



NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

*Emerging Practices in Civil Legal Assistance and
Criminal Indigent Defense*

**“Building a Collaborative Court with Other
Jurisdictions to Treat Nonviolent Tribal Adult
Offenders”**

March 4, 2015
3:00 – 4:30 p.m. (ET)

Presentation Overview

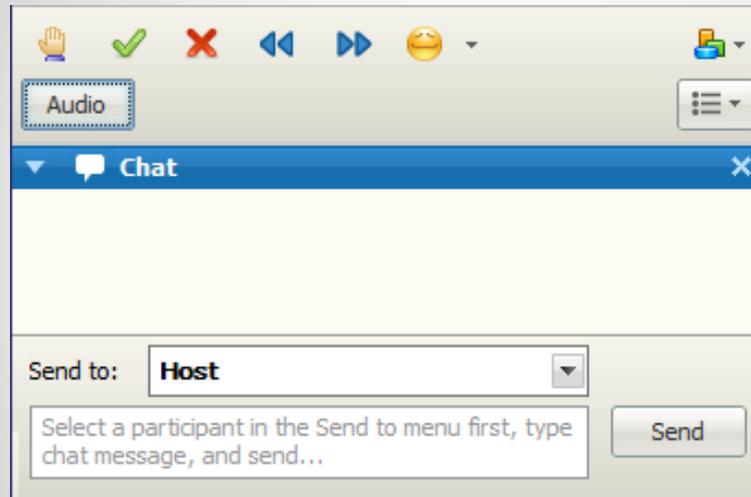
- Introduction
- Overview
- Presentation
- Q & A Session
- BJA Resources

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- The webcast and slides from this webinar will be emailed to all attendees shortly after the session.

Moderators

Nikki Borchardt Campbell, Program Administrator
National American Indian Court Judges Association

Melanie Fritzsche, Staff Attorney
American Indian Law Center, Inc.

Presenters

Abby Abinanti, Chief Judge, Yurok Tribal Court
Anthony Trombetti, Wellness Coordinator, Yurok Tribal Court
Jolanda Ingram-Obie, Staff Attorney, Yurok Tribal Court

The National American Indian Court Judges Association



- TTA Provider of grantees of the Tribal Civil and Criminal Legal Assistance Program
- Planning and Coordination Meeting in 2012
- Emerging Practices webinar series
- Publications

“Building a Collaborative Court with Other Jurisdictions to Treat Nonviolent Tribal Adult Offenders”



Yurok Tribal Court's Mission

- To provide a path to healing for non-violent Yurok offenders affected by drugs and/or alcohol through an intensive substance abuse treatment program to improve family, community, and cultural involvement, to promote healthy life choices, and to reduce criminal recidivism.

About the Yurok Tribe

- Population of over 6,000 residing mostly within the Yurok reservation and/or ancestral territories.
- Bordered by the adjoining counties of Del Norte and Humboldt.
- Received federal recognition in 1993.
- The Yurok Tribal Court was established in 1996 and the Wellness Court in 2009.

Yurok Wellness Program



Yurok Wellness Program

- Instituted in 2009 with support from the U.S. Department of Justice, Bureau of Justice Assistance.
- Intended to supply outpatient and residential treatment to tribal members experiencing substance abuse problems.
- Focuses on reintegrating tribal members into the culture and life of the Yurok community and helping them establish a crime and drug free lifestyle.

Joint Jurisdictional Court for Adult Probation

- State court budget cuts and a growing population of tribal offenders prompted the need to find alternatives.
- Yurok Tribal Court approached the two local counties, Del Norte and Humboldt, and proposed taking responsibility for nonviolent tribal adult offenders who were on probation and/or appropriate for diversion.

Memorandum of Understanding

- Yurok Tribal Court proposed a collaboration through separate Memorandum of Understanding (MOU) with the two counties to:
 - 1) co-monitor clients;
 - 2) establish protocols that would assist in transferring cases;
 - 3) securing state court recognition of tribal orders; and
 - 4) meet the cultural needs of tribal offenders and restore them to a traditional substance-free lifestyle.

Program Design

- Tribal members must petition the Yurok Tribal Court and submit to its jurisdiction.
- If program clients are on probation or parole through the State of California, case managers assist clients to meet the terms and conditions of their probation/parole including meeting with their probation/parole officer and substance abuse treatment including testing requirements.

Joint Supervision

- The Humboldt County MOU provides for the joint supervision of tribal members, piloting successful ankle monitoring for curfew, and an alcohol consumption project.
- The Del Norte County MOU provided for the joint supervision of tribal members in criminal court.

Cultural Relevance

- The Tribal Court establishes a plan and weekly schedule for the program participant in the Yurok Wellness Program.
- The participant's daily activities are designed to be culturally relevant and restorative. This includes discussion with his or her advocate on:
 - how to give back to the community/family/village;
 - how to be response-able in a cultural context; and
 - insuring participation in gatherings and ceremony wherever possible.

Compliance Monitoring

- Under this cooperative agreement, the Tribal Court program personnel are responsible for compliance monitoring and reporting of any violations to the county court with whom they partner.
- The Tribal Probation Officer/Advocate is available on-call to help guide participants who may be struggling in a given situation.
- House calls, emergency meetings are made by staff to participants.

Program Services

- The Yurok Tribal Court also provides treatment assessments/planning, case management, and court monitoring for adult offenders in both Del Norte and Humboldt counties.
- Program participants are given every opportunity to succeed as problem areas are identified, lifestyle changes are supported and mentored, and as cultural life ways are reestablished to provide healing and wellness for the whole person through tribal cultural practice.

Youth

- The Yurok Tribal Court's former clinical coordinator coordinated access to mental health services, substance abuse counseling, and other culturally relevant services for tribal youth who have become involved in the state juvenile system.
- In Del Norte County, the court is currently negotiating a MOU to provide for the county and the tribe to coordinate disposition of cases, allowing for a joint determination to be made about *which jurisdiction* handles primary disposition of the youth's case.
- Both courts agree that the tribal court may order culturally appropriate education and case plan activities that include a restorative justice component for all juvenile offenses.
- The tribal court is currently working on an agreement to establish a Youth Wellness Court that will mirror the approach outlined for the adults in Del Norte County.

Shared Information

- Court and client information is shared and will continue to be shared between the two court systems in terms of adults and youth.
- A procedural agreement was established for postponement of cases pending in county court when the tribal court has assumed jurisdiction and the youth completes an accountability agreement or any other conditions ordered by the tribal court.

Tribal Court Petitioning for Case Transfer

- The Del Norte MOU and its soon to be successor will acknowledge both concurrent jurisdiction and the possibility of the tribal court petitioning for transfer of cases from the county and/or direct citation into tribal court.

Building Trust and Intergovernmental Cooperation

Tribal Wellness Court Capacity

- The Yurok Tribal Court focused upon its capacity and expertise to monitor, supervise, and treat tribal offenders before approaching the two counties with a joint-jurisdictional plan.
- Establishing its own capacity enhanced credibility with the county courts through on-going trainings in best practices (i.e., Batter's Intervention facilitation and Moral Reconciliation Therapy facilitation).
- Integral to this plan was the familiarity and respect that county court judges had for the Chief Judge, who was both Chief Judge for the Yurok Tribe and a San Francisco Superior Court commissioner (retired).

Building Trust (cont.)

Shared Responsibilities

- MOUs between the supporting agencies within the cooperating counties and tribe enable each governmental entity to assume responsibility for the functions it can discharge most effectively and financially support.
- Rather than contest one another's jurisdiction, the counties and the tribe agreed to share parts of the criminal justice process and to respect one another's actions within each government's agreed-upon domain.

Elements of Success

- **Tribal-State Cooperation:** The tribal court representative appeared in state court with a tribal lawyer and an articulated rehabilitation plan, including a supervision plan. This is generally done at the sentencing phase of the trial, but with correspondence between the county probation and the county public defender prior to the sentencing hearing. The tribal lawyer's work was limited to court appearances in state court. The tribal advocate and/or tribal probation officer appeared in both courts (tribal and state).
- **Tribal-State Colleagues:** State judicial officers previously worked with Justice Abby Abinanti when she served as a California Superior Court Commissioner for the City and County of San Francisco.
- **Strengthening Tribal Courts:** Planned and executed processes and procedures built the tribal court's capacity.
- **Strengthening Tribal Members:** Assistance and services are provided to tribal members in support of their recovery. Examples include concentrating on life skills, clarifying responsibility to community/family and for self, examine and expunge records, and participate with ceremonial dance family. The Yurok Tribe is a world renewal culture and have Brush Dances, White Deer Skin Dances, and Jump Dance.
- **Empathetic Work Force:** Close knit tribal life and welcoming culture which supports recovery/restitution within the tribe rather than requirements such as no criminal convictions and/or requiring a driver's license when it is not a necessary part of the job.
- **Shared victory:** Communicate to all parties each victory as it occurs. Remind all parties history is remembered and made by "just us."

Data and Program Outcomes

- 136 clients admitted since 2009.
- Client description:
 - 67 (49 percent) female, 70 (50 percent) male
 - 29 (21 percent) Humboldt, 106 (77 percent) Del Norte, 2 (2 percent) other counties
- 23 clients completed probation requirements.
- 92 clients were terminated.
- 20 clients have stayed clean and sober.

Staff Training and Selection

- The tribal court works with the Tribal Human Resources Department to prioritize and identify the staff who have the basic skills and community connections necessary to support recovering members.
- The court allows for and encourages continuing education both in Alcohol and other Drugs (AOD) and Law Enforcement. Court advocates are now trained via federal probation officer training and are state certified to provide the Batter Intervention Program (BIP).
- The Yurok Tribal Bar is available to deepen a lawyer's commitment to justice.

Incorporating Cultural Awareness in the Program

- Recovering/recovered members are encouraged and supported to attend community and cultural events.
- A Residential AOD graduate, who attended culinary school upon completion, was given a ticket home to cook for Wellness Gathering and spoke at the gathering.
- Court will sponsor sober gathering/camping at ceremonial dances such as Brush Dances, White Deer Skin Dances, and Jump Dance.
- Graduation merits a hand carved acorn to signify completion of the Wellness program.

Batterer Intervention Program (BIP)

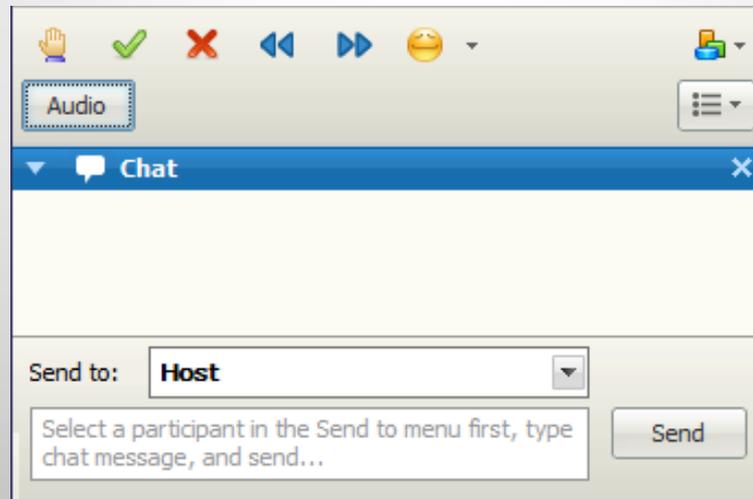
- Probation Officers are certified in state program to deliver BIP which are offered at 2 sites, 1 in each county.
- The BIP incorporates a cultural knowledge section which was added during contract negotiations.

Family Wellness Program

- The purpose of the Court is to help Yuroks, who have become entangled with the negative influences of substance abuse, to come home and reassume the responsibilities of adult Yuroks in the tribal communities, villages, and families.
- Supports the member to return to full family participation as appropriate.
- Includes support for sobriety and life skills.
- Interfacing with child welfare services, Indian Child Welfare Act workers, attorneys, therapists, and AOD personnel.

Submit Your Questions

If you would like to ask a question please use the “Chat” feature found on the right side of your screen.



Questions & Answers with the Presenters

- Abby Abinanti, Chief Judge, Yurok Tribal Court
- Anthony Trombetti, Wellness Coordinator,
Yurok Tribal Court
- Jolanda Ingram-Obie, Staff Attorney,
Yurok Tribal Court

ABOUT THE SPEAKERS

Justice Abby Abinanti (Yurok) is a graduate of Humboldt State College and the University of New Mexico School of Law. When Justice Abinanti was admitted to the California State Bar in 1974, she was the first California Native admitted to the California State Bar. Justice Abinanti is one of a very limited number of attorneys who have been practicing tribal child welfare law since prior to the 1978 enactment of the Indian Child Welfare Act. She has served as a California Superior Court Commissioner for the City and County of San Francisco assigned to the Unified Family Court for the past 18 years, but retired in September 2011. Justice Abinanti has also served as Chief Judge for the Yurok Tribal Court since her appointment in March 2007. Her additional tribal court experience has included serving as Chief Magistrate, Court of Indian Offenses, for the Hoopa Valley Indian Reservation from 1983-1986 and as a Judge by special appointment for many other tribal courts including Shoshone-Bannock Tribal Court (1985), Hopi Tribal Court (1986), and Colorado River Indian Tribe (1994). She has served as the President of the Board of Directors of the Tribal Law and Policy Institute (TLPI) since its establishment in 1996. Justice Abinanti also currently serves as a member of National Child Welfare Resource Center on Tribes (NRC4Tribes) National Advisory Council, a board member of the San Francisco Friendship House Association of American Indians, Inc., and previously served as a board member for the National Court Appointed Special Advocate (CASA) Association and its Tribal Court CASA Advisory Council. She is also the author of various training resources including two Instructor Guides for TLPI's Tribal Legal Studies textbook series.

Justice Abinanti can be reached at Yurok Tribal Court, Klamath Office, 15900 Hwy 101 N, P.O. Box 1027, Klamath, CA 95548. Office number is (707) 482-1350.

ABOUT THE SPEAKERS

Anthony Trombetti is an enrolled Yurok tribal member with fifteen years of social work experience. His areas of work include the Mankind Project (1999) (male initiation) , Mentor for Inside Circle (prison work), Human Resources Recruiter for Yurok tribe, JOM Supervisor for Yurok Education, juvenile advocacy and prevention with Yurok Social Services, CASA Supervisor in Del Norte county, Life Coaching, adult re-entry planner for Yurok Court, Drug Court Manager and Wellness Coordinator for Yurok Wellness Court, and group facilitator of Wellness Group meetings.

Mr. Trombetti can be reached at atrombetti@yuroktribe.nsn.us.

ABOUT THE SPEAKERS

Jolanda Ingram-Obie, B.A., J.D., is an enrolled Tribal Member with the Smith River Rancheria (Tolowa Tribe). She has been a California licensed attorney for 23 years. Jolanda is currently employed as a Staff Attorney for the Yurok Tribal Court, implemented the Criminal Legal Assistance Project for 2 years (including the Clean Slate Project). Jolanda was an appointee to the National Section 904 Violence Against Women Act (VAWA) Task Force on Research from 2005 to 2009. She served on the VAWA Task Force for the State of California from 1995 to 1999. She has served as Judge Pro Tem for the Hoopa Tribe from 2001 to 2002. She graduated from University of New Mexico School of Law in 1990 and from Lewis & Clark College in Portland, Oregon in 1984. Jolanda is married to Anthony Obie who is a Yurok Tribal member. She has two adult children, ages 23 and 30, and 5 grandchildren.

Ms. Ingram-Obie can be reached at jingramobie@yuroktribe.nsn.us .

Resources

Bureau of Justice Assistance

Bureau of Justice Assistance Resources

- Coordinated Tribal Assistance Solicitation (CTAS) – only Indian tribes are eligible to apply with some exceptions
- Second Chance Act Reentry Resources
- Tribal Criminal and Civil Legal Assistance Solicitation
- BJA Resources for TLOA Implementation

Coordinated Tribal Assistance Solicitation (CTAS)

- The Department of Justice launched CTAS in Fiscal Year 2010 in direct response to concerns raised by Tribal leaders about the Department's grant process that did not provide the flexibility tribes needed to address their criminal justice and public safety needs. Through CTAS, federally-recognized Tribes and Tribal consortia submit a single application for most of the Justice Department's Tribal grant programs. The Department of Justice designed this comprehensive approach to save time and resources and allow tribes and the Department to gain a better understanding of the Tribes' overall public safety needs.
- For more information on CTAS – see www.justice.gov/tribal and www.justice.gov/tribal/open-solicitation
- DOJ expects to award grants on or before September 30, 2015.

The Second Chance Act BJA Reentry Funding Opportunities

The Second Chance Act of 2007 (Public Law 110-199) provides a comprehensive response to the increasing number of incarcerated adults and juveniles who are released from prison, jail, and juvenile residential facilities and returning to communities. There are currently more than 2.3 million individuals serving time in our federal and state prisons, and millions of people are cycling through local jails every year. Ninety-five percent of all offenders incarcerated today will eventually be released and return to communities. The Second Chance Act will help ensure that the transition individuals make from prison, jail, or juvenile residential facilities to the community is successful and promotes public safety.

BJA expects to provide funding opportunities under the following Second Chance Act programs:

- Career Technology Training (Section 115);
- Adult Planning & Demonstration Projects (Section 101);
- Adult Reentry Program for Offenders with Co-Occurring Substance Abuse and Mental Health Disorders (Section 201);
- Adult Mentoring Grants (Section 211); and
- Other opportunities.

For more information, visit BJA's Second Chance Act web page:

https://www.bja.gov/ProgramDetails.aspx?Program_ID=90. Access to the open solicitation can be found at: <https://www.bja.gov/funding.aspx>

Tribal Civil and Criminal Legal Assistance Program

- Tribal Criminal and Civil Legal Assistance Program (TCCLA)
https://www.bja.gov/ProgramDetails.aspx?Program_ID=102
- Technical Assistance for TCCLA grantees, visit the National Tribal Justice Resource Center of National American Indian Court Judges Association at <http://www.naicja.org>
- Interested Public Defenders in loan repayment program, learn more about the John R. Justice Student Loan Repayment Program
https://www.bja.gov/ProgramDetails.aspx?Program_ID=102

BJA Training & Technical Assistance

Intergovernmental Collaboration

- Tribal-State Collaboration Training and Technical Assistance Request Form, Walking on Common Ground Website (<http://www.walkingoncommonground.org/>)
- Training and Technical Assistance at the National Criminal Justice Association (<http://www.ncja.org/>)
- Regional Collaboration to Embrace, Engage and Sustaining Tribal Community Policy Partnerships, Western Community Policing Institute (<http://westerncpi.com/training/tribal/>)
- Training & Technical Assistance Webpage, DOJ Tribal Justice and Safety Website (<http://www.justice.gov/tribal/>)

TLOA Enhanced Sentencing Authority

- BJA Tribal Law and Order Act Webpage (https://www.bja.gov/ProgramDetails.aspx?Program_ID=88)
- BJA Training Assistance Application for Tribal Law and Order Act related activities: 1) Enhanced Sentencing Authority; 2) indigent defense. Please complete the technical assistance application http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=VH_TribalRepository or training needs assessment at <https://www.surveymonkey.com/s/R83TBBJ>
- BJA's National Training and Technical Assistance Center (NTTAC) (<https://bjatraining.org/>)
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website (<http://www.justice.gov/tribal/training-and-technical-assistance/>)
- NCAI Tribal Law and Order Resource Center (<http://tloa.ncai.org/>)

BJA & Other Resources

BJA Resources

- *Enhanced Sentencing in Tribal Courts: Lessons Learned From Tribes*
(<http://www.justice.gov/tribal/publications>)
- *Improving the Administration of Justice in Tribal Communities through Information and Resource Sharing*
(https://www.bja.gov/publications/appa_tribalinfore_sourcesharing.pdf)
- *Information Sharing in Criminal Justice – Mental Health Collaborations: Working with HIPAA and Other Privacy Laws*
(https://www.bja.gov/publications/csg_cjmh_info_sharing.pdf)
- *An Overview of BJA's Tribal Civil and Criminal Legal Assistance Program and Resources*
(https://www.bja.gov/Publications/TCCLA_Overview.pdf)
- *National Reentry Resource Center (NRRC)*
(<http://csgjusticecenter.org/nrrc>)
- *Strategies for Creating Offender Reentry Programs in Indian Country*
(http://www.aidainc.net/Publications/Full_Prisoner_Reentry.pdf)

Federal & Other Resources

- Bureau of Justice Assistance Website
(<https://www.bja.gov/Default.aspx>)
- BJA's National Training and Technical Assistance Center (NTTAC) (<http://bjatraining.org/>)
- DOJ Tribal Justice and Safety Website
(www.justice.gov/tribal/)
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website
(<http://www.justice.gov/tribal/training-and-technical-assistance/>)
- Office of Justice Services, Bureau of Indian Affairs, U.S. Department of Interior
(<http://www.bia.gov/WhoWeAre/BIA/OJS/>)

Tribal Civil and Criminal Legal Assistance Program

- Tribal Criminal and Civil Legal Assistance Program (TCCLA)
https://www.bja.gov/ProgramDetails.aspx?Program_ID=102
- Technical Assistance for TCCLA grantees, visit the National Tribal Justice Resource Center of National American Indian Court Judges Association at <http://www.naicja.org>
- Interested Public Defenders in loan repayment program, learn more about the John R. Justice Student Loan Repayment Program
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Thank You!



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