

Indigenous Problem Solving for Healing A Tribal Community Court

Center for Court Innovation and Colorado River Indian Tribes
Community Court

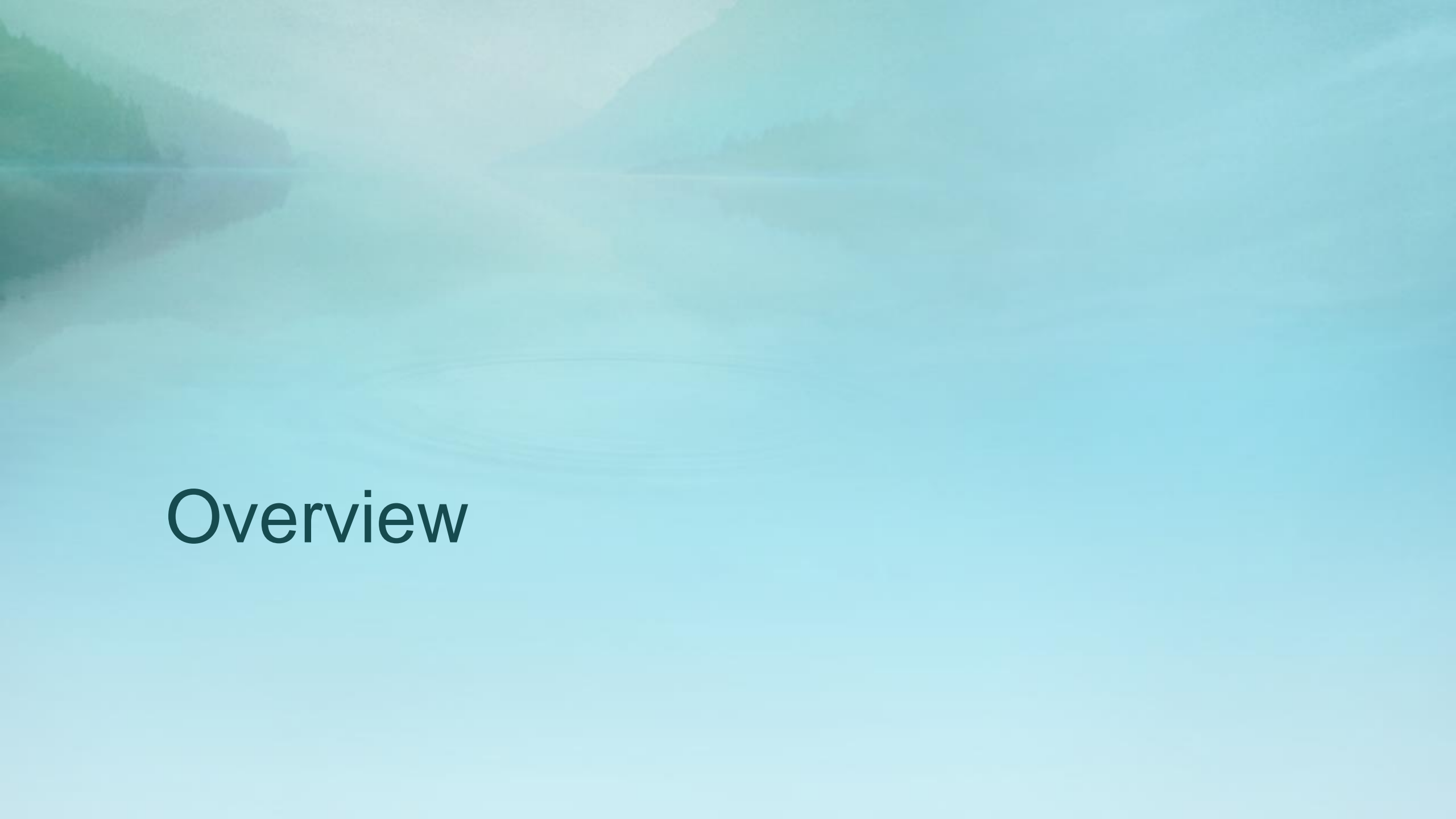
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The Model

Red Hook Community Justice Center

- Launched in June 2000.
- The nation's first multi-jurisdictional community court.
- Operates out of a refurbished Catholic school in the heart of a geographically and socially isolated neighborhood in southwest Brooklyn, NY.
- The Justice Center seeks to solve neighborhood problems by using the power of the justice system to effect positive change.



Overview

Array of Sanctions and Services

- The Red Hook judge has an array of sanctions and services at his disposal. These include community restitution projects, short-term psychoeducational groups, and long-term treatment (e.g., drug treatment, mental health treatment, and trauma-focused psychotherapy).
- Red Hook features an on-site clinic staffed by social service professionals who use trauma- and evidence-informed approaches to assess and connect individuals to appropriate services.
- The Justice Center also works to connect court-involved youth to strengths-based programming, including art projects and peer education programs.

Hub for Community Activity

- The courthouse is the hub for an array of unconventional programs that contribute to reducing fear and improving public trust in government.
- Mediation and Peacemaking services
- Community Service
- Youth Court
 - teenagers are trained to resolve actual cases involving their peers.
- Housing resource center
 - which provides support and information to residents with cases in housing court or with the potential to be in housing court.



How it Works

Coordination

- The Justice Center handles low-level criminal cases (including some non-violent felonies), as well as selected Family Court and Civil Court matters.
- In hearing these cases, the Justice Center recognizes that neighborhood problems do not conform to the arbitrary jurisdictional boundaries of the modern court system.
- By having a single judge handle matters that ordinarily are heard by different decision makers at different locations, Red Hook offers a swifter and more coordinated judicial response.

Restitution

- By mandating offenders to restore the community, the Justice Center makes justice more visible to local residents and acknowledges that communities can be victims just like individuals.
- Restitution projects include painting over graffiti, sweeping the streets and cleaning the Justice Center.

Help

- By linking defendants to drug treatment and by providing on-site services, the Justice Center seeks to strengthen families and help individuals avoid further involvement with the court system.
- Services are not limited to court users but are available to anyone in the community wishing to avail themselves of them.

Accountability

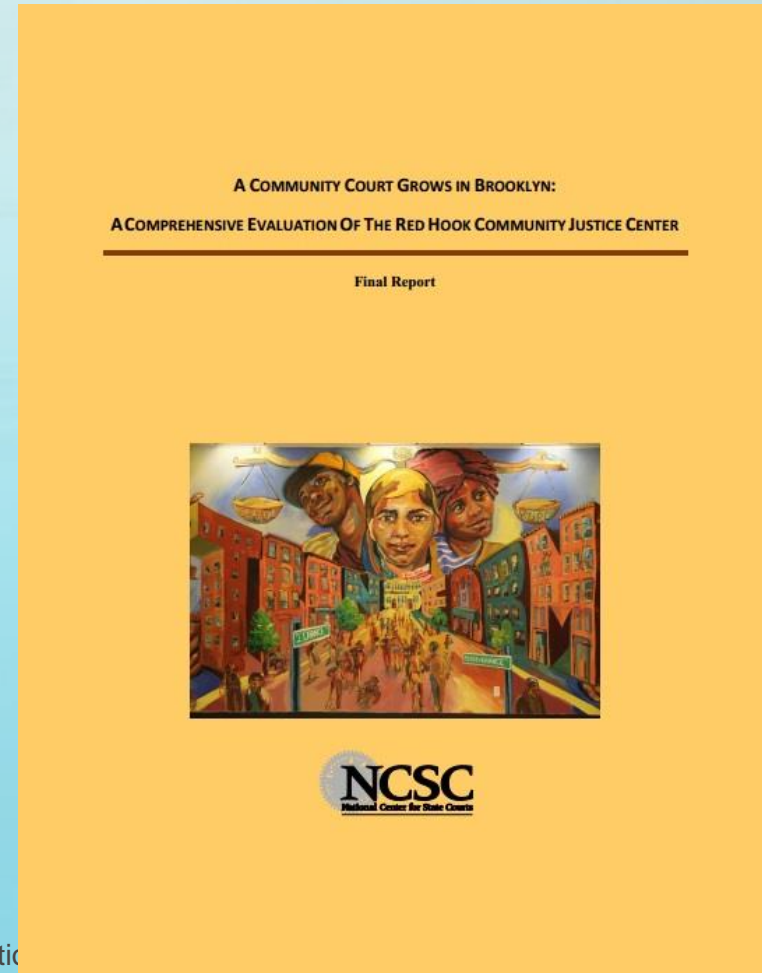
- Compliance with social service and community restitution sanctions is rigorously monitored by the Red Hook judge, who requires litigants to return to court frequently to report on their progress and to submit urine tests.
- State-of-the-art technology helps ensure accountability.

Prevention

- The Justice Center actively seeks to resolve local problems before they become court cases.
- The Justice Center's prevention programs include community mediation and a peer-to-peer [youth court](#) that offers intensive leadership training to local teenagers.

The Evaluation Of the RHCJC

- ▶ In 2010, the National Institute of Justice funded the first comprehensive independent evaluation of the Red Hook Community Justice Center.
- ▶ The evaluation was completed in 2013.



- Increased Use of Alternative Sanctions
 - 78 percent of offenders received community service or social service sanctions.
 - This is compared with just 22 percent among comparable cases processed at the regular criminal courthouse in Brooklyn.

- Reduced Use of Jail
 - The Justice Center reduced the number of offenders receiving jail sentences by 35 percent.

- There were also significant differences in how the Justice Center used jail compared to the downtown courthouse.
 - At Red Hook, almost no defendants (1 percent) received jail at arraignment. Instead, jail was reserved as a “secondary” sanction, for offenders who were noncompliant with their initial community or social service sentences.

- Reduced Recidivism
 - Adult defendants handled at the Justice Center were 10 percent less likely to commit new crimes than offenders who were processed in a traditional courthouse
 - Juvenile defendants were 20 percent less likely to re-offend.
 - These differences were sustained well beyond the primary two-year follow-up period.

- Impact on Local Crime

- There was a sustained decrease in both felony and misdemeanor arrests in the police precincts served by the Justice Center.

- Similar phenomena were not apparent in adjacent precincts, where arrest patterns remained highly variable throughout the observation period.

- Cost-Efficiency

- For each of the 3,210 adult misdemeanor defendants arraigned at the Justice Center in 2008, taxpayers realized an estimated savings of \$4,756 per defendant in avoided victimization costs, a total of \$15 million.

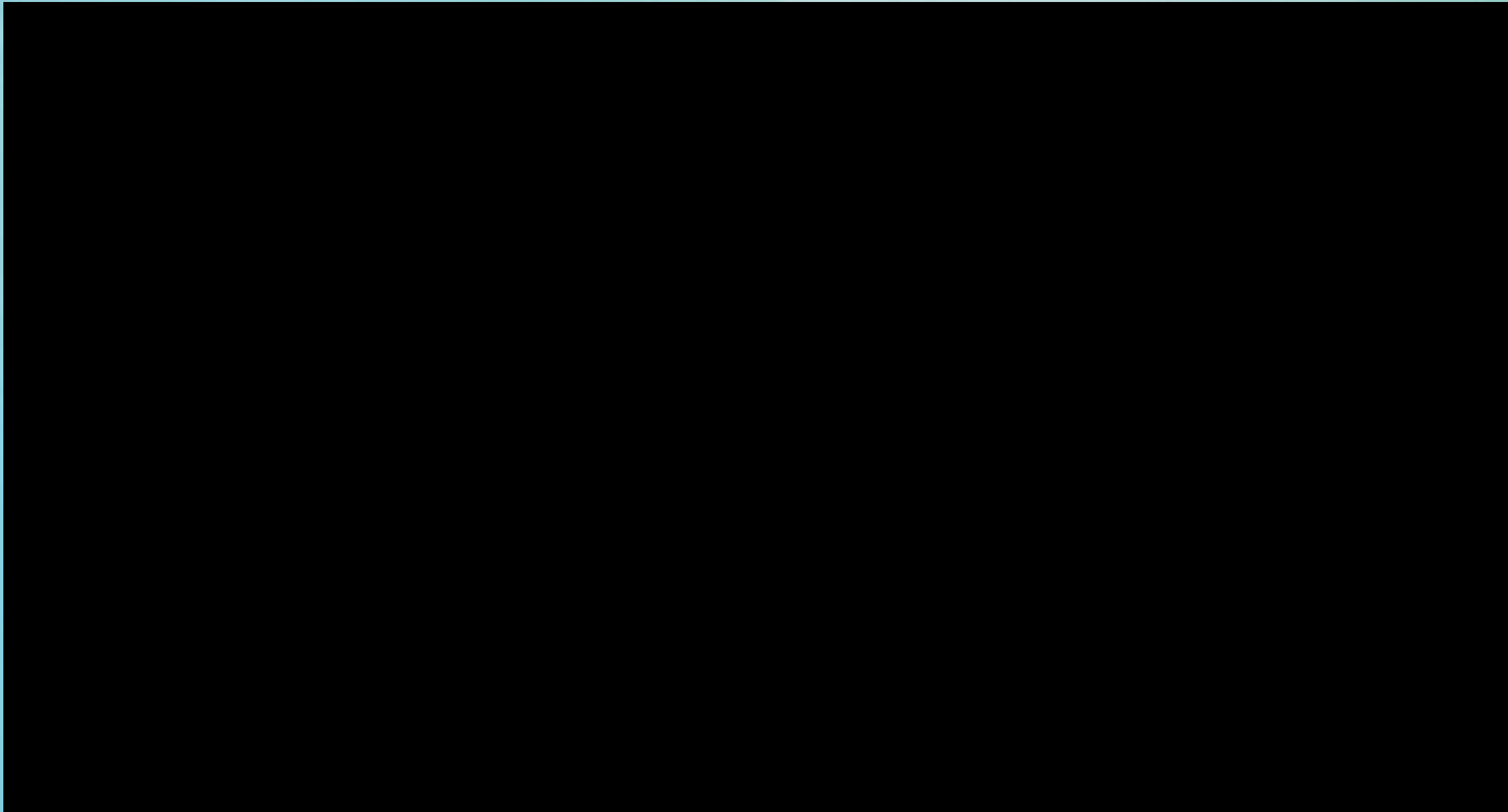
- This means savings outweighed program costs nearly 2 to 1.
- After factoring in the upfront costs of operating the Justice Center, the total resource savings in 2008 was \$6,852,477.

- Improved Procedural Justice
 - Evaluators found the Justice Center received positive perceptions.
 - The fair treatment of defendants throughout the courthouse
 - The respectful two-way interaction between the judge and defendant in the courtroom
 - Efforts at building citizen trust through community outreach


–The fair treatment of defendants throughout the courthouse:

–“The court officers [at Red Hook] treat you like a person too, not like that other court over there.”

- Efforts at building citizen trust through community outreach.
- 87 percent of Red Hook residents knew about the Justice Center as a result of an experience with the court or through hearing about the services that it offered from others in the neighborhood.







Problem Solving in Indian Country

Healing to Wellness or Finding the Path

Background

- According to the Bureau of Indian Affairs, there are currently 567 federally recognized tribes currently in the United States.
- The National Tribal Justice Resource Center Tribal Court Directory reports approximately 330 tribal courts and forums that are currently in operation.
- Many of these tribes had a Western-style justice system imposed upon them during different iterations of U.S government policy over the years.
- Today, some tribal courts mirror how their state counterpart courts operate while others have adapted their practices to fit their culture and traditions.
- In many contemporary tribal communities, dual justice systems exist — one based on an American and the other based on an indigenous justice paradigm.

Planning

- Prior to launching the community court calendar, the tribal court went through a planning process that included interviewing key stakeholders, conducting community surveys, and analyzing their existing court and law enforcement data.
- In addition to reducing the reliance on jail by using more alternatives to incarceration, the CRIT will be using the community court calendar to allow offenders who have committed low-level crimes the opportunity to be held accountable for their behavior by performing community service and, if necessary, address any substance abuse issue through rigorous court oversight during the length of the case.

Background

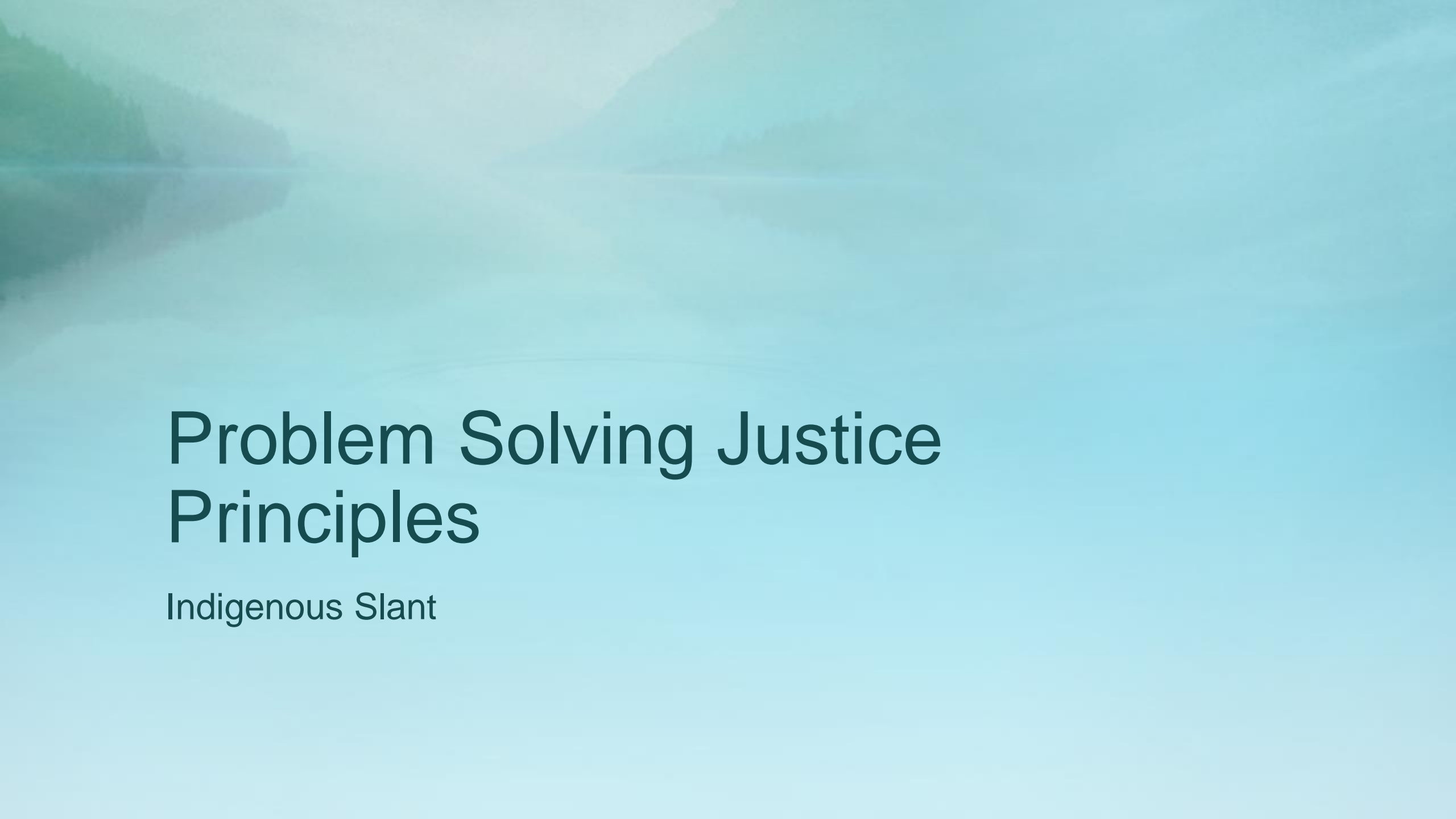
- In many contemporary tribal communities, dual justice systems exist — one based on an American and the other based on an indigenous justice paradigm.
- Indigenous methods of conflict resolution include traditional dispute resolution, peacemaking, talking circles, and traditional mediation.
- All of these methods attempt to get to the root of the problem and balance community safety with restorative and reparative justice approaches.
- An illustration of this is seen in how many tribes have taken to the concept of drug treatment courts but under the name of Healing to Wellness Courts.

The Colorado River Indian Tribes

- The Colorado River Indian Tribes include four distinct Tribes - the Mohave, Chemehuevi, Hopi and Navajo. There are currently about 4,277 active Tribal members.
- The CRIT Reservation was created in 1865 by the Federal Government for “Indians of the Colorado River and its tributaries,” originally for the Mohave and Chemehuevi, who had inhabited the area for centuries. People of the Hopi and Navajo Tribes were relocated to the reservation in later years.
- The reservation stretches along the Colorado River on both the Arizona and California side. It includes almost 300,000 acres of land, with the river serving as the focal point and lifeblood of the area.

TRIBAL COMMUNITY COURT CORE VALUES

- High quality and culturally competent services
- Non-adversarial adjudication
- Procedural fairness
- Cross system collaboration
- Personal accountability
- Respectful, compassionate, kind, and supportive



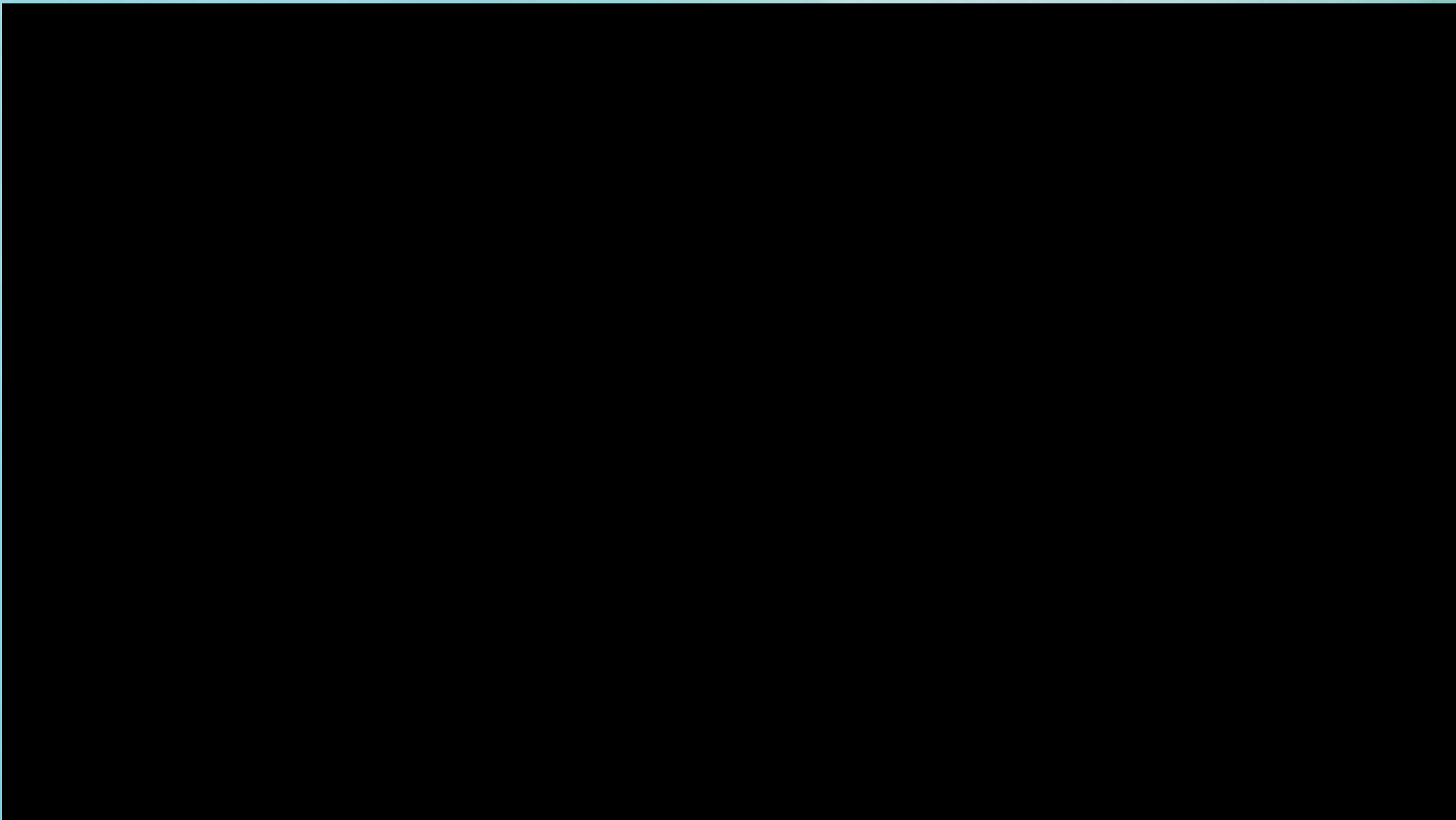
Problem Solving Justice Principles

Indigenous Slant



Culture and Traditions

Four Tribes



Enhanced Information

- Better staff training combined with better information can help improve the decision-making of judges, attorneys, and other justice officials.
- High-quality information can help practitioners make more nuanced decisions about both treatment needs and the risks individual defendants pose to public safety and ensure offenders receive an appropriate level of supervision and services.

Community Engagement

- Actively engaging tribal members helps improve public trust in the justice system.
- Greater trust, in turn, helps people feel safer, fosters law-abiding behavior, and makes members of the Tribe more willing to cooperate in the pursuit of justice (as witnesses, jury members, and others).

Collaboration

- Problem-solving courts employ a collaborative approach, relying on both tribal government and partners, (mental health, social services, education, TERO, housing) to help achieve their goals.
- Justice system leaders are uniquely positioned to engage a diverse range of people, Tribal agencies, and community organizations in collaborative efforts to improve public safety.

Individualized justice

- Using valid, evidence-based risk and needs assessment instruments, the justice system can link offenders to individually tailored community-based services (e.g., job training, drug treatment) where appropriate.
 - Caveat: Risk and needs assessments that are strength base and cultural sensitive.
- In doing so (and by treating defendants with dignity and respect), the justice system can help reduce recidivism, improve community safety, and enhance confidence in justice.

Accountability

- By utilizing regular and rigorous compliance monitoring — and clear consequences for noncompliance — the justice system can improve the accountability of defendants.
- It can also improve the accountability of service providers by requiring regular reports on their work with participants.

Outcomes

- The active and ongoing collection and analysis of data — measuring outcomes and processes, and costs and benefits —are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement.
- Tribal dissemination of this information can be a valuable symbol of public accountability.



Types of Programs

Tribal Community Court (TCC)

- Bridges the gap between communities and the Court and addresses issues that have led to a participant's criminal justice involvement through the use of restorative justice and treatment services for substance use, mental health, and other primary health issues; adjudicates clients' criminal cases from the Reservation.
- Intensive Pre-Trial Supervision.
- Overall Umbrella Court

Healing to Wellness (Drug Court) (DC)

- Links non-violent offenders who have substance use disorders to outpatient and/or residential treatment intended to support a life free from substance use.

Family Treatment Court (FTC)

- Provides comprehensive, highly coordinated services to families impacted by parental substance use to help them establish stability and prevent children's re-entry into foster care.

Youth Court (YC)

- Youth courts train teenagers to serve as jurors, judges and advocates, handling real-life cases involving their peers.
- The goal of youth court is to use positive peer pressure to ensure that young people who have committed minor offenses learn accountability and repair the harm caused by their actions.
- Youth courts direct lower level cases from the formal justice system.
- Youth courts can also be an integral part of a school's disciplinary process, serving as an alternative to traditional disciplinary measures such as suspension and detention.

Peacemaking Program (PP)

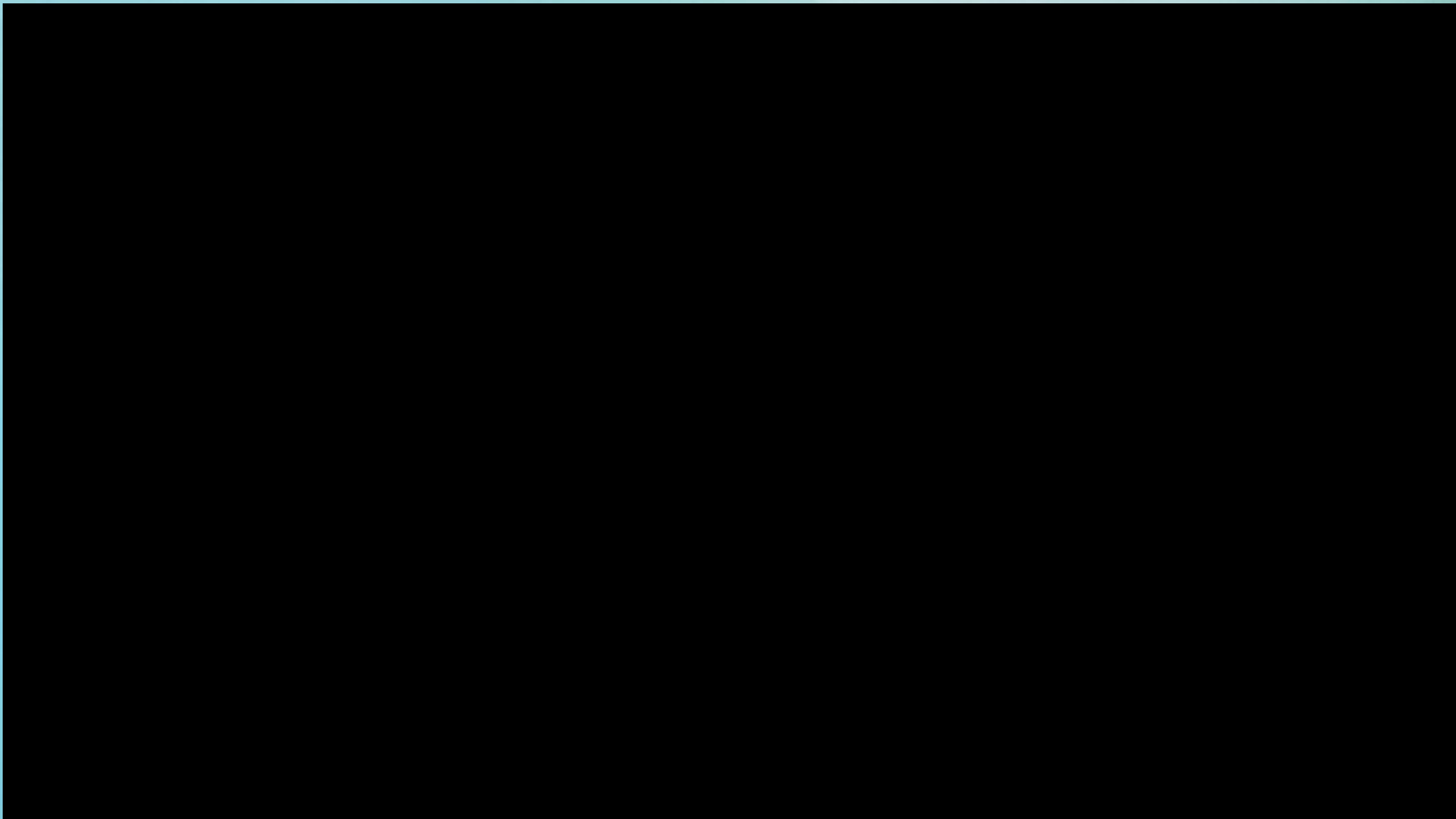
- Peacemaking is a traditional Native American approach to justice that focuses on healing and restoration rather than punishment.
- Although peacemaking varies across Native American tribes, it generally brings together the disputants, along with family members, friends, and other members of the community to speak about how the event, crime, or crisis affected each person.
- The goal of peacemaking is not only to resolve the immediate dispute, but also to heal the relationships among those involved and restore balance to the community.

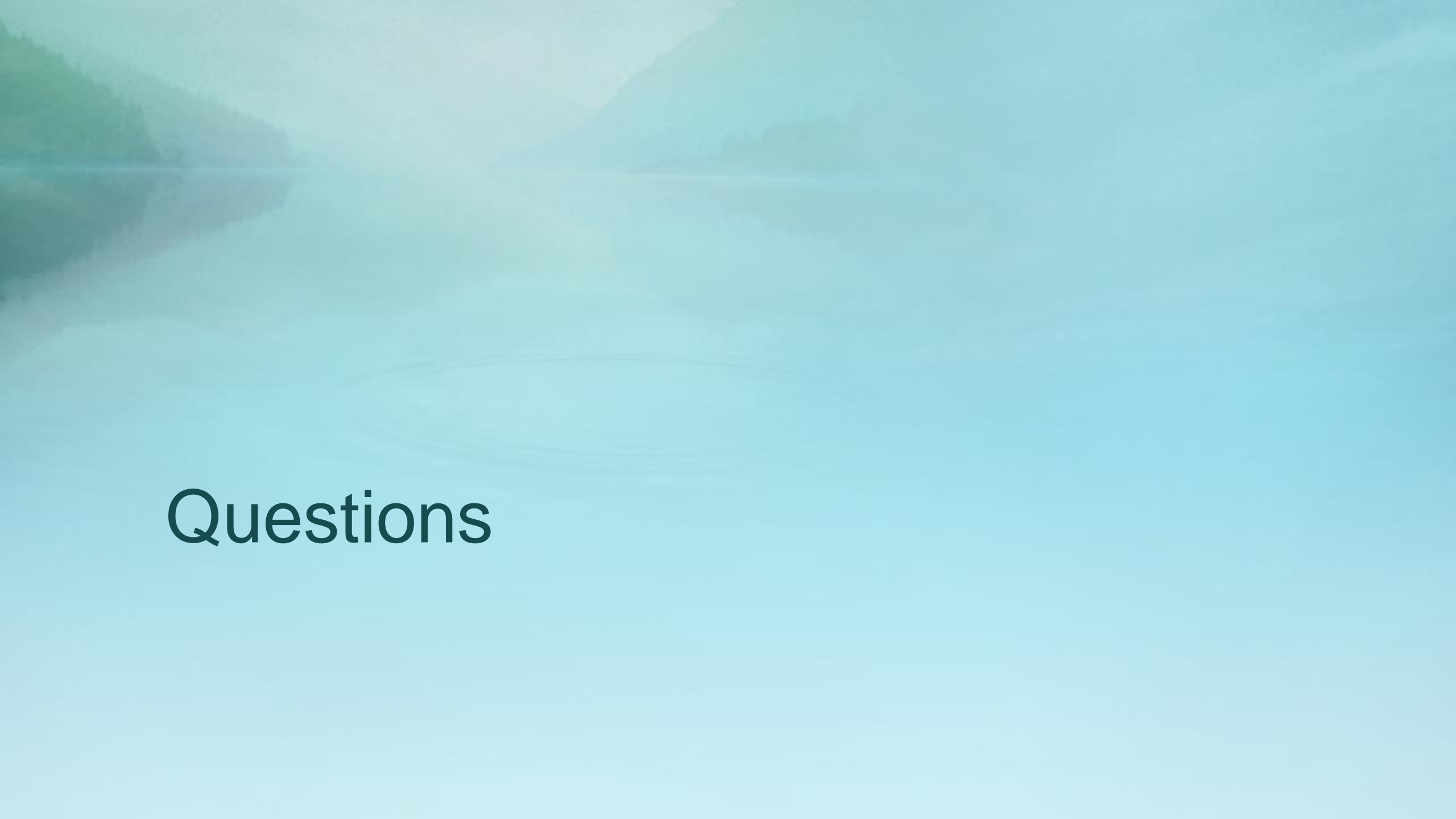


Help with Planning

Coordinated Tribal Assistance Solicitation

- The Coordinated Tribal Assistance Solicitation (CTAS) responds to Tribal leaders' request to improve and simplify the Department of Justice (DOJ) grant-making process.
- Under Purpose Area 2 applicants may request funding engage in a data-informed planning process to develop a written, strategic plan that will guide justice system development to promote community wellness and safety.
- The applicant's strategic plan should identify the priority needs facing the applicant's justice system and outline a detailed, strength-based strategy.





Questions

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