



Topic 1 – JHW Courts & Programs

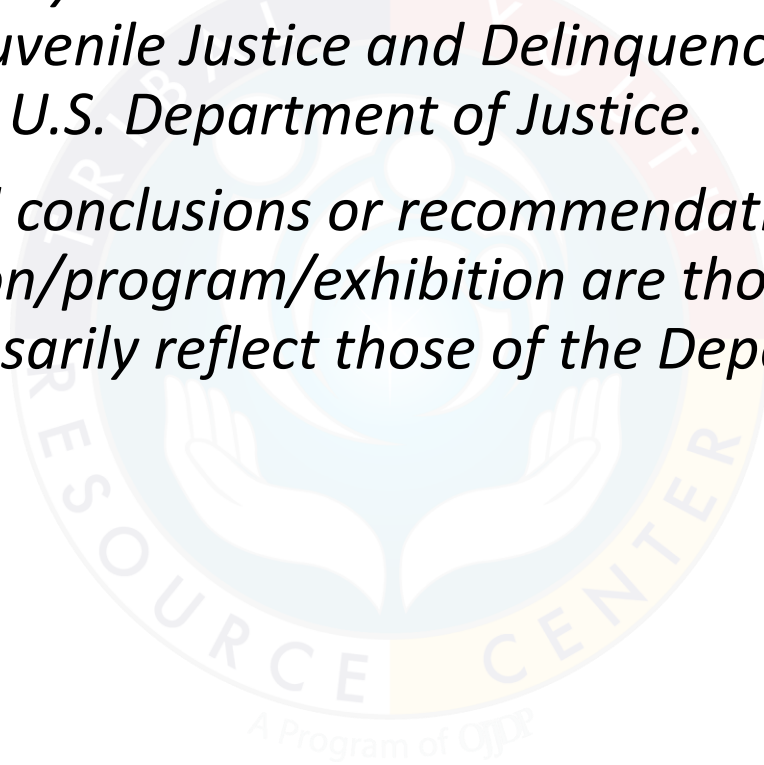
The Youth We Plan to Serve



Tribal Youth Resource Center
www.TribalYouth.org

▶ Before we get started...

- *This project was supported by Grant #15PJDP-21-GK-04048-MUMU awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.*
- *The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.*



▶ LEARNING OBJECTIVES

1. Juvenile Healing to Wellness Courts (JHWCs or JHW Courts) are designed to work with moderate-to high risk/need youth
2. Juvenile Healing to Wellness Programs-Only (JHW Programs) work with low risk/need youth
3. You may choose to design and implement either a JHWC or a JHW Program-Only with your CTAS Purpose Area 8 award
4. A JHW Court Docket is a therapeutic court process (not primarily an adversarial one) and cases are typically diverted from Tribal Juvenile Court Docket to the JHW Court Docket
5. You will need to define your “Target Population”
6. You will also need to set out your “Eligibility Criteria” which may not include “Violent Offenders”
7. Avoid Net Widening by selecting a JHW Program if your stakeholders decide to serve low risk/need youth

▶ Breakout Exercise

Instructions:

1. Rooms will be randomly assigned
2. There will be a facilitator to guide conversations
3. Turn on your camera if you can
4. Take space, make space – everyone having the opportunity to share
5. Every idea is valuable- no wrong thoughts

We need everyone's wisdom for the greatest results

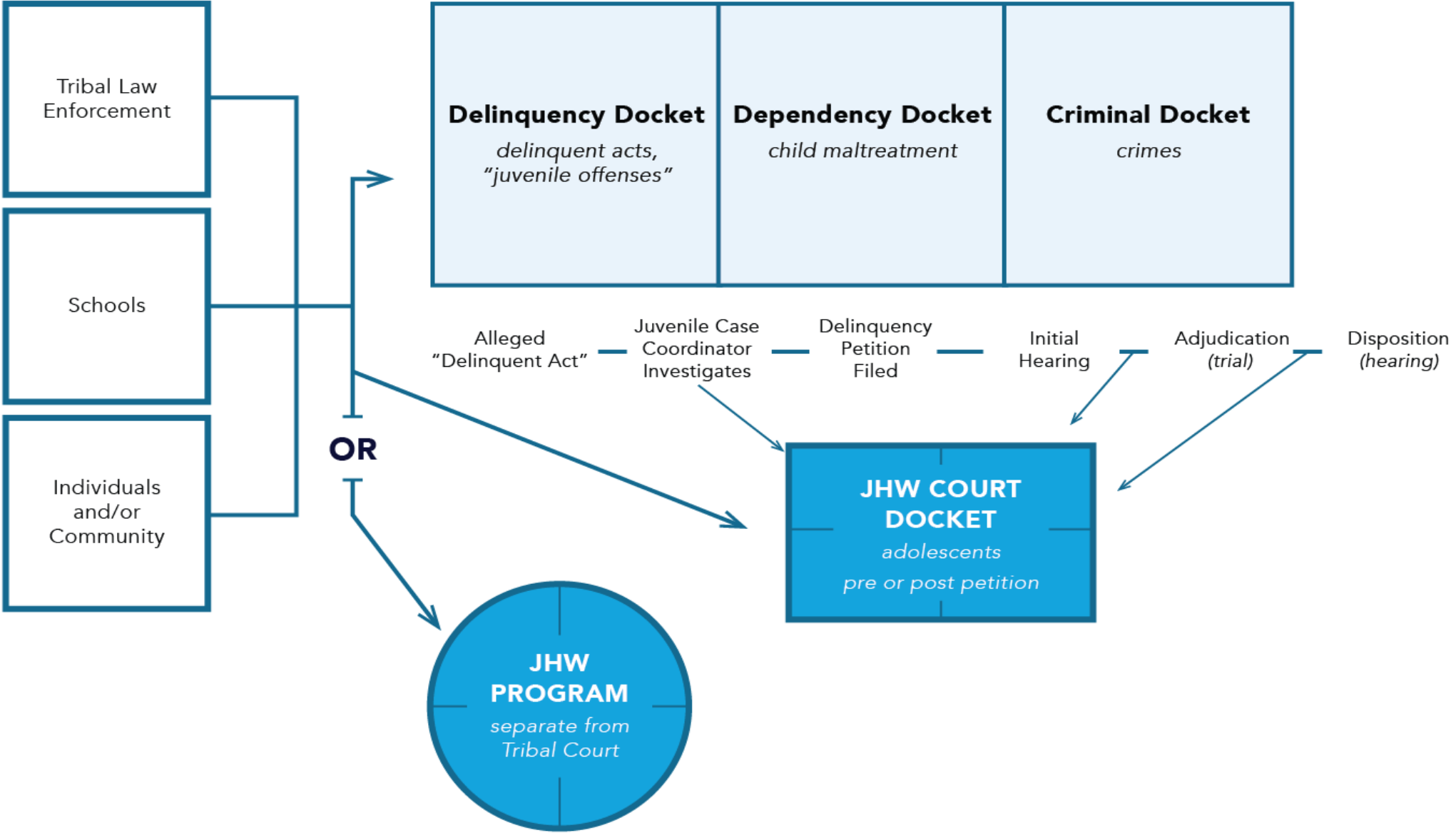
▶ BREAKOUT EXERCISE- JHW COURTS & PROGRAMS

Brainstorm answers to the following questions for your tribal community:

1. Why do we think Native/Tribal Youth use/abuse alcohol and drugs? Do they use for different reasons than adults?
2. How do Native/Tribal Youth become involved in the tribal and/or state juvenile justice systems (or criminal justice systems)?
3. What do we think would help them once they become system-involved?
4. How could we prevent them from becoming system-involved?
5. What resources are already available to low-risk youth outside of the Tribal Court System (example: a mentoring program)?

JUVENILE HEALING TO WELLNESS COURT VS. PROGRAM

The Tribal Court "Adversarial Dockets"



▶ HOW THE AMERICAN JUSTICE SYSTEM IDENTIFIES AND SORTS JUVENILES

(the focus is on targeting individuals for successful treatment and supervision, and matching them to assessed needs and risk levels, delivered in the appropriate sequence)

Low Risk



- Skipping School
- Running Away
- Drinking Underage
- Acting Out
- “Ungovernability”
- “Incorrigibility”
- “Being Beyond the Control of One’s Parents”
- Violating Curfew

High Risk of Reoffending and High “Criminogenic Need”

Work, School, Recreational Issues:

- Lack of education
- Chronic unemployment
- Lack of participation in non-criminal leisure activities

How One Thinks

- Faulty thought process (rationalizing crime, blaming the victim or system, substance use/abuse)

Behavior:

- Aggressiveness
- Cruelty
- Rage
- Argumentativeness
- Defiance of authority



Personality:

- Lack of empathy
- Criminal identity
- Impulsivity
- Disregard for others
- Aggressiveness
- Excessive risk-taking

Peers:

- Close associates who present anti-social beliefs and attitudes, who engage in criminal behavior
- Isolation from pro-social influences
- Family issues

TWO IMPORTANT CONSIDERATIONS

1. What resources are already available to low-risk youth outside of the Tribal Court System?

- Mentoring Program
- Restorative Practices
- Cultural arts programs
- Youth Peer-to-Peer activities
- Youth talking circles
- Circle in Schools
- After-school programming
- Monthly outdoor cultural activities
- Seventh Generation Tribal Mentoring Program
- Homework help
- Job-skills training
- Elder-Mentor programs
- GED/ high-school equivalency program

2. If there are already services available for low risk youth, but not for moderate to high risk youth, what services do you need to build out in your tribal system?

- Team-based case management or high fidelity wrap-around case management*
- High-level of structure, supervision, and accountability*
- Judicial supervision*
- Substance use disorder and/or mental health disorder treatment*
- Random alcohol and drug testing
- Participation in support groups*
- + Development activities (school attendance and success, employment, job training, and basic life skills)*
- + Enriched community connections (sports, clubs, youth groups, and volunteerism)*

**Culture may be integrated here*

WHICH YOUTH DO WE WANT TO REACH WITH OUR JHW COURT DOCKET?

- Two important concepts:
 - *Target Population*
 - *Eligibility Criteria*
- First, you will need to define your JHWC *Target Population*
 - This will guide persons, entities, and/or government officials to do an initial vetting of potentially eligible youth
 - If you provide them with a general description of the youth characteristics you are looking for, then they will report, transfer, or refer them to your JHWC

WHICH YOUTH DO WE WANT TO REACH WITH OUR JHW COURT DOCKET? (CONT.)

- Second, you will need to set your JHWC *Eligibility Criteria*
 - Your reporting, referral, and diversion sources may not have access to sufficient information
 - A history of serious offenses
 - The severity of the substance-use problem
 - Whether the parents willing to participate
 - After youth from your target population have been reported/referred/diverted to the JHWC, the JHWC Team will need to screen for additional, harder-to-identify characteristics
 - The JHWC Team will need *Eligibility Criteria*

FUNNEL OF NATIVE/TRIBAL YOUTH

What you need to find out:

How many juvenile offense or status offense cases are there in Tribal Court? What types?

How many cases involving Native/Tribal Youth are in state/county court? What types?

What types of "offenses" qualify for the JHWC?

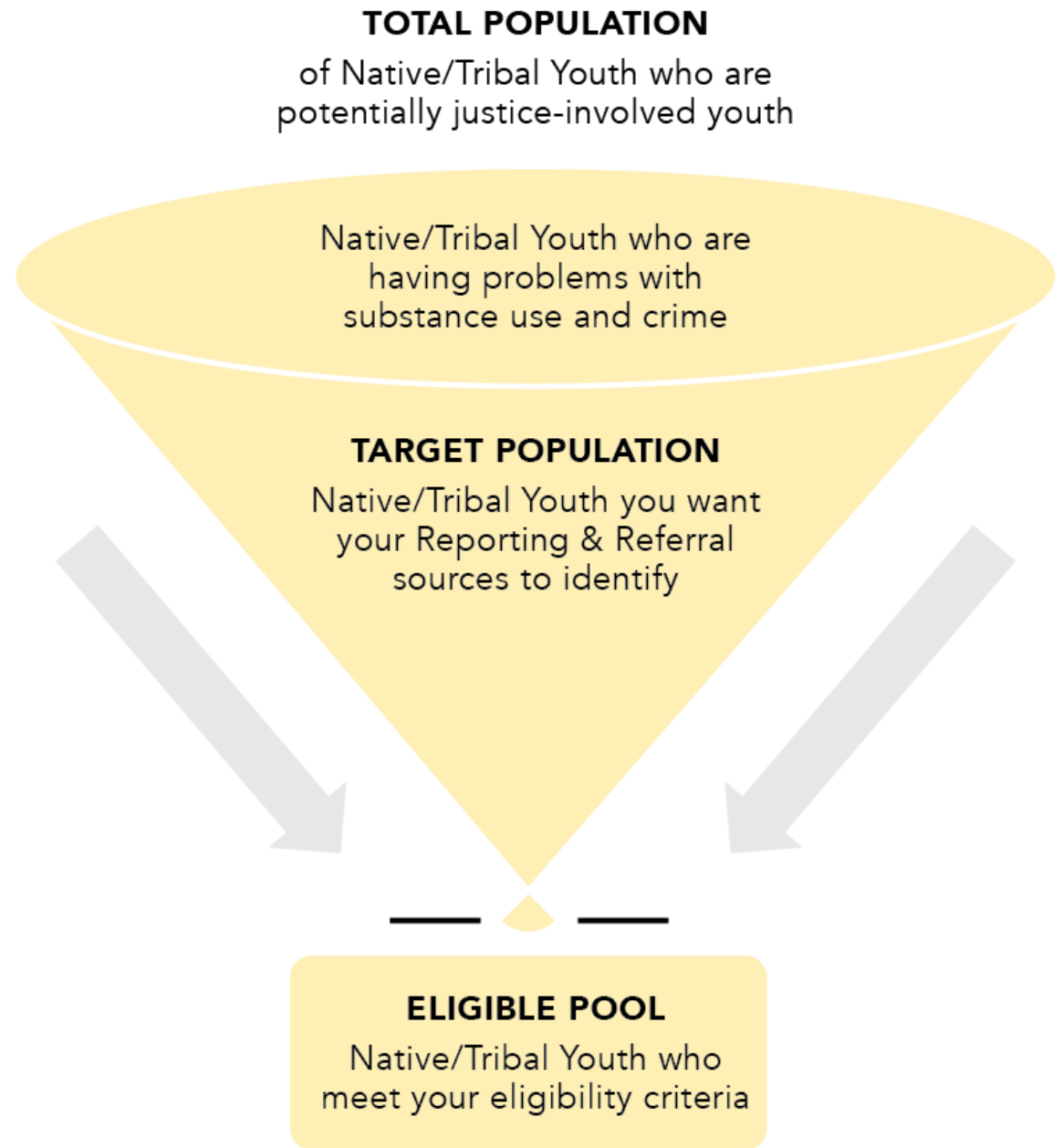
Does the Youth have a substance use issue? How severe?

Have they tried treatment before (what type)?

What stage in the court process is the Youth in?

How old is the Youth, what gender?

What is the Youth's previous involvement with the Tribal/State justice systems?



▶ WHICH NATIVE/TRIBAL YOUTH WOULD BE BEST SERVED BY OUR JHWC?

Characteristic	Which characteristics do we want to include in our Eligibility Criteria?
Age	
Court Status (pre-court, post filing of petition, post adjudication, &/or at disposition)	
Gender	
Severity of alcohol &/or drug use problem (experimentation through addiction)	
Previous involvement with tribal or state justice system	
Other	



EXAMPLE OF JHWC ELIGIBILITY CRITERIA

Qualifiers	Disqualifiers
Youth is a Tribal Member, Eligible for Tribal Membership, or a Member or Eligible for Tribal Membership in other federally-recognized Tribe	Violent Offenders
Ages 14-16	Sex Offenders
Alcohol &/or drug screen shows substance use or abuse	Alcohol/Drug Distribution



▶ FEDERAL DEFINITION OF “VIOLENT OFFENDER”

Per 34 U.S.C. 10612, any drug treatment court that receives funds under this program may not permit participation by *violent offenders*.

For the purposes of this solicitation, *the term “violent offender”* includes a juvenile who has been convicted of or adjudicated delinquent for a felony-level offense that:

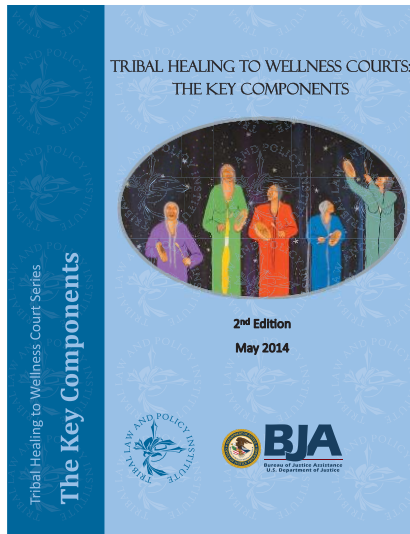
- (1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another,
- (2) the possession or use of a firearm, or
- (3) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. 34 U.S.C. 10613.

Funding will be immediately suspended if DOJ determines that violent offenders are participating in any program funded under this solicitation.

▶ CAUTION: AVOID “WIDENING THE NET”

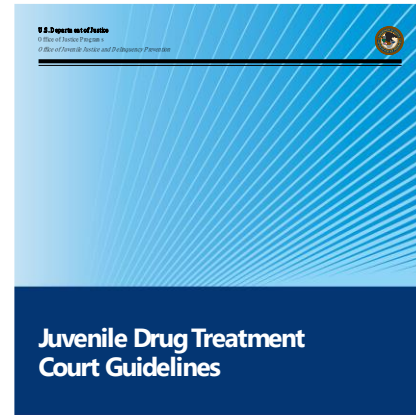
- Avoid pulling lower-risk youth into a JHW Court Docket in order to get your program numbers higher
- A JHW Court is an intensive intervention most appropriate for moderate/higher-risk and need youth
- For youth who can be served by other tribal government programs, in community-based programs and/or in treatment, the JHW Court is an ineffective use of resources, may not benefit low-risk/need youth as intended, and may cause them harm
- If your stakeholders decide to serve low-risk/need youth, consider designing and implementing a JHW Program

JHWC KEY COMPONENTS, GUIDELINES, & RESOURCES



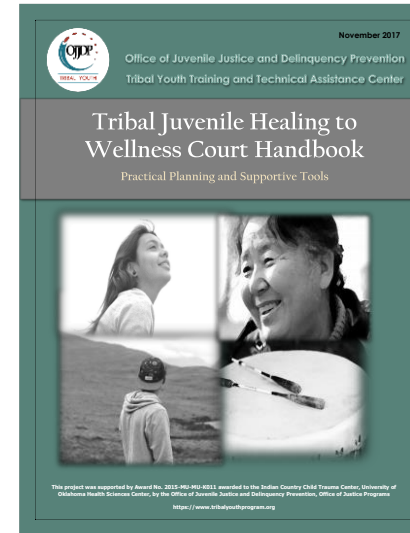
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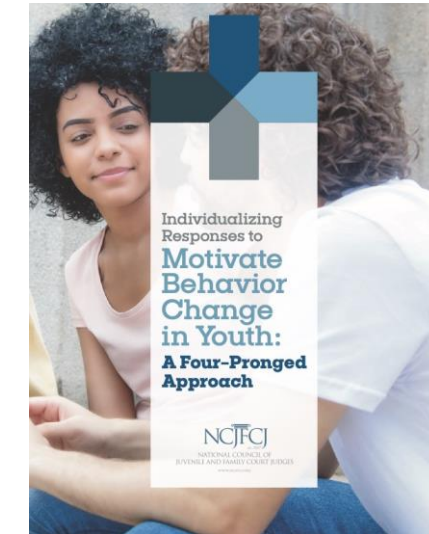
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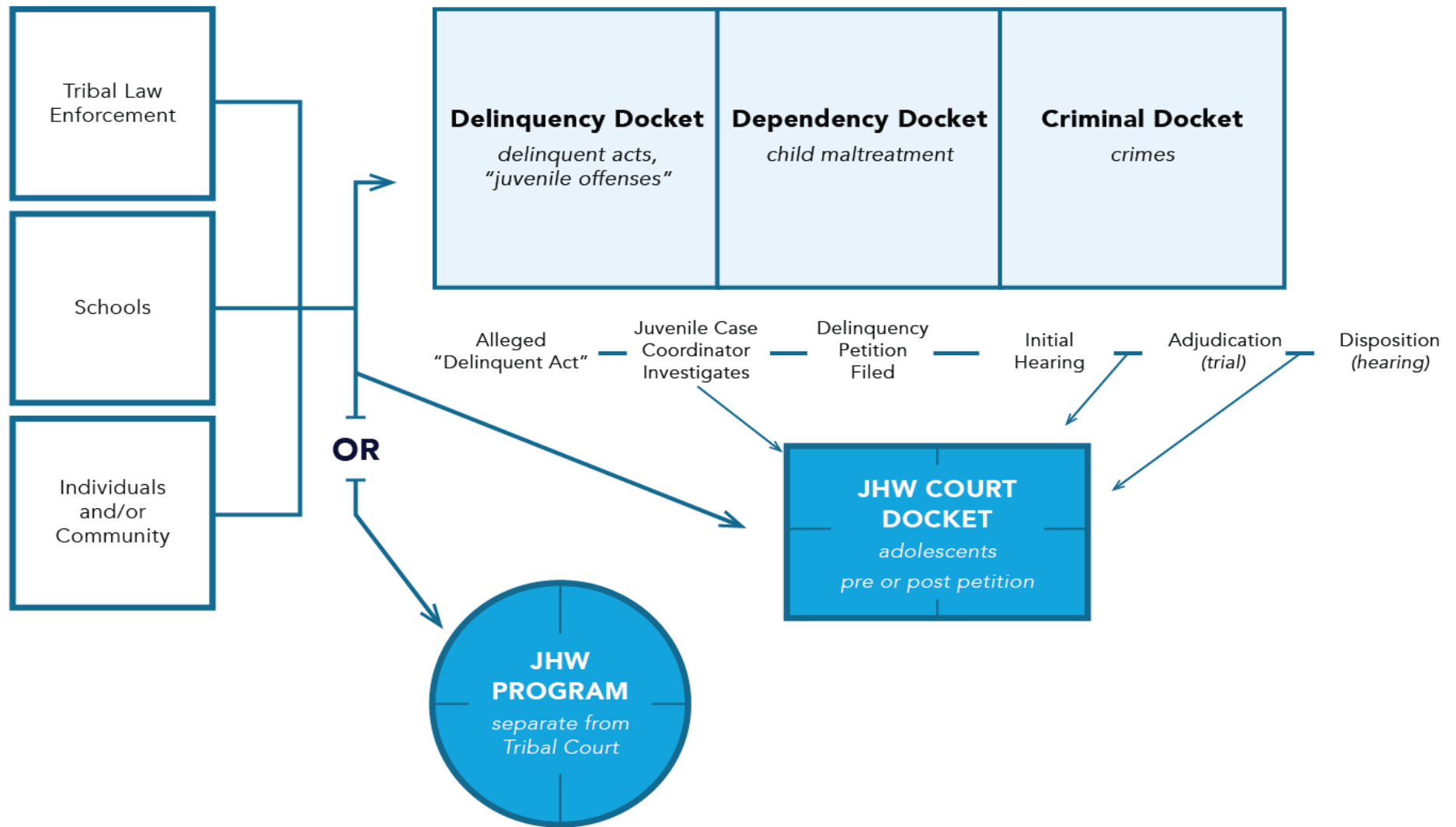
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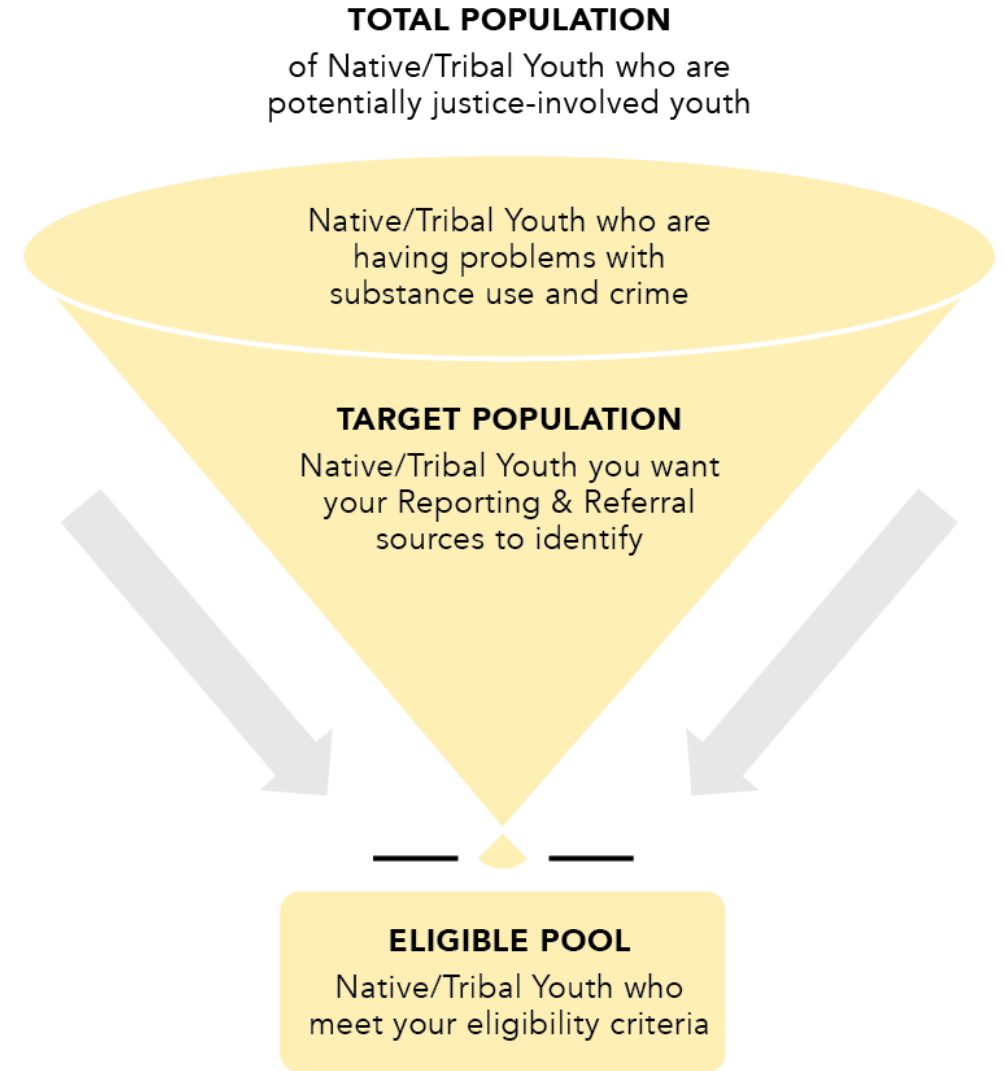
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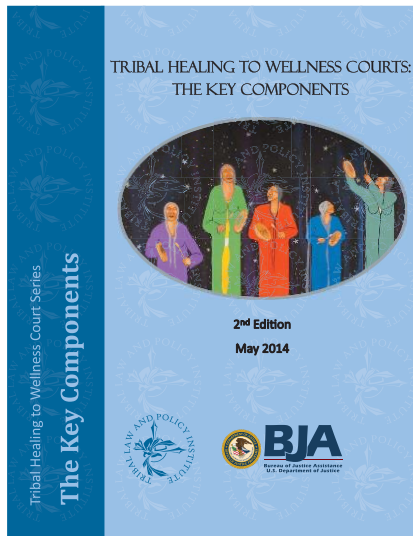
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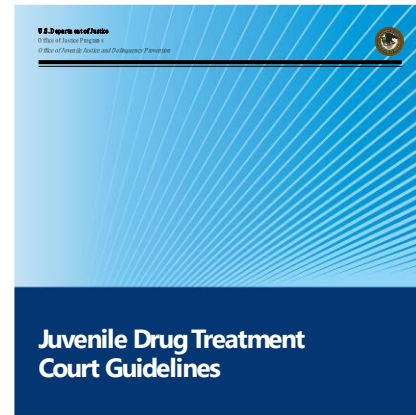
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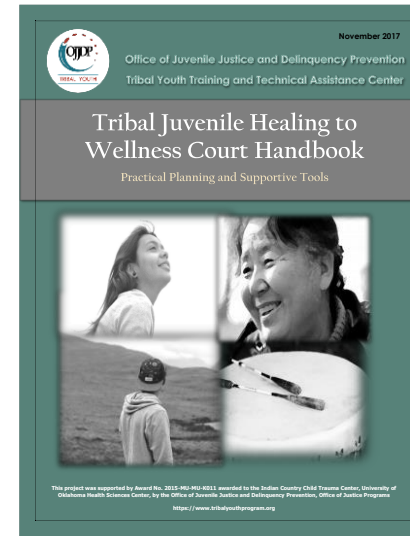
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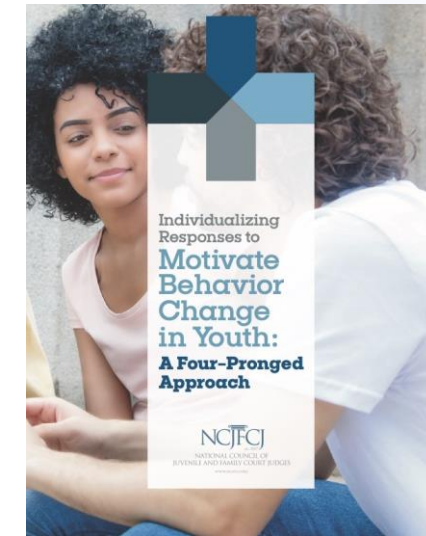
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► Evaluation Polling Questions- 5 Minutes

- Questions are based on topic content just presented
- Polling provides overall opinion for improvement
- Polling is anonymous

