


Elsipogtog Healing to Wellness Court




Presented by
Tammy Augustine, Justice Manager
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Indian Prayer




OH GREAT SPIRIT
WHOSE VOICE I HEAR IN THE WINDS
HEAR ME, FOR I AM YOUNG SMALL AND WEAK
I NEED YOUR STRENGTH AND WISDOM




I SEEK STRENGTH OH GREAT ONE
NOT TO BE SUPERIOR TO MY
BROTHERS AND SISTERS
BUT TO CONQUER MY GREATEST ENEMY
MYSELF



I SEEK WISDOM
THE LESSONS YOU HAVE HIDDEN IN EVERY
LEAF AND ROCK
SO THAT I MAY LEARN AND CARRY THIS
MESSAGE OF LIFE AND HOPE TO MY PEOPLE



MAY MY HANDS RESPECT THE MANY BEAUTIFUL
THINGS YOU HAVE MADE
MY EARS BE SHARP TO HEAR YOUR VOICE
MAY I ALWAYS WALK IN YOUR BEAUTY
AND LET MY EYES EVER BEHOLD THE RED AND
PURPLE SUNSETS



SO WHEN LIFE FADES LIKE THE SETTING SUN
MY SPIRIT WILL COME TO YOU WITHOUT SHAME
I HAVE SPOKEN

Elsipogtog Healing to Wellness Court – Model Development

- With direction from the Elsipogtog Justice Advisory Committee (JAC) the Justice Coordinator had conducted an extensive review of specialized and First Nation Courts throughout Canada.
- A draft model was developed based upon this extensive review.
- An Implementation Committee was formed to oversee the refining of this specialized court model. Role descriptions, policies and procedures, protocols and form templates were developed.

Elsipogtog Healing to Wellness Court – Partners in Design and Implementation

- Elsipogtog First Nation
 - Department of Justice and Attorney General
 - Provincial Court of New Brunswick
 - NB Legal Aid Services Commission
 - Public Prosecution Service of Canada
 - NB Department of Health
 - NB Department of Public Safety
 - RCMP
 - Aboriginal Affairs Secretariat
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- *Implementation Committee Co-Chairs: Tammy Augustine, Justice Manager, Elsipogtog & Anne McKay, Director of Program Support Services, Justice & Attorney General (JAG), GNB*

Elsipogtog Healing to Wellness Court – HWC Court Key Players

- **The Judge** (Provincial Court)
- **Crown Prosecutor** (Provincial and Federal) – responsible for examining charges and possible eligibility of participants to HWC
- **Defence Counsel** (NBLASC, Private Counsel) – primarily the Counsel Aboriginal Affairs or private counsel as retained by participant
- **Primary Case Managers** – supervises participants to HWC
- **Court/Project Coordinator** – oversees coordination of court proceedings and HWC and liaises with external groups
- **Law Enforcement** – primarily RCMP – Elsipogtog Detachment – District 5
- **Victim Services Coordinator** – provides victim support and direct link for victim voice in HWC process
- **Court Stenographer** – regular Provincial Court Stenographer duties
- **Community** – includes Elders, community members, provides support to both participant (s) and victim (s), offers input to treatment plans, etc.

Elsipogtog Healing to Wellness Court – HWC Model Description

- This specialized court model incorporates First Nation traditions and practices, and deals with not only crimes, but the underlying root causes of crime.
- The Healing to Wellness Court has 2 streams: a **Conventional Stream** and a **Wellness Stream**.
- The Wellness Stream combines intensive monitoring with a comprehensive, culturally-sensitive approach to addressing the bio-psycho social needs of participants in order to reduce recidivism. This is done through an intensive highly-individualized treatment plan.

Elsipogtog Healing to Wellness Court – Court Streams

- **Conventional Court Stream:**

- Regular conventional court proceedings take place in Elsipogtog. First Appearances, Pleas, Sentencing, and Trial dates can be set at the court in Elsipogtog. **Trials will not take place in Elsipogtog. All trials will take place in Moncton.**
- Court sits every Wednesday, with Youth Court sitting on the 1st Wednesday of each month.

- **Wellness Stream:**

- The Wellness Stream is aimed at providing treatment and support for accused person living with an addiction to alcohol or substance, mental health problems, and/or an intellectual disability including, but not limited to, Fetal Alcohol Spectrum Disorder (FASD)

Goals and Objectives:

- To reduce court appearances for first nation individuals.
- To reduce substance abuse and violence in the community.
- To build healthier and safer environment for community members.

Elsipogtog Healing to Wellness Court – Legal Eligibility Criteria

- Decisions related to the admissibility of an accused into the Healing to Wellness program (HWC) is made based upon a collaborative approach between the Pre-Court Team and the Healing Team.
 - In more serious circumstances the HWC-assigned Crown Prosecutor may determine that an accused should not be admitted into the HWC Program.
 - As part of the charge screening, the Crown Prosecutor will consider whether the alleged offence is within the scope of eligible offences.
 - Based upon all of these factors, the Crown Prosecutor has the discretion to permit or not permit an accused to be assessed further for suitability and/or admission into the program.
- Accused person(s) who meets the eligibility criteria and they agree to be considered for treatment thru the HWC program, their case will be adjourned to complete the suitability assessment with the Primary Case Manager.

Elsipogtog Healing to Wellness Court – Suitability

- An accused person who meets the legal eligibility criteria must also meet the treatment suitability criteria to be admitted into the HWC program.
- All suitability assessments are completed by the Primary Case Manager.
 - The Primary Case Manager then determines the issues that make the person suitable for the HWC program. [*underlying issues*].
 - The Primary Case Manager also makes the determination of the applicant's motivation to pursue treatment.
 - The Primary Case Manager reviews the initial suitability assessment with the Healing Team.
 - The Primary Case Manager then presents to the Pre-Court Team the Healing Team's recommendation regarding the applicant's suitability for the HWC Program.

Elsipogtog Healing to Wellness Court – Legal Process

- For first time offenders they must accept responsibility for their actions to enter into the wellness stream.
- For repeat offenders they must plead guilty to the charge(s) to enter into the wellness stream.
- Participants will be required to participate in a lengthy treatment process, which may also include drug testing, which the participant cannot be compelled to participate in, without his or her consent.
- So it is therefore necessary for the each applicant interested in the program to sign a legal waiver before being accepted into the program.

Elsipogtog Healing to Wellness Court – Process

- When an accused is formally admitted to the HWC Program, the Court will direct that a treatment plan be developed.
- A participant's matters will be adjourned for a period of sixty (60) days to allow for the development of a stabilization plan.
- A participant's matters will be adjourned for a further thirty (30) days to allow for the development of the treatment plan.
 - During this period, the participant will generally be required to attend in court on a bi-weekly basis for monitoring.
 - Depending on the particular circumstances of a participant, the Judge may require the participant to attend more (or less) frequently for "check-ins".
- There are two forms of the treatment plan; one that is more detailed and another that provides a very high level summary of the treatment plan components. It is this document that is attached to the Undertaking to a Judge that is filed in the court file.

Elsipogtog Healing to Wellness Court – Process

- The Court may invite other members of the Healing Team, participant's family or support people, victims, or any representative of victims, as well as community, to provide input on the participant's progress.
- The Court will hear from Counsel as is necessary, but the primary focus of the check-in discussion is between the Judge and the Participant.
- After hearing all the information presented at the pre-court meeting, the Judge will determine what, if any, action will be taken.
- A sanction or reward may be given depending on the circumstances of each participant's case.

Elsipogtog Healing to Wellness Court – Process

- Participants who successfully complete their treatment plans will be released from the HWC program.
- The PCM will file an End of Program Report summarizing the participant's progress in the program. This summary report will typically include input from the participant, PCM, the Healing Team, other Service Providers, community supports involved with the participant, victims and victim supports, in addition to the Crown Prosecutor and Defense Counsel.
- The Court may seek input from other individuals regarding the participant's progress [family members, Elders, etc.]
- Upon successful completion of the HWC program, the Crown Prosecutor will withdraw the charges for first time offenders who accept responsibility, while repeat offenders will be given a sentence, which can range from a discharge to a community-based sentence.

Impact of Assimilation

- Lateral violence
- Cultural and language losses
- Chronic health problems
- Inter-generational impacts
- Displacement of gender role and traditional governance
- High rates of suicide, crime and high risk behaviors
- Internalized oppression



Elsipogtog Healing to Wellness Court:

First Nation community challenges

Effects of Residential Schools

Cultural Oppression

Racism

**Underlying Causes
Factors/Conditions**

Sexual Abuse

Suicides

Family Violence

Alcohol & Drug Abuse



Elsipogtog Healing to Wellness Court:

Guiding Principles

Client-centered

Client choice

Relationship building

Holistic approach

Open door policy

Empowerment

Traditional services

Language and culture

Community based

Collaborative practice

Community development

Stages of Change

Denial/ Not Ready

Thinking about it

Looking for Options

Doing

Keep it going

Moving on



Elsipogtog Healing to Wellness Court:



Elsipogtog Holistic Framework for Healing to Wellness Court



Elsipogtog Healing to Wellness Court:

Healing Team Roles and Responsibilities

Primary Case Manager (PCM)

Mental Health Clinician

Alcohol & Drug Prevention Counsellor

Elder/Traditional Care Provider

Victim Services

Crisis Outreach Worker

Nurse Practitioner

Child & Family Services Worker

Assessment

- Bio Social Interview
- Circle of caring
- SASSI
- Medicine Wheel Cards
- FASD Screening
- Mental Health Assessment
- Family Tree
- Urine Drug Screen
- Danger Assessment

Adult Treatment Plan

East	Reconnecting	2-4 months
South	Work you have to do	6-24 months
West	Be in a better place	3-6 months
North	Healing the mind	1-3 months



Elsipogtog Healing to Wellness Court:

Youth Treatment Plan

East	Reconnecting	1 month
South	Work you have to do	4-6 months
West	Be in a better place	1 month
North	Healing the mind	1 month



Elsipogtog Healing to Wellness Court:

Wellness Plan



Elsipogtog Healing to Wellness Court:





**Oelaalin
Thank You
Merci**
