

Partnering with Justice Systems for Behavioral Health Treatment and Prevention

Carolyn Angus-Hornbuckle, JD
Public Health Communications and
Program Manager

National Indian Health Board

National Indian
Health Board



Why should health providers be interested
in and partner with justice systems?

Justice systems can be powerful partners in treatment and prevention efforts

Justice system partners can:

- Provide additional resources and support to victims
- Provide additional incentives and resources to justice involved individuals
- Help direct justice involved individuals to the court interventions most likely to yield positive results

Presentation Focus

These positive partnerships can be seen in a number of programs, but for this presentation, we will focus on:

- Healing to Wellness Courts, and
- Victim Advocates

Healing to Wellness Courts



What are Healing to Wellness Courts?

Healing to Wellness Courts

- Courts that bring substance abuse treatment to individuals entering the court system (justice-involved individuals)
- Assignment to the Healing to Wellness Court entails intensive supervision and treatment by the Healing to Wellness Court “team”
- The team approach brings a range of resources to bear, while the authority of the court allows for incentives and sanctions as motivating forces

Where do they operate?

Healing to Wellness Courts

- Although not all Tribal Drug Courts are called “Healing to Wellness” Courts, many Tribes have used this more positive label to describe the process and outcome the Courts aim to provide
- “Healing to Wellness” language reflects the widely shared traditional approach to justice in Tribal Communities
 - focus on creating harmony and balance within the community
 - focus on teaching and guiding the individual so they can be a contributing member of the community

Who do Healing to Wellness Courts serve?

Healing to Wellness Courts

- Serve those individuals who:
 - 1) violated the law and enter the justice system,and
 - 2) are referred to the Healing to Wellness Court and meet the screening criteria
- Screening criteria normally is designed to target those the community believes most likely to achieve positive results
- Screening will usually consist of:
 - Legal screening
 - Clinical Screening

Healing to Wellness Courts

Legal Screening- will take into consideration issues of legal significance which may impact the authority of the Healing to Wellness Court to accept an individual

- Nature of the offense (i.e.--violent vs. non-violent)
- Past history (i.e.--first offense vs. second offense)
- Age of the offender
- Other factors that Court system deems appropriate

Healing to Wellness Courts

Clinical Screening – will take into consideration characteristics of the offender that determine whether or not the Healing to Wellness approach is appropriate

- Level of chemical dependency
- Type of chemical dependency
- Co- occurring disorders
- Other significant characteristics that may recommend for or against participation in the Healing to Wellness Court

Who makes up the Healing to Wellness
Court “team?”

Healing to Wellness Courts

The Court draws on a number of different actors including:

- Judge (this may be a law trained judge, or it may be a community Elder, or could be a community appointed panel)
- Defense Counsel and Prosecutor
- Law enforcement & Corrections
- Substance abuse treatment provider
- Human services provider
- Case manager

Healing to Wellness Courts

- Together, the team brings a wide range of resources to bear
- Team members need to understand the role others on the team play
- Training is necessary and valuable --particularly to orient the justice providers with the treatment process and modalities & and to orient treatment providers with court processes and authorities

Healing to Wellness Courts

To facilitate the Team approach, the Healing to Wellness Court may have:

- Written protocols
- Memorandums of understanding/agreement, and
- Interagency agreements

In addition to criteria for admission to the Healing to Wellness Courts for the justice involved individual

When are Healing Wellness Courts used?

Healing to Wellness Courts

An individual may be referred to participate in the Healing to Wellness Courts at different times, depending upon the Court System. The justice involved individual may enter the Healing to Wellness Court:

- Before charges are filed,
- After charges are filed but before adjudication, or
- After adjudication

Healing to Wellness Courts

Healing to Wellness Court at the Pre- Adjudication Stage.

- Similar to diversion
- Individual may be required to sign a statement admitting to offense
- This allows for a later prosecution if the individual does not complete the Healing to Wellness Court program
- Possibility of prosecution helps to motivate the individual to stay in the program and meet requirements

Healing to Wellness Courts

Healing to Wellness Courts at the Post- Adjudication Stage –

- Court will set aside or reduce a sentence if the individual completes the Healing to Wellness court program
- Also, provides an incentive to the individual to complete the program

Healing to Wellness Courts

Whether pre-adjudication or post-adjudication, the courts use their authority and the crisis event (arrest) to:

- Bring the substance abuse out into the open
- Stress the consequences of the behavior, and
- Provide real incentives for the individual's participation in an intensive treatment

Healing to Wellness Courts

After being referred and screened, Justice involved individuals must agree to participate in the program.

To participate in the Court, individuals agree to:

- Participate in an individually designed treatment plan (including initial clinical assessment)
- Attend counseling sessions & group sessions
- Attend Court hearings (“status” or “compliance hearings”)
- Submit to regular drug testing
- Attend classes or vocational instruction
- Sign a release of information

How does the Healing to Wellness Court
Model work?

Healing to Wellness Courts

All Tribes are different, design their Courts according to their needs, and as a result no two Healing to Wellness Courts are the same. Nevertheless, most Courts make use of certain shared elements.

Healing to Wellness Courts

- Phased Treatment
- Normally a year or more of required therapeutic and other activities
- Weekly or bi-monthly status meetings with the Court
- Involvement of the family as well as the individual
- Involvement of the community to provide a continuum of care and necessary supports

Healing to Wellness Courts

Phase I of Process --Focus on

- Detox
- Gathering information
- Educating individual on substance abuse and effect on families and communities
- Education on the Healing to Wellness Courts

Healing to Wellness Courts

Phase 2 of Process --Focus on

- Acknowledgement of substance abuse problem
- Accepting responsibility for past behavior, and current treatment progress
- Building/restoring relationships
- Skill building

Healing to Wellness Courts

Phase 3 of Process --Focus on

- Continuing the process
- Recognizing the progress being made
- Acting as a mentor to newer group members

Healing to Wellness Courts

Phase 4 of Process –Aftercare phase

Preparation for the transition

→ Developing external supports

Healing to Wellness Courts

Treatment usually includes:

- Individual counseling
- Group therapy
- Support groups
- Alcohol and substance abuse classes
- Vocational classes & skills building
- Learning how to schedule time
- Status meetings, and
- Drug testing

Why would communities use a Healing to Wellness Court approach?

Healing to Wellness Courts

Research supports the approach (finding better outcomes and lower costs)

Important things to note:

- Connecting individuals with H 2 W Courts must be done quickly after crisis (arrest)
- Status meetings must be frequent
- H 2 W Team needs to be consistent
- H 2 W Team needs training and experience
- Drug testing failures must be communicated to the H 2 W team quickly

Partnerships with Healing to Wellness Courts

...are necessary to ensure successful outcomes!



Partnerships

- Provide the opportunity to enlist all of the necessary community resources
- Create the opportunities for stakeholders to share knowledge about different aspects of the Healing to Wellness process
- Allow stakeholders to break down the responsibilities and tasks, so they may be shared

Stakeholders

- Court personnel
- Prosecution & defense counsel
- Law enforcement & Corrections
- Treatment and rehabilitation providers...ALSO
 - Social service agency staff
 - Educators
 - Spiritual leaders
 - Community wellness program staff

Stakeholders

- Provide guidance and direction to the Healing to Wellness Court
- Connect with other members to provide a team based approach
- Ensure that the team is aware of any challenges that come up for the justice involved individual
- Ensure that there is a continuum of care/services

Victim Advocates



What are Victim Advocates?

Victim Advocates

- Victim advocates are professionals trained to support victims/survivors of crime. They offer a variety of service, which may include some or all of the following services:
 - Information
 - Emotional support
 - Assistance in finding resources
 - Assistance in navigating the justice system (May go to court with Victim)

Victim Advocates

Provide information :

- On victims' legal rights and protections
- On the criminal justice process
- On inmates' release
- On other services available to victim

Victim Advocates

Provide emotional support:

- to victims, and may go to court with victim or may provide counseling services
- to family members of victim

Victim Advocates

Provide assistance to victims/families:

- Safety planning
- Filling out court forms
- Filling out victim compensation applications
- In submitting comments to courts and parole boards
- Finding shelter, food & transportation
- Getting referrals for other services for victims

Where do Victim Advocates work?
Who do they assist?

Victim Advocates

Work in a variety of settings, including:

- Government (Tribal, state, federal)
 - Criminal Investigations Departments
 - Prosecutors Offices
 - Courts
 - Victim Services Offices
 - Family Services Departments
 - Legal Aid Departments
- Non-profit, Charitable Organizations
 - Women's Shelters
 - Child Advocacy Centers
 - Organizations focused on Domestic Violence and/or Sexual Assault

Victim Advocates

- Provide services to victims/survivors of domestic violence and/or sexual assault and other criminal acts
- May work with adults or children or both populations. Services provided, and who they are provided to, may change over time based on funding streams
- Many agencies/organizations focused American Indian/Alaska Native victims also provide services to Non- native victims

Who are Victim Advocates? What kind of training do they have?

Victim Advocates

- Credentials and training of victim advocates vary depending upon the requirements of the work they perform.
- Although advocates may have an extensive knowledge of the court systems and the criminal justice process, most often, victim advocates are not attorneys.

Victim Advocates

- Advocates may be social workers, counselors, outreach specialists, or lay people such as community leaders, elders, and others committed to assisting victims.
- Many Non-profit Victims Services make use of volunteers who they train in addition to a core paid staff.

How do Victim Advocates connect with
those they serve?
How do they provide advocacy services?

Victim Advocates

This often depends on the organization or agency where the victim advocates work.

- Communication:
 - Crisis lines
 - technology supported
 - in- person
- Connecting mechanism:
 - Informal introductions
 - self-referrals
 - formal referrals
 - assignments by other agency staff

Victim Advocates

Steps in Judicial Process & Opportunities for Advocates to Support Victims

- Law enforcement & investigation
- Prosecution
- Diversion, plea, or trial
- Corrections
- Probation
- Appeal

Victim Advocates

Focus on Victims of Crime Today

- Tribal, federal and state Crime Victims' Rights Acts (i.e. - Federal Crime Victims' Rights Act 2004)
- Violence Against Women Act (passed & reauthorized several times)

Victim Advocates

Crime Victims' Rights Act 2004 -- Rights Of Crime Victims

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.

Victim Advocates

Crime Victims' Rights Act 2004 -- Rights Of Crime Victims

- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.

Victim Advocates

Crime Victims' Rights Act 2004 -- Rights Of Crime Victims

(7) The right to proceedings free from unreasonable delay.

(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Victim Advocates

2013 Violence Against Women Act -- included important provisions expanding Tribal Court Authority to prosecute domestic violence offenders regardless of whether they are Indian or non-Indian.

Questions?

Carolyn Angus-Hornbuckle, JD

Public Health Communications and Program Manager

National Indian Health Board

926 Pennsylvania Avenue SE

Washington DC 20003

202-507-4070

Chornbuckle@yahoo.com

Resources

- Tribal Court Clearinghouse -- Comprehensive drug court resources. These sites are increasingly including tribal drug court specific resource materials.

http://www.tribal-institute.org/lists/drug_court.htm

- National American Indian Court Judges Association – Offers information and training opportunities.

<http://www.naicja.org/>

- The National Association of Drug Court Professionals --Offers information and training opportunities.

<http://www.nadcp.org/learn/what-are-drug-courts>

- Justice for Vets – Information on Veterans Treatment Court, training opportunities and other resources.

<http://www.justiceforvets.org/>

- National Institute of Justice, Office of Justice Programs, US Department of Justice

<http://www.nij.gov/topics/courts/drug-courts/>

- Adult Drug Court Research to Practice Initiative-- Promotes the timely dissemination of information emerging from research on addiction science, substance abuse treatment and adult drug court programs. Produces webinars, webcasts and other work products that disseminate important research to practitioners and policymakers.

<http://research2practice.org/>

- Bureau of Justice Assistance --Provides grants and supports criminal justice policy development of local, state and tribal justice strategies to achieve safer communities. Includes information on Drug Court Discretionary Grant Program, and Tribal Courts Assistance Program.

<https://www.bja.gov/>

- Office of National Drug Control Policy --Establishes federal drug control policies, priorities and strategies and sponsors the National Drug Court Institute.

<http://www.ndci.org/ndci-home/>

Resources

- VictimLaw -Database of victims' rights statutes, tribal laws, constitutional amendments, court rules, administrative code provisions, and case summaries of related court decisions that meet the needs of attorneys, victim service providers, victims, and the general public
<https://www.victimlaw.org/>
- Vision 21: Transforming Victim Services --This Web site aims to keep the crime victims field informed about the initiative's mission, objectives, and contributors. The initiative will expand the vision and impact of the crime victims field by designing a philosophical and strategic framework for defining the role of the field in the country's response to crime and moving forward in the future.
<http://ovc.ncjrs.gov/vision21/index.html>
- National Training and Technical Assistance Needs Assessment Survey --Developed to assess the needs of the victim services community by identifying and assessing your training/technical assistance needs as a victim service provider.
<https://www.ovcttac.gov/views/resources/dspNeedsAssessment.cfm>
- Online Directory Of Crime Victim Services --Helps service providers and individuals locate crime victim services in the United States
<http://ovc.ncjrs.gov/findvictimservices/>
- National Indian Justice Center
<http://www.nijc.org/>
- The National Child Welfare Resource Center for Tribes
<http://www.nrc4tribes.org/>
- Women Spirit Coalition
<http://www.womenspiritcoalition.org/>
- National Center for Victims of Crime
<http://www.victimsofcrime.org/>
- National Children's Advocacy Center
<http://www.nationalcac.org/>
- National Organization for Victims' Assistance
<http://www.trynova.org/>