

# Tribal Law and Policy Institute Tribal State Collaboration Webinar Series

## Justice Reimagined:

## Healing Community and Improving Outcomes Through Joint Jurisdiction

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# Joint Jurisdiction



“Together Everyone Achieves More”



# What is Joint Jurisdiction?

## ► Joint Jurisdiction is exercised

When a tribal court judge and a state or federal court judge come together to exercise their respective authority simultaneously, bringing together justice system partners and leveraging resources to promote healing and protect public safety.

## ► Joint Jurisdiction can be exercised

Anytime procedurally, because it is a creative approach to changing the very fabric of social justice



# Focus on Root Causes

“Poverty, addiction, racism, and hopelessness know no jurisdictional boundaries”

Why???



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# Wise advice from a 9-year-old

- ➡ Be proud of who you are
- ➡ Open your minds
- ➡ “Learn” each other
- ➡ **DON'T BE AFRAID**



# Justice Reimagined

## ASK YOURSELF...

- How do you heal the whole community?
- What are the long-term benefits of working together?
- What are the cost-savings across all justice partners and systems?
- How do you collaborate within agencies and across jurisdictions?



# 18 Jurisdictions Reimagined Justice: 9 Operational Joint Courts Hear

- **Civil cases:** adoption, child abuse and neglect, conservatorship, domestic violence, family law, guardianship, juvenile (diversion, delinquency, reentry, and truancy), termination of parental rights, and tribal customary adoption.
- **Criminal cases:** adult criminal felonies, misdemeanors, and driving under the influence/while intoxicated (DUI/DWI)





# Where it All Began

## Cass County – Itasca County - Leech Lake Wellness Courts

- Created in 2006 and 2007 to address epidemic of alcohol-related crashes and deaths
- First joint jurisdiction courts in the nation
- Serves Tribal Members and Non-Indians
- Multi-jurisdictional, multi-agency participation
- Operated on handshake for over a year



# A National Model

- 2010 Harvard Honoring Nations Award
- 2010 Minnesota Corrections Association President's Award
- 2011 National Association of Drug Court Professionals Cultural Proficiency Courage Award
- 2012 National Criminal Justice Association Outstanding Tribal Criminal Justice Program
- 2012 Minnesota Association of Counties Award
- 2017 Local Government Innovation Award – Humphrey School of Public Affairs/Bush Foundation

## Resolutions

- National Association of Drug Court Professionals (2010)
- National Council of Juvenile and Family Court Judges (2011)
- Conference of Chief Justices (2011)

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# The Model Replicated

- ▶ Leech Lake Band of Ojibwe- Cass County (Minnesota)
- ▶ Leech Lake Band of Ojibwe- Itasca County (Minnesota)
- ▶ Saint Regis Mohawk (International: New York, USA and Canada)
- ▶ Ho-Chunk Nation- Jackson County (Wisconsin)
- ▶ Shingle Springs Band of Miwok Indians- Eldorado County (California)
- ▶ Kenaitze Indian Tribe (Kenai, AK)
- ▶ Yurok Tribe- Humboldt County (California)
- ▶ Yurok Tribe- Del Norte County (California)
- ▶ Hoopa Tribe- Humboldt County (California)

# The Journey



# Breakout Discussion 1

What barriers do you see in your jurisdiction to establishing a joint jurisdictional court?





# Nuts and Bolts

## Joint Court Planning Process

- Facilitated meetings with stakeholders
- 3-4 on-site meetings, each for 2-3 consecutive days
- Agree on ground rules to ensure everyone has a voice in planning
- Identify stakeholder expectations/values
- Create program manual based on program designed by site participants

# Nuts and Bolts- Strengthening Collaboration

- Collaboration between governments starts with relationships between two or more people sharing common goals
- Collaboration is more than cooperation
- Mutual understanding, trust, and respect are essential
- Joint jurisdiction goes beyond collaboration to create a new type of justice system
- Ground rules for communication are essential
- Safe, open, and inclusive environment is necessary to talk and share ideas





# Nuts and Bolts: Toward a “Taught Fabric”

- ▶ Start with mapping the current system
- ▶ Identify service gaps, underutilized services, and opportunities to create new services
- ▶ Ask each other what you need from one another to infuse culture and incorporate best practices
- ▶ Don't be afraid to try something new

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# Needs Assessment Shared Characteristics

- Effective leadership
- Blend two court approaches
- Are tailored to the tribe's culture and local court context
- Face similar challenges
- Focus on root causes
- Improve collaboration and break down silos
- Improve outcomes and system change
- Apply sustainability and quality control strategies
- Got their start with effective technical assistance



# Effective Leadership

“The execution of the Joint Powers Agreements between the Tribal Court and State District Courts...are an important example of how broader inter-governmental relations can begin to come full circle back to that of co-equal sovereigns.”

-Leo Brisbois (White Earth Ojibwe)

Federal Magistrate Judge/former President of Minnesota State Bar Association



# Blend Two Approaches Bridge Two Different World Views

NOT JUST “HEALING TO WELLNESS” or  
“PROBLEM-SOLVING” COURTS

Grounded in Indigenous Ways  
The Original Restorative Justice

Caring for the People



# Tailored to the Tribe's Culture and Local Court Context

- Culture-specific
- Trauma-informed
- Strengths-based
- Family-oriented
- Practices
  - Tribal healing to Wellness
  - Problem -solving/collaborative courts
  - Wraparound Process



# From Similar Challenges to Common Goals

- Reducing disproportionate minority contact
- Decreasing the number of children in out of home placement
- Addressing the epidemic of drug and alcohol abuse
- Reducing number of DWI's and traffic fatalities
- Breaking the school to prison pipeline

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# Focus on Root Causes



# Collaboration and Breaking Down Silos Gets Results

- ▶ Leverage scarce resources
- ▶ Make new funding sources and services available
- ▶ Direct hand in healing while protecting public safety
- ▶ Cultural Understanding - Eliminate “us v. them” attitude
- ▶ Strengthen services to families
- ▶ Increase public trust and confidence
- ▶ Expand jurisdiction
- ▶ Lower recidivism and stop the revolving door of the criminal and juvenile justice systems





# Improved Outcomes and System Changes

- Elimination of truancy cases
- Elimination of state court child welfare cases
- Participants reunited with children/families
- Valid driver's licenses
- Employment/school
- Ending abusive relationships
- Participants have tens of thousands of days of documented sobriety between them
- Significant reduction in recidivism
- Significant cost-savings



# Sustainability and Quality Control Strategies

- Rethinking Evaluation- Telling Our Story Together
- Memorializing Agreements and Policies
  - Joint Powers Agreements
  - Court Manual, Protocols, Flowchart,
  - Contracts and Interagency Agreements,
- Always Strengthening Collaboration- Regular Joint Leadership Meetings
- Signaling Co-Equal Partnership- flag raising



# Getting Started-Technical Assistance

## ► Consultants

- Project T.E.A.M.- Bureau of Justice Assistance
- State Grants- Collaborative Courts and Judicial Council
- Tribal Grants- CTAS and other
- Tribal Law and Policy Institute- Bureau of justice Assistance

## Breakout Discussion 2

How can you overcome the barriers you identified in the first breakout session?



# Leadership



# Lessons Learned- Leadership

- Starts with a conversation
- Let the planning team create – people support what they help create
- Identify and reinforce the team's common goals and vision
- Stay focused on results
- Amplify voices in a balanced and inclusive way
- Step toward conflict as it is inevitable and seek areas of agreement, but agree to disagree because healthy disagreement builds better decisions
- Assign a final decision maker if the team fails to reach consensus
- Plan for transitions of leadership and staff- “warm hand-off”



# Wellness Teams Making it Together!

# Lessons Learned- Wellness Teams

- Be patient, flexible, and adaptable
- Be persistent when delays beyond the planning team's control occur
- Take time to "learn" one another
- Infuse culture and incorporate best practices
- Local needs determine court structure
  - Be realistic about what services justice partners can provide
- Enlist a strong facilitator





# DON'T GIVE UP!!!! Remember-

- Change is hard
- Joint Jurisdictional team members are helpers-  
each with their own histories of trauma
  - Acknowledge it,
  - Own it, and
  - Work on it
- Systems don't collaborate, people do
- Focus on why we come together and our  
common goals



# THE POWER OF ONE

*Change begins with me,  
with you, with us.*

- Carolyn Yoder

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# Resources

- Technical Assistance Providers
- Tribal Policy and Institute Needs Assessment Report
- Project T.E.A.M. “How-To” Manual
- California Judicial Council Toolkit for Judges



# Additional Reading

- ▶ “The New Face of Justice: Joint Tribal-State Jurisdiction”  
Washburn Law Journal (Vol. 47, No. 3, Spring 2008)
- ▶ “Building a Legacy of Hope: Perspectives on Joint Tribal- State Jurisdiction”  
William Mitchell Law Review (Vol. 36 , Issue 2, 2010)
- ▶ “Tribal and State Courts: Strategies for Bridging the Divide” Center for Court Innovation
- ▶ “Promising Strategies: Tribal-State Court Relations” and  
“Promising Strategies: Public Law 280”  
Tribal Law and Policy Institute/Bureau of Justice Assistance (March 2013)



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