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Law and Justice

TRIBAL GOVERNMENT VISION

**“Together we make a healthy
and culturally vibrant community.”**

*Brochure Updated March 2013



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 Bold 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 tem) functions of the Tulalip Tribes and also provides Appellate Court services.

Chief Judge Theresa Pouley (Colville Tribe); Associate Judge Gary F. Bass (Colville Tribe); and Associate Judge Jesse B. Filkins, Jr., are all licensed attorneys and preside over the Tulalip Tribal Court's judiciary.

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 (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.

To contact the Tulalip Tribal Court, please call 716-4778 for Wendy Church, Court Director (Tulalip Tribal member) or for Court Clerk Office questions, contact Janine Van Dusen, Esq. (Cherokee Nation of Oklahoma) or write to: 6103 31st Avenue NE, Tulalip, WA 98271.

**Visit the Tulalip Tribal Court website. Type in your web browser "Tulalip Tribal Court."* or type in the web address as follows: <http://www.tulaliptribes-nsn.gov/Home/Government/Departments/TribalCourt.aspx>



Tribal Artist Produces Artwork Symbolic of Justice and Native Pride

Tribal Court contacted artist Mike Gobin (Tulalip Tribal member) of the Tribal Design Department, 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 "yezoelafsifab" means man soaring with eagles, a man of high integrity. The innately beautiful woodcarvings 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 6 ½ years ago, he started carving under the auspices of artists' James Madison, and Joe Gobin.

Artist Mike Gobin pictured below.



Tulalip-Based Juvenile Diversion Panel (C.A.B.)

Since starting the juvenile diversion panel (known as the Community Accountability Board) in July 2010, the C.A.B. has heard over 60 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 Kevin Crittenden at the Denny Juvenile Justice Center for an application. Applicants will be screened for any criminal record.



Tulalip 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.

The 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.

Tribal Court Elder's Panel

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, Dale Jones, Cookie Robinson, and Sharon James.

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 65 young people to the Panel in the last five 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. William G. Shelton also served on the Elder's Panel until he passed away January 1, 2013.

In Memory of William G. Shelton

Rest in Peace

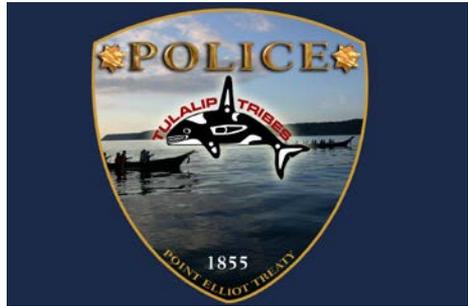
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Tulalip Tribal Police Department

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 52 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 Rance Suten (Lower Sioux Tribe, Mdewakanton Band of Dakota) call 360 / 716-4608 (Main Phone #) or write to: 6103 31st Avenue NE, Suite #A, Tulalip, WA 98271.

Tulalip Police Department / Corrections

TPD Corrections monitors both the medical and dental needs of in-custody inmates in the Snohomish County Corrections and Marysville City Jail. Contact Info: Debra Muir (Tulalip Tribal member) Office 360 / 716-5943 or Cell # is 425 / 508-4118.

Tulalip Tribal Prosecutor's Office

The Tulalip Tribes' Officer of the Reservation Attorney (ORA) has two branches: the General Counsel Division (GCD) and Court Services Division (CSD). The GCD represents the Board of Directors. The Prosecutors are part of the CSD and provide legal counsel to the Tribal Police.

Tribal Prosecutors enforce tribal criminal and civil laws. Prosecutors are primarily responsible for charging individuals for law violations under the Tulalip Tribal Code. These offenses 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 discretion to decide whether or not to file criminal charges when someone is suspected of having committed a crime. The authority to file criminal charges is the power to publicly file an official accusation of criminal misconduct against an individual. When a prosecutor believes that there is enough evidence to support a conviction, he or she may file such a charge on behalf of the Tribes.

A criminal charge is a serious accusation and it can affect a reputation, a career, a life –prosecutorial discretion is a power that must be used judiciously. Even when a person is suspected of having committed a crime, a prosecutor has an ethical duty not to file charges if there is not enough evidence to prove the person's guilt beyond a reasonable doubt.

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.

The CSD/Prosecutors are: David Wall, Prosecutor; Saza Osawa (Makah Tribe), Assistant Prosecutor; and Sharon Jones Hayden, Domestic Violence-Sexual Assault Prosecutor. The Prosecutor's Office is supported by Tammy Chance, Paralegal; Brenda Laird, Paralegal and Wanda Hayes (Tulalip Tribal member), Legal Assistant.

To contact the Prosecutor's Office, please call 360-716-4810, or write to 6103 31st Avenue NE, Suite #B, Tulalip, WA 98271

Tulalip Police Department/RSO Program

The RSO Program monitors all Registered Sex Offenders who reside, work, and attend school within the exterior boundaries of the Tulalip Reservation.

Contact Information: Debra Muir, Program Manager (Tulalip Tribal Member)
360-716-5943 / Office or 425-508-4118 cell phone.





UW Native American Law Center – Public Defense Clinic

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.

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 Probation Office

The Tribal Probation Officer makes reports to the Court and will also make appropriate recommendations on disposition of a case. Tribal Probation 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 Tribal Probation Office also monitors all clients on probation with the Court, provides for drug testing for Court and beda? chelh, 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 Reconation Therapy) group.

Contact Jim Furchert, Tribal Probation Officer, at 360 / 716-4800 or Tashena Hill, (Tulalip Tribal member) Probation Assistant at 716-4803.

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 director, prosecutors, police chief, deputy police chief, probation officer, corrections, NICS, Tulalip Gaming Agency, Tulalip Office of Reservation Attorney, Civil Legal Aid, Defense Counsel, Parent Advocate attorney, beda? chelh, Child Support, and others.





Tulalip Office of Civil Legal Aid

The Tulalip Office of Civil Legal Aid (TOCLA) provides legal assistance to low-income members of federally recognized tribes with civil matters at the Tulalip Tribal Court.

TOCLA focuses on legal issues that affect Tribal members' safety, family integrity, health, and access to services and education. These types of cases include: Consumer Law (fraud, unfair loan agreements), Education (special education advocacy, school discipline, enrollment issues), Exclusions (advice only on petitions for exclusion deferral), Family Law (divorce, custody, guardianships), Housing (guidance and advice concerning housing and tribal land issues), Indian Estate Planning (wills, health care directives, powers of attorney), Youth Advocacy (representation by court appointment only).

TOCLA is staffed by Attorney Christina Parker (Chippewa Cree) and Staff Advocate Nicole Sieminski (Tulalip). Please call the TOCLA intake line at (360) 716-4517 for more information or to determine your eligibility.

Tulalip Tribes Child Custody Grant

If you and your child (ren) are Tulalip Tribal members and the other parent is not a Tulalip tribal member, you may 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 for more information.

Tribal Parent Advocacy Project

Income eligible parents of a child involved in a Youth in Need of Care case (otherwise known as a dependency or bedahelch case) at the Tulalip Tribal Court may be eligible for legal representation by the Tulalip Tribes' Tribal Parent Advocacy Project (TPAP) through the Tulalip Office of Civil Legal Aid (TOCLA). TPAP is staffed by Parent Advocate Attorney Chori Folkman (Cherokee Nation of Oklahoma). Please call Ms. Folkman at (360) 716-4534 for assistance in determining whether you are eligible for representation.

NW Justice Project Native American Unit

The NW Justice Project's Native American Unit (NAU) provides free civil (non-criminal) legal services for low-income Native Americans and Alaska Natives who cannot afford a lawyer.

The Native American Unit's attorneys offer services ranging from limited assistance to full representation depending on the legal issue and individual circumstances. We provide legal assistance in the following areas:

- Exclusions/Banishments; Indian Child Welfare (non-parental custody cases and adoptions in state superior courts); Tribal Housing (evictions or to preserve housing on Indian lands); Education (including discipline, discrimination and special education); Health Care (in cases where individuals have been denied services or coverage from an Indian Health Services clinic or denied coverage under Contract Health Services); Estate Planning and Probate (cases where an individual with trust property wants to create a will, and also in probate cases before the Bureau of Indian Affairs); Employment (including discipline and terminations); Other Issues (in tribal courts, including public benefits/Indian monies, domestic violence and other matters)

The new system will work on a call back basis. Native American callers will access the NAU through the CLEAR hotline (toll-free 888 / 201-1014), then by pressing #5, to reach Brooke Pinkham, Nez Perce, NAU Attorney. The main change is that now Native Americans and Alaska Natives seeking legal assistance can leave a voice mail message **24 hours a day, 7 days a week** and will receive a call back within 2 business days.



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 (TCSP) is to enforce the child's right to support (financial, medical, emotional, and cultural) from both parents in order to raise the standard of living for Tulalip children. TCSP establishes paternity and child support orders, enforces State and Tribal Court orders and modifies Tulalip child support orders. This program will work in collaboration with all agencies and departments to help meet the needs to the entire family.

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

For additional information or assistance, contact RoseAnn Green (Tulalip Tribal member), Office Manager at 360-716-4557. (*The Child Support Program offices are located at: 6406 Marine Drive, Tulalip, WA 98271).

Tulalip Tribes Elder Protection & Vulnerable Adult Team

The Tulalip Elder's Abuse Program (TTEPVT) is committed to conducting prompt, thorough and effective investigations and assistance to victims of elder abuse under the Tribes' Elder Protection & Vulnerable Adult 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 currently located at the Senior Center to assist in all aspects of Elder and Vulnerable adult exploitation, abuse, and neglect.

Contact Cara Althoff (Tulalip Tribal member), TTEPVT Manager at 360 / 716-4689; Main TTEPT Phone # 360 / 716-4689; or, Abuse Reporting Line: 360 / 716-4222.



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 staffing 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 main Legacy of Healing phone number is 360 / 716-4100.



Office of Reservation Attorney (ORA)

The mission of the Office of Reservation Attorney is to support, defend and advance the interests of The Tulalip Tribes of Washington by providing quality legal services to tribal policy makers and staff.

The Tulalip ORA serves as chief legal representative and advisor to the Tulalip Board of Directors. Under the policy direction of the Board, the ORA provides timely and efficient legal services to directors, officers, employees and staff of tribal government and tribal business enterprises, including subordinate tribal entities. The ORA also acts as liaison to federal, other tribal, state and local governments, court systems, officials, professional associations, and interest groups on matters of interest to the Tulalip Tribes.

Under the technical supervision of the Reservation Attorney, the ORA provides legal services on a wide range of issues. Practice areas include natural and cultural resources, land use, child support/ welfare, real property, treaty rights, procurement, preference, tort, contract, constitutional, gaming, municipal, environmental, intellectual property, natural resources and employment law and litigation. The major functions of the Office are to:

- Represent the Tulalip Tribes and its representatives in judicial, legislative, executive and administrative proceedings.
- Provide legal advice to tribal policy makers, executives, managers and staff on issues of concern to the Tulalip Tribes.
- Provide information, referral and legal assistance to Tulalip tribal members on minor matters where the assistance does not present an apparent conflict with the ORA's primary duty to provide legal counsel to the Tulalip Tribes.
- Coordinate with federal agencies that have responsibilities in Indian country, such as the Department of Health and Human Services, the Departments of Interior, Housing and Urban Development, Agriculture, Education, the Environmental Protection Agency, the Bureau of Indian Affairs and the Indian Health Service.

The ORA is staffed by attorneys: Mike Taylor, Tim Brewer, Michelle Demmert (Tlingit), Khia Grinnell (Jamestown S'Klallam/Lummi), Anthony Jones (Port Gamble S'Klallam), Lisa Koop (Delaware Nation – Moravian of the Thames Band), Sarah Colleen Sotomish (Quinalt Nation), Lisa Vanderford-Anderson (Cherokee Nation of Oklahoma), Legal Dept. Mgr., Michelle Sheldon (Tulalip Tribal member), & Paralegal/Tribal Spokespersons Michele Robbins (St. Regis Mohawk) and Brenda Laird.

To contact the ORA, please call 360-716-4551, or write to us at: Office of the Reservation Attorney, The Tulalip Tribes, 6406 Marine Drive, Tulalip, WA 98271.

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:

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