



IN THE TULALIP TRIBAL COURT
TULALIP INDIAN RESERVATION
TULALIP, WASHINGTON

In re:

ADMINISTRATIVE ORDER: 2023-07

**Tulalip Tribes Probation Office
Incarceration Guidelines**

**STANDING ORDER ADOPTING
INCARCERATION GUIDELINES**

1. **Purpose.** This standing order adopts the Tulalip Tribes Probation Office Incarceration Guidelines, which apply in criminal matters when a defendant is sentenced to serve time as part of a Judgment and Sentence Order issued by the Tulalip Tribal Court.
2. **Policy.** When a defendant is sentenced to serve time in jail, the Tulalip Tribes Probation Office (TTPO) is responsible for: identifying appropriate facilities to house the defendant during the incarceration period; applying to the appropriate tribal, state, or federal facility where the defendant may be incarcerated; arranging the timely and orderly transfer of a defendant to the appropriate facility; and maintaining an accurate record of all defendants sentenced to serve time in any facility.
3. **Guidelines Adopted.** The TTPO Incarceration Guidelines, attached hereto as Attachment A, are incorporated by reference and adopted as the standard guidelines applicable in all criminal matters in the Tulalip Tribal Court until such time as Tulalip law provides otherwise.
4. **Limitations.** The TTPO Incarceration Guidelines shall not be construed to modify the Commitment Order issued as part of the defendant's sentence.
5. **Effective Date.** This standing order is effective as of the date of signature below and remains in effect until specifically amended or withdrawn.

SO ORDERED October 3, 2023.

Meredith D. Drent, Chief Judge



ATTACHMENT A

Tulalip Tribal Probation Office

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INCARCERATION GUIDELINES

1. Policy

- a. The Tulalip Tribal Probation Office (TTPO), a division of the Tulalip Tribal Court, will monitor, submit applications for, and assist in determining the placement of the Tribes' incarcerated individuals in correctional facilities available to the Tribes.
- b. Unless the Judgment and Sentencing Order and Order of Commitment issued by the Tulalip Tribal Court state otherwise, all defendants sentenced to serve time in custody are subject to this policy.

2. Directives

a. General Requirements

- i. The current facility placement options available to the Tribes are Washington Department of Corrections (DOC), Bureau of Prisons (BOP), Chehalis Tribal Jail, and Snohomish County Jail.
- ii. TTPO will make DOC/BOP/Chehalis referrals for the Court after sentencing, based on a defendant's length of commitment, whether or not their criminal convictions qualify under federal guidelines, and other factors outlined in this policy.
- iii. All application material related to correctional facility placement of Tulalip's detainees will be reviewed and approved by the Probation Services Manager/designee before final submittal.

(a) TTPO may designate an officer or administrative support staff to assist in the screening, preparation, and application process for facility placement.

b. Defendants sentenced to more than 365 days in custody

- i. When a defendant is sentenced to serve more than 365 days in custody, TTPO shall submit an application to BOP or DOC for the defendant to be accepted into a prison facility.



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The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

- ii. BOP shall be the first choice when a defendant qualifies under the federal guidelines to serve their sentence in BOP.
 - iii. If the defendant does not qualify for BOP, is rejected, or otherwise unable to serve their sentence in BOP, TTPO shall submit an application to DOC.
 - iv. If the defendant does not qualify for DOC, is rejected, or otherwise unable to serve their sentence in DOC, TTPO shall submit an application to the Chehalis Tribal Jail.
- c. Defendants sentenced to 180 – 365 days in custody
 - i. Each defendant sentenced to 180- 365 days in custody will serve their sentence at the Chehalis Tribal Jail, subject to approval by the facility.
- d. Defendants sentenced to less than 180 days in custody
 - i. If a defendant is sentenced to less than 180 days in custody they will remain at the Snohomish County Jail.
- e. Sentence Calculation
 - i. For purposes of these guidelines only, when a defendant is sentenced to serve any length of time and receives credit for time already served, the length of sentence shall be calculated based on the number days remaining after applying credit for time served to the original sentence.
 - ii. Nothing in this section should be construed as a modification to the Court's Commitment Order indicating the defendant's sentence.

3. Other Factors

- a. Good Time
 - i. When authorized by the Court, the amount or percentage of good time will be determined by each facility's policies.
 - ii. Whether or not a facility offers good time, or the amount, will not be a determining factor in facility placement guidelines.
- b. Early Release to Treatment
 - i. When the Court authorizes early release to treatment, TTPO will treat the minimum amount of actual days to serve before release as the defendant's Estimated Commitment Length for purposes of applying these guidelines (e.g., if a defendant is sentenced to 180 days with early release to treatment after serving 60 actual days, TTPO will recognize 60 days as the estimated length of commitment.)
 - ii. If the Court authorizes early release to treatment, and the Estimated Commitment Length is less than 180 days, the defendant will remain at the Snohomish County Jail.

- c. Pending Matters
 - i. A defendant will remain at the Snohomish County Jail if they have any pending:
 - (a) Appeals,
 - (b) Post-sentence motions, or
 - (c) Writ of habeas corpus.
- 4. Monitoring
 - a. For each of Tulalip's defendants sentenced to long-term confinement, TTPO will monitor, collect, and maintain data including, but not limited to:
 - i. Facility location of each individual in long-term confinement,
 - ii. Estimated release dates, and
 - iii. Other confinement related data and/or records.
- 5. Notification of Placement
 - a. TTPO will notify an incarcerated individual upon his/her acceptance into any facility outside of Snohomish County Jail.
 - b. TTPO will provide the individual with basic information about the accepting agency/facility.
- 6. Facility Transfers
 - a. A defendant's request for facility transfer must be made in accordance with the facility's standard procedures.

END OF GUIDELINES