

Tribal Law and Policy Institute
Tribal Wellness Courts Needs Assessment
February 2010

Introduction and Background

As part of Grant No. 2009-MU-BX-K003 awarded by the Bureau of Justice Assistance (BJA) to provide training and technical assistance (T/TA) for Tribal Healing to Wellness Courts¹, the Tribal Law and Policy Institute (TLPI) disseminated a needs assessment survey in November 2009. The survey was sent to approximately 90 tribes in TLPI's database of Tribal Healing to Wellness Courts contacts² which includes tribes with currently active Healing to Wellness Courts as well as tribes that have had Wellness Courts in the past even if their Wellness Court is no longer currently functioning. Substantial attention was given to ensure that the 13 current BJA Tribal Healing to Wellness Court grantees completed the survey.³ The primary purpose of the survey was to gain insight into the most pressing needs among active Wellness Courts, as well as to determine the needs of courts that are no longer functioning, so that TLPI could focus our efforts on the most relevant T/TA.

The 38 questions focused on four primary areas:

- 1) Basic information, including respondents name, name of court, and contact info operation (asked of all respondents, regardless of court status).
- 2) Detailed information on Wellness Court, including funding information, common charges, enrollment information, frequency of testing, etc. (asked of those who have an operational court, only).
- 3) Problems encountered/barriers to successful Wellness Court operation (asked of all respondents, regardless of court status).
- 4) Preferences for national, regional and onsite training and technical assistance (asked of all respondents, regardless of court status).

¹ This project was supported by Grant No. 2009-MU-BX-K003 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

² TLPI updated and enhanced the American University Tribal Wellness Court database.

³ **BJA FY 2009 new enhancement grantees:** Poarch Band of Creek Indians Tribal Court and Menominee Tribal Court.

BJA FY 2009 new implementation grantees: Little Traverse Bay Band of Odawa Indians, St. Regis Mohawk Tribe, and Yurok Tribe.

BJA continuing grantees from prior fiscal years: Chippewa Cree Tribal Court, Fallon Paiute-Shoshone Tribes, Fort McDowell Yavapai Nation, Grand Traverse Band of Ottawa and Chippewa Indians, Lummi Nation Tribal Court, Prairie Band Potawatomi Nation, Southern Ute Tribe and Suquamish Tribal Court.

Methods

The survey was disseminated using a wide range of methodologies including email blasts to current and non operational Wellness Courts; notices/links on the Tribal Court Clearinghouse website (www.tlpi.org); contacts through various project partners (both BJA drug court TA partners and BJA Tribal Court TA partners); and repeated contact with the 13 current BJA Tribal Healing to Wellness Court grantees in order to ensure that all 13 completed the survey. Each contact included both a link to the online survey and an attached PDF version of the survey (see Appendix B) that allowed tribes to review the survey and even complete the survey without the need to go online. The primary response method was online via www.surveymonkey.com although some of the surveys were sent by other methods and inputting onto the online system by TLPI staff. The survey was kept open through the end of February 2010 providing tribes with a 4 month time period in which to complete the survey. Forty seven tribes responded, approximately 52% of the approximately 90 tribes in TLPI's database of Tribal Healing to Wellness Courts contacts completed the survey. A list of responding tribes is included at Appendix A.

A variety of Wellness Court team members filled out the survey. The most common titles given were Coordinator (9), Court Administrator (7), Chief Judge (6), Director (3), Tribal Court Clerk (2), and Probation Officer (2). The following Wellness Court team members also filled out the survey:

- Lieutenant of Police
- Supervising Probation Officer and Wellness Court Coordinator
- Outpatient Supervisor
- Evaluator
- Attorney General
- Assistance Manager
- Director of Court Services
- Case Manager
- Board member
- Chief Clerk/Administrator
- Acting Chief Judge / Associate Judge
- Court Administrator/Associate Judge
- Associate Judge
- Drug Court Case Manager
- Assistant Court Clerk
- Grant Manager
- Program Manager
- Tribal Prosecutor
- Student

Several tribes had multiple responders. These responses were combined so that each response represents one tribe.

Questions were multiple choice, yes/no, ranking, and open ended. Almost all questions had an open ended component to elicit additional information. Total percentages for all responses often exceed 100% because most questions allowed the option of choosing more than one answer. All questions were optional, so that choosing to skip a question would not preclude the respondents from finishing the survey.

The full response set was downloaded, as well as a filtered set of responses made up of only the 13 current BJA Wellness Court grantees. Analysis below will separate out the responses of BJA grantees only when they differ from the full response set by more than 5 percentage points. The exception to this is in the training and technical assistance needs section, where BJA grantees are compared to the group as whole on all questions.

Basic Information

We sought responses from any Tribal Justice System that is interested in Tribal Wellness Courts even if they did not currently have an operational Tribal Wellness Court. Of the 48 respondents to the survey, the majority of respondents had an active Wellness Court - 29 respondents had an active Wellness Court and 19 do not. One of the important features of the Tribal Wellness Court Needs Assessment design was that when a respondent answered "No" to question #2 - "Do you currently have an active Wellness Court (Tribal Drug Court)?" – the respondent was immediately directed from question #2 to question #31 to answer questions on their training and technical assistance needs. If a respondent answered "yes" to question #2, the respondent was directed to fill out the entire survey including a series of questions on the operation of their court.

2. Do you currently have an active Wellness Court (Tribal Drug Court)?		
Answer Options	Response Percent	Response Count
Yes	60.4%	29
No	39.6%	19

Detailed Information on Wellness Court

Type of Court: Of the 29 responding tribes that have an active Wellness Court, the majority have an adult court, with several tribes having a juvenile court or a combination juvenile/adult court. Results differed slightly for BJA grantees. All BJA grantee respondents have an adult court (100%), and 33% have a combination adult/juvenile court or adult/family court.

8. What type of Wellness Court do you have? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Adult	83.3% (100%)	20 (12)
Juvenile	33.3% (33.3%)	8 (4)
Family	12.5% (16.7%)	3 (2)
DUI only	0.0% (0)	0 (0)
Combination or Other (please describe)		3 (1)

Funding Source: Of those that have an active Wellness Court, most indicated funding through BJA drug court grants (13 respondents) and/or tribal funding (13 respondents). An additional 7 respondents indicated funding through other BJA programs (IASAP and TCAP). Only 5 respondents indicated OJJDP

9. What is the CURRENT funding source for your Wellness Court?					
Answer Options	Planning Grant	Implementation Grant	Enhancement Grant	Other	Response Count
Bureau of Justice Assistance Drug Court Grant (BJA)	1	7	5	0	13
Tribally Funded	2	2	2	11	13
Office of Juvenile Delinquency and Dependency Grant (OJJDP)	1	2	0	2	5
Tribal Courts Assistance Grant (TCAP)	0	1	3	1	4
Indian Alcohol and Substance Abuse Grant (IASAP)	1	0	2	0	3
Substance Abuse and Mental Health Services Administration (SAMHSA)	0	0	1	0	1
Bureau of Indian Affairs (BIA)	0	0	0	1	1
Don't Know	0	0	0	1	1
Other Funding Source (please specify)					5

funding. Only one respondent each indicated either SAMHSA or BIA funding.

The 5 respondents who indicated “Other Funding Source” listed state funding, MOA with service providers at their own expense and combinations of small set asides in budgets of other tribal programs (probation, behavioral health, etc.)

Funding Level: The current funding level of most responding tribes is in mid range of the options offered - the \$150,001-250,000 range. While all questions in the survey were optional, we explicitly specified that this question was optional, as feedback indicated a hesitancy to answer this question. Two responding tribes checked the “prefer not to respond” option.

10. What is the current annual funding level of your Wellness Court? What is the total amount awarded in this funding cycle? (Optional)		
Answer Options	Response Percent	Response Count
\$0 - \$50,000	20.0%	4
\$50,001 - \$150,000	20.0%	4
\$150,001 - \$250,000	30.0%	6
\$250,001 - \$350,000	5.0%	1
Over \$350,000	15.0%	3
Prefer not to respond	10.0%	2

Date of First Participants: We asked respondents for the month and year that the participants first entered their program. Responses ranged from May 1997 to November 2009, with most programs accepting their first participants in 2009 and 2007 (4 each).

Entry points: Respondents were asked how participants enter their program. Most answered that entry is primarily post-adjudication, after the plea or finding of guilt. Programs apparently have participants entering at various stages of adjudication, as several respondents checked more than one entry point.

12. How do participants enter your program (please check all that apply)?		
Answer Options	Response Percent	Response Count
Post-Adjudication: After the plea or finding of guilt	75.0%	18
Pre-Adjudication: After charges are filed but before any plea is entered or finding of guilt is made	45.8%	11
Pre-Trial: Before charges are filed in a criminal matter or for violation of a tribal ordinance	29.2%	7
Other (please specify)	20.8%	5

Readiness to Change: The majority of respondents do not use a readiness to change questionnaire, but several commented that they would be interested in seeing such an instrument and incorporating it into their screening process.

13. Does your Wellness Court use a "readiness to change" questionnaire when assessing if a participant is a good candidate for Wellness Court, once they meet the eligibility requirements?		
Answer Options	Response Percent	Response Count
Yes	16.7%	4
No	83.3%	20
Additional comments on "readiness assessment":		7

Common Charges: The most common charges for Wellness Courts responding to the survey are use or possession of drug/controlled substance, followed closely by DUI/DWI and public intoxication. While BJA grantees followed the same pattern as the group as a whole, there was a higher percentage (91.7%) of BJA grantees that reported use or possession of drug/controlled substance as the most common charges. Assault and battery also ranked higher as a common charge among BJA grantees than the group as a whole (25% vs. 12%, respectively). Respondents listed the following under "other":

- Child dependency cases;
- Referrals if alcohol/drugs are underlying cause of the charge;
- Reckless endangerment;
- Zero tolerance;
- Actual physical control;
- Abandonment; and
- Failure to protect.

14. What are the most common charges (please check all that apply)? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Use or possession of drug/controlled substance	79.2% (91.7)	19 (11)
DUI/DWI	62.5%(75)	15 (9)
Public intoxication	54.2% (50)	13 (6)
Use or possession of drug paraphernalia	41.7% (50)	10 (6)
Illegal possession of alcohol	37.5% (33)	9 (4)
Minor in possession	29.2% (25)	7 (3)
Disorderly conduct	20.8% (25)	5 (3)
Child Endangerment	20.8% (8)	5 (1)
Domestic violence	12.5% (8)	3 (1)
Assault or battery	12.5% (25)	3 (3)
Child/Youth in Need of Supervision	12.5% (8)	3 (1)
Open container	8.3% (8)	2 (1)
Other (please specify)	12.5% (8)	3 (1)

Drugs of Choice: The most common drugs of choice for participants are alcohol, marijuana and meth. Significantly, 9 respondents checked the “other” category, with all 9 reporting illegal prescription use. BJA grantee respondents followed the same pattern.

15. What are the most common drugs of choice for participants? Please check all that apply.		
Answer Options	Response Percent	Response Count
Alcohol	95.8%	23
Marijuana	95.8%	23
Meth	54.2%	13
Cocaine	16.7%	4
Crack	12.5%	3
Huffing	8.3%	2
Other (please specify)	37.5%	9

Referrals: Most courts that responded take referrals from state, federal, and/or tribal courts. BJA grantees followed a similar pattern. This judicial collaboration can involve several different ways of processing referred cases, as reported by respondents:

- Referrals from state circuit court are placed on probation pending completion of drug court program.
- State court suspends impositions of sentence pending completion of drug court program.
- Federal probation officer was kept informed of federal case referral status.
- Referrals are made pre-trial.
- Referrals from state court must be within driving distance to ensure attendance at Wellness Court.
- Referring court sends a letter and accompanying order to director of court services.

16. Does your Wellness Court program take referrals from State, Federal, and/or Tribal Courts?		
Answer Options	Response Percent	Response Count
Yes	60.9%	14
No	30.4%	7
Don't Know	4.3%	1
If yes, how are these referrals handled logistically?	43.5%	10

Computer Database: Just over half of the courts responding use a computer database to track Wellness Court information.

17. Does your Wellness Court keep a computer database that tracks Wellness Court information (aside from the general case management system)?		
Answer Options	Response Percent	Response Count
Yes	58.3%	14
No	41.7%	10
If yes, please provide the name of the software package?		13

For those that do use a database, we asked them to identify the system. Respondents listed:

- Full Court (4 responses)
- Excel spreadsheet (2)
- Locally developed/custom (2)
- Microsoft Access
- Tribal Health RPMS
- State provides a system through the state University
- Drug Court CMS 2000
- Patient Vue

Enrollment: Respondents were asked several questions about numbers of enrolled Wellness Court participants.

18. Please provide the following information concerning your Wellness Court program participants:		
Answer Options	Average	Range
Total number ever enrolled	54	1-340
Total number currently enrolled	10	1-20
Total number terminated without graduation	32	0-175
Total number of graduates	24	0-135

The enrollment data for question 18 should be viewed skeptically, as there are several indications that respondents needed further clarifications to answer the question accurately. For example, three respondents reported numbers for terminated participants that exceeded numbers of total ever enrolled. Part of this may be due to our failure to provide clear definitions for this question, as we learned from discussions with some tribes that reported using varying definitions of “terminated.” Because a consistent definition was not used by all respondents, this data should not be used to reflect actual Wellness Court enrollment.

Recidivism: We asked a general question about tracking recidivism with more specific questions for those that do track this data. Most of those that responded do keep track of recidivism (66.7%). Among BJA grantees, a smaller number (58%) keep this data.

19. Do you keep track of whether or not a participant re-offends within a certain period of time (recidivism)? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Yes	66.7% (58%)	16 (7)
No	25.0% (33%)	6 (4)
Don't Know	8.3% (8%)	2 (1)

We asked those that keep recidivism data to discuss details on how they track participants.

(1) Do you track all offenses or just drug and alcohol related offenses?

Seven of the 15 who answered these additional questions reported they keep track of all offenses. Others reported they keep track of criminal offenses and just drug and alcohol offenses.

(2) Do you track offenses from State Courts and/or other Tribal Courts?

Four courts responded that they track both other tribal courts and state/local courts; one court reported that they track only their own tribal court and state court. One court reported that they try to track both state and other tribal courts, but it is not always possible. Five courts reported that they did not track offenses in other tribal courts and/or state courts, but only offenses in their own tribal court.

(3) How long do you track re-offending participants?

Two responding courts track offenses 3 years after a participant leaves Wellness Court. The rest reported:

- 2 years
- 1 year
- 3, 6 and 9 months intervals
- 6 months after
- Various times
- No end date

(4) Do you include failure to comply with Wellness Court requirements?

- Yes if discharged
- We do not include terminated participants at this time
- If participant suffers additional arrests while in Wellness Court and the conviction causes a negative termination from Wellness Court
- Failure to comply are included in the Wellness Court requirements

- No
- No – failure to complete wellness court requirements are dealt with as a sanction
- No.

Services: All courts reported using support groups as part of their services and most reported individual counseling and classes on alcohol and/or drug use effects. BJA grantees followed the same pattern in all categories of programs except for after care - more BJA grantees reported using after care programs (83.3%) than the group as a whole (75%). While only 33% of the responding courts identify as a family court, family counseling ranked high as a service provided, at 79%.

20. What services are part of your program? Check all that apply. (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Support Groups	100.0%	24
Individual Counseling	95.8%	23
Classes on Alcohol and/or Drug Use Effects	91.7%	22
Family Counseling	79.2%	19
After Care	75.0% (83.3)	18 (1)
Therapy Groups	66.7%	16
Mentoring	29.2%	7
Topic Specific Classes (please describe)	37.5%	9

Several courts reported topic specific classes. Most reported classes and/or groups focused on cultural aspects. Some of the responses include:

- Cultural enrichment/education/cultural groups (4);
- Anger management (2);
- Positive Indian parenting;
- MATRIX;
- GED/college classes;
- Moral recognition therapy
- Mentoring groups;
- AA;
- Wake up sessions with counselor;
- DUI classes;
- Sweats;
- Marriage counseling;
- MRT; and
- MST.

Length of time to enter treatment: Question 21 asked Wellness Courts, “What is the average length of time it takes participants to get into a treatment program?” Three courts answered “immediately.” Other answers ranged from 1 week to 2 years. The average time for all respondents was almost 3 ½ months.

Types of Testing: We asked Wellness Courts about the types of testing they use. Both BJA grantees and the group as a whole answered that cups were used the most often. BJA grantees generally followed the same pattern as the group as a whole except in the use of strips – BJA grantees reported using strips less (9%) as compared to the group as a whole (21.7%).

22. What types of testing do you use? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Cups	78.3%	18
Breathalyzer	69.6%	16
Machine	26.1%	6
Strips	21.7% (9%)	5 (1)
Patches	4.3%	1
None	0.0%	0
Other (please specify)	30.4%	7

Seven courts reported using other kinds of testing. These were:

- DNA hair particle (2);
- Oral swabs (2);
- ETG tests; and
- Self reporting, unless court has ordered testing.

Frequency of Testing: Respondents were asked how often participants are tested. Most answered that they test two or more times a week, but none test daily. BJA grantees were more likely to report that they test two or more times a week (50%), as compared to the group as a whole (37.5%).

23. On average, how often do you test participants? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
Two or more times a week	37.5% (50%)	9 (6)
Weekly	29.2%	7
Monthly	4.2%	1
Daily	0.0%	0
Never	0.0%	0
Other (please specify)	29.2%	7

Several courts specified a frequency other than those listed:

- New clients are tested more often (daily), those close to graduation less (3).
- Randomly, or as needed or ordered.
- Monthly or as needed per behavior or non-compliance.
- Daily for the first 4 weeks. After that they are given a color which corresponds to 3 times a week, 2 times or once a week. As they progress the color changes.

Random Testing: Most courts practice random testing. Among BJA grantees a smaller percentage practices random testing (50%), as compared with the group as a whole (71%).

24. Does the participant know in advance that testing will occur (is testing random)? (BJA grantees in parenthesis)		
Answer Options	Response Percent	Response Count
No, participant does not know testing will occur	70.8% (50%)	17 (6)
Yes, participant knows testing will occur	25.0% (41.7%)	6 (5)
Not applicable	4.2%	1

Public Defenders: Most courts that responded to the survey have some type of a public defender, but the margin is small over those that do not. Among BJA grantees, half have a public defender and half do not. Note that we did not differentiate between a licensed attorney and a lay advocate in this question.

25. Does your Wellness Court have a public defender?		
Answer Options	Response Percent	Response Count
Yes	56.5% (50%)	13 (6)
No	43.5% (50%)	10 (6)

Visits to other Courts: Respondents were asked whether or not their Wellness Court team had visited another drug court - most answered yes.

26. Has your Wellness Court team visited other Tribal and/or State Drug Courts?		
Answer Options	Response Percent	Response Count
Yes	75.0%	18
No	25.0%	6

For those that answered yes, we asked what court they visited. The following are the responses:

- Local juvenile drug court for the county; participated in planning grant which exposed us to other Tribal Wellness programs;
- Missoula and Billings courts;
- Fort McDowell in Arizona; Big Horn Family Court in Wyoming;
- Third Judicial District, Fallon, NV;
- Albuquerque Native American DWI court;
- Kentucky State Drug Court in Lexington;
- Numerous;
- Kitsap County Courts; Albuquerque, NM Superior Court; Lummi Tribal Court;
- Poarch Creek, Santa Fe Pensacola;
- Reno Drug Court and Harbor Springs Drug Court;
- GTB, San Francisco Superior Court;
- Santa Fe;
- Shawnee County, Topeka, Kansas Drug Court; and
- Poarch Creek, Alabama 8th Circuit Court's Drug Court, Forest, Mississippi.

Tribal Culture and Tradition: We asked the open ended question, "How does your program include tribal culture and tradition?" We received a range of responses. Many programs include youth and families, some programs include elders and others use native language. One program lamented funding shortfalls that affected the inclusion of culture and tradition in their program:

"We used to have a probation officer who also was going through sun dance rites while he was working here and he was able to get a couple of clients involved. He had the clients help with powwows and sweat lodges. He also had the clients make a buffalo shield from a buffalo hide donated by the tribal council . . . Upon graduation the clients put the date of their sobriety and name on the ribbon and attached it to the shield. Lots of this was lost when probation officer was laid off."

Other responses include:

- Using Native language in programming (3) ;
- Involving elders (3) ;
- Participating in sweats (2);
- Learning genealogy (2);
- Requiring participants be enrolled in a cultural class and/or attend traditional/cultural events and activities (2);
- Prayer as part of the healing process;
- Holding court in a healing circle;

- Group sessions that include making ribbon shirts, beading, etc. ;
- Use of drum;
- Including talking stick at group sessions;
- White bison groups;
- Maintaining a cultural advisor on staff;
- Smudging;
- Giving traditional gift at transition ceremony;
- If community service is required, making it part of a traditional activity; and
- Counseling groups include tribal identity, historical trauma and tribal healing customs.

Innovative Techniques: We asked Wellness Courts about any innovative techniques they utilize in their program. While many programs reported that they do utilize innovative techniques, most reported that they do not know.

28. Has your program included any innovative techniques that might be useful or interesting to other Tribal Wellness Courts?		
Answer Options	Response Percent	Response Count
Yes	30.4%	7
No	13.0%	3
Don't Know	56.5%	13
If yes, please describe		10

Many of the responses describing innovations were similar to those listed under culture and tradition, in the previous question. One court responded about techniques used to engage youth:

[We] work with other programs to set up campouts, classes, etc. for the benefit of the youth. We have Elders come and share to our youth about traditional roles. . . . We are working with neighboring cities to set up a young people’s AA meeting for our youth. We also have made the 1st Friday of every month a voluntary day where we go into the bigger city . . . and have dinner and go to an AA meeting. The youth do not have to attend but to our amazement at our last 1st Friday we had 9 youth show up out of 14 that could possibly go We have a tribal member that is also in recovery program ride along as a chaperone and the youth are amazed that this person is willing to take the time to spend with them. As for me, I am amazed that the youth show up to go. That is over half our youth and they talk about it at school. Wow!

Other comments included:

- Use Family Unity Process to develop plan;
- Inclusion of language, culture and tradition classes for the whole family;

- Contacting individuals before they are released from incarceration;
- Transitional house;
- Accepting referrals from state and federal courts;
- Taking violent offenders because we do not accept federal money;
- Involving tribal education department;
- Require a fitness component to address physical health; and
- Major infraction if you have anyone other than the client speaking to staff (judge included) about programming.

Successful Sanctions and Incentives: Several courts responded that they have successful sanctions and/or incentives; however, the majority said that they do not know.

29. Has your program used any successful sanctions and/or incentives that might be helpful for other Tribal Wellness Courts?		
Answer Options	Response Percent	Response Count
Yes	33.3%	8
No	16.7%	4
Don't Know	50.0%	12
If yes, please describe.		10

Descriptions of the incentives include:

- Gasoline vouchers, food vouchers, t-shirts and sweatshirts;
- Movie passes;
- Fishbowl method: rewards for clean time, employment, phase moving offered on pieces of paper that are drawn out of a fish bowl;
- Quarterly outings that include participants and team – allow team to be seen in a different light, and introduces alternative methods for having fun;
- Public speaking gigs;
- Utilizing a ropes course; and
- Requiring participants to attend cultural events.

Descriptions of the sanctions include:

- Immediate graduated short terms in jail; and
- Community service work doing traditional chores – gathering cedar, helping to prepare pow-wow grounds, etc.

External Evaluation: Most programs that responded have not had an external evaluation, although roughly 33% have.

30. Has your Wellness Court had an external evaluation?		
Answer Options	Response Percent	Response Count
Yes	33.3%	8
No	54.2%	13
Don't Know	12.5%	3
If yes, please briefly describe the findings:		9

Several programs provided some information on the findings from their evaluation. One program reported that findings included recidivism for juveniles had decreased, but the model needed to be adapted to improve results for adults. Another program reported that sanctions and incentives need revision; a clear point person for client contact was necessary; there was a high relapse rate; and there was a frustration with the one size fits all treatment. One program reported that while they had an evaluation 8 years ago, severe budget cuts affecting the Wellness Court have significantly altered their status. Finally, one program reported that, while there was not enough data to arrive at any definite outcomes, the evaluation did find “some positive impact” on clients.

Non Operational Courts: Several of the respondents had Wellness Courts in the past but are currently not operational. We asked this group to describe why their courts stopped operating. One respondent reported that after a Wellness Court training, they attempted to start their own court, but only had one **participant with “limited success” with the explanation was that there was little interest on the part of potential participants.** In addition, staff turnover had a significant impact on the program. Another respondent had a juvenile Wellness Court from 1994-1998, but because staff were pulled to other aspects of tribal court development, the court closed. Another respondent described a situation wherein the staff capacity was not sufficient to address the increased intensity to monitor and implement the program. One program reported that they no longer have the funding to operate a Wellness Court.

Problems and Barriers to Successful Wellness Court Operation

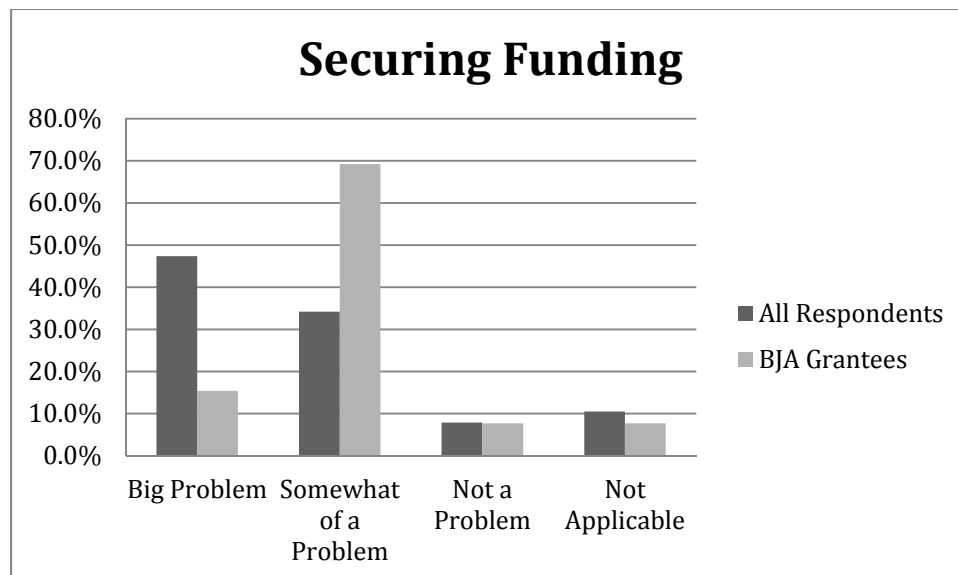
We listed several common areas of concern and asked respondents to indicate whether or not the area was a problem for the effective operation of their Wellness Court. We then asked for details about the specific problems encountered. Of all the potential problems we listed, the following were listed as a problem, either big or somewhat of a problem, by at least half of the respondents as a whole (listed in order of highest ranked to least):

- 1) Securing Funding
- 2) Court Record Management
- 3) Sustainability
- 4) Court Operation
- 5) Collaboration/Coordination

BJA grantees experience similar problems with the addition of court treatment ranking as more of a problem than collaboration and coordination:

- 1) Securing Funding
- 2) Court Record Management
- 3) Court Treatment
- 4) Court Operation

Securing Funding

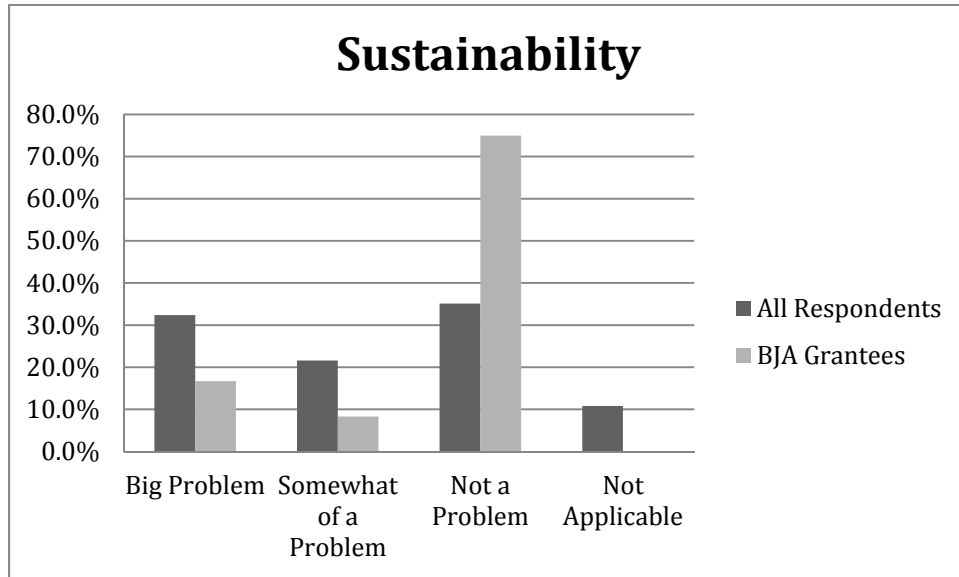


Securing funding was overall the highest ranked problem among all those listed. It was listed as a problem by the majority of the group as a whole (47.4% listed it as big problem and 34.2% listed it as somewhat of a problem), as well as by BJA grantees (15.4% listed it as big problem and 69.2% listed it as

somewhat of a problem). Notably, BJA grantees were more likely to report the issue to be somewhat of a problem, whereas the group as a whole was more likely to report securing funding as a big problem. Most respondents who listed funding as either a big problem or somewhat of a problem explained that the tribe was willing to contribute necessary funding for the Wellness Court, but was financially unable to do so. Several also reported that the tribe was unwilling to contribute the necessary funding. In addition, the absence of an in-house grant writer was also listed by several respondents as a barrier to securing funding. Written responses included the following:

- Tribe willing but unable to contribute necessary funding (5)
- Tribe unwilling to contribute necessary funding (3)
- Have not received funding (ever or recently) (no reasons given) (3)
- Funding is difficult/takes a long time (no reasons given) (3)
- No in house grant writer (2)
- Tribe funds program but additional funds are needed to offset
- Funding for equipment and training is not enough
- Grant about to end and there are no other resources to fund
- Application denied
- Grant periods are too short (one or two years)
- We don't have the statistics necessary to secure funding
- Enhancement grant definition does not apply to us (need continuation)

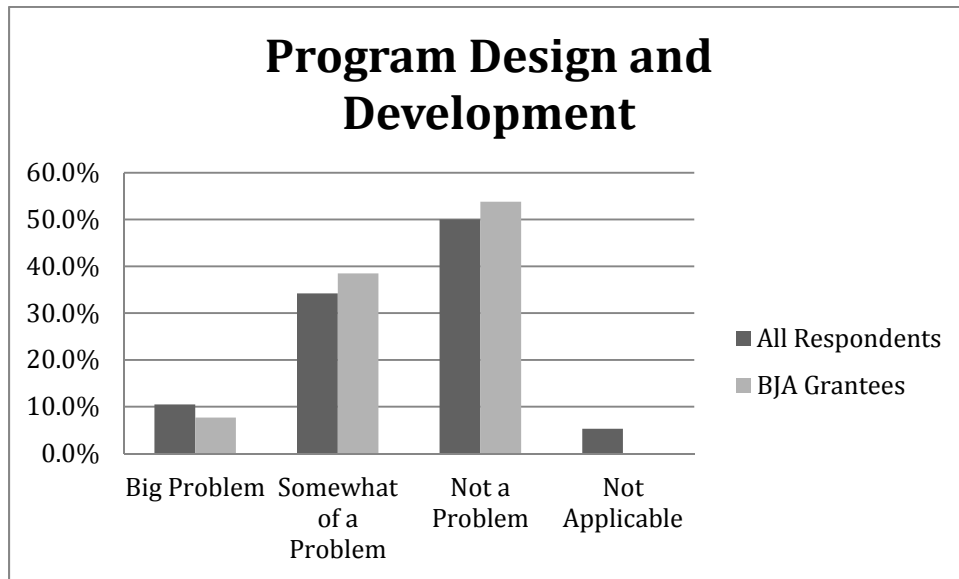
Sustainability



We defined sustainability as, ***“keeping drug court running, retaining staff, and community support.”*** Over half the respondents as a whole ranked sustainability either as a big problem (32.4%) or somewhat of a problem (21.6%); however, most BJA grantees did not identify this as a problem. It may be the case that the resources and organization associated with success in getting a BJA grant is also an aid to ensuring sustainability. When asked for details on problems encountered with sustaining a Wellness Court, several responded that staffing was an issue. Staff shortages, frequent turnover, and finding and maintaining qualified staff were all listed. Funding was also cited as a major impediment to sustainability. Written responses included:

- Staffing issues (5)
 - staff shortage
 - turnover is problem, resulting in loss of enthusiasm for program
 - difficult time finding qualified staff
 - no funding to keep staff
- Funding shortage/no money to operate after grant runs out (4)
- Tribe unwilling to fund (2)
- Tribe funds but not sure for how long
- Tribe willing but not able to fund/unsure if tribe will fund at end of grant
- Need to expand, but not enough money
- Outside referrals have slowed down

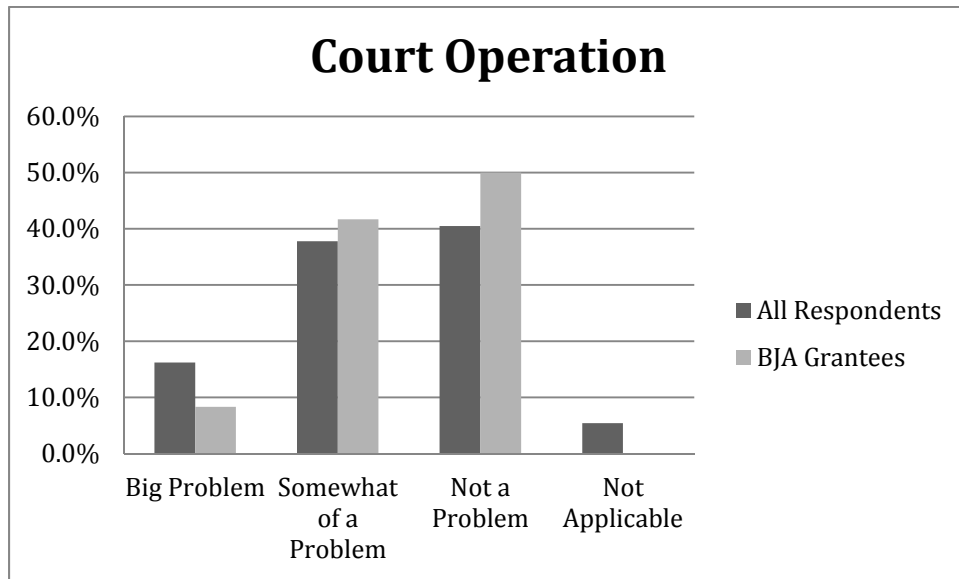
Program Design and Development



We defined program design and development as, ***“including culture and tradition in program, determining eligible population, inventory of available services, etc.”*** Close to half of the respondents as a whole identified program design and development as either a big problem (10.5%) or somewhat of a problem (34.2%). BJA grantees followed a similar general pattern. Several listed a lack of qualified individuals to get the work done. Including culture and tradition was also cited as difficult. Responses included:

- Lack of people to help develop program or work with parolees and re-entry population (3)
- Difficulties with cultural element (3)
 - Serving 2 tribes with different cultures
 - AA/NA 12 step model makes cultural relevance difficult
 - Need to work on cultural component
- Need better assessment tools/readiness assessment
- Need to stream line applications more
- Always trying to improve success, especially with alcoholism
- Program needs renovation

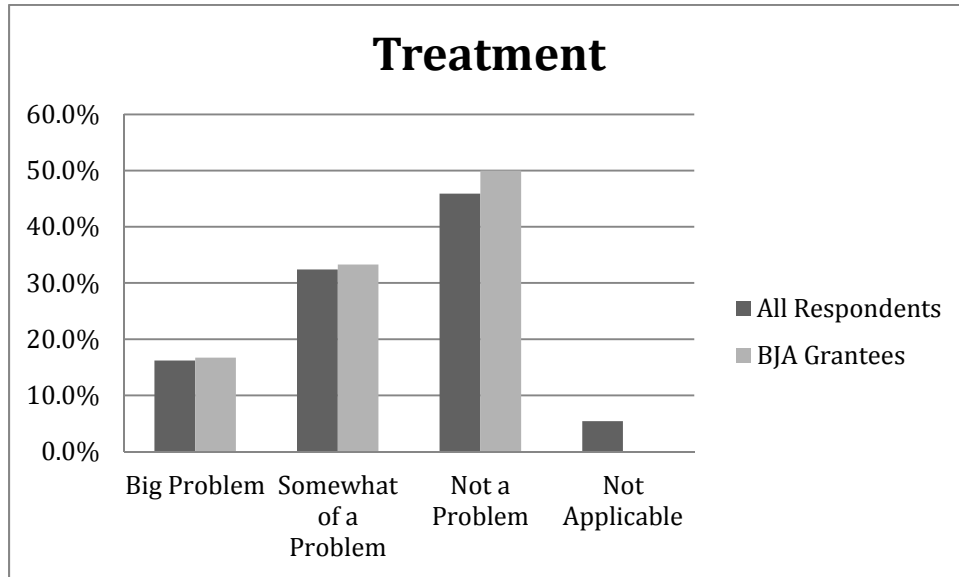
Court Operation



Court operation was defined as, “**screening assessment, case processing, case referral, judicial supervision, sanctions/incentives, testing, graduation requirements, etc.**” Over half the respondents as a whole cited court operation to be a problem (16.2% listed it as big problem and 37.8% listed it as somewhat of a problem). Among BJA grantees, just under half felt this was a problem. Sanctions and incentives were discussed by respondents as the biggest problem areas with court operation. Among the details provided on problems with court operation were:

- Sanctions (5)
- Incentives (3)
- Would like to do more testing, but only so much one person can do (2)
- New staff learning process (2)
- Referrals (2)
- Lack of communication between prosecutor and court clerks (re: referrals and warrants)
- Lack of court support
- Keeping stakeholders involved

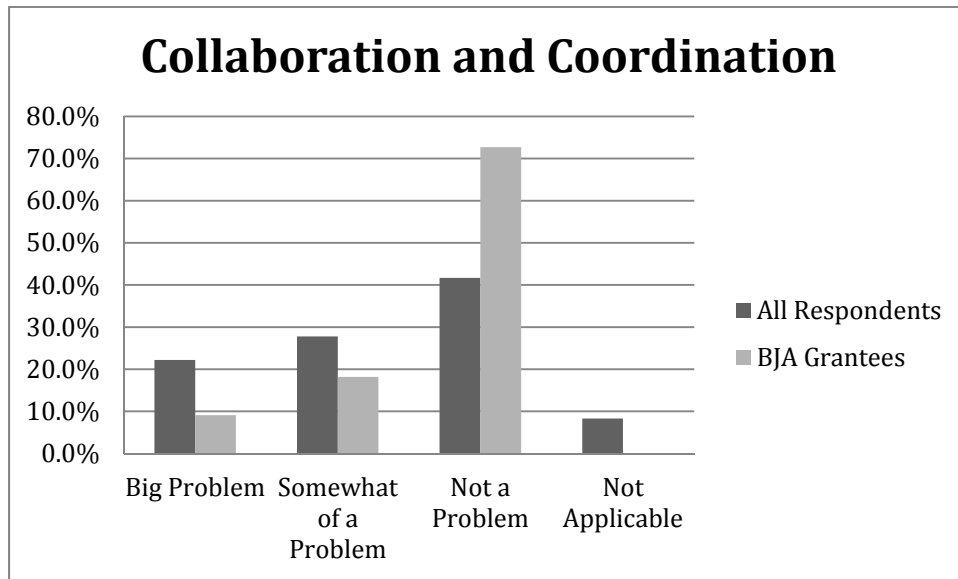
Court Treatment



Court Treatment was defined as, “**identifying treatment resources, designing treatment plans, case management, etc.**” Almost half the group as whole identified treatment as either a big problem (16.2%) or somewhat of a problem (32.4%). BJA grantees had similar responses. The majority of explanations for court treatment problems surrounded a lack of treatment facilities, providers, and treatment resources. Responses included:

- No treatment facilities/providers/residential treatment/treatment resources (7)
- Funding affects treatment/lack of staff affects implementation of services/lack of insurance (6)
- Difficulties developing treatment plans (3)
- Non-native therapists and counselors

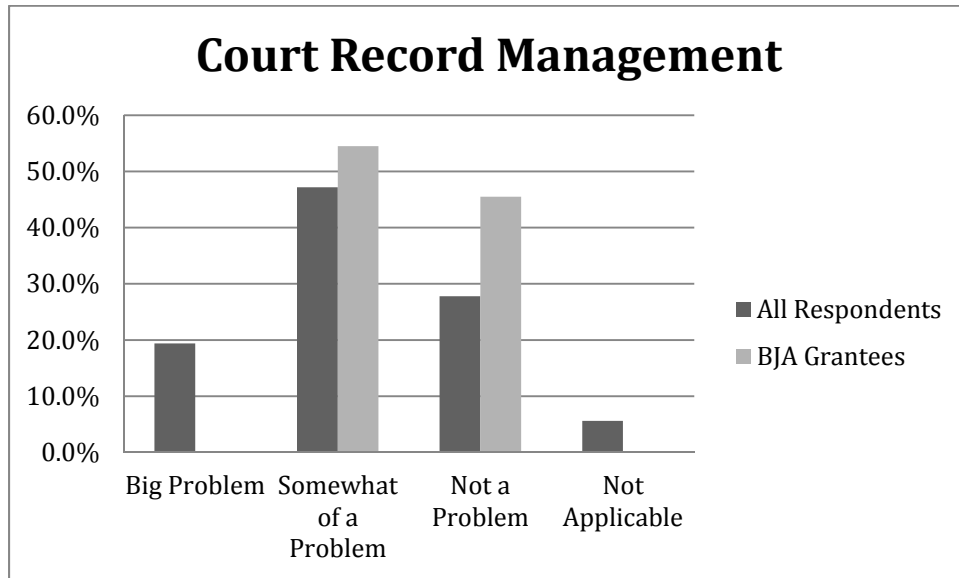
Collaboration/Coordination



Collaboration and coordination were defined as, “**Wellness Court team roles, working with other tribal agencies, working with state, jurisdiction, etc.**” Close to half the group as whole reported that this was either a big problem (22.2%) or somewhat of a problem (27.8%). Several reported that keeping stakeholders involved and getting cooperation and consensus all prove to be barriers. A few reported that identifying key roles and expectations of players is a challenge. BJA grantees overwhelmingly did not identify this as a problem. Details from the group as a whole include:

- Difficulties keeping stakeholders involved/lack of cooperation/lots of responsibilities for partners/getting consensus from partners (4)
- Identifying roles and expectations of key players is difficult (2)
- Difficulties working with state courts/staff interactions with state courts (2)
- Serving the same clients as the counties makes for difficulties
- Other agencies not on the same page as the wellness court
- Funding problems led to lack of confidence from task force (no more referrals)

Court Record Management



Court record management was defined as, “**case file system, computer databases, generating reports, etc.**” The group as a whole overwhelmingly reported this to either be a big problem (19.4%) or somewhat of a problem (47.2%). Over half of the BJA grantees reported court management to be somewhat of a problem (54.5%). Details on problems encountered with court record management focused on the necessity of an affordable, simple software system that meets the needs of individual courts. Written responses included the following:

- Need one affordable/simple software system (free software does not allow branding privileges)/that meets our needs (9)
- Staff turnover means recordkeeping has gone unmaintained
- Difficulties with web based case management system because of inconsistent internet service
- Have done well with MIS but could use improvement

Other Barriers: We asked an open ended question to elicit information on any problems or barriers that we did not include in our list. The responses were:

- Problems dealing with the state
- Meeting grant requirements
- Training of drug court team/staff
- Lack of law enforcement assigned to drug court
- Not enough hours in the day!

Types of Training and Technical Assistance

We listed several types of training and technical assistance options and asked respondents to rank how useful each option would be for their program. We also asked for suggestions on topics for several different types of training and technical assistance.

National, regional, and on-site TA all ranked as “extremely useful” by the majority of respondents as a whole, as well as BJA grantees. Publication creation, resource creation, and phone/fax/email technical assistance all ranked as useful, with publication dissemination ranking the lowest.

BJA grantees ranked national training the highest of all types of training and technical assistance, and on-site TA as the second most useful type of training. The group as a whole ranked regional training the highest, with national training very closely ranked.

34. Please indicate below how useful each type of training and technical assistance would be for your program. (BJA grantees in parenthesis)						
Answer Options	Extremely Useful	Somewhat Useful	Of Little Use	Not Useful	Not applicable	Response Count
National Training	73.0% (91.7%)	16.2% (8.3%)	8.1% (0%)	0.0% (0%)	2.7% (0%)	37
Regional Training	73.7% (58.3%)	15.8% (16.7%)	5.3% (16.7%)	0.0% (0.0%)	5.3% (8.3%)	38
On Site TA	73.7% (63.6%)	15.8% (27.3%)	5.3% (0.0%)	0.0% (0.0%)	5.3% (9.1%)	38
Pub dissemination	36.1% (27.3%)	47.2% (45.5%)	11.1% (27.3%)	2.8% (0.0%)	2.8% (0.0%)	36
Pub creation	41.7% (50.0%)	38.9% (30.0%)	16.7% (20.0%)	0.0% (0.0%)	2.8% (0.0%)	36
Resource creation	55.3% (58.3%)	31.6% (16.7%)	10.5% (25.0%)	0.0% (0.0%)	2.6% (0.0%)	38
Phone/Fax/Email TA	48.6% (36.4%)	37.8% (36.4%)	8.1% (18.2%)	2.7% (9.1%)	2.7% (0.0%)	37

National Training Topics: We asked respondents the open ended question, “What topics for national training and technical assistance would be most useful?” Planning training was the most popular, followed closely by funding and sustainability, including grant writing. Incorporating culture and tradition in the Wellness Court program was also listed by several respondents, as was providing examples of successful drug courts. The following are topics that were mentioned by more than one respondent, in order of most responses:

- 1) Planning: design/development/processes
- 2) Funding/Sustainability: Securing funding/grant writing/sustainability/state funding
- 3) Examples of successful drug courts/best practices, including successful models of incorporating culture and tradition in program
- 4) Training for specific roles: judges (mentioned most often), staff, probation officer, defense attorney, drug court coordinator, drug court police officer, roles of team members
- 5) Drug testing
- 6) Working on a Limited budget
- 7) Motivating juveniles/community
- 8) Sanctions/Incentives (adults and juveniles)
- 9) Keeping participants engaged/ Relapse prevention

Regional Training Topics: We asked respondents for topics on regional training, as well. Many of the regional topics were the same as the national training topics. Funding was listed by the most respondents, followed by planning training and training for specific roles. Training on partnerships and collaboration with community programs and agencies was listed as an important topic, as well. The following are topics that were mentioned by more than one respondent in order of most responses:

- 1) Funding/Sustainability: Securing funding/grant writing/sustainability/state funding
- 2) Planning: design/development/processes
- 3) Training for specific roles: judges (mentioned most often), staff, probation officer, defense attorney, drug court coordinator, drug court police officer, roles of team members
- 4) Partnerships and collaboration with community programs and agencies
- 5) Motivating juveniles, motivating the community
- 6) First contact with referrals/getting them into treatment
- 7) Policies and procedures/staff training on policies and procedures
- 8) Recognition of symptoms and impact on families; how to intervene/rehabilitating individual w/family

On-site Technical Assistance: Respondents were asked to list topics for on-site technical assistance that would be particularly useful to their programs. The most common response was issues around the family: keeping the family safe for future/addressing impact on families, family counseling, including family as support group and improving service to families. Planning, data management, and funding

were also listed by several respondents. The following are topics that were mentioned by more than one respondent in order of most responses:

- 1) Families : Keeping family safe for future/addressing impact on families; Family counseling; Including family as support group; Improving service to families
- 2) Planning : design/development/process
- 3) Data Management/data collection/computer technology
- 4) Funding/Sustainability: Securing funding/grant writing/sustainability/state funding
- 5) Identifying local resources/implementing those resources
- 6) Motivating juveniles/community
- 7) Grant reporting requirements
- 8) Training for specific roles: judges, staff, probation officer, defense attorney, drug court coordinator, drug court police officer, roles of team members
- 9) Due process
- 10) Drug and alcohol testing (on site)/training certifications
- 11) Treatment: Better local treatment options; Effective treatment modalities
- 12) Effective supervision/After hours problems

Publications Topics: Respondents were asked an open ended question about what topics for publications would be most useful for their program. Please note that no significance should be made of the fact that there were fewer topics listed under Publication Topics – this is merely a reflection of the fact that this was listed last in a series of open ended questions on training topics. Many respondents likely stopped inputting topics at this point in the survey. In addition, if respondents were offered options of potential topics, we would have likely received more responses. The most common responses were successful models of tribal Wellness Courts and funding Wellness Courts. The following are topics that were listed in order of most responses:

- 1) Successful models of tribal Wellness Courts
- 2) Funding for Wellness Courts
- 3) Wellness Court Key Components
- 4) Manuals for each team role
- 5) Symptoms of society gone wrong, how to intervene
- 6) Participation Agreements
- 7) Impacts of drug and alcohol use for the individual

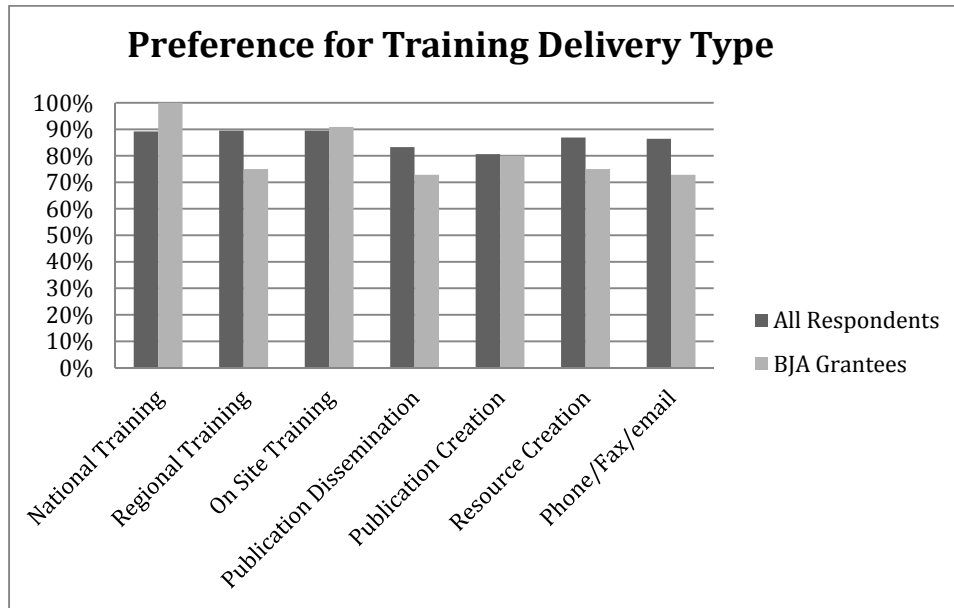
Several topics were identified as very useful across all types of training. The table below lists topics that were mentioned as useful for more than one type of delivery.

Training Topics Across Delivery Type				
	National	Regional	On-site	Pub.
Planning Training	✓	✓	✓	✓
Funding/Sustainability	✓	✓	✓	✓
Training for Specific Roles	✓	✓	✓	✓
Motivating Juveniles/community	✓	✓	✓	
Success Models of Tribal Wellness Courts & Incorporating Culture and Tradition	✓			✓
Drug/Alcohol Testing	✓		✓	
Families: Impact on families; keeping families safe, including families in program		✓	✓	

Implications

The results of this survey indicate several areas of achievement among tribal Wellness Courts, as well as several areas that require improvement. An analysis of the open ended questions on training topics along with the detailed descriptive data on active Wellness courts shows implications for T/TA, BJA and tribal Wellness Courts.

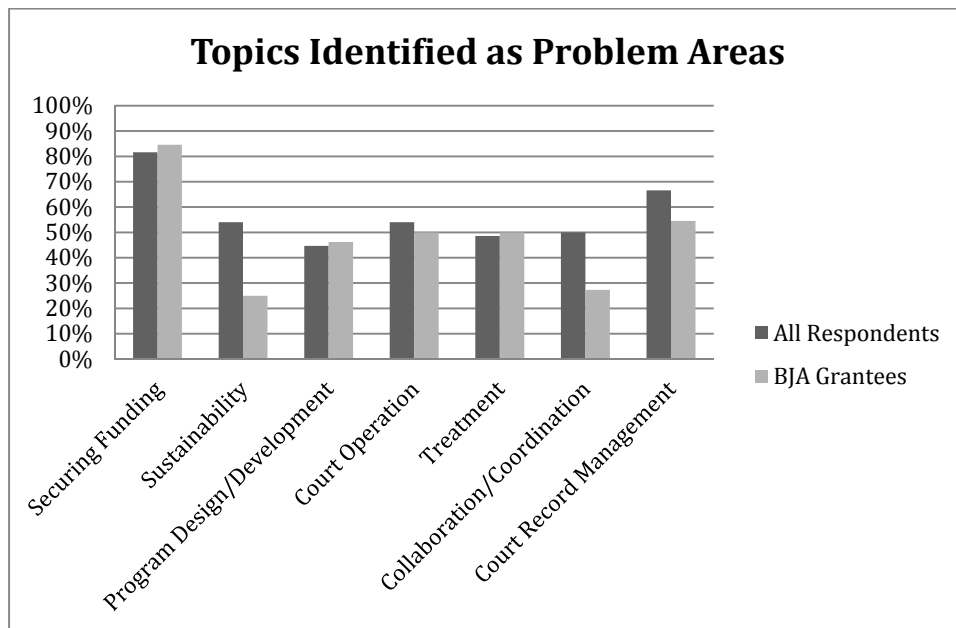
Implications for Tribal Wellness Court Training and Technical Assistance



The table above, using aggregated data from question 34, shows percentages of respondents reporting that they find each delivery type “useful” by combining together both “extremely useful” and “somewhat useful” responses.

- 1) Tribal Wellness Court T/TA needs to be provided through a variety of delivery methods, especially national training for BJA grantees, rather than limited to onsite TA: Respondents showed a preference for training across all delivery types, including national, regional, on-site, publication creation and dissemination, resource creation and phone/fax/email delivery. Of particular note:
 - (1) Nearly 90% of all respondents rated national, regional, and onsite training useful.
 - (2) While all respondents rated national, regional, and onsite training equally useful, BJA grantees rated national training significantly higher than regional training.
 - (3) BJA grantees unanimously rated national training a useful delivery method – with nearly 92% rating national training “extremely useful”.
 - (4) Other T/TA methods – including publication creation, publication dissemination, resource creation, and phone/fax/email TA – were rated all rated useful, but the percentage of respondents listing these T/TA methods “extremely useful” was lower than for national, regional, and onsite training.
 - (5) Publication dissemination (defined on the survey as “providing copies of existing Healing to Wellness Courts publications”) was rated the lowest of the various T/TA methods which is likely due to the fact that most of “existing Healing to Wellness Courts publications” are already available for free downloading through the Tribal Court Clearinghouse (www.tlpi.org) and elsewhere.

- 2) T/TA and Resources are needed that focus on needs of the family and Family Wellness Courts: BJA funds adult drug courts whereas the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds juvenile and family drug courts. Since TLPI’s Tribal Wellness Court T/TA grant is a BJA TA grant, the focus of this Tribal Wellness Court Needs Assessment Survey was upon needs and issues concerning adult drug courts. One of the most striking aspects of the responses, however, was that the importance of juvenile wellness courts and especially family wellness courts came up throughout the survey. While the majority of the responding courts have an adult drug court, nearly half of the responding courts also have juvenile and/or family drug courts (see question #8). Most of the responding courts (79.2% - see question #20) incorporate family counseling into their services. Moreover, there was a lot of interest expressed throughout the responses concerning the need to incorporate families into the process and the need to develop family Wellness Courts. Of particular note, family issues were the highest priority topics identified for onsite TA and Tribes responded to open ended questions on training and technical assistance with requests for information on such family topics as addressing the impact on the family, keeping the family safe for the future, and incorporating the family in the support group.



- 3) Technical assistance is needed to address the critical issues of funding and sustainability: As indicated in the above graph, each of the 7 listed problem areas were rated as a problem area (either a “big problem” or “somewhat of a problem”) by more than 44% of respondents. Securing funding, however, was reported to be the biggest problem across all respondents with more than 80% of respondents indicating that it is a problem. The related issue of sustainability was also rated as a problem by 54% of respondents. While the BJA grantees did not rate these problems quite as high as non-grantees (likely due to the fact that they have current grant funding), it is clear that these are vital issues for most Wellness Courts. In addition, it is important to note that funding/sustainability was the most frequently requested topic for

regional training, most second most frequently requested topic for national training, and also rated highly for onsite TA. Consequently, there is a vital need for T/TA to address these vital issues with an emphasis on grant writing, capacity building, and sustainability.

4) Publications are needed to address successful Tribal Wellness Courts and 10 Key Components:

Several tribes commented that information on models of successful tribal Wellness Courts would be helpful. Examples of successful drug courts/best practices were rated as a relatively high need, especially for national training. Moreover, a publication on successful models of Tribal Wellness Courts was the highest rated publication topic with Wellness Court Key Components as the third highest rated publication topic. These models would include courts that have successfully implemented the 10 Key Components of Tribal Wellness Courts. In addition, information from the recent NIJ study on Lesson Learned on the Tribal 10 Key Components would provide an enhanced training on the practical realities of successful Wellness Court operation. The following are a few successful models to incorporate:

Incorporating Custom and Tradition: In response to an open ended question concerning how the program incorporates Tribal custom and tradition (question #27), respondents provided a rich variety of successful models. This unique feature of tribal Wellness Courts comes at several different points within the program – culturally based sanctions and incentives, cultural enrichment and education groups that participants attend, and staff that are trained in traditional healing ways.

Incorporating Innovative Techniques: In response to open ended questions concerning innovative techniques (question #28) and successful sanctions and incentives (question #29) respondents also provided a rich variety of successful models.

Establishing referral systems from other courts: 61% of the responding courts indicated that they take referrals from other courts (question #16) which indicates a higher level of judicial collaboration than was anticipated. Information and resources concerning these referral *agreements would be very helpful.*

- 5) Resources are needed to specially address the most common drug addictions addressed by Wellness Courts - alcohol, marijuana, meth and illegal prescription drugs: A special emphasis should be made with regard to programming and resources to address the most common problems seen in Wellness Courts. As set forth in the responses to question #15, the two most common problems continue to be alcohol and marijuana (both listed by 95.8% of respondents). Meth continues to be a substantial problem (listed by 54.2% of respondents). While we did not provide illegal prescription drug use as an option on the list of common drugs, all nine respondents that checked the “other” box reported that illegal prescription drugs are a growing problem, indicating that attention should be directed toward these issues. Since 37.5% of respondents indicated as a “write in” that illegal prescription drug use is a problem, the survey results would likely have indicated that illegal prescription drug use is an even greater problem if illegal prescription use had been listed as an option.

- 6) T/TA and Resources are needed to address treatment issues: Nearly 50% of respondents listed treatment as a problem – including lack of treatment providers, treatment resources, and residential treatment along with inadequate treatment plans. Consequently, it appears that an updated treatment publication (see 2002 draft treatment publication: [Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles](#) (2002 Draft) should be a high priority. It is essential that this updated treatment publication address the four most common drug addictions as identified in the responses to question #15, that is, alcohol, marijuana, meth, and illegal prescriptions drugs.
- 7) There is a critical need for T/TA and Resources to address court records management and Wellness Court database: 2/3 of respondents listed court record management as a problem. While most of the respondents (and all of the BJA grantees) listed court record management as “somewhat of a problem” rather than a “big problem”, it is clear that it is an important need area. The inconsistent responses to questions 18 and 19 provide further evidence that this is an important need area. Moreover, while more than half of the respondents indicate that they use databases and even collaborate with states, nearly half do not use a computer database to track Wellness Court cases, which indicates a great need in this area. Tribes reported that they need one affordable, simple software system.
- 8) T/TA and Resources are needed to address the related issues of Court Operation and Program Design/Development: Approximately 50% of respondents listed each of these two related issues – (1) Court Operation and (2) Program Design and Development – as a problem area. It is certainly possible that a substantially updated version of the 2002 draft Program Development Guide ([Tribal Healing to Wellness Courts: Program Development Guide](#)) could be developed to address these issues – along with the vital funding and sustainability issues.
- 9) T/TA and Resources are needed to address the needs of specific roles: While not rated as the highest need area, training on specific roles consistently appears on all of the topics listings (including 3rd highest rated regional topic need, 4th highest rated national training need, and 4th highest publications need). Training for judges was mentioned most often. Other roles mentioned were: probation officer, defense attorney, drug court coordinator, drug court police officer, roles of team members. It is certainly possible that an updated version of the 2002 draft Judges Bench Book ([Tribal Healing to Wellness Courts: The Judge’s Bench Book](#)) could be developed. Moreover, these responses indicate that the planned NDCI planning training should include specific role training if at all feasible.
- 10) Funding and training for public defenders: While the majority of responding courts have a public defender (question #25), only slightly more than half of respondents (56.5%) and only half of BJA grantee respondents have public defenders. Whether they are a licensed attorney or a lay advocate, public defenders are an important aspect of due process and they provide assistance to the participant in navigating the Wellness Court process.

11) T/TA and Resources are needed to address Collaboration and Coordination issues:

50% of all respondents listed collaboration and cooperation issues as a problem area. It is worth noting that the percentage of BJA respondents listing collaboration and cooperation issues as a problem area was substantially lower than other respondents. Nevertheless, it appears that this is also a topic on which T/TA and resources are needed. It would be especially helpful to provide information and resources concerning successful Tribal collaboration/cooperation models for those respondents who have experienced more collaboration/cooperation challenges.

12) There is a need for T/TA to address additional specific problem areas identified in survey:

The needs assessment responses indicated a need for T/TA to address a few specific additional problem areas including the following:

Random Testing: While most respondents indicated that their Wellness Court practiced random testing (question #24) and 2/3 of respondents indicated that they test participants at least weekly (question #23), 25% of respondents indicated that the participants know when testing will occur. Moreover, only 50% of the BJA grantees indicated that participants do not know when testing will occur. Consequently, it appears that there is a great need for T/TA concerning the vital need for random testing, especially for the BJA grantees.

Readiness to Change: Only 16.7% of respondents indicated that they use a readiness to change questionnaire (question #13) when assessing if a participant is a good candidate for Wellness Court, but several commented that they would be interested in seeing such an instrument and incorporating it into their screening process. Consequently, it appears that there is a great need for readiness to change T/TA.

DUI/DWI issues: DUI/DWI was listed (question #14) as one of the most common charges by 62.5% of all respondents and 75% of BJA respondents – thereby indicating a need for more focus on resources specific to DUI/DWI.

Implications for BJA

(1) Need to fund/support T/TA along the lines prioritized in this Wellness Court Needs Assessment:

The most important implication for BJA is that there is a need to fund/support T/TA along the lines indicated in this Wellness Court Needs Assessment.

(2) Need to Fund/Support Tribal Family Wellness Courts:

One of the most striking aspects of the responses was that the importance of juvenile wellness courts and most especially family wellness courts. Family treatment and family wellness court issues came up throughout the survey. BJA should explore feasible ways to provide tribes with the flexibility and resources to develop family wellness court models. The results of this needs assessment indicate that BJA is the largest funding source for tribal wellness courts. If BJA funding requires tribes to focus on adult drug courts and adult drug court models despite the vital importance of family wellness court resources, then the BJA funding stream might stifle rather than support the most effective tribal wellness court models. Consequently, the results of this Tribal Wellness court Needs Assessment demonstrate that BJA should provide tribes with the flexibility needed to develop family drug courts with BJA funds.

- (3) Tribes would benefit from closer BJA/OJJDP collaboration on funding and TA: BJA funds adult drug courts and adult drug court T/TA whereas the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds juvenile and family drug courts and juvenile/family drug court T/TA. These are currently totally separate funding streams and totally separate TA providers. As demonstrated by this needs assessment, however, tribes do not fit neatly into adult and juvenile/family drug court boxes. The separation of funding streams and TA providers between two different agencies does not translate well in Indian country. In keeping with implication #2 above, tribes would greatly benefit from closer collaboration between BJA and OJJDP on both funding stream and TA provider issues.
- (4) Need for one consolidated Tribal Specific RFP: As demonstrated by the results of this needs assessment, Tribal wellness court needs are unique enough that there should be consideration of a tribal specific RFP in FY 2011 that combines together BJA and OJJDP funding streams (and adult/juvenile/family boxes) so that tribes have the needed tribal specific flexibility to make their wellness courts succeed. The unique issues concerning tribal wellness courts would also seem to indicate the need for tribal specific performance measures through this tribal specific funding stream.
- (5) Need for Tribal Specific T/TA: As demonstrated by the results of this needs assessment, Tribal wellness court needs are unique enough that there is an ongoing need for tribal specific T/TA ideally combining together BJA and OJJDP funding streams (and adult/juvenile/family boxes) so that tribes have the needed tribal specific T/TA to make their wellness courts succeed.

Implications for Tribes

Several achievements and positive practices deserve highlighting, as well. As evidenced by the large number of Wellness Courts receiving tribal funds, there is support for the concept at the tribal level. In addition, several courts reported that their tribe is willing to support the program financially, but the funding shortfalls make it very difficult. While sustainability was a reported to be a problem among non-BJA grantees, BJA grantees did not see this as an issue. Many courts reported having visited other Wellness Courts, both state and tribal, to observe (75%). Collaboration and coordination does not seem to be a problem among BJA grantees. While the group as a whole indicated this to be a problem, it is worth noting that 61% of the responding courts take referrals from other courts, indicating a level of judicial collaboration that is an achievement. While the number of tribes using databases is small, it is worth noting that several have incorporated a database into their court process.

And finally, a high number of courts successfully include cultural and tradition into their program. This unique feature of tribal Wellness Courts comes at several different points within the program – culturally based sanctions and incentives, cultural enrichment and education groups that participants attend, and staff that are trained in traditional healing ways.

Appendices

A: Full Tribal Wellness Court Needs Assessment Survey

B: List of Tribes/Tribal Courts responding to Tribal Wellness Court Needs Assessment Survey

**Appendix A:
Tribal Wellness Courts Needs Assessment
Responding Tribes/Tribal Courts**

1	Chippewa Cree Tribal Court**
2	Confederated Salish & Kootenai Tribal Court
3	Crow Tribal Court**
4	Eastern Band of Cherokee Indians**
5	Fallon Paiute-Shoshone Tribes**
6	Fort McDowell Yavapai Nation**
7	Fort Peck**
8	Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court
9	Hannahville Indian Community
10	Hoh Tribal Court
11	Kalispel
12	Karuk Tribal Court**
13	Keweenaw Bay Indian community
14	Little Traverse Bay Band of Odawa Indians**
15	Lower Sioux Indian Community
16	Lummi Nation Tribal Court**
17	Menominee Tribal Court**
18	Mississippi Band of Choctaw Indians**
19	Native Village of Afognak
20	Native Village of Kongiganak
21	Nez Perce Tribe
22	Oglala Sioux Tribe
23	Omaha Tribe of Nebraska
24	Orutsararmut Native Council
25	Passamaquoddy Tribal Court
26	Penobscot Indian Nation
27	Poarch Band of Creek Indians Tribal Court**
28	Prairie Band Potawatomi Nation**
29	Pueblo of Isleta
30	Pueblo of Laguna**
31	Pyramid Lake Paiute Tribe Law and Order committee**
32	Reno Sparks Indian Colony**
33	Seminole Nation of Oklahoma
34	Shoshone & Arapaho Substance Abuse Court**
35	Sisseton-Wahpeton Oyate Court**
36	Southern Ute Tribe**
37	St. Regis Mohawk Tribe**

38	Stillaguamish Courts
39	Suquamish Tribal Court**
40	Tanana Native Council
41	Tulalip**
42	Turtle Mt Band of Chippewa**
43	White Earth Nation**
44	Winnebago Tribal Court
45	Yurok Tribe**
46	Red Lake Chippewa
47	Cherokee Nation of Oklahoma

****Indicates Active Tribal Wellness Court**

Tribal Law and Policy Institute: Tribal Healing to Wellness Courts

1. Introduction

The Tribal Law and Policy Institute is working under a grant from the Bureau of Justice Assistance to provide Training and Technical Assistance to Tribal Healing to Wellness Courts. Please fill out this survey by December 15, 2009 so that we can best understand your needs and provide the most relevant training and technical assistance. We will provide a report of results to everyone that completes this Needs Assessment.

Please note that by "Wellness Courts," sometimes also referred to as "Healing to Wellness Court" we are referring to Tribal Drug Courts.

If you need any assistance filling out this survey or have other questions, please contact Arlene Downwind White at (651) 644-1125.

Thank you!

2. Basic Information

1. Please fill out the following information about you and your program:

Your Name:	<input type="text"/>
Title:	<input type="text"/>
Tribe/Tribal Court:	<input type="text"/>
Mailing Address:	<input type="text"/>
City/Town:	<input type="text"/>
State:	<input type="text"/>
ZIP/Postal Code:	<input type="text"/>
Email Address:	<input type="text"/>
Phone Number:	<input type="text"/>
Fax:	<input type="text"/>

2. Do you currently have an active Wellness Court (Tribal Drug Court)?

Yes

No

3. Operational Wellness Court Information

3. Are you the Primary Contact for your Tribe's Wellness Court?

Yes

No

4. If you are not the Primary Contact, please provide that person's contact information below.

Name:

Title:

Mailing Address:

City/Town:

State:

ZIP/Postal Code:

Email Address:

Phone Number:

Fax Number:

5. Please fill out the following information about the Wellness Court Judge:

Judge's Name:

Mailing Address:

City / Town:

State:

Zip / Postal Code:

Email Address:

Phone Number:

Fax Number:

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6. Please fill out the following information about the Designated Wellness Court Treatment Provider:

Contact Person:

Title:

Organization:

Mailing Address:

City/Town:

State:

ZIP/Postal Code:

Email Address:

Phone Number:

Fax:

7. Please identify any other personnel and/ or Agencies that are part of your Wellness Court team or program (For example: Wellness Court coordinator, probation officer, prosecutor, defender, etc.)

Personnel / Agency #1

Personnel / Agency #2

Personnel / Agency #3

Personnel / Agency #4

Personnel / Agency #5

8. What type of Wellness Court do you have?

- Adult
- Juvenile
- Family
- DUI only

Combination or Other (please describe)

9. What is the CURRENT funding source for your Wellness Court?

	Planning Grant	Implementation Grant	Enhancement Grant	Other
Bureau of Justice Assistance Drug Court Grant (BJA)	€	€	€	€
Tribal Courts Assistance Grant (TCAP)	€	€	€	€
Indian Alcohol and Substance Abuse Grant (IASAP)	€	€	€	€
Office of Juvenile Delinquency and Dependency Grant (OJJDP)	€	€	€	€
Substance Abuse and Mental Health Services Administration (SAMHSA)	€	€	€	€
Bureau of Indian Affairs (BIA)	€	€	€	€
Tribally Funded	€	€	€	€
Don't Know	€	€	€	€

Other Funding Source (please specify)

10. What is the current annual funding level of your Wellness Court? What is the total amount awarded in this funding cycle? (Optional)

\$0 - \$50,000

\$50,001 - \$150,000

\$150,001 - \$250,000

\$250,001 - \$350,000

Over \$350,000

Prefer not to respond

Comments

11. What is the date (month and year) that your Wellness Court enrolled the first participants?

12. How do participants enter your program (please check all that apply)?

- Pre-Trial: Before charges are filed in a criminal matter or for violation of a tribal ordinance
- Pre-Adjudication: After charges are filed but before any plea is entered or finding of guilt is made
- Post-Adjudication: After the plea or finding of guilt
- Other (please specify)

13. Does your Wellness Court use a "readiness to change" questionnaire when assessing if a participant is a good candidate for Wellness Court, once they meet the eligibility requirements?

Yes

No

Additional comments on "readiness assessment":

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14. What are the most common charges (please check all that apply)?

- Use or possession of drug/controlled substance
- Use or possession of drug paraphernalia
- Disorderly conduct
- Public intoxication
- Minor in possession
- DUI/DWI
- Domestic violence
- Assault or battery
- Child Endangerment
- Child/Youth in Need of Supervision
- Illegal possession of alcohol
- Open container
- Other (please specify)

15. What are the most common drugs of choice for participants? Please check all that apply.

- Alcohol
- Marijuana
- Meth
- Cocaine
- Crack
- Huffing
- Other (please specify)

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16. Does your Wellness Court program take referrals from State, Federal, and/or Tribal Courts?

- Yes
- No
- Don't Know
- If yes, how are these referrals handled logistically?

17. Does your Wellness Court keep a computer database that tracks Wellness Court information (aside from the general case management system)?

- Yes
- No

If yes, please provide the name of the software package?

18. Please provide the following information concerning your Wellness Court program participants:

- Total number ever enrolled
- Total number currently enrolled
- Total number terminated without graduation
- Total number of graduates

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19. Do you keep track of whether or not a participant re-offends within a certain period of time (recidivism)?

Yes

No

Don't Know

If yes, how do you define and track recidivism and what issues have you encountered? Note: Some of the Tribal Wellness Court recidivism issues include (1) Do you track all offenses or just drug and alcohol related offenses? (2) Do you track offenses from State Courts and/or other Tribal Courts? (3) How long do you track re-offending participants? (4) Do you include failure to comply with Wellness Court requirements?



20. What services are part of your program? Check all that apply.

Individual Counseling

Family Counseling

Classes on Alcohol and/or Drug Use Effects

Therapy Groups

Support Groups

Mentoring

After Care

Topic Specific Classes (please describe)



21. What is the average length of time it takes participants to get into a treatment program?

22. What types of testing do you use?

- Strips
- Patches
- Cups
- Breathalyzer
- Machine
- None
- Other (please specify)

23. On average, how often do you test participants?

- Daily
- Two or more times a week
- Weekly
- Monthly
- Never
- Other (please specify)

24. Does the participant know in advance that testing will occur (is testing random)?

- Yes, participant knows testing will occur
- No, participant does not know testing will occur
- Not applicable

25. Does your Wellness Court have a public defender?

Yes

No

Additional comments on public defender:

26. Has your Wellness Court team visited other Tribal and/or State Drug Courts?

No

Yes, we visited:

27. How does your program include Tribal custom and tradition?

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28. Has your program included any innovative techniques that might be useful or interesting to other Tribal Wellness Courts?

Yes

No

Don't Know

If yes, please describe

29. Has your program used any successful sanctions and/or incentives that might be helpful for other Tribal Wellness Courts?

Yes

No

Don't Know

If yes, please describe.

30. Has your Wellness Court had an external evaluation?

Yes

No

Don't Know

If yes, please briefly describe the findings:

4. Current Needs/Problem Areas

31. If your Wellness Court is no longer operating, please describe why it stopped operating. (If your court is currently operational, please skip this question.)

32. For each of the following court activities, please indicate whether or not this has been big problem, somewhat of a problem, or not a problem to effective wellness court operation.

	Big problem	Somewhat of a problem	Not a problem	Not applicable
Securing Funding	€	€	€	€
Sustainability (keeping drug court running, retaining staff, community support)	€	€	€	€
Program Design and Development (including culture and tradition in program, determining eligible population, inventory of available services, etc.)	€	€	€	€
Court Operation (screening, assessment, case processing, case referral, judicial supervision, sanctions/incentives, testing, graduation requirements, etc.)	€	€	€	€
Court Treatment (identifying treatment resources, designing treatment plans, case management, etc.)	€	€	€	€
Collaboration/Coordination (wellness court team roles, working with other tribal agencies, working with state, jurisdiction, etc.)	€	€	€	€
Court Record Management (case file system, computer databases, generating reports, etc.)	€	€	€	€

Other barriers

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33. Of those that you described as a big problem or somewhat of a problem above, please describe the problems you have encountered.

Securing Funding	<input type="text"/>
Sustainability	<input type="text"/>
Program Design and Development	<input type="text"/>
Court Operation	<input type="text"/>
Court Treatment	<input type="text"/>
Collaboration/Coordination	<input type="text"/>
Court Record Management	<input type="text"/>
Other Barriers	<input type="text"/>

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5. Training and Technical Assistance

34. Please indicate below how useful each type of training and technical assistance would be for your program.

	Extremely Useful	Somewhat Useful	Of Little Use	Not Useful	Not applicable
National Training (all Tribal Wellness Courts in U.S. invited)	ja	ja	ja	ja	ja
Regional Training (many courts in one region come together)	ja	ja	ja	ja	ja
On Site Technical Assistance (topic specific directed at your program only)	ja	ja	ja	ja	ja
Publication dissemination (providing copies of existing Healing to Wellness Courts publications)	ja	ja	ja	ja	ja
Publication creation (drafting new publications, based on need)	ja	ja	ja	ja	ja
Resource creation (examples from other Tribal Wellness Courts of codes, forms, etc.)	ja	ja	ja	ja	ja
Phone/Fax/Email Technical Assistance (having staff available to assist your court through phone/fax/email)	ja	ja	ja	ja	ja

35. What topics for national training and/or regional training and technical assistance (T/TA) would be most useful to your program ?

National Training Topic #1

National Training Topic #2

National Training Topic #3

Regional T/TA Topic #1

Regional T/TA Topic #2

Regional T/TA Topic #3

36. What topics would be most useful to your program for on-site technical assistance, directed at your program only?

Topic #1

Topic #2

Topic #3

Topic #4

Topic #5

37. What publications would you find most useful? (Please list in order of importance)

Publication #1

Publication #2

Publication #3

Publication #4

Publication #5

6. Funding and Administering Tribal Healing to Wellness Courts

38. Do you have any additional comments about your Wellness Court and any training and technical assistance that we can provide to you?

7. Thank you

Thank you for taking the time to complete this survey. If you have any questions about this survey, please feel free to contact Downwind White at (651) 644-1125.