

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court

Author: Karen Gottlieb, Ph.D., J.D.

Document No.: 231166

Date Received: June 2010

Award Number: 2001-DC-BX-0500

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court

December 30, 2005

Principal Investigator:

Karen Gottlieb, PhD, JD

Court Consultant

gottlieb@courtconsultant.com

Project Team:

Carol Deck, JD

Christine Duclos PhD, MPH

Stephen Koester, PhD

Hon. Jill E. Tompkins

Grant # 2001-DC-BX-0500

POARCH BAND OF CREEK INDIANS EXECUTIVE SUMMARY

The Poarch Band of Creek Indians began their Drug Court in July 1998 with federal funding from the U.S. Department of Justice. The Drug Court is a mature drug court today and at the time of evaluation had admitted 28 participants (two participants twice) with alcohol and drug-related offenses. Fifteen of the participants graduated, eight were terminated, and five were current participants. The 3-year recidivism rate measured by post-program alcohol or drug-related offenses is 50 percent. There is no statistically significant relationship between completion status and recidivism; graduates are as likely to re-offend as terminated participants. However, graduates appear to be slower to re-offend than terminated participants. The Poarch Band of Creek Indian Drug Court has many strengths that outweigh the weaknesses in the program. They have a strong Drug Court team that has been open to trying new ways of doing things to improve the operation of the Drug Court. A review of the key components of the Drug Court shows the strengths are:

- Tolerance and respect for other team members' opinions,
- Core team stability,
- Compassionate and caring team,
- Participants terminated with due consideration,
- Participants drawn from several sources,
- Team members know potential participants,
- Cultural program integrated into Drug Court,
- Treatment as structure in participants' lives,
- Intensive monitoring during Phase I,
- Combined roles of counselor and probation officer,

- Recognition of phase advancement,
- Judge as team player,
- Judge's good relationship with participants,
- Case files well-organized and well-kept,
- Team attendance at national trainings during planning stage,
- Team attendance at national conferences to stay abreast,
- Mentor court to other tribes,
- Tribal council support, and
- Law enforcement integral part of team.

Yet, there is room for improvement. Further improvement and institutionalization of the Drug Court primarily lies in improving the integration of treatment and forming a steering committee including tribal and community leaders to extend the ownership of the Drug Court to the community. That way the Drug Court is something the community is doing rather than something the tribal court is doing alone.

The weaknesses in the program are:

- Poor communication between treatment providers and team,
- Staff meetings not regularly scheduled,
- No tribal leaders or elders on team,
- Program commitment not emphasized with potential participants,
- Program requirements not enforced,
- Program requirement changes applied retrospectively,
- No individualized treatment plans,
- Poor coordination of counseling,

- Available after-aftercare not utilized,
- Too little family involvement with treatment,
- Law enforcement officers not assisting in monitoring and supervision,
- Drug testing procedure and drug test results not documented,
- Too few incentives,
- No graduated schedule of sanctions and incentives,
- Drug Court case file information not automated,
- Lack of regular reviews,
- Repetitive training,
- Lack of written materials for cross-training and Drug Court institutionalization,
and
- No community-wide steering committee.

The pre-Drug Court recidivism rate is not known, but the recidivism rate of 50 percent for those out of the program for 3 years shows not all participants re-offend. The positive changes—increases in self-esteem and decreases in substance abuse behavior—seen in many of the Drug Court participants are additional proof for successful rehabilitation. A major measure of success is the continued existence of the program after federal funding ceased.

TABLE OF CONTENTS

	Page
Background	1
Process Evaluation	4
Key Component #1	4
<i>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.</i>	
What They Did.....	5
Strengths	6
Tolerance and Respect for Other Team Members’ Opinions	6
Core Team Stability	8
Compassionate and Caring Team	9
Weaknesses	10
Poor Communication between Treatment Providers and Team	10
Staff Meetings Not Regularly Scheduled.....	10
No Tribal Leaders or Elders on Team.....	11
Key Component #2	12
<i>Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.</i>	
What They Did.....	13
Strength	14
Participants Terminated with Due Consideration	14
Weaknesses	14
Program Commitment Not Emphasized with Potential Participants	14
Program Requirements Not Enforced	16
Program Requirement Changes Applied Retrospectively.....	17
Key Component #3	17
<i>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.</i>	
What They Did.....	18

Poarch Band of Creek Indians Drug Court Evaluation

Strengths	20
Participants Drawn from Several Sources	20
Team Members Know Potential Participants	21
Weakness	21
No Individualized Treatment Plans.....	21
Key Component #4	25
<i>Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.</i>	
What They Did.....	26
Strengths	32
Cultural Program Integrated into Drug Court	32
Treatment as Structure in Participants’ Lives	35
Weaknesses	35
Poor Coordination of Counseling	35
Available After-Aftercare Not Utilized	37
Too Little Family Involvement with Treatment.....	38
Key Component #5	39
<i>Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substances.</i>	
What They Did.....	40
Strengths	42
Intensive Monitoring during Phase I.....	42
Combined Roles of Counselor and Probation Officer	44
Weaknesses	45
Law Enforcement Officers Not Assisting with Monitoring and Supervision	45
Drug Testing Procedure and Drug Test Results Not Documented	45
Key Component #6	46
<i>Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.</i>	
What They Did.....	46

Poarch Band of Creek Indians Drug Court Evaluation

Strength	47
Recognition of Phase Advancement	47
Weaknesses	48
Too Few Incentives	48
No Graduated Schedule of Sanctions and Incentives	49
Key Component #7	51
<i>Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.</i>	
What They Did	51
Strengths	52
Judge as Team Player	52
Judge’s Good Relationship with Participants	53
Key Component #8	54
<i>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.</i>	
What They Did	55
Strength	56
Case Files Well-Organized and Well-Kept	56
Weaknesses	56
Drug Court Case File Information Not Automated	56
Lack of Regular Reviews	57
Key Component #9	57
<i>Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.</i>	
What They Did	58
Strengths	60
Team Attendance at National Trainings during Planning Stage	60
Team Attendance at National Conferences to Stay Abreast	60
Mentor Court to Other Tribes	61
Weaknesses	61

Poarch Band of Creek Indians Drug Court Evaluation

Repetitive Training	61
Lack of Written Material for Cross-Training and Drug Court	
Institutionalization	61
Key Component #10	62
<i>The development of ongoing communication, coordination, and cooperation among team members, the community, and relevant organizations are critical for program success.</i>	
What They Did.....	63
Strengths	65
Tribal Council Support	65
Law Enforcement Integral Part of Team.....	65
Weakness	66
No Community-Wide Steering Committee.....	66
Outcome Evaluation.....	67
Qualitative Component	67
Impact of Drug Court on Participant.....	67
Participant’s Perception of Impact on Participant.....	67
Family’s Perception of Impact on Participant.....	70
Team’s Perception of Impact on Participant	70
Tribal Administration’s Perception of Impact on Participant.....	71
Impact of Drug Court on Family.....	72
Participant’s Perception of Impact on Family.....	72
Family’s Perception of Impact on Family.....	72
Team’s Perception of Impact on Family	73
Impact of Drug Court on Community.....	74
Team’s Perception of Impact on Community	74
Tribal Administration’s Perception of Impact on Community	77
Quantitative Component	80
Program and Participant Characteristics	81
Gender and Age	81
Alcohol and Drug Charges.....	82

Poarch Band of Creek Indians Drug Court Evaluation

Graduation Rate	85
Length of Participation.....	86
Recidivism	89
Outcome in Perspective	94
Conclusions.....	95
References.....	96

Poarch Band of Creek Indians Drug Court Evaluation

List of Tables

Table 1.	Offenses Bringing Participants into Drug Court.....	19
Table 2.	Drug Court Referral Sources.....	21
Table 3.	Days in Program by Phase for Graduates.....	32
Table 4.	Age of Participants by Entry Year	82
Table 5.	Prior Alcohol and Drug-Related Charges	83
Table 6.	Prior Alcohol and Drug-Related Charges by Participant.....	84
Table 7.	Offenses Occurring during Drug Court Participation	85
Table 8.	Completion Status by Gender	85
Table 8.	Completion Status by Entry Year	86
Table 10.	Age at Entry into Program by Completion Status.....	86
Table 11.	Days in Program by Completion Status	87
Table 12.	Days in Program by Completion Status Minus the Outlier.....	87
Table 13.	Days in Program by Entry Year and Completion Status.....	88
Table 14.	Days in Program by Completion Status and Gender.....	89
Table 15.	Post-Program Alcohol and Drug Arrests by Completion Status and Gender	91
Table 16.	Type of Post-Program Offense by Completion Status and Gender	92
Table 17.	Time to First Post-Program Arrest by Completion Status and Gender.....	93
Table 18.	Days with No Post-Program Alcohol or Drug-Related Arrest by Completion Status	94

Background

The Poarch Band of Creek Indians, located in southwestern Alabama near the Florida border, is a remaining tribal pocket of the original Creek Nation. That the Tribe still exists and maintains its tribal identity in Alabama is a historic twist of fate. The 1814 Treaty of Fort Jackson ceded the Creek lands in Georgia and Alabama to the United States and caused the break-up of the Creek Nation. The majority of Creeks were resettled to Indian Territory, the present day state of Oklahoma, after the Indian Removal Act of 1836 and the infamous Trail of Tears, but the ancestors of the present day Poarch Band were not forced to relocate.

The Poarch Band members remained in southwestern Alabama and were surrounded by Whites, yet they maintained their tribal identity. The Tribe finally received federal recognition in 1985 after decades of organized efforts focusing on equal education and land claims led by the first modern day tribal chairman, Calvin W. McGhee and the long-time tribal chairman, Eddie L. Tullis. The Poarch Band of Creek Indians is the only surviving community of Creek Indians east of the Mississippi River and the only federally recognized tribe in Alabama.

A tribal member summarized the complicated history of the Tribe.

We're the group, we chose to stay behind, but we were also left behind without the support of our culture in this area. The bottom line is that it's a community that has actually stayed together through thick and thin. The problems we have dealt with being in this community in 2002, we're still alive and well, the discrimination, the jealousy of even the city we're associated with (Atmore, Alabama). The reason I mention all of that is we've survived all of that through really impossible odds. They wanted the community to assimilate into a totally different culture.

*Now, we did lose our language, there are things I don't know the same as an Oklahoma Creek would know. **That does not change the blood in my veins or my longing to know more.** I think that makes us different. Other tribes don't understand, all the other Creeks went out on the Trail of Tears, why didn't the Poarch Creek? Why is*

there this group still left here? We are Indian. So, that makes us different, but we've had to survive quite many things and we're still having to survive and depend on our Tribe to actually do things.

The Poach Band of Creek Indians reservation is small in area (230 acres), but the Tribe's service area comprises Escambia, Baldwin, Monroe, and Mobile Counties in Alabama and Escambia County across the Florida border. Today there are more than 2,200 tribal members and more than 1,700 live in the five-county area. There also are 800 nonenrolled tribal descendants (less than one-quarter blood quantum) in the area. In 1988 the tribal council chartered Creek Indian Enterprises to serve as the economic development and management arm of the Tribe. The tribal enterprises include the Best Western of Atmore motel and restaurant, the Creek Bingo Palace, PCI Communications, Muskogee Metal Works, Perdido River Farms, Creek Indian Arts Council, and the Calvin McGhee Cultural Center. A significant percentage of the community lives below the poverty level even with the tribal efforts to help the economy. The Tribe entered the twenty-first century with an entrepreneurial outlook while at the same time honoring their Native American heritage.

During the 1990s the drug and alcohol problem on the reservation and surrounding area increased and the tribal court had difficulty keeping up with the caseload. A majority of the tribal police calls were in response to alcohol or drug-related domestic violence and a backlog resulted with some cases being delayed 6 to 9 months. The drugs included marijuana, cocaine, and crystal methamphetamine. Alabama does not have criminal or civil jurisdiction over tribal members involved in incidents occurring on the reservation, but tribal law enforcement officers are cross-deputized in Escambia County and assist with calls in the county. The U.S. federal court system has jurisdiction over certain felonies committed on the reservation.

Poarch Band of Creek Indians Drug Court Evaluation

In 1996 the Tribe requested funding from the Drug Court Program Office (DCPO) of the U.S. Department of Justice (DOJ) to design a drug court program within the tribal judicial system to strengthen its response to the growing problem of substance abuse. All together, the Tribe was awarded three grants—an 8-month planning grant in 1997, a 2-year implementation grant from June 1998 to May 2000, and an enhancement grant in 2002. The funds were used for personnel, drug court supplies, and travel to trainings.

The Poach Band of Creek Indians Drug Court now serves as a mentor tribal drug court to other tribes planning and implementing drug courts. They were one of the first tribal drug courts and their Drug Court team was part of a small group of pioneers who helped adapt the state drug court model for tribal courts. One Drug Court team member commented about the situation.

We learned a lot by trial-and-error.

Any evaluation of the implementation of their drug court or its outcome needs to take into account the trial-and-error that occurs when uncharted territory is traveled. The Drug Court is still in operation and is currently funded by the Tribe. Although wellness courts are the preferred appellation for tribal drug courts, this Tribe uses the term “drug court”. This evaluation consists of both process and outcome components for the Poach Band of Creek Indians Drug Court from 1998 to 2004.

Process Evaluation

The monograph, *Tribal Healing to Wellness Court – The Key Components*¹ [*Key Components*], defines a process evaluation as “information to describe and analyze how a program is operating or meeting its administrative and procedural goals and to identify problems or concerns in implementing a program.” The ten *Key Components* as detailed in the monograph provided the framework for this process evaluation. The *Key Components* describe the basic elements that define tribal drug courts or tribal healing to wellness courts and are adapted from the key components for state drug courts. The *Key Components* are meant to be aspirational and not intended as a checklist, but they do address the major components of wellness courts and suggest recommended practices acknowledging they may or may not be feasible for a particular tribe. The *Key Components* were prepared by the Tribal Law and Policy Institute (TLPI) with the collaboration and consultation of the Tribal Advisory Committee (TAC) for Tribal Healing to Wellness Courts. The implementation of each key component by the Poarch Band of Creek Indians as observed by the evaluators circa summer of 2002 is detailed below. Any relevant updates as of Spring 2004 are noted.

Key Component #1

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

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

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

What They Did

The Tribe cast a wide net from the very beginning involving others in the planning for the Drug Court. Eight of the tribal program directors met in November 1996 to confirm their support of the proposed Drug Court before the planning grant proposal was submitted. The tribal council also endorsed the idea of the Drug Court by resolution. The Drug Court team formed for the planning process included representatives from several tribal departments. The people who went to the first training for the planning grant were the tribal court administrator, the human services (mental health) director, a probation officer, and the woman who wrote the planning grant. The tribal judge, director of social services, a tribal council member, and the chief of police were included in the second training.

In the implementation proposal, the key players were the judge, tribal court administrator, prosecutor, chief of police, probation officer, the directors of human services and social services, and a to-be-hired program manager. As the team evolved and matured, the weekly staffing meeting also included representatives from the education and culture departments, and sometimes a licensed professional counselor who serves as the drug and alcohol counselor by contract. The program manager position was not filled due to the smaller than expected number of participants and the tribal court administrator is also the Drug Court program manager with

administrative assistance from the court clerk who also facilitates the weekly cognitive behavioral session. Only a few key members are tribal members, but all are from the area. The team does not take an oath of sobriety like some tribal wellness court teams do.

The team developed their participant manual during the planning phase before the enrollment of the first participant in July 1998. There is also a memorandum of understanding between the Drug Court and the tribal Department of Human Services that spells out the agreement for services between the two entities. The judge and prosecutor are not tribal employees but are contractual. They are both attorneys in the state court system when they are not working for the Tribe. There are letters of agreement that detail their duties as well as letters of agreement for the mental health professionals.

Strengths

Tolerance and Respect for Other Team Members' Opinions. Working collectively as a team depends on good communication among the team members. A theme echoed in the interviews with team members is the team communicates and works together well at the weekly staffing and this is a strong point of the Drug Court. People recognize and respect each other's perspectives and opinions.

It just took compromise, just sitting down and some head butting and hurt feelings. But when that was done, they kind of worked together.

As far as in the staffing, we can all speak our mind, we all might not agree with each other, but that's what helps, we're all out there putting out an opinion.

I definitely seek input from other team members in making those tough decisions. And likewise with input from other team members in their particular areas. The judge is real good about listening to everyone on the team before making any sort of decision,

treatment is the same way. If they have a particular treatment program, they're always open to other suggestions from other team members as to how to approach it.

I think another strong point is you have the team, that each of us is volunteering individual information and bringing all that information together, whereas before we had that you'd maybe have the prosecutor in court and the judge. Now we have the police department, we have advocate services, we have education, it just makes a big difference when you have different groups coming together to form an opinion over a certain person's life.

Improved communication also allowed the team to strengthen shared decision making. There was a problem in the first year of the program when the treatment providers were giving the participants guidelines that conflicted in part with the participant manual. This problem was overcome early on by ensuring all communication to the participants regarding Drug Court rules comes from the Drug Court and is cleared by all staff.

Improved communication and shared decision making allows the Drug Court participants to take advantage of the diversity of services the Tribe offers in providing a holistic approach to treating individuals. The Poarch Band of Creek Indians has a huge network of services. The Drug Court team is one way to coordinate and deliver those services to those in need.

*Well there are different aspects of team members, to have a strong team, we have a police officer, and he's telling us what happened, what the nature of the crime is. And we have a social worker or a probation officer who's telling us how we can fix it; we have an educator for the needs of the people for education and what we're going to do to support them in this regard. So you have a lot of different aspects bringing to bear on one individual. To have that diversity from professionals is very important for that individual's success. **So when you say "team", I think we exemplify team in every sense of the word, very strong individuals on the team who bring to bear very important***

information to help the success of the program, to help that individual get through the program. - Team Member

The bottom line is I can't begin to talk to you about getting a GED (General Educational Development Credential) if you're worried about where your kid's staying. I can't even begin to talk to you about what you need to do to hold down a job if you don't have food on the table. . . . So, it's like we gotta take care of the basic needs, and that's where tying it back into the Drug Court is really important, that's why you have so many team members from the different programs, because the person who's abusing alcohol or drugs, maybe it's because they don't have a job, maybe they're depressed about that. Is it they don't have a job because they don't have their GED? - Tribal Administrator

Core Team Stability. It bodes well for the success of a wellness court if the core planning and implementation team members remain with the program long enough to ensure the concept of the wellness court becomes institutionalized. The Poach Band of Creek Indians team has been very stable and this has allowed them to evolve with a shared vision. If you consider the core team to be the judge, Drug Court program manager, police chief, prosecutor, treatment provider, and probation officer, the only team member change from 1997 (planning) to 2002 was a change in probation officer. The person in the probation officer role has changed several times and when the position has been vacant, law enforcement and social services have taken over the monitoring role. One probation officer has been there 3½ years, doing Drug Court monitoring as 50 percent of her job.

So, continuity has been a real benefit for us. I have a judge that we've had for a long time, he knows this community. - Tribal Administrator

For us, [a strength is] the continuity of the team members. We have most of the same team together. The core group is the judge, treatment, the tribal court administrator, police chief, social services director, and the prosecutor. - Team Member

*One of the things we have going for us is that we've been pretty much a stable group with a few folks come in and out; the core has more or less been there since Day One. **I think we all know each other well enough and work together long enough that we respect each other's decisions and positions.*** - Team Member

Compassionate and Caring Team. The compassion and caring of the team members is evident to the participants and their families. They know the Drug Court team cares about them and is not just doing a job or approaching the Drug Court in an adversarial manner. One of the graduates wrote the following in her graduation essay.

*In the beginning I didn't want to be in the program. The Drug Court team had to show me some tough love in those early days. In fact, they sent me to jail for 2 months. At that point I could see what I was doing to myself and my family. The Drug Court team has helped me in so many ways. They showed me how to love myself and to be good to myself. They helped me find the tools to get through the hard times and to have fun. **Today, I thank God for the Drug Court team, without the love and patience you have showed me I wouldn't be here today. Thank you all for giving me my life back.***

This is seconded by a mother of one of the participants.

*[A team member], she's very good with the Drug Court participants, she is really, she tries to help them, not to hurt them. **Matter of fact, all the Drug Court team does.***

Team members also are cognizant of the compassion and caring the other team members have for the participants.

*The strongest part of this group is that there's not one person on this group that's really just there for political, for the wrong reasons. **Everybody on this court truly cares about the participants.** We're all different as night and day and yet this is the most cohesive and easily workable group I've ever been in. **I would say it's one of those rare cases where everybody is here for the same reason and we know what it is and it's not just to keep a program going, it's here to help people survive.***

I think one of the strong points is we have a compassionate Drug Court team. I've seen members of the Drug Court team approach participants who have problems with compassion, rather than "what can we do to get them in trouble." or throw them in jail, I think that's the cornerstone of a positive impact of the program is that we do have compassion.

Weaknesses

Poor Communication Between Treatment Providers and Team. The wellness court concept brings together the two very disparate worlds of justice and treatment. Although treatment is an integral part of the Drug Court here, it appears the treatment providers could communicate more with the Drug Court and be more of a team player. It is understandable the treatment providers feel protective of the participants and their training teaches them to keep information imparted during a counseling session confidential; but the team needs accurate and reliable information about treatment to make decisions. This sharing of information should not be a problem in wellness courts because most conflicts between confidentiality regulations and wellness court practices are resolved through the use of consent forms and waivers. One of the team members commented about this predicament.

*One of the problems was not giving full disclosure in treatment. I understand they have their confidentiality rules that they have to go by, **but the participants are also signing waivers giving up that and sometimes the treatment people had to be reminded of that.** If the participant gives up their right, then it's not the treatment provider's to exercise.*

Staff Meetings Not Regularly Scheduled. A weak spot in the Poarch Band of Creek Indians Drug Court is there are not regularly scheduled meetings for the team to come together and evaluate how well the program is doing and modify aspects that could be improved. A

staffing meeting is not the same as a staff meeting. At a staff meeting the programmatic issues are brought up and discussed.

*Make sure your team is all on the same page. Really talk. Don't assume that everyone has the same goals. Don't assume that everyone is doing what you think they are. What is treatment doing? What is probation doing? Does everyone know what they're supposed to do? **I think that's been one of our weaknesses, not communicating enough.** - Team Member*

The core staff did have a retreat in 2002 in Biloxi, Mississippi. It was a requirement of a grant the Drug Court received from the Center for Excellence in Public Policy in Washington, D.C. Attendees were the judge, court administrator/Drug Court program manager, prosecutor, police chief, probation officer, and the director of human services. The group worked on team building exercises and discussed how to pull together their resources to continue the Drug Court even though the federal funding was ending.

The team has talked about having staff meetings on a monthly basis, but that has not occurred. Staff meetings held every 3 or 4 months may be a more reasonable balance between member's time constraints and the need for regular staff meetings.

No Tribal Leaders or Elders on Team. There is no tribal leader or tribal elder on the Drug Court team. The addition of people in these positions would benefit the Drug Court in several ways. One, the addition of a tribal leader to the team, perhaps a tribal council member, would increase the exposure of the Drug Court to the tribal council and the community at large. Two, a tribal leader or tribal elder on the team would serve as a role model for the Drug Court participants. Three, the Drug Court currently integrates traditional healing and dispute resolution practices into Drug Court by having a cultural component directed by a tribal member who has studied the traditional culture of the Tribe. The cultural component is popular with the

participants and helps them identify who they are, that in turn helps them spiritually battle substance abuse. When the participants become more involved with their traditional culture, their sense of connectedness and belonging to the community increases. The addition of one or more tribal elders to the team would complement and reinforce what the participants learn in the cultural class. The team realizes having additional classes in traditional practices would be a plus, and has funding for the classes, but has had trouble recruiting someone for that role.

There are some healing resources in the community we haven't tapped into. We wanted someone from the community to teach a meeting once a week—language, crafts. We have money from tribal government to do this, but no one would commit. - Team Member

Key Component #2

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

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

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

What They Did

The Poarch Band of Creek Indians Drug Court accepts both pre-adjudication and post-adjudication offenders. If the defendant enters as a pre-adjudication participant, all charges will be dismissed upon successful completion of the program. If the participant is terminated, the case is referred to the prosecutor. Normally, two Drug Court team members review the Drug Court rules and regulations with the offender. In 2004 the probation officer created a PowerPoint presentation to explain the Drug Court. The Tribe does not provide a public defender but the judge always tells the offender he can have an attorney at his own expense and one or two offenders have been represented. If the offender is really young or has handicaps, such as not reading well, the Drug Court team makes sure a parent or other adult is present.

None of the Drug Court team members interviewed think the lack of a public defender compromises the due process rights of the offenders.

*We make sure they understand the Indian Civil Rights Act . . . and we explain to them in all criminal cases first of all, that we don't appoint an attorney, you have a right to get your own attorney. **We're careful to explain the rights.***

*[The lack of a public defender] has not been a problem, and I don't think anybody's rights have been stepped on. We have incarcerated some for short periods of time because of violations of the Drug Court process, but they understand that, they sign off on the contract when they enter the program. So, they understand if they can read and write, and if they don't read and write, we read it to them. **I haven't seen a real problem there and the numbers are so low, I don't foresee a problem.***

Strength

Participants Terminated with Due Consideration. The Drug Court team does not terminate a participant without due consideration. The team decides whether or not someone will be terminated for noncompliance with the program requirements. If the participant is arrested for a new offense, especially a simple arrest, the team waits to see if there is any basis for the arrest before terminating. Nine out of 28 participants were terminated. The majority of those terminated (eight out of nine or 88 percent) were terminated for not complying with the program and one was terminated due to a burglary arrest in state court. Six participants were terminated in Phase I, two participants in Phase II, and one participant in Phase III. Two of the terminated participants were reinstated once and two were reinstated twice—effectively given three chances at succeeding in Drug Court. On average, the length of time in the program before termination is 233 days or 33 weeks.

Weaknesses

Program Commitment Not Emphasized with Potential Participants. An offender who chooses Drug Court over serving jail time may actually spend more time in the Drug Court program than he would have served in jail. Drug Court activities, especially in Phase I, take a huge commitment of time from a week already full with work, school, and family. Some offenders realize this up front and choose to serve jail time rather than participate in Drug Court.

*We've had some volunteer [for Drug Court], not a lot. We get a lot of inquiries, but what you run into is if you're looking at a charge and you're only going to get 3 or 6 months of jail, some people will elect to go and serve their time rather than go to Drug Court. A lot of people will do that. There's people who would rather do that than go to AA (Alcoholics Anonymous) or NA (Narcotics Anonymous) three or four times a week and all this other, it's too much for them they would say. **It's hectic if you do it like you're supposed to.** - Team Member*

But, the Drug Court option is often chosen by an alcohol or drug offender. Although to say someone “chooses” to participate in Drug Court is a bit disingenuous since the alternative choice is usually jail, or jail and a large fine. The majority of the 2002 participants stated they entered Drug Court to get out of, or stay out, of jail. Drug Court as a “Get out of Jail Free Card” muddies the informed consent waters and fills the court with participants who may not be committed to changing their behaviors and their lives. Choosing Drug Court as a means to avoid jail rather than a means to get one’s life together also leads to frustrated and angry participants when they realize the amount of work and the restrictions a commitment to Drug Court entails.

*I picked Drug Court, I thought, this might be something, **as long as it keeps me out of jail, I’ll do it**, that’s pretty much what it was for me to start off with. . . . It’s like a hole, once you fall in it, you can’t get out and I’m slowly seeing the top. - Participant*

*They have a choice, we don’t make them do anything, when they decide they want Drug Court, naturally they sign a contract, it explains all the phases, it’s verbally gone over with them by two different people. I think they understand it, the biggest thing is, they don’t fathom how much control we have over them for the first phase. It does not sink in until all of a sudden you’re seeing them every day and every night. They have a lot of meetings they have to take care of, they have a lot of different responsibilities, they’re usually always on curfew, and they’re not used to staying at home past 10 at night. So, in those aspects, **once they get into Phase I and really get slapped in the face with what’s going on, it’s like “I’d rather be in jail.” They start balking at it then.** - Team Member*

The following is from a participant who was surprised the Drug Court program was interfering with his life.

Well, I can’t stand coming to court every Friday. That right there, I think is ridiculous. I mean, you come for 15 minutes and they talk to you for 5 minutes. I mean, I could see it if you had done something wrong during the week and they say, “Hey, we need you in court and the team’s going to discuss what you’ve done.” But I say, just to come up there

*and talk for 2 minutes until you sit down and you can't keep a job, school gets on your back when you go to school, and you have to miss a whole day just to come up here for 2 minutes of talk, I think that's just totally ridiculous. We're not teenagers, **we got lives**, I think if this Drug Court wants us to be constructive and stuff like that, they should give us a little leeway on that.*

More explanation of the time commitment and the program restrictions (for example, curfew) would help the participant realize what he or she is getting into by choosing Drug Court. One suggestion is to have the participant paraphrase aloud the contract to team members, paragraph by paragraph, and then initial each paragraph. Also, the contract and the manual are written for a fairly high degree of reading comprehension and should be rewritten at a 6th grade level recommended for consent forms. There are inexpensive software programs that analyze a document's level of reading comprehension and suggest areas to simplify. In addition, there is the problem inherent in all wellness courts, the offender's mental faculties may be clouded by drugs or alcohol at the time he or she consents to Drug Court. For this reason, and because people forget, the Drug Court team might consider reviewing the requirements of the program periodically with the participants.

Program Requirements Not Enforced. The Drug Court team needs to have a coordinated strategy for responding to instances of noncompliance. Compliance with the program requirements encompasses more than staying sober. A Drug Court team member mentioned one change that should be made is the participants are not held to conditions stipulated for graduation, such as obtaining GEDs and driver's licenses. Also, participants are not always held to the monthly program payment of \$50 or other fines.

*We tell them they need to get their driver's license **and then we don't follow it up.***

We haven't always enforced the \$50 a month fee to be in the program like we should have, we may let them get 3 or 4 months behind. And usually when you do that, they've got fines they should be paying a little bit on, and we usually let them knock off that up to half with community service.

Program Requirement Changes Applied Retrospectively. The participants interviewed in 2002 were vocal about what they saw as unfair treatment. They were upset the Drug Court had changed some rules for them midstream. For example, at one time they could go to Mobile with no restrictions, now they had to have written permission from the Drug Court. This retrospective changing of the rules does violate basic rules of contract. However, the participants did not complain about any retrospective changes lessening restrictions. If the contract is to be honored by both sides, it is best to only apply rule changes to participants who enter after the change rather than retroactively.

*There have been times when they have come to us and said, "Your contracts have been changed." . . . They get you to sign papers all the time. . . . They bring that contract to you even though you didn't sign it **and you didn't agree to it when you signed up for the program.** - Participant*

*Once we start, we sign the paperwork saying this. But, all of a sudden 2 months down the road, they're throwing new paperwork at us, saying this is the way it's going to be now. And that's not what we talked about. **I'm in this part, why don't you do it from the ones that start?** - Participant*

Key Component #3

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

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

What They Did

The Poach Band of Creek Indians Drug Court takes referrals from several jurisdictions—their own tribal court, state courts in nearby counties, and Atmore Municipal Court. People who are charged with possession, purchase, or manufacture of controlled substances and illegal possession of prescription or related drugs are eligible. Also, other drug-related offenses, such as thefts and burglaries, are eligible if it appears drug addiction or use is a related factor.

Participants need to be tribal members or descendants, living on or off the reservation, to be eligible because the Drug Court utilizes the treatment services of the tribal clinic on the reservation. Although eligible participants need only to be members of any federally recognized tribe, all but one of the Drug Court participants have been from the Poarch Band of Creek Indians.

The Drug Court takes recommendations from any team member or arresting officer. Once the person is arrested, the prosecutor reviews the court file and NCIC (National Crime

Information Center) criminal history against drug court criteria. Any violent offense or a weapons charge in the offender’s background will disqualify them based on the federal guidelines. No potential participant has been screened out at this stage. Table 1 shows what offense brought participants into the Drug Court during its first 5 years. The majority of participants (70 percent or 14 of 20) were ascertained through a drug offense.

Table 1. Offenses Bringing Participants into Drug Court

TYPE OF OFFENSE	# PARTICIPANTS	%
Drug Possession (including Possession of Paraphernalia)	13	65%
Drug Possession and Driving Under the Influence (DUI)	1	5%
Driving Under the Influence (DUI)	1	5%
Public Intoxication	1	5%
Contributing to the Delinquency of a Minor	2	10%
Child Neglect*	1	5%
Burglary	1	5%
Total	20	100%

* No arrest was made, referred by Department of Social Services

The prosecutor acts as the initial screener or gatekeeper, yet the decision to admit someone is really a team decision. The prosecutor makes the initial decision but conceivably could be overruled by the rest of the team.

*The approach we’ve taken here is that **everything is a team decision.*** - Team Member

*I guess if push came to shove, if there was a dispute whether someone should get in or not, that **the ultimate call would be the prosecutor’s because it would be his decision whether or not to prosecute and how to prosecute them.*** - Team Member

Once the participant qualifies from a legal standpoint he or she goes to human services for an initial clinical assessment based on an alcohol and drug use history, the Substance Abuse Subtle Screening Inventory (SASSI), and the Minnesota Multiphasic Psychological Inventory 2 (MMPI 2). Only after the assessment results come back from the clinical psychologist is the participant formally approved or not approved and makes his or her first appearance before the Drug Court judge at the weekly status hearing. No potential participant has been rejected due to the results of the clinical assessment. The clinical psychologist only comes to Poarch 2 days a month so there is a time delay between arrest and participation. It can take a month or two after arrest until the offender is participating in Drug Court, due both to the assessment rate-limiting step and the voluntary nature of the program. Normally, the Drug Court team waits for the clinical assessment results before the participant starts the program. The team is considering placing the participant in Drug Court before the clinical assessment comes back to shorten the gap between identification and placement.

The identification and placement of eligible participants agrees in large part with what the Tribe proposed in the implementation proposal. The only major difference is that in the proposal it is stated the Department of Human Services shall make a written recommendation to the Drug Court as to the appropriate treatment. It is not clear if this is done because there are no treatment plans in the Drug Court files.

Strengths

Participants Drawn from Several Sources. Most (85 percent) of the participants in the first 5 years of the program have been referred from the Poach Band of Creek Indians Tribal Court (see Table 2). However, the Drug Court has taken jurisdiction of tribal members who

were arrested in state court and one person who was not arrested at all, but referred from the tribal Department of Social Services.

Table 2. Drug Court Referral Sources

REFERAL SOURCE	# PARTICIPANTS	%
Tribal Prosecutor/ Tribal Court	17	85%
County Court	2	10%
Tribal Social Services	1	5%
Total	20	100%

Team Members Know Potential Participants. One strength of the Drug Court mentioned by several team members is the team members know the participant, or know the family, and are able to make better decisions regarding the participant's admission and future success in the Drug Court program. It is so crucial for the recovering substance abuser to have the support of sober family and friends. This does not mean only participants with sober family and friends are admitted into the program, but when participants are admitted the Drug Court team knows the environment in which they come from and live.

*If we get a person in, we kind of know them, or their family. **I think that's a plus for us, you know who you're dealing with.*** - Team Member

Weakness

No Individualized Treatment Plans. The *Key Components* recommend an individualized treatment plan be formulated after the participant's need for substance abuse services is assessed. Treatment providers may recommend different numbers of counseling sessions or activities per week or different types of therapies or activities such as parenting classes, life skills, or anger management classes. Treatment plans were not in the Drug Court file so it was not possible to

review them, but it appears treatment is very similar for each participant from what treatment information was in the file. It is the clinical psychologist's responsibility to formulate the treatment plan and it may be that individualized treatment plans are created but the information does not reach the Drug Court because the clinical psychologist does not attend the weekly staffing. Almost every team member recognized the lack of individualized treatment is a weakness and a more individualized treatment plan is needed.

*I've seen problems come up with participants when we try to treat one as we did someone a year ago. We deal with individuals; you need to tailor the sanctions or the incentives for each individual. We talk about an individualized treatment plan; I'm not that sure it's ever really done. **It seems like everybody is always doing exactly the same thing, no matter what the problem is.** . . . I think we need to look at a more individualized treatment program, just a more individualized approach to everything, not just treatment, but sanctions and send-ups as well.*

*I would definitely change treatment, be more specific as to what you're going to cover in each phase. Our agreement says we have a treatment plan. There have been only three or four treatment plans in the files. **You should have a treatment plan for the next 12 weeks, then short-term and long-term goals, and then evaluate it as we go along.***

*We haven't had as good a treatment plan as we should have had. **Part of the time, we really almost didn't have a treatment plan.** We know we're going to send them here, here, and here. But that's something the health department is supposed to come up with. They do the tests and they know this person has problems here and here and they come up with a treatment plan.*

*I don't know a lot about treatment, **but I think that treatment needs to do a little better job of creating a plan of action to meet the individual participant's needs based on their assessments.** I'm law trained; I'm not trained in that area. Just from what I see,*

that might be an improvement that we can work on and I think that's probably going to come up as we go along.

I think if we evaluate them and we got a plan, that's the thing. And I think our manual calls for that, we're just not doing it right. There's no treatment plan in the folders.

*Actually that topic came up in staffing; we're looking at starting to address alcoholics differently than we do the drug addicts. At the same time, we have drug addicts with varying degrees of addiction. **The problem is we need a more specialized treatment plan.** At the same time, sometimes a sanction for one person may be completely ineffective if it's applied to someone else.*

*It's almost like, once a person comes in, they got to do this, this, and this. Uh-uh. Everybody's different. **Don't have just a rubberstamp and put the name at the top of this treatment plan.***

One example of not individualizing treatment is reflected below.

*The NA (Narcotics Anonymous) and AA (Alcoholics Anonymous) were separate and I went to both. I got the most out of NA. **The AA was the least helpful because I'm not an alcoholic.** - Participant*

However, at least one treatment provider is tailoring the individual counseling sessions to what the participant needs.

*I let them come and blow off and **then we start talking about what's going on with them.** And there might be a family issue, a financial issue.*

*Basically, I guess **it's because I've known them so much that you can't treat them all the same way,** so there's not one particular method you can use.*

One of the participants agrees the individual counseling sessions are a positive experience.

*[What I like the best was] the treatment **on an individual basis** cause everybody has something that [substance abuse] comes from, their desire to use or whatever else, there's something that's troubling them and you can't always talk about those things in a group. - Participant*

One bit of treatment flexibility is the participant may chose to attend church rather than attend an Alcoholics Anonymous (AA) meeting. However, this decision is made by the participant, not by the treatment provider. An example of tailoring treatment to the individual is at least two participants have gone through intensive in-patient treatment at the Home of Grace in Mobile. Also, there is a clinical psychologist who can provide mental health counseling 2 half-days a month in addition to the drug and alcohol counselor, but it is not clear to the evaluators how often Drug Court participants took advantage of the mental health counseling or whether any participants had a dual diagnosis.

There was a great difference in age between one of the earlier cohorts and a later cohort. The Drug Court team realized the two groups could not be treated the same when it came to treatment, specifically when the cognitive behavioral therapy they were using (Moral Reconation Therapy or MRT) worked better with older adults.

*We found the first class we had was an older group, probably all of them were over 30 years old, between 30 and 40, probably one of them was in the early 40s. There were six members in that class. And now we've gone to everybody being in their 20s. It's a different ballgame. **It's a lesson learned that what works for this group doesn't work well for that group and we're still learning about that.** - Team Member*

Key Component #4

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

This key component specifies the type of treatment to be administered in the tribal wellness court—holistic, structured, phased, and incorporating the culture and tradition of the tribe. This is a tall order. Treatment was probably the weakest component in three of the four tribal wellness courts evaluated in this study. And treatment is probably one of the most crucial components in a treatment-based wellness court. Treatment issues include the lack or shortage of trained drug and alcohol counselors and mental health professionals on the reservation, lack of regularity of activities such as parenting classes or cultural classes due to the changing availability of funding and instructors, the inapplicability of much of the AA and other 12-Step materials to the reservation that is used as part of treatment, unfamiliarity with treatment options by the team members, and most importantly for the tribal wellness courts evaluated, a tribal justice system based on the state court model rather than traditional methods of dispute resolution. All four tribal wellness courts in this evaluation are in communities where many members do not practice the traditional ways. All four tribal wellness courts had to make an immense effort to bring a cultural component to their wellness court. One team member defined cultural education this way.

Cultural education is teaching students about the cultural ways—the total life ways of their ancestors, those religious, social, economic, and every aspect, what are those cultural ways their ancestors practiced for thousands and thousands of years. There's evidence of it all around, there's documentation on it through oral tradition, through artifacts, through books, there's a great deal of information available for students to learn

and know. We have some elders in our community who are very, very strong and powerful examples of how cultural knowledge has been transmitted from one generation to the next.

What They Did

The proposed treatment providers in the implementation proposal were the tribal Department of Human Services with its large out-patient clinic, the State of Alabama Mental Health, the Cherokee Unity Program (in-patient rehabilitation), and local AA and Narcotics Anonymous (NA) group meetings. The plan was the Department of Human Services would provide clinical assessments, make recommendations, and coordinate in-patient services. In addition, the participants would have access to the other services offered by the Tribe including the Department of Education for GED classes and job training and the Department of Social Services for help in family situations such as parenting classes. The original planning did not include a spiritual or cultural tradition component because the training the first tribal wellness courts received was based on the state court model.

It does not appear from a review of the case files that either the services of the State of Alabama Mental Health or the Cherokee Unity Program were used by the Drug Court to any extent. There are no residential treatment facilities on the reservation or in the vicinity. Participants who need intensive treatment before they start Drug Court, those using methamphetamine or crack, go to a commercial in-patient treatment center in Mobile. Three or four of the Drug Court participants have gone there for residential treatment. At least two of the female participants attended in-patient treatment (the Home of Grace in Mobile) before they started Drug Court. Both women completed the Drug Court program in a timely fashion (one of them twice) and have no known post-Drug Court arrests for alcohol or drug-related offenses. The cost of in-patient treatment at the Home of Grace is borne by the participant. If the

participant does not have the payment for the treatment up-front, the Home of Grace accepts a deposit with the remainder paid at the end of the 12-week program. The Tribe's policy is not to pay for in-patient treatment.

*This was a lesson we learned a long time ago, when we just dished out the money and paid for treatment right off the bat, \$10,000, and 30 days after they got out of treatment they were right back on the street. **If we make them responsible for their own treatment financially, they tend to do 90 percent better than those who we just open the door.** And so we learned that lesson a long time ago. - Tribal Administrator*

Almost all treatment is out-patient and provided by the tribal Department of Human Services and the Drug Court has experimented with different combinations of counselors and modalities to achieve the best treatment approach. The bulk of the drug and alcohol counseling during the 7 years of the Drug Court has been provided by a master's level mental health counselor who is a contract employee. She provides individual and group counseling. The directors of the Departments of Human Services and Social Services also have provided individual and group counseling at different times. These three counselors all have significant duties in addition to counseling the Drug Court participants. In addition, the Drug Court has access to both a Ph.D. clinical psychologist (2 half-days a month) who does the clinical assessments and an M.D. adult and adolescent psychiatrist (2 full days a month) who can prescribe medication. Both men are on contract and come to the reservation clinic from Mobile. 2004 Update: The Tribe has merged the Departments of Human Services and Social Services under one director and the former human services director is no longer involved in the Drug Court.

AA and NA are important elements of the treatment program. In the implementation proposal, four AA or NA meetings a week were required in Phase I, three in Phase II and Phase

III, and two in Phase IV. It does not appear from a review of the case files that many were required once the program started. Two intertwined issues emerged in group meetings that were barriers to the sharing and trust that need to occur for groups to be a success. There was a disinclination to share in group meetings because Poarch is a small community and participants know one another and group members were not keeping what was said in the group meetings confidential. For example, at one time the Drug Court had three participants who were first cousins to one another.

*They don't do well in group when it comes to working with their issues because they're related to one another; they are members of the community. . . . [AA and NA on the reservation] is not going to work because they're too close to one another, **they're not going to be able to discuss what they need to discuss in there for fear of it going outside those doors.** - Team Member*

The AA and NA meetings were held on the reservation until about 2002. Since then, participants can go to AA and NA meetings anywhere. Many attended the meetings in Atmore, but the Drug Court participants were not welcome at Atmore AA meetings because the Drug Court participants were not there voluntarily.

*They don't make them go to the ones in town, because some of the [nonDrug Court AA participants] don't like the Drug Court people because we have to go to those meetings, and we have to have papers signed, **they look at it different, like we're voluntarily coming to this as opposed to you,** you have to come, so you sit there and don't participate, then it's like you don't give a damn, but some of us do. - Participant*

As one team member commented about the AA meeting situation.

*This isn't New York, **there's not a hundred groups to choose from.***

As the program evolved, church attendance and another faith-based 12-Step program called ACTS (Adoration, Community, Theology, and Service) could be substituted for some of the required AA or NA meetings.

The Drug Court added two treatment components to the original plan as the program matured—a cognitive behavioral component (Moral Reconciliation Therapy or MRT) and a cultural tradition component.

The *Key Components* encourage additional training for treatment providers in the specific therapies and modalities used by wellness courts. One example of a specific therapy is cognitive behavioral programs that target the thinking and behavior related to criminal offending and attempt to change the offender's thinking, and hence his behavior and reduce recidivism. After about 1½ years into the program, all the Drug Court team attended a week-long training at MRT headquarters in Memphis and were certified as MRT facilitators. After training, the social services director and the probation officer shared the counseling load by leading MRT sessions. The MRT sessions were stopped for awhile because the program did not seem to be working with a later group that was younger in age, but now are being conducted again.

MRT was chosen for several reasons—MRT was mentioned at several of the drug court training workshops the team attended, one of the MRT principals was a presenter at some of the training workshops and is a prominent figure in the National Association of Drug Court Professionals (NADCP), and the team was looking for a structured program other than AA or NA. MRT was developed for an inmate population and its appropriateness for a drug court population has not been shown. Additionally, all of the MRT evaluations in the published literature are authored by MRT principals so it is difficult to critically assess the effectiveness of the program on recidivism in any population.

One of the team members, who was not supportive of MRT, sums up the concerns of the MRT program.

*I say from Day One it was someone who came up with a program to make money. They designed the program, they sold it, they sold the books, you couldn't get the stuff unless you came to their little training seminar which was some ungodly amount per person. Maybe it works; they had some statistics that seemed to indicate that it would. But, my impression was, it was all incarceration-based treatment, anything I saw was treatment programs for an institution. **It wasn't really tailored for a situation like us;** we have people out in the free world coming back in for meetings. They literally had a captive audience in prison and all, and maybe it worked for them. We probably did it for a year or so before we finally wised up. . . . I wasn't happy with the program. - Team Member*

The participants interviewed were divided as to their opinion of MRT; it seems the ones who gave it a try are happier with it and got more out of it.

*I personally liked the MRT whenever they had it. I went through my book and stuff, some people didn't. **[The Drug Court] quit just about the time it was real beneficial to me, very beneficial.** Even though you had to sit down and do and figure it out yourself, it brought out things that you didn't care to mention to other people, negative things that you needed to make positive about yourself. And then once you sit down with [a counselor] and whatever else, **that's whenever you could work on that individual issue, relationships that had gone bad, what caused it, what you could do to repair it, if it needed to be repaired, different things about you as far as being selfish, or what other people thought about you, what you thought about yourself, goals.** I don't really remember all that was in it, character defects. Things that you wouldn't have done if you weren't on drugs, the options of handling it.*

I didn't like it personally, it was homework to me.

*I did, I did it right before group. I'd sit in my car and my God, my God, I've got to have this done before I get in there. **I didn't look at it as beneficial. I just looked at it as something else they were making me do.***

*So, the stuff that they did as with the activities, the books, **I liked it because it was on coping skills, how to cope with not doing drugs, how to cope with your feelings with them coming back on you, also coping with the fact that you can't run with this person because of what they do, and your relapse.** They have some very good workbooks, it wasn't a one-on-one, you had to do some of the things with the group and interact with each other. We had one where we scored one another on how we acted, how we took this, and our feelings and everything. That way they could tell us what they thought about it. And I really thought that was good then, because if you get a group of people together, you're working together, you've got your support group, you can help another addict.*

The *Key Components* also recommend the tribal wellness courts incorporate a wide range of traditional healing activities such as cleansing ceremonies or talking circles. The Tribe's cultural program was started several years after the Drug Court began by the former education director who has a longstanding interest in the cultural history of the Poarch Band of Creek Indians. He was given carte blanche to do a cultural component and it is very successful. Participants also can receive community service credit by participating at cultural events such as the annual tribal pow-wow.

The Poach Band of Creek Indians participant and staff manuals state the four phases of the program are designed to be completed in 90 days each. In addition to the AA or NA meetings mentioned above, Phase I requires three treatment sessions (individual, group, or MRT), Phase II requires two treatment sessions a week, and Phase III and Phase IV require one treatment session. This is more treatment contact hours than originally proposed. Also, the

original plan was to have the first phase be 4 to 6 weeks in length. In actuality, graduates in the later phases did spend more than 90 days on average in Phase I, but half of the graduates did complete the later phases in 13 weeks (see Table 3). More information on the length of time spent in the program is in Outcome Evaluation, Program and Participant Characteristics.

Table 3. Days in Program by Phase for Graduates

PHASE	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
I	15	126	105	86	224
II	13	123	91	84	397
III	13	98	91	42	206
IV	13	108	91	84	278

Case management, the coordination of all the services (for example, job training, GED classes, parenting classes) is the responsibility of the tribal court administrator who also wears the Drug Court program manager hat.

Strengths

Cultural Program Integrated into Drug Court. The Poarch Band of Creek Indians has integrated an excellent, once a week, cultural education program into their Drug Court. It has the support of the Drug Court team.

*One of the things that strikes me most is that [the Drug Court team] even care to look at the cultural aspect, to make that a part of the Drug Court. That lets me know that they realize there's a value to it. . . . They'll tell you in a heartbeat that some of them don't know the culture. **But they have seen the value of it.** - Team Member*

The cultural educator developed the cultural program specifically for the Drug Court and found it necessary to reconstruct many of the cultural traditions.

*We lost it here by 1900; it was gone in my opinion, the strict traditional way. There was a remnant of it, a few words were carried on, the herbal knowledge, but for the most part it was pretty much let go of by the 1900s. . . . **We had to get this ourselves; we just couldn't get a book and read it.** When you start to do serious study of southeastern tribes you've got a few good sources, but outside of that there's not a whole lot and some of that is junk. . . . The last medicine man of this tribe probably died in the early 1970s.*

The cultural educator understands the value of cultural education to a person with substance abuse problems and how learning “who you are” and finding the “missing piece” fills the spiritual void that leads to the drugs and alcohol abuse.

*Learning about their culture gives them a foundation for their identity, who they are, who their ancestors were, the way their ancestors lived. . . . **The theme is the missing piece or between two worlds.** What I do with them, we took some time to explore, to compare, this is very generalized, Indian ways vs. nonIndian ways of thinking, the emphasis on competition vs. cooperation, we looked at a lot of that and talked about the fact that we're in a nonIndian world and helped them to find the aspects of themselves that are very Indian. **They still think that way, but they've never processed it, they realize they see things this way because they have an Indian background.***

The cultural education program is not the type of cultural class where the participants learn beadwork or participate in sweat lodge ceremonies, but is more of a critical thinking exercise, a process of self-discovery. For example, the participants went out into the community with questionnaires to do research on the community. They also had experience with oral history when an elder who was a renowned gardener and farmer was invited to the class and taught them how to plant by signs and talked about the early Poarch community.

*I think the value, the power of what we're doing in the cultural part . . . **is to get them to think about it.** There are no wrong answers.*

The cultural component is well liked and appreciated by the participants. In the Outcome Evaluation section, the participants highlight how the cultural class helped to increase their self-esteem.

***I like the cultural; each meeting's different and brings up different things.** Some meetings are like AA meetings or NA meetings, and some meetings are more cultural based, working more or less with treatment, some are drug based, what it does to you.*

*That's where [the cultural teacher] helped me a lot. I was raised not Indian at all. I was raised totally, you know what I'm saying, all I knew was my grandmother was real dark. I was raised with my father's people. . . . **I didn't know I was Indian at all.***

A Drug Court participant who was in the program when there were no cultural classes felt the lack of them.

*We never got it, you know, the cultural classes they do now. So, maybe if we learned something like our language or how to craft things, stuff like that, it would be better. You know, different aspects of what our heritage is, because I'm very deep into the heritage part outside of when I was in Drug Court, I did other spiritual things with my Tribe. **So, it helped me a lot too, so if they did different things like that, it would probably be good.***

One participant enjoyed the cultural class but did not feel the need for the cultural teachings.

*Basically you can go in there and talk about anything. He makes you look at it from a cultural point of view. . . . I like his meetings, I think he's a down-to-earth person and you can talk to him about anything. But, as far as the cultural part, like trying to find myself, I don't get into it like he does; you know what I'm saying? **I've learned a lot about my heritage and about my culture, but I don't think there was a part of me that***

was missing before, that I've had to find a gap to fill in, you know. I feel complete with myself, you know, as far as my culture and my heritage, yeah, that might be a part of me, but I don't feel that was a part of me that was missing.

Treatment as Structure in Participants' Lives. People who have substance abuse problems often do not have a great deal of structure in their life; they may not have jobs or attend school. The drugs or the alcohol may have taken over their life. The Drug Court program gives structure to their day by giving them meetings and treatment sessions and keeping them too busy to get into trouble. The Drug Court program provides them both short-term (finishing a phase) and the long-term goal of graduating from the program.

*One of the strong points is there is so much we have to do during the time that we have. In the first phase we had three nights a week for group, then we went to an AA or NA meeting. Then you had an extra night. You actually had seven in a week that you had to do, seven different activities in a week from Friday to Friday. Se, really we only had one night a week we weren't doing something, except for the weekends. So Monday, Tuesday, Wednesday, 3 hours was gone because you were in one group and went to another group. Thursday night was kinda don't do anything, you gotta spend some time with your family. Friday night you went to an AA or NA meeting. **So, I think that's good because you're keeping your mind off what you aren't out doing—running with the wrong people. So, I liked that part of it. That helped a lot.** - Participant*

*I think what surprised me when I first began to look at it was **the structure of it**, it surprised me. **I thought it was well thought out in terms of steps.** - Team Member*

Weaknesses

Poor Coordination of Counseling. The Drug Court relies on the tribal Department of Human Services to provide the individual and group counseling for the participants. Throughout a large portion of the Drug Court's existence, the majority of the counseling has been provided

by three people—the contract master’s level drug and alcohol counselor, and the directors of the Departments of Human Services and Social Services. None of these three positions is full time with the Drug Court. The problem is twofold; the counselors are spread too thinly and the participants do not see the same counselor every week. Two team members mentioned the coordination of the treatment providers as a weakness of the Drug Court.

*I think we have a good court, but this has been my concern from Day On—the treatment. I think that’s probably a lot of the team’s concern. In the trainings there is a lot of focus on groups and ours has gotten more individual. **I think our biggest problem with the treatment [is] they just don’t have one counselor. [The participants] don’t feel comfortable enough with any of them to discuss their issues.** [Counselor 1] one week, [Counselor 2] the next, and then [Counselor 3] the next week. They can’t continue a discussion week-to-week, and the counselors don’t know them enough to notice things.*

*It’s hard to get the three of [the counselors] together. It’s been suggested they all meet once a week. We used to not have anyone from treatment in staff meeting. I think what our problem is [Counselor 1] covers something one week and [Counselor 2] might do the same the same week. They all need to get together. We don’t have any money to hire someone to do treatment so we have to work with what we’ve got. We need to coordinate a little bit better. [Counselor 1] is here, she could be the contact person and communicate with them. **That’s been our weakness, the treatment, the main component.***

2004 Update: The tribal Departments of Human Services and Social Services have merged under the former director of Social Services who will continue with Drug Court counseling. So, there will be only two treatment providers providing the lion’s share of the counseling for the participants. This should help coordination of treatment, but it will be a heavy load in addition to their other duties.

Available After-Aftercare Not Utilized. In the drug court world, the last phase of the program is often called the aftercare phase. In the aftercare phase, the participant attends classes and counseling emphasizing his or her return to the community as a sober citizen. The soon-to-be graduate needs to find the support he or she has in the Drug Court in the community. Otherwise there may be a temptation to go back to old ways and return to substance abuse. The team members recognize the need for post-graduation support.

*I think [after-]aftercare would be useful, **it goes back to structure**, it's something they wouldn't admit to their therapist, but it's something they need in their life **and then when they complete the program, it's sort of taken away.** - Team Member*

*We had a participant who had done better than anybody we have had in the program. He was in his 20s, he had always used. Before he got into Drug Court he was getting hardcore. His problem was that he was using Drug Court as an excuse not to use with his buddies. His buddies would come around and he'd say, "I can't, they'll test me." **Even though he didn't want to use, he was using Drug Court as an excuse to say to his buddies he couldn't do what he didn't want to do.** - Team Member*

The post-graduation phase, or after-aftercare, can be difficult if there is a lack of support for sobriety in the family or community. Usually the participant cannot be court ordered to attend after-aftercare because he or she is no longer under the court's jurisdiction. Thus, it is important to encourage the participant to take advantage of the support activities available in the community. For example, there is continuing care counseling available at the clinic, AA meetings, and the graduates can develop a support network themselves through an alumni group or other informal get-together. The Drug Court could assist the participants in their wellness journey by targeting successful graduates and assisting in setting up a mentor program where the graduates serve as AA sponsors or mentors to recent graduates.

*Maybe they could try to get the ones in Drug Court to do things together more often. Have a monthly meeting when you get together or dinner. We did that in our NA meetings, every month we'd have an eating meeting, everybody would bring a dish. We'd sit and eat, but still talk. **I still support some of those folks, they know where I'm at and if they need to talk to me, they do.** Some of the participants, one of them got out of jail and came home and the first thing he did was to come and see me and tell me he was out, and we talked and I tried to help him to find a job and stay upbeat. He went back to jail because he let drugs do him in again. But if they know somebody is there just to listen to them, and not dog on them and tell them what they're doing is wrong. **I got back to the [NA] meetings in town because they would just sit there and listen, their saying was—I can share my experience, strength, and hope with you, but you would carry it on.** And I learned a lot from people who were 10 and 12 years sober from being crack addicts and losing everything in their life, including their family, their houses, their money, and I look at that and say, "If they can do it, I can do it." - Graduate*

*He actually requested to stay in the program after he graduated because of the support he was receiving with the Drug Court program. He was getting the support and reassurance to have the strength to fight this addiction. He had that network, **that's where the idea of an alumni group has come, a support network for people who get out of the program.** They've graduated, but how do you help ensure they have some support, I know they've talked about it because he really wanted to stay in the program. Literally he was scared what would happen without that support. - Tribal Administrator*

Too Little Family Involvement in Treatment. The participant's family could be more involved in the Drug Court, especially the treatment component. Not only would the family be more able to support the participant during the program, but also afterwards when the graduate is reconnecting with the community. Some of the families are involved in counseling offered by human services. Several of the team members mentioned the importance of involving the family.

*Although [the participant is] a legal adult, she still has interaction with mom and family, so I can try to build a positive support system. **To me it's very important to get the family involved.***

*Ideally you would have a family involvement, **involve the families more tightly**, we talked about involving the cultural classes [with the families].*

Family members seconded the suggestion there be more family involvement in the Drug Court.

***I think they should have some family meetings with [the participants]** because most of the time when they have these meetings, it's strictly for the Drug Court participants and the counselor.*

***I would like to have more family meetings, more family counseling. It would help us both.** I could see where he's coming from more and I actually know and I can see where his mind is, knowing that he has thoughts and things in his mind, things I may not see, he may talk about it more, communicate, talking helps it a lot.*

*I hope they add family counseling because I'd like to know, just sit in, see where we went wrong, **because it affects the family just as much as it does the participant.***

***Like I'm saying, Drug Court affects the family as much as it affects him.** I would like to see more family involvement, like in the program.*

Key Component #5

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

Monitoring in a wellness court usually includes a weekly sign-in, curfew checks, and frequent and random testing for alcohol and narcotics. Drug testing plays an integral role in the

wellness court because it provides a reliable method for measuring the participant's progress toward sobriety. Ideally a wellness court program has a probation officer of each gender whose full-time responsibility is monitoring the drug court participants. Tribal resources do not usually permit that and there is usually one probation officer with law enforcement officers covering the gaps. A positive test result usually leads to a sanction at the weekly status hearing.

What They Did

Alcohol and drugs are illegal on the reservation, but there are not enough law enforcement officers to enforce the laws. Both drugs and alcohol are a problem in the Poarch community. The team members describe the drug use seen in the participants before they enter the program.

Marijuana is commonplace, a daily thing for many people. It's not even considered a drug by many people. If you ask them, they'll say, "I don't do drugs, but I might smoke a little weed every once in a while." When they say drugs, they mean powder cocaine or crack or crank, methamphetamine.

*The ones that had the DUI charges, we know they're drug users, but they've never been caught at it. So, the fact they're still tested with the three panel or the five panel or whatever, that's very significant **because we know they're drug users.** But they've gotten in for all different charges and their charges are no different than the older group. I mean, they were arrested for the same things.*

*Ecstasy is getting big right now, especially with the 20-year olds and it's hard because ecstasy is hard to detect on the drug test. **Methamphetamine is really bad out here. A year ago it was crank and crack, now methamphetamine has taken over. Marijuana is always a big one.***

In 2002, meth is out here now. That wasn't really around in 1999, 2000, it was more of the crack cocaine, alcohol, and marijuana. But now, we've got two or three in the Drug

*Court that are dealing with meth, crank, different drugs of choice. **Alcohol is always a problem**, we're a dry reservation allegedly, not a dry county, but they do it on the reservation anyway.*

The Drug Court planning team's original idea was to hire a person as project manager for the Drug Court who would handle case management and probation duties. The project manager position was not filled and the probation duties were split between law enforcement and social services. The Drug Court has tried several different approaches over the years to monitor the participants. This has included:

- A police officer doing it part time as part of her duties,
- The chief of police filling in as a part-time probation officer,
- A person with no law enforcement experience doing probation full-time,
- The director of the Department of Social Services acting as a probation officer with police officer back-up, and
- A full-time probation officer as of 2002 and the current situation in 2004.

Originally, the Drug Court planned to test the participant's urine at least weekly in the earlier phases and as necessary in Phase IV. In actuality, participants are tested three times a week in Phase I at home or at the court and that is the number of times recommended by the *Key Components*—twice a week in Phase II, once a week in Phase III, and at least once a week in Phase IV. There is no advance notice of the testing. The test kits test for tetrahydrocannabinol (THC, the active ingredient in marijuana), methamphetamine, opiates, cocaine, and benzodiazepines like Xanax. The cost for the kit is \$8.50 each (\$25 if the test is sent to the laboratory for confirmation). Participants do not have to pay for the testing unless they disagree with a positive result and the sample is sent to the laboratory for confirmation and is positive. A

breathalyzer also is used when appropriate. The Drug Court also has experimented with 7-day, 24-hour drug patches with limited success, but will use the patches when frequent testing is difficult (for example, over the holidays or when the Drug Court members are out of town at a training meeting).

One recurring issue is the problem of the probation officer conducting urine tests on a participant of the other gender.

It's impossible for one person to do all the supervision. [The probation officer] was female so she couldn't go in a stall with a male to take a urine sample. There's no doubt in my mind we had people beating drug tests. It's so easy to do now, especially if they can go into a stall, or have their back to a person standing 15 feet away at the bathroom door, there's no doubt they can do it very easily. - Team Member

The court has dealt with this the best they could with limited resources—bringing in team members of the same gender to observe the testing or having the probation officer stand at the door to the restroom.

Strengths

Intensive Monitoring during Phase I. The Drug Court has conducted intensive monitoring, especially in Phase I, and especially when they have had a full-time probation officer. This monitoring consists of checking on the participants and conducting unexpected urine tests. For example, the chief of police who is a Drug Court team member has done curfew checks.

If I'm working an evening shift, I have gone to a bar to see if anyone was hanging out there. Another officer has done it too. We may go by their house to see if they're home if they have a curfew. We'll knock on the door if we don't see a car.

The former full-time probation officer also checked on the participants. Family members describe the supervision.

*She would come at different times, on the weekends, and knock on the door **and want to see [the participant], not just that the car was in the driveway.***

*[The participant] hasn't been going out. He has curfews. They all have a 10:00 curfew even on Saturdays unless they've got something going on to participate in. . . . **The one that we've had here recently, it could be every night, or every other night, she was very strict.***

*Now that's say the disadvantage of curfew, **but I see where they're coming from and I didn't mind it**, but I didn't mind it during the weekend, but during the week, I'd be getting up for work. But normally during the week, unless she had reasons to suspect something was going on, or if she got a call, which one time she did, he wasn't there, hadn't made it home in time, she had reasons to come . . . and then he had to face the judge Friday morning.*

*The law will come by our house **and check if she's home at that time.***

The Drug Court also does intensive urine testing for drugs and that made an impression on the participants.

*I stopped doing drugs the day I went to jail and I didn't start Drug Court until 6 weeks later, so I was already clean when I started Drug Court. Actually I failed my first urine test, but pot lingers a long time in your body. That was on a Friday, I think I took another on Monday or Tuesday and then it was starting to fade. By the time the second Friday rolled around, I was clean; it was completely out of my system. **My first 3 weeks I think I got tested every day. For this program, it was mandatory you did four drug tests a week for the first 3 months.** And if you did pop a positive, then they'd send it off to see if your levels were coming down.*

*The worst part of participating was probably the drug tests. So many, the vast number of them, I think that was the worst part. **Four times a week, you know.** Once a week is fine, but see that's mandatory. **Surprise ones, you can actually get done seven times a week, every day, it just depends.***

There was a point in time when we had to take one just about every day, four a week, three a week. I'm talking about every day.

I took one every day for 2 weeks.

Combined Roles of Counselor and Probation Officer. In a small wellness court such as this one, roles overlap and people wear two hats. Although some probation officers have been more law enforcement-oriented and the participants believed the probation officer was there to send them to jail rather than help them; there has been more than one person in the probation officer role who also was someone the participant felt he or she could talk to. Family members commented they noticed a difference when the person in the probation officer role was also someone the participant felt they could talk to.

*And the new probation officer tries to work out the problem with them instead of saying, "You're going to jail." **They're not scared to go talk to her and [the participant] is more happier now than she had been.***

*She's a therapist and works for social services and has really helped him, if he feels like he had to talk to somebody, if he's thinking of doing something, she's one he can call and talk to. **She's there to talk to him if he's done something, he feels he can go talk to her and she's not going to say, "You're going to jail," cause like she said, "the program is to help people who make mistakes and putting them in jail is no counseling for their problems."** It only adds to them cause you put them in jail for 7 days, well they've missed all that treatment, all that counseling, and they've got to start all over again.*

Weaknesses

Law Enforcement Officers Not Assisting in Monitoring and Supervision. Even during the times when the Drug Court had a full-time probation officer (including the current situation in 2004), one person cannot do all the supervision 7 days a week, 24 hours a day. There is a need in tribal wellness courts for other tribal probation officers or law enforcement officers who are not part of the drug court team to assist in the monitoring and supervision of the participants. Most of the law enforcement officers are aware of who the participants are and watch the participants' activities in the community. The law enforcement officers also will conduct drug tests that are documented by dispatch when the probation officer is unavailable. Two of the team members commented there is a problem with some of the tribal law enforcement officers who do not think the monitoring and supervision of the Drug Court participants is part of their jobs.

We have a couple of law enforcement officers that just don't feel like it's their place to check on them. No matter how much you tell them, "Yes, you need to." they just don't seem to understand it.

The police department is supposed to monitor them, but they don't. . . . They don't drive by the house or do a drop-in testing.

The monitoring and supervision of the Drug Court participants is part of the public safety function of the tribal police. To ensure full coverage, **all** law enforcement officers working in the Poarch community need to be encouraged to assist in this effort.

Drug Testing Procedure and Drug Test Results Not Documented. Although the Drug Court does do intensive drug testing, there does not appear to be documentation of the drug testing procedure or the drug test results in the court files. The *Key Components* suggest "[s]pecific, detailed, written procedures regarding all aspects of urine sample collection, sample

analysis, and result reporting must be developed and available for review by participants, team members and other concerned parties.” Also, the *Key Components* recommend a documented chain of custody for each sample collected.

Key Component #6

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

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

What They Did

The Drug Court manual lists the following sanctions:

- (1) make up required appointments, meetings, or assignments,
- (2) complete additional assignments,
- (3) perform uncompensated community service,
- (4) increase drug/alcohol testing,
- (5) increase Drug Court appearances,
- (6) be put back a phase or start over in the Drug Court program,

- (7) placement to an in-patient treatment facility,
- (8) incarceration,
- (9) termination from the program and referral to the tribal court prosecutor for prosecution on the original charge, and
- (10) additional sanctions not listed.

Incentives listed are:

- (1) charges reduced/dismissed,
- (2) fines/costs reduced/dismissed,
- (3) a certificate, plaque, and shirt at graduation,
- (4) a certificate at the completion of each phase,
- (5) a reception/party at the completion of each phase and at graduation, and
- (6) praise from the Drug Court judge and team for accomplishments.

Unlike some tribal wellness courts, the Poach Band of Creek Indians Drug Court does not use fines as a sanction. Additional incentives used by the Drug Court include taking a photo of the participant at the end of each phase to keep in the Drug Court's photo album, clapping by the team at the status hearing when a participant moves from one phase to another, awarding a participant with a t-shirt and clapping upon passing the GED, and participation at special events such as a cultural history conference in northern Alabama.

Strength

Recognition of Phase Advancement. Even small rewards for incremental successes are important in increasing the Drug Court participant's feelings of self-worth and achievement. The Drug Court team should be commended for the recognition they give participants at each phase

advancement. Not only is there clapping by the team and praise from the judge, but the participant is given a certificate with his or her name printed on it and a photo is taken for inclusion into the Drug Court photo album. A family member's comment shows how much the recognition of moving from one phase to another means to the participant.

*She's very proud of moving up to her Stage II and **I think they have some kind of little deal they're going to give them in the next couple of weeks, some kind of little certificate, she's asked me to come with her.***

There is also a graduation ceremony upon completion of all four phases where community members and the graduate's family and friends are invited. At this ceremony, the Drug Court team members and others who support the graduate speak in recognition of his achievement. The graduate is given a certificate and gifts and there is a reception following the ceremony. At the March 2004 graduation ceremony attended by the evaluator, there was a song sung by a community member celebrating the graduate's victory over drug dependency. A tribal administrator remarked the graduation ceremony is good publicity for the Drug Court.

*I think they do now, **I think as a whole, the community that chooses to look at [Drug Court], sees it as a positive thing and probably the reason for that are the graduation ceremonies.***

Weaknesses

Too Few Incentives. It was not possible to tally the incentives awarded from a review of the court files, so the number of incentives rewarded or what they were rewarded for is not known. But, there were several comments made in the interviews that the provision of incentives could be improved, that is, more encouragement could be given.

*We clap for them, we give them incentive type rewards, probably don't do a good enough job with that. **If we have a weakness, we may not give them enough incentive rewards***

for doing good. *It's probably partially financial and probably partially lack of planning on our part. I think we need to do a little bit better job with that, that's something we talk about as we go along, giving them more rewards.* - Team Member

*There's another part that's supposed to happen. **If you did well, you're supposed to get positive reinforcement.*** - Participant

*The only problem I ever saw with the steps and still kinda have a problem with it to this day. We've talked about fine-tuning this, as you progress up to Phase IV, and Phase III. **I think there really has to be a swing towards more encouragement.** They do have to make less court appearances as it goes by; I love that part of it. I love the part to vary the intensity of the structure and then you move forward. I really think if they make it to Phase IV, I think there needs to be a lot more freedom and encouragement. **More incentives, less sanctions. I think we'd really be safe to start kicking in the incentives about the third or fourth phase.*** - Team Member

It is not necessary to spend a lot of money on incentives. Incentives can involve a relaxation of Drug Court requirements—fewer drug tests, fewer meetings, or a later curfew. Some tribal wellness courts have had success in garnering in-kind donations from community businesses such as gift certificates for bowling or the movies.

No Graduated Schedule of Sanctions and Incentives. Both current and former participants commented they believe the application of sanctions is not consistent. It appeared to them there is favoritism and unfairness.

Inconsistency is the major thing, if you see somebody getting away with it and getting away with it, and you're not doing it regardless of whether you want to or not, and you see this one getting away with it, getting away with it, and you think, "What the hell? What the hell am I walking the straight line for and they're stumbling all over the place, it would be okay for me to slip up just this one time, or the next time." Inconsistency, I think for a certain slip up, there should be a certain sanction, like the same thing for

*everyone, like breaking curfew. . . . It's not in the book. **One can do it and the other can do it, and you can be in court the same day; this one on one hand will go to jail and this one is going to get 10 o'clock curfew regardless of how many times you messed up and how long you've been in the program. I think they should look at that.***

I can look around and see they're not consistent

*I'll tell you something else I dislike too and that's the sanctions because **sanctions don't go for everybody.** There's certain people that gets this and certain people that gets that and you know there's certain people get messed up 4, 5, 15, 16 times and don't get nothing except like 7 days in jail and then there's this one that don't mess up at all hardly, no drug test, no BA (breathalyzer), nothing like that and we get 7 to 30 days in jail for little stuff, like cussing in a meeting, that's stupid.*

*I signed up. I agreed to all the sanctions and stuff, **but I didn't agree to them being unfair.***

One of the Drug Court team members made a similar comment.

***Another concern I have is that our sanctions aren't consistent.** "Do we want to write these sanctions down if they test positive or miss a meeting?" We're throwing those ideas around now.*

A graduated schedule of sanctions (and incentives) would mitigate the perception (or reality) of inconsistent application of sanctions and incentives. For example, the first time the participant tests positive, this is the sanction; and the second time there is a positive drug test, this is the sanction, and so on. One of the team members commented the sanctions should be consistent, but also tailored to the participant to do the most good.

*Community service affects some and not others. Or we can jail and scare the hell out of some we've got and for some of them it's just a weekend away from home. I know that we've got to be consistent as far as the levels of sanctions, **but I think we need to take a***

look to try to tailor them to get the most effect and reinforcement from the sanctions for each particular person. - Team Member

There is a great deal of truth in that statement, but because the sanction of jail and its concomitant restriction on individual freedom is of a different degree than a requirement of additional drug tests or extra meetings, more care needs to be taken in meting out the sanction of jail. The use of incarceration as a sanction needs to be in writing and known to the participants. Also, the *Key Components* recommend whenever incarceration is used as a sanction that treatment should be provided to the incarcerated participant.

Key Component #7

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

This key component acknowledges the leadership role the judge plays in the wellness court and how integral the judge is to the success of the wellness court. An effective wellness court judge is able to be both leader and team player. The judge's responsibilities in the wellness court include learning about substance abuse and treatment options, participating in the legal screening of potential participants, setting the tone of the drug court at the participant's initial appearance, attending the weekly case staffing meeting to prepare for the status hearing, and presiding over frequent status hearings to establish and reinforce the drug court's policies. Although the wellness team weighs in on whether to impose a sanction or award an incentive, the meting out of sanctions and incentives is done by the judge at the status hearing.

What They Did

The Poarch Band of Creek Indians has had the same Drug Court judge (who also serves as the tribal court judge) since the inception of the court in 1998. They have had the luxury of

the same judge involved in the planning, implementation, and maturation of the Drug Court. The judge is law-trained, a former Alabama state court judge who grew up and lives in a nearby town, and of Poarch Creek descent. The judge knows the community and over the years has earned the respect and trust of the community and the Drug Court participants. The judge attends the weekly staff meetings and presides over weekly status hearings of the Drug Court. The participants appear at a single session every Friday morning and go before the judge one by one.

*The once a week thing in court was really good too **because then if you know that you've got to go in front of a judge every Friday, for me, that's what kept me straight, not doing anything wrong.*** - Participant

Strengths

Judge as Team Player. The team members are unanimous in their estimation of the judge as a team player when it comes to making decisions about the participants. As mentioned earlier in Key Component 1, the Drug Court shows excellent teamwork in decision making and it is the judge who sets the tone.

The judge is real good about listening to everyone on the team before making any sort of decision.

But before decisions are made like that by the judge, it's discussed and he's always asking us, what do you think? Do you agree with this?

But he asks for input and I always say, all the times I've observed, if he's gotten his mind that this person has got to go to jail and we start all speaking up and saying but wait, he's going to listen to us and generally go the way we, you know. I've never gotten upset with his decision. That might change, I might get upset with him next Friday and I'll let him know if I do.

*The judge is going to make the final decision as to what we're going to do with somebody; we all have input what we're going to do with somebody, especially if somebody gets into trouble. **But we'll talk about it; he'll ask what the consensus is.** He generally goes along with what the group says because he knows that all he has to go by is what we tell him. One of us may hear something so he relies on that.*

The final decision, though, is the judge's.

*When we don't all agree, **then the judge is the deciding factor** and we don't agree with what the judge decides sometimes. But you have to accept that.*

*When the team disagrees what should be done, ultimately [the judge] makes the final decision. **Most of the time we make suggestions and come to a consensus.** [The judge] will go around and ask everybody what they think and then asks what the consensus is.*

*Well, sometimes the judge does have a different opinion than the rest of the team, but he generally goes with our opinion. **There's been a few times he's had to make a hard decision and a couple of us kind of spoke out a little contrary to what he said, but I could understand. Ultimately, I respect his decision.***

Judge's Good Relationship with Participants. The judge relates well to the Drug Court participants. He is respected, yet approachable. The judge usually wears a business suit in Drug Court, rather than judicial robes, because in his mind the robes create an adversarial image. He describes his relationship with the Drug Court participants.

*Drug Court is a lot more informal than regular court, very informal, and I've gotten to know the participants very good, developed relationships with them, particularly the last class we had. [The Drug Court program manager] scheduled a lot of events; we would eat and play volleyball, play basketball. I love to play basketball. I would talk about basketball and they challenged me, I played them one-on-one, two-on-two, really got to know them and what their problems were. **So the relationships I developed kind of***

surprised me some, I didn't think that would happen, not being the judge, the judge is not supposed to know these people.

Participants and family members respect the authority of the judge, yet realize he cares about the participants.

I can talk to the judge. He put me in jail a couple times because I used to be high-strung, real attitude; I had a real bad attitude when I first started Drug Court. As soon as he put me in jail we started seeing eye-to-eye. He showed me it was his way or no way. - Participant

He's been really good with [the participant]. He gives [the participants] a chance, . . . he has really given [the participant] a chance. - Family Member

Key Component #8

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

Program monitoring and evaluation activities are a component often overlooked in the bustle of implementing a new program, yet these activities are crucial for wellness court success. Monitoring during the course of the wellness court provides feedback as to what practices work and what practices do not work and allows for timely modifications to be made. A process evaluation, comparing what was planned to what was actually done, in the early stages of the wellness court is another way to fix what might not be working and reflect on what works and what does not. An outcome evaluation that measures the “success” of the wellness court provides information to the court and to outside funding agencies as to whether the goals of the

wellness court are being achieved. Good record keeping from Day One that gathers data to be compared against specific and measurable goals is the core of informative monitoring and evaluation. Ideally, the record keeping system is automated, integrates the legal and treatment information, and generates a variety of reports.

What They Did

The Drug Court program manager developed a number of forms for record keeping: a demographic questionnaire, a monthly calendar for the participants, a list of requirements to be met, a participant status report for the case file, status reports for probation, treatment, and meetings attendance, weekly attendance reports to be signed, sanction and incentive summary sheets, and criminal activity summary sheets.

Although the Drug Court team has not had regularly scheduled staff meetings to internally monitor the progress of the Drug Court (as opposed to the progress of the participants), they have informally noted problems and made adjustments to the program to improve the situation. The Drug Court had a process evaluation conducted in January 2000 by Correctional Counseling, Inc. of Memphis, Tennessee as required by the implementation grant. The report made six recommendations that the Drug Court team addressed in a letter to tribal administration in June 2003. The Drug Court made changes in response to four of the recommendations in the areas of adding a list of incentives to the manual, documenting incentives and sanctions, reducing the number of AA and NA meetings and drug testing in the later phases, and adding a cognitive behavioral component. There has been no formal outcome evaluation, but the team does try to keep up with the participants after they exit the program. The current probation officer has contacted several of the graduates for updates on their progress. The court also had

an evaluation performed by the Center for Excellence in Public Policy as part of their grant in 2004.

Strength

Case Files Well-Organized and Well-Kept. The court administrator/Drug Court program manager and court clerk originally were responsible for the Drug Court case files and now the probation officer is responsible. The files are kept in a file cabinet in the probation officer's office. The files are in two parts—the main body of the file that may be in two or more paper files and a “summary” file containing the latest information on the participant.

I think [the court administrator] has done a great job in simplifying. I open that [summary] file, and know what's going on. - Team Member

Weaknesses

Drug Court Case File Information Not Automated. At the present time, the Drug Court has a file cabinet full of information rather than a Drug Court database. There is a great deal of information about the participant and his or her progress in the paper Drug Court case file, but the information is not easily extractable for monitoring and evaluation activities. For example, it was difficult to collect information about the number and types of sanctions and incentives for this evaluation. An improvement would be to automate the Drug Court files. Not only would this make it easier to analyze the information contained in the files, but electronic files take less room to store than paper files. The Drug Court does not think they need to computerize the Drug Court case files because they are a court with a small volume of cases.

If we were computerized, it would be even better, but we don't have the caseload to make it necessary. - Team Member

However, the volume of information that accumulates over the course of a year or more on one participant and the benefit that accrues with automation does justify the computerization of the case files. An off-the-shelf database program, such as Microsoft Access or Excel, would serve the purpose and allow for monitoring and evaluation activities. The information collected should include the demographic characteristics of the participant, job training, education and employment information, criminal history information, and treatment information (such as SASSI results). Also, any automated system needs safeguards, such as the use of passwords and limited user access, to protect against breaches of confidentiality.

Lack of Regular Reviews. This weakness is in conjunction with the recommendation in Key Component 1 to have regularly scheduled staff meetings to review the progress of the Drug Court. The *Key Components* recommend the review of internal monitoring reports to “analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.” An automated Drug Court database would make it easy to gather and organize the information for regular review. Ideally the Drug Court would use an outside evaluator’s expertise to determine what information should be collected.

Key Component #9

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

The focus of this key component is the interdisciplinary education underlying the success of the wellness court team; the court players need to learn about the treatment process and the treatment players need to learn about the court process. All key personnel have to have at least the minimum required education and experience to perform their wellness court responsibilities and benefit from cross-training and continuing education. Interdisciplinary education may

include DCPO trainings specifically designed for tribal wellness courts or more general conferences such as the annual NADCP conference. A written education syllabus and curriculum describing the court's program needs to be developed for personnel who come on board after the initial flurry of training to share the values, goals, and operating procedures of the wellness court.

What They Did

The Drug Court team attended two required drug court planning workshops sponsored by DCPO in the late 1990s. The first training in Stillwater, Oklahoma was training for state courts planning a drug court. One team member commented.

*That was okay with us because our tribal court is modeled on the state court. Some of the tribal courts have more traditional methods, like resolutions, where we don't. **We kind of just picked up and went with that** where a lot of the other tribes had problems relating.*

By the time of the second training in Louisville, Kentucky, NADCP was starting to develop specific wellness court training for tribal courts. The team thought the training they received from DCPO, TLPI, NADCP and later the Native American Alliance Foundation (NAAF) was very helpful in getting them started.

*I think the trainings from Janna (Janna Walker, at the time with U.S. DOJ DCPO) and the Tribal Law and Policy Institute were real good, got us going. **Once they switched over to tribal [training] it was really good. You could get ideas from other tribes; I think it was very helpful.***

*We had good training. NADCP put some good training on, got me looking at it that way. . . . I think [the training] was as good as it gets, I don't have anything to compare it to, but over the years I've gone to other tribal court trainings, the training we had was very adequate. **Jerry Gardner [of the Tribal Law and Policy Institute] was a big help. He***

can get down to the nuts and bolts and identify problems, and suggest solutions because when we started, we didn't know anything about drug court as you know.

*I think the thing that really helped us was that we attended several of those planning workshops. It gave us a good overview of what we needed to put into place and then we visited other state [drug] courts in Pensacola and Mobile. Having those things available made us a little bit stronger. **There were people you could look to who had already done it and we did get our materials from some other courts.***

*The training the Drug Court sent me on was a big plus; I learned a whole lot about the Drug Court program. **The training was very valuable to me, maybe because it was new to me, the Drug Court training was new to me. I feel so much better knowing that.***

One member commented he would have liked more training on the specifics of wellness court operation.

*Some of the ones that were put on when we were first starting out I came away from them still feeling there was a big void there in terms of knowledge. **We talked a lot in abstracts, you know, the touchy-feely, "let's all feel good about it" type of thing, rather than get to the nuts and bolts—this is how you operate a drug court.** I guess it's like anything else, I've been to a lot of trainings for other parts of my life and you have good ones and you have bad ones.*

The team also observed three mentor state drug courts in Stillwater, Oklahoma, Louisville, Kentucky, and Pensacola, Florida during the planning grant period.

The Drug Court members attended NADCP annual conferences and team members found those meetings very productive in terms of knowledge. Team members who started with the Drug Court after the initial round of trainings also have received training on drug court topics. The current probation officer recently went to substance abuse training at the University of

Alabama, the new court clerk went to MRT training in Memphis, Tennessee, and the (relatively) new prosecutor went to the annual NADCP conference.

Strengths

Team Attendance at National Trainings during Planning Stage. Educational and workshop sessions at national trainings and conferences are most productive when several team members attend as a group. The Drug Court team used their planning grant funds to send the team members as a group to the original round of trainings. Three core members (tribal court administrator, Department of Human Services director, and probation officer) attended the first training in Stillwater, Oklahoma, and three additional core members (tribal judge, Department of Social Services director, and the chief of police) were included in the second training.

*We've been to various trainings as a group. **The majority of our training has been that at least two or three of us go at a time.*** - Team Member

Team Attendance at National Conferences to Stay Abreast. Different combinations of Drug Court team members also regularly attend the annual meeting of NADCP and appear on panels for NADCP's tribal training track. Now that the Poach Band of Creek Indians Drug Court is implemented, team members attend regional and national conferences to stay abreast and learn about innovative advances in drug courts as well as to revisit and fine-tune their wellness court. One team member commented about a training several team members had recently attended,

*We attended one in Santa Fe last year because it was required for the grant and it was really good for the team because we had to look at our mission, goals, and do an action plan. **It was a very good workshop.***

Mentor Court to Other Tribes. The Poarch Band of Creek Indians Drug Court has served as a mentor court to other tribes since its inception. NADCP and NAAF arranged for other tribes to come to the reservation to observe the weekly staffing meeting, status hearing, and graduation ceremony as part of the visiting teams' wellness court training. The judge and Drug Court program manager are members of the Tribal Advisory Committee (TAC) that provides consultation and support to DCPO.

Weaknesses

Repetitive Training. Now that the Drug Court is in its seventh year, it needs to guard against members attending repetitive training and to match training to the needs of the individual staff members. Some of the problem with repetitive training in the past may have been related to a lack of training options offered due to the newness of tribal wellness courts. As mentioned below by one of the team members, NADCP's annual conference offers many different tracks besides the tribal training track.

*A lot of the NADCP [tribal training] stuff after the first 3 years, we've heard it. **When I go to NADCP, I like to go to the really educated guys and hear the effects of methamphetamine, different things on the brain. . . . But, I've heard all the wellness court track before; it's for people who just got planning grants.***

*Some of [the trainings] were very useful and some were repetitive. **We've had some where we learned a good bit and some that was a rehash of what you had before.***

*I've gone to trainings, I've been to good ones, I've been to bad ones. **NADCP meetings we've gone to are probably the most productive for me.***

In addition, the Drug Court team might consider collaborating with the nearby state drug courts in Brewton and Mobile, Alabama and Pensacola, Florida to bring in speakers on specialized drug court topics.

Lack of Written Materials for Cross-Training and Drug Court Institutionalization. The tribal court administrator/Drug Court program manager with the assistance of the judge and prosecutor developed detailed participant and staff manuals describing the development of the Poach Band of Creek Indians Drug Court, its goal, requirements, and responsibilities of the team members and tribal agencies. In addition, the *Key Components* recommend a wellness court develop an education syllabus and curriculum that can be used for cross-training purposes. This could be a series of loose-leaf folders containing articles on different topics. One set that goes into detail on the nature of alcohol and drug abuse, its treatment and terminology, and knowledge about the dynamics of abstinence and techniques for preventing relapse would be for the team members from the court arena. Another set could contain articles on the basic legal requirements of the program and an overview of the local criminal justice system's policies, procedures, and terminology for the team members from treatment. Also recommended to be included are drug testing standards and procedures and wellness court confidentiality requirements. In addition, the cultural education director could prepare a reading list for the Drug Court on cultural topics and include the articles. This information can be used as a resource for new team members to familiarize themselves with the Drug Court and help to institutionalize the Drug Court.

Key Component #10

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

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

What They Did

Tribal administration is well aware of the activities of the Drug Court due to good communication between the Drug Court and tribal council.

I do know as a council member, we're kept informed, what's going on, what the activities are, what we're doing, if there are any problems with the program that need to be addressed whether finances or support for an additional program that they feel would be a help and really enhance our program to that extent, but not on a day-to-day basis.

The Drug Court has made many efforts to increase community awareness about the Drug Court. For example, the Drug Court has invited tribal council members to graduation ceremonies, put announcements of Drug Court activities in the tribal and Atmore newspapers, had luncheons for Drug Awareness Month; but the greater community did not respond. The team members are frustrated by the lack of community interest in the Drug Court.

We have tried; it is real hard, real hard, to get community awareness around here. Our team, the tribal court administrator especially, she has put on community awareness dinners, different support things, we've had luncheons and you have a handful of the

same people show up. **I don't know how to get out to the community. I don't know how to make them aware.** You can tell them as much as you want by word of mouth, but it doesn't always work. And there is so many people who are automatically against the court system, whether it's tribal, drug court, whatever. They just think the court system is out there to do you harm, to ruin your life. And they just do not understand, we're trying to help, not hurt. We're slowly getting an audience, look how long it's took and we're still nowhere out there. We've got a long way to go.

We've had some community meetings, but there was very low turnout. We've done some things about Drug Court or domestic violence and we've had very poor turnout.

I totally expected the community to be more aware. It's like you get on the bandwagon and you expect everyone to be as fired up as you are. I'm real surprised the community has turned a deaf ear.

I don't know why [the tribal leaders] don't come and we send them notice a month ahead. But we keep doing it, sending them invitations. We asked them to do the prayer, they haven't done it. **I think if there was more participation by the leaders, the community would get more involved.**

One problem any drug court has in promoting community awareness is the concern not to breach the privacy of the drug court participants.

And that's a catch-22 because yeah, you're proud of your people who actually have done well in the program, **but I don't think any of them want to volunteer to be the poster child for a recovering addict.** So, I mean, it's like you've done a good thing, you've got some good people involved, but you're bordering on the line of breaching someone's personal information to say, "Hey, we've successfully had this happen." It would actually come down to that person wanting to share the information. **And some people honestly are really ashamed of their past behavior, so you don't actually quote get the advertising.** Sometimes there's a good program going on and everybody knows about it.

We do put their [graduation essay] in the newspaper. What I meant by poster child is, are they willing to speak to a class of high schoolers, "Hey, I had a past drug and alcohol problem, it led me to this and this and this." - Team Member

Strengths

Tribal Council Support. Although some Drug Court members are disappointed and frustrated that the tribal council members do not regularly attend Drug Court activities and celebrations, the council members must think highly of the Drug Court because they funded the Drug Court in September 2002 when the federal funding ended and are still funding the Drug Court. A tribal administrator made this observation.

*You can tell these people if they want to complain about their daughter or their son, we can show them what we've done with other kids, what their child can be doing, **the same thing can happen to their child.***

Law Enforcement Integral Part of Team. Another strength of the Drug Court is law enforcement is an integral part of the team. Both the chief of police and various officers have been closely involved with the Drug Court. The *Key Components* believe a partnership between the court and law enforcement builds effective links between the court and offenders in the community. It is especially crucial to win the cooperation of law enforcement because the values of a treatment-based drug court can be antithetical to a law enforcement personnel's training. A member of the Department of Public Safety noted how his understanding changed.

*I got a better understanding of something different from the police point of view. In the academy you're trained to go out and arrest people who are doing wrong and lock them up. When you're a young recruit, you're gung ho, you're going to save the world from themselves and do all this good stuff, but after a while, you get in a few scrapes, **you realize there is another way to handle the situation and you start to use your mouth and head more to make arrests and handle arrest, go with experience.** Later on, you*

figure you've arrested this guy seven times in the last 4 or 5 years and you wonder if he's just that sorry or maybe he's not really that sorry a person, and something else is eating on him, and it could be drugs. It's a crying shame right now, if you have three felonies, you have a minimum sentence of 15 years, you could be serving life. The prisons are crowded, the jails. You've got people sitting in jail who should be in prison, but they're full. And you've got these other people who should be in jail or prison, but all these thefts are taking up space.

Weakness

No Community-Wide Steering Committee. The Drug Court should form a steering committee with some members from tribal departments already represented on the Drug Court team and other community organizations not now represented on the team, such as tribal council, commercial treatment agencies, the community college, the municipal and county justice systems, defense counsel, corrections, community leaders from both Poarch and Atmore, and the faith community. The purpose of the steering committee is not to duplicate the work of the Drug Court team in assisting the participants in their journey to wellness, but to provide guidance and direction to the Drug Court program. The steering committee would meet regularly, but not as often as weekly or monthly. Ideally, participation on the steering committee will strengthen the links between the Drug Court and community organizations with a minimal time commitment from the community representatives.

Outcome Evaluation

I think we got a lot more successes than we have failures. - Tribal Administration

The *Key Components* define an outcome evaluation as “gathering information to determine a program’s success in meeting its goals. An outcome evaluation may look at a program’s impact on the individual and on the community.” The goal of the Poarch Band of Creek Indians Drug Court is to target nonviolent adult offenders to achieve a reduction in recidivism and substance abuse and increase the likelihood of successful rehabilitation.

Did they achieve their goal? This outcome evaluation will look at the impact of the Drug Court on the participant, the family, and the community from the perspective of the participants, family members, Drug Court team members, and tribal administrators. Outcome also will be assessed quantitatively, examining the number of participants, number of graduates, and recidivism rate.

Qualitative Component

Impact of Drug Court on Participant

The overall impact of the Drug Court on the participants is an increase in self-esteem and reclaiming of a life that had been lost to substance abuse.

Participant’s Perception of Impact on Participant. The participants described their pre-Drug Court life in less than sunny terms.

Before I came to the Drug Court program I was killing myself and I didn’t know how to stop. I had been in and out of various treatment centers. However, I was unable to make a breakthrough and find the root of my problem.

[I chose to participate] cause I was on drugs. I was using methamphetamine and other stuff and I decided to get my life straight for me and my kids.

Participants can measure the impact of Drug Court on their life in concrete terms such as clean drug tests and GEDs earned, but more importantly they regained their self-esteem and reclaimed their life. Current participants and graduates spoke eloquently as to what Drug Court meant to them and how participation in Drug Court changed their life.

*I think Drug Court is great. **It saved my life.** I don't know where I would be right now, where I would be, or anything like that. I'm really appreciative to what Drug Court did for me.*

*My life has changed. It was for the good, I'm not running the roads, I ain't worried about getting messed up. **In the long run, just seeing how my life has changed for the better, how it's not going to be a dead end like I always thought it would be.***

*It opened up more doors for me, going to school. **I see things different, in a new light, not being on drugs.***

***It's helped me as far as school and goal orientation** I guess more than anything.*

Getting my schooling and my life together.

*I have learned many things in this program. I have learned things about myself that I may not have ever learned on my own. It has helped me to realize what I have done to my family and friends over the past years. I have been dishonest with myself and others around me. **In the past year I have learned that I can have a happy and meaningful life without using drugs, without being dishonest with people, or using people to get what I want.** I have learned that honest hard work is more fulfilling than using ever was.*

***My experience with Drug Court is being clean, it's the most important thing, not having all these drugs in my system to where I can't function or think.** Just to see my kid without being on drugs and being on alcohol, and spending time with him, being able to pass a drug test for a job when I go for an interview. It's just helped out a lot with my*

*family life and my social life and my business life. It's been actually a good thing for me. It's not all bad. I wouldn't be where I am today if it wasn't for Drug Court. I'd probably be out there running wild. **In a lot of ways, this gave my child back his parent and it gave me back my life and it's made me set goals for myself and achieve goals for myself.** It's not all bad, you know, in the long run, **it's the best thing that could have happened to me.***

***It was a good experience for me because I learned better ways to control the stress in my life instead of using drugs.** I learned more about myself from the inside, what I see compared to what other people see, because you're always your own worst critic. So, I learned a little bit about myself and how to take care of myself better. And that was because of the therapy and the group sessions that we did, and some of the little games we did, and worked on books on what our feelings were and how we coped with them. It worked out real good in my benefit, it did.*

The cultural program in particular helped the participants reconnect to the community and increased their feeling of self-worth.

*I like the cultural meeting. **It helped me out with the community, and helped me understand it more. I just like learning about the Indians and our culture.***

[It] helps you more get into functioning with society and how to get back into people.

*We talk about a lot of things, we talk about my community, we talk about the people that's in there, **it's making me want to help people instead of hurt people.** Like I said, before I was a real tough person, all I used to do is try to jump on people, and you know, things like that. [The cultural educator] shows me as an individual that I can actually do good for our community instead of trying to bring it down like some other people do. You know, build something big and then it might do something for me. Plus, we do presentations a lot and that right there helps me out a lot too because then our community can see the good in you instead of the bad. And it helps a lot too.*

Family's Perception of Impact on Participant. Family members recounted concrete achievements such as earning a GED and the more intangible achievement of fighting substance abuse and reclaiming a life that had been lost.

*He had trouble finding a job around here, a small town, but then he started with the Education Department working through a training program. And he's got a grant now to go to school; he's going to school at Jefferson Davis. **And it's bullied his spirits up, his life, see, there is life out there, you just got to reach out for it.***

***I seen it improve her life.** . . . My father was an alcoholic coming up . . . he was an alcoholic as long as I can remember.*

*I felt she needed it and **it has helped her.***

*She was on drugs real bad, she was drinking real bad, she was running the roads, she got down to nothing from drugs. And now she's cleaner than I am; she's doing real good, she's married, doing good for herself. And I think the Drug Court brought her through a lot. **She made a 90 degree, sure did.***

Team's Perception of Impact on Participant. Drug Court team members emphasize the change in attitude and increase in self-esteem they see in the participants and the overall improvement in the participants' lives. For example, two participants who received their GED while in the program are starting college for the first time.

***You can tell their self-esteem just skyrockets.** You get one of these people, for example a driver's license, and they're 28, 30 years old and they've never had a driver's license and all of a sudden, they have a driver's license and they have a good paying job, the clothes change, they seem to eat better, their whole self-esteem just sky-rockets. I've seen some great changes. I've seen some changes in all of them, some more than others. One young man, when he first came in, he always held his head down, now he*

*speaks and holds his head high, he's got some self-esteem. **Their attitudes have changed, they don't get angry and some of them show a lot of respect.***

*I think a lot of them learned responsibility. Some of them may drink a beer or smoke a joint once in a while, but they're not smoking crack or doing meth. **Any improvement is an improvement. That's the reason why I think the Drug Court has been successful, it has improved their life an awful lot, it really has.***

*One of our older participants that was in the group 3 years ago, everybody gave up on that person, but we still hung in there and did what we were supposed to do, the health department, the counselors, the judge, social services, education, everybody was like we're not going to be able to help this person. . . . Later on they told us that the Drug Court saved their lives. **And that person to this day is still a good solid citizen, no drugs, no alcohol and when you see one that you've helped, that everyone gave up on, and it makes it all worthwhile.** They'll tell you to this day, "Drug Court saved my life."*

*To me the strong points are it doesn't matter if it's one person or a dozen people, **I have seen a change because there are people who would not have gotten a driver's license, would not have gotten a GED, would not have gotten a job, would not have tried to maintain a household.***

Tribal Administration's Perception of Impact on Participant. Tribal administrators spoke of two success stories.

*I've seen her in peaks and valleys, I see her now and I'm able to carry on good conversations with her. I see her as much better than she was. I kindly feel comfortable that the Drug Court had a little bit to do with that. **I think this affected her, it said to her some of us do care for you and are here in case you need help and she's moved back to the community and she's functioning and holding a job.***

*She went through the program; she participated in the job training program. She started out, got her GED, working with the kids after school with tutoring and now works for the tribe in Human Services. She's a real good example; she made a decision that her life was going to be different. **Is that all Drug Court? No. But did we help give her some of the tools to be able to make those decisions and help her along the way? Yes.***

Impact of Drug Court on Family

The Drug Court has had a positive impact on the families of the Drug Court participants who stopped their substance abuse and reassumed the responsibility for their family.

Participant's Perception of Impact on Family. Participants speak of their motivation of getting clean for their family.

*Now I will take the time I have left and work hard to earn the respect and trust of my family and friends back, **and work hard to build a better life for my wife and children.***

*I learned that [smoking marijuana] is not something that I want to do, it takes away from me, **and it takes away from what I can do with my child.** I have a 6-year old, he watched the cops bust us, he watched the cops put handcuffs on me, he watched them put me in a police car and drive away with me. So, that was an eye opener for me. **They say to do it for yourself, you gotta want to do it, but I did it for my kid because I learned I could spend more quality time with him and not be high and pay attention to him.** I learned different ways to get rid of stress.*

*My husband and I got arrested together, but he didn't get to go through Drug Court because he's not a tribal member. So he went through regular court, he did good. . . . **Things are different; I see things in a different light now that we can do things together unlike what we did together which was doing drugs.***

Family's Perception of Impact on Family. Two family members spoke of differing experiences regarding the effect of Drug Court on their family; one saw a positive effect on

family relationships and the other found having a daughter in Drug Court was a burden on the family. The woman whose parents found her Drug Court participation a burden eventually was terminated for noncompliance.

*Me and [my son] have a better relationship. . . . He's not ill-tempered and snappy, I mean I can ask him questions and I get an answer. Before I didn't get anything. Go in the room and turn the music on, TV on, that's it. **It's not that way now, he gets up, he respects me now, where before, I know he loves me, but he shows me a little respect now.** He doesn't have drugs in his system now.*

***It's harder on me than [the participant] because I'm the one who has to sacrifice,** maybe taking off work to go and get her, and bring her back, take her back home, and then go back to work. I mean, I work through my lunch hour a lot of times to sacrifice and go get her and take her to these meetings. . . . My husband drinks. [The Drug Court experience] hasn't affected him in no way. He don't like to see her on the Drug Court because he thinks it's more of a burden to him than to her.*

Team's Perception of Impact on Family. The Drug Court team members' perceptions of changes in the participants' families emphasize the participants' assumption of responsibility for their family, the increase in the awareness of substance abuse within the family, and the improvement in familial relationships.

*I have seen positive turnarounds for them whether or not they are young. Whether or not they are 100 percent clean and sober, I don't know. **I can see the positive parts as far as them being employed, taking care of their wife, their kids, and just turnarounds in that aspect.** You can see them being more productive.*

*He started paying child support and made a commitment to start seeing his children, **started taking care of them financially, emotionally, and spiritually.***

*[We see some changes in families], we get a lot of support from them. I think it raises their awareness of the problem. It educates them somewhat as to what's available to them through the treatment programs because the family members may have to go to AA or NA, or to their treatment, they're always going to be conversing with them about what's going on. They may go to the house where the participant is living with their parents and drug test them or urine test them. **It raises that awareness; the family becomes aware of what the problem is and what the Drug Court is doing to try to help.***

*In some instances I've seen positive changes, not only in the participant but in their extended family. **I've seen a lot of mended fences between parents and children and siblings.** Folks that haven't really talked with any substance or meaning are able to reconnect and rebuild some bridges. **Some of the participants I think have been surprised by the reception they've had from family members and the support they've got from them.** The family members had been lied to and stolen from and taken advantage of for so long and then they see the Drug Court as a positive change. For the most part they give their families a second chance to really be a part of it.*

*There's been a couple of families, I won't say several, **that have actually thanked us and hugged our necks and just really thanked us** because we got their kids, or grandkids, whoever they might be, **we got them to where they're acknowledging responsibility.***

Impact of Drug Court on Community

Unfortunately, the Drug Court does not appear to have had much effect on the community. As mentioned previously, community awareness of what the Drug Court is actually trying to do is low, or mistaken. One team member related a community member saying she would have to lock her car for the first time at the pow-wow because Drug Court members were helping with the parking.

Team's Perception of Impact on Community. Only one Drug Court team member was optimistic about the Drug Court having a positive impact on the community.

*I think it's effective, it's not near as effective as I would like to see it, but as it needs to be. It's serving a useful purpose. The whole point is trying to improve the quality of life for the people—for those on the reservation and the community. **If you have one person in Drug Court, a lot of times they'll have a serious impact on six or eight or ten people. They're meeting family all the time.***

The team members as a whole do not think the community perceives the Drug Court as having a positive impact on the community despite their efforts to get the word out about what the Drug Court is trying to do.

*Most of the community don't really see everything that's taken place. If [the participants] use again, [the community] think it's a failure. **They don't see that they got their GED or got their license reinstated or paid their fines. All they see is that they went through that program and they're using again.***

*I don't know, I just work in here, I'm not out there. **You hear people talking and they don't know anything about the Drug Court.** We've had meetings and we've had awareness days and graduations and invited them and we can't get anyone to come. We need to make the council aware and make sure our goal is their goal and then educate them a little bit more. I think if we keep them sober for a year, it's got to affect the community.*

*Well, I'm not really going to answer that, but I hope they perceive it as doing a good job, **but anytime we have something to try and educate the community, we're not getting a good turn-out. So, if they don't have someone [in the Drug Court], it's not touching them.** I think when we go to the tribal council though, in September, there's going to be a decent crowd of people there, then we're going to be exposing more and more people to it. I think that's going to be a big step for us, particularly if we get re-funded through them, or partial funding through them. That will raise the awareness somewhat of the Drug Court.*

Yeah, you've got a certain segment of the community that supports the program, you've got another segment of the community that doesn't, and that's not just Drug Court, that's just enforcement in general. They don't want anybody out here killing each other, but at the same time they don't want Johnny busted for smoking pot every night either. Like I said before, a lot of the problems go back to the fact that it's such a small community, it's not different than the city councilman's nephew getting arrested and him calling the police chief to work it out. It happens everywhere, but here the connections are such it's a problem.

*Well, you've got the negative people, that's going to be anywhere you're going; you're going to see the negative. But the families of the Drug Court participants, now they are usually positive, some of the families who were users and use, they're going to be negative. **But the families who are neutral, or may have used at some point in their life, the positive families, you see positive. But the ones in the negative families, I know which ones, where the whole family is a bunch of addicts and all, naturally you're going to hear a whole bunch of crap because they're afraid they're going to be next.***

One team member, from the court side rather than the treatment side, noticed that now the drug court model was in place there is better communication between the court and the Department of Human Services on non-Drug Court cases also.

*So I think it's improved those [interdepartmental] relationships as well. For instance, we used to have problems with anger management classes; folks coming in for misdemeanor offenses, as part of that program we'd order them to anger management. We'd run into the same problem there as we did prior to Drug Court, there wasn't any follow through, no one really knew what the other side was expecting when they were ordered into anger management. **Now, since we've sort of taken the drug court model as to reporting back to the court, giving them regular reports.** That's just one instance we've seen where the Drug Court has filtered out among the different departments.*

Tribal Administration's Perception of Impact on Community. Although the Poach Band of Creek Indians tribal administration is not involved in the day-to-day management of the Drug Court, they do have a good sense of what the Drug Court is doing and have heard positive things about the Drug Court from the community.

In this community, I know I've heard some people that have been involved and have come and sat in that chair and said, "Thank you, thank you." They were here to let me know how much they appreciated [the Drug Court].

More importantly, tribal administrators look at the Drug Court from a bottom line, dollars-and-cents perspective. They see the Drug Court as one way to prevent the substance abuse problem in the community and realize prevention is cheaper than treatment in the long run.

It's an expensive program, but it's a program that's having some positive impact.

*You ain't got the money to do everything, but we've got to be sure we do things to have the most impact and if we don't do something in that field, it's going to cost us a lot more somewhere else. You've got to use your money wisely. **The Drug Court has been good for this tribe.***

*I've realized there's a big problem out there and it's terribly expensive to treat them. I think I've come, not a full circle, but not the way I used to be, I've developed a real awareness that the money is better spent on prevention than treatment. It costs ten times as much to treat someone as it is to prevent them. **I have come to realize the Drug Court gives us an opportunity to demonstrate that we're aware of the problem, but it also gives us a little bit of a head start in terms of prevention. I realize that the people who get involved in the Drug Court are already down that road, but they're not lost yet. It's not something you can't reverse.** They're not hardcore criminals; they're not so far over that they've destroyed their health. I've seen some of these young people abuse their health and everything, but it's something recoverable, and preventable from happening in the future. **I think that is the real advantage to the Drug Court. I think***

there is more awareness of the availability of effort to try to intervene before we get to the bad point. I've seen some real good things come out of the Drug Court.

*There's something missing [in people's lives] and people actually try to nurse it with [drugs or alcohol]. It's like this trickle down, it affects our whole community, so how we interact with that child, how we can try to give that child something their parents aren't giving them, makes a huge difference. **I would much rather spend lots of money on the front end, "Let's prevent, let's help, let's do."** So, that's why the Drug Court is so wonderful because even though we're dealing with someone who's been through the process, the effect it has, is **let's help, let's prevent, let's do.** This is going to help how your child looks at drugs and alcohol. It's going to help how your family relates. I really don't know the statistics, but probably all the domestic violence, or probably 90 percent of it involves some drug or alcohol factor. If they hadn't been drinking, would they have hit someone? So, it has this huge effect.*

However, tribal administration is sanguine about the expected results of a wellness court and does not expect miracles overnight.

*Now some of the young people in the program, you know we've had some failures here, we've had some kids who absolutely, and I don't know real reasons, **I don't know anybody that we've had in the program that went back as bad as they were. I think that there's a little bit of a ray of light, at least they didn't go back to where they were.** They've failed the program, but they have not totally reversed and went back to where they were.*

I think the highlight is that we can change some lives and make a very positive impact because it's the trickle down effect; if you can help this person, they have children in this community, you're going to affect so many lives if this person actually winds up staying clean, keeps their life together, that will affect that child, even if they go into foster care, whether or not they succeed, how they feel about drugs and alcohol, what they've seen it do and not do.

*I think the more people you can get involved, especially if you can get these young people to understand that more people care about them, **I think our Drug Court'll eventually get to like our education here.** We've had a phenomenal turnaround in education in Poarch Creek.*

The tribal administrators also understand the Drug Court funding from DOJ was seed money to start up a wellness court and once the court was up and running, it was the Tribe's responsibility to take over the operating expenses. The tribal administrators interviewed in the summer of 2002 thought the Drug Court was successful and were supportive of continuing funding.

*No, we're not able to absorb their entire budget, but the question that I asked and wanted answered is "How can we continue the program with the present staff we have on hand and how much additional funding will we need from tribal government to supplement that program?" I think there is definitely a commitment to continue the program; I know there is from me. But we know that it's been a good program and we're committed to it. **The bottom line is we started the Drug Court program, and the Department of Justice, the bottom line is that [the grants] are not continuations, they're start-ups.***

*[The DOJ grants], on the other hand, when we applied, we knew, this was to get you started. The whole thing is to get you self-sufficient, get you the tools you'll need, the knowledge, pledge to operate this. **But, you're going to have to walk one day.** The only way to make it happen is to honestly cut off the funds. From an administrator perspective, do I need and want the funds, yes; it helps to make my life a lot easier. On the grant end, would I approve certain grants? It's like when you really look at it; it's time for them to walk. **Poarch Creek has had a program, we've done it successfully, it's time to help [the Drug Court] get to that step.***

I think we'll support it, definitely. These resources that we got, we knew from Day One, wasn't enough, and eventually the Tribe would have to assume the responsibility. That's

*what it's all about. **I'm confident that our tribal council members will be supportive, they want to keep it, they know the program works.***

The Drug Court also has the potential to bring the community together to discuss and do something about the substance abuse problem in the community.

*How do you expect your child to be motivated to stay sober if you're coming home drunk? And you can't use the excuse that "I worked hard all day and I need my beer when I come home at night." No, you don't, I can show you people who work harder than you do who don't come home drunk at night. **The Drug Court is opening some opportunities for discussion of what goes on in this community.***

*My folks are big on wakes, it may be a 4-5 day wake, it gives us an opportunity to have a good discussion at night, and some of those discussions get really, really deep about what impact I'm having on my own family, but what impact am I having on my brother's family, on my neighbor's family? **We've lost a lot of that, but I don't think we're so far down the road that we can't recover it, and I see the Tribe being able to do that more so than any other community.***

Quantitative Component

In addition to people's opinions of the Drug Court's success in reducing substance abuse behavior in the participants and helping them on the road to wellness, there are quantitative measures to assess the success of the Drug Court program. How many participants were there? How many graduated? How long did the program take? How many participants were re-arrested on a drug or alcohol charge? How long have some participants been sober?

Program and Participant Characteristics

The Poach Band of Creek Indians Drug Court admitted its first participants in 1998. The Drug Court is in its seventh year of operation and there have been a total of 28 unique participants as of April 1, 2004.

Gender and Age. More men (17 or 61 percent) have been participants than women (11 or 39 percent). All but one of the participants have been a Poach Band of Creek Indians tribal member or descendant. Cohorts are small; between three and six participants are in the Drug Court at one time. At the time of the implementation proposal the tribal court thought there would be 12 to 15 participants per year.

Two participants (a man and a woman) graduated and enrolled a second time and are counted twice in the analyses unless otherwise noted. The female participant has graduated a second time and the male participant is currently in the program (as of June 2004). One male participant started the program twice, but was terminated in Phase I each time and is counted once in the analyses. There are five participants currently in the program and they are not included in most of the analyses below.

The average age of the participant has decreased from the late 20s in the first year of the program to the early 20s in the later years (see Table 4). The average for all 30 participants is 25 years. The youngest participant started the program at 18 years and the oldest participant at 42 years. All in all, it has been a young drug court.

Table 4. Age of Participants by Entry Year

ENTRY YEAR	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1998	4	29	28	25	35
1999	5	25	20	19	39
2000	4	27	24	20	42
2001	6	21	20	18	23
2002	3	28	25	19	42
2003	7	23	24	18	25
2004	1	23	23	23	23
OVERALL	30	25	23	18	42

Alcohol and Drug Charges. The Drug Court is reaching its target population. Table 1 in Key Component #2 shows in the first 5 years of the program 70 percent of participants came into Drug Court on an offense involving drugs. Other offenses are Driving Under the Influence (DUI), Public Intoxication, Contributing to the Delinquency of a Minor, Child Neglect, and Burglary. A review of the prior offenses shows 38 percent are drug-related, 27 percent are alcohol-related, 22 percent are Offenses Against a Person, and 13 percent are Offenses Against Property (see Table 5).

Table 5. Prior Alcohol and Drug-Related Charges

TYPES OF PRIOR DRUG/ALCOHOL & RELATED ARRESTS*	# OFFENSES	%	AGGREGATED
Possession of Marijuana/ Narcotics/Dangerous Drugs/ Controlled Substances	27	35%	38% Drug-Related
Distribution of Marijuana	2	2.5%	
Distribution of Cocaine	1	1%	
Driving Under the Influence (DUI)	9	12%	27% Alcohol-Related
Public Intoxication	6	8%	
Minor in Possession of Alcohol	5	6%	
Possession of Untaxed Alcohol	1	1%	
Disorderly Conduct	2	2.5%	22% Offenses Against a Person
Assault/Domestic Violence	10	13%	
Reckless Endangerment	2	2.5%	
Contributing to the Delinquency of a Minor	3	4%	
Criminal Mischief	2	2.5%	13% Offenses Against Property
Receiving Stolen Goods	1	1%	
Forgery	1	1%	
Theft /Burglary	6	8%	
Total	78	100%	

*May include the offense that brought them into Drug Court

A quarter of the participants have one or none prior alcohol or drug-related offenses and another quarter have six or more prior alcohol or drug-related offenses (see Table 6).

Table 6. Prior Alcohol and Drug Related Charges by Participant

NUMBER OF PRIOR DRUG/ALCOHOL & RELATED ARRESTS	# PARTICIPANTS	%
0	3	15%
1	2	10%
2	3	15%
3	1	5%
4	3	15%
5	3	15%
6	1	5%
7	1	5%
8	1	5
9	1	5%
10	1	5%
Total	20	100%

Seven of 25 participants who graduated or were terminated from the program by April 2004 were arrested for at least one offense while they were participating in Drug Court (see Table 7). Two of the participants had two offenses. All but one eventually graduated from the program, but that one person was terminated due to his burglary arrest.

Poarch Band of Creek Indians Drug Court Evaluation

Table 7. Offenses Occurring During Drug Court Participation

TYPE OF OFFENSE	# OFFENSES	%	AGGREGATED
Possession of Narcotics	1	11%	11% Drug
Driving Under the Influence (DUI)	2	22%	33% Alcohol
Open Container	1	11%	
Disorderly Conduct	1	11%	22% Crimes Against a Person
Assault	1	11%	
Possession of Forged Instruments	1	11%	33% Crimes Against Property
Burglary/Attempted Burglary	2	22%	

Graduation Rate. **Of the 25 participants who exited the program by April 2004, 16 participants or 64 percent graduated.** The majority of those terminated (8 out of 9 or 88 percent) were terminated for not complying with the program requirements and one was terminated due to a burglary arrest in state court.

Women are slightly more likely to have graduated, but the result is not statistically significant (see Table 8). Approximately the same proportion (one-quarter) of male and female participants has been terminated for noncompliance.

Table 8. Completion Status by Gender

GENDER	# ENROLLED	# GRADUATED	%	# TERMINATED NONCOMPLIANCE	%	# TERMINATED ARREST	%	# CURRENT	%
Men	18	9	50%	5	28%	1	5%	3	17%
Women	12	7	58%	3	25%	0	--	2	17%
Total	28	16*		8		1		5	

*Includes each time for the participant who was in the program twice.

Poarch Band of Creek Indians Drug Court Evaluation

Table 9 shows completion status by year of enrollment. The sample size is too small to look at trends or differences by year.

Table 9. Completion Status by Entry Year

YEAR	# ENROLLED	# GRADUATED	%	# TERMINATED NONCOMPLIANCE	%	# TERMINATED ARREST	%	# CURRENT	%
1998	4	2	50%	2	50%	0	--	0	--
1999	5	5	100%	0	--	0	--	0	--
2000	4	3	75%	0		1	25%	0	--
2001	6	3	50%	3	50%	0	--	0	--
2002	3	3	100%	0	--	0	--	0	--
2003	6	0	--	3	50%	0	--	3	50%
2004*	1	0	--	0	--	0	--	1	--
Total	30	16	53%	8	27%	1	3%	5	17%

* As of April, 2004

Those participants who were terminated from the program are statistically younger (22 years compared to 27 years) than those who graduated ($p = .047$) (see Table 10).

Table 10. Age at Entry by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	16*	27	24	19	42
Terminated	9	22	21	18	27
Total*	25	25	23	18	42

* Includes each time for the participant who was in the program twice.

Length of Participation. On average the 25 participants who graduated by April 2004 spent 467 days or approximately 67 weeks in the program (see Table 11). The nine participants who exited the program because of termination spent an average of 269 days or approximately 38 weeks in the program.

Table 11. Days in Program by Completion Status

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	16	467	428	365	992
Terminated	9	269	301	71	559
Total*	25	396	386	71	992

*Includes each time for the participant who was in the program twice.

One of the graduate who had to repeat Phase I and Phase II spent 992 days or almost 3 years in the program. This length of time is a statistical outlier (that is, more than three standard deviations above the mean) and it is statistically more correct to analyze the length of time in the program minus that participant. Table 12 below shows the average (mean and median), and minimum and maximum amount of time for graduates without the statistical outlier. The longest length of time spent in the program by a graduate is 521 days, or almost 1½ years. The program is designed to be completed in 52 weeks, or four phases of 13 weeks each. Without the outlier, 25 percent of graduates completed the program in 384 days (55 weeks), another 25 percent completed the program in 421 days (60 weeks), another 25 percent completed the program in 511 days (73 weeks), and the remaining 25 percent completed the program within 521 days (75 weeks).

Table 12. Days in Program by Completion Status Minus the Outlier

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated	15	432	421	365	521
Terminated	9	269	301	71	559
Total*	24	371	385	71	559

*Includes each time for the participant who was in the program twice.

There is variability in length of time in the program depending upon what year the participants enrolled ($F = 4.537, p = .024$), but there is no trend through the seven years of the program (see Table 13).

Table 13. Days in Program for Participants by Entry Year and Completion Status

ENTRY YEAR	# PARTICIPANTS	STATUS	MEAN	MEDIAN	MINIMUM	MAXIMUM
1998	2	Graduated	466	466	421	511
	2	Terminated	234	234	91	377
1999	5	Graduated	387	386	365	401
	0	Terminated	--	--	--	--
2000	2	Graduated	478	478	437	518
	1	Terminated	559	559	559	559
2001	3	Graduated	397	373	371	448
	3	Terminated	321	322	301	340
2002	3	Graduated	490	514	434	521
	0	Terminated	--	--	--	--
2003	0	Graduated	--	--	--	--
	3	Terminated	144	143	71	217
Total**	15*	Graduated	432	421	365	521
	9	Terminated	269	301	71	559

* Includes each time for the participant who was in the program twice.

** Does not include statistical outlier.

Although female graduates spend more time in the program (444 days compared to 424 days) than male graduates and female terminated participants spend less time in the program (167 days compared to 320 days) than male terminated participants, the gender differences are not statistically significant (see Table 14).

Table 14. Days in Program by Completion Status and Gender

COMPLETION STATUS	# PARTICIPANTS	MEAN	MEDIAN	MINIMUM	MAXIMUM
Graduated Men	9	424	421	373	521
Graduated Women	6*	444	448	365	518
Terminated Men	6	320	312	143	559
Terminated Women	3	167	91	71	340
Total	24**				

* Includes each time for the participant who was in the program twice.

** Statistical outlier not included.

Fourteen graduates, or 88 percent of the graduates, completed the program without being demoted a phase. The average (mean) number of days in the program for these 14 graduates is 426 days or 61 weeks and the minimum number of days in the program is 365 (52 weeks) and the maximum number of days is 521 (74 weeks).

Six participants were terminated in Phase I, two participants in Phase II, and one participant in Phase III. The Drug Court team did not terminate the participants lightly. Two of the terminated participants were reinstated once and two were reinstated twice; the latter were effectively given three chances at succeeding in Drug Court.

Recidivism

*Another positive aspect is the recidivism rate that we've had from the participants. There may have been some that you couldn't hold a tribal court session with them being in court either as a defendant or a material witness. **With Drug Court they are a lot less likely to get into trouble. We saw a significant decrease.** - Team Member*

Recidivism in this study was measured by the number of post-program arrests. Team members are of the impression recidivism rates are very low, but how reliable is this impression?

The team members only would have direct knowledge of arrests in tribal court, yet even former participants who live in the area have the potential to be arrested in a multitude of jurisdictions—municipal, county, and state. Information on arrests in other jurisdictions is not formally shared with the tribal court. But because Poarch is a small community and news travels, team members, especially the chief of police, think their impressions of a low recidivism rate are very reliable.

Arrest, and in some cases disposition, information was collected from the Poarch Band of Creek Indians law enforcement files (1997-2004), the Atmore Municipal Court computer database (1990-2004), and the Alabama state criminal justice database (1991-2004) in March 2004 for the 19 participants who had exited the Drug Court between December 1999 and December 2003 to confirm the number of post-program arrests reported by the court and law enforcement interviews. An effort was made to document participants were in the area and not in prison during this time period. Female participants were queried in the databases on both their maiden and married names. The recidivism information may be incomplete for two reasons. The Florida and Mississippi state criminal databases were not available and similar names found in the Alabama state database could not be verified for lack of birth date. Thus, because of incomplete record keeping, incomplete data collection, and the fact many crimes do not result in an arrest, the results of this analysis form a conservative measure of recidivism.

Ideally, recidivism studies compare the outcomes of offenders who participated in the Drug Court program with a similarly situated group of offenders who did not participate in the Drug Court program. An effort was made to collect a comparison group of offenders in March 2004, but the lack of computerized records in the tribal court made the ascertainment of the comparison group unreliable.

Six of the 19 participants (32 percent) who exited the Drug Court program by December 2003, either by graduation or termination, had at least one post-program alcohol or drug-related arrest by March 2004 (see Table 15). More optimistically, 13 of the 19 participants (68 percent) did not have an alcohol or drug-related arrest. There is not a statistically significant relationship between completion status and recidivism; graduates are just as likely to be arrested as are terminated participants. Nor is there a statistically significant relationship between gender and recidivism, men and women are equally likely to be arrested after exiting the program.

Table 15. Post-Program Alcohol and Drug Arrests by Completion Status and Gender*

	NO KNOWN ARREST	%	DRUG ARREST	%	ALCOHOL ARREST	%	DRUG/ALCOHOL ARREST	%
Graduated Men	4	21%	3	16%	--	--	3	16%
Graduated Women	5	26%	1	5%	--	--	1	5%
Terminated Men	3	16%	1	5%	--	--	1	5%
Terminated Women	1	5%	--	--	1	5%	1	5%
Total	13	68%	5	26%	1	5%	6	32%

*The participant who completed the program but re-enrolled and is currently a participant for the second time is not included in the recidivism analysis. The two other participants who were in the Drug Court twice are analyzed based on their final exits from the program.

Recidivism often is measured as the rate of post-program arrests in a 3-year period after exiting the program. Eight of the 19 participants exited the Drug Court program 3 or more years ago. Four of them, three graduates and one terminated participant, were arrested on a drug or alcohol charge for a 3-year recidivism rate of 50 percent. There is a total of seven known

alcohol or drug-related arrests for the six participants (see Table 16). Five of the arrests involved drugs and two involved alcohol.

Table 16. Type of Post-Program Offense by Completion Status and Gender

COMPLETION STATUS	Use or Possession Drug Paraphernalia	Use or Possession Controlled Substance	Driving Under the Influence	Public Intoxication	Total
Graduated Men	2	1			3
Graduated Women	1				1
Terminated Men		1			1
Terminated Women			1	1	2
Total	3	2	1	1	7

The date of the first post-program arrest was known for four of the six participants. Graduates appear to be slower to re-offend than terminated participants (see Table 17). A terminated female participant was arrested and pled guilty to a DUI charge 63 days (9 weeks) after exiting the Drug Court. She was arrested a second time and pled guilty to a Public Intoxication charge in Atmore 3 years later. A terminated male participant was arrested and pled not guilty to Use or Possession of crystal methamphetamine 656 days (94 weeks or almost two years) after being terminated from Drug Court (case is pending). In contrast, a female graduate was arrested for Use or Possession of the prescription drug Xanax 856 days (122 weeks or more than two years) after exiting the Drug Court and is currently in pretrial diversion. A male graduate was arrested 1013 days (144 weeks or almost three years) after finishing Drug Court and pled guilty to Use or Possession of Drug Paraphernalia.

Two male graduates were arrested in neighboring states on drug charges in separate incidents at an unknown date. One arrest involved drug possession that was later dropped and

the other involved possession of methamphetamine laboratory equipment that led to a conviction and prison sentence.

Table 17. Time to First Post-Program Arrest by Completion Status and Gender

COMPLETION STATUS	Possession Drug Paraphernalia	Possession Controlled Substance	Drinking Under the Influence
Graduated Men	1013 days		
	? days		
		? days	
Graduated Woman		856 days	
Terminated Man		656 days	
Terminated Woman			63 days

There are participants who were terminated from Drug Court who have not had post-program drug or alcohol arrests. A male participant who was reinstated once, and eventually terminated in Phase I after almost a year in the program because he was still using drugs, opted to serve 309 days in jail rather than go to treatment because he said treatment was not going to change him. That was 2 years ago and he has only been arrested for minor traffic offenses since then. Another male participant was in the program for 18 months and did not make much progress and was terminated because of burglary charges in state court. A search of the criminal databases only found post-program traffic offenses for him.

No record of post-program alcohol or drug-related arrest was found for 13 of the 19 participants who have exited the program. Some of the 13 participants only exited the Drug Court recently, but several participants have been out of the Drug Court for several years (see

Table 18). An analysis of the length of time with no post-program arrest shows seven (37 percent) of the participants have gone more than 2 years with no alcohol or drug-related arrests. One terminated participant and three graduates have gone over 3 years with no alcohol or drug-related arrests.

Table 18. Days with No Post-Program Alcohol or Drug-Related Arrest by Completion Status

COMPLETION STATUS	< 1 YR	1 YR – 2 YR	2 YR – 3 YR	3 YR – 4 YR	> 4 YR
Graduated	115	459, 485, 527, 667	905	1332	1465, 1510
Terminated	--	527	814, 899	--	1492

Outcome in Perspective

A review of the recidivism analysis shows recidivism as measured by post-program arrest is 32 percent and 50 percent for those out of the program for 3 years. Perhaps not as low a recidivism rate as perceived by the team members. There is no relationship in this small sample between completion status and recidivism; graduates are as likely to be arrested on an alcohol or drug-related charge as are those terminated from the Drug Court. There also is no gender difference in recidivism. However, there is a significant amount of time before the majority of participants re-offend that is evidence of a decrease in substance-abusing behaviors with occasional relapses. Seven (37 percent) of the participants have gone 2 or more years with no alcohol or drug-related arrest after exiting the program.

Conclusions

The Poach Band of Creek Indians Drug Court has many strengths that outweigh the weaknesses in the program. They have a strong Drug Court team that has been open to trying new ways of doing things to improve the operation of the Drug Court. The goal of the Poach Band of Creek Indians Drug Court is to target nonviolent adult offenders to achieve a reduction in recidivism and substance abuse and increase the likelihood of successful rehabilitation. Have they achieved their goal?

The pre-Drug Court recidivism rate is not known, but the recidivism rate of 32 percent for all participants and 50 percent for those out of the program for 3 years shows not all participants re-offend. The positive changes—increases in self-esteem and decreases in substance abuse behavior—seen in many of the Drug Court participants who have reclaimed their lives are additional proof for successful rehabilitation. Measures of success include the continued existence of the program 7 years after the first participant entered and several years after federal funding ended. Further improvement and institutionalization of the Drug Court primarily lies in improving the integration of treatment and forming a steering committee including tribal and community leaders to extend the ownership of the Drug Court to the community and make it something the community is doing rather than something the tribal court alone is doing.

REFERENCES

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