

A DOMESTIC VIOLENCE COURT PLANNING ROAD MAP

The Tulalip Tribes' Experience



SUMMARY

The Tulalip Tribes of Washington are in the initial stages of developing a designated Domestic Violence Court that will process all domestic violence cases in the tribal community. This initiative was motivated by the realization that domestic violence cases require special attention in order to be safely and effectively addressed. Through this Domestic Violence Court, the tribal court can provide extra security and ensure that staff are trauma-informed and trained to handle both offenders and victims, with the primary goals of holding offenders accountable and protecting victims. Additionally, the docket allows for consistency throughout a case, with the same judge hearing a case from arraignment all the way through probation.

Unlike some other tribes, the Tulalip Tribes will not need to edit their existing Tribal Code, as it already includes language pertaining to a Domestic Violence Court. Judge Remy Leonard, who is heading the Court's development, aims to have a fully functional Domestic Violence Court up and running by the end of her term in 2020. The Court will hear both criminal and civil cases, and will follow a Healing to Wellness Court Model, focusing on offender accountability and victim safety.

BACKGROUND

Domestic Violence Court Design

- Based on the Healing to Wellness Court model
- Will hear both civil and criminal cases
- May hear cases involving non-tribal members
- Will work in tandem with existing non-legal tribal service providers, such as Behavioral Health, Elders Council, and victim services
- Includes protection orders for victims
- Designated Personnel:
 - 1 Judge
 - 1 Court Clerk
 - Prosecutor
 - Defense attorney
 - In-house treatment provider for offenders

TRIBE

Tulalip Tribes of Washington

LOCATION

Tulalip, Washington

PROGRAM

Domestic Violence Court

PROGRAM STATUS

In Development



DOMESTIC VIOLENCE COURT DEVELOPMENT PROCESS

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| Step | 1 | Brainstorming and research |
| | 2 | Outlining and identifying goals and possible funding sources |
| | 3 | Stakeholder engagement and solicitation of funding |
| | 4 | Development of processes and procedures |
| | 5 | Solidifying logistics and personnel |

DOMESTIC VIOLENCE COURT DEVELOPMENT PROCESS

1

Brainstorming & Research

In the early stages of the planning process, Judge Leonard was constantly researching how other tribes handle domestic violence cases and what the best practices are in both tribal and non-tribal justice systems. She also assessed how the Tribes are currently handling domestic violence cases on and off the reservation, what services already exist in the community for both victims and offenders, and what, if any, partnerships exist between the Tribes and the local/state justice systems.

- Identifying the dynamics of the problem—Are community members' domestic violence cases being lost to the state system? Are there enough legal services for victims? Are there sufficient treatment options for victims and offenders?
- Researching what other tribes are doing to address similar issues
- Identifying the existing resources in the community, such as funding opportunities, services, legal precedents, the Healing to Wellness Court, partnerships, and tribal traditions.

2

Outlining Goals and Identifying Potential Funding Sources

The Domestic Violence Court will hear both civil and criminal cases and will hopefully respond to cases involving non-tribal members. The design of the Court will be heavily modeled off the Tribes' Healing to Wellness Court, which does not currently hear domestic violence cases, but will offer domestic violence-specific treatment and perpetrator rehabilitation. It will have one judge, and a designated court clerk, prosecutor and defender, all of whom, except the judge, will need to be hired and trained. Ideally, to reduce recidivism among offenders, the Court will work with a tribally-based in-house treatment provider to offer intensive rehabilitation, counseling, anger management and psychological treatment for the offenders. Additionally, to increase safety for the victim, the Court will issue protection orders.

- Outline the idea/design and identify goals for the Domestic Violence Court
- Identify if additional staff are needed—this may include victim advocates, case workers, administrative assistants, security personnel and others
- Present the idea and solicit feedback from the community through advertising and hosting meetings and/or listening sessions that are open to all community members
- Identification of possible funding sources, including but not limited to: tribal funds, private and/or public foundations, university foundations, and local/state/federal grants.

3

Stakeholder Engagement

Judge Leonard is continually trying to engage new stakeholders by hosting monthly tribal court meetings and bringing together people from different tribal departments to discuss what an effective Domestic Violence Court would look like for the Tribes. These convenings will continue, in order to ensure that the Court is being developed in a way that reflects the needs of the community and incorporates the cultural traditions of the Tribes.

- Hold monthly meetings with local stakeholders to discuss the design, goals and how tradition can be incorporated into the Court
 - Stakeholders include, but are not limited to: Tribal Court staff, Tribal Behavioral Health staff, the Chief Judges, Tribal Council, Tribal Elders Council, Tribal and County Law Enforcement, and community members.
- Incorporate stakeholder feedback into the program design when applicable
- Solicit funding through grant writing, fundraisers and/or personal asks.

4

Development of Processes and Procedures

The next step for the Tribes in developing the Domestic Violence Court is to establish the Court's procedures and rules as well as case processing and record keeping practices.

- Continue meetings with stakeholders
- Identify if/how different cultural practices will be integrated into the Court
- Draft case processing and court procedures and rules
 - These will include processes regarding: calendaring, case identification, referral processes to the Court and to other services, compliance and termination, monitoring, and safety and security
- Present a draft of the case procedures and rules to stakeholders for feedback, making changes when appropriate.

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Logistics & Personnel

Once the court procedure and rules are completed, the planning team will solidify staffing, choose treatment providers, and finalize the Court's location and working hours. They will also plan the necessary specialized training to ensure that all Domestic Violence Court staff are well-equipped to begin their work.

CHALLENGES AND STRENGTHS

- Developing community trust and buy-in, and working through misconceptions by establishing and maintaining open communication, is a key step in moving forward. This can be done through ongoing community meetings, listening sessions and surveys.
- Because domestic violence cases stem from various issues, no one-size-fits-all treatment for offenders has been established. The team has been researching the best treatment options for offenders by reviewing scientific and academic articles on the subject and staying up-to-date on domestic violence-related research, so that they can identify appropriate treatment providers in their community.
- The court is working to establish buy-in for the project across tribal departments by hosting meetings and listening sessions and incorporating stakeholder feedback when possible.
- The Tribes anticipate working across jurisdictional boundaries when offenses happen off-reservation or involve non-tribal members by establishing and maintaining communication with local county/state treatment providers, correctional facilities, law enforcement and criminal justice systems.
- The wide array of non-legal victim services offered in the community will continue to be an important systems strength and an essential resource for both victims and the Domestic Violence Court team.