

Pueblo of Santa Ana and the New Mexico Healing to Wellness Court Association

About six years ago, the Pueblo of Santa Ana Court began a transformation. With a new judge, new staff, and a Court Assessment in hand, the Pueblo Contemporary Court began to re-create itself. The Court noticed that there were many of the same defendants coming into the Court system. The defendants were going to jail for probation violations, often for crimes associated with substance abuse. Although the Court ordered treatment, it was not effective. The criminal justice process had become a circular turnstile.

The court began gathering statistics regarding this issue in 2017. It found that that 80% of criminal cases involved drugs or alcohol, 90% of those criminal charges related to drug or alcohol were convicted, 100% of child abuse and neglect cases involved drugs or alcohol abuse, and 32% of Domestic Violence cases involved drugs or alcohol abuse.

In tribal communities, when a person commits a crime, the problem is not solved by the imposition of jail time. Even if a person faces jail time, often they return home to their communities. The community home is the heart of culture, tradition, and values that are passed down to the next generation. If a family member is losing a battle with substance use disorders, abuse, violence, or unhealed trauma, that is also passed down to the youngest and most impressionable members. When families are living in a healthy environment, the customs, traditions, and beauty of the culture are passed down in a good way.

So, when faced with a criminal defendant, rather than first reaching for punitive jail time, the Santa Ana Tribal Court would rather take a rehabilitative approach. If someone leaves the criminal justice system better than when they went in, that is a win for the entire community. While the court is charged with the task of ensuring justice is served, if it is appropriate, lawful, and just, the court will serve rehabilitative and restorative justice. While it is true that sometimes incarceration and hard boundaries are the only appropriate judicial response, these remedies are not the default response.

In 2017, the Court applied for a Coordinated Tribal Assistance Solicitation grant to implement a Healing to Wellness Court (HTWC). The Santa Ana Healing to Wellness Court begins with the idea that everyone is on their own path to wellness. The application was successful, and when the funds reached the Pueblo in 2019, the Court team hit the ground running.

The Pueblo hired Rosemary Manrique to be the Case Manager in April 2019. She worked collaboratively with the entire Court team, which now included a Court Administrator, Court Clerk, Public Defender, Prosecutor, Probation Officer, and Court Information Officer. She conducted extensive research on other Healing to Wellness Courts, gathered forms, policies, and other documents from other tribes and state courts. She made connections with Tribal Law Policy Institute (TLPI) in which they trained, offered guidance, and connected with other HTWCs. After reviewing the documents, she drafted policies and procedures, a participant manual, and other forms.

The Pueblo Court wanted to see what worked for other courts. The entire Court Team visited other HTWCs and created an evaluation sheet. The team evaluated what they liked,

didn't like, strengths, weaknesses, challenges, and what they wanted and did not want in the newly forming Court program. For example, the Court Team recognized a communication barrier between one of the tribes and its stakeholders, so the Court Team decided to create a communications protocol for its own multi-disciplinary team (MDT). The judge facilitated a series of discussions to develop the protocol, and it is reviewed with the team periodically for relevance and workability.

When the Court first began to roll out the program, it held a series of meetings with the multi-disciplinary team. The meetings extended over several days and was hosted by the Pueblo's casino/hotel. The training included a time-task plan, and all the new team members were welcomed and engaged immediately. Memorandums of Understanding were drafted and signed with new partners and stakeholders, previously existing stakeholders and service providers updated agreements, and a team was formed.

Santa Ana's Healing to Wellness Court was up and running by October 2019. Much went exactly as planned, and there were areas where we had unexpected barriers. One area was the fact that we did not have a committed cultural liaison added to the team. The Team had to get creative. The program featured LifeSkills classes, and this was the perfect opportunity to include cultural aspects into the program. The initial Healing to Wellness Court participants were all from the Pueblo of Santa Ana, so the Case Manager was able to get almost every tribal government department to become involved in sharing something with the participants. For example, the mill taught the participants how blue corn flour is made, the nursery taught the clients native plants to the Pueblo, the Department of Natural Resources taught took the participants on a nature walk and educated them on the history of the Rio Grande and how it impacted the Pueblo. The Human Resources Department conducted a session on how to dress for a job interview and how to answer questions. The Education Department assisted with educational applications. There were classes on the language and culture being offered by the library and other departments. Community service was organized by the Governor's work crews. At one point, the Governor took a participant around the Pueblo and showed him sacred sites. These are just a few of the examples. This was important because often, isolation is a part of substance use disorders, and the Court Team felt that by incorporating the Healing to Wellness Court participants into the community, that not only were the participants educated, the community needed to re-learn about the participants as clean and sober members of the community. This created new relationships.

Since then, the program MDT Team has revised the program as needed. The Case manager sought advice and support throughout the process, and connected with the Tribal Law and Policy Institute for technical assistance and advice.

In March 2020, COVID-19 shut down the Pueblo and the program had to adjust. No services were interrupted, and the Court easily transitioned to virtual groups and court meetings and sessions. During COVID-19, the Case Manager connected the Pueblo with the state Administrative Offices of the Court Department of Therapeutic Justice. The state was willing to share resources, and the two governments drafted a Joint Powers Agreement for sharing of resources and information. Now, the Pueblo can offer the same services and resources as any other state drug court. Some services include a RANT screener (to

determine level of probation supervision), access to Odyssey (to look up state cases), REACT breathalyzer devices, Participant App Phones, Training, Database system, Training, etc. Each month the state has several meetings with other New Mexico Drug Court Professionals, and the Pueblo is in attendance.

However, this type of meeting was missing within New Mexico Tribal Healing to Wellness Courts. The Case Manager realized that there are specific issues that tribal treatment courts face that are unique to tribal courts. The Judge and Case Manager came up with the idea of the creation of a Coalition with the Healing to Wellness Courts in New Mexico. The Coalition could share documents, forms, trainings, ideas, and solutions, and talk about their roles.

The Case Manager decided the HTW Courts in New Mexico should have their own monthly meeting to connect and offer support to each other. After contacting each Tribal Court, the Case Manager was able to narrow down the tribes that had a Healing to Wellness Court either up and running or in the making. The Case Manager emailed those HTWCs identifying the intent of the coalition meetings and the overall intent, but only received three responses. The Case Manager connected with TLPI to gain support from them. After several meetings together, the two organizations created a survey to narrow down what challenges each court was having. The first meeting of the New Mexico Healing to Wellness Court Association was held on January 2022. The Coalition has been a success since that time. Monthly meetings have been held to discuss challenges, strengths, and offer support on funding, training, etc. and are attended by several NM HTWC's. What began as an intent to ensure that justice was served in this one court on the Pueblo of Santa Ana has grown to be a place of support and sharing for many other tribal communities that share the same goal.