



[WalkingOnCommonGround.org](http://WalkingOnCommonGround.org)  
[WOCG@tlpi.org](mailto:WOCG@tlpi.org)

# Justice Reimagined:

## Healing Community and Improving Outcomes Through Joint Jurisdiction

**Korey Wahwassuck**

TLPI Consultant



# Disclaimer

*This project was supported by Grant No. 15PBJA-23-GK-05387-TRIB awarded by the Bureau of Justice Assistance (BJA). BJA is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# Presenter



Hon. Korey Wahwassuck

Retired District Court Judge, Itasca County  
Consultant, Tribal Law and Policy Institute



# Joint Jurisdiction

“Together Everyone  
Achieves More”





# Overview: 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 transforming foundational systems and structures.

# Essential Elements of Joint Jurisdiction Courts



## **Judicial Leadership**

Strong leadership from judges is foundational. Judges must be willing to collaborate, innovate, and commit to shared goals.



## **Voluntary Participation**

All parties—courts, agencies, and individuals—must choose to participate willingly. This fosters trust and cooperation.



## **Shared Vision and Goals**

Partners must develop a common understanding of the court's purpose, values, and desired outcomes.



## **Collaborative Planning and Decision-Making**

Planning is done jointly, with all stakeholders contributing to the design and operation of the court.



## **Cultural Competency and Respect**

The court must honor tribal sovereignty and integrate cultural values, traditions, and practices into its processes.

# Essential Elements of Joint Jurisdiction Courts (cont.)



## **Integrated Services and Resources**

The court should coordinate services across jurisdictions to address participants' needs holistically.



## **Communication and Information Sharing**

Open, consistent communication and data sharing are essential for coordination and accountability.



## **Training and Technical Assistance**

Ongoing education and support help teams build capacity and sustain effective practices.



## **Evaluation and Sustainability**

Courts should assess outcomes, adapt as needed, and plan for long-term sustainability.



# Benefits of Joint Jurisdiction Courts

- Joint Jurisdiction Courts blend healing-to-wellness and problem-solving court approaches
- Tailored to fit the specific culture of the tribe and local court systems
- Break down silos and improve collaboration
- Result in improved outcomes and system changes





# Where it All Began

Leech Lake Wellness Courts with  
Cass and Itasca Counties

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



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



Photos provided by Korey Wahwassuck

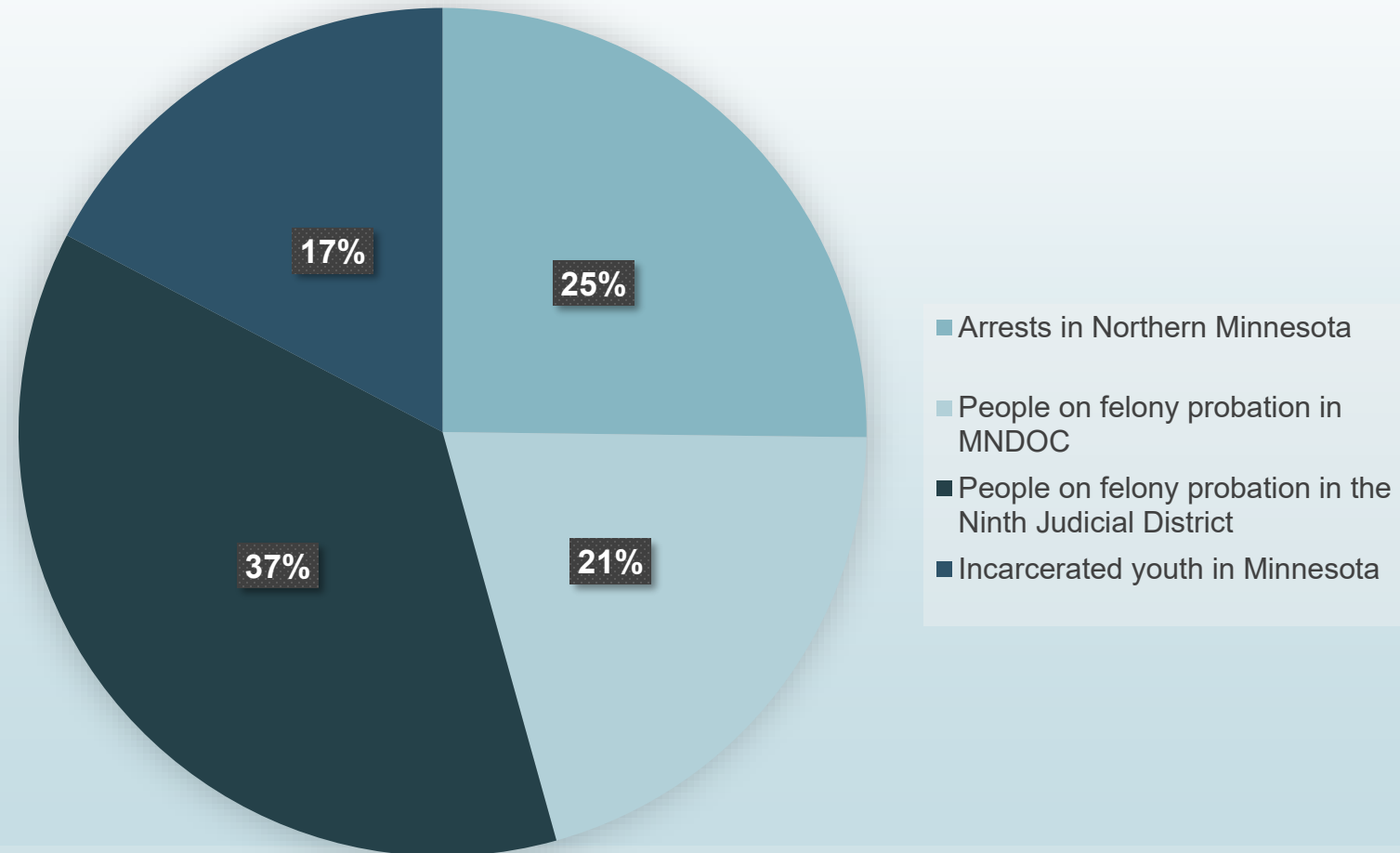




# Overrepresentation of Native Americans in Probation in Minnesota

- Despite representing 2% of the population, Minnesota has more Native Americans on probation than any other state.

**Native Americans in Minnesota represent:**



# Cass County

21% increase in felony DWI's between 2000-2005

Cass County worst outcomes in state for children – (community health survey responses from 9th graders)

1st for sexually active teens



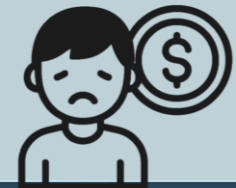
2nd for out-of-home placement and attempted suicides



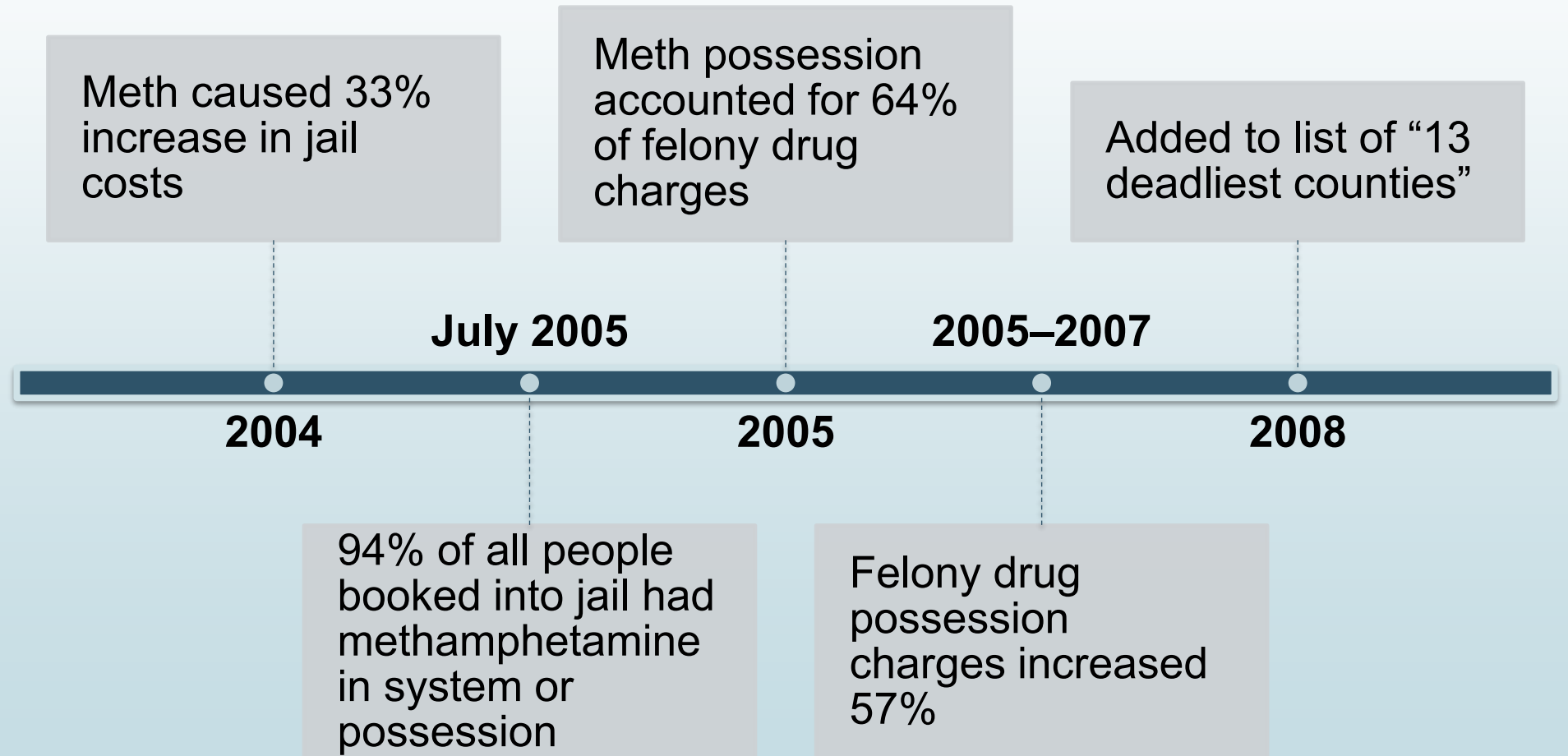
3rd for drinking and driving



3rd for children living in poverty

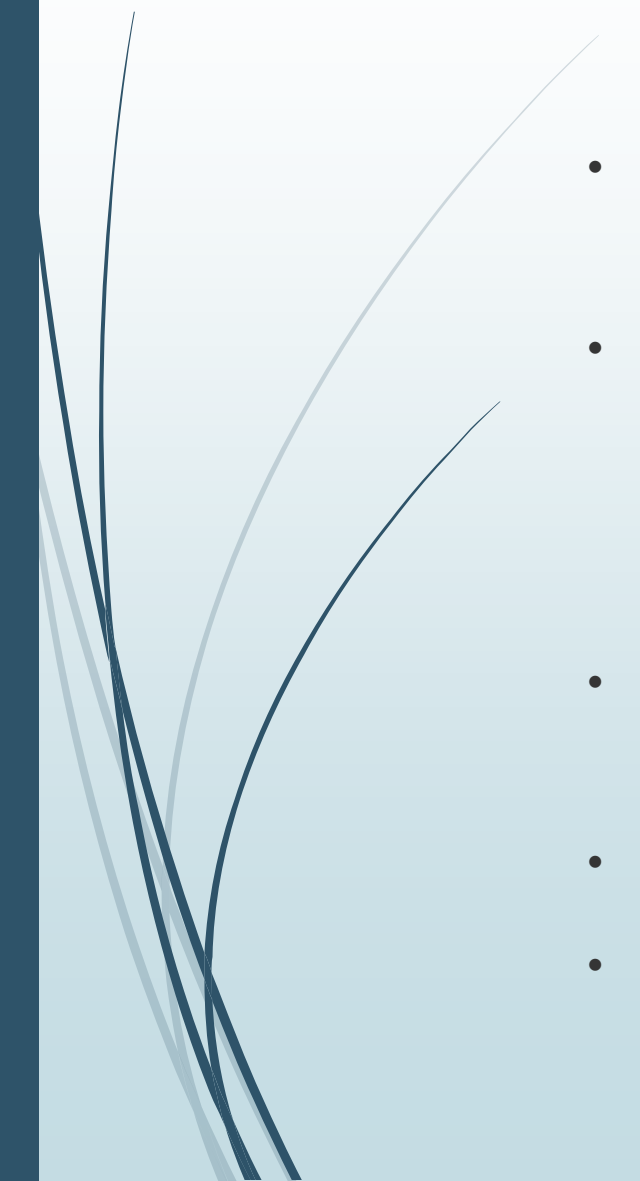


# Itasca County





# Leech Lake Band of Ojibwe Tribal Court

- 
- Created in late 70's as Conservation Court, 1980 added Indian Child Welfare Act (ICWA) cases
  - By 2006, handling civil, traffic, conservation, housing, dangerous dog, child protection, truancy, minor consumption, curfew (BJA Tribal Court Assistance Program grantee)
  - Added in 2009-10 – Tax Code, Family Law (divorce/custody), Probate
  - No criminal codes – “building incrementally”
  - Use of technology – Interactive Video conferencing



# Common Goals



- Reducing contact
- Fewer children in out of home placement
- Addressing the epidemic of drug and alcohol abuse
- Reducing number of DWI's and traffic fatalities





# Authority for Joint Jurisdiction

“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.”

— Hon. Leo Brisbois (White Earth Ojibwe)

Federal Magistrate Judge, District of Minnesota

Former President of Minnesota State Bar Association



# Foundational Documents

- Joint Powers Agreements between the Tribal Court and State Court
- Tribal Council and County Board of Commissioners Resolutions
- Probation Agent Cross-Appointment Orders
- Memoranda of Understanding for Wellness Court Team Members
- Interagency Agreements (e.g. Tribal Court-Human Services)
- Participant Contracts



# Other Agreements



- Joint Powers Agreement with State for Leech Lake Police services for Wellness Court
- Contract with 9th Judicial District for Guardian ad litem services
- Incarcerated parents can appear by ITV in Tribal Court for child protection hearings



# Additional Agreements



- Memorandum of Agreement between Cass County and Leech Lake for Wellness Court and Juvenile Restorative Justice Program (Leech Lake flags presented to Cass County Board of Commissioners)
- Regular Joint Meetings between Leech Lake Tribal Council and Boards of Commissioners
- Cross Appointment of Cass County Probation Agents



# Hailed as a Promising Practice

- Intergovernmental Cooperation
- Innovative
- Replicable and Sustainable
- Culturally Grounded Services
- Unique Operation, Management, and Effectiveness
- Respect for and Enhancement of Tribal Authority
- Fairness: fair, nondiscriminatory, and impartial treatment of all persons.



# A National Model

- 9 Awards and 3 resolutions including:
  - 2010 Harvard Honoring Nations Award
  - 2011 National Association of Drug Court Professionals Cultural Proficiency Courage Award
  - 2012 National Criminal Justice Association Outstanding Tribal Criminal Justice Program
  - 2017 Local Government Innovation Award – Humphrey School of Public Affairs/Bush Foundation



# Learning From Existing Joint Jurisdictional Courts

## 18 Jurisdictions Reimagined Justice

- **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)



# The Model Replicated

- Leech Lake Band of Ojibwe- Cass and Itasca Counties (Minnesota)
- White Earth Nation- Becker and Mahnomen Counties (Minnesota)
- Saint Regis Mohawk (International: New York, USA and Canada)
- Kenaitze Indian Tribe – Alaska Court System (Kenai, AK)
- Hoopa Tribe- Humboldt County (California)
- Shingle Springs Band of Miwok Indians- Eldorado County (California)
- Yurok Tribe- Humboldt and Del Norte Counties (California)
- Forest County Potawatomi and Forest County (Wisconsin)
- Planning: Ho-Chunk Nation and Jackson County (Wisconsin)





# Where to Start?

## ASK YOURSELF...

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



# Exploring How to Establish a Joint Court: Following in their Footsteps

- Collaborative meetings of community stakeholders convened by judges
- Neutral facilitator guides 3-4 on-site meetings, each for 2-3 consecutive days
- Ground rules ensure everyone has a voice in planning
- Identify stakeholder expectations/values/feedback



# Exploring How to Establish a Joint Court: Continued

- Start with mapping the current system
- Identify service gaps and opportunities to create new services
- Infuse culture and incorporate best practices
- Create agreements and program manual



# Key to Collaborative Meetings

- Judges are co-equal partners from very different systems
- They are forging collaboration between governments
- Face-to-face relationships are necessary to create mutual understanding, trust, and respect
- Safe, open, and inclusive environment to share ideas
- Common goals emerge and joint court design takes shape



# Key to Mapping Services

- Build on existing services
- 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



# Keys to Success in Reimagining Justice: Needs Assessment Reveal Shared Characteristics Among Joint Courts

- Leadership was crucial for development
- Blended court/worldview approaches
- Address root causes of problems facing court participants
- Broke down silos and improved collaboration
- Improved outcomes and system change
- Applied sustainability and quality control strategies
- Effective technical assistance was used



# Effective Leadership



“We see a problem and work on it both at the local level and on the forum. It’s these relationships that make creative breakthroughs like this program possible. It’s important to start small, think big, and don’t give up.”

— Hon. Carrie Garrow (Mohawk)  
Chief Judge, Saint Regis Mohawk Tribal Court



# Lessons Learned: Leadership

- 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”





# Blended Approaches

- Judges and stakeholders draw upon knowledge of promising practices from healing to wellness and problem-solving courts
- New ways of delivering justice are grounded in each tribe's culture
- No two joint-jurisdictional courts or their journeys are the same
- Each is shaped by historical and present-day impacts in the region



# Blended Approaches - Continued

- Culture-specific- design must include culture bearers, such as a tribal elder, healer, or language instructor
- Culture as Medicine- tradition and cultural practices are healing on multiple levels: physically, emotionally, and spiritually.
- Research shows- connecting or reconnecting to culture is a protective factor, builds resiliency for the individual and community, and improves outcomes.



# Address Root Causes

*When dealing with Tribal communities, or any community's issues, it is essential to determine the origin of the problem. In Tribal communities that means looking at the historical trauma of each Tribe and then spending the time to link the present-day behavioral issues to that trauma and the learned behavior in each of the participants families and life.*

- Excerpted from Intergovernmental Collaborations to Heal, Protect, and Find Solutions: Joint Jurisdiction Courts 101, TLPI (2023)



# Breaking Down Silos

“The Henu wellness court is a prime example of how two entities with similar goals can blend their unique talents to solve a community problem. By working together, the two courts have been able to provide a joint jurisdiction wellness court to all members of our community, both Native and non-Native. We have been able to blend the more formal organizational style of the State court with the more informal Tribal court model. All participants have been able to take advantage of services offered by both the Kenaitze Indian Tribe and the State of Alaska.”

—Hon. Anna Moran, Kenai Superior Court



# 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 and state court child welfare cases leading to significant cost savings
- Participants reunited with children/families and ended unhealthy relationships
- Participants obtained valid driver's license and employment/school
- Participants have tens of thousands of days of documented sobriety between them



# Sustainability and Quality Control Strategies

- Rethinking Evaluation- Telling Our Story Together
- Memorializing Agreements and Policies
- Always Strengthening Collaboration- Regular Joint Leadership and Community Meetings
- Signaling Co-Equal Partnership- flag raising



# From Similar Challenges to Focus on Common Goals

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



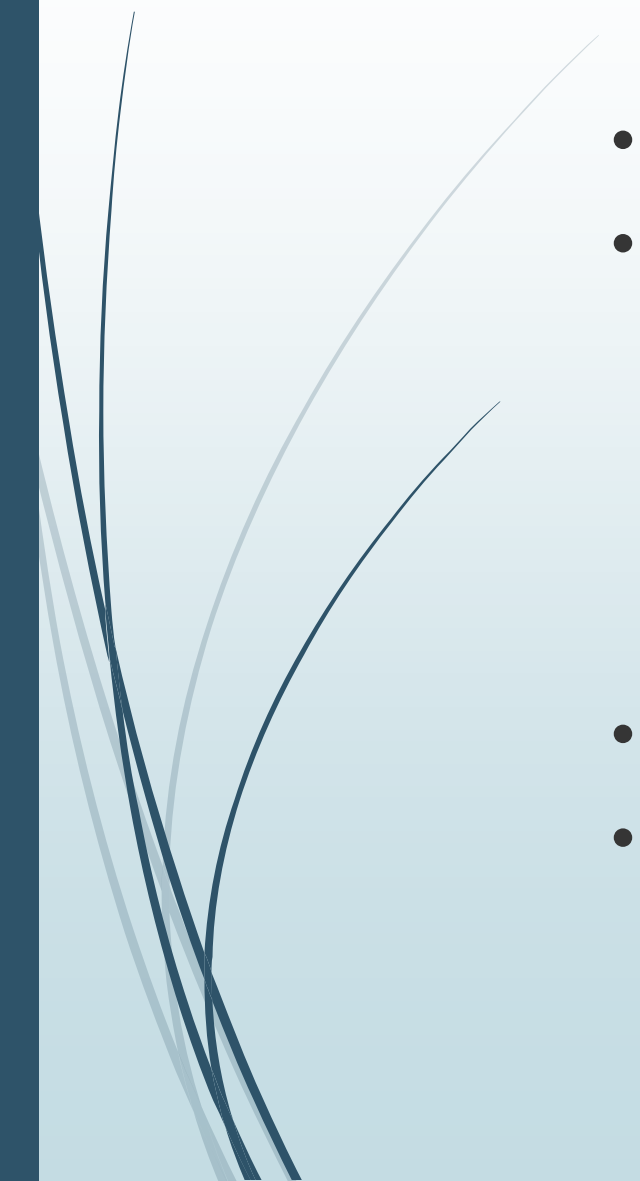


# Lessons Learned: Collaborative Meetings and Wellness Teams

- Be patient, flexible, and adaptable
- Take time to listen
- Infuse culture and incorporate best practices
- Local needs determine court and court connected services structure
- 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
- 



# Tips For Success

- Integrate culture and its healing properties in planning, development and implementation of court
- Local needs determine court structure
- Collaboration between governments starts with relationships between two or more people sharing common goals
- Establish ground rules for communication



# Additional Tips For Success

- Have environment of openness to talking and sharing ideas
- Map the current system and identify opportunities for improvement
- Measure results: “what gets measured, gets funded”
- Share success stories
- Remain flexible
- Don’t be afraid to try something new
- Plan for transitions of leadership and staff



# Getting Started: Potential Funding

- **State Grants:** Collaborative Courts and Judicial Council
- **Federal Grants:** Office of Justice Programs and other federal agencies
  - [Bureau of Justice Assistance](#)
  - [Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)
  - [Children's Bureau](#)



# Walking On Common Ground

“With open minds, we can learn much from each other. The wisdom of collaboration becomes apparent as the common ground is uncovered and explored .”

— Hon. Michael Petoskey (Grand Traverse Band)  
Chief Judge, Pokagon Band of Potawatomi



# Additional TLPI Resources

- Jenny Walter and Korey Wahwassuck, [Promising Strategies: Tribal- State Intergovernmental Collaboration](#), Tribal Law and Policy Institute (2024)
- Korey Wahwassuck and Abby Abinanti, [Intergovernmental Collaborations to Heal, Protect, and Find Solutions: Joint Jurisdiction Courts 101](#), Tribal Law and Policy Institute (2023)
- Jenny Walter, Korey Wahwassuck, and Suzanne Garcia, [Joint Jurisdiction Courts: Needs Assessment Findings](#), Tribal Law and Policy Institute (2022)
- William Thorne and Suzanne Garcia, [Crossing the Bridge: Tribal- State- Local Collaboration](#), Tribal Law and Policy Institute (2019)
- Carole Goldberg and Duane Champagne, [Promising Strategies: Tribal- State Court Relations and Promising Strategies: Public Law 280](#), Tribal Law and Policy Institute (March 2013)



# Additional Resources

- Aaron Arnold, Sarah Reckess, and Robert Wolf, [Tribal and State Courts: Strategies for Bridging the Divide](#), Center for Court Innovation (2011)
- Korey Wahwassuck, John Smith, and John Hawkinson, [Building a Legacy of Hope: Perspectives on Joint Tribal- State Jurisdiction](#), William Mitchell Law Review (Vol. 36 , Issue 2, 2010)
- Korey Wahwassuck, [The New Face of Justice: Joint Tribal-State Jurisdiction](#), Washburn Law Journal (Vol. 47, No. 3, Spring 2008)





# Additional Resources Continued

For the full evaluations of the first Joint Jurisdictional Wellness Courts, see

- 2015 Alcohol & Drug Abuse Division End of Year Evaluation Report for Leech Lake Band of Ojibwe-Itasca County Joint Jurisdiction Wellness Court, retrieved September 6, 2023: <https://www.co.itasca.mn.us/DocumentCenter/View/2921/Itasca-County-WellnessCourt-Evaluation-PDF>
- 2014 Leech Lake-Cass County Wellness Court Evaluation, retrieved September 6, 2023: <https://npcresearch.com/wp-content/uploads/Cass-County-Wellness-Court-Process-Outcome-and-Cost-Evaluation-FINAL-FOR-OTS.pdf>

**For more information and resources for Joint Jurisdictional Court planning and implementation and an active directory of all operational Joint Jurisdictional Courts, see TLPI's Joint Jurisdiction Courts Resource page on [www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)**



Questions?

# Contact Information



**Tribal Law and Policy Institute**

[www.Home.TLPI.org](http://www.Home.TLPI.org)



**Tribal Courts, Justice Systems, and Intergovernmental  
Collaborations Project**

[www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)

[WOCG@TLPI.org](mailto:WOCG@TLPI.org)

# Evaluations and Thank You!



Please take a moment to complete the session evaluation. Your feedback is greatly appreciated.