



## VAWA 2013 AND THE TULALIP TRIBES JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE

Who We Are: The Tulalip (pronounced Tuh'-lay-lup) Tribes, is a federally-recognized Indian tribe located on the Tulalip Reservation in the mid-Puget Sound area north of Everett Washington, bordered on the east by Interstate 5 and the city of Marysville. The Tulalip Reservation exterior boundaries enclose a land-base of 22,000 acres, with approximately 15,000 acres in federal trust status. Our Reservation is rich with natural resources: marine waters, tidelands, fresh water creeks and lakes, wetlands, forests and developable land. The Tulalip Reservation was reserved for the use and benefit of Indian tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. Its boundaries were established by the 1855 Treaty and by Executive Order of President U.S. Grant dated December 23, 1873. It was created to provide a permanent home for the Snohomish, Snoqualmie, Skagit, Suiattle, Samish and Stillaguamish Tribes and allied bands living in the region. Today, we have 4533 enrolled tribal members and approximately 2,500 of these members reside on the reservation.

Tulalip Justice System: The Tulalip Tribal Court supports the Tribes' vision, "together we create a healthy and culturally vibrant community," in its practice of judicial excellence. The Tulalip Tribes has always provided a forum for Tribal members to resolve issues. Some of the first issues heard by the court involved fishing, employment and child welfare cases. The Tribal Court has grown substantially since that time. In 2001, the Tribe requested and received retrocession over reservation lands from the state of Washington. The Tribes expanded its police department the same year. In 2003, the Tribes developed an institutional relationship with the University Of Washington School Of Law Native American Law Center for the Tribal Court Defense Clinic, which is designed to provide representation to low-income Tulalip Tribal members charged with crimes on the reservation. The Clinic is funded in part through Tulalip casino-derived revenue.

Key Stats of SDVJ Cases since February 20, 2014: 11 cases, with 9 defendants, age range: 21-35; race: 3 Caucasian, 2 African American, 3 Hispanic and 1 non-enrolled Canadian Indian. 6 defendants have children in common with the victim of the crime. Defendants have had a combined number of 109 contacts with Tulalip Tribal Law Enforcement since 2008. Information about the Victim: 7 girlfriends, 1 spouse and 1 ex-spouse. During 6 of incidents, children were present; 5 children were victims of crime.

Outcomes: 6 plead guilty, 2 pre-trial, 2 dismissed, and 1 transferred to Federal Court. Of the crimes in which children were victims of crime, only 1 case will be prosecuted because the underlying crime was transferred to federal court. The State has not taken action on other 4 crimes in which children were victims.

Denise was assaulted and raped by the non-Indian father of her children. The couple's 8-year-old son also disclosed in his statement to police, that he was "punched in the face" by his father. This incident, the latest in a long history of violence, resulted in charges of Rape and Assault 1° filed in the Tulalip Tribal Court pursuant to SDVJ. Prior to this arrest, defendant had 19 prior contacts with the Tulalip Police Department. After the arrest, defendant almost immediately violated an Order for Protection. Defendant pled guilty to the Assault. We could not proceed on the Rape because it was not classified as "violent" and we could not file for the assault on the child because of the limits of SDVJ. The State has yet to file charges for the assault on the child. The family anxiously awaits justice.

Collaborative Relationships: Tulalip collaborated with the federal government and other tribal organizations proved invaluable in this effort. We worked with the Intertribal Work Group, which consisted of tribal attorneys, judges, council members, the National Congress of American Indian (NCAI), the National Council of Juvenile and Family Court Judges and Tribal Law and Policy Institute, and the Department of Justice. We promote continuing this type of collaboration and cooperation for future expansion of laws and programs.

Costs to Tulalip: Tulalip absorbed all costs using its tribal revenues. Congress authorized up to \$25 million to implement this program through 2018, but Congress has yet to appropriate any of those funds.

Key SDVJ Requirements, Tulalip Tribal laws and readiness (Tribal Retrocession in 2001):

- General Application of ICRA 25 USC 1304 (d) (1) (Rights of the defendant) (code implementation 2002)
- Jury Drawn from Fair Cross Section 25 USC 1304 (d) (code implementation 2002)
- Notice of Right to Habeas Corpus and Petition for Stay of Detention 25 USC 1304 (e) (3) (code implementation 2002)
- Rights to Counsel 25 USC 1302 (c) (code implementation 2002)
- Qualifications of Judges 25 USC 1302 (c) (code implementation 2002)
- Recording of Proceedings 25 USC 1302 (c) (since inception of court)
- Publication of Laws 25 USC 1302 (c) (online 2010, before that available through Court, Law Schools, etc.)

Next steps:

- Authority to charge crimes against child victims and other collateral crimes
- Authority to charge stranger rape
- Reauthorize, expand and make permanent Bureau of Prisons Pilot Project (approved in TLOA)
- Implement the NCIC-TAP Program as a "Permanent Program" and create an ITWG for this purpose
- Full funding for all aspects of implementation.