



THE TULALIP TRIBAL COURT

6103 31st Avenue NE Tulalip Washington 98271
Tel: (360) 716-4773 | Fax: (360) 716-0657



Hon. Chief Judge Theresa M. Pouley
Hon. Judge Gary F. Bass

MEMORANDUM

TO: BOARD OF DIRECTORS; NICS; MIKE TAYLOR & TIM BREWER, RESERVATION ATTORNEY; SHERYL FRYBERG, GENERAL MANAGER; LENA HAMMONS, BEDA?CHELH; CHIEF ECHIEVARIA, TULALIP POLICE DEPARTMENT; DAVID WALL, PROSECUTOR'S OFFICE; JEFF HATCH, TGA; MOLLY COHAN, DEFENSE CLINIC

FROM: TULALIP TRIBAL COURT JUDGES

SUBJECT: 2013 ANNUAL REPORT

DATE: FEBRUARY 24, 2013

This report covers the Calendar Year January 1, 2013 to December 31, 2013.

I. Annual Summary of Activities.

A. Summary of Caseload.

- 1. Case Statistics:** The total number of criminal filings decreased by 20% over 2012. Over the last two years there still is about a 20% increase in new criminal case filings. Cases involving alcohol continue to decrease but cases involving drugs remained substantially the same. This is the second year in a row that the criminal caseload has decreased since 2010. The 2013 filings are back at the consistent levels demonstrated over the five year period of 2006-12. Despite this overall decrease in criminal filings, filings for both domestic violence and sexual assault are up. Domestic violence prosecutions have increased about 30% over 2012 filings. Although not specifically reported, sexual assault filings have also increased. In 2011, there were 2 filings, 2012 4 filings and in 2013 10 new filings. The traffic infractions have decreased substantially from last two years, about a 60% decrease from the 2011 numbers.

Civil case filings continue to increase and for a second year in a row have hit an all-time high 780. This year's new filings were about 17% higher than last year's. Thus, overall civil filings remain up over the last five years and remain fairly constant, ranging from a low of 493 to a high of 780 cases which is about 35% difference overall. The increased filing number is partly because of the new case management system which for the first time tracks "re-opened" cases and counts them as new cases. Historically, there have always been a substantial number of re-opened cases but these were not tracked by the case management system. Youth in need of care filings were up in 2012 and are up again for 2013. The new case filings are high, at 182 cases for 2013, which is above the all-time high in 2009 of 94 cases. This is partially because the new case management system tracks re-opened cases and partly because of the demographics of the membership. Further analysis shows that the new filings are at 117 and reopened cases at 65. 117 is still the highest number of cases filed in the last seven years. Child support case filings remain high and consistently are above 80 filings per year for the last 3 years. Guardianship case filings are also



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substantially increased, primarily in response to the increased filing of youth in need of care cases. Overall youth in need of care cases comprise over 1/3 of the court's current caseload. Anti-harassment Order filings remain substantially the same but civil filings for domestic violence restraining orders increased by about 20% (from 41 filings in 2012 to 52 filings in 2013).

YEAR COMPARISON	2006	2007	2008	2009	2010	2011	2012	2013
Criminal	353	311	318	339	306	487	415	326
Traffic	140	260	533	643	1078	818	737	314
Civil	486	601	504	517	493	605	648	*780
Total Cases	979	1172	1355	1499	1703	1911	1800	1451
Total Hearings		5084	6674	8360	9690	13059	16934	**13600

*Includes "reopened" cases which is new for 2013

**Estimate based on first half of 2013

In 2007 the Court began tracking the total number of hearings held by the Tribal Court each year. In 2007, the Court was holding about 21 hearings per day, in 2008 about 26 per day, in 2009 about 32 hearings per day, in 2010 about 37 hearings per day and in 2011 the Court heard an all-time high of over 13,000 hearings which is about 50 hearings per day, 2012 saw an all-time high of 16934 hearings which was about 65 hearings per day. In 2013, the total number of hearings decreased to slightly above 2011 numbers. This number is an estimate because the transition to the new case management system does not track hearings in the same way. The decrease in hearings is primarily due to a substantial decrease in civil infractions and criminal filings.

The addition of a third Judge coupled with the decrease in caseload successfully stabilized the per Judge caseload and hearing requirements.



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II. ANNUAL STATISTICS.

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ACTIVITY REPORT FOR THE PERIOD			
January Through December 2013			
Type of Cases	Filed	Disposed	Total Pending
	Total	Total	
Criminal Alcohol	18	7	35
Criminal Drugs	60	31	70
Criminal Domestic Violence	43	22	39
Criminal Fishing	11	4	10
Criminal General	194	94	259
TOTAL CRIMINAL	326	158	413
TOTAL TRAFFIC	314	246	274
Civil Anti-Harassment	10	26	7
Civil Child Support	85	50	102
Civil Child Custody	43	172	63
Civil Divorce	31	52	37
Civil Employment	26	43	9
Civil Exclusion***	31	5	33
Civil Gaming	6	51	13
Civil General	145	126	118
Civil Guardianship	167	200	234
Civil Paternity	2	10	2
Civil Restraining Order	52	48	53
Civil Youth in Need of Care-NEW	117	191	240
Civil Youth in Need of Care-Reopened	65	-	-
TOTAL CIVIL CASES:	780	974	911
TOTAL CASES:	1451	1873	1682
TOTAL HEARINGS:	13,600		

2. Not Included in Statistics: Fines and Filing fees remained at the 2011 level at \$162,391.05 which is a decrease from 2012 and substantially the same as 2011. In 2009, the court collected \$58, 969. In 2010 the court collected \$127,984.99 in receipts. In 2011, the Court collected \$167,933.00 in fines and fees of



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which \$128,779 was civil and traffic fines. The increase and standardization of criminal fines balanced the decrease in traffic fines. However there is still a substantial decrease from 2012.

Search warrants & other orders: Also not included in the statistics are the number of search and arrest warrants done after hours (usually late in the evening). The Court did substantial number of search and arrest warrants in 2013 between Fridays at 6 p.m. through Monday at 6 a.m. The Court continues to hold 2 ex parte days per week, new for 2012, and signs and enters over 20 orders per week.

C. Meetings and Trainings: The Judges participated in several internal meetings with Tulalip staff, several site visits by outside agencies and several trainings conducted by the Judges with external agencies.

1. Trainings or Presentations by the Judges: The Court had a variety of meetings and visitors in the first half of 2013. In January the National Center for Court Innovation visited the tribal court and Elders Panel program. In February, PBS Guam filmed part of a documentary on the Court for a piece on Indigenous Justice. Also in February a French Film Crew spent the day with Tulalip and the Court concerning Domestic Violence on the Tulalip Reservation. The first meetings of the Tribal Court-State Court Consortium were held in March with follow up meetings with Snohomish County Superior Court Judges in May to problem solve issues involving youth involved in both justice systems. In February, there was a site visit and Tribal Court Evaluation completed to assess the Courts functions. The Court and Chief Judge were involved in several meetings and interviews surrounding the federal VAWA Amendments. In April, the Court participated in a consultation with the federal Bureau of Prisons (BOP) regarding implementation of TLOA and the use of federal jail space. Also in April, Casey Foundation held a site visit. Judge Pouley also attended ATNI in February, NCAI in April, ILOC meetings in January and April for the Federal Indian Bar and continued drafting and reviewing the ILOC report due out this year. The Court continued its participation for a third year with the Marysville 10th Street Middle School for their mock trial team.

The second half of 2013 was equally busy with trainings and visitors. In June the World Affairs Council visited Tulalip with a delegation from South America. In August and November, Judge Pouley participated in training and planning for the Inter-Tribal Working Group (ITWG) which is a consortium of 36 tribes planning for the implementation of VAWA. In August, Judge Pouley participated in the Leadership Institute sponsored by the Washington State Bar Association. In September, the Court assisting in the planning for a visit from the White House including Charles Gailbreth, Valerie Jarrett, Tony West and Sam Hirsch. Also in September, Judge Pouley participated in the Washington State Judicial Conference and participated in the first meeting of the Tribal Court-State Court forum sponsored by the Washington Supreme Court. In November, Judge Pouley participated in the Tribal Nations Summit as a White House guest and the Indian Law and Order Commission presented its final findings to the executive branch after the summit.



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2. **Trainings for Court Staff:** The Court Director arranged a week long on-site training for the Court Clerks in 2013 to introduce and implement the new case management system.

3. **Meetings attended and Policies Developed:**

a. The Court continues to participate in Monthly Law and Justice Committee Meetings to coordinate and update various departments on changes and recommendations for changes in the judicial system. In 2013, sub-committees continued to work on Court Safety, updates to the Ordinances including substantial changes to the Domestic Violence Code and amendments to the Court Rules developing a domestic court for the implementation of the VAWA extended jurisdiction. All were completed and adopted in 2013.

b. **Policies Developed:** The legal staff including the Judges continued to work on the revisions to the criminal Ordinance to allow the court to take advantage of the enhanced sentencing under the federal Violence Against Women Act (VAWA). The Court continued to work on the Court Rules with a Court Rules Committee and changes to the rules were adopted in December of 2013. The Safety Committee continued to meet to address security issues at the Court, however, the recommendations were not implemented in 2013 because of facilities issues. The Court clerk manual was updated to include provisions of jury selection and management.

c. Judge Bass continues to participate in the Snohomish County Juvenile Court diversion to the Tulalip Community Accountability Board (CAB) which meets with Tulalip youth offenders in the state court system. The CAB began seeing youth offenders in 2009 and sees about 12 to 15 Tulalip youth per year.

D. Other Court Programs:

1. **Elders Panel:** The Tulalip Elders Panel completed its sixth year. It continues to be comprised of volunteer Tulalip elders who wish to provide services for young first time offenders (between about 21 to 25 years of age). This year the Elders Court has recommended changes to increase its potential client base to expand on its success with young offenders. In 2013, the Elders saw about 10 clients.

2. **Mediation:** The Court continues its contract with NICS to provide an on-site mediator one day per month. The mediation has been very successful and has substantially increased the number of agreed parenting plans being adopted by the parties and the Court. The mediation services are currently grant-funded so mediation saves a substantial amount of court time and expense. This funding continued throughout 2013.



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3. Court Director Report:

- a. Staffing: The Director was successful in getting a part-time Court Administrative Assistant (Stephanie Ancheta) and full-time Probation Assistant (Mika Jira) hired for 2013. She also was on Selection Committee for 3rd Judge Position; worked with ORA & NICS on job description, resolution appointment, etc. Also revised Court Administrator job description to fit actual duties to Court Financial Coordinator (handles all bail exonerations, fines, traffic, restitution, etc.). She implemented Monthly meetings for Court Administration, with Judges, Deputy Court Clerk, Probation and the Director to discuss logistics and plan with resources for the administration of justice. Re-classified Janine Van Dusen's job description to Deputy Court Clerk / Pro Se Judicial Facilitator (pro se judicial facilitator's assist Court clients in filling out court forms, understanding the Court process and navigating through Tribal Codes). Set part-time office hours and ran continuous articles in the See-Yaht-Sub about this service.
- b. Visitors: The Director held planning meetings for all visitors including the White House/Department of Justice visitors in September 2013 (worked on Agenda with Judge Pouley, Charlie Galbraith & Stephanie Ancheta). Also prepared notebooks with Tribal Justice System information, including Tribes' Law & Justice Brochures.
- c. Technology updates: She worked with Judi Colina and Janine Van Dusen on new Odyssey Court case management system for judges, Court staff, Probation, Reservation attorneys, prosecutors, public defenders, Debra Russell, pro tems, TOCLA attorney, parent advocate attorneys, etc. (Obtained partial grant funding for the Odyssey Project).
- d. Publications and Information. The Director published Warrant List in February 2013 of all active Tribal Court Warrants. Prior to publishing Active Warrant List, did comprehensive public information campaign by publishing a series of articles on how to quash warrants in the See-Yaht-Sub for 3 months. She also updated the Tribes' Law & Justice Brochure in March of 2013 (did a mail out to Tribal membership & posted on Court website); continuous updates to Court's website to promote public information including the solicitation and review of each departments concerning website information prior to VAWA implementation. Drafted a Court Record Retention & Destruction Schedule and hired Independent Contractor, Alicia Horne along with Stephanie Ancheta to box/index files (YINC files, 1986-2005, and also mixed case-type files 1989 through 2002) to make room for 3rd Judge at Courthouse.



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- e. Participate and Plan meetings for needed ordinance and policy updates including proposals to increase civil filing fees which have not increased since 2001 and also traffic fines with Nicole Sieminski and others, including Chief Echevarria.
- f. The Director continues to attend all GM Leadership and Manager meetings. Hold monthly Court staff meetings. Coordinate monthly Law & Justice Committee meetings; and attend NICS' quarterly meetings. Attend TOCLA meetings.
- g. Grant Funding: The Court obtained 1-time Office of Tribal Justice grant for \$48,000 dollars to be used towards software and equipment. Also obtained \$73,000 in Depreciation Funds to replace copiers at Courthouse. The Director manages a \$159,000 Department of Justice / Coordinated Tribal Assistance Solicitation grant.
- h. Courthouse Planning: The Director continues to research, hold meetings and work towards a Justice Building. Also coordinated with Tribes' Construction to have a 3rd Courtroom renovated (ordered tables, chairs and benches). Added For-the-Record Audio equipment. Re-located Probation Office to Building C. Spearheaded conference call with Alliance, premier Family Justice Centers to discuss possibility of building a family justice center at Tulalip. Visited the Puyallup Tribes Corrections Center to view new Justice Facilities in the area.
- i. New Staff: the Director took over the administrative supervision of the Civil Legal Aid Office staff (Nicole Sieminski & Christina Parker).
- j. Externs for the Court: The Director continues to work with Doug Nash, Seattle University School of Law, on the mechanics of App. X Funds and Memorandum of Understanding to obtain Judicial Clerkship position for the Chief Judge.
- k. Services for Attorneys: maintain fee-for-service Attorneys Admitted to Tribal Court List to provide to Court clients (keep copies in Court reception-area and posted on Court's website) and an attorney list for VAWA cases meeting federal law requirements.



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III. Planning for 2014 – Court Development

- A. Judges: In 2014, Judge Bass and Judge Pouley hope to change their primary court calendars. The Court is hopeful to start a new Judge in 2014. Plans for a new judge are underway.
- B. VAWA: The Court is prepared for and intends to implement the extended jurisdiction provided for in the federal Violence Against Women Act.
- C. Court Staff & new Courtroom and Facilities Planning: In 2014, Court facilities must be addressed. The current facilities will not accommodate the current justice system.
- D. Youth Planning: Planning for the exercise of youth jurisdiction is critical. Preliminary numbers gathered by a working group on juvenile justice demonstrate that Tulalip Youth are substantially overrepresented in the state justice system. The court is undertaking evaluation, applying for grant funding and implementing new systems for our youth cases. The Court will continue to see youth in need of care teenagers who are substance abusers or truant from school in an attempt to support those youth.