



United States Department of the Interior

F INDIAN AFFAIRS
Puget Sound Agency 2707
Colby Avenue, Suite 1101
Everett, Washington 98201

In Reply Refer To:
Division of Tribal Government

Honorable Teri Gobin, Chairperson
Tulalip Tribes
6406 Marine Drive
Tulalip, Washington 98271

Dear Chairperson Gobin:

We are in receipt of Tulalip Tribes Resolution 2024-473, Amendment to Tulalip Tribal Code-2.25 Adding .220 Enacting Alternative Court Code.

Resolution No. 2024-473 was adopted by the Board of the Tulalip Tribes of Washington on October 4, 2024, and received by us at Puget Sound Agency on October 10, 2024. This resolution is accepted as reviewed and approved by the Superintendent on October 15, 2024. This resolution is in accordance with Article VI, Section 1(K) and (L) of the Tulalip Constitution.

The resolution is subject to a 90 day secretarial review pursuant to your Constitution and was forwarded to the regional office on October 15, 2024

If you have any questions, please email Administrative Officer, Stephanie Ancheta at stephanie.ancheta@bia.gov.

Sincerely,

Digitally signed by
JANINE VAN DUSEN
Date: 2024.10.15
12:38:02 -07'00'

Janine B. Van Dusen
Superintendent

THE TULALIP TRIBES OF WASHINGTON
RESOLUTION 2024-473

Amendment to Tulalip Tribal Code -2.25 Adding .200 Enacting Alternative Court Code

WHEREAS, the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of the Tribes approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. 5123); and

WHEREAS, under the Tulalip Tribes Constitution Article VI, Section 1(K), the Board of Directors has the authority to promulgate and enforce ordinances governing the conduct of members of the Tribes providing for the maintenance of law and order and the administration of justice by establishing a tribal court and defining its duties and powers; and;

WHEREAS, the Board of Directors has exercised the foregoing constitutional authority by adopting and enforcing criminal laws through its Tribal Court and police department; and

WHEREAS, The Tulalip Healing to Wellness Court and Mental Wellness Alternatives Program promote healing and reintegration of the individual offender; support the health and safety of the broader community; and are thereby in line with Tulalip's mission, vision, and values; and

WHEREAS, an alternative court code is necessary to formally recognize these court programs and ensure they continue to operate according to best practices and restorative justice principles;

NOW THEREFORE BE IT ENACTED, by the Board of Directors of the Tulalip Tribes:

Section 1. TTC 2.25.200. A new section in Chapter 2.25 Criminal Procedures of the Tulalip Tribal Code, to be codified as Section 2.25.200 is hereby enacted as attached in both a track changes version as attachment number one, with additions indicated by underline and deletions indicated by strikethrough and a clean version as attachment number two.

Section 2. *Effective Date:* This ordinance shall be in full force and effect immediately upon the sooner of its approval by the Superintendent of the reservation or ten (10) days following presentation to the Superintendent of the reservation pursuant to the Tulalip Constitution.

ADOPTED by the Board of Directors of the Tulalip Tribes of Washington at a regular board meeting assembled on the 4 day of October, 2024, with a quorum present, by a vote of 6 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON
RESOLUTION 2024-473

THE TULALIP TRIBES OF WASHINGTON


Teri Gobin, Chair

ATTEST:


Debra Posey, Secretary

The within document is hereby approved pursuant to
209 TMR 230 TMR 1 314 M 4



Digitally signed by JANINE VAN
DUSEN

Date: 2024.10.15 12:39:36
-07'00'

Superintendent, Puget Sound Agency

THE TULALIP TRIBES OF WASHINGTON
RESOLUTION 2024-473

Amendment to Tulalip Tribal Code -2.25 Adding .200 Enacting Alternative Court Code

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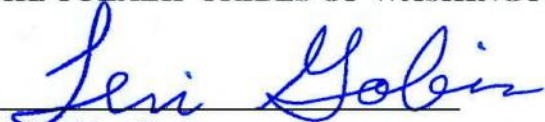
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THE TULALIP TRIBES OF WASHINGTON
RESOLUTION 2024-473

THE TULALIP TRIBES OF WASHINGTON



Teri Gobin, Chair

ATTEST:



Debra Posey, Secretary

RESOLUTION 2024 – _____ ATTACHMENT ONE

TTC 2.25.200 ALTERNATIVE COURTS

2.25.200 Alternative Courts

The Tulalip Tribes hereby establishes the Tulalip Healing to Wellness Court (“Wellness Court”) and the Tulalip Mental Wellness Alternatives Program (“MAP Program”).

(1) Purpose:

(a) Tulalip Tribes Healing to Wellness Court. The purpose of the Wellness Court is to provide participants the support and resources necessary to begin living sober lives and reconnecting with their families, community, and culture.

(b) Tulalip MAP Program. The purpose of the MAP Program is to provide a compassionate, effective, and culturally appropriate approach to defendants with serious mental illness or a developmental disability, with a focus on prioritizing mental health and overall well-being. The goal of the MAP Program is to make a positive impact in the lives of the participants, their families and the community.

(2) Steering Committee. The Tulalip Tribes hereby establishes the Alternative Courts Steering Committee (“Steering Committee”), which will provide leadership and support to the alternative courts created by this section. The Steering Committee’s primary responsibilities are to evaluate program effectiveness; identify and propose solutions to service gaps; and address political, financial, and other barriers to program vitality and growth. The Steering Committee will also assist in establishing, maintaining, and improving interdepartmental partnerships; provide a forum for identifying common goals and opportunities for collaboration; and educate the community, elected officials, and the public at large about the alternative courts’ successes and needs. The Steering Committee is comprised of agency representatives and public officials committed to further developing and enhancing the goals and objectives of the Wellness Program.

(a) Members include the following:

- i. Tulalip Court Judge;
- ii. Chief Operating Officer;
- iii. Board Member(s);
- iv. Prosecutor;
- v. Wellness Program Defense Attorney;
- vi. Tulalip Police Chief;

- vii. Behavioral Health representative(s); and
- viii. Wellness Court Program Manager.

(3) Jurisdiction. The Wellness Court and the MAP Program may exercise jurisdiction over individuals who:

- (a) Are charged with a crime in the Tulalip Tribal Court;
- (b) Meet the eligibility criteria established in policies and procedures by the alternative court; and
- (c) Are accepted for admission by the alternative court team; or
- (d) Any individual who satisfies prong (b) and (c), and has been referred to the Court by another jurisdiction and has consented to the supervision of the alternative court. The Wellness Program shall develop policies and procedures for transferring participants from another jurisdiction to Wellness Court or the MAP Program.

(4) Entry into Alternative Courts.

- (a) **Pretrial Diversion – Deferred Judgment - Entry of guilty plea - deferred acceptance of plea.** In any pretrial case where the Prosecutor offers Wellness Court or MAP Program as part of a plea agreement, and the defendant accepts such offer, the defendant will be required to enter a plea of guilty to the charges as part of the plea agreement. The Court will make a determination whether the plea was entered knowingly, intelligently, and voluntarily, and find a factual basis for the plea. However, the Court will defer acceptance and entry of the guilty plea into the record and order the defendant to the Wellness Court or MAP Program for successful completion. The Court shall advise the defendant that if he or she fails to successfully complete the Wellness Court or MAP Program, the Court will, upon notification and at a hearing, formally accept the guilty plea and set the matter for sentencing.
- (b) **Probation Diversion.** In any probation revocation where Wellness Court or MAP Program is offered as a resolution to probation violation and probationer accepts such offer, the probationer will be required to admit to the pending violations. The Court will accept the probationer's admission, make a finding that there is a factual basis to find that the probationer is in violation of his or her judgment and sentence, and sanction them to Wellness Court or MAP Program in lieu of imposition of their sentence. Failure to graduate from either alternative court program will constitute a violation of their probation. Probationer must agree to extend his or her probation to allow for the completion of Wellness Court or MAP Program to participate in either alternative court.

(5) Administrative Transfers Between Alternative Courts. The Wellness Program shall develop policies and procedures for transferring participants between Wellness Court and MAP

Program based on a determination by the alternative court team that it is unlikely that the participant will be able to complete the program they are in, and the other program will better meet the participant's needs. No participant may be transferred without consent of the participant and the prosecutor.

(6) Termination from Alternative Courts.

- (a) Termination will be discussed by the alternative court team, which should strive for consensus. The Judge will determine if the participant will be terminated if the team cannot reach consensus.
- (b) When a participant is terminated from the alternative court, the Prosecutor shall provide the participant with a Notice of Termination. The notice shall contain the grounds for termination.
- (c) If the participant contests the grounds for termination from the program, a contested termination hearing will be set on a regular criminal docket, within 10 judicial days, unless good cause for delay exists. The Tribes has the burden of proof in a contested termination hearing; the burden of proof is a preponderance of the evidence.
- (d) If the Judge determines that a participant is terminated from an alternative court, the participant will no longer be eligible to participate in that alternative court relative to the original charge which resulted in placement in the alternative court.
- (e) **Pretrial Diversion** – after termination, the Court shall accept the defendant's guilty plea, and set the case for sentencing on the alternative court docket. Sentencing shall comply with TTC 2.25.150.
- (f) **Probation Diversion** – After termination in a case where a defendant entered an alternative court pursuant to subsection 4(b) of this Section, the Court shall set the case for sanctioning for violation of probation on the alternative court docket. The sanction shall comply with TTC 2.25.160(3).

(7) Rules of Evidence and Procedure.

- (a) Wellness Court and the MAP Program are courts of record.
- (b) Rules of evidence shall be relaxed in alternative court proceedings, including sentencing, and testimony is not required.
- (c) The Court may adopt court rules for alternative court termination, sentencing, and other relevant stages of alternative court proceedings.

RESOLUTION 2024 – _____ ATTACHMENT TWO

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24- _____
Resolution Summary

Alternative Courts Code

Brief Summary of Resolution

- Formally establishes Tribes' Healing to Wellness Court, and Mental Wellness Alternatives Court. Two successful alternative court programs that have been operating without formal recognition in the code.
 - Solidifies alternative courts within the Tribes' justice system.
 - Recognizes the express purpose of each court program, ensuring that the purposes guide future alternative court law and policy.
- Establishes the jurisdiction of the alternative court programs
 - Creates a mechanism for accepting eligible participants from other court systems.
- Provides law for key stages in the alternative court process – entry, transfers between programs, and termination.
 - With this guidance, the Court, participants, and practitioners will have a better understanding of the alternative court process, and law to guide proceedings in these key areas.
- Relaxes rules of evidence in alternative court proceedings.



Tulalip Tribes Office Of The
**Reservation
Attorney**

Phone: 360-716-4548

Fax: 360-716-0634

ira-contracts@tulaliptribes-nsn.gov

LEGAL REVIEW FORM

Complete Submittal Received by ORA: 7/18/24

Is this a policy? No Yes

If yes, has this been created/uploaded to PolicyTech? No Yes

Title of Submittal: Alternative Courts Code

Document Type: Other Matter

Contract Amount: \$ _____

Funding Source: ****Choose Funding Source****

Submitted By: Megan James, ORA
(Name/Title/Department)

Return Submittal To: Megan James, ORA
(Name/Title/Department)

Submittal is **APPROVED**

Submittal is **DISAPPROVED**

Notes/Comments:

Reviewed By: 7/23/24
Date Signed

[Signature]
Reservation Attorney Signature

Notice/Disclaimer:

Program or enterprise is responsible for keeping records of their documents and this Legal Review – the Reservation Attorney Office only keeps copies of the Legal Review cover sheet for its own Records. **Please Read: This is review for the policy or contract's legal effect only, and the Office of Reservation Attorney does not evaluate the advisability of executing the policy or contract as a business or governmental decision.**

Legal Review Returned By: Email Interoffice Mail In-Person

To: _____ on _____ by _____
Name of Recipient Month/Date Initials

