|  |
| --- |
| **healing to wellness court**6*The Judge as Enforcer & Encourager***Key component Bench Card** |
| **Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements.** |
| Key Concepts, Considerations, & Questions

|  |  |
| --- | --- |
| **Charting Compliance** | Are provider compliance reports swiftly received through a seamless process? |
| Are clients aware of all general Court requirements not included in the Tx plan? |
| **Progressive/Graduated** | Do incentives/sanctions increase in intensity? |
| Are incentives/sanctions coordinated with Court phases? |
| **Incentives/ Sanctions** | Are incentives/sanctions tailored to suit participant’s personal motivations and circumstances? |
| Do incentives/sanctions serve as learning steps; fulfill therapeutic purpose? |
| Do incentives/sanctions have some connection with the triggering act? |
| **Graduation**  | What connection to the Court does participant maintain after completion? |
| **Termination** | What conduct causes disconnection from Court? |
| Is termination process clearly described? Potential for re-entry? |

 |  “Excerpt from Statute, P & P, Court Rules, etc.”“Alumni Quote” |
| ***Jurist – Judicial roles & responsiblities***  |
| Functions and Formalities | Community Connection – Highlight the Court’s behavioral modification practicesTribal Council Connection – Ensure Tribal leadership can distinguish a sanction and a criminal penaltyCourt Capability – Constantly seek sources of both incentives and sanctions | □ |
| Legal Process& Procedures | Monitor application of sanctions and incentives for consistency and certaintyInclude in participant consent forms, contracts, docs, etc., acknowledgement of sanction potentialFor sanctions affecting liberty, ensure determination process is transparent and fair | □ |
| Ethics & Protocol | Facilitate fair and consistent application of sanctions and incentivesRespond to participant concerns, complaints, and grievances immediately and expeditiously | □ |
| Legal Context & Considerations*(Assure no conflict with existing law)* | Constitution CodeCouncil ResolutionCommon LawCourt RuleCustom | □□□□□ |
|  |
| SUGGESTEDPracticesTrainingCoachingSupport |

|  |  |
| --- | --- |
| Review reporting obligations with team  | □ |
| Detail information-sharing policies in MOUs | □ |
| Review incentive/sanction schedule regularly | □ |
| Search for creative sanctions/incentives | □ |
| Maintain familiarity of research/best practices | □ |
| Track/evaluate time from act to application | □ |

 | **Related NADCP Core Competency**# 2 – The judges “as part of the drug court team, in appropriate non-court settings (i.e., staffing), the judge advocates for effective incentives and sanctions for program compliance or lack thereof.” |  |
| See Process & Procedure Bench Card 15 & 17 |
| Resources/Technology  | [www.WellnessCourts.org](http://www.WellnessCourts.org), [www.home.tlpi.org](http://www.home.tlpi.org), [www.ndci.org](http://www.ndci.org), [www.american.edu/spa/jpo/initiatives/drug-court/](http://www.american.edu/spa/jpo/initiatives/drug-court/) , [www.ndcdr.org](http://www.ndcdr.org), [www.drugcourtonline.org](http://www.drugcourtonline.org)  |  |
| “*Growing up in an Indian community, knowing the people, knowing the community, knowing the problem . . . I think tribal judges are more problem-solvers than, say state judges, I don’t think we have to be law-trained to be problem-solvers. I don’t think we have to be law-trained to be healers. I don’t think we have to be law-trained to administer justice or provide due process.*” Hon. Judge D. Raach |