

Law & Justice Brochure Introduction:

The Tulalip Tribes has always provided a forum for Tribal members in which to resolve issues. Some of the first issues the Tribal Court heard were employment issues to protect the rights of employees, and in child welfare cases to protect children. The Tribal Court has grown substantially since that time when the Tribe made the decision to take back jurisdiction over Reservation lands from the State of Washington in 2001. Retrocession allowed the Tribes to create and establish its own Tribal Police Department in which to preserve, protect, and advance sovereignty and self-determination, but equally important to also ensure the protection of life and property. Having a growing Tribal Police Department meant that Tribal Court services had to increase to meet the demands of an ever-expanding population on the Reservation. The Court provides due process and equal protection under the law to all Tulalip Tribal members.

The purpose of the *Tulalip Tribes Law and Justice Brochure* is to provide information to the Tribal members who receive services through the Tribal justice system.

Tulalip Tribal Court / NW Intertribal Court System:

The NW Intertribal Court System (NICS) was established in 1979 in response to the provisions of the federal court decision known as the Boldt Decision allowing tribes with fisheries law enforcement and judicial systems to conduct treaty fisheries without state control.

In 1979, Tulalip and many other treaty fishing tribes lacked law and justice systems. The establishment of NICS, melding together the sovereignties of a dozen tribes, satisfied the Federal Court requirement of a tribal court system to handle cases arising from activities of treaty fishing enforcement agencies.

Today, NICS administers the judicial (including pro tems) functions of the Tulalip Tribes and also provides Appellate Court services.

Both the Chief Judge Theresa M. Pouley, and Associate Judge Gary Bass are licensed attorneys (both enrolled Tribal members of the Colville Tribes).

The Tulalip Tribal Court hears cases involving dissolution of marriage, child custody, child support, criminal, guardianship, employment appeals, gaming license appeals, domestic violence, personal protection orders, traffic and youth-in-need of care cases, as well as many other types of cases.

To contact NICS, call Dan Kamkoff, Director (enrolled Lummi Tribal member), NW Intertribal Court System, 20818-44th Ave. W., #120, Lynnwood, WA 98036. Phone: 425 / 774-5808. To contact the Tulalip Tribal Court, please call 360 / 716-4778 for Wendy Church, Court Director (Tulalip Tribal member) or write to: 6103 31st Avenue NE, Tulalip, WA 98271. **Visit the Tulalip Tribal Court website. Type in your web browser "Tulalip Tribal Court."*

Tribal Artist Produces Artwork Symbolic of Justice & Native Pride (photo below):

Tribal Court contacted artist Mike Gobin (Tulalip Tribal member) of the Tribal Design Dept. to see about acquiring artwork for the courtrooms. Mike envisioned two large cedar, spindle whorls to be displayed behind the judges' benches in courtrooms I and II. "I carved these pieces in honor of my father Thomas J. Gobin, former Arlington Police Chief (15+ years); the one-time TGA Director; and pastor. He often said, 'people will judge you by the company you keep. You can fool your friends, you can fool your family, but you can't fool yourself.'" His father's Indian name "yax'wəla? si'ab" means man soaring with eagles, a man of high integrity. The innately beautiful wood carvings bear the scales of justice with a salmon design. These creations are symbolic of justice, sovereignty and Native pride. Mike's been an artist for 45 years mostly painting with acrylics. When the Tribal Design Dept. opened roughly 5 ½ years ago, he started carving under the auspices of artists' James Madison, and Joe Gobin.



Tulalip-Based Juvenile Diversion Panel (C.A.B.): Since starting the juvenile diversion panel (known as the Community Accountability Board) in July, the C.A.B. has heard forty cases so far. This diversion program is an alternative to the juvenile court process.

The C.A.B. meets monthly with tribal member youths under the age of 18 years old who are arrested for minor offenses and are eligible for participation in the C.A.B. Objectives of the panel are to hold the youth accountable for their actions, foster a change in attitude, impress upon the youth the community is concerned about their conduct, increase awareness of their behavior; and to maximize opportunities for the youth.

Current C.A.B. member volunteers include: Lori Parks, Teri Nelson, Sandy Gotts, Angel Cortez, and Judge Gary Bass. “We all want the youth to be positive, productive members for our community. The C.A.B. is a way to let the youth know that everyone makes mistakes when they are young and deserve a second chance while still holding them accountable for their actions,” said C.A.B. member volunteer Angel Cortez.

We are actively recruiting additional volunteers for the Tulalip-based C.A.B. Volunteers must possess an interest in youth and commitment to the welfare of others; have a non-judgmental attitude; treat youth and families with dignity and respect; be able to hold confidences and respect others’ privacy; be able to communicate effectively; able to work and problem solve with other volunteers; and have prior experience with youth. The C.A.B. meets once a month from 5:30 to 7:30 p.m. at the Tribal Court. If you are interested in being a volunteer, please contact Leigh Kellog, Juvenile Probation Officer at the Denny Juvenile Justice Center for an application. Applicants will be screened for any criminal record. Call Ms. Kellog directly at 425 / 388-7861.

Elder’s Panel (Tribal Court):

Elder’s of the Tribe volunteer their time to sit on the Elder’s Panel. Panel members include: Donald C. Hatch, Jr., Lee Topash, Arthur H. Williams, Sr., Eleanor M. Nielsen, Katherine M. Monger, William G. Shelton, and Marie Zackuse. The Panel meets at the Court every 2 weeks to meet with young (18-25 years old), first-time, non-violent offenders who have been charged with minor criminal offenses.

Participation in the Elder’s Panel is voluntary by the offender. If the offender successfully completes the one-year requirements imposed by the Elder’s Panel, the offender’s charges will be dismissed in Court. The Elder’s Panel may require regular appearances before the Panel; writing letters of apology; community service; substance abuse treatment; impose curfews; UA’s; research of family history, spiritual activity (not necessarily religious); anger management classes; mental health evaluations; and no new law violations. Tribal Court Judge Bass has referred more than 40 young people to the Panel in the last three years of which fewer than ten percent have returned to the court system.

**Tulalip Tribal Court’s Elder’s Panel were honored by the Washington State Bar Association (WSBA) for the Local Hero’s Award July 24, 2009. The WSBA Board of Governors searches statewide for noteworthy programs that have made substantial contributions to their communities, such as the Tulalip Tribal Court Elder’s Panel. Most often, these awards go to lawyers, but in special circumstances, this recognition is bestowed upon non-lawyers. Congratulations to the important work of the Tulalip Tribal Court Elder’s Panel for their civic contributions to this community, and our young adults. Virginia Carpenter served on the Elder’s Panel when it was given the WSBA award until she retired in 2009.*

Wellness Court:

The Wellness Court specifically targets substance abuse in adult offenders within the Tribal Court system. This Court is a 5-stage program that intervenes in substance addiction and criminal behavior by providing an environment of both intense accountability and encouragement by the judge, prosecuting attorney, defense counsel, probation, police officer, treatment, and mental health counselors, education, and employment specialists. This court-centered treatment program works with tribal resource agencies and community members to provide sanctions and incentives that address the participant’s mental, physical, spiritual, and emotional needs.

Wellness Court team has set policies with flexibility in order to assess each person’s unique needs. The team makes decisions based on group consensus. Participants enter the program through the criminal court system.

Eligible participants must have a criminal charge which involved substance abuse, either as an element of the offense, or as a contributing factor to the commission of the offense. The offense must have a maximum penalty (or combined penalty if there are multiple counts or offenses) of 100 days, must not be a felony level (violent offenses), violent offenses involving serious bodily injury, and must not be offenses involving sexual misconduct.

Participants must be willing to enter into either a deferred prosecution, or deferred sentencing agreement, and must have accepted responsibility for the criminal offense that brought them to court. The prosecuting attorney and the defense attorney will assure an order is entered transferring the criminal matter to the Wellness Court.



Tulalip Tribal Prosecutor's Office:

The Office of the Reservation Attorney (ORA) has two branches: the General Counsel Division (GCD) and the Court Services Division (CSD). The General Counsel Division represents the Board of Directors and is the chief legal officer for the Tribes. The Prosecutor is part of the Court Services Division and provides legal counsel to the Tribal Police.

Tribal Prosecutors enforce tribal criminal and civil law violations. Prosecutors are primarily responsible for criminal law violations under Ordinance 49 (the Law and Order Code) and related ordinances. These include violent crimes, domestic violence, sexual assault, drug and alcohol related crimes, property crimes; as well as gaming, housing, fishing, hunting and non-criminal traffic matters.

Tulalip Tribal prosecutors are entrusted with broad prosecutorial discretion. The authority to file criminal charges is the power to publicly lodge an official accusation of criminal misconduct against an individual based on evidence. A criminal charge can affect a reputation, a career, a life – it is a power that must be used judiciously. However, if there is insufficient evidence, then the prosecutor may not be able to file criminal charges, which would mean that a person who has committed a criminal act will not be held accountable.

The Prosecutors for the Tulalip Tribes are committed to the vigorous, fair and efficient prosecution of crimes on the Tulalip Reservation and to working within the criminal and civil justice systems to enhance the administration of justice. Janice Ellis prosecutes most non-domestic violence crimes. Cynthia Tomkins has been hired through an OVW grant to prosecute crimes of Domestic Violence. To contact the Prosecutor's Office, please call 360-716-4810, or write to 6103 31st Ave. N.E., Suite #B, Tulalip, WA 98271 (office located at Justice Bldg.).

Tulalip Tribal Police Department:

The Tulalip Police Department (TPD) is dedicated to providing quality police services, emphasizing trust, integrity and respect for tribal culture and customs.

The mission statement of the TPD is to support through words, deeds and actions, the vision of the Tulalip Tribes and the Tribal constitution, Tribal elders, youth, and the Board of Directors is to support the treaties and sovereignty of the Tulalip Tribes.

The TPD is a full service department providing police coverage 24-hours a day, 7-days a week. The department enjoys an excellent reputation and is staffed by 42 highly trained, professional officers and support personnel who provide first response to calls for service, investigations, emergency dispatching, and Tribal Fish and Wildlife enforcement who have hearts and minds for service to the Tulalip community. Our partnerships with the community and other law enforcement agencies are key to our ability in providing the best police services expected. The Chief has the responsibility and authority for command over TPD services including officers, and police staff. The Chief instructs, trains, and advises TPD employees in their functions, duties and responsibilities for providing a feeling of safety and security for all those who reside and visit the Tulalip Indian Reservation. To contact Chief Jay Goss call 360 / 716-4608 (Main Phone #) or write to: 6103 31st Avenue NE, Tulalip, WA 98271.

Tulalip Police Department / Corrections:

TPD Corrections is responsible for setting up both; drug /alcohol assessments and mental health evaluation with Tulalip Behavioral Health Services CD Counselors for all in-custody inmates under the jurisdiction of the Tulalip Tribes. TPD Corrections also monitors both; the medical and dental needs of in-custody inmates in the Snohomish County Corrections and Marysville City Jail. Debra Muir (Tulalip Tribal Member) 360-716-5943 Office or 425-508-4118 (Cell).

Tulalip Police Department/RSO Program:

The RSO Program monitors all Tulalip Tribal member who are a Registered Sex Offender, who reside, work, or attend school within the exterior boundaries of the Tulalip Reservation. Debra Muir, Program Manager (Tulalip Tribal Member) 360-716-5943/Office or 425-508-4118 cell phone.

Jail Services:

The Tribes have agreements in place with surrounding jurisdictions to provide for jail services (includes Marysville City Jail & Snohomish County Jail).

Tulalip Tribal Probation Office:

The Tribal Probation Officer makes reports to the Court and makes appropriate recommendations on dispositions. The Probation Officer periodically interviews clients to determine the effectiveness of probation supervision. These interviews provide areas in which casework and counseling are further needed for clients and refers clients to social resources in the community which may assist in rehabilitation. These client interviews also help enforce Court orders.

The Probation Office monitors all clients on probation with the Court, provides for drug testing for Court and beds, monitors the community service program, Wellness Court I, assists with the supervision of Domestic Violence offenders, provides oral pre-sentencing reports to the Court, monitors EHM/GPS clients, and facilitates MRT (Moral Reconciliation Therapy) group.

Contact Jim Furchert, Tribal Probation Officer, at 360 / 716-4800 or Ida Lopez, (Tulalip Tribal member) Probation Asst. at 716-4803.

Defense Counsel – Conflict of Interest:

Outside defense counsel are appointed by the Judge at the time of your hearing if a conflict of interest exists in a specific case at the Court's expense.

Tulalip Tribal Court Defense Clinic:

The Tribal Court Public Defense Clinic at the UW Native American Law Center provides Public Defense services in Tulalip Tribal Court. Under the supervision of Clinic Director Ron Whitener (Squaxin Island Tribe), law students work together in teams with Clinic Supervisors Molly Cohan and Brenda Williams representing tribal members charged with crimes by the Tulalip Tribes. Professor Whitener, Ms. Cohan and Ms. Williams are experienced attorneys with a great deal of knowledge in the areas of criminal and tribal law. This service has been in place since 2002. Second or third year law students may work in the Clinic, they must pass the Tulalip Tribal Court bar exam before being admitted to practice, and they work closely with their supervisors. Funding for this service is supported primarily by charitable contributions from the Tulalip Tribes.

The Defense Clinic represents any Indian who has been charged with a crime by the Tulalip Tribes and whose household income qualifies under Tulalip law. If you are charged with a criminal offense in the Tulalip Tribal Court, you may apply to be screened ahead of time. You may also apply at the time of your first court date. Applications are available at Tribal Court. If you are eligible for representation, the Clinic counsel will be appointed to represent you by the court at your first hearing. If you are arrested and incarcerated prior to charging, you must appear before the judge at which time you may apply for counsel. If you want to contact the Clinic, you can call toll free at 1-866-550-2979. If no one answers, leave a message with a good time to call back. Or you may call (206)616-4201 or (206) 685-3917.

Parent Advocate Attorney:

For Youth In Need of Care, and/or Dependency cases, the person must be a member of the Tulalip Tribes to apply for services. Tulalip member parents who are involved in a Youth in Need of Care Case at the Tulalip Court may be eligible for representation by a Parent Advocate attorney in their Youth in Need of Care/dependency case through the Tribal Parent Advocacy Project ("TPAP"). TPAP will help you determine whether or not you are eligible for services. To determine if you are eligible for legal representation, please call attorney Chori Folkman (Cherokee) at 360 / 716-4534.

Tulalip Tribes Child Custody Grant:

If you are a Tulalip Tribal members parent (with the other parent being a non-Tulalip Tribal member) and you would like to apply for a Tulalip Tribal custody grant to hire an attorney to gain custody of your Tribal child(ren), please contact the General Manager Executive Secretary at 360 / 716-4015.

Northwest Justice Project Civil Legal Aid: The NW Justice Project provides civil legal aid to eligible clients on a variety of matters, including Family Law (custody, dissolutions, child support); Housing (evictions); Consumer (payday loans, predatory lending, and collections); Education (suspensions and expulsions); Employment (terminations and wage disputes); Health Care and Welfare Benefits. Clients must meet federal poverty guidelines to be eligible.

Please contact Brooke Pinkham at the CLEAR Intake Line at 888-201-1014 or for more civil legal aid help go to: www.washingtonlawhelp.org. (NWJP no longer comes on-site to Tulalip). Please see *Tulalip Office of Civil Legal Aid* below for more information. They may also be able to help you in your civil legal aid matters.

Tulalip Office of Civil Legal Aid: The Tulalip Foundation dxʔal haʔt sšətx̃əc̃əb Office of Civil Legal Aid (or "TOCLA") will address the unmet critical need for representation in civil matters at the Tulalip Tribal Court by providing competent, culturally sensitive and holistic representation to indigent Tribal members to ensure they have full access to due process and justice within the Tulalip judicial system. dxʔal haʔt sšətx̃əc̃əb will focus on legal issues that affect Tribal members' safety, family integrity, health, and access to services and education. TOCLA is staffed by Attorney Christina Parker (Chippewa Cree) and Paralegal Rhonda Breiler (Colville). Please look for brochures at the Tulalip Tribal Court and Court website for more information, or call TOCLA's intake line at (360) 716-4517.

Tulalip Tribes Child Support Program:

Indian children are the most valued resources of the Tulalip Tribes and constitute the future of the Tribes. The purpose of the Tulalip Child Support Program is to enforce the child's right for support (financial, medical, emotional, and cultural) from both parents in order to raise the standard of living for Tribes Children. This program will work in collaboration with all agencies and departments to help meet the needs of the entire family.

The Tulalip Child Support Program allows child support to be consolidated into one department. The C.S. Department handles all child support, whether it is TANF referral, separation, divorce, or parenting plan. C.S. brings these cases to Tribal Court.

Contact Cara Althoff (Tulalip Tribal member), Director at 360-716-4556. (*The Child Support Program is now located at the former Housing Dept. Bldg.- 3107 Reuben Shelton Dr., Tulalip, WA 98271).

The Legacy of Healing Children's Advocacy Center

Protecting Children -- Promoting Healing:

The Center serves children who are victims of crime, whether directly or as witnesses. We provide direct services to these children by engaging in prevention and education efforts about child abuse, by collaboration with law enforcement throughout the life of an investigation and criminal case, and by offering a healing path to child victims of trauma.

The services available include providing specially trained child forensic interviews at the request of law enforcement, one-on-one therapy by staff specially trained in trauma treatment, family therapy, direct victim advocacy through case staffings by our Tulalip Multi-Disciplinary Team, coordinating resources for children and families to heal after the assault, accompaniment to sexual assault medical examinations, court tours and prosecutor interviews, accompaniment during trial and assistance with Victim Impact Statements. All services that are provided are for the NON-OFFENDING party. The Legacy of Healing Children's Advocacy Center is located at 7720 Waterworks Road, Tulalip, WA 98271. The Child Advocacy Coordinator may be reached at (360) 716-4066.

Tulalip Tribes Elders Abuse Advocate:

The Tulalip Elder's Abuse Program is committed to conducting prompt, thorough and effective investigations and assistance to victims of elder abuse under the Tribes' Elder Protection Ordinance. This commitment recognizes the importance of minimizing trauma for victims and their families, holding offenders fully responsible for their conduct, and providing appropriate intervention and prevention services to Elders. The Advocate/Case Manager is available at the Senior Center to assist in all aspects of Elder exploitation, abuse, and neglect. Contact Jenna Losik (Tulalip Tribal member), Elders Abuse Advocate/Case Manager at 360 / 716-4689.

Tulalip Law & Justice Committee:

In 2001, the Tribes created a Tulalip Tribal Law and Justice Committee which meets once a month. The purpose of the Committee is to promote discussion, coordinate programs, and plan and implement strategies for a more efficient and effective justice system here on the Reservation. Committee members include: the judges, court clerk administrator, prosecutors, police chief, probation officer, corrections, NICS, TGA, the Tribal Attorney office, Defense Counsel, Parent Advocate attorney, beda? chelh, Child Support, and others.

Fee for Service Attorneys:

The following is a list of attorneys admitted to practice in the Tulalip Tribal Court who charge for their legal services.

Richard H. Bennett, Esq.

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Phone: 425 / 335-0433

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