



Law and Justice Brochure

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Tribal Government Vision

tiʔiʔiʔ ʔəsqʷuʔ ʔal dxʷlilap gʷəl čuʔ ʔaciʔtalbixʷ.

dxʷdʷixʷqscut.

ʔuʔčil čəʔ dxʷʔal tiʔiʔ ʔilhaʔʔ stalx̄il ʔə ti bəkʷ ʔi gʷat.

We, gathered at Tulalip, are one people.

We govern ourselves.

We will arrive at a time when each and every person

has become most capable.

***Brochure Updated March 2010**

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 membership on what services are available and where to direct commendations or complaints.

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 and are 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. *Coming soon will be the new Tulalip Tribal Court website which will feature a broad range of information and will also provide court forms available for court clients to download.



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 twenty 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, and William G. Shelton.

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.

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 participants will work their way through the five program phases. Recognizing that each person is unique, 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.

Wellness Court began in June of 2006. Between June 2006 and December 2007, the Wellness Court accepted 23 clients. Two clients graduated, 8 were currently in Wellness Court and 13 were dismissed because of their substantial non-compliance. Interestingly, of those 13 dismissed clients, 10 still have not had new criminal charges filed and all have been in or completed treatment and/or are employed. Only 3 have either had new charges or had a warrant remain unserved since they left Wellness Court.

Tulalip Tribal Prosecutor's Office

The Office of the Reservation Attorney (ORA) represents the Tulalip Tribal Government. In 2009, the ORA reorganized into 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 provide legal counsel to the Tribal Police.

The Tribal Prosecutors enforce tribal criminal and civil law violations. Prosecutors are primarily responsible for criminal law violations under Ordinance 49 (Law and Order code) and related ordinances, including violent crimes, domestic violence, sexual assault, drug and alcohol related crimes and property crimes, but may also be involved in 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 Board of Directors has appointed Janice E. Ellis to serve as the Prosecutor for the Tulalip Tribes. Janice is 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. Michelle Hull has been hired through an OVW grant to prosecute crimes of Domestic Violence. To contact the Prosecutor's Office, please call 360-716-4812, or write to 6103 31st Ave. N.E., Tulalip, WA 98271 (office located at South Lot Justice Building).

Jail Services

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

Tulalip Tribal Police Department

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

The mission statement of the Tribal Police Department 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 Tulalip Police Department 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 Tribal Police services including officers, and police staff. The Chief instructs, trains, and advises Tribal Police Department 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 / 651-4608 (Main Phone number) or write to: 7720 Waterworks Rd., Tulalip, WA 98271.

(*The Tulalip Tribal Police offices will relocate to the Tribes' South Lot Justice Bldg. effective Spring 2010 at: 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 Native-American Registered Sex Offenders, 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

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 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 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. Since that time, the Clinic has handled over 1300 cases at Tulalip. Only 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. You may also call (206)616-4201 or (206)685-3917.

Parent Advocate Attorney UW Indian Law Center

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 / 716-4369.

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.

*Wills and Estates (and Powers of Attorney) services are only provided to those with emergent health care needs and for Tribal elders free of charge.

Please contact attorney Christina Parker (enrolled Chippewa Cree Tribe) at 425 / 252-8515, Ext. 35, or attorney Yvette War Bonnet at Ext. 18. Both attorneys come on-site to Tulalip the first Friday of every month from 10 a.m. to 3 p.m. No appointment is necessary. Please bring all important paperwork with you. The office is located at the Business Park; (the Business Park phone number for only the first Friday of every month is 360 / 716-5000).

Tulalip Tribes Child Support Program

Indian children are the most valued resources of the Tulalip Tribes and constitute the future of the Tribes. The purposed 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 to 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 for questions. (*The Child Support Program is now located at the former Housing Dept. Bldg.– 3107 Reuben Shelton Dr., Tulalip, WA 98271).

Tulalip Domestic Violence Advocate Services

Domestic violence is a pattern of assaultive, abusive, controlling, or coercive behavior. If you are being threatened or abused, a protection order can be obtained through the Tulalip Tribal Court or Superior Court.

An advocate from Tulalip Behavioral Services is available to support you and walk with you through the court system. Please call 360 / 716-4084.

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 Tribes Law and 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, the NICS, TGA, the Tribal Attorney office, Defense Counsel, UW Parent Advocate attorney, beda? chelh, Child Support, and others. The Committee meetings are open for Tribal member participation. Please feel free to share any issues or concerns you might have. Committee meetings are held the third Tues. each month at Noon at the South Lot Justice Bldg.. Contact Wendy Church, (Tribal member) Court Director, Tribal Court at 360 / 716-4773.

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. Phone: 425 / 335-0433

401 - 101st Avenue NE
Everett, WA 98206

Monty J. Booth, Esq. Phone: 425 / 252-7901

1812 Hewitt Ave., Suite B
Everett, WA 98201

Shauna A. Byers-Beam, Esq. Phone: 425 / 787-1242

16300 Mill Creek Blvd., #115A
Mill Creek, WA 98012

Alison A. Ferguson, Esq. Phone: Phone: 425 / 640-3278

P.O. Box 304
Edmonds, WA 98020

Lori J. Guevara, Esq. Phone: 206 / 325-2801

520 East Denny Way
Seattle, WA 98122-2100

Max P. Harrison, Esq. Phone: 425 / 252-6634

2825 Colby Ave., Suite 304
Everett, WA 98201

Michael E. Jones, Esq. Phone: 425 / 259-4510

3306 Wetmore Avenue
Everett, WA 98201

Michael D. Mallory, Esq. Phone: 425 / 259-1200

3216 Wetmore Ave., Suite 207
Everett, WA 98201

Kyme A.M. McGaw, Esq. Phone: 206 / 357-8450

1700 7th Ave., Suite 1200
Seattle, WA 98101

Paula McManus, Esq. Phone: 425 / 303-8921

3306 Wetmore Avenue
Everett, WA 98201

Richard T. Okrent, Esq. Phone: 425 / 257-9200

1610 Broadway
Everett, WA 98201

Michele O. Paratte, Esq. Phone: 360 / 659-0833

5010 Grove Street
Marysville, WA 98270

Wayne P. Pellegrini, Esq. Phone: 360 / 658-6580

1636 Third Street
Marysville, WA 98270

Douglas F. Ricks, Esq. Phone: 425 / 252-1681

3101 Oakes Avenue
Everett, WA 98201

Deanna Swanson, Esq. Phone: 425 / 438-4807

P.O. Box 11520
Tacoma, WA 98411

Richard Swanson, Esq. Phone: 360 / 659-0833

5010 Grove Street
Marysville, WA 98270

Nancy S. Taft, Esq. Phone: 360 / 659-0833

5010 Grove Street
Marysville, WA 98270

Steven Tanijo, Esq. Phone: 260 / 273-7710

1100 Dexter Ave. N., Suite 100
Seattle, WA 98109-3598

James L. Varnell, Esq. Phone: 206 / 448-1230

2101 Fourth Ave., Suite 1230
Seattle, WA 98121-2331

Loren R. Waxler, Esq. Phone: 425 / 259-0938

3721 Colby Avenue
Everett, WA 98201