

Verbal Testimony
Chief Judge Paul Day, Leech Lake Band of Ojibwe
United States Senate Committee on Indian Affairs
April 13, 2016

Good Afternoon Mr. Chairman and Members of the Committee.

My name is Paul Day and I am the Chief Judge of the Leech Lake Band of Ojibwe Tribal Court in Cass Lake, Minnesota.

I have served in this position since December of 2012 and have prior experience as an Assistant U.S. Attorney for the District of Minnesota and as the Executive Director of the Anishinabe Legal Services, a program which provides legal services to low-income residents at the Leech Lake, White Earth and Red Lake reservations.

I want to thank you for holding this hearing to discuss a number of important pieces of legislation which are being considered before this body and which are of great importance to Indian Country. Given my experiences, I would like to focus my testimony on S. 2205, the Tribal Healing to Wellness Courts Act of 2015 and thank Senators Tester and Franken for its introduction.

After reviewing the goals of the legislation and reflecting on my personal experiences, I firmly believe there is a very significant need for programs this bill is seeking to support. And that its enactment and funding would provide significant health and wellness benefits to tribal communities around the nation.

Like many communities, Leech Lake has been a victim to substance abuse over the years. According to the Indian Health Service at HHS, Native Americans are five times more likely to die from alcohol related causes than those who are not. As you can imagine, this has been a serious problem and has had a severe impact to our community.

With this said however, I am pleased to report that we had some success in partnering with local communities to establish wellness courts in our area. In our region, the elected officials of the Leech Lake Band of Ojibwe and the counties of Cass and Itasca have joined hands to see what they can do to make life better for their citizens. The wellness courts created through cooperative agreements are just one example of the success created when governments work together.

Through these courts, we have seen positive results as we work together to combat this combat this epidemic in our community and provide assistance to those who hope to recover. I'd like to take a moment to discuss a few of the benefits of wellness courts that I have seen during my time as the Chief Judge.

As a Public Law 280 state, Minnesota has jurisdiction over criminal matters on most Indian reservations. The counties could simply continue to do business as usual and jail offenders (many of whom are Indian) for alcohol related offenses.

However, the cost of incarcerating offenders and the high recidivism rates for alcohol and drug offenders require a different approach.

In our area we thought and it has proven correct, that a wellness court for Indians and non-Indians that followed the best practices standards would help address these issues.

As a result we have seen positive results for the participants in wellness court and a cost-benefit to the taxpayers. Those who participate in our wellness courts have a lower recidivism rate and perform better in an in almost all categories than those who do not.

Further and importantly, for every dollar invested in the Leech Lake/Cass County wellness court, the taxpayers receive \$1.13 in return, while the return on every dollar is \$1.70 in the Leech Lake/Itasca County wellness court. Wellness courts, in my opinion, are a very effective use of taxpayer funding.

In brief, the wellness courts have been a great success for the Leech Lake Band of Ojibwe and our county partners and could not have happened without excellent government-to-government relationships. These courts have contributed greatly to positive relationships in the region and have helped break down old barriers that were propped up by ignorance and prejudice.

Although we have had measureable success and outcomes, Tribal wellness courts face unique challenges that are not usually encountered in a state drug court system. And I believe there are many ways that this system could be improved – some of which are addressed as a part of S. 2205.

Of specific note, the Leech Lake/Cass County wellness court team needs a member from the public defenders' office to help assure that policy decisions made by the team protect the due process rights of the participants. Unfortunately, the public defenders cannot continue working on a case once the case has been litigated or otherwise resolved.

Thus, the Leech Lake tribal court, like many tribal courts across the country, need additional funding to hire judges and other staff. While wellness courts have a positive impact in Indian country, there is a cost associated for this service, mainly the cost of staff.

Although there have been challenges to work through in the wellness court system, I believe wellness courts adapt to meet the needs of each community by establishing more structure and accountability of offenders. There is no question in my mind that tribal wellness courts have had a positive and encouraging impact to communities in Indian Country and specifically in Leech Lake.

S. 2205 would continue to help improve wellness courts and provide the added tools needed to be successful.

This bill would also integrate the administration of other services that are essential to the success of those being treated including: mandatory periodic testing for each participant for the use of controlled substances, as well as provide substance abuse treatment for each participant, relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services.

In conclusion on behalf of myself and like-minded individuals in Indian Country, I appreciate the work committee members, bill authors, and staff have done to raise awareness and seek out additional resources to address this important issue. Thank you for the opportunity to testify today.