an offshoot of her kids being in the wellness court. And she still is, I just saw her this week and she looks the best she's looked in years.

[Whether the community perceives the wellness court as effective] all depends on who you talk to. The people that's been in it would say it was effective. Everyone that's been in it has something negative to say, but they all have something positive to say too and they all say they learned something, and they're all glad their kids aren't incarcerated and they're trying to work with them and they're helping the parents with the treatment also.

Impact of Community Wellness Court on Community

Whether the CWC has had an impact on the community as a whole is more nebulous.

Team's Perception of Impact on Community. One team member ascribed the lack of impact due to a lack of understanding by the community.

*I think if the community took a little more time to get involved and understand wellness court, I think they would see [the effect CWC had on the community]. I think that a lot of the community don't really understand what this whole thing is all about. **But I would think they would see a change, just in the ones we've helped.***

One team member relayed a pessimistic picture of the community's sense of community.

*Well, I'll tell you, **I don't think wellness court is seen as doing too much for the community because everybody is looking out for themselves, everybody else on the reservation has changed, a lot of changes have been made and nobody gives a darn if you're doing the right thing or not.** It's just, before it was everybody was related, let's put it that way, and everybody in the group they would say, "Hey, you guys are doing good, you're doing this." But now, wellness court is just part of the courts, nobody gives a --, is the way I see it. If you're in the wellness court, and you graduate, there's a lot of people who come to graduations, they come to see, they come to eat, no, actually, a lot of them come there to see who graduated and stuff, it's all quickly forgotten. **I don't know what to say, on this reservation, you're alone. It's not like other places you know, like the reservations in South Dakota, everybody sticks together, it's not like that here. . . . It used to be like that.***

Community's Perception of Impact on Community. Community members were more positive than the team members as to the effect of the CWC on the community as a whole.

*And the success with all the others in the program when they get out and all the people are there, they say "**Hey it can happen,**" **I think that's worth a lot too.** Well, yeah, [it's an effect on the Tribes as a whole] they say kids can, but it is such a, out there it just seems that [substance abuse is] so prevalent, a lot of frustration, there's a lot of unemployment, you just add all these things and it's not good, it's very difficult. **Thank goodness for programs.***

*I don't think there's going to be any immediate changes [in the community as a result of CWC], it's going to be a lengthy process, it took us many years to get to this point, and it's going to take us, just as many, if not more years, to turn things around. **But I think the wellness court at this point is making parents aware that these things are going on with these children.***

*I think that our community is looking for answers and I think this is one of the answers that has been offered to them. **I think it's effective to the extent that it's there, that it is an offering, it is something.***

*Coming from a detention perspective, I've seen detention work. . . . So, I think there's some good in detention, you know. Where becomes the concern when it just becomes over and over and over, **and I think that's what the drug court tries to address too, is the revolving door into [JDC] and I think they do their best to address that and the behaviors that they're seeing. And I know they've been successful in the past.***

Relapse Behavior

People's opinions varied on the CWC's long-lasting effect on participant's substance use after they leave CWC.

[The past participants are] all relapsing. - Current Female Participant

*I would like to know, I already know from being on this program and the previous families that have been on this program up to 3 years, **their statistics aren't good at all.** This program needs to change, do things different because you go back and look at the statistics, not one family, **there have already been some graduates, but every one of them have relapsed.** Since I've been in this program, I have looked at all the families, they have relapsed worse than when they were in this program, so this program, **their statistics alone should tell you, this program isn't working,** it either needs to change, something needs to happen. - Mother of Participant*

*Looking at the criminal issues [shows the community CWC has been a success], how many of those kids come back into the system? . . . **I think most of the ones that graduated, haven't really been back in.** Cause it was a long process for a lot of those guys, a lot of the graduates have been in here about 2 years. And boy they want out and they're going to stay out.* - Team Member

I know that [CWC] is successful,** you know, even if out of all the participants that have been in there and we have this little group of graduates, I see that . . . [without CWC I think the nine graduates] would probably be using. . . . **A few of them, a few of them, yeah, [have been back in trouble with the courts] but not all of them. Not serious trouble. - Team Member

*I would have to say [the community] don't think it's working **cause the ones that graduate, we still see them coming into the courts. They may stay clean for a month or two, but they usually come back in.*** - Juvenile Justice Staff

Graduates also confess to relapse behavior.

*I was in clerical [training in Job Corps], I was going to get my high school [GED], and then I just got into my trade, **and then some stuff happened and then I got kicked out. It was alcohol-related.** . . . Ever since I turned 18, all I got three DCs [Disorderly Conduct charges], and they were all alcohol-related, **so I'm guessing that I need to straighten up or yeah, something like that.*** - Male Graduate

*Well, I was [in trouble with the police after I graduated] when I was running with a bad crowd again, and then the last time I did that was when I was a juvenile **cause I got a DUI when I was still a juvenile.** . . . **Yeah, [I've had troubles with the law since I turned 18].*** - Female Graduate

I just got with the same friends again and I got three records again and the last time I drank I was hanging over and I went to the hospital, and I couldn't breathe, so it scared me.** . . . Things would have [been worse if I hadn't been in drug court] **cause I

*would probably still have my anger built up inside of me and I would probably lost it. -
Female Graduate*

Quantitative Component

In addition to people’s opinions of the wellness court’s success in reducing substance-abusing behavior in the participants and helping them on the road to wellness, there are quantitative measures to assess the success of the wellness court program. How many participants were there? How many graduated? How long did the program take? How many participants were re-arrested on a drug or alcohol charge? How long have some participants been sober?

Program and Participant Characteristics

The first juvenile entered the program in February 1998 and eight more followed in the next 6 months. The analysis included the 50 participants who exited the program by March 2004. In addition, there were approximately six participants who did not actively participate and left the program quickly and four participants who entered the program after the first round of data collection in July 2002.

Gender and Age. There were more females (30 or 60 percent) than males (20 or 40 percent) in the program. The average age at entry into the program was 15 for both male and female participants (see Table 4).

Table 4. Age of Participants by Gender

GENDER	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Male	20	15	15	12	17
Female	30	15	15	11	17
Total	50	15	15	11	17

The age of participants at entry into CWC did not vary greatly during the 6 years although the first year’s cohort was slightly younger than later cohorts (see Table 5).

Table 5. Age of Participants by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1998	9	14	14	12	17
1999	11	14.5	15	11	17
2000	4	15.5	15.5	14	17
2001	13	15	15	13	17
2002	11	14.5	15	12	16
2003	2	15.5	15.5	15	16
Total	50	15	15	11	17

Prior Alcohol and Drug Charges. The CWC was reaching its target population of nonviolent youth offenders between the ages of 12-18 years of age charged with an incident involving drug or alcohol use. Table 1 in the Process Evaluation shows approximately 50 percent of the participants came into wellness court on an alcohol or drug offense. Table 6 shows when all prior charges are examined for a subset of 15 early participants the average number of prior alcohol and drug charges was 4.73 charges with half of the subset having four or more prior charges.

Table 6. Prior Charges for 3-Year Recidivism Subset

TYPE OF CHARGE	MEAN	MEDIAN	MINIMUM	MAXIMUM
Only Alcohol and Drug*	4.73	4.00	1	11
All Offenses except Youth in Need of Supervision**	8.67	7.00	2	20
All Offenses***	11.60	11.00	2	21

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

Graduation Rate. Graduation rates often are used by wellness courts to measure the success of the court based on the assumption graduates have changed their behavior, no longer are substance abusers, and will remain sober. Fifteen of the 50 participants (30 percent) graduated from CWC. A team member commented on the relatively low graduation rate.

No, [the program isn't reaching the goals we set for it initially], that's a firm no. . . . Actually [when we started I expected the graduation rate to be] higher than what it is, that's my feeling. . . . I don't know, but I think there's an issue there. I really do, I really think there is. And one of the questions I asked the staff, are we expecting miracles from these kids? You gotta remember, keep in mind, they're only kids number one, and number two, the family, the life they come from, and we're expecting them to be perfect? Perfect in doing their treatment, perfect in school, perfect in this, there's no way, are we expecting too much?

The remaining 70 percent of the participants were terminated from the program because of noncompliance (46 percent), being remanded to federal custody (6 percent), leaving the area (10

percent), reaching 18 years and aging out (6 percent). and being excused for a medical reason (2 percent) (see Table 7).

Table 7. Completion Status by Gender

GENDER	#	GRADUATE	NON-COMPLIANCE	REMANDED TO FEDERAL CUSTODY	LEFT AREA	AGED OUT	MEDICAL EXCUSE
Male	20	6 (12%)	8 (16%)	3 (6%)	2 (4%)	1 (2%)	0
Female	30	9 (18%)	15 (30%)	0	3 (6%)	2 (4%)	1 (2%)
Total	50	15	23	3	5	3	1

There was no statistical difference in graduation rates between males and females (Chi-square = 0.16, $p = .901$).

There was a difference in graduation rate depending upon the year the participant entered CWC, but there was no trend over the 6 years of the court (see Table 8). Participants who entered in 1998, 2000, and 2002 were more likely to graduate than participants who entered in 1999, 2001, and 2003.

Table 8. Completion Status by Entry Year

ENTRY YEAR	# PARTICIPANTS	COMPLETION STATUS		
		Graduated	Non-Graduates*	Other**
1998	9	4 (44%)	4 (44%)	1 (11%)
1999	11	1 (9%)	9 (82%)	1 (9%)
2000	4	2 (50%)	2 (50%)	0
2001	13	3 (23%)	9 (69%)	1 (8%)
2002	11	5 (45%)	5 (45%)	1 (9%)
2003	2	0	2 (100%)	0
Total	50	15	31	4

* Non-Graduates includes terminated for noncompliant behavior, being remanded to federal custody, and leaving the jurisdiction.

** Other includes reaching 18 years and being excused for medical reasons.

As noted in the Process Evaluation, Key Component 2, the CWC team placed a great deal of emphasis on the Strategies for Juvenile Supervision (SJS) assessment tool in its decision to place a juvenile in CWC. However, the value of SJS as a predictor of who will graduate from CWC was non-existent. There was no association between SJS category and graduating from CWC in this sample. Of the nine graduates for whom SJS categories were known, five were SI, three were ES, and one was CC. These were almost identical proportions (SI = 55 percent, ES = 33 percent, CC = 11 percent) as in the total sample of 35 participants for whom SJS scores were known.

Length of Participation. Participants spent an average of 356 days, or 1 year, in CWC (see Table 9). One participant spent less than a month (24 days) because he reached 18 years and another participant spent 1011 days or 34 months, almost 3 years, in CWC before he was terminated for noncompliant behavior. Participants who graduated spent an average of 439 or

over 14 months in the program. The shortest amount of time a graduate spent in CWC was 271 days (9 months) and the longest amount of time for a graduate was 833 days (over 2 years).

Table 9. Days in Program by Completion Status

COMPLETION STATUS	# PARTICIPANTS	DAYS IN PROGRAM			
		Mean	Median	Minimum	Maximum
Graduates	15	439	408	271	833
Terminated – Noncompliance	23	339	266	40	1011
Terminated – Remanded to Federal Custody	3	235	230	35	439
Terminated – Aged Out	3	354	418	24	621
Terminated – Left Jurisdiction	5	315	336	140	431
Terminated – Medical Excuse	1	97	97	97	97
Total	50	356	336	24	1011

When the median number of days in the program is examined by year of entry into CWC, it was clear the 1999 cohort spent more time in the program, almost 3 months more on average, than the other cohorts.

Table 10. Days in Program by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1998	9	336	334	24	619
1999	11	535	432	35	1011
2000	4	283	288	71	484
2001	13	321	278	74	621
2002	11	315	335	97	503
2003	2	64	64	40	88
Total	50	356	336	24	1011

Recidivism

What are the statistics of the CWC's effect on the participants? Are they staying sober? Are they staying out of the juvenile (or the adult) justice system? It is difficult to assess if participants are abstaining from alcohol and drugs after they leave the program without doing alcohol and drug testing. An indirect measure of post-program sobriety is to measure the number of post-program arrests for alcohol and drug-related offenses. Recidivism, or re-offense of an alcohol or drug-related crime, is a common outcome measure of the success of a wellness court because of the infeasibility of measuring post-program sobriety directly.

In April 2004, a member of the evaluation team returned to the tribal court to collect information on post-program alcohol and drug-related charges. The Fort Peck Tribal Court does not have a computerized criminal case management system, so it was necessary to go through the previous ten years of case file folders (back to 1994) and identify wellness court participant's cases to collect information on pre-wellness court and post-wellness court charges. In addition, 32 of the 50 participants had reached 18 years of age by March 2004 and the tribal court's adult "arrest cards" were searched for adult offenses. It was not possible to collect information from the state of Montana general and limited jurisdiction courts in Roosevelt County, so the recidivism statistics are a conservative estimate. Also it was known that at least one person left the area immediately after leaving CWC and four participants spent time in federal custody after CWC. Information was collected on the following tribal criminal code offense categories:

- Crimes Against Persons,
- Crimes Against Property,
- Crimes Against the Public Order, and
- Driving Under the Influence but not other traffic violations,

as well as the juvenile offense category of Youth in Need of Supervision. Crimes Against the Public Order contains Subchapter B, Alcohol, Drugs, and Related Offenses and Subchapter D, Disorderly Conduct. One provision of the Disorderly Conduct section includes a general public nuisance clause that is charged as other jurisdictions charge Public Intoxication.

Ideally, recidivism studies compare the outcomes of offenders who participated in the drug court program with a similarly situated group of offenders who did not participate in the drug court program. An effort was made to collect a comparison group of offenders in April 2004, but the lack of computerized records in the tribal court made the ascertainment of the comparison group unreliable.

Forty-five of the 50 participants, or 90 percent, were arrested on a criminal charge after leaving CWC. None of the 45 participants was *only* arrested on a Youth in Need of Supervision charge. The largest number of charges was for Disorderly Conduct, an offense in the Crimes Against the Public Order category (see Table 11). There were 25 Driving Under the Influence charges for 45 participants.

Table 11. Number of Post-Program Charges by Offense Category

	Crimes Against Public Order	Driving Under the Influence	Youth in Need of Supervision	Crimes Against Persons	Crimes Against Property	Total
# of Charges	226 (61%)	25 (7%)	47 (13%)	31 (8%)	40 (11%)	369

The majority of the participants had only a few post-program charges (the median number was 3 to 4.5 depending on what offenses were examined), but some participants had many more (see Table 12).

Table 12. Average Number of Post-Program Charges

TYPE OF OFFENSE	NUMBER OF POST-PROGRAM CHARGES			
	Mean	Median	Minimum	Maximum
Alcohol and Drug Offenses*	5.02	3.00	0	22
All Offenses Except Youth in Need of Supervision**	6.44	4.00	0	29
All Offenses***	7.38	4.50	0	35

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

There was no difference in alcohol and drug recidivism between males and females.

(Fisher's Exact Test 0.636) (see Table 13).

Table 13. Alcohol or Drug Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	19	1	20
Female	26	4	30
Total	35	5	50

Nor was there a statistically significant difference ($p < .05$) between the *number* of post-program charges between male and female participants (see Table 14)

Table 14. Comparison of Number of Post-Program Charges by Gender

TYPE OF OFFENSE	MEAN FOR MALE PARTICIPANTS	MEAN FOR FEMALE PARTICIPANTS	STATISTICAL SIGNIFICANCE (p value)
Alcohol and Drug Offenses*	6.10	4.30	0.267
All Offenses Except Youth in Need of Supervision**	8.75	4.90	0.066
All Offenses***	9.85	5.73	0.082

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

There was no significant relationship between completion status (graduated or not graduated) and whether or not the participant had a post-program arrest (see Table 15) (Fisher’s Exact Test = 1.00). Fourteen of the 15 graduates and 31 of the 35 terminated participants had a post-program arrest. Graduates of CWC are as likely as those terminated from CWC to re-offend after leaving the program.

Table 15. Alcohol or Drug Recidivism by Gender

COMPLETION STATUS	RECIDIVISM	NO RECIDIVISM	TOTAL
Graduated	14	1	15
Terminated	31	4	35
Total	45	5	50

Graduates did not have statistically fewer post-program charges per person than those terminated (see Table 16). This finding was true whether all post-program charges including status offenses such as Youth in Need of Supervision, all criminal charges, or only alcohol or drug charges, were examined.

Table 16. Comparison of Average Number of Post-Program Charges by Completion Status

TYPE OF POST-PROGRAM CHARGES	MEAN FOR GRADUATED PARTICIPANTS	MEAN FOR TERMINATED PARTICIPANTS	STATISTICAL SIGNIFICANCE (<i>p value</i>)
Alcohol and Drug Offenses*	4.53	5.23	0.690
All Offenses Except Status Offenses**	5.33	6.91	0.486
All Offenses ***	6.27	7.86	0.535

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

Nor was there a statistically significant difference in the number of post-program days with no arrest for graduates and non-graduates ($t = 0.028, p = .978$) (see Table 17). Both graduates and non-graduates averaged approximately 8 months before re-offending.

Table 17. Days with No Post-Program Arrest by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	15	242	135	1	1139
Terminated	35	244	183	2	868
Total	50	243	146	1	1139

Often a 3-year period following wellness court participation is used to measure recidivism rate. Not only does this standardize the amount of time available to re-offend, it also provides sufficient time to re-offend. A subset of 18 participants had been out of CWC for 3 years or more when the recidivism statistics were collected in April 2004. **Seventeen of the 18 participants, or 94 percent, had a post-program arrest in the 3 years after leaving CWC.** The number of charges for this participant subset is shown in Table 18.

Table 18. Number of Post-Program Charges by Type of Offense for 3-Year Subset

TYPE OF OFFENSE	NUMBER OF POST-PROGRAM CHARGES			
	Mean	Median	Minimum	Maximum
Alcohol and Drug Offenses*	5.40	4.00	0	15
All Offenses Except Youth in Need of Supervision**	7.87	6.00	0	29
All Offenses***	9.27	8.00	0	29

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

When the number of charges in the 3-year *post*-program period was compared with the number of charges in the 3-year *pre*-program for the subset of 15 participants, there was not a statistically significant difference (see Table 19).

Table 19. Comparison of Average Number of Prior and Post-Program Charges for 3-Year Subset

TYPE OF POST-PROGRAM CHARGES	PRIOR	POST	STATISTICAL SIGNIFICANCE (<i>p value</i>)
Alcohol and Drug Offenses*	4.73	5.40	0.635
All Offenses Except Youth in Need of Supervision**	8.67	7.87	0.683
All Offenses***	11.60	9.27	0.335

* Crimes Against the Public Order and Driving Under the Influence.

** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property.

*** Crimes Against the Public Order, Driving Under the Influence, Crimes Against Persons, and Crimes Against Property, and Youth in Need of Supervision.

Outcome in Perspective

The recidivism calculations show a high rate of re-offense whether only alcohol and drug-related offenses or all offenses were examined. Also, it is not possible to detect a “wellness court” effect as measured by graduation status that shows graduates have fewer post-program charges or are slower to re-offend. Are these statistics evidence of a successful outcome for the Fort Peck CWC? Are the post-program arrest statistics lower than what would have occurred if there had been no wellness court? Could those participants who were still sober 2 or 3 years after leaving CWC have achieved wellness on their own without CWC? Did the CWC *really* make a difference? Is it as one team member said,

The one success story beats it all.

What is important to remember is success does not equate with complete sobriety. Small successes, a slowing down in drinking or doing drugs, or being aware there is a possibility of a life without alcohol or drugs, can be counted as successes. As one community member phrased it, “it’s hard to put [the successes] on paper.”

*I would say yes [there are some terminated participants that would still be considered success stories] because a lot of them, the one girl that was in the program for 3 years, a little over 3 years now, she drank so much that she woke up, they found her by a garbage can, I mean, almost dead, before she come into the wellness court. **She used to drink constantly all the time and now she hardly drinks that much but she still abuses alcohol, but she’s got an understanding** and I’ve talked to her even though she’s not in the program any more, and she left for Job Corps on Tuesday **and she’s trying to make different choices than her mother did.** One of the things is she grew up with a huge family, and her mom got pregnant at 16 and had her at 17, and she wants to wait for awhile until she starts having kids, and she wants to see the world, and I commended her for that. - Team Member*

*I see it has been successful, we haven’t had 50 percent success rate, we’ve only had if even a 5 percent success rate. . . **But I’m saying that even some of the kids who have been discharged [terminated] from the program, I think it still had some form of effect on them.** . . . There’s no follow-up on it unless they come in. But since we do live in such a small community where basically we know everybody, that’s how I can make such a statement, because I’ll see them coming back into court or whatever. **But, there’s some I know for a fact have not been back in court.** - Team Member*

*Yet [a participant who was terminated] listens to [her counselor], [her counselor] would have said something she’d latch on to, **I’ll think she’ll pick up on that later in life, it’s not a loss. It doesn’t look like it right now, but I think you can’t measure all the value she’s picked up.** - Community Member*

*Where would these kids be without wellness court? Somebody coming in might think it's bad, but it could be worse for the kid. **I think they are making steps, small steps, that will show up maybe 10 years from now. The child will absorb something.*** - Community Member

I would say it's hard to put [the successes] on paper because unless you lived in the community and saw the success of it, saw the kids change, because I saw change in my niece, I saw change in other kids who have been in the program. Like you say, kids relapse, it's hard enough for adults to follow the rules and regulations, they're being kids and peer pressure has a lot to do with it and when you come from a place where there is no jobs and poverty and a lot of alcoholism, lot of drugs, the success story to me is to see these kids say, "Hey, guess what, I didn't even go out this weekend." For them to say one weekend they didn't go out, for me that's a success because they're learning what's right and what's wrong, so in order for us to measure success on paper is hard, because of all of the people we've had in the program, we've only had so many graduate, but yet, you see the kids' attitudes change, especially in my programs, from being depressed and withdrawn to be active and happy. That's how I measure success, is to see them out in the community, so it's hard to measure the success on paper just because that the community wellness court is set up as a community and so it's hard. You talk to the parents and "they made us do this and do that," but you ask the kids, "Yeah, I like it." . . . "Hey, I like it because my mom has to go to, and she smokes too." So, it's a success. There's parents, they don't like it, but after they get through the program, they're almost done, they're like "Oh man," you know, they're happy that they made it because they've accomplished something and that's success. - Community Member

These "small successes" are relatively big successes when seen in the context of dysfunctional families, generational alcoholism, and a general sense of hopelessness for many on the Fort Peck reservation.

*But we're trying to change like years and years of abuse, **I mean the family abusing alcohol from generation to generation and it's the way the parents grew up when they were kids is the same way they're raising their kids, and it's kind of hard to change, you know.*** - Team Member

*I know this one girl we cut loose, she goes, "I didn't know you guys cared that much." after she was cut loose, and I thought, 'Well, gee, we must have affected her some way.' . . . **but then in her situation the parents aren't really that supportive, they're constantly drinking.*** - Team Member

*[CWC] worked for quite a few and it didn't work for some and see like, we've got quite a few uneducated people out there where they didn't think it was helping them because their kids were FAS (Fetal Alcohol Syndrome) babies you'd say. And that's what most, **I'd say maybe the first ones we got, 80 percent of them were FAS and that's what really hurt the program.** . . . They were good kids, they wanted to do things, but a lot of them [were damaged by FAS].* - Team Member.

*[Employment would help] to a point, yeah, that's where the hope would come in. If you give somebody some hope and get them a job, and if they stay sober and if they work at that job, and they got promotions, there's your hope, there's where everything starts growing and things start getting better and life and surroundings look better. **But right now, not even the parents have any hope. There's no hope. Why do we want these guys to sober up and live a good life, for what? Why?** . . . There's a few who struggle along and do the best they can with what they got, but like I say, even those people have no hope, the acceptance of feast and famine, if you know what I mean by that, the first of the month you've got all this money, you can eat good, do all this stuff, till you're broke again a week down the road and you've got to sit around and watch tv, read books, and wait for the next big check to come. . . . [I think kids in wellness court feel worse than kids in juvenile court] in some aspects **because there's no hope, there's no hope for any type of good life for them out there.** They're drunk, they're drugged, they're in here all*

the time for alcohol offenses or stealing because they need money and that's their life. -

Team Member

*There's this expression, "when it rains it pours," I think that people who are in trouble, people who are having other difficulties in their lives, poverty, they have problems in not having a job, not having enough food, not having a car, having problems with the kids in school, it just seems that they have a multitude of issues, **and if we can restore our Indian values to these people**, in my concept of it, the whole extended family rushes in to help that family with their problems, with loaning a car, giving money, buying food, exchanging food, taking care of each other's children, all these are good values and that's what needs to come back cause those people who are having problems are left out there by themselves to deal with these things and they don't know how and **I frequently hear the phrase, "I just give up."** No one should have to feel that they give up, not in this day and age, with the huge amounts of money that come to our reservation for social welfare and social service activities, I don't feel anybody should feel that way but **I frequently hear that, "I just give up."** They're overwhelmed. - Community Member*

While the team members and community members talked in generalities about the problems facing the young people on the reservation today, this excerpt from an interview with one of the CWC male graduates summed up his situation in his own words.

I'm not doing anything right now. . . . But, I've been looking for jobs, you know, I just can't find anything.

[Interviewer: Did you finish high school?]

No, I dropped out at 10th grade to go to that Montana National Guard Youth Challenge Program, I was in there for 5 months and I graduated and I was two points away from my GED.

[Interviewer: Can't you finish your GED here at the community college?]

Well, that was last year, now, this year they have it all new, the GED books are all new, and it's going to be a lot harder and stuff like that.

[Interviewer: I didn't know that, but you've got spare time, you should be doing it now.]

Yeah.

[Interviewer: It's pretty hard to get a job without a GED.]

Yeah, it's pretty hard.

Conclusions

The mission of the Fort Peck CWC was to:

- develop a community based model
- through collaborative effort of service providers and relevant agencies
- to break the cycle of substance abuse and its related social problems
- through the development of a CWC program than mandates accountability,
- yet provides comprehensive services to substance-abusing offenders
- thereby reducing the over reliance of the judicial system.

Did the CWC achieve the aims of its mission statement? They did have an operating wellness court for over 5 years with a committed, caring team and over 50 participants plus their parents. But, the CWC never became something the community was doing, it remained something the tribal court was doing and it did not have wide community support. The CWC did make public outreach attempts, and it was not clear why they were not more successful in drawing in the community because alcoholism and drug abuse were widespread among juveniles. Perhaps having a tribal leader or elder on the CWC team would have made a difference in garnering community support.

The CWC did make an impression on many of the participants and brought accountability and structure to their lives. Comments from the participants, their families, the team members, and the community provided evidence of participants changing their behavior, but the statistical evidence of recidivism did not support the comments. Ninety percent of the participants were arrested for an alcohol or drug offense after leaving the program and there was no decrease in the number of post-program charges compared with pre-program charges for a

subset of the participants. In response, the overall message from team members and community members was—it is difficult to put the successes on paper. They saw small positive changes in many of the participants and these small positive changes were all that much bigger given the dysfunctional and dispiriting environment the participants came from. The team and the community recognized that small successes were a success, but small successes were difficult to document quantitatively. It appears juvenile wellness courts need to offer the participants more than treatment; they need to offer education, job training, and a focus on a positive future.

REFERENCES

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