



**THE HARVARD PROJECT ON  
AMERICAN INDIAN ECONOMIC DEVELOPMENT**

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John F. Kennedy School of Government • Harvard  
University

**HONORING NATIONS: 2010 HONOREE**  
**Joint Tribal-State Jurisdiction**  
**Leech Lake Band of Ojibwe**

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*Across Indian Country tribes are strengthening and better defining their governments in order to meet the unique needs of their communities. As Native nations work to expand their sovereign powers, tribal justice departments can play a critical role in achieving those goals. In the early 2000s, the Leech Lake Band of Ojibwe faced a rising crime rate. Because Minnesota is subject to Public Law 280, county and state agencies controlled the primary resources for law enforcement and judicial processing. But recidivism statistics for its tribal citizens showed that the state system was not addressing the problem. Despite its limited judicial infrastructure, the nation had a strong desire to intercede, and a strong commitment to holistic care rooted in traditional values. It was with this determination that Leech Lake set aside a history of interracial tension to work with neighboring counties to create a Wellness Court that helps people overcome their drug and alcohol addictions.*

**A Growing Crime Problem**

Located in the midst of the beautiful Chippewa National Forest in north-central Minnesota, the Leech Lake Reservation is home to nearly 9,000 tribal citizens. By the early 2000s, it was also home to a serious and growing crime problem. In 2002, tribal police answered 6,000 calls for assistance concerning fights, sexual assaults, domestic abuse, and drug use. By 2006, they were responding to over 9,000 calls annually.

Approximately 60% of the Leech Lake community's Native residents struggle with serious drug and alcohol addictions. It is a problem that touches almost every family on the reservation, and one known to contribute to the rise in criminal behavior. For many Leech Lake offenders, substance abuse is also linked to other root causes of crime, such as family violence and historical trauma.

Because of Public Law 280, Leech Lake citizens who break the law are adjudicated in state court. As it was constituted, however, the state justice system could not address these root causes of crime. Instead, the process focused on punitive measures that typically ended with incarceration, which for many Native offenders was a recipe for recidivism. It was clear that a new approach was needed. In the words of one Leech Lake official, "there was growing sentiment on the reservation that we could not wait for someone else to save us."

**A Joint Court to Rehabilitate Offenders**

Leech Lake's leaders recognized that crime reduction was a goal shared by all area residents and leaders, both Native and non-Native. To accomplish this goal, they sought to break the cycle of criminal behavior by using both tribal and state programming and resources to create a strengths-based, wrap-around support system for non-violent, repeat offenders with substance abuse problems. The new system is embodied in a Wellness Court, created through tribal-county partnerships, that is focused on rehabilitation rather than punishment.

As of 2011, Leech Lake had signed two "Joint Powers" agreements to formalize judicial cooperation. In the agreements, the tribal and county courts pledge to "jointly exercise the powers and authorities conferred upon us as judges of our respective jurisdictions." The tribe's two joint Wellness Courts (in Cass and Itasca counties) monitor and provide services to participants after their sentencing in county court. In Cass County, Wellness Court sessions are held simultaneously in the county district court and tribal court through video conferencing, with judges from both systems presiding and the client choosing whichever location is more convenient. In Itasca County, hearings are held in the county courthouse with a county judge and a Leech Lake tribal court judge presiding side by side.

Both tribal citizens and non-Native clients who are eligible for the Wellness Court program can opt to participate instead of completing their sentences. Court personnel draw up individualized treatment plans, and a team of officials from various state and tribal agencies meet once a week to discuss each participant's case. Clients report their progress directly to the judges. This customized and coordinated approach is producing remarkable results. The Wellness Court has maintained an impressive recidivism rate of .03%, with only 1 of their 35 graduates reoffending since 2006. A program participant who had been incarcerated over 15 times and had been an addict since age 13 noted, "This program has taught me how to change."

### **A New Spirit of Collaboration**

By creating tribal-county Wellness Courts, the Leech Lake Band of Ojibwe has found an effective way to help its citizens caught up in the state criminal justice system. By pooling their authorities, expertise, and resources, the partners are better able to help clients. For instance, the state court system can access drug testing and probation personnel, while Leech Lake can call on spiritual healers to help tribal citizens make cultural connections and work through historical trauma.

Leech Lake's initiative to establish the Wellness Courts changes clients' lives, but it also has a wider impact. These pioneering partnerships help to overcome generations of racial tension and suspicion between the tribe and its non-Native neighbors. Community officials note that the spirit of collaboration has led to talks with neighboring governments addressing other areas of common concern and has improved relations between tribal and local law enforcement officers. The new trend is to work together rather than to spend energy on competition between jurisdictions.

Perhaps most significantly, the Wellness Courts have raised awareness of the Leech Lake Tribal Court as a legitimate and capable court. In a historic and deeply symbolic ceremony attended by senior state and tribal leaders, the Leech Lake flag was installed in the courtrooms of both Cass and Itasca counties. One county district court judge noted that he used to think tribal courts were inferior to state and federal courts but has "come to understand that they are equal and parallel systems."

### **Bringing the Lessons Home**

All too often, when tribal citizens enter the non-Native justice system, there is no way to bring community resources that can help achieve rehabilitation into the proceedings. Tribal citizens end up caught in an endless cycle of arrests and jail time. But the Leech Lake Band of Ojibwe has found a way to intervene and work to improve their citizens' well-being. By partnering with county district courts, the Leech Lake Tribal Court is able to participate in sentencing, bring the principles of restorative justice into the state system, and help determine and supervise appropriate treatment options. The new system helps offenders turn their lives around and makes the community a better and safer place.

## **Lessons**

**1** In Indian Country, intergovernmental and inter-agency collaborations can help create safer communities.

**2** Effective tribal courts are a hallmark of the legitimate exercise of sovereignty.

**3** Success in one inter-governmental arena can lead to other opportunities for collaboration.

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