

# Wellness Programming

## Yurok Tribe

*Across the US, alcohol and opioid abuse has seriously disrupted countless lives. The Yurok reservation and its surrounding area are no exception—intergenerational poverty, high incarceration rates, and failed treatment attempts combine to create a cycle of violence and despair. In response, the Yurok Tribe is purposefully using its tribal justice system to improve outcomes for offenders with substance abuse problems. By infusing traditional Yurok values into the tribal court's structure and proceedings, the Tribe's Wellness Programming is building better futures for all community members.*

### POVERTY AND INCARCERATION

With over 6,000 citizens, the Yurok Tribe is the largest tribe in California. In the 1850s, a period known as “the invasion” to tribal leaders, the arrival of Gold Rush settlers decimated the population and destroyed many Yurok villages. The Tribe's current day reservation is located along the Klamath River on a small portion of Yurok ancestral territory in northern California. These tribal lands are rugged and remote, stretching one mile on both sides of the river for 44 miles inland from the Pacific Coast.

Fish play a central role in the tribal members' diets, ceremonies, and employment opportunities. Over the years, dam construction, silt from logging operations, and water diversion for agriculture have led to a sharp decline in water quality. Since 2015, tribal officials have been forced to suspend the commercial and subsistence fishery due to low fish counts.

Although three-quarters of adults living on-reservation are employed, many jobs are seasonal. Tribal administrators estimate that winter unemployment is close to 80 percent. Over half of the area's children live below the poverty line, and many homes lack electricity.

The Yurok reservation experiences persistently high rates of child removal to foster care, domestic abuse, crime, and suicide. In 2016, a tribal researcher found that the Yurok incarceration rate was six times the rate among California residents and more than 10 times the national rate. Worse, many tribal citizens are jailed simply for failing to complete court-ordered alcohol and drug treatment programs.

Tribal leaders recognized that incarceration was not addressing their community's underlying problems. Elsewhere in the country, there were powerful examples of tribal governments creating restorative justice programs—but the Yurok Tribe's options to do likewise were limited by its location in a PL-280 state. Under this structure, tribal courts are eligible to receive limited federal funding and have very little authority. Yet the acute need for change drove tribal leadership to push jurisdictional boundaries: they reformed the tribal court and began working with neighboring counties to make wellness the primary focus of the tribal justice system.

# HONORING NATIONS

## A NEW MODEL FOR TRIBAL COURTS

In 1993, the Yurok Tribe ratified a written constitution that established guidelines for a tribal court in the town of Klamath. In its early years, the court mostly heard cases concerning fishing disputes between tribal citizens. In 2007, the Tribe hired Abby Abinanti as Chief Judge. A Yurok citizen, Judge Abinanti was the first Native American judge appointed to the bench in California and had more than a decade of experience in the state's family court. In consultation with attorneys, elders, community leaders, and tribal leaders, Judge Abinanti began to remold the tribal court to reflect traditional Yurok values and to meet the community's contemporary needs. The court began to adjudicate a wider range of conflicts and its caseload increased.

Because many of the cases were drug offenses, the tribal court launched the Yurok Wellness Court in 2009. Over the years, the court

expanded its Wellness Programming, adding group healing for batterers, aid for domestic abuse victims, elder advocacy, child support services, and re-entry assistance for former inmates. As the tribal court transitioned away from the western model, Yurok customs became the basis for new procedures. Historically, disputes were resolved by Yurok community members in their villages. Now, this traditional model of community activism is reflected in procedures concerning drug offenses. Tribal court staff engage with offenders in the way a Yurok aunt or uncle would, with an emphasis on community members' responsibilities to and for one another. Instead of wearing robes seated behind a raised desk, court personnel dress informally and meet with defendants around conference tables, that, when pushed together, visually recreate the culturally significant Klamath Watershed.





To reach Yurok citizens who are in trouble with the law, the tribal court has forged formal ties with the state courts located in the Tribe's ancestral territory. A ground-breaking 2012 Memorandum of Agreement with Del Norte County directs county officials to assess whether offenders are tribal citizens. If the case is non-violent and involves substance abuse, the county and Tribe can agree for the case to be handled in tribal court. Some cases are diverted to the tribal court before trial, while others are referred for sentencing or probation violations. Neighboring Humboldt County also sends Yurok citizens to tribal court on a case-by-case basis. Recently, the Tribe partnered with Humboldt County to establish a joint-jurisdiction Family Wellness Court for child abuse and neglect cases. Humboldt County Superior Court Judge Joyce Hinrichs and Yurok Chief Judge Abinanti

preside together to help families and connect them with support services in the two jurisdictions. That approach has expanded into Del Norte County which now also features a Family Wellness Court for Yurok families.

Today, the Yurok Tribal Court employs over 20 Yurok citizens, including mediators, paralegals, attorneys, grant writers, probation officers, advocate/mentors, and a bailiff. Its Wellness Programming is making headway reaching tribal offenders. County judges and officials refer an increasing number of cases to the tribal system. And, as Yurok offenders have become aware of the tribal court's culturally grounded approaches, they increasingly have requested that their cases be heard at home. By 2018, over 2,000 tribal citizens had participated in the Tribe's Wellness Programming.

## HONORING NATIONS

### SHARED JURISDICTION AND BETTER OUTCOMES

In many US states, tribal courts have jurisdiction over cases involving tribal citizens. In California, a PL-280 state, all jurisdiction is concurrent. In practice, this often means that state courts hear all cases involving tribal members since there are no formal mechanisms for sharing or transferring jurisdiction. The Yurok Tribe realized that the only way it could meet its justice objectives was to partner effectively with state courts while building the capacity of its tribal court. The Tribe has developed a strong relationship with both Humboldt and Del Norte court officials by prioritizing a common objective of ending the cycle of repeat offending. In the words of the Tribe's Memorandum of Agreement with Del Norte County, "The parties wish to collaborate in developing culturally appropriate interventions for offenders to ensure offender accountability while restoring safety and healing to our communities." State officials are willing to collaborate because they respect the tribal court's professionalism and its outcomes. Ongoing relationships with the state courts have created the opportunity to develop innovative strategies that support tribal families in the judicial system. Notably, the Tribe's Family Wellness Court with Humboldt County is the first joint-jurisdiction court in California, and the parties are now planning to use the same approach for youth truancy cases.

Similar to initiatives elsewhere in the country, the Yurok Tribe's Wellness Programming shows there are strong benefits to incorporating cultural practices into the justice system. With a small budget provided mostly by grant money, the court has completely changed the way in which it operates. In place of the model in which judges recuse themselves if they have a connection to the defendant, Chief Judge Abinanti and court staff draw heavily on their personal knowledge of offenders and community

relationships. Court personnel help remove barriers to compliance, such as providing transportation for offenders to and from Klamath for court appearances. Many times, defendants are given staff members' phone numbers and are told to "call before there is a problem." This approach reflects traditional village justice as community members work together to restore harmony and help offenders make amends for harmful actions. The court emphasizes non-monetary "fines" that reflect the importance of personal responsibility to the Yurok community. Examples of sentences include providing fish to elders, accompanying children to ceremonies, and learning traditional Yurok crafts. Those harmed by a crime are asked for their input on what can be done to settle a situation. Through these cultural adaptations, the



Yurok Tribal Court is better able to meet the needs of both offenders and other residents of the community.

Since it operates under different guidelines than the state court system, the Yurok Tribal Court can address circumstances beyond the resolution of a specific case. The court's extensive Wellness Programming grew out of a recognition that many defendants needed help to overcome the addictions that were the root cause of their encounters with the judicial system. The court process supports offenders as they learn from their mistakes and do the hard work of modifying unhealthy behavior patterns. Tribal court staff are compassionate, well-trained in substance abuse issues, and dedicated to healing the community. Incarceration is

used only as a last resort when all other options have been exhausted. The Tribe's Wellness Programming has a long-term goal of rehabilitating offenders so that they can honor their commitments as Yurok, helping rebuild the relationship between citizens and their community. As an example, in situations of domestic violence, the tribal court's education program includes talking to an elder, learning cultural practices, and developing a family tree. Many perpetrators actually choose to remain in the program past their mandated time in order to deepen their cultural connections. Reflecting on the tribal court's focus on restorative justice, one tribal council member comments, "Our court doesn't focus on punishment, it focuses on our people. It makes us whole."



HONORING NATIONS



# LESSONS

In partnership with the state courts in neighboring counties, the Yurok Tribe is reclaiming its ability to adjudicate offenses committed by its citizens. Drawing on Yurok cultural traditions, the tribal court has moved away from the model of impartial justice and is actively involved in rehabilitating defendants. Despite significant challenges and limited resources, the Yurok Tribal Court has created a range of Wellness Programming to help offenders make lasting improvements in their lives.



By finding ways to practice concurrent jurisdiction with state counterparts, tribes in PL-280 states can actively infuse traditional values into contemporary jurisprudence and serve tribal citizens in culturally appropriate ways.



By addressing the root causes of individual crimes and by allowing creative approaches to restitution, tribal courts can significantly reduce recidivism.



By prioritizing community needs, tribal court programming can evolve to better serve individual tribal citizens and the Native nation as a whole.