

JUDICIAL BRANCH



ANNUAL REPORT TO TRIBAL COUNCIL YEAR END FY 2012

TO THE TRIBAL COUNCIL

Dear Tribal Council:

Thank you for the honor of serving as Chief Judge of the Little Traverse Bay Bands of Odawa Indians. I was sworn in on January 7, 2012 for a four-year term. The work of the Tribal Court in 2012 has been both challenging and deeply rewarding. I have learned a great deal over the last year and, with the support of a talented and dedicated staff, the Court accomplished great things in 2012. In addition to holding 277 hearings, processing 149 Child Support payments, and writing 282 orders and opinions, I worked on a number of projects designed to improve the Tribal Court. The following represents a sample of my work in 2012:

1. I helped draft and edit the Michigan Indian Family Preservation Act. I testified twice on behalf of its passage. It passed the Senate on September 27, 2012 and the House on December 12, 2012; Governor Snyder signed the Act into law on January 2, 2013.
2. I worked with the Drug Court Team to revise and revamp the Youth Drug Court.
3. I initiated and oversaw the implementation of a Tribal-member friendly system for allowing persons with Tribal Court cases to use the State of Michigan Friend of the Court to help collect child support payments.
4. I trained state court judges, prosecutors and social workers through the State Court Administrator's Office on the Qualified Expert Witness requirement of the Indian Child Welfare Act.
5. I worked with the Judiciary to update the Tribal Court Employee Handbook, Tribal Court Administrative Rules, and Tribal Court Administrative Orders.
6. I attended and participated in meetings for the Michigan Indian Judicial Association.
7. I met with Emmet County judges.
8. I toured the Emmet County Court School, Lakeview Academy, and paved the way for LTBB Drug Court to send our participants to Lakeview Academy as needed.
9. I assisted in audits of Tribal Court grants.
10. I developed a Summer Law Clerk program for the Court.
11. I assisted in the development of Drug Court applications for new grants.

TO THE TRIBAL COUNCIL

12. I began discussions with the Executive Branch about providing transitional housing and treatment for LTBB women with children.
13. I met with and visited the following treatment centers: Harbor Hall, New Hope and Keystone.
14. I worked on a package to propose adding Indian law to the Michigan Bar Exam.
15. I participated in numerous meetings regarding renovations at 911 Spring Street.
16. I developed and helped arranged a training for tribal courts and tribal governments that we held at the Odawa Hotel.

Additionally, I participated in the following trainings:

1. MADCAP Drug Court Training in Lansing, Michigan
2. The training for new tribal court judges at the National Judicial College in Reno, NV
3. NADCAP Drug Court Training in Nashville, Tennessee
4. Local sequential mapping training to determine unmet needs in Emmet County
5. Local Adobe Connect training
6. The local Tribal Governance training provided by the Legislative Branch
7. Local Tribal Court training on the Secret Lives of Tribal Courts
8. The REID Training in Novi MI to detect deceptive testimony

I am extremely pleased with the accomplishments of the LTBB Tribal Court in 2012, especially the increase in services to clients. Thank you again for this wonderful opportunity to serve my community.

Allie Greenleaf Maldonado

Chief Judge

Little Traverse Bay Bands of Odawa Indians

TO THE TRIBAL COUNCIL

This report is intended to provide you with a summary of information and highlights for the LTBB Judicial Branch for 2012. It contains information about the condition of the Tribal Court covering fiscal year 2012, including both financial information and Court performance data. The Judiciary understands that we hold positions of community trust. Therefore, we are presenting this report to provide a transparent reflection of Court operations.

OPERATING HIGHLIGHTS - COURT ADMINISTRATION

The Tribal Court Administrator has the responsibility for the day-to-day supervision of the support staff and currently supervises eight (8) Court employees, two of which are grant-funded positions. The Court Administrator is also responsible for the non-judicial administration of the Court. The Court Administrator also acts as the Chief Probation Officer. Finally, as the designee for Tribal Court, the Administrator participates on various government grant committees and attends collaborative meetings. In 2012, the Court Administrator undertook the following:

- Coordinated the compilation of management and statistical information necessary for the administration of the Court;
- Established new policies and procedures and ensured that Court personnel were advised of these policies;
- Maintained data regarding intensive juvenile probation. In conjunction with the Probation data and accounting information collected, the data and budget information was inputted into the State of Michigan JJOLT system online monthly by the Court Administrator. As a result, the Tribe was reimbursed 50% of costs related to intensive juvenile probation for up to \$49,193.37. The monthly data was used to prepare and submit the annual State of Michigan Child Care Fund request at the end of the year.
- Cooperated with the 2012 audit of the Tribal Court's juvenile case files and budget by the State of Michigan. We received positive results;
- Oversaw the development and management of the budget for the Court;
- Handled the case management for (3) enrollment appeal cases to the full Judiciary;
- Provided training and assistance to the Court Clerks;
- Reviewed clerk case files, the database and the docket book;
- Provided training and assistance to the Probation Officers regarding case management of Probation files and offender supervision;
- Monitored all probation cases;
- Administered (32) drug screens;

TO THE TRIBAL COUNCIL

- Conducted (48) client contacts outside of court, which included transporting a client from the airport upon their return from treatment;
- Participated on the 401k provider review committee and attended (4) 401k meetings;
- Attended the government-to-government meeting with U.S. Attorney Patrick Miles;
- Attended and participated in (48) drug court team meetings;
- Attended and participated in (3) appropriations and finance committee meeting regarding the Judicial Branch budget;
- Met with BIS regarding Court recording equipment installation;
- Attended and participated in (6) JMHCP grant meetings;
- Attended and participated in 911 Spring Street meetings;
- Attended and participated in SPRING grant meetings;
- Attended and participated in (12) domestic violence court docket team meetings;
- Attended and participated in the State of Michigan “Vision 20/20” initiative which is designed to develop the direction of the juvenile justice system in Michigan; and
- Attended and participated in an onsite meeting to review and receive training on State of Michigan and Secretary of State guidelines for abstraction of citations.

The Court Administrator also attended various trainings in 2012, which included:

- The National Indian Victims of Crime conference;
- The Secret Life of Tribal Courts training; and
- The National Association of Drug Court Professionals conference.

The Court Administrator and Adult Probation Officer were selected from all tribal drug courts across the country to present the LTBB Drug Court Program as a model program at the national conference held in Nashville, Tennessee.

OPERATING HIGHLIGHTS - COURT CLERKS

Our Court Clerks are some of the busiest employees in the Tribe. The Court Clerks perform a variety of duties unique to the Court. The primary responsibility is case-file management. The average cost per case in relation to the Court Clerks and Judiciary is approximately \$150 per case. Among specific duties, the Court Clerks:

TO THE TRIBAL COUNCIL

- Research, summarize and analyze information;
- Provide case information to patrons;
- Explain Court policy;
- Provide clerical functions;
- Serve as liaisons to employees, tribal citizens, visitors, outside agencies and the public concerning basic Court information;
- Handle case file management;
- Maintain the Court database; and
- Clerk Court hearings.

Clerk Case Management 2012	
Type	Total
Cases processed in Tribal Court	365
Number of Filings processed	2,481
Number of Cases entered into the database	365
Number of Court Hearings Clerked	266

Clerks 2012 Forms Processed	
Type	Number of Forms
Number of Mileage Sheets	16
Number of Contracts	11
Number of Check Requests	25
Number of Attorney Applications to Practice before the Tribal Court	44
Travel Advances	54
Purchase Requisitions	103
Travel Requisitions	56
File/Copy Request Forms	22

TO THE TRIBAL COUNCIL

GRANT FINANCIAL HIGHLIGHTS

In an effort to better serve Tribal citizens, the Tribal Court regularly applies for grants and scholarships. In 2012, the Court managed three different grants and received two scholarships. In late 2012, both the Domestic Violence Court Docket Coordinator and the Court Administrator were awarded scholarships to attend the National Indian Victims of Crimes Conference. Below is a table of Tribal Court Grants.

Source	Name	Amount	Duration
Office of Victims of Crime	Domestic Violence Grant	\$ 283,233	3 Years
US Department of Justice Bureau of Justice Assistance	Adult Drug Court Grant	\$ 349,639	3 Years ended 2012
US Department of Justice Office of Juvenile Delinquency Prevention	Peace Grant	\$ 160,023	3 Years
State of Michigan Child Care Fund	Intensive Juvenile Probation Grant	\$ 49,193	Yearly

Domestic Violence Grant

The Tribe recognizes the need to improve responses to sexual assault, domestic violence, dating violence and stalking-related cases. Therefore, we sought a domestic violence grant to help the Court establish a Domestic Violence Court Docket. Tribal Court plays a critical role in ensuring victim safety in domestic violence-related cases. A specialized domestic violence Court docket will improve judicial decision making and services for victims. The project includes a Project Coordinator funded by the grant and establishes a Domestic Violence Advisory Committee. Finally, the grant provides funding for extensive training and education for Tribal Court personnel, the Judiciary and the community on identifying domestic violence and developing a coordinated response. The results of our efforts will increase victim safety and offender accountability.

The Domestic Violence Court Docket Project Coordinator is a part-time grant-funded position with a broad range of responsibilities. The Coordinator will implement the domestic violence Court docket and will ensure that the objectives of the grant are met. The Coordinator also organizes trainings and other program activities under the direction of the Court

TO THE TRIBAL COUNCIL

Administrator. Additionally, the Coordinator develops a strategic plan for the Domestic Violence Court (see Attachment B draft), using specialized protocol, forms, and procedures to ensure victim safety. The Coordinator responsibilities reflect the imperative nature of addressing domestic violence in our community.

Overall this year, the part-time Project Coordinator has been extremely active. The Coordinator:

- Hosted five (5) Domestic Violence Advisory Committee meetings from May to September;
- Completed the Federal Grant Reports for December and June;
- Participated on approximately twelve (12) conference calls with the Center for Court Innovation;
- Collaborated with the Tribal Court Law Clerk to develop the strategic plan;
- Identified and evaluated relevant forms for child support and divorce proceedings;
- Performed a case analysis to determine the number of domestic violence cases in our Court and Emmet county;
- Participated in three (3) Spring grant advisory council meetings;
- Participated in four (4) meetings regarding the development of a women's treatment facility; and
- Participated in an on-site visit to the New Hope facility.

The Project Coordinator attended the following trainings in 2012:

- American Indian Justice Pre-conference and conference;
- Local Intercept Mapping training;
- Local Secret Life of Tribal Courts Conference;
- Local Good Governance training; and
- The 13th Annual Indian Nations pre-conference and conference.

We anticipate a busy 2013 for the Coordinator as well.

TO THE TRIBAL COUNCIL

Adult Drug Court Grant

The **Adult Drug Court Discretionary Grant** was awarded for the purpose of developing and implementing an adult drug court program we refer to as the Waabshki-Migwaan Program. Through this federal funding, the Court was able to hire new employees, create a curriculum, implement an adult drug court program, build relationships with other drug courts, educate other tribes on how to start a drug court, and most importantly, assist our fellow tribal members on their walk to Wellbriety. The Adult Drug Court Coordinator and the Cultural Resource Advisor positions of the Court were funded and developed with the assistance of this grant to carry out the grant objectives.

In 2012, the Drug Court staff was extremely active in providing services to clients. The staff provided clients:

- 275 drug screens,
- 116 assignments; and
- 431 client contacts.

Our program caught the eye of the National Association of Drug Court Professionals. As a result, the Adult Drug Court Coordinator and the Court Administrator were tapped to present the Waabshki-Migwaan Program as a model program at the National Association of Drug Court Professionals Conference. The 2012 conference was held in Nashville, Tennessee.

Other duties fulfilled by the Adult Probation Officer and Drug Court Coordinator included:

- Training two new employees;
- Assisting in interview panels; and
- Continuing with curriculum expansion for the program.

The part-time Cultural Resource Advisor provides cultural education and activities for adult Drug Court participants. The teachings focus on providing the individuals with culturally significant stories and lessons geared toward assisting them with behavior modification and education that will improve coping skills. Cultural Activities promote spiritual and behavioral changes necessary for maintenance of the sober lifestyles of participants.

The part-time Cultural Resource Advisor accomplished the following in 2012:

- 73 contacts with clients through random visits, office visits and court appearances;

TO THE TRIBAL COUNCIL

- 29 culturally-based contacts for clients that included preparing and tending fires for the program curriculum and building and attending a sweat lodge with participants;
- Performed naming ceremonies for Drug Court Participants and their families.
- Served on the SPRING Advisory Committee;
- Collaborated with the LTBBOI Probation Officer to develop a relapse workbook curriculum to coalesce with Waabshki-Miigwan Drug Court Program directives for probationers; and
- Developed and implemented an aftercare treatment plan to begin when a participant of the WMDCP and/or OYHW graduate.

Additionally, the Cultural Resource Advisor attended various trainings in 2012, including:

- The Michigan Association of Drug Court Professionals conference;
- The National Association of Drug Court Professionals conference;
- “Train the Trainers” course for a program called “Play it through; and
- Honoring our Children Summit hosted by the W.K. Kellogg Foundation.

PEACE Grant

The **Peace Grant** awarded allows the Court to employ a Court School Liaison part-time. The Court combined this position with the part-time Juvenile Probation Officer/ Odawa Youth Healing to Wellness (“OYHTW”) Coordinator. The Odawa Youth Healing to Wellness Coordinator position was created to offer a more personalized approach when dealing with juveniles who have substance abuse concerns. The OYHTW forms a direct partnership with the clients while delivering intense levels of Court supervision and counseling. Below is a list of various services that the Juvenile Probation Officer offered clients in 2012:

- Transportation to job interviews and appointments (4);
- Preparation of plans for post-transitional housing (2);
- Assistance in signing up for classes at NCMC (2);
- Coordination of defense in State Court (1);
- Provided no-cost drug screens (85);
- Placed SCRAM Units on clients (2);
- Monitored SCRAM reports;
- Provided assistance with child care during Court appearances;
- Helped coordinate treatment and rehabilitation services (3);
- Provided transportation to Matrix and AA Classes (7);

TO THE TRIBAL COUNCIL

- Arranged for parenting classes (3); and
- Provided transportation to and from treatment (3).

The Juvenile Probation Officer also attended the Reid Technique of Interviewing and Interrogation and an advanced course on the Reid Technique of Interviewing and Interrogation.

The Court/ School Liaison portion of the position provides students under the age of 18 with educational youth development activities designed to meet the specific needs of at-risk youth. The philosophical framework of services is to offer educational classes and intervention services designed to transform the lives of young people. By providing young people with ways they can make positive change in both their community and in their own lives, they become active participants in finding solutions for problems they are facing such as truancy, peer pressure, bullying, drug and/or alcohol use and abuse. Clients in the school districts have opportunities and services not always identifiable by them and so by coordination, identification, and partnerships the activities and personnel to assist the clients can be identified by networking.

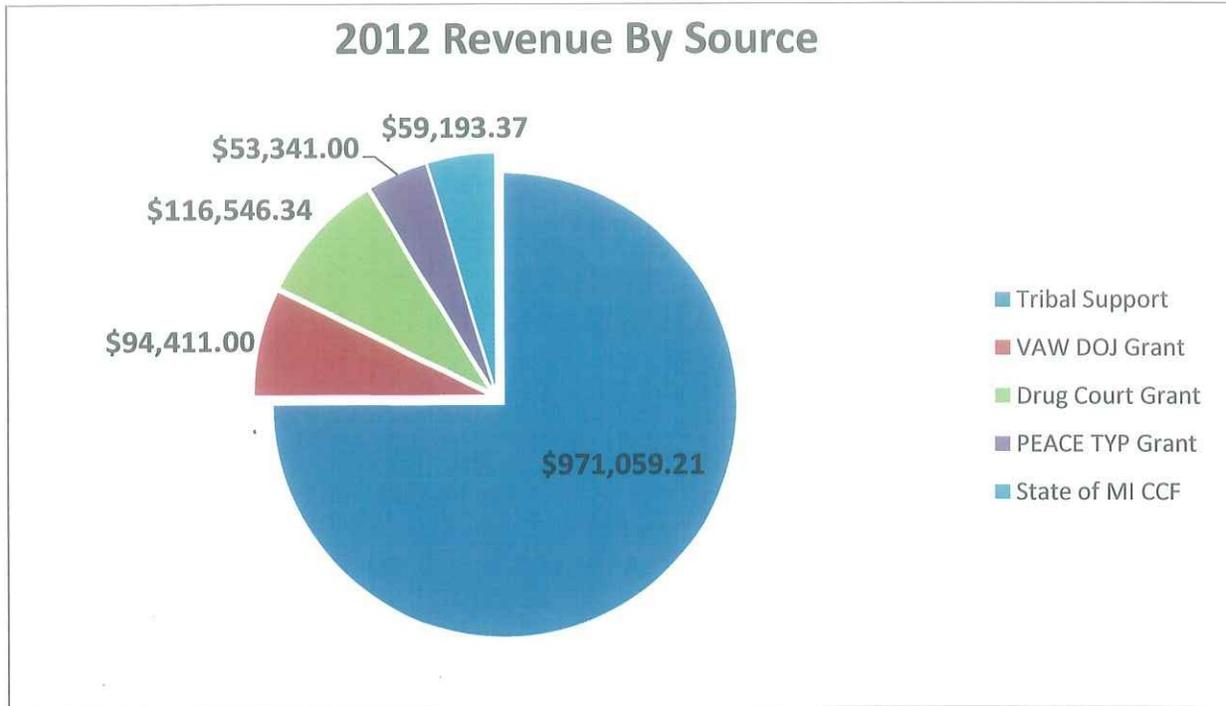
The Court School Liaison also works with our Education Department, Youth Services, Title VII (Indian Educators), and School Staff assist with our Clients specific needs. By working with Youth Services and Education collectively, three goals listed below have been identified:

1. Target services to 125 students over a three year period;
2. Provide services to 4 local school districts to reduce absenteeism among Tribal youth by 10%; and
3. Increase the number of prevention and intervention activities to court involved youth by 10%.

The Court School Liaison added an additional resource to help with drug and alcohol prevention called Play It Through (“PIT”). PIT will provide education to students and parents about the differences between use, abuse and addiction. By student and parent involvement we can open up the conversation door about drug and alcohol addiction. Adolescent prevention programs are needed in our school districts and in homes with adolescent age students. PIT will help parents give their children the tools they need to say “no” to drugs and alcohol.

TO THE TRIBAL COUNCIL

OPERATING HIGHLIGHTS - COURT FUNDING INFORMATION



OPERATING HIGHLIGHTS – FUNDS COLLECTED AND DISPERSED FOR CHILD SUPPORT & GARNISHMENTS

2012 Collections by Type and Collector				
Type	Number of Cases	Collected by LTBB Tribal Government	Collected by Odawa Casino Resort	Total
Civil Garnishment	33	\$ 35,346.57	\$ 17,099.45	\$ 52,446.02
Child Support	149	\$ 42,954.15	\$ 55,767.34	\$ 98,721.49

TO THE TRIBAL COUNCIL

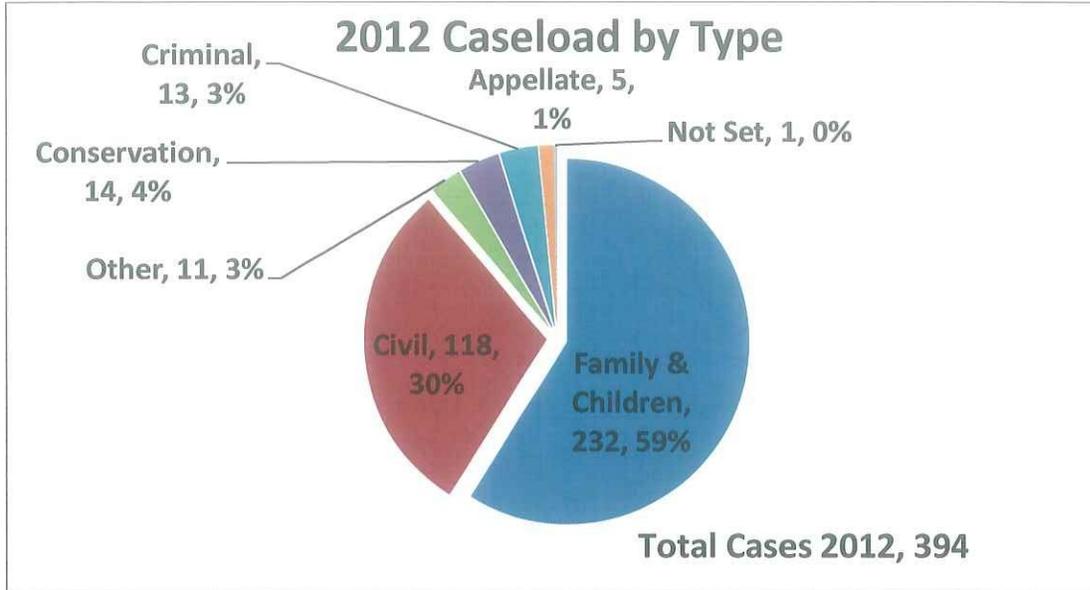
OPERATING HIGHLIGHTS – PROBATION COSTS AND SAVINGS

2012 Total Probation Costs	
Probation/Drug Court Incentives	\$4,777
Mileage Cost	\$1,340
Drug tests & SCRAM Monitors	\$11,492
Probation Dept. Staff	\$59,935
Total Costs	\$77,544

Cost Differences Between Probation and Incarceration		
Average Cost per Probation Case	Approximate Jail cost (if there were no Probation)	Cost Savings by utilizing probation
\$4,561 per person/per year	\$12,775 per person/per year	\$8,214 per person/per year

TO THE TRIBAL COUNCIL

OPERATING HIGHLIGHTS – ANNUAL CASELOAD



TO THE TRIBAL COUNCIL

OPERATING HIGHLIGHTS – JUDICIAL APPOINTMENTS

Chief Judge Allie Greenleaf Maldonado is a Citizen of the Little Traverse Bay Bands of Odawa Indians. She earned a Bachelor of Science in Business with honors from the City University of New York Bachelorette Program. She graduated in the top third of her class from the University of Michigan (UM) Law School. While



at UM, she earned a place as a Contributing Editor for the University of Michigan Law Review. She was a Kellogg Foundation Fellow, Voelker Foundation Fellow, A.T. Anderson Memorial Scholar, and Joseph Seiger Scholar. Upon graduation she won the University of Michigan Jane L. Mixer Award for public service.

After graduation, Ms. Maldonado was selected through the highly competitive Honors Program at the United States Department of Justice (“DOJ”) to become a litigator in the Indian Resources Section of the Environment and Natural Resources Division. Upon her swearing in at DOJ, she was informed that she was only the 15th enrolled tribal citizen to ever enter the DOJ through its prestigious Honors Program since its inception in the 1950’s.

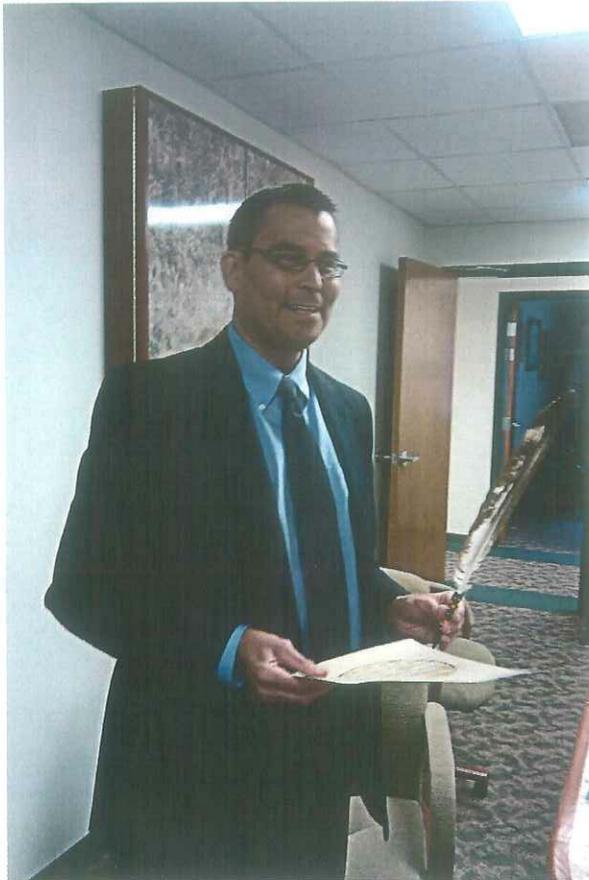
In September of 2002, Ms. Maldonado returned home and accepted the position of Assistant General Counsel for the Little Traverse Bay Bands of Odawa Indians where she served the Tribe up until her appointment as Chief Judge. Ms. Maldonado is recognized as an expert on the Indian Child Welfare Act (ICWA). She has worked closely with the State Court Administrative Office to bring Michigan into compliance with ICWA for the first time

since the Act’s passage. Her writings about ICWA have been published nationally and she has been called upon numerous times to speak about and provided training on ICWA.

Ms. Maldonado is honored to serve LTBB as Chief Judge.

TO THE TRIBAL COUNCIL

Judge Jim Genia was a member of the Little Traverse Bay Band of Odawa Indians who most recently served as Associate Judge. Jim was the owner of ANIMIKI LLC, a business which provides lobbying and legal



services to tribes in the State of Minnesota. He formerly was head of the Indian law practice group at the Minneapolis, Minnesota, law firm of Lockridge Grindal Nauen PLLP. In 1999, Genia was one of nine attorneys named as Attorney of the Year by the Minnesota Lawyer publication. Prior to joining the law firm, Judge Genia served as the Solicitor General for the Mille Lacs Band of Ojibwe from 1993 to 1999 and Deputy Solicitor from 1992 to 1993. While at Mille Lacs, Genia helped successfully litigate a lawsuit against the State of Minnesota which was ultimately decided by the United States Supreme Court and upheld several Tribes' hunting, fishing and gathering rights under an 1837 treaty with the United States.

In addition, Justice Genia served as a law clerk to State District Court Judge Jack Litman in Duluth, Minnesota, prior to joining the Mille Lacs Band in 1992. Genia also served on the board of directors of the Johnson Institute Foundation of Washington, D.C. and St. Paul, Minnesota, chaired the board of directors of Woodlands National Bank, and was a former board member of the Minnesota American Indian Chamber of Commerce. He also served as an adjunct professor of Indian law and treaty rights at St. Cloud State

University and NAES College in Minneapolis.

Judge Genia earned his law degree in 1990 from William Mitchell College of Law in St. Paul. For its centennial in 2000, Jim was named one of the law school's top 100 all-time graduates. After graduating from Como Park High School in 1982, he earned a Bachelor of Arts degree in political science from Augsburg College in Minneapolis in 1987. Genia was born in Chicago, Illinois, and raised in St. Paul, Minnesota. His parents were both raised in Charlevoix.

On March 30, 2013, after suffering a life debilitating illness, Judge Genia walked on. He will long be remembered for his historic legal contributions and for his desire to serve his community.

TO THE TRIBAL COUNCIL

OPERATING HIGHLIGHTS – SECRET LIFE OF TRIBAL COURTS CONFERENCE HOSTED

The Little Traverse Bay Bands of Odawa Indians in association with the Michigan Indian Judicial Association hosted a the “Secret Life of Tribal Courts” conference in early October 2012 at the Odawa Hotel following the Michigan Indian Judges Association meeting. Speakers included Honorable Elbridge Coochise, Jeff Davis and Supreme Court Justice Cavanaugh.

Honorable Elbridge Coochise is an enrolled member of the Hopi Tribe in Arizona. He owns and operates Coochise Consulting, LLC, which provides services to tribes and tribal organizations including training, court evaluations and initial court development. With his experience, he is a leader in his field and was uniquely able to provide his vision of how tribal court should function in Indian Country.



Mr. Jeff Davis, Executive Director of the Indian Law and Order Commission with the Department of Justice provided updates on the Tribal Law and Order Act, Violence Against Women Act, and SORNA. Supreme Court Justice Cavanaugh graciously provided a meet and greet for conference attendees and also met with MIJA members.



The target audience for the conference was Tribal Council, Tribal Judiciary, MIJA, Michigan Native American Practitioners, and Local Community Law Enforcement Agencies. The conference was thrilled to host tribal youth. This invaluable experience provided the youth with information about the inter-workings of the Judicial system and how the different branches of government collaborate and compliment each other. This was also an opportunity for the youth to meet Supreme Court Justice Cavanaugh.



TO THE TRIBAL COUNCIL

LOOKING AHEAD

Moving forward, the Court has begun communication with our Executive and the Legislative Branches with regards to the feasibility of a Women's Treatment Facility in our area. In-patient treatment services for women with children in our area do not exist. This creates a barrier to women in our community who need treatment, particularly women with children. The Court has convened concept meetings and workgroups to discuss possible solutions to addressing this dilemma and looks forward to collaborating with the other Branches on this possible endeavor. In 2012, several stakeholders from our government and Court researched and toured New Hope Treatment Facility in Sault Ste Marie Michigan, Harbor Hall in Petoskey Michigan as well as Keystone Treatment Facility in South Dakota.

The information gathered from these trips will help the Tribe decide if opening a Tribal-run Women's Treatment Center in our area is a cost-effective way to address barriers to treating Tribal women with children.

The Tribal Judiciary is hopeful that you will fund the 2014 fiscal year budget request that is before you, because the Judiciary has determined its funding request is based on "its need and status as a branch of government." LTBB const. art. IX § H, cl. 2. Consider the critical role of our Courts in preserving individual rights, protecting property, and ensuring that every person who appears in Tribal Court can expect fair and impartial justice. The cost of the 2014 Judicial Branch funding request, a small percentage of the overall government budget, is miniscule in comparison to what is at stake. The budget request submitted by the Tribal Judiciary for 2014 is a fiscally responsible budget, prepared with LTBB's best interests in mind. We look forward to the continued service to our community and the progressiveness of our government.



(From left to right: Judge Genia, Justice Anthony, Justice Singel, and Judge Maldonado)

Thank you,

Allie Greenleaf Maldonado

Chief Judge

TO THE TRIBAL COUNCIL

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ATTACHMENT A

Waabshki-Migwaan Program Independent Evaluator's Report – Glacier Consulting, Inc. (30 pages)

HIGHLIGHTS OF THE REPORT

- The results of the evaluation present a drug court program that is both efficient in its practices and effective in program delivery. We believe that it should be considered a model for other Healing to Wellness Courts to learn from, and replicate those components that may improve other programs through the lessons learned by WMDCP efforts over time.
- Cost savings to the criminal justice system: to date, a total of 2,550 days has been saved because drug court participants have not resided in jail or prison, or mandated to community supervision.
- Cost benefits to the community: WMDCP participants have completed over 600 hours of community service as part of their program requirements. This has resulted in an estimated benefit of the Tribe of \$4,440.00.
- Integrated and consolidated approaches to treatment and recovery which substantially reduced the cost of the individual service delivery to clients. The WMDCP ensures that modalities and delivery of service is culturally based on community values.
- Delivered over 4,000 client days – including substance abuse treatment, supervision, ancillary services and judicial review
- Incurred substantial cost savings to tribal operations through reduction in confinement time.
- The LTBB court has a long-standing history of cooperation among agencies and organizations on and associated with the Tribe. The WMDCP is attempting to expand those services to its clients by building bridges to business and community based leaders.

ATTACHMENT B

Draft Domestic Violence Court Docket Project Strategic Plan and Recommendations from CCI (20 Pages)

The Center for Court Innovation (CCI), are the technical assistance (TA) providers for the grant. The Project Coordinator, Audrey Perry-Atkinson has been working specifically with Kathryn Ford as she specializes in domestic violence issues for the center. Audrey is currently incorporating Kathryn's suggested changes into the strategic plan and will be sending it back to her by next week. In January, the Project Coordinator will meet with the DV Advisory Committee and also be submitting the plan to Department of Justice (DOJ) for approval. The Coordinator has been communicating with Kathryn by email and phone as she incorporates the changes she suggested for the plan. She has also contacted Krista Blakely-Mitchell at DOJ on the logistics of submitting for DOJ approval.

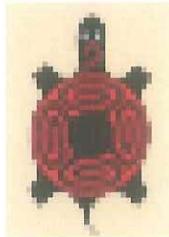
Glacier Consulting, Inc.

**Waabshki-Miigwan Drug Court Program:
*Program Progress and Community Outcomes the Little
Traverse Bay Bands of Odawa Indians Court***



Robert A. Kirchner, Ph.D.
Glacier Consulting, Inc.
327 Hillsmere Drive
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January 2012



Waabshki-Miigwan Drug Court Program:
*Program Progress and Community Outcomes of the Little
Traverse Bay Bands of Odawa Indians Court*

Robert A. Kirchner, Ph.D.

Glacier Consulting, Inc.

September 2012

This is an evaluation report of the Waabshki-Miigwan Drug Court Program. The evaluators would like to thank all of the Team members, as well as other individuals interviewed for taking time out of their busy schedules to make it a success. The views of the authors do not represent the opinions, policies or official positions of DOJ, Little Traverse Bay Bands Tribe or other offices and organizations included in the report.

Table of Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	8
PROGRAM PROGRESS AND OUTCOMES	12
CRITICAL WELLNESS COURT ELEMENTS AND EFFECTIVENESS	15
POTENTIAL ENHANCEMENTS	21
REFERENCES	23

EXECUTIVE SUMMARY

The purpose behind the evaluation was to answer a series of key policy questions for the WMDCP to determine the efficiency and effectiveness of the program developed and implemented by the Little Traverse Bands of Odawa Indians.

1. Has the WMDCP program been implemented as planned, and are services being delivered to program participants?
2. Does WMDCP retain participants in treatment?
3. Does WMDCP reduce Substance abuse?
4. Are there cost savings to the Tribe due to drug court participation?

Has the WMDCP program been implemented as planned, and are services being delivered to program participants?

Through a multi-method approach the evaluation team addressed the national criteria for adult drug court, the 10 Key Components of Healing To Wellness Courts¹, conducted extensive interviews of WMDCP team members, staff and participants, and analyzed the available data collected by the program coordinator.

- The WMDCP Coordinator has developed numerous materials, including an extensive Policy and Procedures Manual, to guide implementation, and ensure that documentation is available to continue the program over time.

¹ See: Bureau of Justice Assistance. (2003) *Tribal Healing To Wellness Courts: The Key Components*. Washington, D.C.: U.S. Department of Justice.

- The WMDCP has delivered to its target population serving both men and women and drug offenders of all ages which is representative of the Tribe's population.
- The second Drug Court Judge for WMDCP has been made an effective transition from the first judge.
- The relationship between WMDCP team members has resulted in strong working operations, especially between probation and treatment.
- WMDCP has established effective alcohol/drug testing procedures to support participant compliance with sobriety.
- A regiment of sanctions and rewards utilized to promote participant progress are consistent and effective.
- The WMDCP program has received outstanding support from the community.

Does WMDCP retain participants in treatment?

- WMDCP participants have received extensive assessments to determine the intensity and needs to ensure program success as they enter the program.
- An individual treatment plan has been established for each participant.
- Since all participants participated in the White Bison program, we were impressed how this approach was integrated into the program as a whole.
- Retention rates have remained high throughout the early stages of implementation.

Does WMDCP reduce Substance abuse?

Over the two (2) years of implementation, WMDCP has witnessed the abuse of alcohol as the drug of choice for most participants. Treatment of these individuals is difficult, but WMDCP has been very successful in recognizing and meeting the needs of those participants.

- WMDCP participants are randomly tested for drug and alcohol use throughout the program.
- The program has an outstanding Negative/Positive Test Ratio that indicates participants have a strong incentive to comply with sobriety rules which reinforces their advancement in the program.
- Reduced substance abuse has led participants to opportunities (work, education) they could not perform before entering the program. Additional indicators reveal that substantial gains are being made by participants to improve their health.

Are there cost savings to the Tribe due to drug court participation?

- Costs Savings to the Criminal Justice System: To date, a total of 2,550 days has been saved because drug court participants have not resided in jail or prison, or mandated to community supervision.
- Cost Benefits to the Community: WMDCP participants have completed over 600 hours of community service as part of their program requirements. This has resulted in an estimated benefit to the Tribe of \$4,440.

Does WMDCP reduce recidivism compared to existing practices?

WMDCP staff track all individuals participating in drug court (graduates and terminators), as well as those that declined to enter the program although they were eligible.

The WMDCP has succeeded in improving the criminal justice system of the Tribe, while meeting the needs of drug offenders, has been impressive. By rehabilitating individuals that abused drugs and committed criminal activities with the result of producing useful citizens has increased positive results for those individuals as well as the public safety of the community. The results of the evaluation present a drug court program that is both efficient in its practices and effective in program delivery. We believe that it should be considered a model for other Healing To Wellness Courts to learn from, and replicate those components that may improve other programs through the lessons learned by WMDCP efforts over time.

INTRODUCTION

Specialty Courts are judicial problem-solving processes designed to address the root causes that contribute to criminal involvement. Little Traverse Bay Bands of Odawa Indians Court has been a leader in the development of Healing To Wellness Courts as an alternative way of returning productive members to society.

Specialty Courts consist of teams with a judge, coordinator, prosecutor, defense, treatment personnel, probation and other agency staff as needed. They provide early intervention by the court while protecting the rights and due process of the defendant. The swift application of rewards or sanctions holds the client accountable throughout the process. Drug Courts have been proven highly effective with defendants whose drug use or abuse has brought them into contact with the criminal justice system.

Following the implementation of the program in October 2010, the Waabshki-Miigwan Drug Court Program (WMDCP) held its first graduation in January 2012. Through July 2012 the WMDCP team has implemented a series of enhancements to meet the needs of the target population and to provide additional access to treatment and other supporting activities involving outreach and coordination of services.

Combined internal and external assessments established the basis for more intensive evaluation designs as the drug court continues its implementation, and led to fine-tuning that established the court processes that exist today. Together these efforts established the basis for impact evaluation, which assesses the court's effectiveness in fine-tuning its processes of implementation.

The initiation of an independent, intensive evaluation to measure the effectiveness of the WMDCP program has established a baseline of measurement for this evaluation². The evaluation determined the extent to which the drug control efforts of multiple agencies have been integrated and coordinated. This evaluation was accomplished using interviews, focus groups and structured instruments, designed to capture both process and impact results in quantitative and qualitative forms. Individual interviews were conducted to promote ownership and investment in the evaluation, and to add any other measures to the instruments that the respondents deemed important.

The primary analysis strategy examined the current operation of the WMDCP program and assessing the implementation process, situational factors and program impact. All results and findings were used to compare and clarify how the evolution of the HTWC program is similar and different from national critical elements and key components.

The evaluation consisted of two site visits conducted by the evaluators to the WMDCP program. Completing the intensive, systematic review of process and outcome indicators of past performance was facilitated through this approach. The collection, compilation and analysis of all available quantified data for the drug court depended on the cooperation from those involved in the WMDCP program.

The framework used by this approach to documenting the program provides a basis for specifying its uniqueness. The evaluation formulates a program logic model³,

2 See: Kirchner, Robert A., and Thomas R. Kirchner (2012) *Waabshki-Miigwan Drug Court Program: Initial Program Evaluation of Program Development and Implementation by the Little Travers Bay Bands of Odawa Indians Court*. Annapolis, MD: Glacier Consulting, Inc.

3 This approach and definitions presented here are fully explained and demonstrated in: Kirchner, Robert A., Roger K. Przybylski and Ruth A. Cardella Assessing the Effectiveness of Criminal Justice Programs. Assessment and Evaluation Handbook Series Number 1, January 1994. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. This publication is available on the INTERNET at: www.bja.evaluationwebsite.org.

including descriptions of all program components and the relationships between program components. The model establishes a baseline for the process evaluation to determine (1) if the components are being implemented as designed and expected and (2) to determine if improvements can be made to current operations. This approach yielded useful information for consideration of the Drug Court Team.

The independent evaluation team⁴ conducted site visits in over the two years of the evaluation. The principal investigator, Dr. Robert A. Kirchner, Director of Research, Glacier Consulting, Inc. has been involved in the evaluation of drug court programs since 2000.

At the time of the evaluation, the program had 8 active clients. Components of the WMDCP program include the following:

- ❑ Court oversight and active judicial case management
- ❑ Access to a dedicated assessment and treatment resources
- ❑ Community service and restitution
- ❑ Supervision by Probation and Law Enforcement
- ❑ Drug testing and a range of intermediate sanctions and incentives
- ❑ Plans for successful transition and aftercare in the community

Waabshki-Miigwan Drug Court Program Team and other stakeholders involved with the Program are visualized in the diagram below:

⁴ The team represented Glacier Consulting, Inc. The team was comprised of Dr. Robert A. Kirchner, Glacier Consulting, Inc., as principal investigator, Dr. Thomas R. Kirchner, who performed the analysis of the data and helped develop final findings and recommendations. This project was supported by a grant from the U.S. Department of Justice (DOJ), Office of Justice Programs, and Bureau of Justice Assistance.

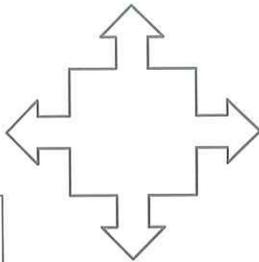
WAABSHKI-MIIGWAN DRUG COURT
Little Traverse Bay Bands of Odawa Indians, Michigan

JUDGE
Honorable Allie Maldonado

COURT ADMINISTRATION
Bernadece Kiogima
DRUG COURT COORDINATOR
Joseph Lucier

DEFENSE
George Lewis

PROSECUTION
Matthew Lesky



PROBATION
Mary Roberts
Joseph Lucier

LAW ENFORCEMENT
Ryan Roberts

TREATMENT PROVIDER: LTBB SUBSTANCE ABUSE
DEPARTMENT: Dr. Cheryl Samuels, Director
Susan Yates, Counselor Brad Houle, Counselor

TRIBAL ELDER: Yvonne Keshick
CULTURAL RESOURCE ADVISOR: Tony Davis

Waganakising Odawa Career and Technical Education Program
(WOCTEP) – North Central Michigan College

PROGRAM PROGRESS AND OUTCOMES

First, it is important to understand what the WMDCP has already produced as of July 2012, and how it has improved over time. The National Drug Court Institute⁵ has recommended a focus on specific performance indicators to judge the effectiveness of a drug court, including:

- Retention in Treatment
- Sobriety
- Units of Service Delivery
- Recidivism

For most of these measures, the WMDCP is progressing well in its expectations for the objectives they have set for each of the critical indicators. The rates of in-program recidivism are relatively low, with most of the participants violating the conditions of their programs being terminated according to the decision of the drug court team.

- Retaining clients in treatment – The program is maintaining a 80% Retention Rate, which far exceeds the average of 28%, reported in research for substance abuse treatment programs for drug offenders.
- Graduating clients – 5 clients have completed the program and graduated. The average number of days in the program to graduation is 312.
- Reducing recidivism – The Court will track over time for both graduates and terminators.

⁵ See: Heck, Cary (2006) *Local Drug Court Research: Navigating Performance Measures and Process Evaluations*. Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice.

In terms of cost-benefits, from October 2010 through December 2011, to Tribal operations and the community, WNDCO clients have:

- Clients completed over 600 hours of community service, which contributed to the working of the LTBB government agencies. We estimate that this represents a cost benefit to the Tribe of \$4,440.
- Integrated and consolidated approaches to treatment and recovery which substantially reduced the cost of individual service delivery to clients. The WMDCP ensures that the modalities and delivery of services is culturally based on community values.
- Delivered over 4,000 client days – including substance abuse treatment, supervision, ancillary services and judicial review.
- Incurred substantial cost savings to Tribal operations through reductions in confinement time.

Program components and accomplishments that have created an effective program include:

- Consistent judicial review with cooperative input from all WMDCP court team members – the role of the judge is in itself an effective intervention which impacts a client's performance and retention in the program
- Delivery of the White Bison *The Red Road to Wellbriety* program.⁶ The participants attended Substance Abuse and Cultural sessions, and the combined approaches resulted in participant in both group and individual sessions.
- Strength-based approaches to programming client participation

⁶ See: White Bison, Inc. (2006) *The Red Road to Wellbriety: In The Native American Way*. Colorado Springs, Co: White Bison, Inc.; and Jean, Terri (2003) *365 Days Of Walking the Red Road: The Native American Path to Leading a Spiritual Life Every Day*. Colorado Springs, Co.: White Bison, Inc.

- Dedicated supervision component strongly supported by Tribal Probation and Police Departments.
- Developing a tracking system supporting (1) case management; (2) progress reporting; and (3) monitoring and evaluation.
- Intensive efforts to gain community partnerships and collaborations.

CRITICAL WELLNESS COURT ELEMENTS AND EFFECTIVENESS

Assessment of Program Progress in Addressing the Key Components

Although self-evaluation has proven its worth to the Waabshki-Miigwan Drug Court Program (WMDCP), its most important result has been to produce knowledge about lessons learned and critical components or elements that are essential for success and institutionalization. The following section, Critical Wellness Court Elements and Effectiveness, presents the current ten (10) national key components of drug courts and assesses the WMDCP's condition on each⁷.

The “key components” presented below detail 10 characteristics of drug courts that have been confirmed across a number of drug courts to explain what works. The discussion of each component is then supplemented with findings on the status of the WMDCP’s implementation of each component to identify successful accomplishment of both programmatic and organizational objectives. The findings are based on documentation and the site visits. The case study was conducted according to the structured interview instrument developed by the evaluation team. The evaluation team also considered recent national publications containing summative information on adult drug courts.

⁷ Bureau of Justice Assistance. (2003) *Tribal Healing To Wellness Courts: The Key Components*. Washington, D.C.: U.S. Department of Justice.

Tribal Healing to Wellness Courts Key Components

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.

The defined phases and treatment modalities have been based on a consensus of the Team, and have been maintained to incorporate basic Tribal objectives for treatment and rehabilitation into individual treatment plans. Initial observations and interviews confirm that a continuum of services is available and believed to be effective for Tribal clients. The WMDCP goes further in ensuring that this goal is met by involving Tribal community members in the program assigned to individual clients, and all participants are exposed to traditional interventions such as Healing Circles, Sweat Lodge, and White Bison programs.

Key Component 2: Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

Strong interaction exists between prosecution, treatment as well as the judge under Tribal Court practice. All activities, including referrals, pre-hearings and status hearings include the participation and cooperation of all drug court team members. Decisions, while focused on the welfare of individual defendants in the drug court process, are designed to promote public safety. Initiatives are underway, but need to be enhanced, to improve the delivery of ancillary services to support the recovery process and aftercare.

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.

The WMDCP has successfully established a clear process for identifying and working together to select and enter defendants as their clients. The agreements codified by formal contracts ensure basic understanding between the WMDCP and participants, and provide for rapid initiation of client into court activities.

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.

The WMDCP has fully integrated delivery of treatment services into its program, especially through the participation and leadership of the LTBB Substance Abuse Department and its clinic. All treatment is monitored, and progress reporting is routine through the case processing system of the drug court. The drug court coordinator and case manager ensure all services are performed, along with all ancillary services (such as the Waganakising Odawa Career and Technical Education Program (WOCTEP)), and reports are submitted for judicial review.

Key Component 5: Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.

Formal and random drug and alcohol testing and procedures are well established and meet program needs. The WMDCP has met this aspect of implementation in what appears to be a successful, cost-effective manner.

Key Component 6: Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.

The WMDCP drug court team has developed an approach to determine client progress through staffing sessions that include all team members. These sessions are used to coordinate strategies for status hearings, monitor sanctions and determine the impact of treatment services. Client progress is reviewed weekly, and reviews are completed for Tribal dockets. The program has established effective means to apply sanctions and incentives in response to client performance.

Key Component 7: Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

The WMDCP has programmed the needs for judicial review at each phase in the process. The direct intervention of the judge is an important element in court settings. To date, the level of judicial review designated for clients as they progress through the program seems to be meeting the objectives

set by WMDCP. Judicial interaction is more intense than initially designed, and explains many of the positive outcomes produced by the court.

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.

The WMDCP has made a continuing commitment to assess its program since its initiation. The drug court team monitors program and participant progress on a continuous basis. The ability and capability to collect and maintain data for assessment purposes has been achieved. Plans are underway for future ongoing evaluation activities.

Key Component 9: Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

The drug court coordinator and drug court team members, including the Judge, have attended the national training programs and national conferences with NADCP, including conducting breakout sessions on their program. Visits have been made to similar drug courts for learning and comparison. Members of the drug court team continue to attend and participate in specialized training opportunities.

Key Component 10: The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

The Little Traverse Bay Bands of Odawa Indians Tribal Court has a long-standing history of cooperation among agencies and organizations on and associated with the Tribe. The WMDCP is attempting to expand services to its clients by building bridges to business and community-based leaders.

POTENTIAL ENHANCEMENTS

The WMDCP has some distinctly advantageous features both in its court management and its treatment and supervision components. WMDCP continues to operate to meet the objectives established to guide implementation, while expanding its program and introducing new objectives. WMDCP should continue to fine tune existing operations and/or procedures to direct future activities that build on the strengths of the program. The WMDCP Team should consider the following recommendations it seeks to enhance the process and operation of the court.

Recommendations for Enhancing the Program:

1. The position of HTWC Coordinator should be maintained to manage the program successfully. Both through effective case management and monitoring of treatment and supervision for the participants, the Coordinator is essential to sustaining program integrity, improvement and future development.
2. The current program is designed to serve as a treatment court, but also has proven its effectiveness in developing meaningful cultural approaches for Native Americans. The WMDCP Team should move forward in its attempts to build a family focused program as a foundation for their activities. Broadening the base from which to identify its clients would serve both the Tribe and the more comprehensive community setting that exists.
3. The Drug Court Team should clarify the policy on the taking of over-the-counter and prescription drugs, including the use of any traditional ceremonial drugs. Current

guidance in the Manual (pages 23-24) appears under the subtitle “Drug and Alcohol Screening.” but a specific policy and guidance should be developed and added as a separate section in the Manual.

4. Finally, feedback from clients as well as team members praises the treatment provider for its commitment to the WMDCP program. The integration of program design components is fully supported by treatment delivery. Consensual Native American cultural approaches have produced treatment outcomes that have not been realized in past efforts. The practices and activities need to be fully documented and reported to others facing similar situations.

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**LTBB OF ODAWA INDIANS
DOMESTIC VIOLENCE COURT DOCKET PROJECT
STRATEGIC PLAN**

MISSION:

The mission of the Tribal Court is to implement the Little Traverse Bay Bands of Odawa Indians judicial system consistent with self-determination and the sovereign powers of the Tribe, by building on the community values of respect, culture and spirituality, that allows for unity, fairness and due process in resolving issues, conflicts and disputes within the Little Traverse Bay Bands of Odawa Indians jurisdiction.

VISION:

The LTBB Tribal Court shall establish and implement a specialized Domestic Violence Court Docket that will improve judicial decision making, services for victims of domestic violence and accountability for perpetrators by addressing domestic violence within the Tribal community in a culturally appropriate manner.

INTRODUCTION:

In 2011, The Little Traverse Bay Bands of Odawa Indians (LTBB) received federal funding through the Office of Violence Against Women (OVW) for the planning and implementation of a dedicated Domestic Violence Court Docket. It is anticipated that the LTBB Domestic Violence Court Docket will begin implementation in March 2013.

This plan has been developed with the assistance of a Domestic Violence Advisory Committee consisting of representatives of the Tribal Court, law enforcement, and domestic violence service providers and agencies. The Center for Court Innovation has provided to the development of this plan through OVW sanctioned technical assistance and training. The LTBB Domestic Violence Court Docket Strategic Plan identifies the policies and procedures that allow the LTBB Tribal Court to identify, document, assess victim safety issues and respond to domestic violence, sexual assault and stalking related crimes in our Tribal families and Tribal community.

GOAL AND OBJECTIVES

The LTBB Domestic Violence Court strives to ensure that the all domestic violence offenses within the court's jurisdiction are handled in an efficient, consistent, and culturally appropriate manner. In order to accomplish this goal, the LTBB Domestic Violence Court plans to implement the following objectives over a three (3) year period:

Year 1: Work to guide the creation and implementation of a specialized domestic violence court docket.

- Ongoing: coordinating and conducting Advisory Committee planning meetings.
- Ongoing: hire and train a case manager/project coordinator
- Participate in site visits to Office on Violence Against Women identified sexual assault or domestic violence courts.
- Ongoing: participate in Office on Violence Against Women sponsored technical assistance events.
- Begin work creating domestic violence court forms and policies.
- Partner with the Center for Court Innovation (CCI) to develop comprehensive surveys and focus group questions regarding experience with domestic violence, law enforcement and the courts in the area, along with a domestic violence caseload analysis tool.

Year 2: Establish a specialized domestic violence court docket within 24 months of project period.

Year 2 objectives contain the Implementation Phase of project activities. Once the strategic plan is approved, we will begin the implementation of the domestic violence court. We will continue to work with OVW and OVW-designated judicial technical assistance providers to implement the specialized court project.

Proposed activities for this implementation phase include:

- Ongoing: coordinating and conducting monthly/quarterly advisory team meetings.
- Ongoing: managing the court docket schedule.
- Ongoing: participating in site visits to established OVW-identified sexual assault or DV courts.
- Ongoing: participating in OVW-sponsored technical assistance events.
- Ongoing: enhancing/revising specialized court policies and protocols

The measure of success in implementing the Year 2 objectives is the establishment of an operational domestic violence court. This project will include training, specialized policies, procedures, and intake processes that make caseload processing more efficient. Extensive training on model court programs and best practices will result in more effective informed judicial decision-making; promote judicial understanding of both victims and offenders and what works. This project will build upon existing collaborative relationships within the LTBB, in addition to creating new collaborative relationships with local and state domestic violence court officials. It will enhance the existing project by further developing the victims advocate position and expanding the current victim services that are offered. The project by partnering with law enforcement will assist in the implementation of an online PPO system to offer services that will ensure victim safety.

COMMUNITY-BASED RESEARCH AND CASELOAD ANALYSIS

The LTBB Domestic Violence Court has partnered with the Emmet County Court Administrator to develop an information sharing agreement. Currently, many domestic violence cases eligible to be heard in our court are instead filed in Emmet County court. Through our relationship with the Emmet County Court Administrator's office, we have found that, since 2010, Emmet County has received 238 domestic violence complaints; 19 domestic violence-related cases were filed in Tribal Court between 2003 and 2012. Of the 238 complaints, Tribal members and/or other tribes were reported as offenders in twenty cases. These numbers suggest that the LTBB Tribal Court still has more work to do in promoting its domestic violence law and services offered by the Tribe.

The LTBB Domestic Violence Court plans to partner with the Center for Court Innovation to develop comprehensive surveys and focus group questions regarding experiences with domestic violence, law enforcement and the courts in our area, along with developing a domestic violence caseload analysis tool. This partnership will enable our court to better understand the data supplied by the Emmet County Court and to work to increase Tribal members' use of Tribal domestic violence services.

ADVISORY BOARD AND COMMUNITY STAKEHOLDERS

The LTBB Tribal Court seeks to include all Tribal organizations, agencies, government partners and interest groups that are customarily involved with domestic violence. The planning process has been a collaborative effort among court staff and a number of court stakeholders. Our Domestic Violence Advisory Committee consists of:

COURTS:

LTBB Tribal Court Staff:
Chief Judge and Court Administrator.

LTBB PROSECUTOR'S OFFICE:

Tribal Prosecutor and Victim's Advocate.

LAW ENFORCEMENT:

Chief of LTBB Tribal Law Enforcement and Administrative Assistant/Lead Dispatch.

VICTIM SERVICES:

Director of the LTBB Human Services Department; Director of the LTBB Mental Health Department; and the Domestic Abuse/Sexual Assault Program Director from the Women's Resource Center of Northern Michigan, Inc.

LEGISLATIVE SERVICES: Office Manager/Domestic Violence Survivor

GRANTS MANAGEMENT:
LYBB Grant Writer

ADDITIONAL STAKEHOLDERS:
Mental and behavioral health providers from Emmet and Charlevoix counties and child welfare representatives from surrounding counties.

TECHNICAL ASSISTANCE:

The LTBB Tribal Court will coordinate with the National Council of Juvenile and Family Court Judges to provide OVW-designated judicial technical assistance. We have chosen this provider because they are in the process of establishing a Tribal-specific domestic violence court model program.

The LTBB Tribal Court staff utilizes technical assistance provided through the Center for Court Innovation staff, specifically, Kathryn Ford, Senior Associate for the Tribal Justice Exchange and Domestic Violence Programs. As an OVW-designated technical assistance provider they have and will assist staff with all aspects of planning, development and implementation of our Domestic Violence Court Docket.

PROPOSED STAFFING PLAN FOR DOMESTIC VIOLENCE COURT

Many of the responsibilities and tasks required by the Domestic Violence Court will be virtually identical to those found in the current Tribal courts, including those performed by the judicial officers and clerical staff. It will be necessary for all court staff to receive specialized training and education for the LTBB justice system to deliver effective responses to the crimes of sexual assault, domestic violence, dating violence and stalking since we expect that many of our domestic violence cases will require a multi-disciplinary response.

The primary judicial officer will be our Chief Judge.

Also present in the courtroom will be:

Court Clerks I and II.

Service providers/advocates as requested by the victim, offender or court.

Legal/lay advocates as provided by the courts or parties.

LTBB Law Enforcement as court security personnel.

Members of the Domestic Violence response team for service coordination, referral and monitoring for compliance.

The Domestic Violence Court Project Coordinator will work with Tribal Law Enforcement to develop procedures and protocol to ensure courtroom security.

The unique nature of the Domestic Violence Court Docket will include responsibilities not found in the current courts. The position of the Domestic Violence Project Coordinator has been created to:

Coordinate program planning and development for the Court;

Ensure quality training and coordination of clerical and administrative court personnel in domestic violence policies, procedures and best practices.

Work with the LTBB Tribal Prosecutor and Victim's Advocate to identify cases for the Domestic Violence Court Docket.

Identify and coordinate the establishment of a Domestic Violence Response Team to identify and provide services to the court, victim and offender as necessary.

Work with the Domestic Violence Response Team to obtain information from stakeholder agencies in order to provide the Domestic Violence Court Docket Judge with current, thorough information for each court appearance, and alert the Judge of any changes in status between appearances.

Monitor the caseload to ensure timely case dispositions and compliance with DV Court mandates.

Work closely with other staff members to develop and strengthen collaboration with program providers, identify new programs and identify and develop culturally specific protocols for Domestic Violence cases.

Work with LTBB Law Enforcement to monitor online Personal Protection Orders to ensure safety for victims of domestic violence.

Identify and coordinate training and technical assistance for court staff and stakeholders that is culturally specific and reflects best practices in processing our Domestic Violence caseload.

Collect and analyze data and prepare regular reports to measure the effectiveness of the Domestic Violence Court.

TRAINING

Initially, it will be necessary to identify and coordinate multi-disciplinary training that is as culturally specific as possible to assess for domestic violence, assist identified victims in safety planning, make appropriate referrals and prepare individualized responses based on the unique qualities of each case containing allegations of domestic violence. The members of a Domestic Advisory Committee and Response Team will seek to

continually educate by identifying training related to domestic violence issues and our Domestic Violence Court protocols and procedures.

By sponsoring and encouraging continued training the LTBB Domestic Violence Court will provide ongoing support on domestic violence issues to court personnel and stakeholders to allow our court to handle domestic violence cases in an educated and consistent manner.

The Domestic Violence Court Judges will be trained in enhanced judicial skills for domestic violence cases by the National Council for Juvenile and Family Court Judges. Domestic Violence Court Judges shall also participate in other OVW-designated training to enhance their skills in identifying and processing our domestic violence caseload.

The Domestic Violence Project Coordinator in collaboration with LTBB Tribal Court staff and OVW-designated training and technical assistance providers shall host a training event at least annually for the Advisory Committee, the LTBB Tribal community and other stakeholders. The Domestic Violence Project Coordinator shall hold community meetings and other events to further enhance the understanding of the Domestic Violence Court in the LTBB Tribal community.

CASE IDENTIFICATION

Since cases are not always filed as domestic violence cases it will be necessary to develop a protocol for identifying cases that may be appropriate for the domestic violence court docket. Case identification will be performed primarily by the LTBB Domestic Violence Project Coordinator, in consultation with the domestic violence court team members at the time of filing. Additionally, the Tribal Court judges will receive training on how to screen for cases that may be appropriate for domestic violence cases, but that were not originally filed as domestic violence cases. After being identified by either the domestic violence coordinator, in consultation with the domestic violence court team members at the time of filing, or by a Tribal Court Judge, cases will be transferred to the Domestic Violence Court docket at the earliest possible stage of the court process.

The criteria for LTBB Domestic Violence Court case eligibility are as follows:

- The case must involve allegations of an act that has resulted in actual physical or emotional injury or has created a substantial risk of physical or emotional harm to an intimate partner;
- The case must include a request for a protection order. Other related matters such as custody and visitation may be heard, but the protection order request must be included in the filing. At any time during the pendency of a case, the Judge in her/his discretion may refer a case to or from the domestic violence court.
- Personal Protection Order requests from both teens and adults are eligible, and
- There must be some LTBB Tribal affiliation and allegation of personal and subject matter jurisdiction in the initial pleadings.

TECHNOLOGY

For each case referred to the LTBB Domestic Violence Court, the Domestic Violence Project Coordinator will generate a new case number and file. The Domestic Violence Project Coordinator will also search all available databases and court documents for existing protection orders and ensure that domestic violence court orders are entered in the LEIN system through LTBB Law Enforcement. In accordance with the LTBB Stalking Personal Protection Order Statute, all protection orders shall be served upon the parties by LTBB Tribal Law Enforcement and entered into the LEIN system by the same.

JUDICIAL MONITORING, COURT PROCEDURES AND OFFENDER ACCOUNTABILITY

Judicial monitoring is a key principle of domestic violence courts. Frequent compliance monitoring will decrease the likelihood of additional offenses and increase the court's ability to protect victims while holding respondents accountable. The LTBB Domestic Violence Court seeks to employ intensive judicial supervision from initial appearance through disposition. The Domestic Violence Project Coordinator will maintain regular contact with program providers in order to determine that respondents are satisfactorily complying with court order obligations. The Domestic Violence Project Coordinator will expect to be notified when a respondent is failing to comply with court ordered program participation. The Domestic Violence Project Coordinator will also maintain contact with victims and advocates. When the Domestic Violence Project Coordinator is advised that a respondent is having unauthorized contact with a victim, the judge will immediately be notified of the allegation.

The goal of judicial monitoring in the LTBB Domestic Violence Court is to maximize the court's ability to ensure victim safety, compliance with court mandates and a swift and consistent court response to noncompliance with court orders, including community service, program participation, fines and other restitution to the family and/or community.

The LTBB Domestic Violence Court will develop an individualized plan for services utilizing identified programs available to victims/perpetrators and/or family members impacted by the abuse. This plan will be established at the time of the issuing of any permanent orders and shall set forth the responsibilities of the service providers and participants. The orders will include a general release to all service providers with protocols and safeguards in place to ensure the confidentiality for the victim.

When the LTBB Domestic Violence Court issues a protection order each victim and perpetrator will be provided with service referrals and will at the time of signing said order provide the referral to the victim and advise them to call/meet with providers as set forth in a Domestic Violence Victim Service Referral Compliance form. Each offender will be personally served with the order and advised of the requirements of the personal protection order. At time of service, the server will provide the offender a referral in

addition to the paperwork and will advise them that it is mandatory for them to call/meet with referred providers as set forth in the form entitled Respondent Service Referral Compliance.

If the court finds there is a substantial risk that the offender may use or threaten to use a firearm unlawfully against a victim for whom a protection order has been issued, the court may order immediate surrender of all firearms owned and possessed. Questions regarding firearm risk will be on the intake form when meeting with the victims advocate. Offenders who are required to relinquish firearms will relinquish them to the LTBB Law Enforcement department, which will be responsible for storing the weapons until the conclusion of the case.

At the initial pretrial conference, the Judge will review all documentation, consider jurisdictional issues and consider modification to the personal protection order. If after further review the case is not suitable for the LTBB Domestic Violence Court, it will transfer to another court docket. The Judge will mandate a culturally appropriate batterer intervention program for the offender when the allegations are sustained. The Judge and the Domestic Violence Project Coordinator will then schedule a court date on the LTBB Domestic Violence Court Docket within two weeks from the disposition date. The Domestic Violence Project Coordinator will be responsible for initializing the case management system.

The Judge will hold Domestic Violence Court bi-weekly or as necessary in emergency situations. Offenders will be required to appear bi-weekly for the first three months. The victim will not be required to appear. If after three months, the offender continues to be in compliance with court mandates, the Judge may choose to use graduated compliance monitoring and reduce the frequency of reporting time to every month or six weeks for a period of six months or more. If the offender continues to be in compliance with all court mandates, reporting appearances will be scheduled for every six to eight weeks until either one year has passed since the offender's first appearance in the Court or the mandated program has been completed.

The same Judge will preside over all aspects of each case, from the initial hearing through disposition. When the cases are referred to the Domestic Violence Court, the Domestic Violence Project Coordinator will also determine if the offender has other cases pending in Tribal Court. The LTBB Domestic Violence Court will address an offender's domestic violence case(s) prior to resolving any companion cases where feasible.

The Domestic Violence Project Coordinator will maintain frequent contact with the victim's advocates and work with various program providers, including batterer programs, to ensure the timely submission of compliance reports before each court review date. A standard form will be developed and provided to each referred program to ensure consistent reporting on offender attendance and participation.

If the offender refuses to engage in services, the LTBB Domestic Violence Court will ensure the restrictiveness of the resulting orders reflect that offender chooses non-

participation. The Court may adjust its orders at review dates to reflect changing circumstances including treatment/wellness advances and/or problems in compliance with treatment goals. If there is a report from either the victim's advocate or the batterer's intervention or other program that the offender has violated the order, the Domestic Violence Project Coordinator will be responsible for contacting all parties and counsel to appear in court for the compliance hearing.

There are several different levels of consequences for noncompliance within the LTBB Domestic Violence Court. However, the Judge shall work with the parties and providers to individually tailor each case to best restore harmony to the family and community.

- If a program reports that an offender is not attending or meaningfully participating in the program, the Judge may use a number of graduated sanctions. Depending on the lack of compliance they may range from verbal reprimand, more frequent appearance in Domestic Violence Court, community service, fines, and incentive agreements and outside referrals to law enforcement for serious re-offenses.
- If a personal protection order has been violated, the victim may contact the LTBB Law Enforcement to arrest the offender and/or file a violation petition. Prior to each compliance date, the Project Coordinator will speak with the victim or advocate determining if there has been any violation of the order of protection. If a petitioner chooses to appear and file a violation petition, and the court finds that the respondent violated the order, the court will hold a dispositional hearing to determine what action should be taken against the offender. If the victim chooses not to proceed the Court will consider penalties that can issue from failure to follow a court order, including mandating that the offender report to probation or be found in contempt of court.
- If the victim prefers criminal prosecution after a violation, the case will be referred to the Prosecuting Attorney's office.

JURISDICTION AND APPEALS

Once the LTBB Domestic Violence Court has established that it has jurisdiction over the parties in a protection order hearing, the Court may enter and order ex-parte or after a hearing. If the LTBB Domestic Violence Court grants an ex-parte protection order, the Court shall schedule a review hearing within 14 days after granting the order to enable the respondent to respond to the allegations. The respondent may submit an appeal to the LTBB Appellate Court challenging a ruling by the Domestic Violence Court following a hearing on the matter.

COURTHOUSE FACILITIES AND SAFETY

The LTBB Domestic Violence Court is committed to the safety of victims of domestic violence and their families. The LTBB Tribal Law Enforcement occupies the same building as the domestic violence court and victims services, ensuring that the key players are always nearby to provide assistance to victims. Additionally, an LTBB Law Enforcement representative, and other relevant stakeholders will participate in domestic violence court training to ensure that they are kept up to date on best domestic violence court practices.

The LTBB Domestic Violence Court victim's advocate will assist victims in filing our petitions and in directing victims to appropriate services. The victim's advocate and coordinator will meet with and help guide victims of domestic violence through the court process in a safe environment. All victims will have a safe place within the LTBB Tribal Court building to meet with their advocates and legal representative and to await their court appearance.

LTBB DOMESTIC VIOLENCE COURT SERVICES

- **Resource Directory:** The victim's advocate and Domestic Violence Project Coordinator will work together to compile and maintain a resource directory on the available Tribal and local resources, and will provide relevant information to the parties about how to access services.
- **Victim Advocacy:** Apart from providing general services and resources to victims, the victim's advocate, where appropriate, will assist victims by making contact with social service agencies, emergency shelters, and legal services. Additionally, the Domestic Violence Project Coordinator will provide victims with information on their cases and, where appropriate, act as intermediaries between the victims, the victim's advocate, and the Tribal Prosecutor's office.
- **Batterer Programs:** The LTBB Domestic Violence Court, working with the Tribe's Mental Health Department and the local government's service agencies, will compile a list of suitable batterer programs, and develop a culturally appropriate program.

IMPLEMENTATION TASK TIMELINE

The following is a chronology of the efforts undertaken by the planning team in its effort to design and implement an effective Domestic Violence Court, as well as future projected tasks and milestones.

Year 1: Work to guide the creation and implementation of a specialized domestic violence court docket.

October 2011- Receive award from the OVW Court Training and Improvements Program to develop and implement a specialized Domestic Violence Court Docket.

December 2011-One member of LTBB Court staff, LTBB Chief of Police and the LTBB Grant Writer attend FY 2011 New Grantee Orientation for OVW Court Training and Improvement Program in Louisville, Kentucky. Members of team observed the Jefferson Circuit Court

January 2012-Identify committee members and implement Domestic Violence Advisory Committee planning meetings.

March 2012-Develop job description and post position for the Domestic Violence Court Docket Project Coordinator

April 2012-Interviewed for the Domestic Violence Court Docket Project Coordinator position.

May 2012-Hired the Domestic Violence Court Docket Project Coordinator. Coordinator researches and identifies resources and other Domestic Violence court projects. Coordinator participates in OVW Project Director's Calls and Webinars. Project Coordinator schedules and holds a planning meeting for the Domestic Violence Advisory Committee.

June 2012-Project Coordinator attends the American Indian Justice Pre-Conference and Conference (June 4-6 Bureau of Justice Assistance Training in Acme, MI). Initiated contact with Center for Court Innovation (CCI) regarding technical assistance for strategic planning and domestic violence court development. Held a conference call with Kathryn Ford, CCI regarding strategic planning and assistance in identifying possible domestic violence courts for site visits. Project Coordinator schedules and holds a planning meeting with the Domestic Violence Advisory Committee. Project Coordinator attends Intercept Mapping Training at LTBB Health Department with community stakeholders.

July 2012-Project Coordinator participates in CCI Webinar on LGBTQ Communities and Domestic Violence. Project Coordinator works with Law Clerk, CCI and Domestic Violence Advisory Committee to begin drafting the project's strategic plan. Project Coordinator gathers and compiles information for the project semi-annual report. Project Coordinator participates in Project Director's Call and schedules Domestic Violence Advisory Committee meeting to review draft of the strategic plan.

August 2012-Identify and schedule a site visit to an OVW identified Domestic Violence Court for Project Coordinator and Advisory Committee members. Project Coordinator will participate in OVW Project Director's Calls and webinars. Project Coordinator will continue to work with the Domestic Violence Advisory Committee to finalize the final draft of the project strategic plan.

September 2012-Submit project strategic plan to OVW for approval. Begin working on development of forms and policies for the LTBB Domestic Violence Court. Partner with CCI to develop comprehensive surveys and focus group questions regarding experience

with domestic violence, law enforcement and the courts in the area. Work with CCI to begin development of a domestic violence caseload analysis tool. Project Coordinator will continue to participate in Project Director's calls and webinars offered through OVW.

Year 1 ongoing-Continue to identify community stakeholders and partners for domestic violence programs and services. Continue to work with CCI to provide technical assistance in the development of forms and procedures to utilize best practices in the development of the LTBB Domestic Violence Court.

Year 2: Establish a specialized domestic violence court docket within 24 months of the project period. This year will be the implementation phase of the LTBB Domestic Violence Court. We will continue to work with OVW and OVW-designated judicial technical assistance providers to implement the specialized court docket. In year two we will meet with the Domestic Violence Advisory Committee quarterly and on an as-needed basis to review and develop court forms and protocols.

October 2012-Identify appropriate OVW-designated training for the Tribal Judge and Tribal court staff. Continue to work with CCI in the development of forms and procedures for the LTBB Domestic Violence Court. Schedule and hold a meeting of the Domestic Violence Advisory Committee. Continue to participate in Project Director's Calls and Webinars. Partner with LTBB Human Services staff to participate in domestic violence awareness activities.

Along with the Chief Judge attend National Tribal Judicial Center training on Handling Domestic Violence Cases in Tribal Court on October 1-4, 2012 in Reno, NV.

November 2012-Project Coordinator will work with CCI in the development of a domestic violence case analysis tool for evaluation and data collection on domestic violence cases so we will be able to evaluate the effectiveness of our Domestic Violence Court once it is operational. Continue to participate in Project Director's calls, webinars and OVW-identified training opportunities for the Project Coordinator, Judiciary and court staff.

December 2012- Work with OVW and CCI to develop an on-site training for the Judiciary, court staff, community stakeholders and the LTBB Tribal community to educate and inform them regarding the implementation and operation of the LTBB Domestic Violence Court. Continue to work on development of forms, protocols and procedures. Continue to identify community stakeholders and resources for victim/offender referral. Work with the LTBB Law Enforcement to finalize the online personal protection order to ensure victim confidentiality and protection. Identify and plan for victims services and identify possible resources to expand current victim's services.

January 2013-Plan and host an on-site Domestic Violence Court training in January/February with the assistance of OVW and CCI. Advocate and/or identify resources to support a Domestic Violence Victims Advocate. Plan and coordinate a

Domestic Violence Advisory Committee meeting. Identify members of the Domestic Violence Response Team. Continue to participate in OVW Project Directors call, webinars and designated training opportunities.

February 2013-Finalize all protocols, procedures and forms for the implementation of the LTBB Domestic Violence Court Docket. Train all court staff in the implementation of the LTBB Domestic Violence Court. Identify training for the Domestic Violence Response Team. Continue to participate in OVW Project Director's calls, webinars and designated trainings. Continue to partner with CCI as we finalize implementation plans for the Domestic Violence Court Docket.

March 2013-Establish and implement the LTBB Domestic Violence Court. Develop training for community stakeholders and identify common ground and plan for data sharing, case identification and referral protocols. Continue to participate in OVW Project Director's calls, webinars and technical assistance and training.

April 2013-Present training for community stakeholders on the management and implementation of the LTBB Domestic Violence Court Docket. Ongoing evaluation of processes and procedures. Continue to partner with CCI to assist with potential problems in implementation and development of data collection systems and evaluation tools.

May 2013-Continue to develop the LTBB Domestic Violence Court docket and best practices. Continue to identify community stakeholders and partners. Continue to develop and identify resources to support the Domestic Violence docket and victims services. Continue to participate in OVW designated training and technical assistance.

June 2013- Perform the first quarterly evaluation of the data collection systems, data sharing and progress of the Domestic Violence Court docket. Evaluate case load management and determine any changes that may need to be made. Continue to refine systems and case management for the Domestic Violence Court. Continue to participate in OVW designated technical assistance and training opportunities. Schedule and hold a meeting of the Domestic Violence Advisory Committee to inform them of the first three months performance and progress of the Domestic Violence Court docket.

July/August 2013-Identify resources to develop a culturally appropriate batterer's intervention program. Consult with CCI in the development of a draft curriculum for culturally specific batterer's training and coordinate with the LTBB Mental Health Department. Continue to manage the Domestic Violence Court docket and seek training opportunities for all court staff to identify and implement best practices for our Domestic Violence Court. Continue to partner with CCI in implementation of our Domestic Violence Court. Prepare and submit semi-annual report for OVW.

September 2013-Perform quarterly evaluation of data collection systems, data sharing and progress of the Domestic Violence Court docket. Continue to work on development and implementation of culturally specific batterer's intervention and victim services. Continue to participate in OVW designated training and Project Director's calls and

webinars. Schedule and hold a quarterly meeting of the Domestic Violence Advisory Committee to inform and educate them on the progress of the Domestic Violence Court.

Year 3: Continue to build upon existing relationships within the LTBB and implement culturally specific victim's services programs and batterer's intervention programs. Continue to train and educate court staff and Domestic Violence Advisory Committee and Domestic Violence Response Team on best practices in managing the domestic violence caseload. Identify and apply for financial resources to support the sustainability and expansion of Domestic Violence Court staff and services.

October/November 2013-Continue to provide training and education to the LTBB Tribal community in the function and purpose of the Domestic Violence Court. Continue to work with CCI in developing and implementing victim and offender services and referrals. Continue to refine processes and procedures for the Domestic Violence Court docket. Continue to participate in OVW designated training, project director's calls and webinars.

December 2013-Perform third quarterly evaluation of data collection systems, data sharing and progress of the Domestic Violence Court docket. Evaluate delivery of services and offender compliance. Continue to develop procedures and protocols for victim and offenders services and compliance issues. Identify possible funding sources for continued development of the Domestic Violence Court. Participate in OVW designated training, project director's calls and webinars. Continue to educate the Judiciary and court staff in domestic violence issues and practices.

January 2014-Prepare and submit semi-annual report to OVW. Work closely with LTBB Grant Writer to identify resources and plan for the sustainability and development of the Domestic Violence Court. Continue to participate in OVW designated training, project director's call and webinars. Continue to work with CCI in domestic violence court specific program development.

February/March 2014-Ongoing training of the Judiciary and court staff. Participate in OVW designated Training, project director's calls and webinars. Evaluate performance and success of the LTBB Domestic Violence Court and celebrate the one-year anniversary of implementing our Domestic Violence Court and evaluate our process and procedure. Continue to work with Grant Writer in developing programming for the court.

April 2014-Continue to seek out and develop relationships with community service providers to inform and educate them regarding the LTBB Domestic Violence Court and to develop a system for a coordinated response.

May/October 2014-Meet regularly to assess system delivery gaps, coordinate court activities in collaboration with LTBB service providers, local agencies and community based organizations including continued development of regional cross-jurisdictional

protocols and training materials to develop a community response to domestic violence and to increase offender accountability.

To conduct regional in-service training for social services, attorney, judges, law enforcement, court staff, judges and other stakeholders to provide information about the LTBB Domestic Violence Court.

Continue to hold quarterly meetings of the Domestic Violence Advisory Committee and to participate in designated OVW training and technical assistance.

EVALUATION:

In order to continually improve the efficiency and effectiveness of the Domestic Violence Court, the court will quarterly review data and other appropriate indicators of success. This information will be reviewed by the Domestic Violence Advisory Committee. The following information will be collected by the Domestic Violence Court and distributed on a semi-annual basis:

- Number of domestic violence cases heard.
- Total caseload number including any companion cases.
- Number of Personal Protection Orders issued; including no-contact and modified.
- Frequency of compliance violations.
- Types of sanctions for violations.
- Case length through disposition.
- Numbers of pre/post disposition monitoring appearances.
- Number of cases transferred to/from LTBB Domestic Violence Court.
- Recidivism rates