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**Document Title:           Process and Outcome Evaluations of the  
  Hualapai Wellness Court**

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**Document No.:           231165**

**Date Received:           June 2010**

**Award Number:           2001-DC-BX-0500**

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# Process and Outcome Evaluations of the Hualapai Wellness Court

December 30, 2005

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## **HUALAPAI EXECUTIVE SUMMARY**

The Hualapai Wellness Court began in March 1999 and graduated its last participant in October 2003. One hundred people participated in the Wellness Court—64 adults and 36 juveniles. Two adults and three juveniles participated twice for a total of 105 participants. Of the 66 adult participants, 55 or 83 percent graduated; of the 39 juvenile participants, 25 or 64 percent graduated. There was not a statistically significant relationship between graduation and recidivism; graduates were as likely to be arrested for a post-program alcohol or drug offense as were terminated participants. However, terminated adult participants (either due to noncompliance or arrest) recidivated earlier (average 101 days) than adult graduates (285 days) ( $p = .024$ ).

The recidivism rate for all adults who exited the program was 54 percent. Only one adult was arrested on a drug charge and the majority of arrests (72 percent) were for Public Intoxication. If all post-program arrests are considered, the adult recidivism rate is 70 percent. For those who had been out of the Wellness Court for three years or more, the 3-year post-program recidivism rate was 59 percent for alcohol or drug offense and 77 percent for all post-program arrests including Crimes Against a Person and Crimes Against Property. However, these post-program recidivism rates did not capture the decrease in the *number* of post-program drug and alcohol arrests per participant. For adults who had entered the program in 2000, the average number of pre-program alcohol and drug charges was 6.18 and the average number of post-program alcohol and drug charges was 2.06 ( $p = .005$ ), a significant decrease.

The success of the juvenile Wellness Court was less clear. Three-quarters (75 percent) of the juvenile participants had a post-program arrest and, unlike the adults, there was no difference in time to recidivism between those who graduated and those who did not. Although there were

eight juvenile participants who did not return to the Hualapai criminal justice system within the time frame studied, the 12 participants who had been out of Wellness Court 3 years or more had all been re-arrested.

Yet, there were success stories. Several participants commented they or others had “slowed down” their alcohol and drug use and although the participants were arrested after exiting the program, they were not arrested as often. Several participants changed their behavior and became accountable for their own actions; they stopped or cut back on alcohol and for the first time in a long while were able to hold down a job and take care of themselves and their families. Wellness court imparted a structure to their life and with the help of the wellness team they were able to get back a life that had been lost to substance abuse. One family who had their children taken away by social services realized what alcohol was doing to their family and the parents got control of their drinking and the children were returned to the family. When one takes everything into consideration, it was evident some individuals were accountable to themselves, were responsible for themselves and their families, and achieved a level of wellness they did not have before entering Wellness Court. The failure of the community to continue the Wellness Court after federal funding ended showed the community did not see the successes of the Wellness Court.

A review of the key components of the Hualapai Wellness Court shows the strengths were:

- Home and school liaison involvement,
- Participant manual includes Frequently Asked Questions (FAQs),
- Treatment as structure in participants’ lives,

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- Recognition of value of counseling and classes,
- Traditional healing practices incorporated,
- Two or three full-time Wellness Court probation officers,
- Monitoring as accountability in participants' lives,
- Recognition of progress,
- Therapeutic sanctions for juveniles,
- First judge catalyst for Wellness Court,
- Form revision,
- Team attendance at national trainings during planning stage,
- Training changed team member's attitude,
- First judge active in tribal wellness court development on national level,
- Wellness Court participated in *Cracking the Habit* video, and
- Successful team building at planning meetings.

Strength or Weakness?

- No clearly defined termination criteria, and
- Current judge perceived by some as too lenient.

The Wellness Court began well with a committed team, but then faltered when the original judge left the court. He had provided direction and motivated the other team members (both the planning and the wellness staffing team) to care about the Wellness Court. As the

original team members left, they were replaced by others who did not feel the same commitment. The judicial side of the Wellness Court was not well integrated with the treatment side of the Wellness Court and traditional healing activities occurred irregularly. Probation supervision and drug testing were not intensive. Potential participants were not assessed for readiness for a change in their substance-abusing behaviors and half the adults stayed in the program for over 11 months. A majority of the participants, whether or not they graduated, relapsed after leaving the program and were re-arrested on an alcohol or drug charge. And sadly, the Wellness Court was not institutionalized as an integral part of the tribal court and Hualapai community during its 4½ years of existence and ceased to operate after federal funding ended.

The weaknesses of the Hualapai Wellness Court were:

- Poor communication between chemical dependency counselors and team,
- Not all team members “Walk the Talk”,
- No Wellness Court coordinator,
- Potential participants not fully informed about Wellness Court,
- Hearsay evidence on noncompliance admitted,
- No assessment of readiness for change,
- Too little family involvement,
- No phases in juvenile treatment track,
- No aftercare program,
- Non-intensive supervision by probation officers,
- Infrequent and nonrandom drug testing,

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- Incarceration as a nontherapeutic sanction,
- Lack of written policy on incentive and sanction application,
- Wellness Court file information not automated,
- Difficulty in training new team members, and
- Failure to institutionalize the Wellness Court.

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## Background

The Hualapai Tribe, or People of the Tall Pines, live on a million acre reservation on the high plateau in northwestern Arizona. The Colorado River forms the reservation's northern boundary as the river snakes through the western end of the Grand Canyon. The reservation was created by executive order in 1883. It is only a small part of the original Hualapai homeland that extended northward into Utah. The resettlement of the Hualapai on a reservation was the culmination of encroachment by Whites into northwestern Arizona in the 1860s and 1870s. The reservation lands were not suited for farming and the Hualapai continued following their traditional hunting-gathering lifestyle that was based on wild plant foods such as the piñon nut and cactus fruit and game such as deer, antelope, and rabbit.

The Tribe traditionally lived in groups composed of 14 bands. Today tribal enrollment is approximately 2,300 members and about 1,500 people live on the reservation. The reservation consists of four separate land parcels; the main portion where tribal headquarters is located is centered around Peach Springs on historic Route 66 in Mohave County, 55 miles northeast of Kingman. Additional smaller reservation lands are located in Valentine about 15 miles southwest of Peach Springs, on a former tribal allotment 15 miles north of Wickiup, and the fourth parcel is in Truxton.

Today the tribal economy is derived from tourism, cattle ranching, and timber cutting. The Tribe has developed several tribal enterprises based on tourism including the 60-room Hualapai Lodge and Diamond Creek Restaurant, the Hualapai River Runners (Colorado River whitewater rafting trips), Grand Canyon West (bus tours along the western rim of the Grand Canyon), Wild Life Hunting (wild game hunting on tribal lands), and the Hualapai Arts and Crafts (custom-designed souvenirs). Yet, even with the enterprise activity, one-third of the

households reported 1999 income as less than \$10,000, or poverty level, based on 2000 U.S.

Census statistics.

Substance abuse, especially alcohol abuse, is a serious problem on the Hualapai reservation today. A Wellness Court team member who is middle-aged remembered homemade alcohol in the past.

***I know when I was a youth we made our own alcohol; it was a beer, made out of sugar and water and they used it as alcohol before alcohol. We had certain plants what the natives used for hallucinations and stuff like that and we still have the abuse. I think the abuse has been with us for a long time.***

Now alcohol-related morbidity and mortality, ranging from Fetal Alcohol Effect to cirrhosis to death from automobile accidents, is a cloud over the reservation and alcohol exists as a way of life for too many in the community.

*We had a funeral the other day with a lady who passed away, not even a month ago we buried her other sister. I think she got in a car accident and they were drinking, it was alcohol-related. **Everybody can almost go down the list of the people who died in the last 2 years, the majority of them, I could say 99 percent of them are alcohol-related deaths.** So, it's sad. . . . I can't honestly think of anybody [who doesn't drink]. . . . No, [it's not that there's nothing for the teenagers to do], **I think it's that everybody does it.** It's been done all over the years, that's the livelihood I guess you would say. -*

Community Member

***I'm not saying our lives are bad, I'm just saying we don't ever see the good. All we see is our people dying, right and left from cirrhosis of the liver or got drunk and got in a car accident or got beat up, those things and we accept it because we have nothing else to compare it to, "Wait, this is better over here," you know. So we live like that and when our children do it, we say, "Oh well, that's how everybody else is." That's the exact attitude they have. That's how they are, "Your dad was like that, I knew you were***

*going to be like that” and they are. So, they say, “Okay.” But you know the worst thing is this, is that we are people, our bodies aren’t as strong as before, so our children in their early 20s are getting, are headed toward cirrhosis of the liver, our children are getting diabetes. - Community Member*

*If you go into the schools you’ll see there’s a lot of problems with kids’ attention spans and they fight and they cuss, so I guess [the mother’s alcohol use during pregnancy] does affect them. But when you say fetal alcohol, I think of disfigured abnormalities. Yeah, but it’s not really that. **They look okay, but they’re not able to learn, they’re not able to pay attention, they’re not able to understand things,** that’s why the schools are like that here because they have to spend so much time to get a kid to do something cause they don’t understand. - Community Member*

Alcoholism is generational on the reservation and has created a culture of negativity where those with substance abuse problems do not take responsibility for their own actions.

*If they had a better outlook on life [they wouldn’t get into substance abuse], **but how can you have a better outlook on life when your parents are alcoholics and their parents before them were alcoholics?** All you have is negative, this is what they did, you know, and that’s what people do, they blame everybody except themselves. - Community Member*

The Hualapai Reservation is not a “dry” reservation, that is, possessing and drinking alcohol is legal for those over 21 years of age, but the Hualapai Tribal Code includes several alcohol-related offenses. These are Driving While Intoxicated, Illegal Possession of Alcohol (for those under 21 years of age), Liquor Violation (giving or selling liquor to those under 21 years of age), and Open Container (those 21 years or older appearing in public or being in a motor vehicle with an open container of alcohol). The revised 1996 Hualapai Tribal Code made Public Intoxication (those 21 years or older appearing in a public place under the influence of alcohol or

drugs) a criminal offense with a fine and mandatory incarceration for a second conviction. There were 301 Public Intoxication offenses in 1996 and 359 in 1997. In addition, the Hualapai Tribal Code includes a Narcotics and Dangerous Drug section.

The revolving door nature of alcohol arrests—get arrested for public intoxication, be incarcerated until bonding out, and get arrested again the next weekend and so on—was recognized by the community in 1996 and 1997.

*The hardcore drinkers get in jail for PI (Public Intoxication) and they get out. They come to arraignment and they plead 'Not Guilty', they're let out on their own recognizance. **The following weekend they get back in jail again.*** - Team Member

*Some of the people got in jail, got out, and they accumulated PIs and Disorderly Conducts. I remember this one fellow he had 16 of them within a month's period, he got into jail almost every other day, and they were just piling up. **I talked it over with the court administrator at the time and said there's got to be something we can do for this guy, the things he has, he'll go to jail for a whole year, and just for drunk! There's got to be some way.*** - Team Member

Exacerbating the problem was Tribal Police was run by the Bureau of Indian Affairs and by the time the prosecutor brought the case to trial, the arresting officer would no longer be working for the Tribe. The defendants knew by pleading *Not Guilty* it was possible to beat the rap due to lack of prosecution.

The Tribe applied for a tribal drug court grant in 1996 in response to its escalating alcohol and drug problems. The planning grant was awarded in 1997. All together the Tribe was awarded three Drug Court Program Office (DCPO) grants: a 1-year planning grant, a 2-year implementation grant from July 1999 to June 2001, and a 2-year enhancement grant from September 2001 to August 2003. The planning grant was used for team travel to national

trainings and local planning meetings; the implementation grant funds were used for probation officer personnel and Wellness Court supplies; and the enhancement grant funds were expended for probation officer personnel and Wellness Court supplies.

The Hualapai Tribe was one of the first tribes to be awarded a tribal drug court planning grant. As with the Blackfeet, the Fort Peck Tribes, and the Poarch Band of Creek Indians their first national drug court trainings were in reality state court drug court trainings. Ways to adapt the drug court model to tribal communities were discussed by tribal members at the first meeting.

*Well, the first training I went to was in Stillwater in 1997 and that was with a bunch of tribes there who all just got grants and it wasn't tribally oriented, **it was a state court training, but a "we're going to do it for tribes" type of thing.** . . . After the first [training], I started standing up and saying, "This sounds familiar, there are people saying we can include tribal stuff in here." - Team Member*

One of the modifications the Tribe made to the state drug court model was to change the name from "Drug Court" to "Wellness Court" to reflect the healing aspects of the jurisprudence. Many other tribes adopted the new appellation and now "wellness court" is the preferred term for tribal drug courts.

*At the training we went to in Stillwater, **[the judge] didn't like it being called "drug court" and in our stuff he put "wellness court"** and he went to the judges' meeting and he upset all of them and they thought we were going to pull out, but they didn't know him, he just speaks. They kinda argued about it, but we kinda explained it. **Finally, they said "Yeah," and that's how they came to be called wellness courts.** - Community Member*

As one of the first tribal wellness courts, the Hualapai Wellness Court did not have the benefit of training and background information specifically geared toward tribal rather than state drug courts during planning and implementation. Their Wellness Court team was part of the

small group of pioneers who modified the state drug court model to tribal courts. Any evaluation of the implementation of their Wellness Court or its outcome needs to take into account the trial-and-error that occurs when uncharted territory is traveled.

*I really wish there was a lot more manuals available out there to us that other wellness courts have. There's a lot of things that are lacking. . . . At least the new courts, **the new tribes that are applying for these grants, they have the advantage of having stuff already in place. But it's been trial-and-error with us, trial-and-error.** - Team Member*

The Hualapai Wellness Court had both adult and juvenile participants although they only received funding for the adult wellness court. The first judge of the Wellness Court commented in his unpublished manuscript, *Healing to Wellness: Therapeutic Justice* [hereafter *Healing to Wellness*] how it was decided to include both adult and juvenile participants.

*It was at this [planning] meeting where we decided to try to adjudicate both adults and juveniles. **It was not a lengthy debated decision, in fact, it seemed an easy one given the need of our youths and many times being the children of adults who have been in-and-out of the judicial criminal system for many years.** - *Healing to Wellness* p. 18*

The first adults were ordered to Wellness Court in March 1999 and the first juveniles in July 1999. The last adult participant was ordered to Wellness Court in October 2002 and the last juvenile participant in March 2003. The last participant graduated in October 2003, so the Wellness Court operated for 4½ years.

This evaluation includes both process and outcome evaluations for the Hualapai Wellness Court. The evaluations cover the time from the initial planning meetings in 1997 to any post-program arrests of the participants through October 2003. After an introductory visit in April 2002, the evaluation team conducted weeklong site visits to collect data during May 2002, December 2003, and May 2004. It appeared to the evaluation team at the May 2002 site visit

that the Wellness Court had lost direction and the program appeared to be struggling at that time. This thought was echoed by one of the team members.

*[The program was a success] 2 years ago, **until this year, that's when it's kinda going down.*** - Team Member

A symptom of this loss of direction was it appeared none of the enhancement grant (funding period September 2001 to August 2003) program objectives were implemented. The Wellness Court proposed (1) Wellness Court record automation, (2) a wellness Counsel in Film program, (3) further integration of the Wellness Court with the community, (4) a client-created wellness newsletter, (5) participant retreats, (6) career building seminars, classes and activities, (7) an aftercare program, (8) a mentor program, and (9) a written compendium of the Wellness Court program.

Many negative changes contributed to the Hualapai Wellness Court's loss of direction by 2002.

- The original Wellness Court judge who was instrumental in planning and implementing the Wellness Court was no longer involved. He had resigned as chief justice in 1998 to attend school but continued serving part-time as associate judge until 2001.

*The main individual that wrote for this program was the judge at that time and **he was the main focus point, or the main individual that pushed and challenged and said, "This is what we're going to do, this is what I want to see us do, this is where I want to see us get."** And he was like a dummy master and he could get the people to come out and share and work with the people and in that change. He's not really a part of it anymore, and he's not here, and I think, what other people say, it's not important to them anymore, "Why should we make it important to us?" And that's where I see the*

*change [from the beginning of the program when it was working better]. - Community Member*

- Teamwork disappeared as team members from outside the court no longer attended staffing meetings and weekly convocation (the status hearing). Reasons given for the lack of attendance included job turnover with the original team members moving on to other positions, a lack of commitment by team members, and the novelty wearing off of Wellness Court.

***The communication from all the team members was good from the beginning, all the team members that were on there showed up. . . . It's not that good this time. . . . Not all the members showed up. Usually don't show up. . . . I don't know what it is, but they don't show up regularly. Some of them just go from one job to another. [The team discussed it] and I believe they said they were going to write letters to the directors of the programs, I believe it was done to let them know how important it is that we need certain individuals to attend the staffing. - Team Member***

***There was more money back then and there was more people, because it was new, people got more involved. I think at that time the people were really wanting to know what it was, they didn't know what the drug court, wellness court was. We started out with 12 people all together that were on the team, and then it dwindled down to eight people. - Team Member***

***It was kind of like a novelty at that time, people wanted more to see what it was all about. - Team Member***

***To me, [the team members from other agencies are] just slacking off, they just want us to give them the call, and you know, that's their responsibility, coming every Thursday, if there is more than one worker in their department they should always have somebody be available to come. But if they do come, "It's 5 o'clock and I have to go because we***

*don't get paid for overtime." . . . I know I tried setting up meetings, I invited the council, I sent invitations to the departments, I tried having a meeting at the [Hualapai] Lodge, it's always just the same. - Team Member*

*[The concern I have is] accountability from the other departments I think. I think that we have good programs here in our departments, but it's just that, **it's because of more turnover also but, but I think that accountability for each department needs to be emphasized by our leaders, directors.** And communicating to each other and understanding each other's programs and how we're going to eliminate our social problems throughout our nation. - Team Member*

*The strong points was the beginning of the program where everyone was gung-ho and willing to say "Yes, we can do it, we will work together," the team effort, it was really, really strong and it was positive and a lot of the programs participated in the team. **There was also change in those programs, and the members that are basically told to be there weren't involved in the beginning, and I think that's where the relationship went down, . . . and sometimes they're just told, "Go, the other person can't go," and they're not really I guess introduced into it and the process.** - Community Member*

*They said it's hard, **like the departments aren't working with them, like the police officers and the other departments aren't willing to get engaged with the Wellness Court and be there and make some kind of commitment to really work, and don't realize it's for the whole community, and not just for the wellness participants.** - Adult Graduate*

- Team members and graduates commented Wellness Court rules and regulations were no longer enforced and a concomitant loss of respect for the Wellness Court occurred.

*It has to be stricter, that's what I keep reminding them. **We're not strict for the past 2 years.** At this time we're not because [the participants] didn't do what they're supposed*

*to be doing, requirements, or the parents didn't send them, or where were the parents, they were not quick on the parents.* - Team Member

*Honestly, I don't think [Wellness Court] is as effective [as it was earlier on]. **It's not stringent, I don't think the participants have that much respect, especially the juveniles.** The juveniles were tested and they all had evidence of marijuana, they all went to jail.* - Team Member

***They [Wellness Court] don't apply those rules and regulations they're supposed to. . . .** People dress poorly in court, baggy pants and a t-shirt. And you'll see a kid with earphones on not paying attention. You'll see people, even the Wellness Court people, walk into the courtroom with a can of pop, a jug of water on the side. That was a no-no [before].* - Team Member

*The majority of the youth that have been in here **have been just taking it as a joke, or a game that they're playing with the Wellness Court system.** . . . I know for a fact that a couple of them on wellness came in high, signed in, and did whatever was required for them to do before leaving. . . . When they have that choice, **the majority of them now chose wellness because they know they can get away with even drinking and doing drugs and showing up and signing in and whatnot.*** - Team Member

*Like I was saying, **[the participants] sometimes come in smelling like alcohol on their breath.*** - Team Member

*After we really got into it, that's when they had everything going real good, and they had sanctions. **At that time [Wellness Court team members] told us to dress up nice and respect the judge and respect yourself and come in nice and clean and [the participants] did at that time.*** - Adult Graduate

***In the beginning it wasn't too lenient, it was more strict.** . . . But now, I really kinda noticed that the participants now are just out there drinking and I just used to think, when*

*I was in it we weren't able to drink or go to dances, but these were people doing it, **and a little bit I hear that it's just not going like it used to, like when I was in it.*** - Adult Graduate

- The experienced and well-liked juvenile probation officer passed away.

*After we lost [him], that had a detrimental effect on a lot of our juveniles that came through, he was transporting them to school, he would go out of his way, no matter how sick he got he was still there for them, and I think a lot of [the success] had to do with his attitude.* - Team Member

- Treatment meetings and classes were not regularly held and often cancelled without notifying the Wellness Court staff and participants. It also appeared sometimes participants did not attend mandatory classes.

*And then what gets discouraging too is mainly with the juveniles, **some of the classes aren't even happening, so really, it's just counseling and checking-in.*** And then counselors, for awhile there, it just seemed like we were having death and death and things had to be cancelled and it was just really unfair to [the participants]. - Team Member

*The departments that are involved in the Wellness Court [are not consistent]. . . . That there's no consistency is a concern I have **because if they don't have a certain meeting they don't let the clients know ahead of time, or they should have somebody else take over the class so that [the participants] won't just be ignored, sometimes I heard comments that "We went to the meeting and [the instructors] weren't there."*** They made the effort, but [the instructors] weren't there. Sometimes things come up that can't be helped, but you know, most of the time, [the instructors] should make sure it goes on because [the participants] need it, the clients should be informed. Because if you don't, they get discouraged and they say, "[The instructors] weren't there, I'm not going to go." That goes on now. - Community Member

**We had problems with getting people to run the AA (Alcoholics Anonymous) meeting.** [The participants] go and we haven't had somebody to conduct the meeting. . . . Some of [the volunteer leaders] were good but the group needs to rotate in their responsibility of holding the meeting, but then they depend on one person. If there's no meeting here, then they use that excuse. We had an individual from outside the program [run the AA meetings]. He started doing that but he didn't have the time, so we had another individual from the clinic, but he transferred out. Another individual, a tribal member that did it for years and worked with a lot of people, but he passed away. The noon group is pretty good, the person that conducts that, **but the evening group we have up-and-down.** They have meetings at different places, people didn't want them there, so they basically came back here. So they were having meetings in here but we didn't have any person. Right after that, we got the person to work the AA, so we had to find a place, so we had it up at the training center. - Team Member

*Four Winds (a cultural curriculum), sometimes they hold it and sometimes they don't and our clients come back and say, "Hey, they didn't have it."* And we call up [the training center] and they say, "Yeah, we were there" so we don't know who's telling what. So we have to call the director and find out what had happened and she says they did have it and we have four or five clients who say, "No they didn't." So, we don't know, so we have to give them that credit. We can't verify it. - Team Member

*Domestic violence meetings were once a week on Wednesdays, so I probably went to about 30 sessions. . . . Yeah, [there] were more [2 years ago], I think they cut down this time. . . . [Programs] disappeared, like Four Winds. . . . A lot of the participants just didn't go.* And I think it just wasn't worth it by the person who was running it. There was only like two or three that would show up. Some days it was only just one person. - Adult Graduate

**As the wellness program progressed on and on, people just wanted to get out of it, and the people running it wouldn't even be here for a meeting, they weren't interested in counseling you, it just kinda fell apart.** Yeah, especially when there were other activities

going on, it was just too much for the counselors, that's what they said. A lot of them never showed up. **Nobody wanted to hold up that responsibility either and they'd just all leave and nobody would be here.** We always came, and there sometimes wouldn't be a meeting. Like they had AA meetings, domestic violence meetings at 6, on different nights of the week, and sometimes the people who ran it, the other departments, weren't ever here, especially during the holidays. - Adult Participant

If you didn't make the effort and put your name on the paper, that's what we had to do, make the effort to make our own paper and hand it in, **cause nobody was here to be over us.** If you didn't make an effort, [the Wellness Court would] throw you in jail, they'll say you weren't there even if they were there. - Current Participant

I went to the different other classes, I tried them, but those classes wasn't for me and I always said to myself, I said, "If they want to continue having this Wellness Court here on this tribal reservation I feel that Wellness Court should hire and pay people that are going to be having these certain classes because we're ordered by court to attend these classes and to have our papers signed and I could be staying home and doing something else, but I have to do this for the courts." To me, I don't feel I'm doing it for myself, I'm doing it for the court and I'm doing it for wellness. **So, I then go over there to attend my class, and then there's no instructor, there will be no instructors, so what do I do there?** All these other people that go to these classes that they're having, they're not ordered by court, they go on their own, but sometimes they already know about these things, so when I go to the classes and there's nobody there, so whoever I see there I say "Could you please sign this for me, I'm a Wellness Court, at least I tried to attend, could you sign this and say that you made it here" and nobody would sign for me, so how do I know that wellness is going to believe it, or the judge is going to believe it, or the prosecutor could be saying that I'm lying. - Adult Participant

I understand that a lot of these classes the Tribe is paying them to do this, **but I had to open my mouth and say that the instructors aren't there and they have to put a stop to these classes because they're not there to have your classes but they're getting paid for**

*it. . . . I strongly believe that if these people are getting paid under wellness, why not hire people that are going to continue with these classes? - Adult Participant*

- The tribal court prosecutors, the major gateway of referral into the Wellness Court, appeared to no longer be referring participants to the program.

*Yeah, I said, "Why sit in jail, you're not going to do nothing, you're not going to get anything out of it, sitting in jail, why not take wellness and go to the sessions and you'll be doing something instead of sitting in jail doing nothing." That's what I tell [the prosecutors] too. **For 2 years [the participants] were really coming though, but not now, it's a downfall because I know [one of the prosecutors] tells them, "If I were you, I'd take the jail time, not take the wellness, you'll be in there 1 year, 2 years, you're never going to make it."** He just gives them the negative feelings. . . . So, that's why I was telling [the Wellness Court team], we need to start going in the courtroom and sitting there during the criminal hearings if [the defendants] have any questions and we could go in there and sit in there. If they get deferred, we're in there and they can ask us. Usually it's up to the prosecutor, if he doesn't want to review that case, it's really up to him, they pick and choose who they want. - Team Member*

***[I'm concerned about] participation coming from the prosecutors, cause they're the ones that initiate the progress of each of these participants into the [wellness] court. . . . I don't think they really don't have the time or they don't want to do it, I don't know, I really couldn't say cause I never even asked them. - Team Member***

*I have an concern because with everything that's coming, the drugs and the new stuff that's coming in, and the drinking with the youth especially, **I think that I have a concern that there's a lot of first-timers that are not being referred that could be helped and probably to begin to work with them before they get away, before we lose them.** And I think some other counselors are trying to work with them, but there's more out there, that come through and fall through the cracks, those are the ones that we can try to work with and catch them before it gets too late. I know there's some out there that could*

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*be helped with this program. The program isn't reaching the people as much as it should. . . . **The one [prosecutor], it's not important to him, he doesn't think it helps.** -  
Community Member*

These damaging changes to the Wellness Court occurred after initial implementation and although they need to be noted, are not included in the process evaluation that follows. As much as possible, the process evaluation focuses on the original implementation of the Hualapai Wellness Court.

## Process Evaluation

The monograph, *Tribal Healing to Wellness Court–The Key Components*<sup>1</sup> [hereafter *Key Components*], defines a process evaluation as “information to describe and analyze how a program is operating or meeting its administrative and procedural goals and to identify problems or concerns in implementing a program.” The ten key components as detailed in the monograph provide the framework for this process evaluation. The *Key Components* describe the basic elements that define tribal drug courts or tribal healing to wellness courts and are adapted from the key components for state drug courts. The *Key Components* are meant to be aspirational and not intended as a checklist, but they do address the major components of wellness courts and suggest recommended practices acknowledging they may or may not be feasible for a particular tribe. The *Key Components* were prepared by the Tribal Law and Policy Institute (TLPI) with the collaboration and consultation of the Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts. The implementation of each key component by the Hualapai Wellness Court is detailed below.

### ***Key Component #1***

***Tribal Healing to Wellness Courts bring together community healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.***

This key component focuses on the importance of the team in the success of the planning and implementation of the wellness court. Ideally, the wellness court team is made up of representatives from across the reservation, including tribal elders and others who embody traditional values. The members must put aside any feelings of territoriality and collaborate as a team to integrate their respective skills and backgrounds to achieve a holistic approach to treating

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the participant with substance abuse problems. Regular communication among the team members is crucial as well as stability of the core team. Memoranda of understanding and written procedures and policies help construct the infrastructure of this shared decision making. Also critical is interdisciplinary education for the team members so all learn a little bit about the other disciplines brought to bear on the problem.

#### *What They Did*

The original Wellness Court team (the team that would screen participants and attend weekly staffing meetings and convocations) included people from different fields: the Wellness Court judge, adult Wellness Court probation officer, tribal prosecutor, a law enforcement officer, a mental health counselor, and representatives from social services, Indian Child Welfare Act office, tribal administration, and the training center. Later, a juvenile Wellness Court probation officer was added.

There were no tribal elders on the Wellness Court team and that was a weakness. The addition of a tribal elder could have benefited the Wellness Court not only by having the tribal elder serve as a positive role model for the participants, but by contributing his or her knowledge of traditional healing and justice to the team and the participants.

As discussed above, a point mentioned by almost every team member was there had been excellent teamwork at the beginning of the program but by the time of this evaluation in 2002 the team had fallen apart and fewer people were attending staffing meetings and convocations.

#### *Strength*

*Home and School Liaison Involvement.* Approximately one-third of the Hualapai Wellness Court participants were juveniles. A strength of the program was the involvement of the home and school liaison (the truant officer) as a Wellness Court team member. Although she

was not usually able to attend staffing meetings due to her busy schedule, she did serve as a resource for the Wellness Court probation officers and kept in close, regular contact with them regarding school attendance for the Wellness Court juveniles and assisted the probation officers in monitoring the juvenile participants. She described her job as follows.

*I make contact [with the Wellness Court] mainly through the junior-senior high school students. I've been a resource for the former probation officer. If the students were to be clocking in at 3, 3:30, I would go down there and make a call, or if they didn't go to school, and I'd find out toward 3:30, I'd go out and contact parents and tell them your child needs to be at Wellness Court. The first thing [the Wellness Court probation officers] do is they themselves try to go out and contact either the parent or the student. **If they can't find them, if nobody's responding at the door, answering the door, then [they] will call me and I say, "Yep, I know where they're at." I'm one that knows everybody in the community.** We also have an attendance clerk, she'll give me a call or fax me some names to check on. I probably know where they are because I noticed what they were doing the night before, partying or at a friend's home without their parents, without adults and I will check on the students. Some of the students are really open to me, and they'll say, "Yes, I did this the night before, I don't feel good." They'll honestly tell me they're on Wellness Court. **I call [the Wellness Court probation officers] then and let them know what kids are missing school.** If I don't have an updated list, I'll ask them to fax me one.*

#### *Weaknesses*

*Poor Communication Between Chemical Dependency Counselors and Team.* There were two chemical dependency counselors at the health department who assessed and counseled Wellness Court participants (as well as other community members). One was a certified Level III alcohol and mental health case manager and the other was a certified Level II chemical dependency counselor. Initially, the participants were referred to the health department and one

of the counselors conducted the Substance Abuse Subtle Screening Inventory [SASSI] and prepared a two to three page assessment for Wellness Court.

Information needs to continue flowing from treatment to the Wellness Court after the initial assessment so the team can keep abreast of the participant's progress. Poor communication between the team and treatment can be caused by the treatment providers' ingrained precepts of confidentiality of their patient's treatment. However, in the wellness court model, the usual legal or ethical barriers to sharing participant information are nonexistent due to the use of consent forms and releases. A team member summed up what the team wanted to know.

*We don't want to get into the background of them, we just want to know if they're keeping their appointments, doing counseling, counseling for what they want, if it's drugs, drugs, if it's alcohol, then it would be alcohol. If we send them to something they're not supposed to be in, then how are we going to know that if we don't get that information? We're sending them to the wrong place and then they're not getting it, that's what I mean, our communication is not, we're lacking in some areas.* - Team Member

Team members commented on the lack of treatment information that was available to them.

*No, [treatment] really don't [communicate to the team]. To me, they really don't want to tell us.* - Team Member

*At one time we used to get reports on a lot of them and the health department used to have cards on each participant. We've had different directors of the health department throughout the years, that's one reason it changed.* - Team Member

***I think we don't communicate, we just say, "Do it," but yet [the counselors] don't understand what we're trying to accomplish with the counseling. You can go to counseling, and that's all done in the assessment, in the health department, they do the SASSI and stuff. It's mostly up to the counselors to make that determination of what their prognosis is of that individual. [The information] used to [come back to the team], a long time ago, but now it's just to a stalemate, it's nothing. We don't even know what's going on with [the participants]. That's one of the things I wanted to do was to find out how come we don't get the evaluations. - Team Member***

This communication would have been better if both health department counselors attended the Wellness Court staffing meetings and made weekly written reports, perhaps each one attending on alternate weeks. It was not clear if there was a memorandum of understanding between the departments at any time that spelled out the responsibilities of the health department counselors to the Wellness Court.

*Not All Team Members "Walk the Talk".* The name change from "drug court" to "wellness court" underscored the Native American belief of a holistic world where health, spirituality, and justice are intertwined and not separate. Those who believe in promoting wellness also need to demonstrate wellness in their own life. To this end, some tribal wellness courts have had wellness court team members affirm or take an oath they will abstain from alcohol and drugs. By doing this, the team members are "walking the talk" and earn the respect of the participants who are struggling to overcome their alcohol and drug abuse. The Hualapai Wellness Court did not have its team members take an oath of sobriety and there were problems with Wellness Court credibility and respect because some team members did not set a good example and walk the talk. This was mentioned as a concern by team members, community members, and participants and they saw the need for a code of ethics for team members.

***I guess my main thing would be a code of ethics for team members. It's just recently that I have participants say, "Well this team member was intoxicated and it brought me down, that's why I've stayed away."*** so that's my main concern, a code of ethics for the team members. - Team Member

***There's a lot of tools that we felt we needed. . . . We really need a code of conduct and a code of ethics for Wellness Court, bad. . . . A lot of participants complain as to outside behavior, I guess, but no one really wants to sit down and put [the outside behavior] in writing. It's called due process, we have to follow through, the [accused team member] has a right to respond and a lot of [the participants] are afraid. They're afraid of the aftermath, what's going to happen to them. . . . There's a concern there, and sometimes it just gets to be overwhelming, but no one wants to put it in writing and address it. -***  
Team Member

***I think [the Drug Court] is a good thing because it helps, it helps them identify, it helps them to see that there's another side, it can be done, that they can get over it, that they're not stuck in a rut. But a lot of it depends on the services they receive and the relationship between the staff and the person they're working with, and the example the person sets I think has a lot to do with it because if they're sitting there saying, "You can't do this, you shouldn't be doing this," but on weekends they're out doing exactly what they're saying don't do, it kinda brings the program down because [the participants] see a different side from 8 to 5 than the other side after hours. It kinda defeats the purpose for some. . . . You also have to set a good example and that's the hardest thing I think. -*** Community Member

***[The change I would make to Wellness Court is] I would have the wellness team, I mean, during my time, they did for awhile, because I guess we were pushing them to go to like AA or parenting or life skills, they did for awhile, maybe just to shut us up, I would have them go to that and take drug testing and take breathalyzers too because I see them out there doing whatever and coming over here and trying to correct us. -*** Adult Graduate

*I think one of the concerns was that the people that are in the Wellness Court, or persons on the staff, have their own addictive problems and the people in wellness see that. . . . They see that in the community and they don't respect Wellness Court because if you do it and you want me to stop, why? [It's not widespread]. . . . there's only one person I know. . . . And you can't overlook that because of the seriousness of what we're talking about. - Adult Participant*

*This [Wellness Court] was just all bullshit to me. I'd say don't take wellness unless I had a good structured program. But it wasn't a good structured program during the time I was in it, I don't know how it is now. You know what I'm saying, all the people that ran it were the ones with the drugs and alcoholism in their families. **How could you learn from somebody like that when you know their family life and what their own husband or wife is drunk, you know what I'm saying? They talk the talk, they don't walk the walk.** - Adult Graduate*

*Another thing is that Wellness Court employees and the court's employees and people that are working for wellness that maybe are team members, I think they need to set good examples no matter where they're at. They could be off the reservation or it could be here, just because Christmas comes up, the holidays come up, they're going on their little sprees, that's where they have to understand, I think they should be dressed properly and show that they work with the courts. Just because this is a small community shouldn't mean they should dress anyway they want. They should respect the courts, that was one thing that I noticed. - Adult Participant*

Although there had been talk of a Code of Ethics for the Wellness Court and the team received technical assistance to help develop it in August 2002, the code did not materialize. A first step toward a Code of Ethics could be having the team members sign an oath to abstain from alcohol and drugs and publicize that to the community.

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*No Wellness Court Coordinator.* The Hualapai Wellness Court never specifically had a position of Wellness Court coordinator although the implementation proposal requested funds for a Wellness Court clerk. The proposal mentioned the program would be administered by the prosecutor with assistance from the Wellness Court clerk and the probation officers. It also mentioned the court administrator would “assure the Court is administered properly and manage Wellness Court funds.” The Wellness Court clerk would be responsible for ensuring the records and files were managed appropriately and assisting the court administrator. The probation officers would monitor participants and function in the case manager role.

It did not appear a Wellness Court clerk was hired. In the beginning, the original judge and probation officer assumed the Wellness Court responsibilities. Both these people left the court and the Wellness Court responsibilities were assumed by three other people. At the time of the 2002 evaluation, the tribal court administrator oversaw Wellness Court personnel and administered the budget, the sitting Wellness Court judge handled the day-to-day participant questions, and one of the probation officers ordered the supplies. The chief judge had no contact with Wellness Court operations. This division of responsibilities is not ideal and the Wellness Court duties and case management are better coordinated when handled by one person. The lack of a Wellness Court coordinator was mentioned as a weak point of the Wellness Court by former and present team members.

*The only thing I can say is that they really need somebody to give them guidance, give the judge more guidance. **They need a coordinator. I think that's what's missing.***

*[A change I would make is to] actually have a coordinator in there, I'm not too sure why a coordinator had never been thought of, maybe when they did the initial grant, they thought [the original judge] would be here forever. That's impossible, especially in tribal court. . . . So, when a significant body that's very actively involved no longer is*

*involved, you really miss that. . . . What we have proposed to do is have a lead probation officer that would basically serve as a coordinator to oversee the program.*

*I think a lot of times [one of the probation officer] winds up doing a lot of the overseeing [of the Wellness Court], she's the one that has to make sure that things are ordered. **So really nobody [coordinates the Wellness Court], but she's the one that does a lot.***

One person needs to be “in charge” and coordinate the efforts of the Wellness Court core team whether the person is called the Wellness Court judge, the Wellness Court coordinator, the Wellness Court clerk, or the lead probation officer. If there had been a Wellness Court clerk as originally planned, the probation officers could have spent more time in the community monitoring the participants and less time on clerical work.

### ***Key Component #2***

***Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.***

This component is mainly concerned with protecting the due process rights of the offenders when they are being considered for, and considering, wellness court participation. Most people would agree an offender is better off participating in wellness court and receiving treatment to help his substance abuse problem than doing jail time with no treatment. But the process that leads the offender down the path to wellness court rather than incarceration needs to safeguard the rights the offender is entitled to under tribal law and the Indian Civil Rights Act. This is especially important in tribal courts that do not provide a public defender. If the offender has the choice whether or not to enter wellness court, he needs to be fully cognizant as to what he is getting into, that is, give an informed consent. The offender should be advised as to the nature and purpose of the wellness court, the sanctions imposed when the rules are not followed, what

rights the offender will give up, and in the true spirit of informed consent, what legal and treatment alternatives are available if the wellness court option is not chosen.

*What They Did*

A participant entered the Hualapai Wellness Court in one of three ways: on a motion to defer prosecution, a pre-plea trial agreement, or as a post-plea sentence. Entry into Wellness Court usually occurred after the second arrest for Public Intoxication. A second conviction called for a mandatory 10 days and a possible 30 days in jail. So, the offender had a choice between participating in Wellness Court or going through a trial with the possible outcome of incarceration. When a person had additional prior convictions, the jail time could be much longer.

***They gave me a decision, spend time in jail or do [Wellness Court].*** - Adult Participant

The implementation proposal stated the public defender would ensure the defendant's rights were protected and assist the defendant in understanding the process and program. Although the Hualapai Tribal Court did have a public defender throughout the lifespan of the Wellness Court, it did not appear the public defender was involved with the Wellness Court. There was no public defender on the Wellness Court team and it did not appear the public defender was involved in advising potential participants of the right not to choose Wellness Court. Instead, one of the probation officers reviewed the Wellness Court documents with the participant.

The participant needed to sign four documents before enrolling—Participant Rights, Treatment Program Participant Agreement, Program Rules and Required Acts, and Court Convocation Hearing Rules. The Hualapai Wellness Court Participants' Rights gave the participant a right to:

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- fair and respectful care from services staff as well as from the wellness team,
- expect reasonable continuity of care for services,
- understand the rules and regulations of the Hualapai Wellness Court,
- participate in the creation of his or her wellness plan,
- privacy concerning his or her own wellness plan,
- select an advocate of his or her choosing to ask as the third member of the wellness plan,
- express complaints and grievances to the Wellness Court through his or her probation officer, and
- graduate from the program if he or she completes all components of the wellness plan.

In the beginning when the Wellness Court was getting started, the Wellness Court judge told the participants the team members were learning as they went along.

*They told us, I think [the original judge] was the one who came in and introduced himself as the one who was going to start it, because we all met as a group in the courtroom. He said, “We’re just learning from this program, here are the rules but they might change, we’re going by them now, but they might change, we’re learning and you guys will learn the exceptions.” - Adult Graduate*

This was a positive action because in the other early wellness courts the participants became upset when the rules were changed midstream when the team wanted to try something new that might work better.

*Strength*

*Participant Manual Includes Frequently Asked Questions (FAQs).* Often at the time a participant entered wellness court, he was not able to comprehend the information concerning the Wellness Court that he initially received. The participant manual contained a section on Frequently Asked Questions (FAQs) geared toward the participant. These questions (and answers) were the type of basic questions the participant might have and can act as a first step in discussions with wellness team members. For example:

- How did I get into Wellness Court?
- Where do I go for assessments and treatment services?
- Who monitors my progress while I am in the program?
- Does that mean I'm on probation?
- How often do I have to go to court?
- Will I be drug tested?
- Who is responsible for drug testing?
- What happens if I test positive?
- What if I get re-arrested?
- How do I graduate from the Wellness Court program?
- Can anything hinder my graduation from the Wellness Court program?

*Strength or Weakness?*

*No Clearly Defined Termination Criteria.* The Wellness Court planning team decided the Tribe would not give up on any of its tribal or community members and would work with them for as long as it was necessary within limits. The adult participant manual stated “the

Wellness Court will not enable or side step any critical issues identified in the assessment and subsequent evaluations. The presiding judge will make the decision when to expel a participant.” The result of this policy was no clearly defined termination criteria, such as two alcohol arrests while in the program and you are expelled and returned to the tribal court system.

***No, there’s no termination policy.*** - Team Member

*There was another lady who came to court with me one day, she got in trouble too and she asked the judge, ‘Well, I just want to do my days in jail and get over it’ and the judge said, ‘No, you signed up for this program, if it takes you a year, 2 years, however long it takes you, you’re going to go through it no matter how long it takes you to get through it.* - Adult Graduate

In the Frequently Asked Questions section of the participant manual the Wellness Court affirmed its philosophy of affording participants every chance to succeed.

***The Wellness Court Team has decided that the Hualapai Tribe will not give up on any of the community members. The Wellness Court is dedicated to the graduation of all participants in the Program. However, the court reserves the right to terminate any participant for continuous, severe noncompliance. The Wellness Court judge will determine when it is necessary to terminate a participant from the Wellness Court Program. These may include but are not limited to: persistent noncompliance with program rules, regulations and requirements; chronically failing to comply with abstinence policy; engaging in action that jeopardize the safety of others; mentally unable to participate.***

This way of thinking was very supportive of the relapses people have when overcoming substance abuse. A team member echoed the sentiment.

*They’ve never exercised the termination and I’ve talked to judge about it, but she doesn’t want to give up hope. That’s where we’re at, the community taking care of our own*

*because nobody else out there is going to do it. **So, the judge, I know she's a strong believer in not giving up, no matter what.** I hear her, she's incredible on the bench, I hear her just the way she talks and I think that's what I really like about the wellness, because you can sit there and be informal and just talk to them and that's all people really need is to hear from somebody else. - Team Member*

Two adult participants who had serious alcohol dependency problems for a long time appreciated the opportunity for another (and another) chance.

*They give you an opportunity if you miss something to make it up, they just don't automatically give you a penalty, they give you a chance, they try to work with you, I think it's okay the way it is. I don't think we need any changes. They just try to help you and they're cool about it. They're not like there to discipline you. They're there to help you. . . . **They give you a couple chances and if you mess up on those chances, then they'll take care of it, they'll give you a penalty, but they do give you a chance, they're just not letting in people over themselves. That's cool.** - Adult Participant*

*What did I like best about [the wellness program]? Now that's a real good question. I really never thought to think about that. I could say that the thing the wellness program done was to—I may as well say they have given me a chance to, instead of being in jail, **they have given me chances to try and try again. . . . They have given me a second, third, fourth, they've given me chances, that's what I would say about the program, that they have given me a chance.** - Adult Participant*

There did come a point when the Wellness Court recognized they could not help a participant. The Wellness Court terminated participants for noncompliance and for arrests while they were in Wellness Court (see Table 1). Seventeen percent of adults and 25 percent of the juveniles were terminated.

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Table 1. Adult and Juvenile Wellness Court Completion Status

COMPLETION STATUS	ADULT	JUVENILE	TOTAL
Graduated	55 (83%)	25 (64%)	80
Terminated for Noncompliance	5 (8%)	8 (20%)	13
Terminated for Arrest in Program	6 (9%)	2 (5%)	8
Aged Out of Program at 18 Years	--	4 (10%)	4
Total	66 (100%)	39 (100%)	105

Adult participants spent a long time in the program whether they graduated or not (see Table 2). The Hualapai Adult Wellness Court Treatment Participation Agreement stated the adult participants would spend “at least six (6) months” in treatment. In actuality, half of the adult graduates spent 331 days or more and half of those terminated for noncompliance spent 413 days or more. Five of the adult graduates spent 2 years or more in the program, one spent over 3½ years (1289 days) in the program. Three of the 11 terminated participants spent over 2 years in the program.

Table 2. Days in Program for Adult and Juvenile Participants by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Adult Graduated	55	398	331	149	1289
Adult Terminated*	11	457	413	57	895
All Adults	66	408	336	57	1289
Juvenile Graduated	25	226	154	83	874
Juvenile Terminated*	10	286	129	63	718
Juvenile Reached 18 Yr	4	128	142	75	154
All Juveniles	39	232	144	63	874

\*Includes those participants terminated for both noncompliance and arrest while in program.

The implementation proposal stated the only expulsion criterion was if the participant committed a felonious violent crime, but this did not appear to be the termination policy actually used since participants were expelled for less serious noncompliance. The implementation proposal foresaw the judge taking a firmer approach, that is, “providing the bit and hammer”. Even a Wellness Court participant believed the Wellness Court needed to practice a little more tough love.

*Some people like I said, if they want to drink, they want to drink, and you can't make them stop whatever you do. To me, people like that, I would give them a chance to try at least get to third phase. Get to third phase, because one and two are the hardest. Okay, you get to the third phase and you can't make it, **I think that the Wellness Court should say, “Well, we gave you this much chance, we've given you chances, we've sanctioned you, we've done all this, would you rather spend 6 months in jail or 4 months in jail because you don't want to comply with the program?”** I would say something like that, “Well, you can't do it then.” Otherwise you'll be in for 2 years, however long. - Adult Graduate*

Although some people did graduate after being in the program for 2 years or more, keeping participants in the program for that long has negative consequences. One, the Wellness Court did not have unlimited resources to invest in participants who “weren't getting with the program”. Two, participants who were in the program and were continually noncompliant and receiving sanctions will eventually become frustrated, and their self-esteem and morale suffers when they fail again and again. Some participants were not at the psychological stage where they wanted to change. A team member summarized this problem.

*We're on the verge right now [of terminating someone due to noncompliance], solely because of his dependency, **his problem is that he doesn't want to get rid of his dependency, he doesn't want to do anything**, he's one of the ones I had a bench warrant quashed so he could come in and do his requirements and be in compliance for 4 weeks, I*

*told him I'd move him [up a phase] if he came in and did 4 weeks of compliance and I'd move him, but as it is, **you lean backwards, it's all you can do, we're trying to help you, but if you don't want to help yourself, I don't think we can really do anything.*** - Team Member

“Readiness to change” will be discussed more in Key Component 3, but in short, the issue of termination needed to be revisited by the team and a termination policy with clear criteria needed to be formulated. The termination policy can allow participants to have a second, or third chance, but should put the participants on notice the number of chances is limited. A good way to do this is the graduated list of sanctions discussed in Key Component 6.

#### *Weaknesses*

*Potential Participants Not Fully Informed About Wellness Court.* If a potential Wellness Court participant was presented with the choice of Wellness Court participation or incarceration, the pros and cons of participation and incarceration must be explained to the defendant so he could make an informed decision. Often all the defendant heard was if he chose Wellness Court he did not have to go to jail.

***In the beginning it was like Let's Make a Deal, go to wellness and charges will be dropped. Easy I thought, easy I thought. It seemed easy first week, then second week got stressful. My goal was to finish and graduate asap. But it didn't work that way.*** - Adult Graduate

If a defendant was not fully informed, due process (procedural fair treatment) rights were not being protected. Due process rights came into play because the defendant's liberty interest was at stake.

An offender who chose Wellness Court over incarceration was not necessarily avoiding jail time because one sanction for noncompliant behavior during Wellness Court was

incarceration. In fact, some Wellness Court participants found themselves serving more jail time during Wellness Court than if they had chosen to serve their original sentence.

*Some say [Wellness Court] is more strict than probation **cause a lot of times they wind up doing more time than they would on their plea agreement.*** - Team Member

*At this point in time now I hear [people saying they'd rather do 10 days in jail than Wellness Court]. Cause the other participants, the ones that graduated, and are still consuming, they told these people they party with, "It was real hard for me, I had to go to counseling, I didn't like the counselor to begin with, but I had to go there and participate. **And I was supposed to go to jail for only 30 days, but I was in Wellness Court for 6, 8, 9 months, that's the longest time I ever had to stay sober.**"* - Team Member

The belief that Wellness Court with treatment was better than sitting jail time with no treatment did not abrogate the defendant's due process rights to make an informed choice. But, team members cannot paint a rosy picture of Wellness Court to entice participants, even if the team members believed they were acting for the good of the offender.

Some Wellness Court adult participants commented they would not choose Wellness Court knowing what they know now.

*[I probably wouldn't make the same decision to participate knowing what I know now], other participants have asked me about it, and I say "It's up to you, it's your decision, but I wouldn't do it." They ask me why and I say, "It's going to take up a lot of your free time, and you're going to have to do this and that." **Oh, it sounds easy, then they get on there, and they're like me, they just don't want to do it. I said, "I told you."***

*[I'm not happy with my decision to participate] because I was not informed.*

Even an adult graduate said if he knew what he knew now, he would not opt for Wellness Court.

***I found out it's easier to go to jail than through the Wellness Court, it took me 2 years just to get through a 6-month program. That's what other people have been asking me too, they go to court and they have all these charges, they're saying "They offered me wellness" and they ask me "What should I do" and I said, "If I was you, I'd take the jail time." If I knew better before I made that decision, I would have went for the jail time because it took me a long time to get through it, I tell them the positive side though, I say "Go ahead and go for it if you think you can do it," I tell them "It's easy as long as you abide by their rules and policies you'll be able to finish it." I just tell them it's their own individual difference, it's their outcome, really heavy drinkers they'll probably get sanctioned, more time added or more counseling, it might take them a little while.***

Comments from team members and a community member reflect they realized the explanation of the program was weak.

***Usually they're informed when they're first enrolled in the program that it's a strict, monitored program.*** - Team Member

***I talk with them a lot, but I think some people don't talk to them a lot. I guess it's just like anybody else, if you don't talk to them, they don't understand you, they don't know what you want out of them, they don't know what the requirements are for them to do, to be in compliance.*** - Team Member

***It's a very structured program and a lot of the individuals are not really aware of what they're stepping into, and it's a very stringent program, monitoring, and a lot of people didn't realize that, so of course there's a lot of complaints in regards to that, but it's just accountability. A lot of people don't like being held accountable and of course the blame is placed on everybody else.*** - Team Member

***Well basically one of the concerns basically from the beginning was the clients' feeling they're being stepped on and the way it was set up, it seemed like emotional abuse. But that could be handled, really working with the participant and saying "This is what you***

***have to do, and this is what is happening to you” and all that. You miss a session, you have to make it up and add that to your time. You still have to complete this, if you don’t, if they miss a session, they’re sanctioned, they don’t like that. Some of the [participants] I have talked to, they really don’t know the whole thing. They probably are [being told what is expected of them], but I don’t know how much time is spent on that where they say there are four phases, this is what you have to do, these are the things you have to do in order to go into the next phase, within a period of 6 months you should have completed four phases. - Community Member***

The Wellness Court could have improved the transfer of information to participants and their comprehension of the program by formalizing the procedure. An offender considering Wellness Court, especially because the court considered him to be “volunteering”, should have had legal counsel to help him make his decision. Often the best person to do this if the offender cannot afford private counsel is a public defender. Ideally the public defender, or a Wellness Court team member such as the probation officer, would explain the Wellness Court program by reviewing the participant manual with the potential participant. Reviewing the manual should involve the public defender or team member reading the manual to the potential participant in small pieces and having the defendant repeat the idea back in his own words to make sure he comprehends what is being stated. It is crucial to expend the amount of time necessary to review the requirements of the Wellness Court for a truly informed choice to be made. It is not sufficient to hand the potential participant the manual and expect him to read and understand it.

*Hearsay Evidence on Noncompliance Admitted.* Participants complained “hearsay” evidence on noncompliant behaviors was admitted into court and they were sanctioned unfairly on the basis of the hearsay. By hearsay the participants mean that an outside person, that is, not a member of the wellness team, reported to a wellness team member he had seen the participant drinking or doing drugs. The team member would bring up the complaint during staffing and the

participant could be sanctioned based on the outside person's report. The Wellness Court instituted the policy that outside reports needed to be put in writing and signed, however this was still a situation where a non-team member was reporting noncompliant behavior to the Wellness Court.

*Before, in the first year, the relatives, especially the spouse, would come and report. They would report to us, we would say put it in writing. **If they didn't want to put it in writing, we would say we can't take your hearsay.** We can't take anything [unwritten] from the community, we would rather see the team, any team member, if they see any of the participants to write them up or do a report. We had an officer that was pretty good and would write them up and throw them in jail.* - Team Member

*We have our report form, then [the judge] says "You were seen drinking or you were seen doing this when you weren't supposed to," so here's the report. She'll have them see it, "Is this true or not?" She'll ask them that. . . . **Most of them admit it all, they say they don't even remember it, so they admit it, and then they get sanctioned for it.** Only the wellness staff can do that [sanction them].* - Team Member

This complaint of hearsay evidence was heard from participants who entered during the early years of the court and two who were still in the court in the spring of 2002.

*But you know there's people in this community that has to watch over you and make sure you didn't do what you were doing to get into this program. . . . [It didn't really feel okay] cause most of the time it was hearsay. . . . **[The worst part about participating in Wellness Court was] mainly the hearsay. I mean, there will be times when I wouldn't be drinking but someone would say that and I'd wind up sitting in jail or go do community service. . . . You know it was your word against theirs.*** - Adult Terminated Participant

***I think that [hearsay] was not really right either, I think that maybe they themselves, a police officer or a probation officer, should have been the ones to witness the drinking***

*instead of somebody just saying it, that somebody could just dislike you and could be making it up or it could be somebody else mistakenly looking like you. They could say, "Oh yeah, it looks like them." I don't think that was right either. - Adult Graduate*

*To me, it was almost like a joke, we go to that court and some of us would get pulled in, and nobody could leave the court because the police were out there, it was funny. Nobody could leave that court because the police were right out there and they'd take them, and every time I went to court I didn't know what was going to happen **because everything was based on hearsay**, you know, somebody said, "We've seen you drunk over there," and this person would get thrown in jail over that assumption. . . . Every time I came to court, I'd say, "Mommy, if I get thrown in jail, watch the boys okay?" I'd already set it up because you couldn't go home and make arrangements, you'd just get thrown in, right there. - Adult Participant*

*This probation officer, they won't do [home visits]. They'll sit in here, they'll have somebody out here, individual or individuals, more than one for the community, people in the community. . . . Individuals come in here and tell the probation officer, "Oh we saw so-and-so out there, he was doing this, he was doing that." **Okay, that's hearsay, but they'll take it to court and they'll throw the participant in jail. . . . Just on hearsay [and they didn't see it for themselves].** The judge would ask the participant, but the participant wouldn't say anything. Just on hearsay, they'd give him time. . . . Yeah, that's happened to me before. Yeah, that's the thing I really don't like about it. If the people are here to help or whatever, they should give you a chance, they don't give a participant a chance, they want you to lead straight or else you do this, no, **it's just by hearsay or whatever, they're not there to see.** - Adult Participant*

*When people slip and stuff, **at the beginning it was like hearsay, people would come and tell on each other, "they were drinking."** After that, people blaming each other, I think the Wellness Court started saying you have to write something up. But I don't know how they do it now. They said they wanted written letters saying where and when. - Adult Graduate*

The extra eyes in the community watching the Wellness Court participants is subject to abuse. A better alternative to allowing third party reports on noncompliance is to have the probation officers be more active with surprise home visits, monitoring of the participants in the evenings and weekends, and increased alcohol and drug testing.

***Key Component #3***

***Eligible substance abuse offenders are identified early through legal and clinical screening for eligibility and are promptly placed in the Tribal Healing to Wellness Program.***

One of the wellness court precepts is that a critical window of opportunity to intervene exists following an arrest and the wellness court needs to act quickly to identify eligible potential participants. Eligibility screening includes both legal and clinical screening. Each individual wellness court decides what crimes are eligible within the restrictions that federal funding precludes participants who have a prior violent conviction. Clinical screening is usually performed by a trained intake officer or treatment provider to determine if the offender's treatment needs can be met by available treatment resources. Another crucial time is when an eligible participant is identified and agrees to enroll, he or she needs to go before the wellness court judge for an initial appearance and start active involvement in the wellness court immediately.

*What They Did*

The participant manual spelled out eligibility for the Wellness Court including the "nonviolent" defender federal restriction.

1. The defendant has no detainers from other jurisdictions and is otherwise eligible for security release.

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2. Defendant takes responsibility for said offense and is motivated to participate in treatment and the Wellness Court program.
3. The defendant is not a violent offender.
4. The defendant is not a sex offender.

*It's gotta be a nonviolent individual, it can't be a sex offender, can't have no firearms or stuff. It's mostly Public Intoxication, drug use.* - Team Member

Alcohol-related charges were the most frequent offenses bringing adult and juvenile participants into Wellness Court, although some participants were arrested for Crimes Against a Person and one was brought in on a traffic charge (see Table 3).

Table 3. Offense Bringing Adult and Juvenile Participants into Wellness Court

TYPE OF OFFENSE	ADULT MALE	ADULT FEMALE	JUVENILE MALE	JUVENILE FEMALE
Alcohol	29 (78%)	20 (69%)	18 (78%)	15 (94%)
Drugs	2 (5%)	1 (3%)	3 (13%)	--
Crimes Against a Person	3 (8%)	7 (24%)	--	1 (6%)
Alcohol & Crimes Against a Person	2 (5%)	1 (3%)	2 (9%)	--
Traffic	1 (3%)	--	--	--
Total	37	29	23	16

Drug charges were not common at all; only two adult males, one adult female, three juvenile males, and no juvenile females were arrested on a drug charge when they entered Wellness Court. Approximately one-quarter of the adult females were brought in on a Crime Against a Person, for example, Assault and Battery or Disorderly Conduct.

Alcohol-related charges included Driving While Intoxicated, Illegal Possession of Alcohol (persons under 21 years of age), Open Container, and Public Intoxication. Public

Intoxication was the most frequent alcohol arrest for adults entering Wellness Court and Illegal Possession of Alcohol was the most frequent alcohol arrest for juveniles (see Table 4).

Table 4. Alcohol Offenses Bringing Adult and Juvenile Participants into Wellness Court

TYPE OF OFFENSE	ADULT MALE	ADULT FEMALE	JUVENILE MALE	JUVENILE FEMALE
Driving While Intoxicated	2 (6%)	1 (4%)	--	--
Illegal Possession of Alcohol	4 (12%)	2 (9%)	20 (91%)	14 (82%)
Open Container	1 (3%)	1 (4%)	--	2 (12%)
Public Intoxication	26 (79%)	18 (82%)	2 (9%)	1 (6%)
Total*	33	22	22	17

\* Total offenses, not participants, because participants could have more than one alcohol offense.

According to the Hualapai Wellness Court intake procedure, once the prosecutor referred the offender to Wellness Court, the offender was sent to the health department for his chemical dependency assessment. The implementation proposal stated the Bio-Psych-Social Evaluation (BiPSE) and the Substance Abuse Subtle Screening Inventory (SASSI) would be used to diagnose the participant’s substance abuse disorder. It appeared from interviews with the counselors only the SASSI was conducted. The implementation proposal also stated if the assessment indicated the individual did not have a substance abuse disorder and no prior criminal record existed, alcohol and drug education and other life skills might be prescribed in the individual’s wellness plan.

Although it was not possible to review the individual wellness plans because they were not in the Wellness Court file, it appeared all participants had a similar treatment plan. An early plan of the Wellness Court team was to develop a wellness treatment team for each participant—three people for an adult and four people for a juvenile so as to include a parent. It is not possible to tell from a review of the Wellness Court case files if that transpired.

The Wellness Court expected the assessment would take place within 5 days so the treatment plan could be developed and the offender could begin Wellness Court within a week of referral.

*A participant that is referred into the wellness, there's 5 days to make the assessment and the health department to get their assessments, and come back and do their contracts with the Wellness Court probation officer. The next coming Thursday we have court, they're supposed to appear, the initial welcoming. And from that point then, they're in their phases. - Team Member*

A review of the number of days between the participant being court ordered to Wellness Court and beginning the program showed after the first year of the program approximately half of the participants began the Wellness Court program within a week of referral ( $\leq 7$  days) (see Table 5). During the initial year when the program was first getting underway only 50 percent of the adults began the program within a month of referral ( $\leq 30$  days), although 92 percent of the juveniles began within a month of referral. The second year of the program, 2000, was the time the Wellness Court came closest to the goal of participants starting within a week of referral; 80 percent of the adults and 64 percent of the juveniles began within a week. In the second and third year, 90 percent and 91 percent of the adult participants began the program within a month of referral.

Table 5. Days Between Court Order and Program Start

Year	ADULTS					JUVENILES				
	≤ 7 days	≤ 14 days	≤ 30 days	> 30 days	Max days	≤ 7 days	≤ 14 days	≤ 30 days	> 30 days	Max days
1999	8 (27%)	13 (43%)	15 (50%)	15 (50%)	170	6 (50%)	7 (58%)	11 (92%)	1 (8%)	90
2000	16 (80%)	18 (90%)	18 (90%)	2 (10%)	65	7 (64%)	8 (73%)	9 (82%)	2 (18%)	364
2001	5 (46%)	8 (73%)	10 (91%)	1 (10%)	220s	2 (22%)	5 (56%)	7 (78%)	2 (12%)	90
2002	2 (40%)	2 (40%)	2 (40%)	3 (60%)	109	1 (100%)	1 (100%)	1 (100%)	0 (0%)	4
2003	--	--	--	--	--	2 (22%)	5 (56%)	7 (78%)	2 (12%)	90

It appeared some of the delay was caused by personnel issues at the health department.

*Sometimes [the health department does the assessments on time], it depends, I remember one time we had one individual that was trying to get in and it took him forever, come to find out that everybody was on vacation, on travel, or they had a workshop, they were gone for almost a month, and this guy was waiting to get into the program. That's a communication problem, it kinds frustrates us at times, but we all got personal lives. - Team Member*

*Weakness*

*No Assessment of Readiness for Change.* At the second arrest for an alcohol or drug-related offense in the Hualapai Tribal Court, the defendant usually was given the choice of a \$100 fine and 10 days in jail or Wellness Court participation. The amount of the fine and the length of incarceration could be greater for those with a greater number of prior convictions. Some defendants chose Wellness Court to avoid incarceration rather than a desire to change their substance-abusing behavior.

*[I chose to participate in Wellness Court] mainly because I didn't want to be incarcerated.* - Terminated Adult Participant who had previously been incarcerated about 70 times

*I had two options, go to jail or Wellness Court. Well actually [Wellness Court] was the only option for me, I didn't want to go to jail.* - Adult Participant

*I had probably five charges, Public Intoxication charges, and I didn't want to go to jail for those days, so I accepted wellness.* - Adult Graduate

*I didn't want to go to jail.* - Juvenile Participant

*I didn't want to go to jail, the jail is filthy so I decided this.* - Juvenile Participant

*Well I didn't really have a choice cause of my charges that I had, and that was an agreement with the court that I had and I just accepted it. . . . [It was jail or this].* - Adult Graduate

*Who's going to go to jail when you have an opportunity to do a program that's going to keep you out of jail?* - Community Member

Many participants were not ready to use their Wellness Court experience to change their behavior. Psychological research, distilled in the trans-theoretical model of behavioral change,<sup>2</sup> has shown people have to be mentally ready to change their behavior whether the behavior is smoking cigarettes, overeating, or abusing alcohol. When people are in denial that they have a problem, nothing is going to change. Twelve-step programs, like Alcoholics Anonymous (AA), recognize denial as an impediment to change and that is why AA meetings begin with people stating they are an alcoholic. Although Wellness Court could function as a wake-up call, it often does not. The Wellness Court team members and participants recognized the phenomenon.

*A lot of people with two sessions are able to turn around, and we can send them to the most expensive [treatment] places in the world and if they don't want to change, they'll never change. They won't change for a long time. But if they really want to change, we can talk to them, two, three sessions and they can go on from there and get away from that stuff.* - Team Member

*I just wanted to say that it does really work and help **if only the participant works together**. I myself was just trying to do positive, to make it work for my little family. . . . But I guess the worst ones don't really care and can do their thing, but it's more to a person's own choice. **Until something really bad happens and changes their life and turns them around, life threatening illness or something.*** - Adult Graduate

*Well, to me, AA was [an activity I didn't get anything out of]. . . . I feel that being an alcoholic, you can't make somebody quit drinking. You can make them go to counseling, you can make them go to AA, but if they want to drink, they're going to drink, you know. And that's the only thing, like going there, I've been an alcoholic most of my life **and I feel if someone wants to quite, they'll quit. Something has to happen in their life to quit, and you can't make a person quit.*** - Adult Graduate

*It's really up to the person too you know, if they're ready to accept it, if they're ready to sit down and admit they have problems. I think that's basically one big step for a person to take, if they're going to accept their problems and acknowledge they're either drug addicts or alcoholics. I would think you know, it's really up to the person, if they're ready for it, you can't force a person to go into this wellness program and admit what they are and expect them to get better, it's really up to them.* - Adult Graduate

*I haven't really seen any changes in people who went through the program. **It all depends on if the person is ready for sobriety, then they had that choice.*** - Juvenile Graduate

Some participants entered the program motivated to change their behavior and change their life. The reasons that prompt motivated people to enter the program were varied; it was sometimes for themselves and sometimes for their families.

***I wanted to get help, to try to get some treatment so I could try and stop drinking, help myself.*** - Adult Participant

*I've been in this program pretty close to a year and that's due to my own mistakes, my downfalls in the programs. I've gone through a lot and I've finally decided to straighten up and get on with the program and get out of it so I can go about my regular business in life and my duties for my kids, my family, all that, and that's the reason why I'm moving up in the program.* - Adult Participant

***Way before [participating in Wellness Court] I already got to the point where I made the decision to stop my drinking and that's where I was, it was easy for me. I've been sober for 4 years. It was quite a few reasons for me, it was mostly for my health and I got sick and just by looking at me they thought it was cirrhosis and they didn't find out what was wrong with me and I got pretty sick, and I turned all yellow, and I was in-and-out of the hospital and it really scared me, so I thought of my two little children so I wanted to see them go through Head Start and I wanted to be a positive role model for them to watch and learn that drinking is not the way and they both graduated [Head Start], and I was just proud that I had done it sober with them. That was the main reasons for me.*** - Adult Graduate

*Well, the reason why I chose the Wellness Court was I knew I had a problem, and I wanted to kinda be honest with myself, I still try to keep to the wording of being honest to myself. I decided to do it because it would kinda benefit me in a way, which it did, because I never really knew what alcohol does, I've seen, I know it kills our people and it's a problem here, but I wanted to understand more about it **and that's one of the reasons why I came into this program because I wanted to learn more about alcohol even though I was consuming it.** I wanted to get more information out of it, what the*

*withdraw symptoms, waking up with a hangover, you know, going through withdraw, I wanted to understand more about it, what it really does.* - Adult Graduate

A wellness court can improve a participant's success in the program by assessing motivation to succeed and "readiness for change" in potential participants. Those potential participants who are still in denial and not accepting they have a substance abuse problem need not be rejected as participants, but they need a different treatment plan than those who are ready for change. The participant manual did list motivation for treatment and the program as one of the criterion for eligibility, but did not appear to apply it.

#### ***Key Component #4***

***Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.***

This key component specifies the type of treatment to be administered in the tribal wellness court—holistic, structured, phased, and incorporating the culture and tradition of the tribe. This is a tall order. Treatment was probably the weakest component in three of the four tribal wellness courts evaluated in this study. And treatment is probably one of the most crucial components in a treatment-based wellness court. Treatment issues include the lack or shortage of trained drug and alcohol counselors and mental health professionals on the reservation, lack of regularity of activities such as parenting classes or cultural classes due to the changing availability of funding and instructors, the inapplicability of much of the AA and other 12-Step materials to the reservation, unfamiliarity with treatment options by the team members, and most importantly for the tribal wellness courts evaluated, a tribal justice system based on the state court model rather than traditional methods of dispute resolution. All four tribal wellness courts

in this evaluation are in communities where many members do not practice the traditional ways. All four tribal wellness courts had to make an immense effort to bring a cultural component to their wellness court.

*What They Did*

The Hualapai Wellness Court program required adult participants to:

- attend and be on time for all Wellness Court convocations (status hearings),
- submit to any reasonable request of rehabilitative, medical, or psychological programs,
- attend and be on time for all counseling sessions,
- submit to random drug screens and/or breathalyzers,
- keep the probation officer informed of their address, phone number, and whereabouts,
- attend school full-time or maintain full-time employment,
- make satisfactory progress in program as measured by phase requirements,
- complete all sanctions imposed, and
- pay all court costs, restitution, fines, and/or victim's compensation fees.

Five treatment phases were planned in the implementation proposal for a total program length of 630 days (Phase I 90 days, Phase II 90 days, Phase III 180 days, and Phase IV 270 days), not including the 270-day Phase V Aftercare. The adult participant manual did not state how long each phase was, but did state the program was at least 6 months long. One of the team members clarified the phase lengths in practice.

**Six months, 6 weeks for each phase, but that's depending upon participation of the participant, if they're compliant, or noncompliant.** Cause they can start over in a phase even though they're practically done. They screw up and we send them back to the first part of their phase. . . . Oh yes, [it is possible to complete the program early], most definitely. Like I said, we have one participant, well I've got two of them as soon as they understood what is happening. One has come around a second time in the Wellness Court and the other one is the first time. They both have jobs and they're doing well. But they moved up, I moved them up in 4 to 5 weeks, one was moved up in 4 weeks. It's very much up to them.

In actuality, more than 80 percent of the adult participants spent 6 months or more in Wellness Court. Half the adult participants were in Wellness Court at least 336 days, or 11 months (see Table 6). Those participants who entered in 2001 or 2002 spent less time in Wellness Court than those who entered earlier on average.

Table 6. Days in Wellness Court for Adults by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1999	30	442	360	167	1289
2000	20	428	358	57	895
2001	11	320	241	121	626
2002	5	315	244	109	600
Total	66	408	336	57	1289

The juvenile requirements were similar to the adults except the juvenile program did not have phases. A 2002 draft *Youth Wellness Court Policies and Procedures Manual* does detail a four-phase structured Wellness Court program. Originally the juvenile Wellness Court program was planned to be 3 months in length, but later juveniles were court ordered for 6 months. Half of the juveniles spent at least 144 days or approximately 5 months (see Table 7). Juveniles who

entered in 2001 spent more time in the program than those who entered in 1999 or 2000, but no trend exists.

Table 7. Days in Wellness Court for Juveniles by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1999	12	242	190	75	718
2000	11	229	148	83	874
2001	9	324	210	86	612
Total	32	232	144	63	874

Adults did spend significantly more time in Wellness Court than juveniles on average, 408 days compared to 232 days ( $p = .00$ ).

In the beginning the only treatment was counseling services and AA meetings. More services were added as the Wellness Court evolved. In general, adults went to weekly AA meetings and juveniles went to weekly Narcotics Anonymous (NA) meetings. The Wellness Court also had access to the services of the tribal training center where participants could earn GEDs and attend weekly classes (not all offered throughout the life of the Wellness Court) in parenting, life skills, domestic violence, and Four Winds (a Native American cultural class based on sobriety and diversity). Some of the classes were later transferred to the health department.

Weekly individual counseling was provided by the two counselors at the health department. There was no on-site residential treatment facility on the reservation, but the Wellness Court judge could order a person to off-reservation treatment. The Wellness Court files were incomplete, but at least three juveniles and four adults attended residential treatment.

In addition to the Four Winds course, there were other cultural activities for the participants—sweats, AA meetings conducted in a talking circle format, conversations with elders, and a genealogy reconstruction activity.

***See out there, the sweat lodge across the road. And some of the participants were also talking to the elders and getting their ancestry tree together, and that was at their suggestion, that's what they wanted to do, even some of the teenagers.*** - Team Member

### *Strengths*

*Treatment as Structure in Participants' Lives.* People who have problems with substance abuse often do not have a great deal of structure in their life; they may not have jobs or attend school. The alcohol has taken over their life. The Wellness Court program of weekly meetings and treatment sessions kept them too busy to get into trouble with alcohol and drugs. The Wellness Court phased treatment program provided the participants with both a short-term (completing a phase) and long-term (completing the program) goal. "Keeping busy" was a Wellness Court strength mentioned by several participants.

***[The best part of participating was] just having something to do everyday, mainly just being active, I guess. . . . Mainly you know just being active, perhaps go to life skills [class], coming down here everyday was a constant reminder. . . . I had to go to life skills, to domestic violence. . . . It was painful, but [it helped] pretty much.*** - Terminated Adult Participant

***The best part was during my time when I was in it, they had a lot of parenting and life skills and AA, it was every week, on-going and on-going, a lot of activity to keep us busy and that's what I like.*** - Adult Graduate

***Well, the best part was just keeping busy, trying to learn ways to help myself, better myself. . . . We did like life skills activities like things that would help you in your life, maybe saving, banking, making business cards, making your own job, creating, things like that.*** - Adult Graduate

*[The best part of Wellness Court] for me, it was getting my priorities set straight again because when I was using I didn't care where I was or who I was with. **With wellness, being that I had to be there a certain time, a certain date, I said "No, I can't go with you, I need to be there, I need to be sober, know what I'm saying and doing."** - Adult Graduate*

***It gives me something to do every day, otherwise I'd just be at home waiting for somebody to call or pick me up for something. Yeah, I'm glad [I chose Wellness Court].***  
- Adult Participant

***[What I liked best was] things to do, going to different classes, staying out of trouble (chuckles). I liked NA (Narcotics Anonymous) best.*** - Juvenile Participant

Team members and graduates recognized the importance of keeping the participants occupied with activities. Not a lot of activities were available on the reservation, even the video store is in Kingman 55 miles away. People thought more should be done during and after the Wellness Court program so that participants could socialize with each other rather than with their old friends who drank alcohol.

*Make sure that they have activities to keep them occupied rather than think there's nothing to do, "I'm bored, I'm going to get some drinks, I'm going to go to Truxton." **I think planning activities, just doing things together would help them out a lot. . . .***  
*Right now we don't have things like that, you know, and summer is coming.* - Team Member

*My mom took my family to a health club in Kingman and I thought I wish we had something like this in Peach Springs, I thought I could bring the wellness kids once a week because I saw families coming in. **And a lot of times this [tribal] gym hasn't been open and I don't know why. It just hasn't been open and it's their only activity.*** - Team Member

***[I would like to] just try to add more services. One thing that the kids really want and have talked about is there is a lot of marijuana use out there and once three girls told me, “We don’t want to watch no movie, we don’t want to read no book, we want to hear it from these people who have actually used.” And even at that, when we try to bring somebody in for just 5, 10 minutes, they want to be paid, and that’s a hard thing, so that would be my thing, to bring in more services.*** - Team Member

***They need to really have more activities for us, more interesting things, maybe small field trips, maybe taking us out into the country, having maybe a small cook-out, which we could do on our own, but with our co-alcoholic friends, we need do more things. We have a gymnasium, I try to go to that, but it’s always a lot of juveniles there, a lot of kids there. You really don’t have time to play basketball or lift weights. . . . You know, it could just be like going to a movie where we’re all together as a group. Cause I know when I go to a movie, the first thing I do is I run to Circle K and buy me a pint of whiskey and take it into the movie and I don’t like that, I don’t care for it, I could appease it, but, maybe going to, you know, just going to group activities.*** - Adult Graduate

*Recognition of Value in Counseling and Classes.* The participants saw the value in the counseling and class instruction in parenting and life skills they received through the Wellness Court. For many of them it was the first time they had a chance to learn and discuss these issues and reflect on how alcohol was affecting their life.

***[Counseling is] good, that’s really good, my counselor is . . . more like a neighbor too, so I go up there and talk to him too, like tomorrow or tonight.*** - Adult Participant

***The counseling was good, I did learn things, I did. . . . Parenting, the woman who teaches it, she’s gone through the same thing, her childhood was pretty similar to mine, and her and me, we see eye-to-eye, we communicate together and we understand and we talk to each other and on raising kids. . . . That was the one thing I really liked about the program, about the parenting class.*** - Adult Participant

*I go to those meetings (AA and domestic violence) and I go there with my girl friend, I see people that I talk with mostly, that I hang out with in the community, I see them there too. **It gives us a good time talking, working out our problems together as a community, we work together, talk our problems out, that makes us like more closer to our community members, so communicating with the community and participating, doing all of that, that's what I like.** - Adult Participant*

*Only one class that I've been going to, life skills, which is pretty good. **It's really good, you get a lot out of it,** the instructor there, she tells a lot. - Adult Participant*

*[The best part of the program so far is] the groups, like AA and NA. I didn't think it was going to be very informative, **I thought it was just going to be a bunch of people talking, but I'm learning.** . . . Yeah, it's something for me to do otherwise I'd be getting into trouble, but I'm learning too. - Adult Participant*

***It was the meetings I went to [that was the best part] and they talked about who I was, what alcohol meant, that helped me really think about it and not drink too much. . . .** Well, counseling is good because I had to bring out all my anger and had to talk to somebody and that's what made me feel good cause that was part of why I was drinking because I used to bring my feelings out and talk to somebody, that's what helped me. And domestic violence class helped me because I was acting violent when I got drunk, I was violent and verbal and physical and I went to the sessions it was good because there was other people in there and **they talked about themselves too** and just together, nobody was different, we're all violent, and after we came out of the sessions it made us feel all good and helped us keep our anger inside instead of. And AA was good too because **we got to talk about ourselves and we admitted we're alcoholics and just tell them we've been sober for so many hours and it made everybody feel good, that was good about the program.** - Adult Graduate*

***[I liked the] domestic violence [class] most cause they teach you how to deal with those kind of situations, your emotions.** - Adult Graduate*

***Our counseling was good and our parenting [class]. . . . Domestic violence classes were good.*** - Adult Graduate

*There was a lot of things they had that were pretty useful, **all of the things they provided were useful**—pamphlets, speakers, activities they had, it was pretty useful.* - Adult Graduate

***[The counseling] was pretty good, I enjoyed my counseling.*** . . . *She helped me. . . . I liked the AA meetings too because the person who was doing them made it interesting, what she was reading out of the book. She made it like reality.* - Juvenile Graduate

*Traditional Healing Practices Incorporated.* Although many of the present day Hualapai did not know much of their traditional culture, the Wellness Court was able to incorporate a cultural component of traditional healing practices into the Wellness Court.

*Hualapais have lost a lot of culture, I mean, we don't have any more medicine people, so it's not like Navajo, where you can send them to medicine people, or Hopi, they're right there and everything. **There's very little culture-type things to do except like talking circles, prayers, sweats, storytelling, going to see an elder, kind of like all the simple stuff, having them attend wakes, helping at wakes.*** - Team Member

***I danced at the pow-wow. [It was part of Wellness Court] because a wellness probation officer was there and if he saw me, he could sign it, so you could count it as a wellness activity.*** So I counted it. - Juvenile Graduate

One of the early participants facilitated the AA session in the form of a talking or healing circle emphasizing a spiritual kind of conversation more like a group prayer. He also was the first to teach the Four Winds class.

*We used to hold our own activities, like doing our own AA sessions. . . . **During the afternoons, there was a few guys who would come in and we'd talk on healing circles,***

***how the Native Americans, how we lived as Hualapais a long time ago, how we got through the bad times, how we never dealt with alcohol, we went through all that. -***

Adult Graduate

*[The spiritual part] wasn't [organized by the Wellness Court] at first, but I thought that it would be a good thing to put into the program so I started to work with, I think it was called Four Winds, we kind of did a talking circle, which is sort of like a council meeting kind of thing, so that makes everybody a chance to speak, or not to speak, and work with the herbs, the prayer, burning sage, and cedar, kinda put that in, and the smell, and the scent kinda gave it a different feeling. Mainly for my part of helping myself, that way, trying to work that into the program, and to help other people who don't really like, how would you say it, a conference room setting. - Adult Graduate*

An additional source of spiritual help in fighting substance abuse was the sweat lodge ceremonies run by a tribal member, a recovering alcoholic, twice a month for about 15 to 20 community members. The sweats were detoxification sweats that involved a cleansing of mind and body to help fight the alcohol craving. The original judge sent some participants to the sweat lodge, but participating never became an authorized Wellness Court activity. Some team members believed it could not be an authorized Wellness Court activity because the person running the sweats was not a certified instructor. Some participants came on their own anyway.

A problem with the cultural activities was that none were institutionalized and only occurred when a knowledgeable and interested person was available to lead them and volunteered his or her time and energy.

*I asked him [the man who did the sweats] if he was willing to do the sweats. He did, and he would do a prayer in that context. But, [another man who ran the AA meetings in the form of a talking circle] was just available to do those things during that period [he] was a participant, but then afterwards he would help with the AA meetings, but then he would also do the talking circles. **This is again an issue, things do not become***

*institutionalized, it's all ad hoc, it's all who's available at the time to do whatever, and when those [Cracking the Habit] film people were up there, that just happened to be something they were doing. But then later on, when the people were either dead or gone or whatever, it didn't continue. [The sweats] weren't always continued because he was doing other things outside the community, he was gone for awhile. - Team Member*

*I don't think they have anybody who's doing [Four Winds] right now. They've asked me to go up and start it again, and I agreed that I would, more again, just to help myself again. I'd like to see more of [the spiritual component] get implemented into the program, more activities scheduled, **you just need somebody to do it, [somebody] that has time.** - Adult Graduate*

The Wellness Court wanted to tap the knowledge of the tribal elders, but had trouble finding elders to volunteer their time.

*It's not like the old days, and the culture has changed from being from what they used to do a long time ago, from when you bring [the elders] gifts when you hire them. Now, it's money. So, it has changed. I can understand that, they say the elders are supposed to pass on stuff, **but now the elder wants money first before they speak.** - Team Member*

The integration of traditional cultural activities and infusion of spirituality into the healing journey was appreciated by the Wellness Court participants.

*Mainly just giving me something to do [helps keep me sober]. You know, the thing is, in the program I gotta do all these certain things, like I have to do to AA or NA, life skills, **and like a sweat, there's one right over here. I've done it a lot. . . . [It's helpful], it gives me something to believe in.** - Terminated Adult Participant*

*Mostly, we make things [in Four Winds], shields and stuff like that. My uncle is a spiritual man, he goes here and there and he runs ceremonies, he does the sweats. . . . I have been going to the sweats, I have had him sign the papers a few times and I turned them in. I really don't know if they accepted them or not. **To me that's a better way than***

*sitting and talking about it, you can get in touch with yourself, be one with the Mother Earth and stuff like that, native ways, spirituality. Using these ways would help a lot. - Adult Participant*

*[I like] going to the sweat lodge and learning traditional ways, songs and prayers, going to social gatherings that have to do with spirituality or direction or guidance. **Probably the spiritual part [of the program was most useful to me], the spiritual strength that I gained with this program, it's the most important part of the program that kinda kept me going you know.** Even though I'd get tired, physically and emotionally, but spirit was still strong to say okay, even though if I failed to go to a meeting or if I failed to do what I was supposed to, I'd go ahead and say, "I'm still here, alive, I can do it again, go another day." That's how I went on. - Adult Graduate*

The graduation ceremony was one place where the Wellness Court could have had more integration of traditional culture.

*I would like to see more of the spiritual and cultural integrated into our program really. . . . I keep telling [the wellness team], when they graduate, we should give them a feather, give them a medicine bag, something that's Native American. In our culture I think maybe at graduation give them a sweat, hire somebody, that's what I'm saying, look at our budget, can have a spiritual or guidance like that. There's a few guys here who knows it and wants to do it, but they're hesitant because it costs a little bit of money to get the supplies they need, we just need to look at our budget and see what we can do. Open communications with the other directors to see what we can do to help. - Team Member*

### *Weaknesses*

*Too Little Family Involvement.* Wellness courts can benefit from family involvement when the family supplies support to the participant. The Hualapai Wellness Court did not require adult members to involve their families, but occasionally families did accompany the

participant to convocation. The Wellness Court did not appear to make any special efforts such as organizing social events that included the families.

*There's not really any involvement, but they are encouraged to bring their family for support and rarely do they come, but when a family member shows up, they're acknowledged and thanked because you know they're here with their family for support and court usually let's them know how important it is for the participant. -*

Team Member

*You do have families who come with them, families do come and give their support, I know several family members who call for their wellness adults and do show up, just to keep us informed as to the activity that's going on and you can tell **there is a genuine concern because it affects the whole family** and that's what a lot of people don't realize, how it affects the whole family. -*

Team Member

The Hualapai Wellness Court required parental involvement for the juvenile participants.

The draft 2002 *Youth Policies and Procedures* listed six parental requirements.

- Parents must accompany their child at each convocation hearing.
- Parents must actively ensure that their child attends all meetings as required by the child's wellness plan.
- Parents must ensure payment of all fines assessed by the Wellness Court.
- If the Wellness Court finds that the child's parents are not involved in the wellness of their child, those parents are then subject to sanctions for their failures and those of their children.
- Parents must sign a contract asserting their understanding of all conditions placed upon them.

- Parents must participate as the fourth member of the wellness team and aid in the development of the young person's wellness plan, sanctions, and incentives.

It was not apparent to the evaluation team how well, or if, these requirements translated into practice. For example, it was not clear from a review of the Wellness Court files how often parents were required to attend individual or family counseling. Although it was difficult to measure how much parents were supporting the youths, it was clear to the evaluators that not all parents attended the weekly convocation meetings. At one convocation in May 2002 a parent was not present and obviously had not attended for several weeks. The juvenile said his mother had to go shopping in Kingman. The reply from the court was, "Tell her to come next week." If the parent had been court ordered to attend convocation and did not, a more forceful response to get the parent's attention would be to issue a contempt of court warrant for her arrest.

*If the parents aren't here for convocation, we can't even sanction them [the juvenile].*

***Like there's one boy we haven't sanctioned in 4 weeks because the mother hasn't even been here. So, he's not getting his sanction order and we're getting behind. That was one of the rules we had, the parents had to consent, that way she knows he's being sanctioned for not doing something.*** - Team Member

*No Phases in Juvenile Treatment Track.* The juvenile treatment track did not have phases. The lack of phases precluded the juvenile participant from achieving the short-term goal of phase advancement, a powerful positive reinforcement for wellness behaviors. The lack of phases also stripped some of the structure from the Wellness Court. Half of the juveniles spent over 144 days, or 5 months, in the Wellness Court. Five months was a long time to not have any benchmarks of achievement. A potential point system discussed by the team member below would achieve the same results as a phased treatment plan.

*Another concern I had was the juveniles implementing a point system. Right now, they're referred to Wellness Court, **but they don't know how long, nobody says how long, it's just they're given target dates.** Some of these boys have been in there for a year and just keep going and going. To me it seems like it gets boring for them, the same thing over and over, and of course they're going to mess up. And we're quick to sanction them, but it just keeps continuing and continuing, **and so that participant doesn't know where he's going, where he's supposed to you know, what his goal is or anything. He doesn't know.** They don't have phases and it seems like I've been trying to stress that to the probation officers but the concern is the sanction when they mess up. But me, when I put myself in their situation, I would feel this is boring, and they've told us that, it's just the same thing over and over. **So that's one thing I'd like to do. A point system, that's the first thing we have to work on.** - Team Member*

*No Aftercare Program.* In the implementation proposal, a fifth phase of aftercare lasting 270 days (or 9 months) was planned. The Wellness Court graduate was no longer required to attend convocation hearings, but would still be subject to minimal monitoring and attend individual and group counseling as needed. Also, the enhancement grant proposed an aftercare program where Wellness Court graduates served as mentors to recent graduates. Neither the formal nor informal aftercare program materialized. After graduation the participant was on his or her own.

*I've known a couple of the participants to actually go out and commit a crime to get back into wellness which is incredible, but the downfall that I see is that there is no aftercare, and that's a big component, a huge component, and it's lacking. When I go to these conferences and I hear these state courts, everything they have, the services, and it's like, I wish we had that, but reality check, **we don't, we just don't have it.** And a lot of the participants, they get into this program, and they get used to being monitored. - Team Member*

*I think [the services to treat substance abuse] are minimal. **I think they could do more ... aftercare after they graduate.*** - Community Member

Some of the participants missed the structure the Wellness Court program provided and were able to reconstruct it informally after graduation.

*The only [strength] I can see was that the services that were being provided, even after the participant graduated, **they went on their own because they wanted to, it wasn't a required thing for them but they felt that they had been sober for so long, maybe they got accustomed to going to meetings even after they graduated.*** - Team Member

*I remember one lady who graduated who had been out 7, 8 months, said she forgot how to get in jail, but she wanted the structure of the Wellness Court. **I think at one point she volunteered to do some of the services of the Wellness Court like AA.*** - Team Member

***I just go on my own now [to see the counselor].** Just go whenever you feel you're not, when you're down, depressed, well, that's why I go and see the counselor. If they're not busy they'll just say they'll talk to you. **[One of the counselors] comes to my house to sing and check on me and see how I'm doing. . . .** I don't know if he does it for everyone, but I know he just comes and checks on me cause I go to see him too.* - Adult Graduate

### **Key Component #5**

***Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substances.***

Monitoring in a wellness court usually includes a weekly sign-in, curfew checks, and frequent and random testing for alcohol and narcotics. Drug testing plays an integral role in the wellness court because it provides a reliable method for measuring the participant's progress toward sobriety. Ideally a wellness court program has a probation officer of each gender whose

full-time responsibility is the wellness court participants. Tribal resources do not usually permit that and usually one full-time probation officer works with law enforcement officers covering the gaps. A positive alcohol or drug test result usually leads to a sanction at the weekly status hearing.

*What They Did*

Alcohol abuse appeared to be more prevalent on the Hualapai reservation than drug abuse among the adults; but drug use, especially marijuana that was locally grown, was a problem with the juveniles.

***It's a major problem, alcohol and the drug abuse.*** - Team Member

*Before when I first came here it was alcohol, alcohol was the main thing, but now, drugs started coming in. . . . Methamphetamine, PCP, marijuana, heroin. In fact it's mostly the kids that are testing all of it. . . . They get them here locally, mostly marijuana is bought here. People don't believe it but it's grown here in the canyon. It comes on up out of the canyon. It's the canyon people doing it. It's here and it's mostly the outsiders who bring it in.* - Team Member

***The majority of what they have confiscated at the high school is marijuana.*** . . . *[Drug use] goes on at the high school, getting high, I don't know how they do it, they sneak it in, smoke it in the bathrooms or outside. At the beginning when they opened that high school, they were never allowed to go outside, they were inside. But, lately, this year, they're allowing them to go outside and there's not really that supervision there.* - Team Member

Alcohol abuse could start very young. One 16-year old participant stated he started drinking at the age of five.

***My brothers give it to me.*** *A long time ago.* - Juvenile Participant

*It seems like it's, the way I look at it, [alcohol abuse is] getting worse, and the sad thing to hear is that even our kindergarteners, some of the kids, will go to their classrooms and tell teacher, "I had a taste of this, Mom and Dad were partying, they left a glass of whatever they were drinking, and it made me feel good, I hope they do it again so I can have some more." Kindergarten students. - Team Member*

*[Alcohol is a problem], especially the young ones, not the teenagers, young as 8 or 6 years, mamma has it in the refrigerator, she's drunk and passed out and the kids are curious, "Let's see what this tastes like," it's just there, it's in the home. - Team Member*

According to the participant manual, the Wellness Court probation officers were primarily responsible for the monitoring of the participants but the other team members were obligated to report all observations of compliant and noncompliant behavior. As mentioned above in Key Component 2, community members who are not team members also could report instances of noncompliant behavior in writing and the incident would be brought up at staffing meeting and convocation.

*We kinda get criticized, we come to these classes, we end up drinking again the following week or the same night or something like that. Basically it stands all our people, basically you know, we're all related. We know everybody in this community. We all see one another. **There's a saying here in Peach Springs, before you do anything, they already know what you've done. That's how small a community we are.** - Adult Graduate*

Adult participants were required to check-in with their probation officer 3 times a week in Phase I, twice a week in Phase II, once a week in Phase III, and twice a month in Phase IV. Checking-in consisted of signing a sign-in sheet on the probation officer's desk. There was no mention of a curfew for the participants in any of the written materials nor did anyone mention a

curfew in the interviews. Probation officers also drove around the community and did home monitoring.

***[The probation officers cruise around, check up on things.*** - Juvenile Participant

Some participants commented the probation officers never came to their home.

***No, we have to come down and check in with them.*** - Juvenile Participant

The participant manual stated the participant must submit to random drug and alcohol testing but the frequency was not stated. In 2002 participants were tested for drugs using urinalysis at the Thursday convocation. One probation officer said it was once a month, the other probation officer said it was twice a month. All participants who were at convocation that day were tested.

***It's random. When they come into court, we just call them out.*** - Team Member

The participant gave a urine sample and according to a team member it was apparent by looking at the color of the urine if the test was an unconfirmed positive. The sample was not mailed to the testing laboratory unless the participant contested the visual results. Only one participant did contest the results.

***If they protest it, that's the only time we'll mail them out.*** - Team Member

If the test was positive, the participant owed a \$25 fee. So, if a participant suspected his test would be positive, he admitted to using drugs without undergoing the urinalysis and saved the \$25 fee.

***Someone will say, "I'm not going to do the test because I'm going to be positive," so if he doesn't want to do it we just automatically sanction him.*** - Team Member

A first time positive test (actual or admitted to) garnered 8 hours in jail. The second time was 16 hours in jail, and so on.

The expense of the urinalysis kits was a concern and the Wellness Court ran out of kits periodically and was not able to test.

*I don't know where we were getting all the test stuff, **but it was costing a bunch of money.** And when I went to a workshop and I talked to some of the vendors, I told them, I said, "You guys are going to have to give us some sort of discount, we don't have the budget." . . . But now we've started with Roche Family and they're giving us a good price for what we're getting. For what they were spending before, I think they were spending \$1000 for I don't know how many kits, but I'm getting 25 for \$289. - Team Member*

At first the Wellness Court tested for alcohol using an alcohol testing swab to collect saliva. The swab would turn color if alcohol was present. By the third year they had purchased a breathalyzer for alcohol testing. Participants were tested when it was suspected they were intoxicated.

### *Strengths*

*Two or Three Full-Time Wellness Court Probation Officers.* A strength of the Wellness Court was the federal drug court funding provided for the salaries of two or three full-time probation officers who devoted all their time to Wellness Court and its participants. One monitored and supervised the adults and the other the juveniles. At an earlier stage of the Wellness Court when there were more participants, there were two adult probation officers and one juvenile probation officer. The result was a good ratio of probation officers to participants and caseloads were conducive to the probation officers developing a relationship with the participants. Participants had good things to say about the probation officers.

*[A good part of the program was] getting to know your probation officers more, . . . I liked it because my probation officer was cool. . . . I remember my grandpa introduced me to him and then they'd sing the traditional songs or whatever, **he was pretty cool, I liked him, he wasn't negative about you, I don't know, he was popular.** - Juvenile Graduate*

*One of them, the one that just passed away, he was pretty good. . . . **I told him I'm having these ugly feelings and thoughts and told him how I felt and he just spoke to me and talked to me and I asked him to pray for me and he did and then when he'd see me, he'd ask how I was doing and give me a hug and shake my hand and say something, and ever since then I felt good and okay** and when he passed away I thought who was I going to go to next if I go through that again? But I always tell myself that he left me to be strong and I have to be. . . . This other guy, the new guy, I know him a lot, and he really talks to me a lot, **and he's just encouraging words and stuff, so they're okay.** Even though I've graduated, they see me in public and say hi. - Adult Graduate*

***She's really nice, she's there for me.** She tells me when I need to do this or I need to do that and keeps track. *[The other one is]* really good too, he's there too. - Adult Participant*

*They establish that one-to-one relationship *[with their probation officer]*, some of them get close to their probation officers and **I've heard them through their testimonial that if it wasn't for their probation officer always checking on them, it was just that they cared for them,** it brings tears to my eyes when I hear stuff like that. - Team Member*

*Monitoring as Accountability in Participants' Lives.* Participants became more accountable for their own behavior when they knew they were being watched and they would be sanctioned if caught engaging in prohibited behavior.

*Oh, I better not drink because I have to do this. **I don't want to be in trouble, so I better do this thing.** - Adult Participant*

*The strong points that I can see is that they have a schedule that they give to the clients and if they don't show up or if they don't come in and sign-in, there's trouble. One time I remember a youth who never made it on time to sign-in, they were giving the parents a \$25 or \$5 late fee for the kid not coming in. . . . He was trying to blame the parent. I said "Why did you blame the parent?" He couldn't answer that. I said, "Now you see it's nobody's fault but yours. You're old enough to make your appointments, you're old enough to listen to these adults." But he repeatedly kept missing and missing and mom and dad wound up with a fine of \$100 at one time. . . . **And a couple months later he got back into wellness, and I guess that was to show him, he finally saw the light, and he came on time, he was 10, 15 minutes early. So he did a good job after that.** - Team Member*

*I want them to understand that I'm there to help them, not be a burden on them, they're pretty good, they tell me what they think. I tell them what I think. If push comes to shove, then I think they know I can shove just a little bit more than they can. They kinda back off when I kinda look at them and say, "**Hey, look, this is how it is, this is life, reality is here, so either you're going to be in compliance or you're going to be in noncompliance, that's up to you. The burden thing is up to you. If you want to be in compliance, then I'm all for you. If you don't want to, there are other consequences that happen.**" And they understand, they're pretty good at it. - Team Member*

*I have relatives that were in the program and I felt it to be pretty effective because it was **in the back of their mind that they're kind of like being watched on, they had that feeling in a good sense.** A good sense as far as knowing that they needed to complete the program in order to comply with the tribal court rules and regulations, jail sentence, things like that. . . . [My relative's] been in alcohol approximately 20 years and he was pretty reckless about alcohol and being under the program **it had a feeling on him that he needed to abide by the law as far as the Wellness Court. That was a strong point.** I think that anybody getting into the program also has that sense because it was a procedure that had to go through, **the different steps, that's what I mean by effectiveness.** - Community Member*

*Weaknesses*

*Non-Intensive Supervision by Probation Officers.* In a wellness court participants are required to be monitored through intensive supervision and having participants sign-in 3 times a week is not intensive supervision.

*I would [change Wellness Court to] make sure that the probation officers are doing their job, and they're trained to do their job, and they're there being sober and have a good leader over them. **They need to go out and talk to the people, communicate with them, let them know they're concerned.** I think that would be something better.*

*Communication in the Indian community is something hard to come by. We're hard people to communicate with. - Community Member*

When one of the probation officers was asked “*Do you ever drive around on Friday nights to see if your probationers are doing anything illegal?*” the reply was “***I don't really see them.***” This is not an acceptable response for a Wellness Court probation officer, especially when two or three officers can trade off doing after-hours supervision. Probation officers need to have flexible hours that allow them to drive around the community during the evenings and weekends when alcohol and drug use are most likely to occur. They need to make surprise home visits and use the opportunity to test for alcohol and drugs. It appeared from a review of one of the probation officer's weekly summary sheets that some home visits were made. In addition, for intensive supervision both the juvenile and adult participants should have a curfew and the probation officers should be stopping by their homes and making sure they were home after curfew.

*Infrequent and Nonrandom Drug Testing.* Although the implementation grant proposal stated, “Because the Alcohol abuse is so severe on the Hualapai Reservation, breathalyzers will be required of Defendants/clients randomly” it did not appear breathalyzer tests were done with

any regularity. The Hualapai Wellness Court was conducting drug testing so infrequently as to make it useless. Key Component 5 recommends “[t]esting should be administered frequently and randomly in order to assure participant accountability. Testing should occur a minimum of three per week during the early phases of treatment with reduced frequency thereafter”. When testing does not occur frequently and randomly, it is difficult to tell if the participant is receiving the full benefit of the treatment and the wellness program in general. Frequent drug and alcohol testing also sends a message to the participant that he is being monitored.

The once or twice a month urinalysis performed by the Hualapai Wellness Court was not anywhere near sufficient to detect participant noncompliance and monitor progress. If a participant smoked marijuana a day or two after being tested, it would not be detected even 2 weeks later if he were an infrequent user. Alcohol testing is even more problematic because alcohol clears the body in hours rather than days.

*You know, we’re just doing [urinalysis] like once a month, and this last time we went to San Diego, they wanted us to do it three times a week for everybody. Because we were just doing it once a month and they didn’t like it. They said we need to do it more often on them. So we got some [drug tests] in, up there, that’s a better test thing, the test for five drugs. - Team Member*

*When [the first probation officer] was still here, I know she was really using [drug testing], her clients were adults, I’m not too sure. **She did that and caught them by surprise and they went to jail.** I think that was a good thing to do. - Team Member*

A more aggressive drug testing regimen would be to test everyone for alcohol when they came into the court to sign in three times a week AND test them in surprise home visits. Alcohol testing using a breathalyzer or alcohol swabs is inexpensive. Urinalysis also needed to be conducted more frequently and not always on Thursdays. The testing of participants on

Thursdays at convocation was not random, even if not every Thursday was a test day. Surprise home visits also could include collecting a urine sample. The expense of the testing supplies was not a valid excuse for less frequent testing because Wellness Court received more than sufficient funding from the federal grants to purchase these supplies. Drug testing is an essential component of wellness court, without it you do not have a wellness court.

***Key Component #6***

***Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.***

The focus of this key component is to emphasize the journey toward wellness is marked by advances and setbacks that need to be rewarded or sanctioned. Achieving wellness is a learning experience that is enhanced when a step forward in reducing substance abuse (compliance with program requirements) is rewarded and a step backward (noncompliance with program requirements) is sanctioned. The *Key Components* recommend the reporting process for noncompliance should be clearly spelled out in the Wellness Court's policies and procedures. The responses to compliance and noncompliance, or the incentives and sanctions, should be explained verbally and in writing to the participants. Incentives and sanctions should vary in intensity according to the degree of compliance and noncompliance.

*What They Did*

The adult participant manual has a ranked list of possible incentives on one page and sanctions on another. Possible incentives ranged from verbal commendation from the judge to certificates of recognition to gift certificates to movie passes to trips.

*Certificates, phase movement, promotions in the phases, gift certificates to restaurants, movies, rentals to movies, phone cards, t-shirts, ice chests, mugs, caps, **anything that we can give away.*** - Team Member

*Hualapai Wellness Court Evaluation*

*The phases are all 6 weeks, I have moved individuals up in 4 weeks in a phase from Phase I, II, III. . . . **Four weeks, if they're doing good, if they're doing all their requirements, they come in, sign-in, I move them up.** - Team Member*

*[My favorite incentives] were the gift certificates. . . . Even if it was just a t-shirt, or a \$5 gift certificate, **it showed that the court, the people that were running these programs were human. They encouraged us.** - Adult Graduate*

A trip to a ballgame in Phoenix left a big impression on juvenile participants.

***We went to a Coyotes game in Phoenix and the mall, then that's it, that's all we went.** - Juvenile Participants*

***[I liked] going on trips. . . . There was this one that we went to, the ones who graduated and the ones in compliance, they took us to the Coyote game in Phoenix, we went to the mall. We came back like 12, 1 o'clock in the morning.** - Juvenile Graduate*

Some of the comments by participants suggested a greater number of incentives were given out in the earlier years of the Wellness Court compared to later years.

*[The best part of the program when I was in it is] when you're in compliance and they give [the wellness participants] a free party. **No, [I don't think they do that anymore.]** - Juvenile Graduate*

*[A change I would make is] like gift certificates, **and I'd really like to see more of the team acknowledging the positives and good stuff that the participants have been doing like trying their best. They're not doing it enough right now [but they did in the beginning].** - Adult Graduate*

*They were supposed to give us incentives, take us on picnics and have dances, non-alcoholic you know. We were supposed to go to all the programs and I don't know what happened to that money. All the monies are just going to the staff and it could be abused.*

***You know the incentives and things like that, sometimes it didn't even happen.*** - Adult Graduate

***When I was in wellness, I think I only got two incentives. . . . We were supposed to get a little more than that.*** - Adult Graduate

Sanctions for rule violations ranged from making up missed treatment sessions to community service to starting the current phase over again to incarceration to program termination. No juvenile detention center existed on the reservation and juveniles were housed in the juvenile section of the jail when they were incarcerated.

*[The sanction used] depends on what the circumstances are. Alcohol, they're already in jail if they're picked up by the police. **If it's a sanction from a staff member that sees them and does an incident report, we act on it, it could be the first offense \$8, second offense \$16, it gets doubled, up to \$24.** I think our third one, which I haven't seen yet, we usually cut it off after they serve their time in jail, I haven't really seen that more than \$24. Same as for drugs, 8, 16, 24, it depends on how often they've been in. . . . **[Jail is a] major [sanction] yes. Fines for not coming to court, convocation. Fines for missing requirements plus a makeup. Especially the counseling part, we make sure they do the counseling part.*** - Team Member

***In [community service] they just send you wherever they need you.*** I worked here at the courthouse and I worked at the elderly center. At the courthouse I did filing and answered the phones. - Adult Graduate

### *Strengths*

*Recognition of Progress.* A strong point of the Hualapai Wellness Court was the team members understood the importance of ceremony and the role it plays as positive reinforcement

in a wellness court. The original judge commented on why they decided to call their status hearing a convocation.

*A convocation, by definition, is more ceremonious and special. We wanted to give the proceeding a different feeling rather than a mere court appearance. Because the Wellness Court's goal is to promote Healing and Wellness, the gatherings are to be given a more special designation. **Convocation basically is a ceremony, where participants acknowledge their Healing to Wellness Journey and publicly account for it and show responsibility for its progress.** While not all Wellness Courts have added prayer or song to the Convocation, **the idea of ceremony—to mark the stages of one's Healing to Wellness Journey—is key in the program's success.** - Healing to Wellness pp. 28-29*

Even small rewards for incremental successes are valuable in increasing the Wellness Court participant's feeling of self-worth and achievement. The Wellness Court understood recognizing a participant's progress with clapping or certificates gave the participant positive reinforcement.

*[I think the strong point of the Wellness Courts is] that there's support for the participants, I would say mainly the support by all the team members and I think, I believe, I can't think of the word, **when a participant comes in and the participant is doing good and we all clap for that participant, that's something new to them, they don't get that at home or in the community and I believe that's one of them, encouragement.** - Team Member*

*I started to create phase certificates I to IV. **I wanted to change the certificates when they graduated, they looked too basic, I don't know what you would call it. I think it will be more cultural maybe.** - Team Member*

Graduation, the ultimate incentive, was marked by ceremony.

*Graduation was really nice, **all their friends and relatives were there.** - Adult Graduate*

*[The graduation ceremony] is good, **they get their awards and recognition that they passed certain levels**, yeah, it made me proud watching him as well as everybody else that graduated. - Relative of Participant*

*Therapeutic Sanctions for Juveniles.* The underlying philosophy of a Wellness Court is that the participant is spiritually ill and needs to be healed. The journey to wellness is marked by progress that is rewarded and relapse that is sanctioned. A wellness court needs to remember sanctions in this context should be therapeutic or nonpunitive. Any sanction should help the participant in his journey to wellness, not punish him. Although juveniles were sometimes incarcerated, the Wellness Court also fashioned nonpunitive sanctions for them that could be learning experiences. One example of a nonpunitive sanction was to read something relevant, such as what substance abuse does to your body, and then write a summary of what you learned.

*I think the theme that they try to make them think about what they did is really good. It gives them something to think about. **Whatever crime they had committed, they found some readings for them to read about.** And they gave the youth time to read it and understand it, and they did a little summary of it, whatever crime they had committed. - Team Member*

One participant wrote the following essay on “Responsibility”.

*As for responsibility I was responsible for my actions such as staying away from alcohol and people and focusing on what I have to do like going to see [my counselor] for counseling about what bothers me and also checking in with my probation officer every day and making sure I go to domestic violence class every Tuesday and Wednesday’s and attend AA meeting. Express my true feeling’s let it out and to get my community service done and my other responsibility’s are taking care of my little family that I have in my life now. Without them I [don’t] know what I’d do, [my wife] really encouraged me to keep going to these. Even when I’m off of Wellness these will still be my responsibilities.*

Another example of a nonpunitive or therapeutic sanction was to order a juvenile to talk with a tribal elder who would teach by teasing.

*[The elders] just talk your ears off, they just talk forever, they say mean things, Hualapais don't teach in the nicest, friendliest way. They teach by teasing, they say things that are mean, and they make people feel bad and that's just the way the culture is. . . . A lot of tribes, especially Hualapai, would make people behave right by teasing you to death. - Team Member*

### *Weaknesses*

*Incarceration as Nontherapeutic Sanction.* A more philosophical question is the merit of incarceration as a wellness court sanction. The team has a delicate balance in deciding what sanction to mete out for noncompliance. If the sanction does not significantly affect the participant in a negative way, the sanction is not doing its job in preventing future noncompliance. If the sanction is too harsh for the accompanying noncompliant behavior, the court has moved into a punishment mode. This is especially true with the sanction of incarceration and its concomitant restriction on individual freedom. Incarceration is qualitatively different than a requirement of additional drug tests or extra meetings.

More care needs to be taken in meting out incarceration as a sanction in a treatment-based wellness court, due process concerns aside, because usually participants do not receive treatment when they are in jail (although one of the Hualapai mental health counselors would try to meet with participants who were incarcerated). Incarcerating a participant for having a relapse when they are trying to beat chemical dependence is not in the spirit of wellness courts. Wellness court, being wellness court and not regular court, should only turn to the sanction of incarceration as a last resort, when all other sanctions have failed. The inherent guiding principle

of wellness court is substance abusers are ill and need treatment; holistic healing does not occur in a jail cell, especially if you're a juvenile.

***Jail is not good for you because it's not a place to be.*** - Juvenile Participant

When the court used its power to incarcerate too readily to deal with the problem of noncompliant behavior, the substance abuser was once again caught in the revolving jail door.

***They threw you in jail because you didn't make a class or you couldn't make it to two classes. I felt like they were too strict, especially living way out there, I live 15 miles out of town, and I couldn't make it to some classes.*** - Adult Graduate

No stigmatization about being incarcerated existed because everyone knew someone who, or they themselves, had been in the Hualapai jail.

***No, [people are not labeled if they go to jail], I think everybody goes to jail here [laughs] one way or the other.*** - Adult Participant

Yet, even though people said people felt no shame being in jail, the experience could not help but chip away at self-esteem and self-worth. The participants were aware of the punitive, or nontherapeutic, nature of incarceration.

***[If I could change the court], I think I'd do away with the incarceration part as a sanction. . . . I think sanction to the sweat lodge [would work better], that should do.*** - Adult Graduate

***Well being an alcoholic, we're all the same, and if I felt I didn't like [being incarcerated as a sanction], maybe nobody liked it either. And I didn't feel like the Wellness Court did any, just for anyone, like throwing them into criminal jail, and all because they were alcoholics, you know, and they were sick person, and I always wondered, and watched myself, and said we need a treatment center here, why not put all this money to a treatment center, alcohol and drug abuse center, where we'll get individual counseling,***

*especially when we go into a crisis, we don't have a helpline here, anything, so I don't care for the program at all. - Adult Graduate*

*I would like to know all the names of this wellness team because I come to court every Thursday. When I come I never see a team here and the judge always brings out it's the team that sees you guys out drinking, sees you guys doing these things, they're the ones that make these reports, this is why these complaints are put out and we have to take you to jail for that and I always went and said "Okay," **if we weren't in compliance then they want to put me in jail for something, but yet I think that's a punishment.** - Adult Participant*

When a wellness court earns a reputation for being punitive rather than therapeutic it has lost sight of its original goals and philosophy. A wellness court that too easily sends participants to jail for noncompliant behavior needs to use other sanctions such as community service much more. A therapeutic sanction, like helping a tribal elder or participating in a sweat lodge ceremony, aids in the healing of a broken spirit. The Wellness Court also has to remember the carrot and the stick philosophy and reward compliant behaviors with incentives that also can change substance-abusing behavior.

*Lack of Written Policy on Incentive and Sanction Application.* The adult participant manual listed incentives ranked from smallest to largest and sanctions from minor to major, but which behavior was linked with which incentive or sanction was not spelled out. For example, how did a participant earn a movie pass for compliant behavior? A lunch for two? Also, what level of noncompliance caused a participant to go back to the beginning of a phase? What happened the first time a participant had a positive drug test? The second or third time? The wellness team did appear to have some unwritten rules—for example, 5 hours of community service for each missed session and 3 days in jail for each missed convocation. Without a

written policy on this, the application of incentives and sanctions appeared to be subjective with inconsistency between participants and favoritism for some.

*[The worst part of the program was] like if you get in trouble and they find out, you have to go to jail. **If it's someone else that did something worse, they get away with it.** - Adult Graduate*

*Certain people couldn't make it to their classes and they said they were working somewhere and they let them go, but some of us that wrote letters saying the same thing, they didn't let us go. . . . **They weren't consistent with the plan. There was discrimination.** - Adult Graduate*

The solution is to have a written policy that linked specific noncompliant behaviors with specific sanctions (for example, each missed session led to 5 hours of community service) and compliant behaviors with specific incentives (a restaurant gift certificate with phase promotion). This policy must be shared with the participants and applied equally to all to avoid any perception of favoritism.

#### ***Key Component #7***

***Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.***

This key component acknowledges the leadership role the judge plays in the wellness court and how integral the judge is to the success of the wellness court. An effective wellness court judge is able to be both leader and team player. The judge's responsibilities in the wellness court include learning about substance abuse and treatment options, participating in the legal screening of potential participants, setting the tone of the wellness court at the participant's initial appearance, attending the weekly case staffing meeting to prepare for the status hearing, and presiding over frequent status hearings to establish and reinforce the wellness court's

policies. Although the wellness court team weighs in on whether to impose a sanction or award an incentive, the meting out of sanctions and incentives is done by the judge at the status hearing.

*What They Did*

The Hualapai Wellness Court had three judges over its 4½ year time span—the original judge who started the Wellness Court and served as both associate and chief judge before he left to continue his education; the second judge who was very familiar with the Hualapai criminal justice system having served previously as the chief judge, prosecutor, public defender, and police officer; and the third and last judge who was the associate judge and former court clerk who started in the third year of the program in 2001. Two of the three Wellness Court judges were tribal members.

*Strength*

*First Judge Catalyst for Wellness Court.* The first judge, who was Hualapai Chief Judge from 1996 to 1998 (and associate judge until 2001), realized the Hualapai Tribal Code and Constitution gave the judge discretion in processing alcohol-related cases. He discussed his decision to try something different in response to the escalating alcohol and drug-related crimes before there was a Wellness Court.

*In applying Section 6.21(a), Chapter 13 – Alcoholism of the Hualapai Code, and the Hualapai Constitution, I interpreted our laws to allow for the creative fashioning of individual rehabilitation programs and the development of an innovative judicial process now known as the Hualapai Wellness Court. I took these steps as a response to our community's battle with alcohol abuse which we seemed to be losing daily. - Healing to Wellness p. 4*

In tandem with the judge's thinking to try something new, the Hualapai tribal planner was preparing a planning grant application to the U.S. Department of Justice's Drug Court Program Office for a tribal drug court. The judge recollected how events played out.

*The tribal planner drafted and gave me the planning grant and asked me if this would be a good thing. I went through it and I thought of it as a good thing in order to help develop the tribal court system. I didn't know all the relationships at that point with treatment and all that. I saw it as a structural development type of process that we could use, and so when she wrote it and I edited it, and we sent it in and we got it, then it was all given to me to do.*

After the planning grant was awarded in 1997, the judge took the responsibility for developing the Hualapai Wellness Court and facilitated a series of planning meetings that successfully launched the program. He also oversaw the implementation of the Wellness Court during its early years as the associate judge.

*Strength or Weakness?*

*Current Judge Perceived by Some as Too Lenient.* A wellness court judge has a tough row to hoe. She must be a wellness team player, yet also be the ultimate authority in the courtroom. She must be empathetic in dealing with the participants, yet possess a firm demeanor. That she was empathetic was without question.

*I always tell the parents, when I'm in there, I don't put myself above anybody. **I'm going through the same things as a parent, just trying to let them know I understand and I'm not just there to sanction them,** and so, I share that with them a lot.*

As discussed above in Key Component 2, the current Wellness Court judge believed in giving participants every chance to succeed. The result was some team members believed she was too lenient.

***She's more of a lenient type person thinking that's going to work, but it doesn't always work that way.*** - Team Member

*I think there are some places where we are lenient, but I think it's up to the recommendations that the judge carries out. I think that's why we're there and a lot of times, she kinda goes the other way and let's the participant get off.* - Team Member

*I don't know, she just changed all of a sudden. And our sanctions, she wasn't giving it to them, she wasn't strict.* - Team Member

*I think she is a good judge. She's a very good judge, she tries to be fair. . . . She's got a good heart and I think she does try to be fair.* - Community Member

A problem with being lenient with participants is that leniency does not motivate the participants to change their substance abuse behavior. Critical timing of the delivery of positive and negative reinforcement through incentives and sanctions is more likely to change substance abuse behavior. The Wellness Court should have had a written policy to decide how and when sanctions (and incentives) were applied and ensure the policy was followed.

### ***Key Component #8***

***Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress, and preparing evaluative information for interested community groups and funding sources.***

Program monitoring and evaluation activities are a component often overlooked in the bustle of implementing a new program, yet these activities are crucial for wellness court success. Monitoring during the course of the wellness court provides feedback as to what practices work and what practices do not work and allows for timely modifications to be made. A process

evaluation, comparing what was planned to what was actually done, in the early stages of the wellness court is another way to change what might not be working and reflect on what works and what does not. An outcome evaluation that measures the “success” of the wellness court provides information to the court and to outside funding agencies as to whether the goals of the wellness court are being achieved. Good record keeping from Day One that gathers data to be compared against specific and measurable goals is the core of informative monitoring and evaluation. Ideally, the record keeping system is automated, integrates the legal and treatment information, and generates a variety of reports.

*What They Did*

The probation officers were responsible for maintaining the integrity of their participants’ Wellness Court files because there was no Wellness Court clerk. The Wellness Court files were paper files and were in the format of a typical court file—the documents arranged chronologically within the folder. Although this method ensured all the documents could be found after some searching, it did not allow for easy monitoring and evaluation. For example, information points had to be extracted one-by-one to count the number of sanctions or the length of time in each phase. Some of the files were quite thick. None of the Wellness Court information was automated even though the implementation and enhancement plans proposed computerized information system development. When the evaluation team returned in December 2003 and May 2004 to collect data for the outcome analysis all the Wellness Court files were archived in order and were able to be accessed.

The Wellness Court did not appear to have conducted the initial process evaluation required by the federal grant although the implementation grant proposal stated an outside reviewer would conduct both a “formative and summative” evaluation of the project. The

proposal also included the resume of an experienced tribal justice researcher from the Department of Rural Health at the University of Arizona, but no copy of the process evaluation was found and it was not clear if it had been done.

The Tribal Law and Policy Institute, the Office of Justice Program's Healing to Wellness technical assistance provider, suggested in April 2002 they visit the Hualapai Wellness Court to address concerns about Wellness Court sustainability. A site visit was made in September 2002, several months after our initial evaluation site visits. The consultants on that project were the original judge of the Hualapai Wellness Court, another tribal wellness court judge from Washington state, and a staff member from the Tribal Law and Policy Institute. They submitted a report with recommendations. Their overall impression was the Wellness Court team was "struggling because of its lack of leadership and direction" and changes needed to be made for the court to maintain its mentor status for other tribes.

### *Strength*

*Form Revision.* The new probation officer who came in late 2001 had more computer knowledge than the other probation officers. He developed a participant summary form that could be used at the weekly staffing and convocation. The template form was developed in Microsoft Word and could be updated each week and the new summary form put in the participant's Wellness Court file. Eventually both probation officers received computers and printers and did their weekly reports in this format.

*I know that when we got [the new probation officer] in, it was really good because he was an outsider coming in, **taking a look at the paperwork they had, how repetitive it was, . . . it made their work a lot easier.** - Team Member*

***We've eliminated a lot of the paperwork.** If you look at some of the folders, I think you'll see it. I think a paper trail is good, **but the format has to be simple, direct, informative.***

*You don't want to be flipping through here when you have a 60-, 80-page folder on each side. When you have a six-leaf and you have 40 sheets on each side, you're looking at a big file, I don't think you need that, as long as it's informative, what you need. . . . I'm trying to do the quarterly report on all our participants, phases, so that we'd have a graph. We could get a general idea by looking at quarters. That's where we want to be.*

- Team Member

### *Weakness*

*Wellness Court File Information Not Automated.* Although the revised weekly summary sheets in Word were an improvement over what they had before, text documents in Word are not an automated database. It is true it is easier to extract information for monitoring and evaluation from nicely printed summary sheets rather than struggling with a 6-inch case file folder, but weekly summary sheets in Word are not a wellness court database. There was no electronic storage of the data, rather there was a printed form used as a template. Ideally, a relational database should have been developed using a software program such as Microsoft Access. Less ideally, information should have been collected on the participant in a spreadsheet format using the Excel software program. Both these programs are bundled with Word (and PowerPoint) in the Microsoft Office Professional software package available on the Wellness Court's computers. In addition, the Drug Court Clearinghouse at American University provided guidance on what variables, or participant characteristics, should be included in the database.

The time to start collecting the information and building the database is the day the wellness court begins. An up-to-date wellness court database allows the wellness court itself to conduct internal evaluations and monitor the participants and the court as they go along.

***Key Component #9***

***Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.***

The focus of this key component is the interdisciplinary education underlying the success of the wellness court team; the court players need to learn about treatment process and the treatment players need to learn about the court process. All key personnel have to have at least the minimum required education and experience to perform their wellness court responsibilities and benefit from cross-training and continuing education. Interdisciplinary education may include DOJ trainings specifically designed for tribal wellness courts or more general conferences such as the annual NADCP conference . A written education syllabus and curriculum describing the court's program needs to be developed for personnel who come on board after the initial flurry of training to share the values, goals, and operating procedures of the wellness court.

*What They Did*

The Hualapai planning team attended three required drug court planning workshops sponsored by the Office of Justice Programs in 1997 and 1998 in Stillwater, Oklahoma, Lexington, Kentucky, and Albuquerque, New Mexico.

*At this initial training the Team was introduced to a lot of information about drug courts and we visited a Drug Court in Stillwater, Oklahoma. **We also developed a Mission Statement and Goals and Objectives of the Wellness Court.** - Healing to Wellness p. 15*

The Wellness Court team (not the planning team) was educated about wellness courts by attending the annual NADCP meeting in Washington, D.C. in 1998.

*Our Team Members were also sent to the National Training Conference in Washington D.C. At this conference we attended a variety of Drug Court seminars for further*

*education and training. While the Team Members primarily participated in the Track for Tribal Drug Courts, each Team Member attended other seminars of their choosing and interest. - Healing to Wellness pp. 16-17*

A team from the Wellness Court attended the Adult and Juvenile Implementation and Enhancement training in San Diego, California in April 2002. The trial court administrator and the two probation officers attended a mandatory MIS (microcomputer information systems) workshop in Washington, D.C. in June 2002 with enhancement grant funding.

### *Strengths*

*Team Attendance at National Trainings during Planning Stage.* Educational and workshop sessions at national trainings and conferences are most productive when several team members attend as a group as it helps the team bond over common goals and this teamwork can be carried home.

*I thought the teamwork we did in Stillwater was good propulsion to the work that lie ahead of us at Hualapai. It is satisfying to know that the Hualapai Wellness Court maintained the same mission statement and objectives that were developed by the Team in Oklahoma. Even the Shield we created as a team there still hangs on the wall in the Planning Office. - Healing to Wellness. p. 16*

Attendance at the national meetings also gave the Wellness Court team a chance to meet the other three tribes who were the first to implement a tribal wellness court and share ideas.

*In our travels and training, Team Members met other Tribal representatives from other Planning and Implementation grantees who over time were helpful in our planning process as we talked as much as possible about what the others were trying to do and how. - Healing to Wellness pp. 16-17*

*Training Changed Team Member's Attitude.* Training in treatment-based drug courts was especially crucial for those whose experience was in the criminal justice system. One team member explained how the national trainings changed his attitude.

*Well [the training] helped me. My granpa was a judge and it was instilled in me that wrongdoings have to be punished, in jail especially. . . . When I was in law enforcement, that was my thinking again. You commit a crime, you have to go to jail. If they get drunk and it's a violation, they go to jail. . . . And all those years, it was instilled in my mind, send them to jail. If they get drunk, send them to jail. Then I got into Wellness Court, my thinking changed. I found out that to put them in jail didn't cure their alcohol, it wasn't a deterrent. I don't know when or how my thinking got all turned around, why not try to help them? Give them counseling, whatever they need. Like I said, incarceration didn't really do anything for them. In fact, I think it just got them angry at the system, and angry at the judge, and angry at the law enforcement, angry at everybody, even family members because the family member told the officer. So, along the way, that was my turnabout again. Why not try to help them? That might be better than having them sit in jail. At the same time, maybe get them some education, get them a job, maybe that was what was holding them back, he didn't understand what he was reading or what he was applying for. Send them to school or find them a job, maybe a job was all that they needed.* - Team Member

*First Judge Active in Tribal Wellness Court Development on National Level.* The first judge of the Hualapai Wellness Court was, and is, very active in the development of tribal wellness courts and promoting therapeutic justice on the national level. He is a member of the Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts that serves as an advisory board to the Office of Justice Programs at DOJ. Here are his recollections after the first day of drug court training in Stillwater, Oklahoma.

*I came to what I thought was an obvious conclusion that there was something about Drug Courts, at least what I was hearing, that is fundamentally similar to what I discern as*

*traditional indigenous justice. I recall standing up in that hotel banquet room telling the representatives from the different tribes that it is in our blood, our tradition, and culture to work this way with our relatives, to work together in teams, to try to figure out what is wrong; to talk together about the issue and come to some conclusion or remedy for it. I think I even said something like, “This way of thinking isn’t new to us. It’s new to them!” They [U.S. DOJ] kept saying that drug court was a new way of doing things. - Healing to Wellness pp. 15-16*

He was the one who promoted the term Hualapai Wellness Court instead of Hualapai Drug Court to reflect the idea of the program being a wellness journey.

*At this [first] training, and even before, the name “Drug Court” did not appeal to me when I first heard it. In discussing this with the other planning team members I discovered all of us did not like that name. Apparently, the term drug court did not appeal to many of the other tribal representatives at that training. To me, it did not reflect the main problem we face at Hualapai Nation, which is alcohol. To one person, the name drug court even sounded “too cityish.” Incidentally, the name Healing to Wellness Court was officially coined later by a few TAC members who were meeting in Washington D.C. about program publications. - Healing to Wellness p. 16*

*Wellness Court Participated in Cracking the Habit Video.* In its role as a mentor court for DCPO, the Hualapai Wellness Court was chosen to represent tribal wellness courts in the official program video on drug courts in the United States. In the video, *Cracking the Habit*, the Wellness Court was shown integrating traditional practices into the drug court model.

*At the debut of D.C.P.O.’s video, Cracking the Habit, I was anxious to see what pieces of the Hualapai footage would be shown. I remember looking around the audience that morning and feeling impressed that so many people would see the video over time, and see our staff and even a few of our participants. All over the United States and perhaps in many places around the World, people will, or by now have, seen the Hualapai*

**Wellness Court in action.** *I hoped that the program's prominence might bring our Wellness Court a little more appreciation and respect at home as well.*

*After watching the few minutes of the Hualapai segment, I was pleased with the rendition. I was very glad that the staff and participants agreed to participate in the video and were even willing to be filmed in a Talking Circle ceremony or circumstance. They did real well and represented themselves and the community excellently. Even my uncle's big mug is in the video, which can forever be preserved as evidence of his efforts toward wellness. - Healing to Wellness p. 32*

### *Weakness*

*Difficulty in Training New Team Members.* Over its 4½ years the Hualapai Wellness Court had a great deal of staff turnover. Only one member, one of the treatment providers, was there from beginning to end. Newer members did not have the benefit of the original round of national trainings and were not always able to attend subsequent trainings.

*It's brand new, I've never been educated to the Wellness Court myself, I've just picked up their manuals and taken a look of how the system is designed as well as attending some other staffing and convocations just to see how things ran. - Team Member*

*[A concern I have is] just that there's too many different people coming in, team members, it's not anybody's fault, it's just that they find a new job, they leave, nobody else is appointed in that position right away, so we've got a lot of newcomers coming in so it's like we have to sit down and explain what wellness is, that would be my other concern. - Team Member*

*I'd get all the treatment together, the service providers all together. Again, try to reinforce what it's all about to them. Their fellow employees don't really know what Wellness Court is all about, especially the police officers. Tell them when staffing and*

***convocation is, they need to be re-educated, it would benefit the whole community. -***

Team Member

*Our downfall to me is that we really don't sit down with [the new team members] and explain to them what the wellness is, they just come and sit down and they don't really know what the wellness is. **So, that's what we need to do, let them know what the Wellness Court is about so they have more understanding and just don't just come to staffing and convocation and don't really know what it is.** - Team Member*

***Training [is needed], training, I think that pertaining to what they do, a lot of trainings. . . . Also, in the area of assessment, the [wellness team] need to know the assessments that we do, and how it's scored and what it means. . . . They need to understand the outcome of the tests. WPI, the [Western] Personality Inventory and the SASSI. The SASSI has been more approved by the courts, but I think they need to go to some training, they just get the graph. On the WPI the high risk area, they need to know what the graphs mean.*** - Team Member

One of the enhancement grant proposed projects was to develop a written wellness court curriculum to be used by other tribes in starting their wellness court. This wellness court curriculum did not materialize but the idea was excellent. Not only could such a compendium be used in teaching other tribes how to plan and implement a wellness court, but it also could be used within the Hualapai Wellness Court as a resource for cross-training of current members and training of new members. A wellness court curriculum would be one more brick to help build institutionalization of the Wellness Court.

### ***Key Component #10***

***The development of ongoing communication, coordination, and cooperation among team members, the community, and relevant organizations are critical for program success.***

### *Hualapai Wellness Court Evaluation*

The heart of this key component is wellness courts cannot be isolated from the rest of the tribal community, but need to build coalitions with other tribal departments and community agencies to enhance public trust and confidence and ensure program success. The wellness court can serve as a conduit between the tribal justice system and community organizations. The *Key Components* recommend the formation of a steering committee composed of community members to show support for the wellness court in the community. The steering committee needs to be formed even before the wellness court receives the grant award to garner community buy-in from the very beginning and foster community ownership of the wellness court. The wellness court cannot be something the court is doing on its own; it must be something the tribal community is doing.

#### *What They Did*

Community support is important for the sustainability of a tribal wellness court and the Hualapai Wellness Court got off to an excellent start with a series of monthly community planning meetings in Peach Springs funded by the DCPO planning grant. There were 20 to 30 community members at each meeting including representatives from tribal court, tribal administration, tribal council, law enforcement, the health department, social services, schools, and elders. Smaller subgroups of those in attendance at the larger community planning meetings attended national drug court trainings in Stillwater, Lexington, and Albuquerque.

Council members were invited to graduation ceremonies and some did attend. The team members did not mention any other community outreach activities, such as presentations or suppers or articles in the local newspaper after the planning meetings.

*Strength*

*Successful Team Building at Local Planning Meetings.* The first judge of the Wellness Court described his goal for the planning meetings.

***I wanted to empower the participants by relating the importance of their work and the product that would be produced by their efforts.*** - *Healing to Wellness* p.18

The community planning meetings were facilitated by the chief judge who would go on to become the Wellness Court judge. The planning meetings were very successful in generating enthusiasm and buy-in from non-court community representatives for the Wellness Court project.

*At home we held the meetings in the Hualapai Lodge and provided food and drink prepared by tribal members and youth groups. Each planning meeting had its own objective and focus and a review of what was discussed at the last meeting. Other non-documented smaller meetings were held throughout the process where it was necessary to get particular insight and contribution from a smaller group of people. **The first meeting concentrated on the obstacles and problems of planning such a program. Each participant was asked to suggest what would be the main obstacle to planning the Wellness Court. And in addition to this each participant was asked to state what that person (or program) could do to assist in the planning and implementation of the Wellness Court. Moreover, each participant was asked to contribute what he/she can commit to the Court, even if it only was good thoughts. We made to do lists that stated what were the next steps.*** - *Healing to Wellness* p. 17

The planning meetings included readings on the issues that led to in-depth exploration of the planning team's feelings of substance abuse and how it had affected their lives and the community. This helped in committing the community representatives to the Wellness Court program.

*At subsequent planning meetings at the beginning of the day I included a Reading. Texts from various sources were read to start the meeting off in order to promote deep thoughts about what we were attempting to do. These readings ranged from stories about alcohol abuse to judgment orders regarding D.W.I. I felt it was important to get the group thinking about the issues and problems of alcohol abuse as we planned the Court. **Moreover, the Reading was helpful to solicit feelings and emotions (tears were shed) from the participants that motivated and empowered them to create a program that could begin dealing with these issues. It was acknowledged that all of us participating in the meeting were at one time or another negatively affected by alcohol abuse and its attendant behaviors.** - Healing to Wellness pp. 17-18*

#### *Weakness*

*Failure to Institutionalize Wellness Court.* Although the Wellness Court got off to an excellent start, when the founding judge left the court after 2 years, the Wellness Court lost direction and momentum. This breakdown of the court was in spite of efforts (for example, the Wellness Court Rules and a draft Hualapai Wellness Court Act) to institutionalize the court. The first judge commented on the efforts to provide a firm foundation for the Wellness Court.

*And I said we can try to develop this Wellness Court and **leave it in a way that anybody can come in after me and continue it because it shouldn't rely upon one person because I'd seen that happen in a lot of programs, if that person's gone, the program's gone.** I kept saying, "We gotta make the law, the rules, and everything." And that's why a lot of time was spent on making those rules and ordinances to keep it going. And even to making them have the money available which I wrote in the resolution.*

Lack of financial resources was a reason the Wellness Court faltered according to one team member.

*And then [money] matters to institutionalization—to pay people, buy things, you know I always thought we should be giving [the man who ran the sweat lodge] something, but*

*we never had much money. There was some people who wanted to do things, but they always asked for money, even elders wanted money when we sent [participants] to them. I got mad at one and she never came back again. I said "Why are you asking for money, that's your grandson!" and I felt bad in ways because I would have liked to have given it, but we didn't have any. **So money plays a part in institutionalization.** - Team Member*

Another reason mentioned to explain the disintegration of the Wellness Court was the irregularity of the treatment activities due to staff turnover.

*We would make youth . . . attend every possible thing, but see, the availability of everything wasn't there. **I mean [the instructors] would be there for 2 months, 3 months, never long term.** You kinda get tired of ordering or doing certain things when it just wasn't lasting. . . . One of our biggest problems with tribes, and the Hualapai, is doing that, institutionalization. . . . It's all ad hoc, it's all who's available at the time to do whatever. . . . But then later on, when the people were either dead or gone or whatever, [the activity] didn't continue. - Team Member*

The loss of the founding judge, lack of financial resources, and irregularity of activities were negative influences on wellness court institutionalization, but not necessarily fatal blows. A wellness court must be something the community does, not something the tribal court does, if the wellness court is going to survive the loss of founding members who are invested in the project. One way to do this is to build structure into the program by formal commitments or memoranda of understanding between the Wellness Court and other tribal agencies and departments such as social services, schools, and law enforcement agreeing they will send a representative to the staffing meeting. Another way to do this is to include more of the community in the buy-in process so they too become invested in the program. A proposed

project mentioned in the enhancement proposal, the client-created newsletter, was a great idea for spreading the word about the Wellness Court.

The Hualapai Wellness Court made an excellent start with the teamwork that developed during the planning process. These good feelings about the Wellness Court could have been continued by turning the planning committee into a community steering committee. The composition of community steering committee would not duplicate that of the Wellness Court membership, but be drawn from leaders from across the community who would act as an advisory board. The Wellness Court could use the steering committee to spread the word about the successes of the drug court throughout the community.

In the case of the Hualapai Wellness Court it appeared there was little interest by the tribal court in continuing the wellness court and that is a fatal blow to a wellness court.

*Yes, the grant is over, they've had a total now of about 5 years worth of money. When I wrote the resolutions for the initial one, the Tribe was supposed to take over paying for at least one probation officer so they could still do it with one probation officer because that's really what the grant goes for now, but I don't believe the council, or the current judge, or the court administrator, or any of them, are going to council to secure that funding to do so. . . . I know they didn't try. **What I'm so upset with, it's just, I can't begin to tell you how upset I am with them, they haven't tried. . . . It upsets me that something could continue and it's not going to happen for the worst reasons.** - Team Member*

## Outcome Evaluation

***We do have success stories, it's not all bad*** - Team Member

The *Key Components* define an outcome evaluation as “gathering information to determine a program’s success in meeting its goals. An outcome evaluation may look at a program’s impact on the individual and on the community.” In the implementation grant proposal, the goals of the Wellness Court were to:

1. reduce recidivism related to alcohol and other drugs,
2. identify and improve the coordination of community resources and services,
3. increase accountability of clients and families,
4. promote functional and well families, and
5. provide and improve chemical dependency treatment services.

Did they achieve their goals? This outcome evaluation will examine the impact of the Wellness Court on the participant, the family, and the community from the perspective of the participants, family members, Wellness Court team members, and community members. Opinions on the issues of relapse behavior and a slowing of substance abuse behaviors are also presented. In addition, outcome is assessed quantitatively—analyzing the number of participants, the number of graduates, and the recidivism rate.

### *Qualitative Component*

#### *Impact of Wellness Court on Participant*

The overall impact of the Wellness Court for those participants who graduated was an increase in self-esteem and self-worth and general well-being.

*Participant's Perception of Impact on Participant.* Participants described their struggles with alcohol before they were Wellness Court participants.

*I've been blessed with many things, and I put everything just aside, and **my alcohol came first; for me, it came first, nobody else.*** - Adult Participant

*Yeah [the community labels people who drink], **that person's no good, they're a drunk, they're not worth anything.*** - Adult Participant

*Well I was drinking over the weekend and I was sick and I called in to work and asked for the day off and so my [child] went to the high school and **I had empty beer cans in the car and being hung over sick I smelled like alcohol, so I went to the high school to pick up my [child], went to the front desk, and the principal happened to be there and said "You know, you smell like alcohol, you're drinking."** I said, "No, I'm not drinking." I said "I came to pick up my [child]." So, he said, "Wait a minute." and he called the police and then I went out to the car, and he went out to the car, and there were beer cans in the car that were there from the weekend cause I didn't clean it. **So, he called the police and put me in jail for public intoxication/disorderly and I said "What?"** " - Adult Graduate*

But the Wellness Court showed them another way to live and they acknowledged the help the Wellness Court gave them in their journey to wellness.

*[I've been sober] let's say about 2 months, a little over. . . . **Yeah, I do [feel better]. I feel good, I feel better.** It gives me a lot of time to do things I like to do without alcohol. I can do a lot better. **Yeah, I enjoy it and feel alright.*** - Adult Participant

*I thank God, yes, **I am happy [that I went through Wellness Court].** . . . At my graduation I said I could do it all over again.* - Adult Graduate

*I've noticed changes in myself, you know, like when I was going to church and stuff, **and it felt good not to drink and not be sick and hung over, not getting in trouble with the***

*courts and going to jail every weekend or every couple weekends we'd be sitting in jail. - Adult Graduate*

***I don't go in and out of jail like I used to cause I don't drink as much as I used to. . . . I think the wellness program helped. - Juvenile Graduate***

*The Wellness Court does do a lot for you, **it makes you think about what you're accomplishing in life, what you achieve. . . . It comes through from all of it, the whole program. . . . Yeah, I wish I could get back on Wellness Court again [laughs]. . . . For me it was fun. - Juvenile Graduate***

One graduate spoke to current participants in the Wellness Court about overcoming her alcohol abuse.

*"Every time a death comes to our reservation I always see it as alcohol has beaten us again and took a member from us again. You might not know it, **but you're stronger than that alcohol, and you need to look at yourself and realize it.**" They listened and it was good, and that's about it. - Adult Graduate*

A juvenile graduate wrote the following in his graduation testimonial.

***Wellness Court was a very good thing it helped me stay away from trouble and it was a very nice thing for kids who get into trouble. I think people who do the things they do and get in trouble will have to go to court but instead of jail they can get on wellness. I think most people will like it and I did. It gave me a little bit of exercise to walk down here and the things you people did for me and helped me stay out of trouble. **The thing that helped me was that Wellness showed me how to be responsible for the things I didn't do and I did wrong** and the people who are the staff are very nice you can talk to them. It is a very good thing for me I would say.***

Participants also saw positive changes in other participants.

***They're so much healthier. - Adult Graduate***

*Most of them that got out of the program have jobs, they're doing good, **they're changing their lives around.*** - Adult Participant

*Family's Perception of Impact on Participant.* Family members recounted the successes of their relatives.

*There's a lot of good people that have gone through, people that I didn't expect to go through [laughs], **but wow, my dad was in this program, he's still sober.***

*As far as my [relative] is concerned, I see him doing a lot better, he understands and recognizes what the causes are that get him into trouble. He's doing a lot better now, he has a better relationship with his girl friend. However, he does have those friends that do come around. He was heavily involved in alcohol, but again, he recognizes that. **My opinion is that Wellness Court gave him some recognition in looking for the causes of his problem. . . . He's still battling it, but he's doing a lot better. . . .** As far as his employment, he just goes out and finds day-to-day jobs, compared to somebody who just sits at home and drinks all day, he makes the effort to go out and find jobs. He doesn't really have the employment history to find a good permanent job, but he's out there researching a good job. He understands, **and he's proud, I can tell, of being a Wellness Court graduate.***

*He has been sober, he's lasted longer in his job. In our beginning marriage, **he used to get more public intoxes and now he don't go to jail like that any more, more self-control.***

*Team's Perception of Impact on Participant.* The Wellness Court team members commented on the changes they saw in the participants—such as an increase in self-esteem, holding down a job, and a general increase in the understanding of their substance-abusing behavior.

***The program changes lives.***

*I have [seen changes in the participants]. **Positive changes, they have more self-esteem, easier to talk to, they're willing to listen, some of them are working now. . . . I really see a difference in them, in their self-esteem, they really feel so much better, even with the way they walk and interact with people, more friendlier, not hiding and drinking. . . .***

*. The program itself does have its pluses in helping those individuals out there. Some of these people didn't even work until they got through wellness, now they have options in surviving out there, they have jobs and it's really neat to see. They've gone along with their life.*

*We have one participant that was hard to get him to understand what we were trying to do, now that he sees it and feels how it feels to be sober and have a job, **he just got a job Monday, so now that he's working he understands what we've been trying to do.***

*That's pretty good, I think it's a good thing.*

*There's a lot of them that say, "That was good even though I had to do it, because I had to do it." **They say, "I went through it, I learned a lot, it gave me a better view of what I've been doing, I've been thinking of staying away from that stuff."***

*I remember this guy, he volunteered to be in the Wellness Court. The first weeks he didn't like it, the third week he came in drunk, 8 hours in jail, get out in the morning, "I don't care." I put him in jail, five, six times when he came in drunk. After a while, I remember one day he came into my office with a big smile on his face, **this is the first week I've been sober, I feel good, I feel happy.** I said, "Do you feel happy enough to try one more week?" . . . **Since then to this day, I've seen them sober, they've both got jobs, they stayed sober.***

*Community's Perception of Impact on Participant.* Community members not directly associated with Wellness Court saw positive aspects of the Wellness Court on the participants.

*As far as my opinions go, I see it to be pretty effective. . . . Overall I think the wellness program is pretty effective in terms of rehabilitation program, probationary program, and it keeps [the participants] on their toes.*

***I think being in Wellness Court really opened his eyes and he saw the light, “If I do this, I know I’m going to go back into wellness starting all over what I have to do for them to release me and for me to have my freedom.” . . . He graduated from the program and he’s sober now.***

*[I] grew up with alcoholism and I don’t think alcoholism is a label, maybe other communities outside the reservation might do that. But I don’t think they’re labeled at all. The good thing about Wellness Court labeling is that at least [the participants are] trying to improve their life, that’s how the community sees it.*

#### *Impact of Wellness Court on Family*

The impact of the Wellness Court goes beyond the participant to the participant’s family. When a person is trapped in substance-abusing behavior, the family suffers too. Participation in Wellness Court was instrumental in awakening parents to their responsibilities.

*Participant’s Perception of Impact on Family.* One extraordinary benefit of Wellness Court is reuniting the family after children are removed from the home due to their parents’ drinking.

***If you want to be in control of your own life, it’s better for you to be sober and be in control of yourself and your children so you can have a happy life, so that your children can grow and have a happy healthy life. That’s what I see because alcohol doesn’t, you know, help, you know, make families happy, it makes them sadder. . . . It was our fault our children were taken away and we didn’t know whether they were going to be taken away for a long time. [Wellness Court] opened our eyes that our children, that our family was important to us because we didn’t want our children***

***taken away from us again like that . . . and they got returned to us and we never wanted to see it happen again to our family.*** - Adult Graduate

*When we were drinking our home wasn't safe cause you know we had drunks over there and we didn't care because we were drinking and we just wanted to drink and thought people were our friends and you know we found out after a while, going through the program, **it's not a safe home for our kids, you know, where they say, "Well yeah, I feel safe, I feel good, I'm at home,"** instead of going home and "Oh, they're just drunk, let's go somewhere else." No, we learned that. . . . **We realized that our kids don't want to be around a drunk mom and dad.*** - Adult Graduate

*Team's Perception of Impact on Family.* The team recognized the positive effect on the children of an alcoholic parent healing himself or herself through Wellness Court participation. The parents become less self-absorbed and more involved in their children's well-being.

***All this time in the Wellness Court, I saw that we changed a whole family, even the stepfather and the mom, in fact they're still sober.***

*It helps the kids. **The kids show improvement by going to school and being more happy and being more involved with the families** and you see them sometimes [the parents are] more happier with their children.*

*I know that one young lady, she said she joined it because she was sick and she wanted to see her kids grow up. She wanted to change her life and see her kids grow up. **She made the changes to better herself for her kids.***

*I've seen [changes in the family], **the family is proud, their self-esteem has gone up,** but otherwise, I know they're proud of the individuals that are now working, being a productive citizen in the community.*

*I know of a few people right now that have been in the program more than 2 years and they're still maintaining sobriety, more healthier, **being there with their kids. I know that there's one parent that's really involved with their kids' schooling.***

In one family both the husband and the wife participated in Wellness Court.

*I remember this guy, he volunteered to be in the Wellness Court. . . . Five weeks after he was in the Wellness Court, [his wife] got in jail, she got drunk and caused a ruckus and he said, "Put her in the Wellness Court." Well, it's voluntary, but she said, "Yup, I don't mind. It's either that or go to jail and I don't want to go to jail." **Since then to this day, I've seen them sober, they've both got jobs, they stayed sober.***

#### *Impact of Wellness Court on Community*

*Community's Perception of Impact on Community.* A community member who was very active in the community saw positive effects of the Wellness Court on the Hualapai community. *[Changes I've seen are] **probably a decrease in the alcoholism, also the criminal activity, as well as families feeling a little bit more at home.** . . . I see it overall, living on a small reservation, we're kind of like all family, contact with the community. I also serve on six other boards as chairman, so I kinda have an outreach view of everything.*

#### *Relapse Behavior*

Tempering the upbeat comments above is relapse behavior is a fact of life for substance abusers. One graduate left the program after 2 years and in the first month he was arrested three times—two Disorderly Conduct charges and a Driving While Under the Influence charge. The participant had not been incarcerated once during the entire last year of the program.

***Just went crazy I guess, . . . [because of] friends.** - Adult Graduate*

Other participants related their struggle with alcohol after leaving Wellness Court.

*I think after we got out of Wellness Court, I was sober for almost 8 or 9 months, **then I relapsed and then I stayed sober for almost 7 months, then I relapsed again because I almost lost my job, that's when I quit, then I relapsed that month and a half ago.*** -

Adult Graduate

*Yeah, I've seen changes in some [participants], **but you always tend to come back to that same relapse I would say.** . . . It's sort of like playing a game, you lose sometimes, sometimes you're about to meet an opponent that will defeat you in your game, but you still have another game coming, so like I said, the spiritual way you still get up and next day you'll still be alive, "Okay, I'm going to try again." **I can't say that I haven't [relapsed]. I have, you know, a couple of times, I guess it's acceptance to say that I failed again, and I'll try again, but it's just an ongoing thing, you can never say that you're cured, or that you're better.*** - Adult Graduate

Others also have noticed relapse behavior in the participants.

*The concerns I have is that **some of them complete it and they return again, a second time. And then, once they complete the program, they're back to drinking, that's the biggest concern I have.*** - Team Member

*I don't want to put it down, **but Wellness Court is not really doing what it's supposed to be doing because I've seen people come out of the program and fall back to their same paths.** While they're still in the program, they do it. But they kinda live a double life.* -

Adult Participant

*It helped [my daughter] for the time period, **but she's back in her old tracks.** She needs it right now. Just recently she asked for counseling which made me happy.* - Family Member

*I say we have maybe one or two successes out there and some that have been in the program and graduated **and maybe they've slipped but they're trying to get back on***

***their feet, so I think with the lessons and the tools given to them, they're trying.*** -

Community Member

*"Slowing Down" in Post-Program Substance Use*

In conjunction with comments about relapses, several participants mentioned although they or other participants had not stopped using alcohol or drugs completely, their use had decreased after Wellness Court participation.

***I'm kind of slowing down now with drinking, marijuana too.*** - Juvenile Participant

***[I've seen changes in] some people, yeah like my friend who kinda slowed down his drinking, and didn't get in trouble.*** - Juvenile Graduate

***We just slowed down. We support each other.*** - Adult Graduate

***Going to counseling and going to domestic violence and AA [was a strong point] cause it really helped me to slow down on my drinking and running around.*** - Adult Graduate

***I guess the [participants] slowed down their drugs and alcohol and stayed with their families sober.*** - Adult Graduate

***Well, with me I can't say I've really seen any changes, but I've seen people slow down a little bit, you know. They're not as bad as they were. And I'm not speaking for myself, I'm speaking for other community members.*** - Adult Graduate

***Well, like I say, it's progress, not perfection, I mean [using alcohol] was a constant thing, every day I would have to drink or something, but so far, lately, you know I've cut back, not an every day thing. It still comes around though. . . . I mean, these things aren't going to change overnight. It takes time, mainly you just have to find a power within yourself to see them changes.*** - Terminated Adult Participant

*Quantitative Component*

In addition to people’s opinions of the Wellness Court’s success in reducing substance-abusing behavior in the participants and helping them on the road to wellness, quantitative measures can be used to assess the success of the Wellness Court program. How many participants were there? How many graduated? How many participants were re-arrested on an alcohol or drug charge after they left the program? How long have some participants been sober?

*Program and Participant Characteristics*

After a lengthy and thorough planning process, the first four adults were ordered to the Hualapai Wellness Court in March 1999 and nine more adults were ordered to the Wellness Court the next month. The first four juveniles were ordered to Wellness Court in July 1999. In total, there were 64 adult participants and 36 juvenile participants. Two adults and three juveniles participated twice. These participants were counted twice in the analyses except for the recidivism statistics where only the time after their second exit from the program was analyzed.

*Gender and Age.* There were more male than female participants in both the adult and juvenile Wellness Courts, approximately 60 percent to 40 percent (see Table 8).

Table 8. Gender of Adult and Juvenile Participants

GENDER	ADULT	JUVENILE
Male	38 (58%)	22 (56%)
Female	28 (42%)	17 (44%)
Total	66 (100%)	39 (100%)

The average age for all adult participants was 32 years (see Table 9) and the average age for juvenile participants was 16 years (see Table 10). The average age of the entering participants

decreased in years three and four for adults. There was no gender difference in age for the adult or juvenile participants.

Table 9. Age of Adult Participants by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1999	30	35	34	19	51
2000	20	33	33	19	52
2001	11	28	27	18	48
2002	5	26	25	19	38
Overall	66	32	33	18	52

Table 10. Age of Juvenile Participants by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1999	12	16	16	13	18
2000	11	16	16	14	18
2001	9	15	15	12	17
2002	1	13	13	13	13
2003	6	16	16	13	18
Overall	39	16	15	12	18

*Prior Alcohol and Drug Charges.* The Wellness Court was reaching its target population. Table 3 in the Process Evaluation shows 83 percent of the adults and 94 percent of the juveniles came into Wellness Court on an offense involving alcohol or drugs in the 4½ years of the program. The number of prior alcohol and drug offenses for adult participants who entered in 2000 ranged from 0 to 19; 40 percent of the participants had eight or more priors in the previous 2 to 3 years (see Table 11).

Table 11. Prior Alcohol and Drug Charges for Adult Participants Entering during 2000

NUMBER OF PRIOR ALCOHOL OR DRUG CHARGES (1998-START DATE)*	# PARTICIPANTS	%
0	1	6%
1	4	24%
2	1	6%
3	4	24%
8	1	6%
9	2	12%
12	1	6%
15	2	12%
19	1	6%
	17	100%

\*The time period for the prior alcohol and drug charges was from January 1, 1998 to the start of the participant's entry into Wellness Court in 2000.

*Graduation Rate.* Graduation rates often are used by wellness courts to measure the success of the court based on the assumption graduates have changed their behavior, no longer are substance abusers, and will remain sober.

*[I measure success by] the number of the graduates because most of them struggled and we didn't give up on them, and they ended up completing the program and it makes you feel happy and you know you've done something to help that individual, that makes me feel good too. - Team Member*

Of the 66 adult participants, 55 adults, or 83 percent graduated; of the 39 juvenile participants, 25 juveniles, or 64 percent graduated (see Table 12).

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Table 12. Adult and Juvenile Completion Status by Gender

GROUP	# GRADUATED	%	# TERMINATED NONCOMPLIANCE	%	# TERMINATED ARREST	%	# AGED OUT	%	TOTAL
Male Adult	30	79	3	8%	5	13%	--	--	38
Female Adult	25	89	2	7%	1	4%	--	--	28
Male Juvenile	17	77	3	14%	1	4%	1	4%	22
Female Juvenile	8	47	5	29%	1	6%	3	18%	17

The remainder of the adult participants were terminated for noncompliance with the program or an arrest while in the program. Almost one-third of the juveniles were terminated for noncompliance with the Wellness Court’s rules and regulations. Four juveniles “aged out” of the Wellness Court when they reached 18 years because the Wellness Court no longer had jurisdiction over them.

The percentage of adult participants who graduated from Wellness Court was higher among those who entered the program the first year than later years, although the sample size was smaller in the later years so no significance should be attached to the finding (see Table 13).

Table 13. Adult Completion Status by Entry Year

YEAR	# GRADUATED	%	# TERMINATED NONCOMPLIANCE	%	# TERMINATED ARREST	%	TOTAL
1999	27	90%	2	7%	1	3%	30
2000	15	75%	1	5%	4	20%	20
2001	9	82%	2	18%	0	--	11
2002	4	80%	0	--	1	20%	5
TOTAL	55		5		6		66

The same finding was true for the juvenile participants (see Table 14).

Table 14. Juvenile Completion Status by Entry Year

YEAR	# GRADUATED	%	# TERMINATED NONCOMPLIANCE	%	# TERMINATED ARREST	%	# AGED OUT	%	TOTAL
1999	9	75%	1	8%	0	--	2	17%	12
2000	7	64%	1	9%	1	9%	2	18%	11
2001	6	67%	3	33%	0	--	0	--	9
2002	0	--	0	--	1	100%	0	--	1
2003	3	50%	3	50%	0	--	0	--	6

*Length of Participation.* As mentioned previously in Key Component 2, adult participants spent a long time in the program whether they graduated or not (see Table 15). The difference in number of days in the program was not significantly different between those adults who graduate and those who do not ( $p = .55$ ).

Table 15. Days in Program for Participants by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Adult Graduated	55	398	331	149	1289
Adult Terminated for Noncompliance	5	507	413	121	853
Adult Terminated for Program Arrest	6	415	402	57	895
Juvenile Graduated	25	226	154	83	874
Juvenile Terminated for Noncompliance	8	300	127	63	718
Juvenile Terminated for Program Arrest	2	228	228	125	332
Juvenile Aged Out at Age 18	4	128	142	75	154

An analysis of the number of days graduates spent per phase was enlightening (see Table 16). On average, graduates spent more time (20 weeks) in Phase I than later phases when the mean was examined. When the median was examined however, half of the graduates on average spent 7 to 8 weeks or less per phase for all four phases, not much more than the Wellness Court’s goal of 6 weeks per phase. It was the top 25 percent of the graduates who spent 220 days or more in Phase I that were increasing the mean average of Phase I.

Table 16. Days Per Phase for Adult Graduates

PHASE #	MEAN*	MEDIAN*	MINIMUM*	MAXIMUM*
Phase I	140	58	5	632
Phase II	108	56	14	749
Phase III	75	55	11	462
Phase IV	75	49	11	410

\*N = 55

*Recidivism*

Here are two contrasting opinions on the outcome of Wellness Court participants, the first more positive than the second.

***I would say 80 percent of them are sober, they have a job.*** - Team Member

*Well since the beginning of the Wellness Court, I’ve seen at least six to ten that have done successfully, adults and youth, that I have never seen them commit or hear that they committed this so they could go back into wellness, six to ten of them.* - Community Member

It is difficult to measure if participants are staying away from alcohol and drugs once they leave the program without doing drug testing. An indirect way of measuring post-program sobriety is to measure the number of arrests for drug and alcohol-related offenses. Recidivism,

or re-offense of an alcohol or drug-related crime, is a common outcome measure of the success of a Wellness Court because of the infeasibility of measuring post-program sobriety directly.

At the time of the outcome evaluation, the tribal court automated database covered a period from before the inception of the Wellness Court through October 2003. So, 4 years of post-program arrest information was available on the first participant who graduated in October 1999 and only 3 weeks of information was available for the last graduate who finished in October 2003. But, 85 percent of the adults and 92 percent of the juveniles had exited the Wellness Court by October 2002 so there was at least 1 year of post-program information for almost all participants. The tribal court database was queried for all post-program arrests, both alcohol and drug-related and other offenses, for each participant. The recidivism statistics are conservative estimates because only the tribal court arrests, and not state court arrests, were tallied.

*Adult Recidivism.* There were 64 unique adult participants in the program. Three participants died after exiting the program. **Of the 61 remaining adult participants 33 or 54 percent were arrested for an alcohol or drug offense after exiting the program** (not counting arrests that precipitated termination from the program).

Only one participant was arrested on a drug charge and the majority of arrests (72 percent) were for Public Intoxication (see Table 17). Nine participants had one charge, eight had two charges, two had three charges, two had four charges, four had five charges, two had six charges, one had seven charges, two had nine charges, one had ten charges, one had 11 charges, and one had 19 charges. Two graduates had eight charges for Public Intoxication each.

Table 17. Adult Post-Program Alcohol and Drug Charges by Completion Status

COMPLETION STATUS	#	Public Intoxication	Driving While Under the Influence	Illegal Possession of Alcohol	Liquor Violation	Open Container	Drug Charges
Graduated	26	73	17	1	2	11	0
Terminated	7	24	0	4	1	2	1
Total	33	97	17	5	3	13	1

There was not a statistically significant difference between adult males and females in recidivism rates ( $p = .178$ ) (see Table 18).

Table 18. Adult Alcohol or Drug Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	21 (62%)	13 (38%)	34 (100%)
Female	12 (44%)	15 (56%)	27 (100%)
Total	33	28	61

**If all post-program charges were counted (including Crimes Against a Person and Crimes Against Property, but not Traffic Violations), 43 adult participants or 70 percent re-offended.** Table 19 shows no statistically significant difference between adult males and females in recidivism rates ( $p = .087$ ).

Table 19. Adult All Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	27 (79%)	7 (21%)	34 (100%)
Female	16 (59%)	11 (41%)	27 (100%)
Total	43	18	61

Often a 3-year period following wellness court participation is used to measure recidivism rate. Not all the adult participants had been out of Wellness Court for 3 years at the time the outcome evaluation was conducted. **The subset of the 22 participants that had been out at least 3 years was analyzed and 13 or 59 percent had been arrested for an alcohol or drug offense within the 3-year time span.** One additional female participant recidivated *after* 3 years. Table 20 shows no statistically significant difference between adult males and females in recidivism ( $p = .429$ ).

Table 20. Three-Year Post-Program Adult Alcohol or Drug Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	8 (75%)	4 (25%)	12 (100%)
Female	5 (50%)	5 (50%)	10 (100%)
Total	13	9	22

**Seventeen of the 22 participants, or 77 percent, had been arrested for any offense (including Crimes Against a Person and Crimes Against Property, but not Traffic Violations) within the 3-year time span.** Table 21 shows no statistically significant difference between adult males and females in recidivism ( $p = .078$ ).

Table 21. Three-Year Post-Program Adult All Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	11 (92%)	1 (8%)	12 (100%)
Female	6 (60%)	4 (40%)	10 (100%)
Total	17	5	22

Table 22 shows no statistically significant difference in the average number of days in the program between those who recidivated and those who did not ( $p = .271$ ). In other words, the

length of time a participant stayed in the program did not influence whether or not the participant was arrested for an alcohol or drug offense after leaving the program.

Table 22. Days in Program for Adults by Recidivism Status

RECIDIVISM	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Yes	33 (54%)	382	331	57	870
No	28 (46%)	453	366	157	1289
Total	61	415	342	57	1289

No statistically significant relationship between alcohol or drug recidivism and completion status existed ( $p = .123$ ); graduates were as likely to be arrested for a drug or alcohol offense post-program as those who were terminated for noncompliance or arrest (see Table 23).

Table 23. Adult Alcohol or Drug Recidivism by Completion Status

COMPLETION STATUS	RECIDIVISM	NO RECIDIVISM	TOTAL
Graduated	26 (50%)	26 (50%)	52 (100%)
Terminated	7 (78%)	2 (22%)	9 (100%)
Total	33	28	61

Also, no statistically significant relationship existed between all post-program recidivism and completion status ( $p = .190$ ) (see Table 24).

Table 24. Adult All Recidivism by Completion Status

COMPLETION STATUS	RECIDIVISM	NO RECIDIVISM	TOTAL
Graduated	35 (67%)	17 (33%)	52 (100%)
Terminated	8 (89%)	1 (11%)	9 (100%)
Total	43	18	61

However, of those adult participants who were arrested on an alcohol or drug offense post-program, terminated adult participants (either due to noncompliance or arrest) recidivate earlier (average 101 days) than adult graduates (285 days) ( $p = .024$ ) (see Table 25). **Over half of the adult graduates who recidivated went 26 weeks or half a year before they were arrested; half of the adult terminated participants recidivated within 8 weeks of exiting the program.** This was a statistically significant difference and showed those participants who graduated from the program did change their substance-abusing behavior even if they were not able to totally conquer their substance abuse.

Table 25. Days Until Recidivism for Adults Who Recidivated by Completion Status

EXIT STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	26	285	184	13	1320
Terminated	7	101	58	13	275
Total	33	246	154	13	1320

Half of the adult males had been arrested within 96 days (14 weeks) after exiting the program; half of the females were arrested within 156 days (22 weeks). The difference was not statistically significant ( $p = .184$ ) (see Table 26). Neither adult males nor females were quicker to recidivate.

Table 26. Days Until Recidivism for Adults Who Recidivated by Gender

GENDER	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Male	21	180	96	13	899
Female	12	362	156	25	1320
Total	33	246	154	13	1320

What about those participants who did not recidivate? How long had they gone without an alcohol or drug arrest as of October 31, 2003? Half of the 28 adult participants had gone more than 2 years (771 days) without being arrested on an alcohol or drug charge (see Table 27). Several participants had gone almost 4 years without being arrested on an alcohol or drug charge. No statistically significant relationship existed between length of time with no alcohol or drug recidivism and completion status ( $p = .921$ ).

Table 27. Days with No Alcohol or Drug Recidivism for Adults by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	26	767	788	23	1414
Terminated	2	734	734	288	1181
Total	28	765	788	23	1414

When all arrests were looked at, 24 participants had not recidivated (see Table 28). Half of the 24 participants, almost all graduates, went more than 2 years with no post-program arrests.

Table 28. Days with No Recidivism for Adults by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMIM
Graduated	23	676	722	23	1414
Terminated	1	288	--	288	288
Total	24	660	722	23	1414

An examination of the number of post-program charges for graduates and terminated participants showed although graduates had fewer arrests after leaving the program than terminated participants on average (see Table 29), the difference was not statistically significant either for drug and alcohol arrests ( $p = .227$ ) or for all post-program arrests ( $p = .182$ ).

Table 29. Number of Adult Post-Program Charges by Completion Status

COMPLETION STATUS	TYPE OF CHARGE	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated (N = 52)	Post-Program Drug & Alcohol	2	.50	0	11
	All Post-Program Charges	4	2	0	32
Terminated (N = 9)	Post-Program Drug & Alcohol	4	1	0	19
	All Post-Program Charges	8	3	0	27

It is important to keep in mind that 79 percent of the adult alcohol and drug arrests were for Public Intoxication. In many jurisdictions, Public Intoxication has been decriminalized. However, when the Hualapai Tribal Code was revised in 1996, Public Intoxication (those 21 years or older appearing in a public place under the influence of alcohol or drugs) was made a criminal offense with a fine and mandatory incarceration for a second conviction.

*Juvenile Recidivism.* There were 36 unique juvenile participants in the program. One of the juveniles entered the Wellness Court a second time as an adult and was included in the adult participant analyses. **Of the 35 remaining participants, 26 or 74 percent were arrested on a drug or alcohol charge after exiting the program** (not counting arrests that precipitated termination from the program).

The majority of the charges, 80 percent, were for Illegal Possession of Alcohol because most juveniles were still under 18 years during the post-program period (see Table 30). There also were eight charges for drugs; one participant who aged out of the Wellness Court was arrested four times on drug charges.

Table 30. Juvenile Post-Program Alcohol and Drug Charges by Completion Status

COMPLETION STATUS	Public Intoxication	Driving While Under the Influence	Illegal Possession of Alcohol	Liquor Violation	Open Container	Drug Charges
Graduated	6	2	48	0	0	3
Terminated	0	1	16	0	0	1
Aged Out	4	0	22	0	0	4
Total	10	3	87	0	0	8

There was no difference between male and female juveniles in recidivism rate ( $p = .911$ ) (see Table 31).

Table 31. Juvenile Alcohol or Drug Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	15 (75%)	5 (25%)	20 (100%)
Female	11 (73%)	4 (27%)	15 (100%)
Total	26	9	35

All but one of the recidivism charges in the juveniles were alcohol or drug offenses.

**When all post-program charges (including Crimes Against a Person and Crimes Against Property, but not Traffic Violations) are counted, 27 juvenile participants or 75 percent were arrested after exiting the program.**

Twelve of the 35 juveniles had been out of the program for at least 3 years. **Eleven, or 92 percent, had an alcohol or drug arrest within the 3-year post-program window** and the twelfth participant was arrested at 3.2 years. Only one juvenile was arrested for a Crime Against Property (Malicious Mischief) and not an alcohol or drug offense and that participant was not one of the 12 participants who had been out of the program for three years. So, the 3-year recidivism rate for juveniles looking at all charges was also 92 percent.

Male and female juveniles did not differ in recidivism rates ( $p = .122$ ) (see Table 32).

Table 32. Juvenile All Recidivism by Gender

GENDER	RECIDIVISM	NO RECIDIVISM	TOTAL
Male	15 (75%)	5 (25%)	20 (100%)
Female	12 (80%)	3 (2%)	15 (100%)
Total	27	8	35

Unlike the adult participants, no statistically significant difference in the average number of days in the program existed between those who recidivated and those who did not ( $p = .961$ ) (see Table 33). Participants who were arrested for a drug or alcohol offense after leaving the program spent on average the same number of days in the program (214 days) as those who were not arrested for a drug or alcohol offense after leaving the program (210 days).

Table 33. Days in Program for Juveniles by Recidivism Status

RECIDIVISM	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Yes	26	210	142	63	718
No	9	214	126	93	565
Total	35	211	139	63	718

Nor was there a statistically significant association between recidivism and completion status ( $p = .935$ ), graduates were as likely to be arrested for a drug or alcohol offense post-program as those who were terminated for noncompliance or arrest (see Table 34). Fifteen of the 21 juvenile graduates (71 percent) and seven of the ten (70 percent) juvenile terminated participants were arrested for a drug or alcohol offense after they left the program. The four juveniles who aged out of the program at 18 recidivated after leaving the program, one on the day after she left the program (her 18<sup>th</sup> birthday).

Table 34. Juvenile Alcohol or Drug Recidivism by Completion Status

COMPLETION STATUS	RECIDIVISM	NO RECIDIVISM	TOTAL
Graduated	15 (71%)	6 (29%)	21 (100%)
Terminated	7 (70%)	3 (30%)	10 (100%)
Aged Out at 18 Years	4 (100%)	0	4 (100%)
Total	26	9	35

Similarly, no relationship between recidivism and completion status existed when all recidivism was looked at ( $p = .430$ ) (see Table 35).

Table 35. Juvenile All Recidivism by Completion Status

COMPLETION STATUS	RECIDIVISM	NO RECIDIVISM	TOTAL
Graduated	16 (73%)	6 (27%)	22 (100%)
Terminated	7 (70%)	3 (30%)	10 (100%)
Aged Out at 18 Years	4 (100%)	0	4 (100%)
Total	27	9	36

Unlike the recidivism in the adult participants, there was not a statistically significant difference in average number days until recidivism for graduates and those terminated ( $p = .666$ ) (see Table 36). Half of the juvenile graduates who recidivated, recidivated within 138 days (20 weeks) and half those terminated recidivated within 133 days (19 weeks). So, the phenomenon of a longer time to recidivate seen in the adult Wellness Court graduates as compared to the terminated participants was not seen in the juvenile Wellness Court graduates. However, the four participants who aged out of the Wellness Court recidivated quickly; three were arrested on alcohol charges within 5 weeks of exiting the program.

Table 36. Days Until Alcohol or Drug Recidivism for Juveniles by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	15	235	138	19	1150
Terminated	7	178	95	9	657
Aged Out	4	76	28	1	248
Total	26	195	78	1	1150

Male and female juveniles did not differ in time to recidivism ( $p = .583$ ) (see Table 37).

Table 37. Days Until Recidivism for Juveniles by Gender

GENDER	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Male	15	218	62	9	1150
Female	11	163	95	1	657
Total	26	195	78	1	1150

What about those who did not recidivate? How long had they gone without an alcohol or drug arrest as of October 31, 2003? Half of the nine juveniles had gone 176 days, or 25 weeks, without being arrested on an alcohol or drug charge (see Table 38). No statistically significant difference between graduates and terminated participants existed ( $p = .295$ ).

Table 38. Days with No Alcohol or Drug Recidivism for Juveniles by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	6	424	320	106	844
Terminated	3	195	155	155	275
Total	9	348	176	106	844

When all post-program charges were examined, only eight juveniles had not been arrested on any charge. Half of the eight juveniles had gone 166 days or 24 weeks without any arrests (see

Table 39). No statistically significant difference existed between the graduates and terminated participants ( $p = .448$ ).

Table 39. Days with No Recidivism for Juveniles by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	5	347	176	106	844
Terminated	3	195	155	155	275
Total	8	296	166	106	844

An examination of the number of post-program charges for graduates and terminated participants showed graduates had more arrests after leaving the program than terminated participants on average (see Table 40), but the difference was not statistically significant either for alcohol and drug arrests ( $p = .524$ ) or all post-program arrests ( $p = .637$ ).

Table 40. Number of Juvenile Post-Program Charges by Completion Status

COMPLETION STATUS	TYPE OF CHARGE	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated (N = 21)	Post-Program Drug & Alcohol	3	2	0	22
	All Post-Program Charges	6	5	0	27
Terminated (N = 10)	Post-Program Drug & Alcohol	2	2	0	5
	All Post-Program Charges	5	6	0	14

*Outcome in Perspective*

Recidivism was calculated several ways with results ranging from 54 percent to 77 percent in adults and 74 percent to 100 percent in juveniles (see Table 41).

Table 41. Adult and Juvenile Recidivism Summary

RECIDIVISM METHOD	ADULT			JUVENILE		
	Sample Size	# Recidivate	% Recidivate	Sample Size	# Recidivate	% Recidivate
Alcohol or Drug Charges - <i>Any Amount of Post-Program Time</i>	61	33	<b>54 %</b>	35	26	<b>74 %</b>
All Charges* - <i>Any Amount of Post-Program Time</i>	61	43	<b>70 %</b>	35	27	<b>75 %</b>
Alcohol or Drug Charges - <i>Three Year Window</i>	22	13	<b>59 %</b>	12	11	<b>92 %</b>
All Charges* - <i>Three Year Window</i>	22	17	<b>77 %</b>	12	11	<b>92 %</b>
Alcohol or Drug Charges - <i>Three Years or More</i>	22	14	<b>64 %</b>	12	12	<b>100 %</b>
All Charges* - <i>Three Years or More</i>	22	17	<b>77%</b>	12	12	<b>100 %</b>

\*All charges include Alcohol, Drug, Crimes Against a Person, Crimes Against Property, and Sex Offenses—does not include Traffic Violations, Resisting Arrest, Contempt of Court, Probation Violations, or Escape.

The recidivism rates calculated using the 3-year post-program window are more valid than the statistics calculated based on any amount of post-program time because some participants had only left the program relatively recently. Also, for comparison purposes, the national recidivism statistics are usually calculated on a 3-year post-program time period.

Is a 59 percent adult and a 92 percent juvenile alcohol and drug recidivism rate evidence of an unsuccessful outcome for the Hualapai Wellness Court? Are recidivism rates lower than

would have occurred if there had been no Wellness Court? Could those participants who were still sober 2 or 3 years after leaving the Wellness Court program have achieved wellness on their own without Wellness Court? Did the Wellness Court *really* make a difference? Is it as a community member said, “better than nothing”?

*[Wellness Court] made some impact I think, it's helped some individuals. I think it's a good program, **it's better than nothing**, at least you try to help them in those ways. I think it's a real good program. - Community Member*

Another way to approach the adult recidivism statistics is not to focus on the 70 percent who had post-program arrests, but on the 30 percent who were not arrested. Eighteen adult participants have stayed out of the Hualapai criminal justice system and that is a mark of success, many more people than the one successful participant hoped for by a community member.

*I would like to see the follow-up to see who has maintained sobriety in our children and our adults. **Even if there's one. . . . If we could just get one a year, that's more than, we're saving one life every year and I'd rather be able to save one life than none.** - Community Member*

Also, as noted in Table 25 those adults who graduated from the program took more time to re-offend than those who were terminated. This shows the Wellness Court had an effect on those who successfully completed the program. As one team member phrased it, the graduates have tools to help stay sober and they learned these tools in Wellness Court.

*It helps the individual to maintain sobriety, helps that person to be a sober person rather than sitting in jail and end up repeating the same crime again and then same thing, back in jail. Helping them to deal with their every day, how would you say it, **using the tools they learned to help them maintain sobriety.** - Team Member*

The slowing of the revolving jail door also was noted by the community and there are statistics to support the feeling.

*Before then there weren't any programs and everybody would just go in-and-out of jail, just repeatedly. But now, you know, it's kinda slowing down, the repeat offenders, I guess. - Adult Graduate*

Additional evidence supporting the “slowing down” of substance abuse behavior, even though some participants might not be able to stop entirely, came from a comparison of the number of pre-program and post-program alcohol and drug charges for the 17 adults who entered Wellness Court in 2000 (see Table 42). **The difference in number of alcohol and drug charges pre- and post-program was striking (and statistically significant).** As mentioned above in Table 11, **40 percent** of the participants who entered Wellness Court in 2000 had eight or more priors in the preceding 2 to 3 years. In the 2 to 3 years after exiting Wellness Court, **12 percent** of the participants had eight or more alcohol or drug charges. Not only was there the 40 percent to 12 percent decrease in the percentage of participants who had eight or more charges, but there is a huge decrease in the overall average number of post-program charges. For the subset of participants who had been out of the program for approximately 3 years and who had pre-program arrest data available, **the average number of pre-program alcohol and drug charges was 6.18 and the average number of post-program alcohol and drug charges was 2.06 ( $p = 0.005$ ).**

Table 42. Comparison of # Pre- and Post-Program Alcohol or Drug Charges in Adult Subset

# ALCOHOL OR DRUG CHARGES	# PARTICIPANT (1998 -START DATE)*	%	# PARTICIPANTS (END DATE–Oct 2003)*	%
0	1	6%	6	35%
1	4	24%	5	29%
2	1	6%	3	18%
3	4	24%	1	6%
8	1	6%	0	--
9	2	12%	1	6%
10	0	--	1	6%
12	1	6%	0	--
15	2	12%	0	--
19	1	6%	0	--
	17	100%		100%

\*The length of pre-program and post-program time was similar ( $p = .586$ ). The time period for the pre-program alcohol and drug offenses was from January 1, 1998 to the start of the participant’s entry into Wellness Court in 2000 (mean = 867 days, median = 827 days). The time period for the post-program alcohol and drug offenses was from the participant’s exit from the Wellness Court to Oct 31, 2003 (mean 913 days, median 908 days).

The success of the juvenile Wellness Court was less clear (see Table 41). Three-quarters of the juvenile participants had a post-program arrest and, unlike the adults, there was no difference in time to recidivism between those who graduated and those who did not. Although there were eight juvenile participants who did not return to the Hualapai criminal justice system within the time frame studied, the 12 participants who had been out of Wellness Court 3 years or more all had been re-arrested.

## Conclusions

The mission of the Hualapai Wellness Court was:

*To Adjudicate Alcohol and Drug Related Cases In a Way Which Contributes To Individual, Family, And Community Accountability, Responsibility, And Wellness.*

Did the Hualapai Wellness Court realize its mission? The Wellness Court began well with a committed team, but then faltered when the original judge left the court. He had provided direction and motivated the other team members (both the planning and the wellness staffing team) to care about the Wellness Court. As the original team members left, they were replaced by others who did not feel the same commitment. The judicial side of the Wellness Court was not well integrated with the treatment side of the Wellness Court and traditional healing activities occurred irregularly. Probation supervision and drug testing were not intensive. Potential participants were not assessed for readiness for change in their substance-abusing behaviors and half the adults stayed in the program for over 11 months. A majority of the participants, whether or not they graduated, relapsed after leaving the program and were re-arrested on an alcohol or drug charge. And sadly, the Wellness Court was not institutionalized as an integral part of the tribal court and Hualapai community during its 4½ years of existence and ceased to operate after federal funding ended.

Yet, there were success stories. Several participants commented they or others had “slowed down” their alcohol and drug use and although the participants were arrested after exiting the program, they were not arrested as often as before the program. Also, adult Wellness Court graduates took longer to recidivate than did terminated participants. Several participants changed their behavior and became accountable for their own actions; they stopped or cut back on alcohol and for the first time in a long while they were able to hold down a job and take care

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of themselves and their families. Wellness Court imparted a structure to their life and with the help of the wellness team they were able to get back a life that had been lost to substance abuse. One family who had their children taken away by social services realized what alcohol was doing to their family and the parents got control of their drinking and the children were returned to the family. When one takes everything into consideration, it was evident some individuals were accountable to themselves, were responsible for themselves and their families, and had achieved a level of wellness they did not have before entering Wellness Court. The failure of the community to continue the Wellness Court after federal funding ended was an unfortunate situation because the Wellness Court did make a difference in many participants' lives.

REFERENCES

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<sup>1</sup> Tribal Law and Policy Institute (2003). *Tribal Healing to Wellness Courts: The Key Components*. (BJA Publication No. 188154). Washington, DC, U.S. Department of Justice.

<sup>2</sup> DiClemente, C.C. & Prochaska, J.O. (1982). Self-change and therapy change of smoking behavior: a comparison of processes of change in cessation and maintenance. *Addictive Behavior*. 7, 133-142.