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Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
* 11404 Moorage Way * La Conner, Washington 98257 *

December 14, 2020

Dear Swinomish Community Resident,

The Swinomish Indian Tribal Community takes pride in serving the residents of our community in many ways, including by providing quality law enforcement and partnering with state and federal agencies to create a safe community for all. We are pleased to inform you of upcoming public safety enhancements at Swinomish, how they affect you, and how we can work together to continue to improve safety and security for all of us.

Swinomish Tribal Court has been operating for over 120 years, and currently has a civil and criminal docket with a full time Judge, Prosecutor and Defense counsel. We provide all laws for review online and in-person.¹ Since the 1970s, the Tribe's criminal jurisdiction has been limited by Congress and federal courts to criminal cases in which the defendant is a Native person. That means that only Native persons, not all residents, may be charged in Swinomish Tribal Court when accused of a criminal offense occurring within the Swinomish Reservation. This is different from county, state, and federal courts, where any person, no matter their ethnicity, political status, or heritage, may be held accountable for criminal conduct that occurs within their jurisdiction.

We all know that crime does not honor government boundaries. So in 2013, Congress enacted the Violence Against Women Act, which acknowledged Swinomish's inherent power to bring criminal charges in Swinomish Tribal Court against anyone, regardless of their race or political status, who commits intimate partner violence against a Native person. As you can see, this change does not provide Swinomish with criminal jurisdiction over all persons or all offenses, but is nonetheless an important and beneficial first step towards keeping people safe through the enforcement of our Tribal laws.

¹ The laws are published here:

<http://www.swinomish-nsn.gov/government/tribal-code.aspx>. This website is kept current as laws are passed or revised and paper copies are available for public review at the Swinomish Administration Building and at the Tribal Court Clerk's office.

To ensure that necessary due process and other Constitutional safeguards are in place, to the Violence Against Women Act included procedural safeguards whereby defendants are afforded the rights guaranteed under the U.S. Bill of Rights. These requirements can be found at 25 U.S.C. 1301-1304. These legal requirements are also codified in Swinomish Tribal Code. One of the logistical changes that occurred as a result of this landmark legislation is to expand the makeup of our jury pools at Swinomish.

Currently, our jury pool only includes Native persons, but Congress requires jury pools to include all distinct groups in our community, including non-Native Americans. Historically, Swinomish had a diverse jury pool, and we will return to that inclusive model to meet all requirements of the Violence Against Women Act and to allow all residents to participate in the administration of our criminal justice system. This means that you may be called upon to serve as a juror in Swinomish Tribal Court if a jury trial is anticipated.

Just as jury service for our county is a fairly rare occurrence, we expect that jury duty at the Swinomish Tribal Court will be similarly rare. But as part of our community, we wanted to inform you of this beneficial change and to invite you to comment using the electronic survey found on our website (click on the Resources tab, then navigate to the Tribal Court page). We would also appreciate your help in compiling and verifying our jury pool master list by providing the names of any eligible jurors in your household using the same website survey. Enclosed, please also find an FAQ page to answer basic questions about our court procedures, juror eligibility requirements, and juror compensation.

At Swinomish, we value community and strive to foster a positive and collaborative experience that promotes safety, health, and belonging for all who reside within the Swinomish Reservation. We look forward to working with you toward this end.

Sincerely,

A handwritten signature in blue ink that reads "Steve Edwards".

Steve Edwards
Chairman
Swinomish Indian Tribal Community