



Tribal Healing to Wellness Court

www.wellnesscourts.org

wellness@tlpi.org

JOINT JURISDICTION HEALING TO WELLNESS COURTS 101: AN OVERVIEW

HON. KOREY WAHWASSUCK, JUDGE,
ITASCA COUNTY DISTRICT COURT

NATIONAL TREATMENT COURT MONTH
WEBINAR SERIES

MAY 26, 2023





PRESENTER



Hon. Korey Wahwassuck

District Court Judge, Itasca County

Consultant, Tribal Law and Policy Institute

korey.wahwassuck@gmail.com



▶ JOINT JURISDICTION

“Together Everyone
Achieves More”



▶ WHAT IS JOINT JURISDICTION?

- Joint Jurisdiction is exercised jointly when a tribal court judge and a state or federal court judge come together to exercise their respective authority simultaneously, bringing together justice system partners and leveraging resources to promote healing and protect public safety.



▶ WHY JOINT JURISDICTION?

- Leverage scarce resources
- Make new funding sources and services available
- Direct hand in healing while protecting public safety
- Cultural Understanding - Eliminate “us v. them” attitude
- Strengthen services to families
- Increase public trust and confidence
- Expand jurisdiction
- Lower recidivism and stop the revolving door of the criminal and juvenile justice systems



▶ ESSENTIAL ELEMENTS OF JOINT JURISDICTION COURTS

- Leadership is crucial for development
- Effective technical assistance is needed
- JJ Courts blend healing-to-wellness and problem-solving court approaches
- Tailored to fit the specific culture of the tribe and local court systems
- Focus on root causes
- Break down silos and improve collaboration
- Result in improved outcomes and system changes
- Apply sustainability and quality control strategies
- Face similar challenges in planning, staffing, geographic distance, and lack of funding for direct services and training

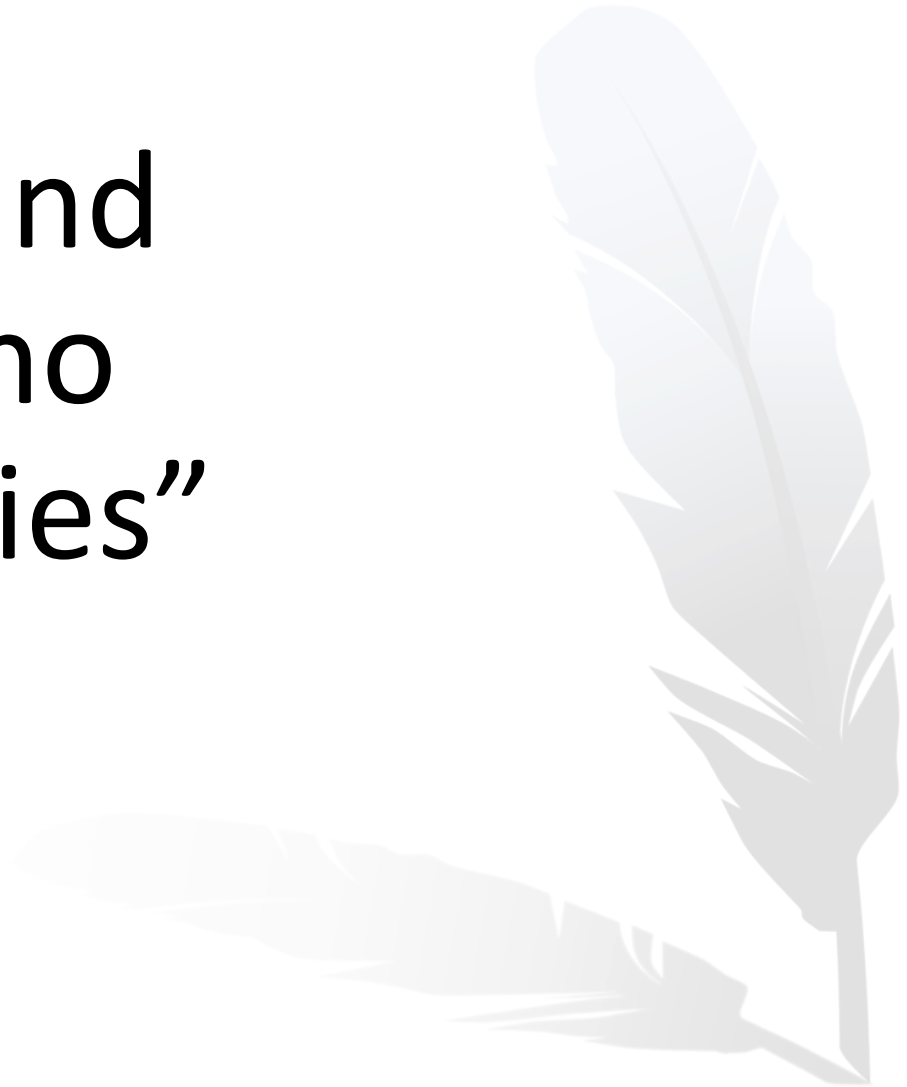


▶ LEECH LAKE / CASS COUNTY WELLNESS COURT

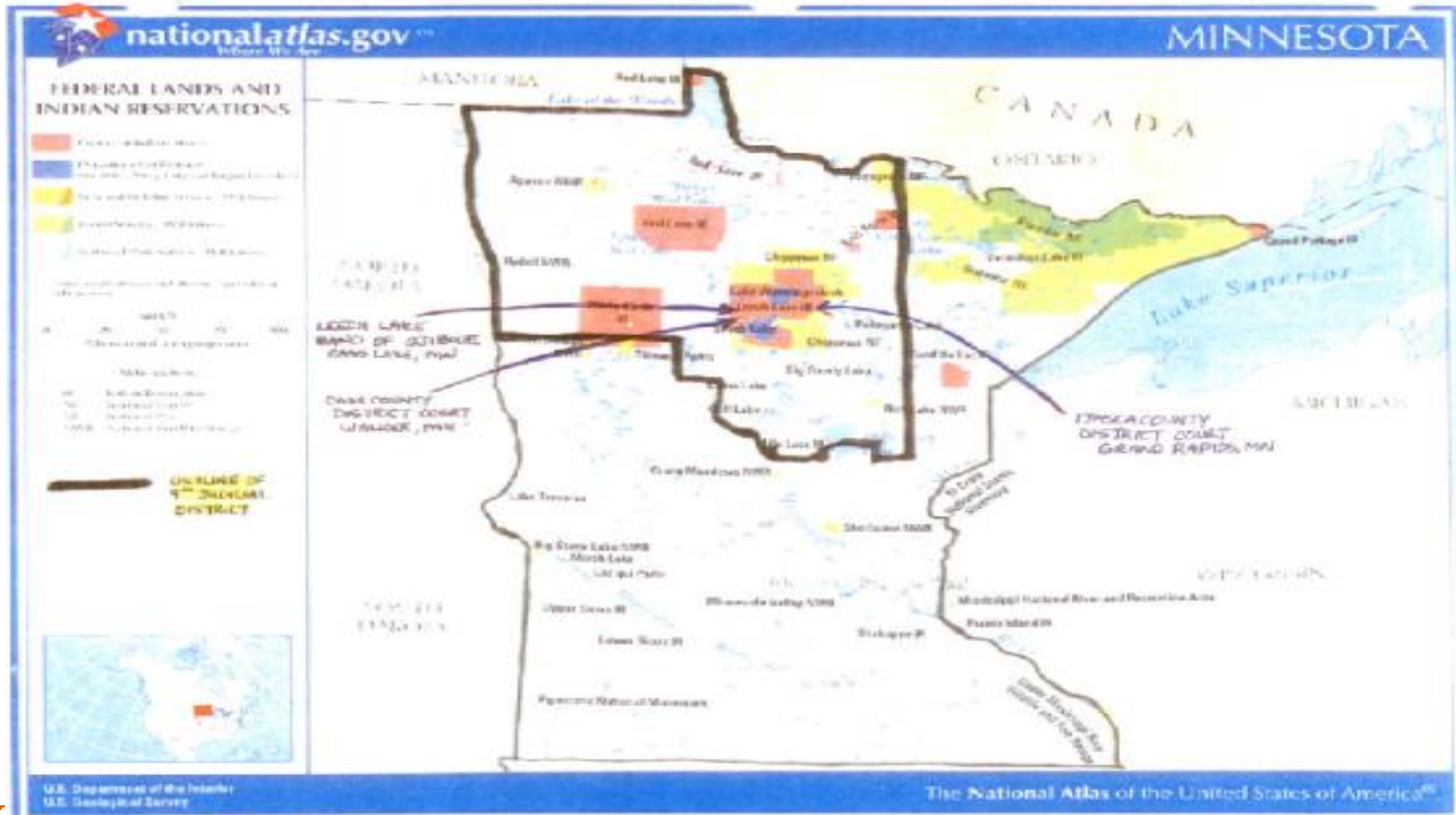


▶ WHERE IT ALL BEGAN...

“Poverty, addiction, and hopelessness know no jurisdictional boundaries”



MINNESOTA'S NINTH JUDICIAL DISTRICT



▶ STATE OF MINNESOTA

- Public Law 280 State
- Native Americans overrepresented in juvenile and adult justice systems
- 21.7% of incarcerated youth are Native American



▶ **NATIVE AMERICANS ARE ONLY 2% OF MINNESOTA'S POPULATION, BUT....**

- Account for 32% of all arrests in Northern Minnesota
- Make up 26% of the people on felony probation in MNDOC's Northern District
- Make up 47% of people on felony probation in the Ninth Judicial District
- **MINNESOTA HAS MORE NATIVE AMERICANS ON PROBATION THAN ANY OTHER STATE**



▶ CASS COUNTY

- 21% increase in felony DWI's between 2000-2005
- Cass County worst outcomes in state for children – 9th graders
 - 1st for sexually active teens
 - 2nd for out-of-home-placement and attempted suicides
 - 3rd for drinking and driving
 - 3rd for children living in poverty



▶ ITASCA COUNTY

- 2004 – meth caused 33% increase in jail costs
- July 2005 – 94% of all people booked into jail had methamphetamine in system or possession
- 2005 – meth possession accounted for 64% of felony drug charges
- 2005-2007 – felony drug possession charges increased 57%
- 2008 - added to list of “13 deadliest counties”



▶ LEECH LAKE BAND OF OJIBWE TRIBAL COURT

- Created in late 70's as Conservation Court
- 1980 added ICWA cases
- By 2006, handling civil, traffic, conservation, housing, dangerous dog, child protection, truancy, minor consumption, curfew (TCAP grantee)
- Added in 2009-10 – Tax Code, Family Law (divorce/custody), Probate
- No criminal codes – “building incrementally”
- Use of technology – Interactive Videoconferencing



▶ COMMON GOALS

- Reducing disproportionate minority contact
- Fewer children in out of home placement
- Addressing the epidemic of drug and alcohol abuse
- Reducing number of DWI's and traffic fatalities



▶ **BAMENIM ANISHINAABEG – “CARE FOR THE PEOPLE”**

Adult Wellness (DWI/Drug) Courts

Juvenile Diversion

Juvenile Delinquency

Juvenile Reentry



▶ JOINT JURISDICTION ADULT WELLNESS (DWI/DRUG) COURTS

- Judges – State District Court Judge & Tribal Court Judge
- County Attorney
- Public Defender – Regional Native Public Defense Corp.
- Probation/Supervision – MN Dept. of Corrections and County Probation
- Law Enforcement – County Sheriff & Leech Lake Police
- Treatment Assessor/Provider – Leech Lake Outpatient & Private Treatment Providers
- Coordinator/MIS – 9th Judicial District and County Probation
- First Joint Tribal-State Jurisdiction Wellness Courts in nation



▶ CASS COUNTY – LEECH LAKE WELLNESS COURT

- Created in 2006 to address epidemic of alcohol-related crashes and deaths in Cass County
- First joint jurisdiction court in the nation
- Clients include Tribal Members and Non-Indians
- Multi-jurisdictional, multi-agency participation
- Operated on handshake for over a year



▶ JOINT JURISDICTION WELLNESS COURT TEAMS

- Judges – State District Court Judge & Tribal Court Judge
- County Attorney
- Public Defender – Regional Native Public Defense Corp.
- Probation/Supervision – MN Dept. of Corrections and County Probation
- Law Enforcement – County Sheriff & Leech Lake Police
- Treatment Assessor/Provider – Leech Lake Outpatient & Private Treatment Providers
- Coordinator/MIS – 9th Judicial District and County Probation



▶ WELLNESS COURT SUCCESS STORIES

- Participants reunited with children/families
- Valid driver's licenses
- Employment/school
- Ending abusive relationships
- Participants have tens of thousands of days of documented sobriety between them
- Significant reduction in recidivism
 - LL/Cass as low as 6.66% LL/Itasca 16%
 - Minnesota/National 60%+
- **Millions of dollars saved in incarceration and out of home care costs**



▶ FAMILY DRUG COURT

- Child Protection Involvement in Tribal Court or State Court
- Open to Tribal Members and Non-Indians living on Leech Lake Reservation
- Participants enter Joint Jurisdiction Wellness Court



▶ JUVENILE DIVERSION PROGRAM

- Open to Tribal Members and Non-Indians living on Leech Lake Reservation
- Cass County Probation provides supervision under cross-appointment order
- Leech Lake members make up Diversion Board
- Circle format with team and family problem-solving together



▶ JUVENILE DELINQUENCY

- Cases originate in Cass County District Court or Leech Lake Tribal Court
- Courts work together under Joint Powers Agreement
- Leech Lake Tribal Court exercises expanded jurisdiction over PARENTS
- Individualized “service” plans
- Leech Lake Tribal Court case managers provide services
- Cass County Probation provides supervision under cross-appointment order



▶ JUVENILE REENTRY

- Cases originate in Cass County District Court or Leech Lake Tribal Court
- Youth placed involuntarily in inpatient treatment or juvenile detention facility
- Cass County Probation provides risk/needs assessments and notifies Leech Lake
- Leech Lake Wraparound Care Coordinator/ Advocates begin working with youth/family before placement, continue after return



▶ FOUNDATIONAL DOCUMENTS

- Joint Powers Agreements between the Tribal Court and State Court
- Tribal Council and County Board of Commissioners Resolutions
- Probation Agent Cross-Appointment Orders
- Memoranda of Understanding for Wellness Court Team Members
- Interagency Agreements (e.g. Tribal Court-Human Services)
- Participant Contracts



▶ OTHER AGREEMENTS

- Joint Powers Agreement with State for Leech Lake Police services for Wellness Court
- Contract with 9th Judicial District for Guardian ad litem services
- Incarcerated parents can appear by ITV in Tribal Court for child protection hearings
- Memorandum of Agreement between Cass County and Leech Lake for Wellness Court and Juvenile Restorative Justice Program (Leech Lake flags presented to Cass County Board of Commissioners)
- Regular Joint Meetings between Leech Lake Tribal Council and Boards of Commissioners
- Cross Appointment of Cass County Probation Agents



BENEFITS OF COLLABORATION

- Leverage scarce resources
- Make new funding sources and services available
- Direct hand in healing while protecting public safety
- Cultural Understanding - Eliminate “us v. them” attitude
- Strengthen services to families
- Increase public trust and confidence
- Expand jurisdiction
- Lower recidivism and stop the revolving door of the criminal and juvenile justice systems



▶ TIPS FOR SUCCESS

- Must integrate culture and its healing properties in planning, development and implementation of court
- Mutual understanding, trust, and respect are essential
- Collaboration is more than cooperation
- Joint jurisdiction goes beyond collaboration to create a new type of system
- Local needs determine court structure
- Collaboration between governments starts with relationships between two or more people sharing common goals
- Must establish ground rules for communication



▶ ADDITIONAL TIPS FOR SUCCESS

- Must have environment of openness to talking and sharing ideas
- Must map the current system and identify opportunities for improvement
- Measure results: “what gets measured, gets funded”
- Share success stories
- Remain flexible
- Don’t be afraid to try something new
- Plan for transitions of leadership and staff

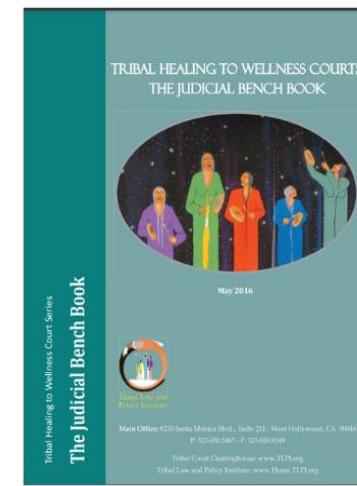
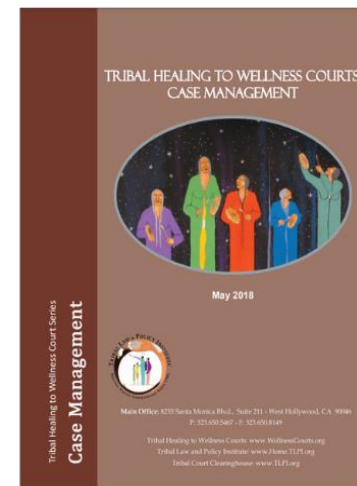
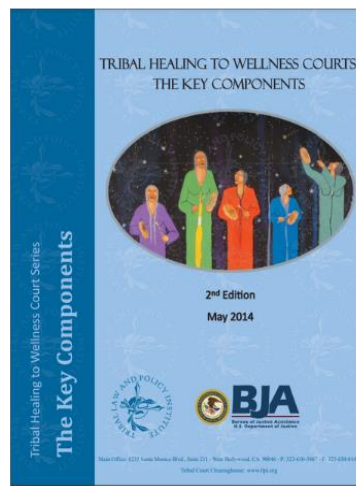
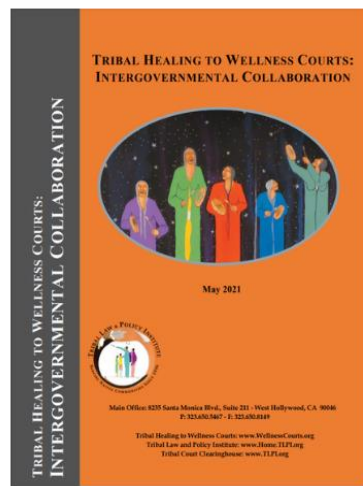
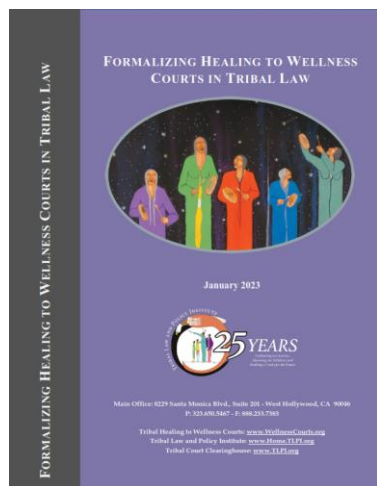


▶ TLPI HTWC RESOURCES

Tribal Law & Policy Institute Resources: TRIBAL HEALING TO WELLNESS COURTS SERIES

Resource materials for you to reference can be found at:

<https://www.home.tlpi.org/tribal-healing-to-wellness-courts>



▶ TLPI RESOURCES AND PUBLICATIONS

- Jennifer Walter, Hon. Korey Wahwassuck, and Suzanne M. Garcia, [Joint Jurisdiction Courts: Needs Assessment Findings and Summary Findings](#) (Tribal Law and Policy Institute, February 2022)
- William Thorne and Suzanne Garcia, [Crossing the Bridge: Tribal -State - Local Collaboration](#) (Tribal Law and Policy Institute, February 2019)
- [Tribal-State Court Forums: An Annotated Directory, 2nd ed.](#) (Tribal Law and Policy Institute, 2020)
- Carole Goldberg and Duane Champagne, [Promising Strategies: Tribal State Court Relations](#) (Tribal Law and Policy Institute, March 2013)



▶ ADDITIONAL RESOURCES AND PUBLICATIONS

- Jennifer Fahey, Hon. Korey Wahwassuck, Allison Leof, and Hon. John Smith, [*Joint Jurisdiction Courts: A Manual for Developing Tribal, Local, State & Federal Justice Collaborations*, 2nd ed.](#) (Project T.E.A.M., Center for Evidence-based Policy, Oregon Health & Science University, 2018).
- Hon. Korey Wahwassuck, Hon. John P. Smith, and Hon. John R. Hawkinson, [*Building a Legacy of Hope: Perspectives on Joint Tribal-State Jurisdiction*](#), 36:2 WILLIAM MITCHELL L. REV. 859 (2010)
- Hon. Korey Wahwassuck, [*The New Face of Justice: Joint Tribal-State Jurisdiction*](#), 47 WASHBURN L. J. 733 (2008).





THANK YOU!

Tribal Healing to Wellness Court

www.wellnesscourts.org

wellness@tlpi.org

