

## MINORITY SERVICES MEETING

February 25, 2003

### MINUTES

Present: Oudy Acosta Perez – Kitsap County District Court Probation Services Officer, Craig Anthony – Suquamish Tribal Police Officer, Ron Blake – Suquamish Tribal Chief of Police, Debbie Brockman – Y.W.C.A. Legal Advocate, Dayle Crane – Kitsap County District Court Probation Services Administrator, Susan Dewees – Y.W.C.A. Legal Advocate, Joyce E. S. Figueroa de Raschke – Kitsap County District Court Probation Services Secretary III/Supervisor, Tracy Flood – Attorney At Law, Johanna Hansen Keller – Kitsap County Health Educator R.N., Stephen J. Holman – Kitsap County District Court Commissioner, Ric Kilmer – Northwest Intertribal Court Prosecutor, David Lewis – Kitsap County Superior Court Clerk, Ruth Loihle – Interpreter, Tim Lopez – Bremerton Police Department Lieutenant, Donna Mc Namara – Suquamish Tribal Court Prosecutor, Benny Myers – Kitsap County Sheriff's Department Deputy, Ned Newlin – Kitsap County Sheriff's Department Lieutenant, Marilyn G. Paja, and James M. Riehl – Kitsap County District Court Judges, Rebecca Wildes – Kitsap County Superior Court Clerk.

Meeting Called To Order by Oudy Acosta Perez @ 2:10 PM.

#### Summary of Topics Discussed

- Donna Mc Namara stated that there are no great differences and/or that the Tribal Court Protection Orders (T.P.O or P.O.) Suquamish Tribal Court changed theirs approximately (1) one year ago to same as the Washington State forms. The Domestic Violence (**D.V.**) is similar – their Court clerk mails the order and the law enforcement cover sheet to Kitsap County Superior Court. She said that there is a problem with local law enforcement agencies recognizing Tribal Court orders, and enforcement on non-native spouses.
- Ron Blake responded that about (95%) ninety-five percent of Kitsap County deputies are up to speed with Tribal D.V. orders. He said that he is no longer allowed to enter in orders nor warrants into W.A.S.I.C. and/or N.C.I.C.
- Donna Mc Namara stated that she heard that the only way to allow Ron ability/access to enter into W.A.S.I.C. and/or N.C.I.C. again is going to go through legislation. She said that they have a D.V. Specialist worker through a grant, who is employed by the tribe for native women only. These services are only designated to tribal member and are not available for non-native (victims) per the grant.
- Susan Dewees stated that she is not receiving referrals to the Y.W.C.A. from the tribe in D.V. cases involving non-natives victims. She encourages Donna to refer to local YWCA offices.

- David Lewis of Kitsap County Superior Court stated that his office enters information into W.A.S.I.C. and/or N.C.I.C.; a case number is assigned to it, and sent to Kitsap County Sheriff's Department.
- Ned Newlin stated that it probably takes up to (3-4) three to four days at the earliest for the input of the order, and then it is difficult without a hard copy or at least a record of the order.
- Benny Myers stated that this is where there is a problem with law enforcement's enforcement of the Tribal orders.
- Donna Mc Namara stated that it would be beneficial to have a copy of the proof of service on the orders.
- James Riehl stated that there is currently no written protocol on proof of service. Encouraged us for a written protocol about what happens. He said that both Spokane, and Snohomish are working on it. Victims would know within a day whether or not the order has been served. He said that statewide the Attorney General's opinion on tribal entering of orders through W.A.S.I.C. and/or N.C.I.C., but that it is tough to track "formal" opinion. No straight opinion, because they see it as a liability.
- Donna Mc Namara asked how we could increase the likelihood that this goes through.
- James Riehl said that there is currently a movement to correct this statewide issue. He also stated that they meet quarterly, and suggested that she get on the agenda so that they could have a face and a name. Spokane, and Snohomish also devised a form so that they can FAX a copy of the proof of service, and he will see about getting a copy of it.
- David Lewis said that currently they are not using a FAX because they require a certified copy of the proof of service.
- Ric Kilmer said that they currently have an informal policy in place.
- James Riehl stated that he had lunch with a Suquamish Tribal Judge, and how Washington State Judges are handling orders. He suggested that we break down barriers by meeting with diverse Courts/Judges, i.e. Superior Court, Municipal Courts, and get them into the loop so that they also are aware of the issues at hand.
- Ned Newlin stated that they practice the "full faith and credit", and how the Kitsap County Prosecutors Office is handling and/or enforcing these orders. He said that law enforcement might need to address this.
- Donna Mc Namara stated that the Kitsap County Prosecutors office as a whole is good, but could be better about handling of the orders. P.O. Tribal D.V. question about K.C.S.O. deputy dropped off the perpetrator at the edge of the reservation. Question about filing. Woman frantic about stalking.

- Debbie Brockman stated that Claire Bradley said that proof of service is the biggest problem.
- Ron Blake stated that they are turned into the Kitsap County Superior Court Clerk's office.
- Donna Mc Namara stated that proof of service needs to be sent and a copy mailed to victim for verification.
- Ric Kilmer stated that there are Federal aspects to all of this, and that they are interested about getting these cases.
- James Riehl stated that we should work on putting more formality to the current procedures in regards of entering and serving orders. As to not go (5) five days waiting to have an order entered into the system. These are high priority and there is a high level of concern for the victim's safety.
- David Lewis stated that the victim should have a copy of the order on them at all times.
- Ned Newlin stated that having a copy of the order on the victim is paramount.
- Oudy Acosta Perez stated the Michelle Brown is the domestic violence coordinator and can be reached at (360) 394-5297.
- Debbie Brockman stated that the Y.W.C.A. is not getting referrals for non-native women. Kay Geirlach is the person assigned to North Kitsap County to work with victims via YWCA.
- Benny Myers asked if there was a cost for the return of service to which both Judge Paja and Ned Newlin stated that the costs had been eliminated to victims of Domestic Violence.
- David Lewis wanted to know if orders were served to Native-Americans at Suquamish and S'klallam Tribe.
- Marilyn Paja stated that tribal police and county were serving orders. She said that there is no change.
- Ned Newlin wondered how is service for non-tribal individuals handled?
- Ron Blake stated that his office will FAX a copy to the outside law enforcement agencies. Advise to get Kitsap County. Work prop. – not necessary.

- Ned Newlin stated that the full faith and credit statute is in effect, and that it isn't just tribal. There should not be a need for (2) two orders when there is a certified copy. They will try to contact the suspect. If it shows "not showing served in system", then they try to gather any documents to support investigation. Forward to the Kitsap County Prosecutors office, but they will still investigate. Probably want to come through Kitsap County Superior Court clerk's office. Try to get tribal officer involved so that every thing is legal.
- David Lewis stated that there is no difference between Kitsap County Sheriff's Department and Tribal law enforcement. Victims need to hold on to order until they have a good address for the suspect, contact law enforcement so that the order can be served.
- James Riehl stated that victims don't have to notify. Victims are not forced to serve.
- Donna Mc Namara said that proof of service/return of service might be beneficial.
- Tracy Flood stated that they should be provided proof of service.
- Ron Blake said that victim's might come back into Court and Suquamish Police Department to request a copy.
- Ric Kilmer said that they get about (9) nine D.V. cases, about (1) one a month – maybe.
- Dayle Crane stated that it would be beneficial if the victims had an understanding about service.
- Debbie Brockman talked about a S'Klallam order with no proof of service, where a victim was sent away. She also added that they don't have that many victims with tribal orders.
- Susan Dewees wondered where to direct victims to David or Suquamish?
- David Lewis stated that they get the information, and then is entered into the system from the victim when they request order at KCSC or Tribal Order by mail.
- Debbie Brockman stated that they are the same as out-of-state order "foreign order".
- Ned Newlin wondered what are we telling people on how to secure a Protection Order. Blank Notice of Service Sheet that they can fill out for request via Kitsap County Sheriffs Office.
- David Lewis stated that they are not receiving many PTO's or Protection Orders from Tribal Courts.
- Tim Lopez said that his department has told their officers to serve tribal orders, and that if there is a problem then a supervisor needs to be notified immediately.

- Ned Newlin said that K.C.S.O. Civil Division handles all types of orders. The following are points of contact: Jill Fijolek, Tina Puckett, Sheila Robertson, and they can be reached at (360) 337-7104. Sgt. John Gese is their supervisor, and he can be reached at (360) 337-5660.
- Tracy Flood said proof of services is very helpful. Questions regarding orders should be referred to David Lewis and Rebecca Wildes.
- David Lewis said that he has contact with local law enforcement agencies.
- Dayle Crane stated that maybe each agency in attendance today needs to make a ring - go back to their agency to double check what you think is going on versus what really is going on.
- Debbie Brockman wanted to know what the process on felony level crimes on tribal lands, and getting charged.
- Ron Blake stated that it depends on “how bad” the felony crime is, before the F.B.I. comes in.
- Ric Kilmer said that the FBI want to see “broken bones” before they will get involved.
- Ron Blake stated that he is in the process of getting a grant to build a jail facility on the reservation.
- Debbie Brockman stated sexual assaults are getting S.A.V.E exams, but felony cases are not being held accountable.
- Ron Blake said that is because the U.S. Attorney General’s office turns down cases if they don’t think that they will get a “guilty” verdict. In other words if they can’t win the case, then they won’t take the case.
- Ned Newlin stated that in the U.S. Attorney General’s defense they are on a limited budget, and have jurisdictional problems. State Courts have no jurisdiction over tribal issues.
- Oudy Acosta Perez asked if there was a tribal D.V. legal advocate.
- Donna Mc Namara stated that they have a legal advocate, and that they are in the same office.
- Ron Blake said that they are building a safe house next month, and that it will be a supervised facility. He said that in the past there was no place to put the wife, and that they used a department credit card to pay a hotel to put her up.

- Johanna Hansen Keller stated that it takes both education, and building trust with the local Guatemalan people. The treatment requirements in Spanish is an issue.
- Oudy Acosta Perez said the there are no Spanish speaking D.V. services in Kitsap County. The closest services are located in Tacoma, so this becomes a transportation issue. Kitsap County area agencies do not allow interpreters into their group meetings.
- Marilyn Paja asked “why” this is an issue with the interpreters.
- Oudy Acosta Perez stated that interpreters are not allowed in all D.V. treatment groups due to confidentiality and/or distraction. Advantages Counseling and Agape’ each have (1) one counselor to assist Hispanic defendants, but their services are limited and their programs are more condensed. Carlos Aleman is working out of New Beginning in Shelton with a chemical dependency treatment agency, he also provide AA support groups at El Centro de la Familia. The question was asked if the present tribes had state certified D.V. providers at this time? Donna McNamara stated “no”.
- Ric Kilmer stated that S’Klallam goes through New Horizons for DV treatment services for their tribe needs.
- Johanna Hansen Keller said that we need to educate victims to call law enforcement, have a copy of the order on their person at all times, no services available that they can pay for.
- Oudy Acosta Perez said that paying for the treatment is not the issue, transportation to treatment out of county locations is the issue.
- Susan Dewees asked if the Hispanic treatment providers could share office space with other local treatment providers so that services would be available locally?
- Oudy Acosta Perez stated that the problem that out-of-county Hispanic treatment providers have is not with shared office space, but that they would have to get a new license, insurance, etc. for the county that they are coming in to. She said that Advantage Plus and Morgan Counseling are available but no Spanish services still.
- Dayle Crane suggested a collection point.
- Oudy Acosta Perez stated that Bremerton Municipal Court has begun sending their Hispanic defendants into her A.D.V.A.C. group.
- Johanna Hansen Keller stated that she and Oudy Acosta Perez attended a meeting in Sequim that was put on by “Building Harmony In Our Latin Communities”. She said that there were all levels (social services, government, law enforcement, faith communities, E.S.L., and N.W. Latino’s) coming together to offer services. Very positive attitudes, and shared experiences. Find area leaders, and area business owners to see how they see Latino’s within the community. Parenting Matter Foundation out of Bainbridge Island – website: [hbp://www.topica.com lists/NorthWestLatinos](http://www.topica.com/lists/NorthWestLatinos).

- Marilyn Paja stated that the owner of Puerto Vallarta comes to Court with Hispanic defendants.
- Oudy Acosta Perez stated that he will also transport these defendant's to other meetings/obligations.
- Debbie Brockman said that she has issues/needs for victim interpreters. She said that it is hard to find bi-lingual staff, and that El Centro de la Familia has been a huge help.
- Tim Lopez said that if the Y.W.C.A. needs D.V. victim interpretation, that Ruth Loihle and Oudy Acosta will work with them if it is a Bremerton Police Department case. That there is no excuse for a Bremerton Police Officer not to call an interpreter if the need arises.
- Ruth Loihle stated that her cell phone is always on.
- Oudy Acosta Perez said that either forward these types of calls onto her or Ruth Loihle, and they can be contracted out to other law enforcement agencies. Oudy Acosta Perez is putting packages together.
- Tim Lopez said that his department has Spanish Miranda cards that they are utilizing. He also stated that if Bremerton Police Officers are not calling translators then he wants to know.
- Marilyn Paja said that coordinate with Olympic College student group, interns, and language classes.
- Debbie Brockman wants them to go through the "Victim's Advocate Training". Thought that the AT&T language bank was not being utilized.
- Marilyn Paja stated that lots of times the children are providing translation services, and asked if law enforcement supervisors can keep statistics.
- Ned Newlin said that no statistics are being kept, and that he will not volunteer his department to start keeping stats.
- Benny Myers stated that a little girl was used to translate which appears to be inappropriate.
- Tim Lopez stated that the AT&T language bank doesn't meet the need, and that officers some times use the children to translate.
- Oudy Acosta Perez said that law enforcement is dispatch to location with the knowledge that ATT Operator was used for the initial contact however; still they do not seek assistance from CENCOM for interpreters services upon arrival to the scene.

- Oudy Acosta Perez said asked about the procedure after arrests or booking of illegal immigrants. “We are still trying to build good communication between this very close knit community and law enforcement”, but it is difficult if they think they will be deported post 911 call.
- Tim Lopez stated that if it is a property crime that the illegal are just booked and released, and that they won’t contact/bother I.N.S. Violent crimes are a D.O.C. matter, and they do notify I.N.S.
- Ned Newlin stated that the Kitsap County jail won’t hold, but the jail contacts the Mexican consulate. If they are booked and held, then they will contact I.N.S.
- Tim Lopez stated that majority of times the I.N.S. does not get involved.
- Oudy Acosta Perez stated that Hispanics are close knit, and tight lipped with outsiders.
- Marilyn Paja said that outside the United States illegal are deportable **after** conviction. A lot of rumors are circulating. The N.W. Justice levels of difficulty – I.N.S. has to look at each form. Consult the consulate. Trying, but complex.

#### Decisions Reached

- The upcoming Minority Services Meetings which are located in the first floor conference room of the Public Works Building are listed below:
  - May 20, 2003 @ 2:00 PM
  - August 26, 2003 @ 2:00 PM
  - November 18 2003 @ 2:00 PM

#### Action Items

1. Gather information from Snohomish County for PTO/PO filing via fax and agreement form between Tribal and County Courts.
2. Please notify via email of any up coming agenda issues to be presented during the next meeting.
3. Collect the beginnings of a written policy from Suquamish, S'klallam, KCSO & Clerks office & get that info to Oudy to put together in an informal wirtten report/policy.

Meeting adjourned.