



Hon. Chief Judge Ron J. Whitener
Hon. Associate Judge Remy S. Leonard
Hon. Associate Judge Leona Colegrove
Hon. Associate Judge Janine B. Van Dusen
Hon. Associate Judge Joshua L. Heath

The Oscar Carl Jones Sr. TULALIP TRIBAL COURT

6332 31st Ave. NE, Suite B | Tulalip WA 98271
Tel: (360) 716-4773 | Fax: (360) 716-0657



Vision:
Judicial Excellence

MEMORANDUM

TO: BOARD OF DIRECTORS; NICS; TIM BREWER, RESERVATION ATTORNEY; WENDY FRYBERG, MANAGING DIRECTOR; LENA HAMMONS, BEDA?CHELH; CHIEF SUTTER, TULALIP POLICE DEPARTMENT; SHARON JONES HAYDEN, PROSECUTOR'S OFFICE; JEFF HATCH, TGA; MOLLY COHAN, DEFENSE CLINIC

FROM: TULALIP TRIBAL COURT JUDGES

SUBJECT: 2018 ANNUAL REPORT

This report covers the Calendar Year January 1, 2018 to December 31, 2018.

Department name:

The Oscar Carl Jones Sr. Tribal Court

Mission: To professionally, effectively and fairly administer justice to the Tulalip community as an essential sign of sovereignty.

Contact:

Alicia Horne, Interim Court Director; Hilary Sotomish, Probation/Wellness Court Coordinator; Dawn Sallee; Interim Court Administrator; Jim Kerney, Tulalip Civil Legal Office Aid Manager.

No. of employees: 29 (includes Wellness Court, Civil Legal Aid and Community Supervision Office, Annie Moses Court Clerk's Office) Tulalip Tribal Members: 6; Other Natives: 9; Non-Natives: 14.

2018 highlights:

The purpose of the Tribal Court is to effectively administer justice to the Tulalip community. Our judges preside over cases by upholding the constitution and applying our laws. Most cases, with the exception of criminal, are protected from public disclosure. I will focus on Court Statistics and underscore our many accomplishments this past year.

TOTAL CRIMINAL FILINGS

Year	Filings
2015	282
2016	337
2017	348
2018	288

CRIMINAL CASE TYPES	2016	2017	2018
Alcohol Offense	16	24	14
Domestic Violence	46	27	49
Drug Offense	111	90	103
Family Violence	21	18	15
Misc. Criminal	162	112	96
Sex Offense	12	11	8

Infractions

Year	Filings
2015	354
2016	414
2017	462
2018	943

Special Domestic Violence Jurisdiction

Year	Filings
2015	7
2016	6
2017	5
2018	5

Total Civil Filings

Year	Filings
2015	551
2016	431
2017	469
2018	409

Dissolutions

Year	Filings
2015	16
2016	16
2017	21
2018	20

Domestic Violence Protection Orders

Year	Filings
2015	40
2016	40
2017	36
2018	31

Youth In-Need-of-Care

Year	Filings
2015	34
2016	50
2017	49
2018	56

Child Custody

Year	Filings
2015	34
2016	20
2017	24
2018	28

Child Support

Year	Filings
2015	86
2016	51
2017	24
2018	32

Tulalip Healing to Wellness Court

Total Referrals*	72
Referrals Not Entering	2
Total Entering	19
Terminated **	9
Actively Participating	19
Stage 1	2
Stage 2	4
Stage 3	4
Stage 4	8
Stage 5	1

* Referrals not entering due to defense and prosecution non-agreement on referral, other plea, did not screen High Risk/High Need, declined offer to join Wellness Court, went to warrant status prior to joining.

** Termination reasons include refusal to engage with treatment, abandonment of the program, new criminal charges.

Collections

Criminal Fines, \$114,436.38; Court Costs, \$20,095.84; Filing Fees, \$8,550.00; Restitution, \$11,455.52; Warrant Fees, \$150.00; Bail Posted, \$166,450.00; Bail Exonerated, \$45,075.00; Bail Forfeited, \$17,000.00; Total: \$272,236.81.

2018 Highlights: Tribal Court Highlights continued ...

- Court Administrative Assistant (Stephanie Cultee) updated 2019 Law and Justice Brochure providing information on our law and justice services and programs.
- We've had at least 5 Judicial Law Clerks externs work at the Tribal Court in partnership and signed MOU with Seattle University School of Law to provide legal support to the judges in a variety of areas, including updating family law forms.
- Tribal Court hosted Tribal State Court Consortium 2018 Regional Meetings guests included; Three WA State Supreme Court Justices, WA State Superior Court judges and Tribal Court judges; Everett Community College Business Law students; Haiti Delegation visited Court of Appeals oral arguments; Judge Ivan Ladouceur from St. Paul Alberta, Canada; Swinomish Tribe; Denise Turner Walsh AG, Ricon Band of Luiseno Indians all observed Tulalip Healing to Wellness Court.
- We held annual Court Retreat in December and focused on team building. The 1-day retreat was well worth it to improve overall moral, empowerment, and team building!

Wellness Court

- Wellness Court have 19 active participants with majority of them in compliance.
- Wellness Court had one participant graduate.

Community Supervision Office

- The Probation Office is in the process of restructuring and will be retitled to Community Supervision Office with an emphasis in Wellness Court practices and philosophy of rehabilitative justice.
- Community Supervision Office received another Community Service Officer.

Tulalip Office of Civil Legal Aid

- TOCLA Received a grant from the BIA to fund a part-time Pro Se Navigator to help community members fill out court forms. Katie Curless was hired to provide this assistance.
- TOCLA has been selected as a training site for paralegal interns from Edmonds Community College. Each quarter, 2 interns are selected to participate. The interns are overseen by TOCLA paralegal Stephanie Ancheta. This also provides Stephanie with supervisory experience as she takes on more responsibility within TOCLA. In addition to working with interns, Stephanie has been taking on a more active role in case preparation, including jurisdiction and Appellate issues, with the Domestic Violence Attorney Advocate, Lori Guevara.
- Amy Lettig, Parent Advocate Attorney, was key in having a Tulalip youth transferred from a facility where she was being beaten up by other residents and got her placed into a different facility, one more appropriate to her needs, where this youth has thrived and is making great progress toward healing.
- Chori Folkman, Child Advocate Attorney, has provided training on the Basics of Education Advocacy to beda?chelh in August 2018, and to Family Haven in September 2018. She made a presentation to Wellness Court in December 2018 on Extended Foster Care and Benefits for former Youth in Need of Care clients aged 18 – 21.
- Lori Guevara, DV Advocate Attorney, is a Board Member of the Indian Law Section of the WSBA. She helped plan and then attended the 30th Annual Indian Law Section Seminar, “Looking Back, Moving Forward: Hot Topics in Indian Law.” She was also on the small committee for the seminar on tribal opioid litigation and brought Cherokee Nation Assistant Attorney General John Young to Seattle to participate. Cherokee Nation was the first tribe in the United States to bring litigation in a tribal court against the opioid manufacturers and distributors for the harm caused to the tribe and its members.
- Jim Kerney, TOCLA staff attorney, represented a Tulalip mother who is the guardian of her adult disabled daughter at a fair hearing. Mother had been found to have abused her daughter by APS. After an all-day hearing, the administrative law judge came to rule in this mother’s favor, which allows her to continue to care for her daughter as her guardian.

Grants administered:

Increased security for public, staff, and judges. A Bureau of Indian Affairs-Office of Tribal Justice Support provided the Court one time grant funding for Court Security Office in the amount of \$34,258 for salary and benefits \$20,205; GAL/Child Advocate Attorney in the amount of \$80,820 for salary and benefit \$8,564; Pro Se Navigator in amount of \$46,609 for salary and benefits \$11, 652;

Quil Ceda Village/Court contract approved, received \$254,720 in impact funds;

Services provided to Tulalip Citizen in 2018:

The Tribal Court hears a variety of cases such as child custody, child support, dissolutions, adoptions, domestic violence, guardianships, marriage, name changes, Tulalip Gaming Appeals, elder protection, dependency cases, civil complaints, fishing and hunting issues, forfeitures, exclusions, infractions, etc. The Court may call a mediator to hear and resolve family law and civil matters.

The Elder’s Panel is another arm of the Tribal Court; the all-volunteer panel of 7 Tribal Elder’s hear young, first-time, non-violent cases. If the Elder’s Panel client successfully complies with Elder’s Panel, the case against the client is dismissed.

Wellness Court, another division of the Tribal Court, is a 12-24 month program that focuses on honesty, sobriety, and rehabilitation that works in coordination with Behavioral Health, Healing Lodge, Police, Prosecution, Public Defenders, Health Clinic and several other departments to provide the support & resources necessary for participants to begin living sober lives and reconnecting with their families, community and culture.

The Community Supervision Office makes reports to the Tribal Court on pre-adjudication & post-trial adjudication matters. They supervise & monitor clients and coordinate with other departments & agencies such as Behavioral Health, Central UA, Treatment Facilities and Triton (electronic home monitoring).

Frequently Asked Questions:

Q: How do I ask the Court (Judge) something or present new information in my case?

A. If you have an active case at the Court, you can file a Motion to present new information and/or ask the Judge a question. *(If you want to pen a new civil case, you would file a petition with the Court).

Q. What documents can I get from the Court?

A. Copies of criminal history, civil and criminal orders, petitions, and appellate opinions. The court will not release: drug & alcohol assessments; mental heat evaluations, or beda? chelh cases.

Q. How can I get a Police Report?

A. From the Tulalip Police Dept. Request forms are available at the Police Department at the receptionist window.

Q. I misplaced my traffic ticket, now what?

A. You must request another copy form the Tribal Police Dept.

Q. How much is my traffic ticket?

A. Before calling the Court, please double check your citation to see what amount you were fined.

Q. What if I don't pay or respond to my traffic ticket?

A. It will go into default & you may be assessed increased fines, and court costs.

Q. I'm excluded from the Reservation, can I come to Court to pick up paperwork to come back on the Reservation?

A. No. You must call or mail a letter to the Court & we will mail you the Motion for Deferral Exclusion Packet or download form the Court's website. A hearing date will be set for you within 20 days to appear at Court. You may attend Court hearings but, must call Tulalip Police Department (TPD) non-emergency line to notify TPD of your hearing and request to appear.

Q. How do I request an exoneration of my bail?

A. You must request to the Judge in open Court or file a Motion with the Court to request the bail posted.

Q. I have an Exoneration of bail, when can I get reimbursed?

A. It depends on the situation. The Tribal Court must have possession of the check from either Marysville or Snohomish County before processing an exoneration which can take anywhere from 2 to 4 weeks for the whole process before you receive a check.

What is/are the most frequently asked question(s) received by your department, with answer.

(Please supply the answer)

Please email your report to Kim Kalliber, kkalliber@tulaliptribes-nsn.gov.