



Alaska Attorney General Joins the Court System and the Kenaitze Tribe in Establishing State-Tribal Wellness Court

October 20, 2016 (Fairbanks, AK) – Attorney General Jahna Lindemuth today signed an agreement with the Alaska Court System and the Kenaitze Tribe to support establishing the Henu’ Community Wellness Court. The court will provide a joint state-tribal therapeutic pre-trial diversion program that both tribal and non-tribal members can participate in to address non-violent substance abuse issues that lead to criminal charges.

“The Kenaitze Tribe gets all the credit for this program,” said Attorney General Lindemuth. “Working with the courts and other stakeholders, they came up with a robust pre-trial diversion program that gets at the heart of many of the substance abuse issues the Kenai community faces. Our prosecutors will work hand-in-hand with the tribe, the courts and the public defenders to work towards the best outcomes for the offender, the victims, and the safety of the community.”

In 2015, the Kenaitze Tribe received a grant from the Department of Justice, Bureau of Justice Assistance to develop a joint jurisdictional court with the Kenai Superior Court for drug and alcohol offenders—a state-tribal wellness court. The Kenaitze Tribe worked with a steering committee made up of representatives from the Tribe, the Alaska Court System, the local district attorney’s office, the Public Defender Agency, probation and law enforcement officers, the Office of Children’s Services, and others. The steering committee developed a policy and procedures manual outlining how the court would function. In June 2016, the final proposal was presented to the Attorney General’s Office, along with all the other stakeholders, to determine if agreement could be reached to establish the Henu’ Community Wellness Court.

After taking office in August 2016, Attorney General Lindemuth made the agreement a priority. The signing of the agreement today is the culmination of a lot of hard work by the Kenaitze Tribe and the steering committee.

“I am proud to have been able to be a part of this historic agreement, even if it was only at the end of the process.” said Attorney General Lindemuth. “I want to thank everyone

who put so much effort into making this a reality, especially Tribal Judge Kim Sweet and Superior Court Judge Anna Moran.”

The purpose of the Henu’ Community Wellness Court will be to provide a values and culture driven court alternative to state court sentencing for drug and alcohol related crimes. Diversion will be available on a voluntary basis to tribal and non-tribal defendants charged with lower level offenses prior to indictment. The defendant must plead guilty, and the plea agreement will describe the outcomes of both successfully completing the wellness program and failing the program. If a defendant fails the program, the defendant will be sentenced according to the terms of the plea agreement.

State and tribal judges will sit side-by-side presiding over cases before the Henu’ Wellness Court. The offender will be assigned a probation officer/case manager and will be supervised by a multidisciplinary team consisting of the therapeutic court judges, a member of the district attorney’s office, the offender’s defense counsel, the case manager, the therapeutic court’s project coordinator, a treatment provider’s representative, and others approved by the judges. This is similar to the other therapeutic courts functioning within the Alaska Court System. This would be the first joint state-tribal therapeutic court in Alaska.

For more information, please see the attached manual of policies and procedures developed by the steering committee.

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