

Incorporating Custom & Tradition Into Montana Drug Courts & Healing to Wellness Courts

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Oklahoma Statewide Drug Court Training Thursday, September 27, 2012

Customs & Traditions

- Learn
 - History
 - Today
- Explore
 - Existing Programs
 - Crow Wellness Court
 - Resources
- Apply
 - Methods
 - Activities
 - Tribal Law & Policy Institute



Tribal Healing to Wellness Court & State Drug Court Distinctions

- Tribes Indian Country

- Jurisdiction
- Tribal Courts
- Tribal Judges
- Tribal Affiliation
- Team members/community members
- Specific Tribal Populations Served



- County/State

- Jurisdiction
- Western Model Courts
- General Populations Served



Tribal People



Impacts & Cultural Disruption

History - Tribal Nations

Historical Trauma

- 1500-1750 Disease
 - Small pox, Bubonic plaque, Measles, Yellow fever, Cholera,
- 1800 Decimation
 - Influenza - the great death
 - Wars & Assimilation
 - *“If the savage resists, civilization, with the ten commandments in one hand and the sword in the other, demands his immediate extermination.”* Andrew Jackson *The Indian Killer* 1867 to Congress
- 1900 Boarding School – Assimilation

Addiction

- Alcohol/Drugs introduced by traders in Indian Country
- Cigarette Addicted 52% - highest among all other ethnic groups
- Childhood trauma increases smoking risks
- Daily smokers are 5 times more likely to abuse alcohol
- Alcoholism is at an all time high among native people
- Most violent crimes committed in Indian Country involve alcohol/drugs on both the part of the offender and the victim

Alcohol/Drug Use & Trauma Among Native American's

- Wellness Court process is not a new method
- Crime and conflict were historically addressed through customary and traditional methods
- Traditional native people focus on community
- Modern ways are individualized
- Community vision is what guides native people

Impacts of Addiction

- Tends to mask the real source of the problem
- Enhanced Low Self-Esteem
- Loss of sense of belonging or connection to the tribal community or group
 - Possibly stemming from historical trauma
 - Negative boarding school experience
 - Relocation
 - Assimilation

Culturally Appropriate Treatment

- Cultural competency is one of the critical principals of care
- Careful consideration on the teams part to approach cultural teaching and customs in their programs
- Services must be tailored to the individual based on his/her culture
- Tribes have their own unique set of customs and traditions
- Not all tribal members are open to their cultural ways

CULTURAL SENSITIVITY

- Not all tribal customs and traditions are the same
- Not all methods of seeking traditional healing are the same
- Not all native people will be open to participating in cultural orientated activities



TRIBAL HEALING TO WELLNESS COURT PROGRAMS



Crow Tribe *Apsaálooke*

Juvenile Wellness Court

- Established in 2002
- Nancy Old Elk, Program Director

“Words are Sacred...”

About the Apsáalooke



- Population 11,000 members
- 7,000 reside on the Crow reservation
- 85% speak crow as their first language
- Clan systems in tact
- Largest reservation among 7 Indian reservations in Montana



Crow Tribe Juvenile Healing to Wellness Program



- Deferred prosecution program for Juveniles.
- Non Violent Juvenile offenders 12 – 18 years of age.
- Provide Juvenile treatment services in lieu of probation or incarceration.
- Spiritual, cultural, and educational teachings to promote self-awareness, identity, and better decision-making skills.
- Activities include: guest speakers, cultural camps, twelve steps meetings, group sessions and equine intervention.



The Healing to Wellness Elder's Panel

The Crow Elder's Panel is a culturally significant component to the HTW program.

In upholding the Crow belief that words are sacred, their role is to commit to prayer and to provide words of encouragement and wisdom for each participant.

As a means to perpetuate and validate this belief, each participant is required to read an essay on lessons learned and future goals before the Elder's Panel as their final requirement for graduation.



Little Traverse Bay Band of Odawa Indians

The MISSION of the Waabshki-Miigwan (White Feather) Program is to implement a collaborative partnership among the community, service providers, court and adults who face substance abuse challenges in order to restore holistic balance using Odawa values and teachings as envisioned by our ancestors in order to ignite the healing and rehabilitation of non-violent addicted offenders.

Cherokee Nation Juvenile Wellness Court

TRIBAL LAW & POLICY INSTITUTE

- Gottlieb Report a study of what to consider
- Lessons learned about incorporating culture and tradition into wellness courts
- On-site Technical Assistance
- The future of Tribal Healing to Wellness Courts



Lessons Learned in Implementing the First Four Tribal Wellness Courts *Gottlieb Report*

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.

Integrate Culture, not Religion, into the Wellness Court

- ***Do not require participants to do activities that can be perceived as religious rather than cultural because many tribes are religiously diverse.***
- ***Emphasize culture—how to build a sweat lodge, not religion—participating in a sweat lodge ceremony, to avoid conflict with individual religious beliefs***

Gottlieb Report

“...wellness courts need to achieve this level of treatment because treatment is a crucial component in a treatment-based wellness court. A principle of tribal wellness court philosophy is the integration of the traditional ways of healing to help fill the spiritual void the participant is now filling with drugs and alcohol. A wellness court that does not provide holistic, structured, phased treatment that incorporates the culture and tradition of the tribe is a court with a drug offense docket, not a true wellness court...”

Gottlieb Report

"...having the traditional teachings available was important even if the participant practiced another religion. I would recommend that they have some tradition, like the sweats be a part of it, not mandatory that they participate in it, but have it there available for them. But I do think they need to. If they're a practicing Catholic or they're into their religion, that's fine too and I think they could also work with the Church, but I really think that Indians need to be [brought back to their culture], they've kinda fallen away from their tradition." -Community Elder

Several wellness courts learned that there is a fine line between integrating culture and integrating religion into their wellness court programs.

Gottlieb Report

"it's an issue of identity, our Indian people, particularly the acculturated tribes, we're Indian people in a non-Indian world. Most of them have never been taught any tradition, they know nothing about how Indian people think..." Team Member

Even though I'd get tired, physically and emotionally, but spirit I was still strong to say "okay," even though if I failed to go to a meeting or if I failed to do what I was supposed to, I'd go ahead and say, "I'm still here, alive, I can do it again, go another day." That's how I went on. - Adult Graduate

All four courts did integrate cultural traditions into the wellness court through a cultural education component. The cultural traditions included prayers, sage burning, sweats, talking-circles, fasting, preparing for the Sun Dance, learning tribal history, and learning how to build a canoe or tan a deerskin. Both team members and participants recognized the value of the participants learning about the traditional ways.

References

- Vincent J. Felitti, The Origins of Addiction: Evidence from the Adverse Childhood Experiences Study (Department of Preventive Medicine, Kaiser Permanente Medical Care Program) (2004).
- Karen Gottlieb, Lessons Learned in Implementing the First Four Tribal Wellness Courts (National Institute of Justice) (2005).
- Carolyn Hardin & Jeffrey Kushner, Quality Improvement for Drug Courts: Evidence-Based Practices (National Drug Court Institute) (2008).
- Tribal Law and Policy Institute, Tribal Healing to Wellness Courts-The Key Components (U.S. Department of Justice) (2003).