



# PARTICIPANT HANDBOOK



<b>Tribal Wellness Court Judge: Amanda L. WhiteEagle</b>
<b>Day and Time of Tribal Wellness Court: Every other Wednesday, 3pm.</b>
<b>Tribal Wellness Court Coordinator: Margaret Falcon Phone: 715-284-2722 x 3403, During business hours.</b>
<b>Defense Advocate: William Gardner, Phone: 715-299-6780 Special Prosecutor: Rebecca Maki-Wallander or Erik Shircel 715-284-3170</b>
<b>Treatment Counselor: Ruth Garvin, Ashley Bryan Phone: 715-284-9851</b>
<b>HCN Police Department: Chief Lemieux Phone: 715-284-2658- After business hours: 715-299-0398</b>
<b>Probation Agent: Phillip Gigous Phone: (715) 284-3188</b>
<b>Traditional Court: Dennis Funmaker Phone: 715-284-2722</b>
<b>Compliance Officer: Joe Buse Phone: 715-284-9394</b>
<b>Vocational Rehabilitation for Native Americans: Diane Hofstedt 715-284-5877</b>
<b>Legislative Representative: Greg Blackdeer Phone: 715-284-9394</b>
<b>Sponsor: Phone:</b>
<b>Date Entered Tribal Wellness Court:</b>
<b>Completed Phase I:</b>
<b>Completed Phase II:</b>
<b>Completed Phase III:</b>
<b>Completed Phase IV:</b>
<b>Graduation:</b>

## MISSION STATEMENT

The Ho-Chunk Nation Tribal Wellness Court (“Tribal Wellness Court”) exists to address a pervasive ill affecting our community, alcohol and drug addiction and its associated consequences. The Tribal Wellness Court will act in partnership with several tribal and communal agencies and service providers to achieve the following goals: 1) create support systems and programs to foster employment, education, and communal, familial, and individual health and well-being; 2) maintain relationships and resources to continually assist program participation; and 3) restore traditional values and language. The Tribal Wellness Court shall adhere to Ho-Chunk ideals while focusing upon restorative justice and collaborative decision-making.

## INTRODUCTION

The Tribal Wellness Court shall act in cooperation with the Jackson County Treatment Court (“County Treatment Court”). The Tribal Wellness Court will decide whether a Ho-Chunk participant may have his or her case supervised by the Tribal Wellness Court.

The Tribal Wellness Court shall exercise independent discretion in its Supervising of assigned cases. The Tribal Wellness Court shall employ the full resources of the Ho-Chunk Nation, and may also access County Treatment Court resources, including, but not limited to, the following: probation, policing, and imprisonment, if necessary. The Tribal Wellness Court shall supervise participants as they proceed through the four (4) phases of the program: *Wiigus Cooni*, *Wiigus Nuup*, *Wiigus Taani*, and *Wiigus Joop*. A variety of conditions, incentives, and sanctions shall be present in each phase.

The County Treatment Court shall retain continuing jurisdiction over any assigned cases. As a result, the participants shall not possess a right to appeal to the HCN Supreme Court. Rather, any substantive disputes must be initially presented to the Tribal Wellness Court, and, if not adequately resolved from the participant’s perspective, to the courts of the State of Wisconsin.

## Description of the Tribal Wellness Court Program

The Ho-Chunk Nation Tribal Wellness Court is an evidence-based treatment, holistic approach alternative to extended incarceration and the standard probation model. The Tribal Wellness Court works cooperatively with the treatment agencies and other rehabilitation services to provide a participant with all the possible tools required to get into recovery, stay in recovery, and lead a productive, crime-free life.

### ELIGIBILITY STANDARDS

The Tribal Wellness Court will consider proposed participants on a case by case bases for admission by addressing the following criteria: a member of the Ho-Chunk Nation; resident of Jackson County; 18 years or older; Post adjudication (after sentencing); agree to abide by the Ho-Chunk Nation Tribal Wellness Court Program rules; must meet diagnostic criteria for substance dependency; according to the most current DMS, severity of prior criminal offense factors (including victim's interests). Convictions considered on case by case bases.

### RESPONSIBILITIES

While the Tribal Wellness Court participants complete the program, the Court expects certain behaviors that will increase the likelihood they will successfully complete the program. The Tribal Wellness Court participants will be expected to:

- Be honest and take responsibility for your own behavior (both good and bad)
- No rule violations (court or probation)
- No new arrests or criminal charges
- Attend AA/relapse prevention groups and participate in a 12-step program
- Attend and complete other programs (i.e. Vocational Rehabilitation for Native Americans, TERO, 477 Program) as mandated by the Tribal Wellness Court.
- Be on time and present for all Tribal Wellness court proceedings
- Obtain and maintain employment, that does not conflict with treatment
- Keep all appointments with probation agent, drug court coordinator, and treatment providers
- Positive reports from collateral sources (spouse, parent, employer, etc.)
- If applicable, attend school and obtain a HSED/GED
- Meet with an independent living coordinator and pay financial obligations in full as directed by team

- No missed or positive urinalysis (UA) or breath alcohol tests (BATs) or confirmatory tests
- No verbally or physically abusive or threatening behavior
- Maintain positive home environment
- Maintain clean personal hygiene
- Follow curfew and travel restrictions as directed by team
- Make consistent progress to promotion to next phase
- Completion of community service hours
- If applicable, take all prescribed medication
- Obtain a driver's license
- Save enough money to secure and/or maintain a residence
- Identify self as a Tribal Wellness Court participant to police if stopped for any reason or medical providers.
- Hand in 12 Step Support Group slips, every Wednesday's by noon to the Wellness Coordinator located at the Wa Ehi Hoci building.
- Present appropriate clothing

### CULTURAL ACTIVITIES

Funeral

Feast Lodge

Scalp Dance

Doctoring

Ghost Meal

Native American Church meeting/devotional

If a participant is trying to request for out of state travel you will need to make request 14 days in advance.

A Tribal Wellness Court Participant will not permit a participant to attend any out of county Cultural Activities in Phase I, as it is the stabilization phase. If attendance is requested by a Traditional Court Member or Clan Elder, the Traditional Court member or Clan Elder must contact the coordinator during business hour and DOC officer, after business hours the Ho-Chunk Nation Police Department will need to be contacted. Test before and upon return to Jackson County.

Funerals will be excused but will need to contact coordinator (during business hours), Ho-Chunk Nation Police Department (after business hours) and DOC officer and test, if leaving the County. The need to leave the state that will be discussed on a case by case basis.

Please note powwows will need to be requested in writing in advance at least 7 days if out of Jackson County.

### TRIBAL WELLNESS COURT SUPERVISION

As a Tribal Wellness Court participant, you will be required to appear in Tribal Wellness Court on a regular basis. Prior to each appearance, the Judge will be given a progress report prepared by treatment team members regarding your drug test results, attendance, and participation in treatment. The Judge will ask you questions about your progress and discuss any specific problems you have been experiencing. If you are doing well, you will be encouraged to continue with your program and work with your treatment team toward graduation. If you are not doing well, the team will discuss this with you. The treatment team will determine further action. If you violate program rules and or conditions the Tribal Wellness Court may impose the appropriate sanctions. If the team is unable to meet the needed services of the participant then the participant will be discharged, other alternatives will be explored.

Tribal Wellness Court program rules, program requirements and responsibilities are subject to change at the discretion of the Tribal Wellness Court team. Scheduling of Tribal Wellness Court functions are also subject to change. Failure to appear in Tribal Wellness Court on the date and time scheduled will result in an order for immediate apprehension.

### TRIBAL WELLNESS COURT PROGRAM RULES

Sobriety is the primary focus of the Tribal Wellness Court Program. Maintaining a alcohol and drug free lifestyle is the most important aspect of your recovery program.

As a Tribal Wellness Court Participant, you will be required to abide by the following rules:

1. BE HONEST.

2. **DO NOT USE OR POSSESS ANY ALCOHOL OR OTHER DRUGS.** Other Drugs include Over-the-Counter (OTC) drugs, herbal supplements, and unapproved prescription medication. All prescription medications, OTC drugs, and herbal supplements must be approved prior to use. Upon contact with any medical personnel you are to inform / identify yourself as a Tribal Wellness Court participant. Emergency use will be discussed on a case by case base.

3. You are required to provide the Tribal Wellness Court with a medical release of information when requested.

4. **BE ON TIME.** You are expected to be on time to Court and to your treatment sessions. If you are late for treatment, you may not be allowed to attend your counseling sessions and will be considered non-compliant. Contact your treatment provider if there is a possibility that you may be late.

5. **DO NOT MAKE THREATS OR ACTS OF VIOLENCE TOWARDS OTHER PARTICIPANTS AND STAFF.** Violent or threatening behavior will not be tolerated and will be reported to the Court. This could result in expulsion from the Tribal Wellness Program.

6. **ACT AND DRESS APPROPRIATELY FOR COURT AND TREATMENT SESSIONS.** Act appropriately when in the courtroom. You are expected to respect the Court, Judge, and all Tribal Wellness Court personnel. Use respectful language and tone of voice in treatment and in Court. As a participant, you will be expected to wear a shirt or blouse, pants, dress, skirt, or shorts of reasonable length. Clothing bearing drugs or alcohol themes or promoting or advertising drug or alcohol use is considered inappropriate. Sunglasses are not to be worn inside the courtroom or treatment center unless medically approved. Speak with your treatment team if you need assistance with clothing. No eating, chewing gum, talking out of turn, cell phones, pagers, or hats allowed in the courtroom. Use appropriate language with staff and in Court.

7. **DO NOT VIOLATE THE LAW.** If you engage in any unlawful behavior you may be discharged from the program. Do NOT drive a vehicle if you do not possess a valid driver's license. Participants who drive without a valid license may be discharged from the program.

8. **MAKE REGULAR AND CONSISTENT PAYMENT AS DETERMINED BY THE TEAM OF OUTSTANDING FINES, COURT and JAIL FEES, AND ANY OTHER COURT ORDERED OBLIGATION.**

9. AVOID ANY PREMISES WHERE THE PRIMARY PURPOSE OF THE BUSINESS IS THE SALE OF ALCOHOL, OR AVOID A PRIVATE RESIDENCE WHERE ALCOHOL OR DRUGS ARE AVAILABLE, BEING SERVED, OR BEING USED.

Contact coordinator with questions.

10. ATTEND ALL COURT SESSIONS AS ORDERED. The Tribal Wellness Court will be held at Ho-Chunk Nation Court ( Wa Ehi Hoci), every other Wednesday at 3p.m.

11. MAINTAIN YOUR RESIDENCE IN JACKSON COUNTY THROUGHOUT THE LENGTH OF YOUR PARTICIPATION IN THE PROGRAM.

12. TELL YOUR TRIBAL WELLNESS COURT COORDINATOR WITHIN 48 HOURS. IF YOU MOVE OR CHANGE YOUR TELEPHONE NUMBER OR YOU IS DISCONNECTED.

13. FOLLOW THE TREATMENT PLAN AS DIRECTED BY THE TRIBAL WELLNESS COURT.

14. TELL YOUR TRIBAL WELLNESS COURT COORDINATOR WITHIN 48 HOURS IF YOU CHANGE EMPLOYMENT.

15. YOU MUST GET THE TEAM’S PERMISSION TO ENGAGE IN OR CONTINUE ANY RELATIONSHIPS. Relationship issues are primary cause of most relapses, and the court must ensure that your relationships are healthy and supportive of your recovery. The term “relationship” includes all intimate interactions with another person, such as dating, casual sex, cohabitating, and marriage. If you enter Wellness Court married or in a long-term relationship, you and your significant other must provide the Tribal Wellness Court the opportunity to evaluate the relationship to determine whether the relationship will or may interfere in your progress towards sustained recovery. Whether or not you believe your interactions with another person constitutes a relationship, the Wellness Court can still prohibit you from having contact with anyone whom the team determines could be unhealthy for your recovery.

Generally, new relationships are prohibited in Phases I & II. In Phase III, relationships must be approved in advance by the Wellness Court Team. You must provide your probation agent with all biographical identification of the person whom you wish to engage in any type of relationship. Even if the relationship is a healthy one, if you conceal it, you are in violation.

16. NO GAMBLING. You are prohibited from gambling, and being in any place where gambling occurs. That includes casinos, bingo halls, horse tracks, lottery tickets, etc.

17. GET PERMISSION FROM YOU TRIBAL WELLNESS COURT COORDINATOR BEFORE LEAVING JACKSON COUNTY. Tribal Wellness Court participants are to be in their place of residence from 10:00 p.m. - 06:00 a.m. An exception to this expectation would be those working second and third shift. In emergencies (death or illness of a family member), the Jackson County Sheriff's Department dispatch center or the Ho-Chunk Nation Law Enforcement is to be notified of a deviation from any part of this rule. Drug and Alcohol testing will be requested upon return to Jackson County.

### CONFIDENTIALITY

Each Tribal Wellness Court participant will be required to sign a release authorizing the disclosure to the Tribal Wellness Court Team of health, medical, mental health, AODA, criminal, employment, and educational records. Each participant will sign the release as necessary. Failure to sign the release will result in expulsion from the program. Participants will also be required to sign a faith-based programming waiver.

### TRIBAL WELLNESS COURT FILES

Tribal Wellness Court files are separate and distinct from Circuit Court files and District Attorney Files. All Tribal Wellness Court files are confidential and not open to the general public. All files shall be under the sole control of the Tribal Wellness Court Judge and the Tribal Wellness Court coordinator. Neither the Clerk of Court's office nor any other District Attorney's office will have access to the Tribal Wellness Court files.

### TREATMENT AND TESTING PHASES

The Ho-Chunk Nation Tribal Wellness Court shall consist of four (4) phases. A critical component of successful Tribal Wellness participation involves intensive supervision and random UA/BA testing to assure compliance with the rules of the Tribal Wellness Court Program. (The frequency of the random UA/BA will be determined by the phase each participant is in and subject to change based on the violations and the recommendation of the treatment team.)

Wiigus Cooni

The minimum requirements for successful completion of *Wiigus Cooni* include:

- Take a Physical Examination
- Pay fees
- Participate for an average of 16 weeks as determined by the team
  - Attend Court every 2 weeks
  - Comply with random testing
  - Attend Two (2) 90 minute groups per week
  - Attend a minimum of One (1) individual session per week
  - Maintain weekly contact with Probation and Parole
  - Two (2) 12 Step Support Group or Self help group meetings per week
    - One (1) family group session
    - One (1) meeting with Traditional Court
    - One (1) meeting per week with coordinator
    - Obtain temporary sponsor
    - Complete a Mental Health Evaluation
  - Participate in physical fitness two (2) times per week, develop and follow fitness plan with exercise physiologist
- Complete Twenty (20) hours weekly of Community Service –if not employed or going to school
- Schedule appointment with Vocational Rehabilitation for Native Americans Agency
  - Must complete all phase assignments
  - Present oral presentation of Final Phase assignment
- Follow all other recommendations as determined by the Tribal Wellness Court Team

Wiigus Nuup

The minimum requirements for successful completion of *Wiigus Nuup* include:

- Pay fees
- Participate for an average of 16 weeks as determined by the team
  - Attend Court every 2 weeks
  - Two (2) family groups throughout the phase
  - Two (2) individual sessions per month
  - Two (2) 12 Step Support Group or Self help group meetings per week
    - Comply with random testing
  - In County School, employment, or community service (community service hours will be increased if not employed)
  - One (1) meeting per week with coordinator

Schedule appointment with Vocational Rehabilitation for Native Americans Agency  
Recreation

Must complete all phase assignments

Present oral presentation of Final Phase assignment

Follow all other recommendations as determined by the Tribal Wellness Court Team

Wiigus Taani

The minimum requirements for successful completion of *Wiigus Taani* include:

Twelve (12) week minimum

Pay Fees

One (1) group session per week

Two (2) individual sessions per month

Two (2) court appearances per month

Meet with AA sponsor 1 time per week

Comply with random testing

Three (3) 12 Step Support Group or Self help group meetings per week

Schedule appointment with Vocational Rehabilitation for Native Americans Agency

Language Classes

Two (2) UA/BA per week

One (1) meeting with per month with coordinator

Must complete all phase assignments

Present oral presentation of Final Phase assignment

Follow all other recommendations as determined by the Tribal Wellness Court Team

Wiigus Joop

The minimum requirements for successful completion of *Wiggus Joop* include:

Twelve (12) weeks minimum

Pay Fees

Attend one (1) group per month

Attend one (1) court session per month until graduate

Three (3) AA/NA/ 12 Step Support Group or Sober Support Group meetings per week

Comply with random testing

Meet with sponsor one (1) time per week

Must complete all phase assignments

Present oral presentation of Final Phase assignment

Follow all other recommendations as determined by the Tribal Wellness Court Team

## GRADUATION

Upon successful completion of all four (4) phases, including payment of all assessed fees and upon recommendation of the Tribal Wellness Court team, the Tribal Wellness team shall declare the Tribal Wellness Court participant a graduate of the Tribal Wellness Court Program. The graduation ceremony will be a celebration of completing all established guidelines.

## FEES

Each participant will have to pay a treatment fee of \$450.00 each per capita cycle for the Tribal Wellness Court Program. This fee will be broken up over the four phases of the program. \*This fee is paid before the completion of each phase to the coordinator located at the Wa Ehi Hoci.\*

## INCENTIVES

Incentives for maintaining sobriety and abiding by the conditions of the Tribal Wellness Court Program and probation may include, but are not limited to the following:

- Positive feedback/praise from the Judge and treatment team members
- Applause in court
- Increase or restoration of privileges
- Phase acceleration
- Phone cards
- Gas cards
- Taxi tokens
- Gift certificates
- Treats
- Movie passes

\*\* For each incentive given or positive week in drug court each participant will be given a ticket to be placed in the fish bowl and each month at Tribal Wellness Court we will pick a winner of a very nice prize. \*\*

## SANCTIONS

Any violations of the rules of the Tribal Wellness Court Program will result in the immediate imposition of sanctions as determined by the Tribal Wellness Court Judge and/or the treatment team. The Tribal Wellness team may individualize sanctions as deemed appropriate. Tribal Wellness Court violations are determined on a case by case basis. The Tribal Wellness Court team will recommend violations to the Judge based on an individual's actions. Sanctions can include, but are not limited to, the following:

- Verbal warning
- Written assignments
- Thinking reports
- Public/ courtroom apologies
- Curfew
- Electronic Supervising
- Increased supervision
- Loss of privileges
- Increased testing
- Jail time
- Phase freeze- Loss of weeks in current Phase.
- Increased treatment
- Community service hours, including group presentations
- Allow the groups to decide
- Pounding ash
- Cutting down trees for tee pee poles, cleaning tee pee poles
- 90 AA/NA meetings in 90 days
- Expulsion from the program

## EXPULSION

A Tribal Wellness Court participant can be terminated from the Tribal Wellness Court Program for any of the following:

- Commission of a crime
- Abandonment of the Tribal Wellness Court Program
- Any threatening, abusive, or violent verbal/physical behavior
- Hostile, threatening or disrespectful conduct towards the Court or Participants
- Any other grounds the Tribal Wellness Court deems sufficient for expulsion

Signature of Participant: \_\_\_\_\_

Date:

HCN Wellness Court Team Member \_\_\_\_\_

Date:

HCN Wellness Court Team Member \_\_\_\_\_

Date:

**Participant Copy**

Signature of Participant: \_\_\_\_\_

Date:

HCN Wellness Court Team Member \_\_\_\_\_

Date:

HCN Wellness Court Team Member \_\_\_\_\_

Date:

**File Copy**