

SWINOMISH INDIAN TRIBAL COMMUNITY

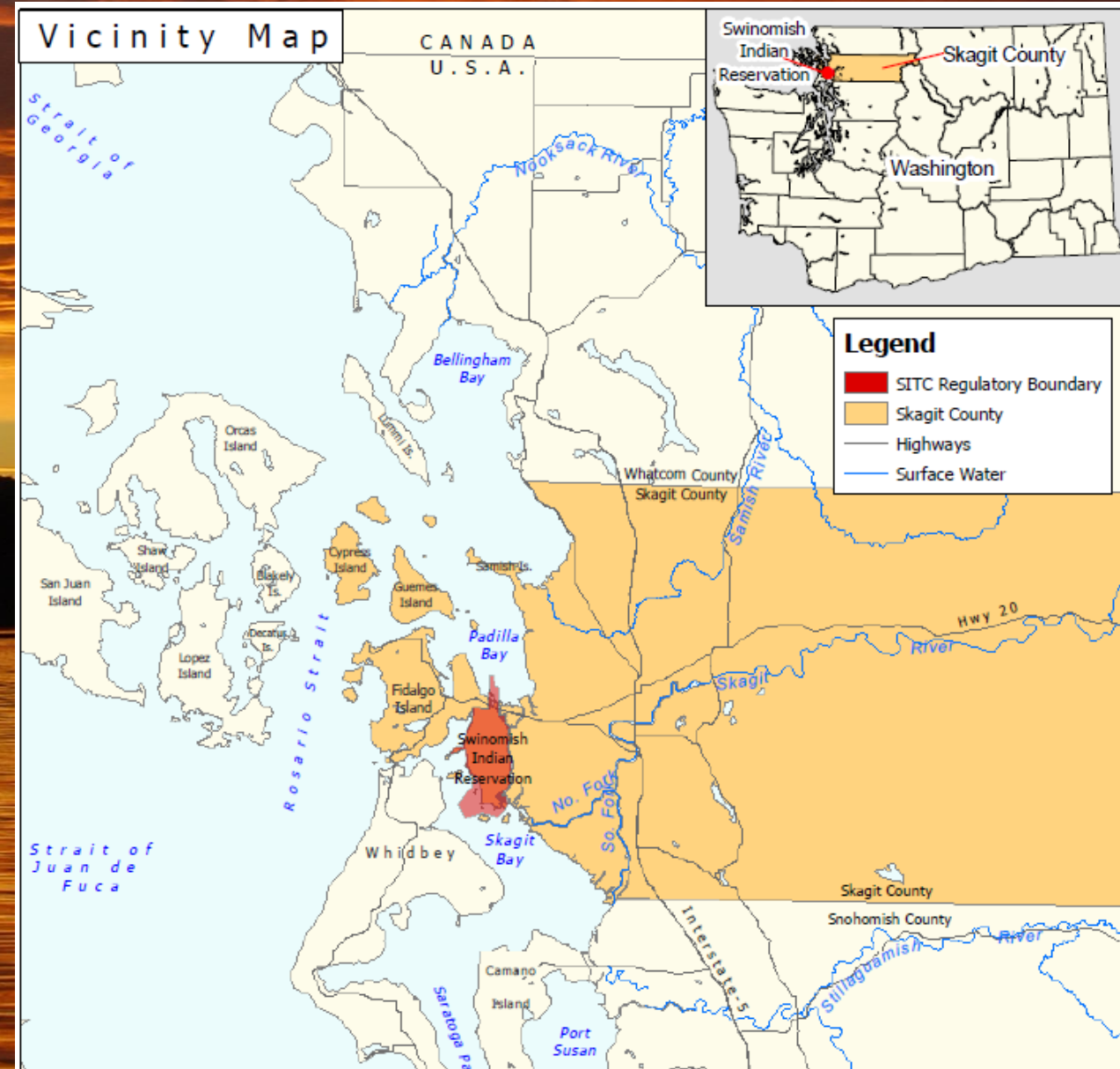
- ❖ Lorna Dan, Resident Assistant and Case Manager, Swinomish Recovery Houses, Didg^wálič Wellness Center
- ❖ Lauren Henry, Tribal Attorney and Code Reviser
- ❖ Melissa Simonsen, Prosecutor

CASE STUDY ON RESTORATIVE JUSTICE IN INDIAN COUNTRY – THE SWINOMISH HEALING TO WELLNESS COURT MODEL



Who We Are

- ❖ The Swinomish Indian Tribal Community is a small rural community consisting of 7,500 acres of land and 2,900 acres of tidelands in the coastal area of Washington State.
- ❖ The Swinomish Reservation's total population is approximately 4,700. This includes 978 enrolled Swinomish members and 200 members of other tribes who reside on the Swinomish Reservation, for a tribal member population of 1,178.
- ❖ Commercial fishing is one of the primary occupation of our Tribal members
- ❖ The traditions of the Swinomish people include the Smokehouse tradition and the Canoe Journey.



Healing to Wellness Courts

What are they – Legally Speaking?

- ❖ **Alternative Court** designed to reduce recidivism and the need for incarceration by offering an alternative to jail and probation through participation in assessment, education and treatment for nonviolent, drug- addicted defendants

Pre-Disposition: Entry into the program prior to entering a plea with a speedy trial waiver. If you do not complete the program you return to trial track.

Post-Disposition: Entry of a plea of guilty. If you do not complete the program you are sentenced.

Conclusion: Termination OR Dismissal with Prejudice

Healing to Wellness Courts

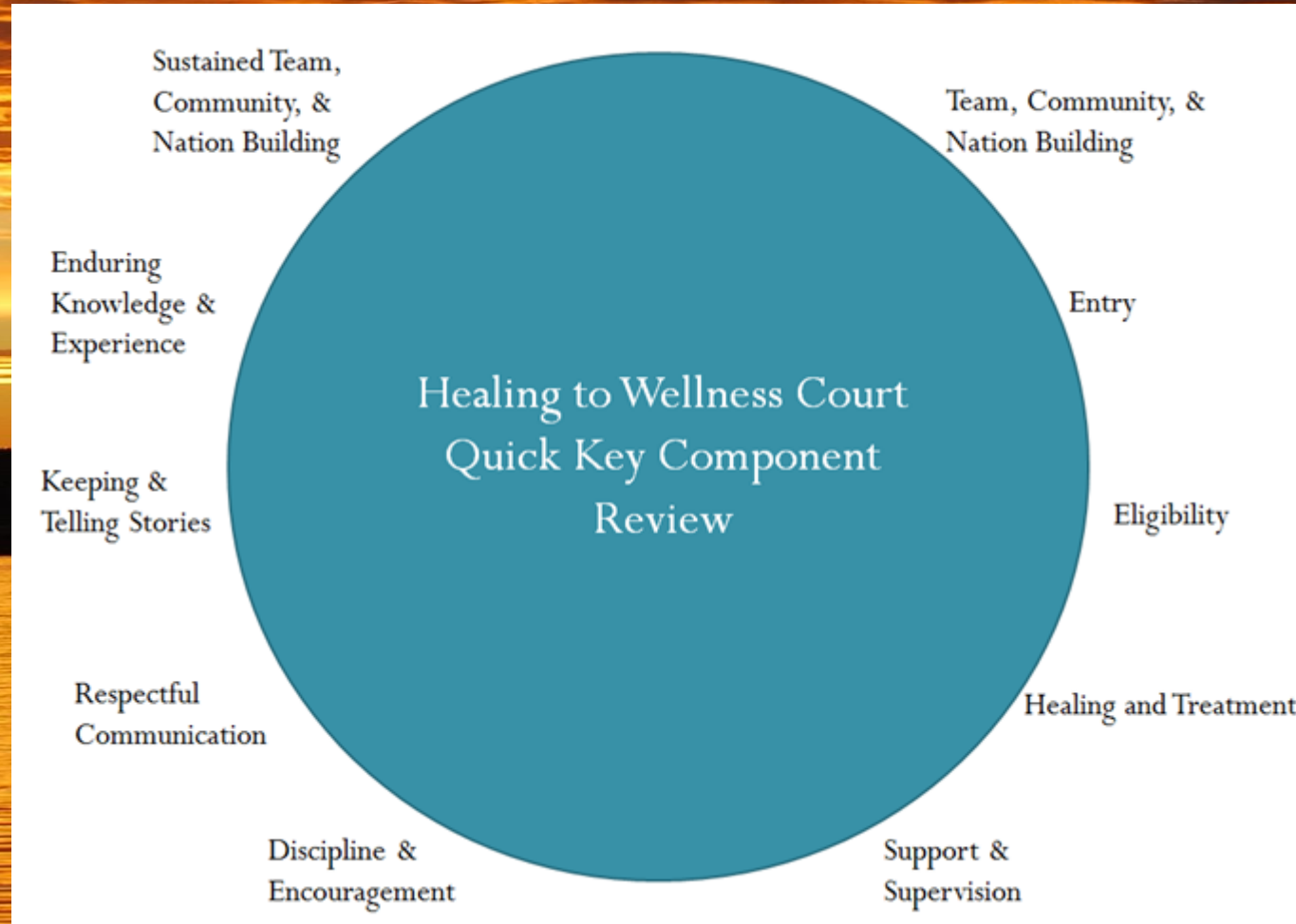
What are they – Practically Speaking?

The mission of the Swinomish Healing to Wellness Court is to promote a substance-free lifestyle for our clients and their families, through the cooperation of the court, tribal services, and the community.

Healing to Wellness Courts

How do they work?

❖ Tribal Law and Policy Institute – wellnesscourts.org



Legal Framework to support our Court Holistic Team Approach



3-09.070 Wellness Court Team.

- (A) The following positions or departments shall be considered the permanent team members of the Swinomish Wellness Court, responsible for facilitation of the Swinomish Wellness Court and support and supervision of all Wellness Court Participants:
- (1) Tribal Court Judge and any necessary personnel assigned by the Tribal Court Judge;
 - (2) Tribal Prosecutor;
 - (3) Tribal Advocate;
 - (4) Swinomish Probation Office;
 - (5) Swinomish Police Department;
 - (6) Cultural Department;
 - (7) Behavioral Health Specialist;
 - (8) Wellness Program; and
 - (9) Didg^walič Wellness Center.
- (B) The departments listed in subsections (A)(4)-(9) of this Section shall ensure that a representative of the department is present at all Swinomish Wellness Court team meetings and Wellness Court proceedings.
- (C) The Tribal Court Judge is authorized to supplement the membership of the Wellness Court team with additional members as needed to expand the scope of professional competencies for the Wellness Court program.
- (D) The roles and responsibilities of Wellness Court team members shall be enumerated in a Wellness Court Policy and Procedure Manual which shall be kept by the Swinomish Tribal Court and publically available for review upon written request to the Tribal Court.
- (E) The Wellness Court team shall designate one of its members to serve as Wellness Court Program Administrator. The Wellness Court Program Administrator shall be responsible for managing the Wellness Court team meetings and program activities, disseminating information to team members in a timely fashion, and performing any other duties established in the Wellness Court Policy and Procedure Manual.

Legal Framework to support our Court

❖ Policy and Procedure Manual

❖ Five Year Review

3-09.100 Policy and Procedure Manual.

Swinomish Wellness Court shall adopt a Policy and Procedure Manual detailing the following:

- (A) eligibility requirements for admission to Wellness Court;
- (B) procedures for admission and participation in Wellness Court;
- (C) judicial procedures for adjudication of referred cases;
- (D) procedures for record storage and security;
- (E) procedures for Participant information disclosure and confidentiality;
- (F) Wellness Court rules and code of conduct;
- (G) Wellness Court program duration and phase requirements;
- (H) Wellness Court incentives and sanctions;

- (I) Wellness Court team member roles and responsibilities; and
- (J) any other necessary policies for implementation and operation of the Swinomish Wellness Court consistent with the provisions of this Chapter.

[History] Ord. 382 (9/11/18).

3-09.110 Five-Year Review.

- (A) Within five years of the effective date of this Chapter, and no later than every fifth year thereafter, the Wellness Court team shall convene and assign one team member the responsibility of facilitating a review of the Wellness Court program.
- (B) The Wellness Court team shall review the Policy and Procedure Manual and any relevant research concerning best practices for wellness courts.
- (C) The assigned team member shall prepare a Wellness Court Report detailing the number of Participants and case outcomes, but shall not disclose any Participant's protected information regardless of prior informed consent for Wellness Court participation.
- (D) The Wellness Court Report shall include recommendations for policy evaluation or modification.
- (E) The Wellness Court Report shall be presented to the Senate by the Tribal Court Judge during a regularly convened Senate session.
- (F) The Wellness Court Report shall be considered public record and available for review upon written request to the Swinomish Tribal Court.

Legal Framework to support our Court

❖ Participants from Authorized Jurisdictions

3-09.050 Scope and Jurisdiction.

- (A) In order to be eligible for participation in Swinomish Healing to Wellness Court, an Eligible Person must meet, inter alia, the following criteria:
- (1) be an Eligible Person accused of a crime that is directly or indirectly related to substance abuse or addiction issues; and
 - (2) be listed as a named defendant in a case originating in:
 - (a) the Swinomish Tribal Court; or
 - (b) an Authorizing Jurisdiction.

- (B) The Wellness Court team, as enumerated in Section 3-09.070, may prescribe additional eligibility criteria consistent with the policy factors pursuant to Section 3-09.030(B) and the purposes of this Chapter pursuant to Section 3-09.040.
- (C) The Wellness Court shall have jurisdiction over any case that is transferred to it by the Swinomish Tribal Court or an Authorizing Jurisdiction.
- (D) The Wellness Court shall have jurisdiction and authority to hold a Participant in criminal contempt of court if a Participant violates any of the court-ordered terms of Wellness Court participation. Sanctions for criminal contempt of court may include, but are not limited to, committing a Participant to the custody of a Senate approved jail.

[History] Ord. 382 (9/11/18).

3-09.060 Case Referral.

- (A) A case may be referred to the Swinomish Wellness Court by the Swinomish Tribal Court or any Authorizing Jurisdiction.
- (B) Upon a Participant's successful completion of Wellness Court program requirements or early termination from Wellness Court, the Wellness Court shall transfer jurisdiction of such Participant's case(s) back to the referring jurisdiction for any final disposition.

[History] Ord. 382 (9/11/18).

Healing to Wellness Courts

Do they work?

- ❖ NADCP Tribal Track
- ❖ May 25-28
- ❖ <https://nadcpcconference.org/future-and-past-conferences/>

DRUG COURTS IN THE U.S. CUTTING CRIME, SAVING MONEY

3,316

treatment
courts
currently in
operation¹

75%

drug court
graduates who
remain arrest
free⁵

\$27

saved on
average for
every dollar
invested²

140,000

Americans
currently being
served by drug
courts¹



Drug courts are the *most successful* criminal justice intervention for addicted offenders. These courts are proven to *save lives, save money and reduce crime*:

- ✓ Adult drug courts reduce recidivism by as much as 45 percent.⁴
- ✓ 75 percent of drug court graduates remain arrest free, compared to just 30 percent of those released from prisons.⁵
- ✓ Juvenile drug courts reduce recidivism by as much as 40 percent.⁷
- ✓ Sending someone to a drug court instead of state prison can save up to \$13,000 per participant.²
- ✓ Family drug courts reduce the likelihood of re-entry into foster care by two-thirds.⁶
- ✓ Every U.S. state and territory utilizes drug court.¹



NADCP

National Association of
Drug Court Professionals

LEARN MORE: [ALLRISE.ORG](https://allrise.org)

Healing to Wellness Courts

Do they work?

❖ SWINOMISH GRADUATES:

❖ 2017 - 3

❖ 2018 - 6

❖ 2019 – 18 current participants, 2 graduations this year with 2 participants on track to graduate before the end of 2019

❖ Reduction in Criminal Cases – 20% reduction in drug/alcohol cases

❖ Reduction in Probation Cases

Healing to Wellness Courts

Do they work?



- ❖ **WHAT ARE SWINOMISH GRADUATES DOING?**
- ❖ Active in the community
- ❖ Publishing newspaper articles
- ❖ Going to college
- ❖ Gainfully employed
- ❖ Having healthy children
- ❖ Reuniting with their family

Swinomish Blessing Box assists community



BLESSINGS FOR THOSE IN NEED – Team volunteer Rebecca Larsen and project organizer Brenda Williams take a look at donations placed in the Swinomish Blessing Box on Swinomish Avenue and First Street. – Photo by Robin Careen-Edwards

Hunger often goes unnoticed. Some ration their food to make it last. For others, it could just be another day without eating. People in this predicament benefit from donated groceries and other household items.

Brenda Williams is a Swinomish tribal member who knows that more food will benefit her community. She has developed a long-term project that will help provide a solution to hunger on her Reservation.

Following in her mother's, and community leader, Susan Wilbur's footsteps, Williams organized a team of volunteers to help her establish and build a "Swinomish Blessing Box".

Steve Edwards, a Swinomish Tribal member, was recruited. He found a physical location for the "Box" on the corner of Swinomish Avenue and First Street, on the Reservation. Another volunteer is Quinault Tribal member Rebecca Larsen, who lives and works on the Swinomish Reservation.

Within the Swinomish tribe, Williams recruited Tracy James and the Swinomish Youth Council. The Council funded building supplies for the "Box".

Larsen asked local cabinetmaker Sina Fillahi to help design and construct the "Box." Fillahi is not a tribal member, but he is a longtime friend of the community. He well knows the hardships many face on a day-to-day basis. He willingly donated his time and skills.

Fillahi built a small, wooden, free standing food pantry "Box" and put it on posts; with a roof and inside shelves to house non-perishable food items. Glass doors keep the food safe from the elements.

As a symbolic touch, he attached special panels carved by Swinomish carver Kevin Paul. These panels have carved ravens "flying up" them. He feels they are representative of the "blessings" and of the "giving spirit" of Swinomish Indian Tribal Community and what the intentions of the "Box" is for.

More compartments will be added onto the "Box," so other seasonal foods and items, like diapers & school supplies, can be collected.

Before the "Box" was advertised for SITC to start using it, Aurelia Bailey and the Swinomish Canoe family singers and drummers made a traditional blessing of the "Box."

This vision of Williams' project came together through a combined team effort – including volunteers who helped install the "Box." This team is now solidly in place.

Anyone in need can now take non-perishable food items to feed themselves, their family members or friends.

Anyone can leave non-perishable food and other useable items inside the box.

Even though Williams' mother is gone now, her compassion and desire to help others lives on in her daughter. She wanted to find ways to carry on her mother's work. This first service project serves as a shining example of future service and community projects to come. **-La Conner Weekly News 10-11-2017**



Healing to Wellness Courts

Do they work?



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Focus? | PAGE 20



Healing to Wellness Courts

Why Does the Swinomish Model work?

- ❖ Teamwork
- ❖ Incentives
- ❖ Honoring Participants
- ❖ Engagement with the Court
- ❖ Sanctions- Gradual – Individually based

Holistic Chemical Dependency Treatment



- ❖ Swinomish Wellness Program
- ❖ Didgʷálic Wellness Center
 - ❖ Medically Assisted Treatment Facility
 - ❖ Child Care
 - ❖ Mental Health Counseling
 - ❖ Physicians on staff
 - ❖ Prenatal care
 - ❖ Dental (under construction now)
 - ❖ Recovery Residential Homes
 - ❖ Free transportation from your home, including dependents
 - ❖ Scheduling that works

Replicating Success at Home

What do we
need to be
successful?



Partnerships



Creative
solutions for
civil legal issues





NAVIGATING THE RIVER TO JUSTICE

Civil Legal Fair & Dinner

November 7, 2018

Swinomish Youth Center at 6pm

Hosts: Swinomish Tribal Community & Northwest Justice Project
Sponsor: Legal Foundation of Washington

Explore the river of resources available to you and find hope for your civil (non-criminal) needs: employment rights · victim of crime services · gun rights restoration · vacating criminal record · education and youth law, such as truancy and discrimination · housing, such as landlord/tenant · estate planning, wills, and probate · bankruptcy · family law and parenting plans · Indian Child Welfare Act · driver's relicensing program



EXPLORE THE RIVER OF RESOURCES AVAILABLE TO YOU AND FIND HOPE FOR YOUR CIVIL (NON-CRIMINAL) NEEDS

Get a sticker from each table you visit and receive an additional raffle ticket when you collect THREE!

● **HOUSING, SUCH AS LANDLORD/TENANT**
*Northwest Justice Project, Kelly Owen
Floerchinger Law, Ryan Floerchinger
(360) 464-1173*

● **VICTIM OF CRIME SERVICES**
*Northwest Justice Project,
Sarah Chaplin and Camille McDorman*

● **INDIAN CHILD WELFARE ACT**
*Northwest Justice Project, Jennifer Yogi
Bar member, Ann Reading*

● **BANKRUPTCY AND CONSUMER LAW**
*Northwest Justice Project, Karen Phillips
Skelton Law Firm, Susan E. Skelton
(360) 822-7224*

● **GUN RIGHTS RESTORATION**
*Law Office of Glen C. Hoff, Glen C. Hoff
(360) 336-2020
Gerald T. Oshorn (360) 293-1157*

● **WASHINGTON LAWHHELP**
washingtonlawhelp.org

● **VACATING CRIMINAL RECORD**
*Northwest Justice Project, Brendan Gaff
KCBA Volunteer Legal Services,
Jacob Kuykendall (206) 267-7100*

● **ESTATE PLANNING, WILLS, PROBATE**
*Northwest Justice Project
Law Offices of Kate Jones, Kate Jones
(206) 370-1034
Legal Strategies LLC, Patricia Paul
(360) 466-2800*

● **FAMILY LAW, PARENTING PLANS**
*Skagit Volunteer Lawyer Program,
Maren Anderson CLEAR Hotline or
(360) 416.7585, x1133
Family Law Legal Technician,
Tamara Garrison (206) 414-9521*

● **EDUCATION AND YOUTH LAW,
SUCH AS TRUANCY AND DISCRIMINATION**
Northwest Justice Project, Cina Littlebird

● **EMPLOYMENT RIGHTS**
*Unemployment Law Project, John Tirpak
1-888-441-9178
Adelstein, Sharpe & Serka, Ian McCurdy
(360) 671-6565
Swinomish TERO (360) 466-7232*

● **DRIVERS RELICENSING PROGRAM**
*Northwest Justice Project, Therese Norton
Swinomish TERO, Rachel Phair
(360) 466-7232
Swinomish Tribal Advocate, Allison Mathis
(360) 466-7257
North Intertribal Vocational
Rehabilitation Program, Gena Brockhaus
(360) 671-7626*

To contact Northwest Justice Project, call the CLEAR hotline at (888) 201-1014, Monday-Friday, 9:15 am – 12:15 pm
To contact any other attorney, call the phone number listed above.

Office of the Prosecuting Attorney

Melissa Simonsen, Tribal Prosecutor
Lauren Henry, Code Reviser
Elizabeth Miller, Paralegal

The Office of Prosecuting Attorney prosecutes all criminal offenses that are filed in Swinomish Tribal Court and also represents the Tribe in civil enforcement matters in Tribal Court. OPA's mission is to prosecute behavior that is contrary to the Tribe's laws, to seek justice for victims, and to encourage individuals to seek healing.

The Office of Prosecuting Attorney (OPA) saw many successes this year, beginning with the adoption of a Swinomish Healing to Wellness Court code. The Healing to Wellness Court accepted its first program participants in 2015 and has since graduated five tribal members with four participants currently making progress towards that end. Thanks to the continuity of key personnel including Judge Pouley, court staff, the OPA, Tribal Advocate, Wellness Program personnel, and others, the program has time-tested proof that Swinomish judicial and social services can sustainably manage a therapeutic court program as a community-based alternative to incarceration for tribal members in need of substance abuse treatment.

OPA staff dedicated time to enhancing the systems and sustainability of the Wellness Court this year, resulting in the passage of a Senate ordinance and Swinomish Tribal Code that permanently establishes the Wellness Court as a court of special jurisdiction. The law named specific departments and programs to the Wellness Court team to ensure long-term stakeholder collaboration for the benefit of program participants. The Wellness Court welcomed the permanent participation of two new departments this year — Cultural Department and Counseling Services.

The Wellness Court also adopted a revised policy manual with heightened focus on confidentiality, accountability, and cultural connectedness and explored ways to integrate new software and tracking technology to access files securely, monitor participants reliably, and allow for more opportunities for participants to succeed.

The OPA had its first full year of working with a \$475,000 grant from the Department of Justice's Office of Violence Against Women. This grant provides funding for the Tribe to take the steps necessary to begin exercising expanded criminal jurisdiction. Specifically, the Tribe can begin to more fully address violence against Native women by charging non-Natives in Swinomish Tribal Court who commit acts of violence against an intimate partner. Strides made in this area include using grant funding to hire a full-time code reviser to create a body of laws that reflect community needs and cultural values while also meeting the requirements of the Tribal Law and Order Act.

Finally, with the help of Youth Spirit program participants; the Swinomish Grants, Cultural Events, and Communications departments; Northwest Justice Project; and the Legal Foundation of Washington, the Tribe hosted over twenty-five legal professionals from across the Pacific Northwest at the Civil Legal Resource Fair and Dinner in November. Legal professionals in the fields of housing; victim of crime services; Indian Child Welfare Act; bankruptcy; consumer law; gun restoration rights; vacating a criminal record; estate planning; wills and probate; family law and parenting plans; education; anti-discrimination and truancy; employment rights; and drivers relicensing were there to share their expertise with the Swinomish community.

This event was very well attended with every informational table filled to capacity by community members and guests from as far away as Lummi Nation. Judge Pouley swore in 14 new legal professionals as members of the Swinomish Tribal Court Bar. This was a significant night to connect tribal members to civil legal resources, as well as connect the Washington State Bar Association to the community. We were honored to have two Board of Governors of the Washington State Bar Association join us, President-Elect Rajeev Majumdar and Governor Michael Cherry, as well as Northwest Justice Project Executive Director César Torres.

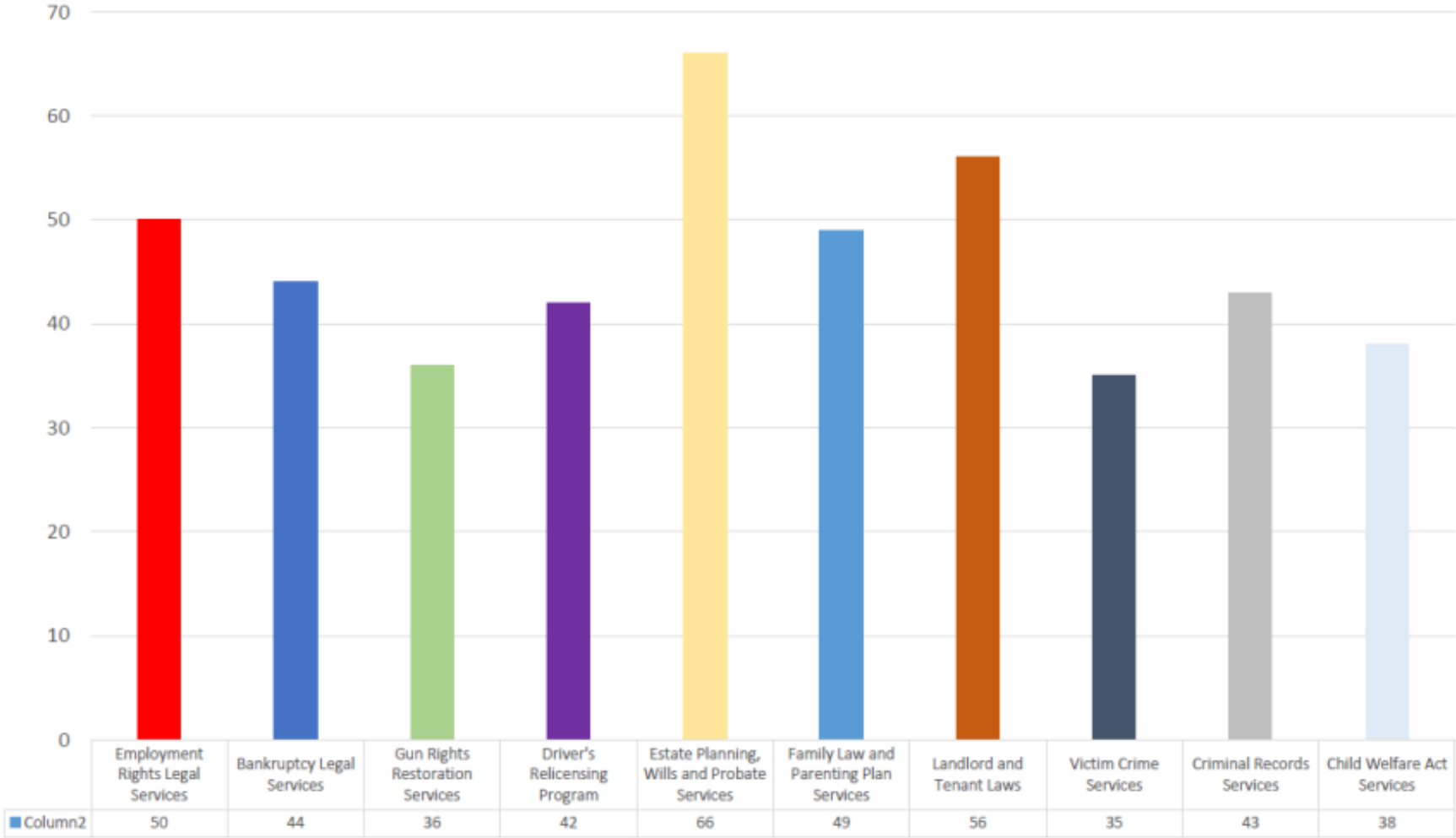


Washington State legal practitioners, including two members of the Washington State Bar Association Board of Governors, were sworn in as members of the Swinomish Tribal Court Bar at the Civil Legal Resource and Dinner.



Navigating the
River to Justice

Civil Legal Services



Healing to Wellness Courts

Civil Legal Aid Partnerships



Northwest Justice Project



DRIVER RELICENSING PROGRAM APPLICATION PACKAGE & PROGRAM INSTRUCTIONS

WHAT IS THE SWINOMISH DRIVER RELICENSING PROGRAM?

Due to the high number of Swinomish community members who have had their driver licenses suspended or revoked, the TERO Department, in partnership with the Tribal Advocate's office and Northwest Justice Project (NJP) have created the Swinomish Driver Relicensing Program. The program provides legal help and limited financial assistance to Swinomish community members so that they can regain their driver licenses.

HOW DOES THIS WORK?

Step 1. Pick up application at the TERO Department located at 11373 Moorage Way.

Step 2. Complete application packet

Step 3. Return completed application to the TERO Department along with your Washington State driver license or ID card and Tribal ID card.

Swinomish TERO will forward the completed application to the Tribal Advocate's Office. The Tribal Advocate's Office will access your driving records. The Tribal Advocate's Office will forward the completed application and driving record to the NJP Legal team. NJP will review the paperwork, develop an individualized strategy for each client and prepare any motions or gather resource information to address any ticket(s) holding your license.

Step 4. Attend a legal clinic where you will meet individually with an NJP legal team representative.

Discussions will involve why you need your license, your financial status, amount you can pay on your ticket(s) each month, and how your circumstances have changed. Swinomish TERO, Tribal Advocate's Office and NJP hold clinics once every 3 months. Your representative will work with you to write a declaration to attach to the motion to each court that has ticket(s) holding your driver license. Motion(s) will be faxed from the NJP office to those courts. NJP will then send you a copy of the motion(s) filed with the court(s) by mail or email, along with notice of a hearing date, if any.

If you fail to attend your clinic, without prior notice, you will be moved to the bottom of the waiting list.

FINANCIAL: Free legal help from an attorney and limited financial assistance to pay for fees is available for those who are eligible.

COURT CONTACT: Not every court requires a court appearance. Some courts only require the person to fax in the pleadings and then the court makes a decision solely based on the pleadings and will mail its decision. Your representative will assist you in setting up a hearing, if the court requires one. If the court agrees with your pleading, a payment arrangement will be made. If you have fines in more than one court, you will need to pay each court individually.

While each person's situation is different, in many cases, the court can pull your fines out of collections, all interest and collection fees that have accrued will be removed and the fine reverts back to the original amount it was issued for. Often times judges will even reduce the amount of the fines or allow community service in lieu of payment.

HOW MANY CHANCES DO I GET: ***ONE*** If you fail to make your monthly prearranged payment(s) to the court, the court will send your tickets back to collections. You will not receive another opportunity for this process. This means you would again owe interest and collection fees to the collection agency.

THE LEGAL CLINIC: Upcoming Clinic Date: _____, each person will be assigned a time slot. If you need assistance with your application or if you have any questions, please contact the TERO Department at (360) 466-7232.



WASHINGTON STATE SENATE



SENATE RESOLUTION
8690

By Senator McCoy

WHEREAS, Adeline "Hattie" Black passed away January 19, 2018. Hattie was the eldest member of the Swinomish Indian Tribal community, born September 8, 1917. Hattie's well-lived life reflected many crucial stories to the history of her community; and

WHEREAS, Hattie grew up in a magical world, one profoundly tied to place: The water, open sky and lush landscape of the western Swinomish shoreline all inspired her. She delighted in picking wild lilies at Kukutali, watching fishermen work the fish traps near her home, and visiting her favorite spot: The tall fir at Lone Tree; and

WHEREAS, Hattie's family history provided a strong and firm tie to Lone Tree until the end of her life. Hattie was raised in a household run by women who managed their own small truck farm; she was educated first and foremost by her grandmother; and

WHEREAS, Educated in the La Conner School District from 1928 to 1940, Hattie entered a world that could not have been easy for her. Nevertheless, Hattie persevered and she came to greatly enjoy her school years. She helped ease the transition of other Native children into the classroom. She participated in many extra-curricular activities such as musicals and plays; she delighted when her classmates made the long hike out to Lone Tree from town; and

WHEREAS, Before graduating from high school, Hattie's grandmother passed away and she decided to make it out on her own. Hattie had become a nanny for a family of five when Congress created the Women's Army Corps. After enlisting and being assigned, Hattie served as an Air Operation Specialist in Brooks Air Force Base in Texas. She served until 1946 and reflected that her period of service was one of the happiest times of her life and was proud to be part of the efforts during WWII; and

WHEREAS, Hattie then married Roy Black and spent the following years traveling the world; from Jerusalem to Egypt to Alaska. She once again returned to the Swinomish Reservation in 2004 where she was cared for by her friends and later by Shuksan Healthcare center; and

WHEREAS, Hattie's long-lived life, allowed the Swinomish Tribe to document and archive crucial memories in order to help tell her story to future generations. Some of her personal historic donations include: Historic photographs, her grandmother's basket, and even her World War II uniform. On her 100th birthday, Hattie was presented with songs of honor and she ended her day by walking up to Lone Tree to see "her tree," called da-chook-hay in her native Lushootseed; and

WHEREAS, It is with great sadness to let go of a well-rooted member of the Swinomish Tribe, but may we honor and remember her in the history she left behind;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Adeline "Hattie" Black; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Adeline "Hattie" Black and President Brian Cladoosby.

I, Brad Hendrickson, Secretary of the Senate,
do hereby certify that this is a true and
correct copy of Senate Resolution 8690,
adopted by the Senate
February 2, 2018


BRAD HENDRICKSON
Secretary of the Senate



Questions & Comments

