



THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION

TRIBAL DEFENDERS OFFICE

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Tribal Defenders Holistic Defense Program Confederated Salish and Kootenai Tribes Pablo, Montana

The Tribal Defenders Holistic Defense Program provides criminal representation to accused tribal members and civil assistance to the indigent. The office also serves as a walk-in legal clinic, providing assistance to individuals with legal questions on a variety of issues. Holistic Defense is a client centered model that addresses the issues that bring people into the criminal justice system as well as the collateral consequences to criminal charges by: 1) offering seamless access to services that meet legal and social support needs; 2) dynamic, interdisciplinary communication among staff; 3) advocates with an interdisciplinary skill set to address client needs; and 4) a robust understanding of, and connection to, the community served.

Civil Assistance/Representation

The Civil Division represents Tribal members concerning: housing needs; consumer issues; representing respondents in guardianships and mental health commitments; some divorce and child custody cases; and jurisdictional issues according to guidelines adopted by the Tribal Council.

In addition to representation in civil cases in Tribal Court, the civil division assists individuals by answering questions, giving legal advice, making legal referrals and providing procedural assistance and forms to *pro se* litigants.

Civil Intake

Individuals who seek help in civil matters are screened through an intake process. The requests for services are further screened through weekly staffings. If cases do not meet guidelines, the person requesting service is referred to other resources or given direction on proceeding *pro se*. The advocate who provides intake services also acts as case manager in some instances for those who have difficulty navigating social and financial agencies. People are not turned away without given direction where they may receive services.

Mediation

The majority of requests for representation are in divorce and/or child custody matters. Many of those requests must be turned down because the Defenders have a conflict or they do not meet the Defender guidelines. For that reason, mediation is provided at the Defenders Office free of cost by the University of Montana School of Law, Mediation Clinic. The Defenders have also enlisted volunteers in the community to provide culturally relevant mediation and counseling.

This community based mediation includes clients charged in criminal and juvenile court.

Criminal Representation

The Tribal Defenders Office represents persons charged with crimes in Tribal criminal and youth courts. The Tribal Defenders often work in conjunction with state public defenders representing Tribal members in Lake and Missoula Counties and reach out to Tribal members who are incarcerated within the Montana Department of Corrections system, including assisting them with parole requests.

Adult Criminal Court

The Tribes have exclusive jurisdiction over enrolled members of any federally recognized Tribe who are charged with misdemeanors that have been committed on the reservation. The Tribes have concurrent jurisdiction over felonies. Persons who financially qualify are represented by the Defenders from the time of their initial appearance. Representation includes client counseling, investigation, court appearances, motions practice, bench and jury trials, sentencing and appeals. The Defenders also provide assistance with post-conviction issues and continue to develop alternatives to sentencing, including traditional remedies.

Youth Court

The Tribes have jurisdiction over youths living on the reservation who are enrolled or enrollable members of any federally recognized Tribe. Juveniles are represented by the Defenders from initial appearance through appeal, without regard to income. Representation in Juvenile Court also includes client counseling, investigation, court appearances, motions practice, bench trials, sentencing and appeals. Because they are required to appear for review hearings as a condition of their sentences, juveniles continue to be represented by the Tribal Defenders after disposition of their cases.

Holistic Defense

In 2011, the Tribal Defenders received technical assistance from the Center for Holistic Defense sponsored by the Bronx Public Defenders Office in New York. Since then, the Tribal Defenders have adopted a holistic public defense model coordinating between the civil and criminal units to provide their clients seamless access to justice. Also, through grant funding the Defenders have a case manager and 2 clinical psychology trainees on staff to provide assessment, counseling and access to social services. Some particular aspects of the holistic defense program are:

Assistance with Collateral Consequences

When a person is charged with a crime they often face loss of employment, eviction from public housing, loss of benefits, loss of licenses, child custody litigation, accusations from child protection and other complications in their lives. The Tribal Defenders assist individuals dealing with those issues.

Community Outreach

The Tribal Defenders provide education to their clients and the community on several issues including: Know Your Rights, How to Represent Yourself in a Child Protection Case, Consumer Issues, Wills, Mass Incarceration, Reentry, Financial Management, Cognitive Restructuring and Psychological Stages of Behavior Change.

Cultural Mentoring

The Defenders recruit volunteers in the community that provide cultural mentoring to clients. Mentoring includes one on one counseling as well as mediating between clients and those that have been wronged. It also includes access to one of the Culture Committees on the reservation, assisting clients to reconnect to their native heritage. From 2009 through 2012 of the 54 clients served through the Defenders' cultural mentoring program 35 have not reoffended.

Driver's License Restoration

The Defenders assist their clients to determine why their driver's licenses are suspended and how to get them reinstated. Since 2011, the Defenders have assisted 150 people to obtain valid driver's licenses.

Flathead Reservation Reentry Program

The Defenders, in collaboration with the CSKT Department of Human Resources Development and Tribal Behavioral Health, were awarded a Second Chance Act grant to plan and implement a reentry program that provides services to tribal members coming out of tribal jail and the Montana Department of Corrections focusing on the needs of those who struggle with mental health disorders, substance abuse, legal and other collateral consequences of their offenses. As of February, 2016 – 309 offenders within Montana's Department of Corrections self-identified as CSKT, of those, 159 are incarcerated within DOC programs. The Defenders seek to identify what is causing this and what reduces recidivism.

The Tribal Defenders are dedicated to strong advocacy and the protection of civil liberties while working with clients and their families to address underlying issues that bring them into the criminal justice system.