BALANCING JUSTICE AND HEALING: HONORING THE INDIVIDUAL, THEIR STORY AND CULTURE IN TREATMENT AND WELLNESS COURTS

EVAN ELKIN
EXECUTIVE DIRECTOR
RECLAIMING FUTURES
ROADMAP FOR THIS DISCUSSION

- Present a historical and public health lens through which to view our work in treatment and healing to wellness courts
- Talk about the importance of engaging young people and their communities at the doorstep of court programs
- Present our collaborative work with two tribal communities to develop innovative culturally relevant screening and brief intervention approaches for the their healing to wellness courts
PUBLIC HEALTH LENS

Social Determinants of Health and Norms

Sustaining Wellness & Recovery

Prevention

Treatment Intervention

Screening, Assessment & Triage

Sustaining Wellness & Recovery

Prevention

Screening, Assessment & Triage

Treatment Intervention

Sustaining Wellness & Recovery
WHERE IS THE GREATEST POTENTIAL FOR PUBLIC HEALTH IMPACT?
ASSETS, RISKS AND THE INTERPLAY BETWEEN THESE DOMAINS

- Over-reliance on any one domain is a sign of a system out of balance.
- We have over-relied on juvenile justice to address behavioral health.
- We have under utilized family and cultural strengths to support youth.
- The outcomes for tribal youth and youth of color bear this out.
- Leveraging true collaboration across domains is critical.
The Juvenile justice system is often the primary purchaser, referrer and deliverer of adolescent drug and MH treatment.

Many juvenile probation departments have shifted to a social work trained workforce.

Assessing treatment need is often task #1 at the entry point to JJ.

Proliferation of Treatment Courts.

JJ is not particularly effective in this role.
BALANCING JUSTICE AND RESPONSIVENESS TO TREATMENT NEED: WEXLER’S CONCEPT OF “THERAPEUTIC JURISPRUDENCE”
MANAGING OVERLAPPING DECISION-MAKING LENSES

- Adolescent Development
- Behavioral Health
- Justice
INTRODUCING CULTURE & RACE INTO THE PICTURE
THE COMPLEX REALITY OF INTERSECTIONALITY

Adolescent Development

Trauma

Family

Gender & Sexual orientation

Justice

Behavioral Health

Race
IS “THERAPEUTIC JURISPRUDENCE” A FEASIBLE CONSTRUCT FOR YOUTH?
TRIBAL HEALING TO WELLNESS OFFERS A UNIQUE LESSON TO THE REST OF JUVENILE JUSTICE
A quick look back to where we came from in JJ...
1980’s and 90’s

• 1980’s saw mandatory minimum sentences and automatic transfers to the adult system increase

• 1990’s tough on crime attitudes intensified & use of confinement for minor offenses increased

• Throughout the 1990’s, the protagonist in the youth justice narrative was the “super predator”

• This was clearly a racialized narrative

• “Zero Tolerance” school discipline and the birth of the School to Prison Pipeline

• With the “war on drugs”, drug use was viewed through a criminal lens
Mid 1990’s – Early 2000’s

Juvenile crime rates begin to plummet in the mid 90’s

Annie E. Casey Foundation and the JDAI initiative

In 1999 Reclaiming Futures developed at the Robert Wood Johnson Foundation

Macarthur Foundation’s Models for Change

Dr. Linda Teplin’s Northwestern Univ. Juvenile Project begins to offer a new behavioral health lens on justice involved youth
WHAT EMERGED IN THE WAKE OF THESE DEVELOPMENTS?

▸ Emergence of the evidence-based approaches to adolescent treatment

▸ Proliferation of treatment-focused alternatives to detention and incarceration – including treatment and healing/wellness courts

▸ Use of detention and incarceration drops dramatically

▸ The field sensitizes itself to the role of trauma

▸ Schools begin to question zero-tolerance

▸ Adolescent brain science advances are a
JUVENILE JUSTICE BECAME A PLATFORM FOR THE DEVELOPMENT AND DISSEMINATION OF EBPs

- There was a great appetite for treatment tools in juvenile justice settings
- Juvenile Justice became an innovation laboratory
- A cottage industry of new manualized models emerged that formed the early foundation of the adolescent treatment field
  - MST, MDFT, FFT, BSFT, MDTFC, APT, MET/CBT, ACRA, 7 Challenges
- EBP’s were woven into the fabric of federal and state grants
THE REPORT CARD?

- Vulnerable youth and those with serious behavioral health problems continue to penetrate deeper into the system.
- Conditions of confinement remain very poor.
- Truancy and school safety policies still cause juvenile courts to be flooded with cases.
- Juvenile Drug Treatment Courts generally produce poor outcomes.
- None of these reforms have moved the needle on racial and ethnic disparities.
RACIAL & ETHNIC DISPARITIES CONTINUE TO WORSEN...

- Even against a backdrop of accelerated JJ reform, racial and ethnic disparities are worsening
  - As juvenile arrest rates have dropped by roughly 30%, disparities in arrest have widened by 24%
  - Risk Assessment tools have helped us reduce the use of detention but have increased relative rates of DMC in detention use
  - Youth of color are 10% less likely to be diverted from formal court processing
  - As juvenile incarceration rates have decreased overall by more than 50% in many states, the racial gap increased by 15% for youth of color
DISPARATE OUTCOMES FOR TRIBAL YOUTH

- Tribal youth remain 50% more likely to receive out of home placement on a delinquency adjudication than white youth with the same charge.

- Tribal youth are 2-3 more likely to be suspended or expelled from school.

- Tribal youth are significantly less likely to be given access to treatment alternatives to JJ and treatment resources generally.

- At 1% of the population, tribal youth comprise roughly 50% of the population in the federal system.

- Significantly fewer evaluation studies looking at disparate outcomes for tribal youth.
WHAT ABOUT JUVENILE TREATMENT COURTS (JDTCs)

▸ A meta-analysis by Dr. Mike Lipsey suggests that JDTCs are not more effective than other non treatment juv. Courts

▸ 7 studies report with a “high quality of evidence” that JDTC’s are less effective for youth of color (Wilson, 2016)

▸ National Reclaiming Futures evaluation showed better outcomes when culturally competent services were available

▸ Healing to wellness courts show promise
“The institutionalization of Healing to Wellness Courts suggests that a spiritual revolution swirls amid indigenous peoples and nations….and is partly personified in the planning, development, and operation of tribal healing to wellness courts”

Hon. Joseph Thomas Flies-Away & Hon. Carrie E. Garrow  2013
A LOOK AT HEALING TO WELLNESS COURT

▸ An authentic effort to break cycles by bringing responsible parties into contact with their culture and community

▸ Redefines accountability as a shared community concept

▸ Treating the whole person, not just their crime or symptoms

▸ Often restrains itself from what it really wants to be for its community

▸ Can be enhanced by culturally meaningful tools and practices, of which there are too few
IS THE FIELD ADDRESSING RACE, ETHNICITY, COMMUNITY & CULTURE IN OUR PROGRAMS?

- Very little effort has been made to tap culture and community assets creating or adapting EBPs for tribal and other non-white communities.

- The few examples that we have come from the work Dr. Bigfoot and her colleagues.

- Darryl Turpin’s HEAT Program

- Jerry Tello’s Compadre’s Network

- Kanwarpahl Dahliwal’s Ryse Program
Seeing and Hearing the Person in Front of you: Tribal Youth SBIRT Project
TRIBAL YOUTH SBIRT PROJECT

- A partnership with the Center for Court Innovation in NYC
- An effort to support Healing to Wellness courts across the country in creating culturally derived screening and brief intervention strategies
- Our initial efforts focused on two collaborative partnerships: Yurok and Southern Ute communities
SO, WHAT IS SBIRT?
YOUTH SBIRT 101

- S = Ask a short series of questions to evoke possible signs of difficulty
- BI= Explore and allow the young person to put those signs into meaningful life context
- RT = Collaborate with the young person and their family and other supports on a course of action
SBIRT IS A HYBRID OF PRACTICES
Our work in Screening and Brief Intervention: Why we chose to focus our attention there

- We most often think of screening as a means of detection or prediction.
- Screening can also function as an engagement tool.
- An opportunity for the youth and community to participate with the youth-serving systems in defining problems and solutions.
- The brief intervention is about putting problems and solutions into personal and cultural context.
- Can serve as a bridge between youth, family and community and the systems that serve them.
Adapting SBIRT for Tribal Communities

- We saw SBIRT’s flexibility as an opportunity to engage tribal communities in the creation a culturally resonant adaptation.
- Understood that tribal communities are not empowered to use tribal concepts and practices around wellness in justice system contexts.
- We were honored to be able to offer support in building resources for tribal communities.
Our Methodology

- Invitation to Collaborate
- Getting to know community assets, problems
- Convening stakeholders to form a design team
Our Methodology continued

1. Surface important tribal and community values, practices and metaphors
2. Draft an SBIRT model together
3. Refine and revise together with feedback and piloting
4. Training, Trainers and Sustainability
PRINCIPLES AND VALUES THAT INFORMED YUROK’S “PATH FORWARD”:

- **ENGAGEMENT**: Screening as an engagement opportunity

- **TRUST AND RESPECT**: A clearly communicated attitude of trust, respect and appreciation for the youth’s perspective

- **DISCOVERY**: Exchanging the usual assessment framework for one of coached but self-directed discovery for the youth

- **CULTURAL RESONANCE**: Walking the “Path Forward” emerged as a powerful metaphor to use

- **EMPOWERING**: Trusting youth to make choices & chart their own life path is empowering.

- **HEALING**: Acknowledgement that the path forward may require healing and support

- **COMMUNITY SUPPORT**: Not about the youth alone – acknowledges role of family and community

- **RESTORATIVE**: A circle process that addresses the need to restore ties and to mobilize support
PATH FORWARD:
A 3-SESSION TRIBAL YOUTH SBIRT MODEL

A Circle Process

Charting a Path
Mapping and Building Community

Screening
Discovery
Engaging
Empowering
Relationships

Sharing
Giving and Getting
Healing
Moving Forward

Relationships
Support
Expanding Circles
Inviting a Circle
Preparing
SOUTHERN UTE CORE VALUES: SCREENING

- Assessing wellness and the whole person
- Non-judgmental and welcoming
- Honor individual identity and unique connection to Ute culture
- Mapping supports is key – family and beyond
- Equal interest in strengths, goals and coping as in problems and symptoms
- But, don’t shy away from directly asking about difficulty: trauma, drug use, suicide, MH issues
- Understanding trauma and other problems in relational context
SOUTHERN UTE CORE VALUES: BRIEF INTERVENTION

- Should involve family and community
- Focus on rebuilding ties to key family and community supports
- Includes a plan to explore ways to strengthen youth’s connection to Ute culture
- Should focus on preparing the youth for next steps in life, not merely about treatment
- Empowers/motivates youth to own their wellness plan and to ask for and accept support
SOUTHERN UTE SBIRT WELLNESS CIRCLE: ACHIEVING BALANCE FOR THE WHOLE PERSON

- Goals, strengths, skills
- Connection to Ute culture / Spirituality
- Role of Substances
- Physical Health
- Relationships & Connectedness
- Emotional well being & coping
GENOGRAM EMBEDDED IN AN ECOMAP
PLANNING FOR CIRCLE MEETING

- As you work with the client to map out their family and community supports, discuss who might be important to invite to circle discussion

- Ask not just about who populates the family tree, but about relationships – strength, conflict, support etc

- Identify folks who can help the youth with their plan to achieve balance in the wellness circle

- Work with youth on inviting folks to the circle meeting

- Youth will take the lead in communicating to each person invited about they were asked to attend and why they are important

- Some bridges may need to be repaired in the process
REFERRALS/WELLNESS PLAN

- Referrals should reflect the whole person and map onto the elements in the wellness circle that were discussed.

- Should focus on preparing the youth for next steps in life – skills, connections to caring adults in the community and family.

- Youth is accountable for the plan but his circle of support also shares responsibility to help make it happen.

- Can become part of the court mandated plan.
SOUTHERN UTE 3-STEP SBIRT MODEL

A Circle meeting

JOINING
SHARING ACCOUNTABILITY
HEALING
PLANNING FOR THE FUTURE

Wellness circle exercise

Mapping and Building Community and Support

SCREENING
UNDERSTANDING
THE WHOLE
PERSON IN CULTURAL AND FAMILY CONTEXT
ENGAGING
EMPOWERING

RELATIONSHIPS
SUPPORT
EXPANDING CIRCLES
INVITING A CIRCLE
PREPARING
I WILL CONCLUDE WITH A QUESTION?

▸ How have you been able to successfully mobilize the power of your culture and community in working with the youth in your court?
QUESTIONS AND TAKEAWAYS?