



million
ONE JAIL AT A TIME.
story

E5S5 A Special Court Keeping Native Americans Out of Jail

Kirsten made her way out of jail and addiction with the help of a special court on the Penobscot Nation reservation in Maine. There, culture and justice work together to bypass traditional punitive measures for more restorative ones. Reporter Lisa Bartfai visits the Healing to Wellness Court to see how it all works.

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The Story

Tribal Healing and Wellness Courts help members stay on the path to recovery

“What we see oftentimes, and you hear a number of the participants talking about it even today, is how important their children are to them. And we’re talking about helping parents work their way through recovery, in...changing a paradigm not only for the parent, but for the child in the future.”

-Judge Eric Mehnert

In Maine, where over 9,000 people are Native American, the Penobscot Nation is using a culturally-sensitive approach to keep tribal families together in the face of an addiction crisis. On Indian Island, a community of 570 people, there were 216 offenses involving drugs or alcohol between 2013 and 2016. But instead of punishing those struggling with addiction, the Healing to Wellness Court uses a mix of ritual,, close supervision and science-backed recovery methods to help people get on the track to sobriety and stay there.

This program allows individuals, like Kirsten, to work their way through the program, attend rehabilitation, take classes, and, for those who are parents, maintain custody of their children. Judge Eric Mehnert says that his court hasn’t sent someone to jail in over two years. According to the Tribal Court Policy Institute, those who go through the Healing to Wellness Court stay clean and sober longer, as they forge powerful ties with the community and resources available to help them.



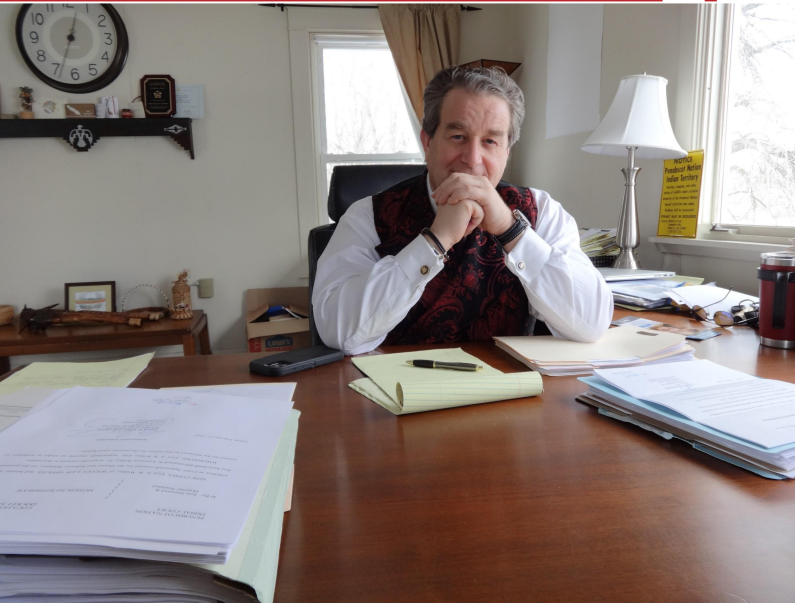
After Judge Mehnert has spoken from the bench, participants give each other feedback and encouragement. Photo: Greta Rybus

The Mission

Create an adaptive court system that helps people recover from addiction and thrive

“It welcomes them back into their community, which they may have been estranged from because of addiction. They may have burned bridges with individuals...they need to engage in cultural activities that maybe addiction broke the tie with, and become part of that community again.”

-Kristina Pacheco, Tribal Wellness Specialist



Judge Eric Mehnert at his office on Indian Island. Photo: Lisa Bartfai

In Tribal Communities, advocates say that the Healing and Wellness Court approach responds to historical traumas that members have endured—generations of theft and loss that have created a void, often resulting in high rates of drug and alcohol addiction.

In these courts, drug addiction is treated as a disease, and, rather than following a vindictive method of punishing people, those struggling are provided with tools for recovery, and the companionship of members of their communities. This includes help from drug abuse counselors, tribal elders, and family counselors. Some communities may include rituals like the sweat lodge, playing music or smudging with sage.

The mission is to reintegrate community members, and in the case of mothers like Kirsten, to reunite them with their children. Ultimately, when they are clean and sober, the hope is that this support will help them continue on a path of wellness and community engagement.

The Strategy

Therapeutic care, community involvement, and responsive supervision

“We’re looking at therapeutic responses to missteps as well. So if you’re missing counseling appointments or if you’re... missing other pieces of your treatment plan, sometimes we’ll give you a writing assignment.”

-Brianna Tipping, Case Manager

Tribal Healing the Wellness Courts model the effectiveness of a multi-faceted strategy for helping community members in their battles with addiction to ultimately thrive in the longterm. Unlike a traditional, punitive court model, which responds to addiction with jail time or other penalties, the Healing to Wellness Court looks at what an individual needs to break the cycle. It’s not necessarily easy, but the method yields results. The strategy includes:

Community Involvement:

A team of participants, from tribal elders to drug addiction counselors and family counselors, to members of the court system, all work in coordination with one another to address the challenges faced by each individual.

Drug and Alcohol Treatment:

Participants go through a structured rehabilitation program with scientifically proven methods approved by the Substance Abuse Mental Health Administration. These include Cognitive Behavioral Therapy and intensive outpatient programs with one-on-one counseling and life-skills groups.

Intensive Supervision:

Ongoing case management, continuous drug and alcohol testing, coordinated with a variety of team members from different sectors of the community, accompanies them along the way.

Responsiveness:

Counselors supervise as participants follow the program, and respond to their needs and behaviors. When participants achieve sobriety milestones, they’re met with applause and praised by their peers in the program. Some courts also offer supplies and gift cards as small rewards. If participants miss meetings or run late, they may be asked to complete reading or writing assignments to encourage self-reflection.



Brianna Tipping, Healing to Wellness Court Case Manager, behind the courthouse overlooking the Penobscot River. Photo: Lisa Bartfai

Resources

The Tribal Court Policy Institute has many resources for creating more responsive, culturally sensitive courts in communities, including the Healing to Wellness Court model. This pamphlet offers a comprehensive explanation of the different resources available for creating an effective Healing to Wellness Court:

https://c305bcdd-de35-434b-8752-67d5722025ff.filesusr.com/ugd/8305c9_da28c2df1fe14517bbf154d71fd297f7.pdf

The WellnessCourts.org website includes tools and policy updates for Healing to Wellness Courts, along with this chart, which describes the different components of a Healing to Wellness Court:

<http://www.wellnesscourts.org/tribal-key-components/index.cfm>

The Tribal Healing to Wellness Virtual Enhancement Training offers additional training to all members of Wellness Court teams, including judges, drug treatment providers, childhood welfare representatives, prosecutors and tribal council members.

<https://www.enhancementtraining.org/>

Art celebrating the Penobscot Nation adorns the judge's bench.
Photo: Greta Rybus



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