

Preliminary Report
Tribal Warrants Act Work Group
December 2024
Office of Governor Jay Inslee

Executive Summary

In 2024, the Legislature passed Chapter 207, Laws of 2024, the Tribal Warrants Act (TWA), codified at RCW Chapter 10.32. The Act’s declared purpose is “to expand cross-jurisdictional cooperation so that fugitives from Tribal courts cannot evade justice by remaining off reservation in Washington’s counties and cities, while ensuring that defendants receive the fullest due process protections.” RCW [10.32.005](#).

This groundbreaking legislation gave full faith and credit to the warrants of certified Tribes—those Tribes certified by the Attorney General’s Office as meeting the due process requirements of the federal Tribal Law and Order Act (25 U.S.C. §§ 1301 *et seq.*) — and creates an extradition process for Tribal Fugitives fleeing the jurisdiction of all other (noncertified) Tribes. It also provided immunity to some state actors when performing duties under the TWA and acting in good faith and without malice. Tribal warrants do not receive priority over state warrants under the Act. RCW [10.32.120](#). The law will become effective on July 1, 2025.

As the TWA changes practice across criminal justice systems in Washington and the 29 Tribes in its territory, SSB 6146 required the Governor’s Office to convene a work group to develop processes and recommendations to ensure its successful implementation. The legislation also required the work group to submit a report summarizing its work to the governor and legislative committees by December 1, 2024.

The Governor’s Work Group on Tribal Warrants, chaired by former chief Tribal judge and University of Washington law professor Ron Whitener, Skagit County Superior Court Judge Laura M. Riquelme, and Barbara Serrano, a senior policy advisor in the Governor’s Office, included a diverse roster of Tribal and state criminal justice partners. Participants represented every facet of the criminal justice system in the state of Washington and Tribal Nations: judges, prosecutors, defense attorneys, peace officers, court administrators and managers, and jail managers and supervisors. Representatives from the Administrative Office of the Courts (AOC), the Department of Corrections, and Washington State Patrol also served on the Work Group.

In early August 2024, the Work Group began meeting monthly and held an additional meeting in November. After collecting questions from stakeholders, the Work Group formed three subcommittees: 1) Court Processes; 2) Law Enforcement, Corrections, and Transportation; and 3) Certification. The subcommittees then established goals and necessary deliverables, and at each monthly meeting, subcommittees discussed the questions posed by stakeholders to derive the Work Group’s recommendations. Although the Work Group made substantial progress, the co-chairs determined in October that participants would need to continue meeting through January 2025 to complete its work and present final recommendations to the Legislature. Preliminary recommendations are outlined in this report. The Work Group will continue to meet through

January 2025 and then provide a final report to the governor and legislative committees upon completion.

The Work Group makes the following key preliminary recommendations, which are explained in more detail beginning on page 11:

The following entities should create these deliverables:

- The AOC should draft a Tribal extradition bench card for judicial officers, as well as related pattern orders.
- The Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC), in collaboration with Tribal Partners, including prosecutors, peace officers, and judges, should create an FAQ on the TWA, which should include designated sections specific to state and Tribal prosecutors, peace officers, and corrections officers.
- The Office of the Attorney General (AGO) should, in partnership with Tribal Attorneys, draft a Tribal Leader cover letter, certification template, and list of examples of supporting documentation that would assist Tribes requesting certification under the TWA. The AGO should also create a webpage that lists certified Tribes and provides links to the Tribal Court web pages and contact information for all Washington state Tribes.

A trailer bill should be drafted that:

- Creates a Crime of Tribal Fugitive to clarify that state peace officers and detention facilities have the authority to hold an individual based on a Tribal warrant.
- Defines an “authenticated copy” for reference to a pre-signed waiver of extradition.
- Creates standing for Tribal prosecutors to appear on behalf of their Tribes in state courts.
- Extends liability protections to all peace officers, corrections officers, and detention and correctional facilities in all actions under the TWA.
- Provides dedicated funding for training for state and Tribal judicial officers and public safety partners.

The work group identified additional actions that other entities may pursue to further implement the TWA:

- The AGO should consider hosting a consultation with Tribal Partners on the Certification process.
- State Prosecutors should consider designating Tribal prosecutors as special deputy prosecutors pursuant to RCW [36.27.040](#).

- State judicial officers should consider appointing public defenders in extradition proceedings under the TWA. When possible, state judicial officers may wish to appoint the Tribal Fugitive’s Tribal Court public defender.
- The Washington State Supreme Court should consider authorizing Tribal prosecutors who are not licensed to practice in the state of Washington to appear on behalf of their Tribe.
- The AOC should consider creating a Tribal Extradition “code” in the Superior Court Case Management System.
- The Tribal-State Court Consortium should consider developing a webpage to host sample Tribal documents (e.g., arrest warrants, affidavits, waivers of extradition, and court orders).
- State and Tribal Prosecutors should consider meeting annually to discuss practice under the TWA and other emerging criminal justice system concerns.
- Tribal prosecutors should consider drafting sample forms for use under the TWA (e.g. warrants, affidavit, and court orders).
- In the time between the conclusion of the TWA Work Group and TWA implementation, the Office of the Governor should continue to coordinate education and outreach to state and Tribal partners about the Act.

Background

In 2024, the Washington Legislature passed SB 6146, the Tribal Warrants Act (TWA), 45 to 4 in the Senate and unanimously in the House. Governor Inslee signed the bill into law on March 19, 2024.

Through the TWA, the Legislature recognized that Tribes have, for decades, agreed by treaty and through practice not to shelter or conceal individuals who violate Washington state law, but rather to surrender these individuals to the state for prosecution. RCW [10.32.005](#). The TWA seeks to create uniform processes by which the state may reciprocate by consistently returning those individuals who violate Tribal law and seeking to avoid Tribal justice systems by leaving Tribal jurisdiction to the Tribes. *Id.*

The TWA was not the first attempt to create a process for the extradition of Tribal fugitives and recognition of Tribal warrants. A number of times over the past six years, conversations between stakeholders led to unsuccessful bills. The TWA was drafted pursuant to work group conversations hosted in person and virtually by the Governor's Office and the Swinomish Tribal Indian Community, with key state and Tribal partners invited to the table. While the TWA ultimately passed with overwhelming support, a couple of stakeholders expressed reservations about some of its provisions.

Because the TWA is the first legislation of its kind in the country, and because the work group that led to its drafting did not find true consensus, the TWA required the Governor's Office to convene an implementation work group to develop processes and recommendations as needed to ensure the successful implementation of the Act before its effective date of July 1, 2025. SSB 6146 § 17 (2023).

According to the TWA, a representative of the Governor's Office must chair the work group, but the Office is permitted to consult or contract with an entity with subject matter expertise in criminal jurisdiction in Indian country to co-chair and assist with administration. *Id.* Membership of the Work Group must be equal parts state and Tribal partners and consists of representatives from:

- State and Tribal law enforcement;
- Tribal leadership and local government leaders;
- The attorney general's office;
- State and Tribal court judges;
- State and Tribal court clerks;
- State and Tribal jail administrators and directors; and
- Tribal and state prosecuting and defense attorneys.

Id. The work group was required to hold its first meeting by July 1, 2024; meet at least monthly; and submit a report to the Governor and Legislature by December 1, 2024. *Id.*

This is the preliminary report of the TWA Work Group.

Overview of the Tribal Warrants Act

SB 6146, the TWA, is codified at RCW Chapter 10.23. Its purpose is “to expand cross-jurisdictional cooperation so that fugitives from Tribal courts cannot evade justice by remaining off reservation in Washington's counties and cities, while ensuring that defendants receive the fullest due process protections.” RCW [10.32.005](#).

Key definitions of the Act include:

Certified Tribe means a federally recognized Tribe located within the borders of Washington that has provided the Office of the Attorney General certification showing that it 1) meets the requirements of TLOA and 2) has agreed by treaty or practice not to shelter or conceal Washington state offenders and deliver them to state authorities for prosecution. RCW [10.32.010\(2\)](#).

Noncertified Tribe is a federally recognized Tribe located within the borders of Washington that is requesting requests a Tribal fugitive be surrendered to the duly authorized agent of the Tribe and does not meet certification requirements. RCW [10.32.010 \(1\)](#).

Tribal fugitive or fugitive means any person who is subject to Tribal court criminal jurisdiction, who committed an alleged crime under the Tribal code and after that fled Tribal jurisdiction. RCW [10.32.010 \(6\)](#).

The Act has six main components:

- 1) Procedures for Noncertified Tribes
- 2) Certification
- 3) Procedures for Certified Tribes
- 4) Prioritization
- 5) Local Agreements
- 6) Immunity

1) Procedures for Noncertified Tribes

A. Identifying a Tribal Fugitive in Custody

When a place of detention becomes aware that it is housing a Tribal fugitive, it must provide notice to the Tribe that issued the underlying arrest warrant. RCW [10.32.030](#). The Tribe may then demand the return of the fugitive by submitting a written demand alleging that the person sought is a Tribal fugitive and that the Tribal court has jurisdiction. RCW [10.32.040](#). The demand must be accompanied by either a copy of the charging document, a copy of the arrest warrant and supporting affidavit, or a copy of the judgement and sentence. *Id.*

If there is a pending criminal prosecution against a Tribal fugitive under the laws of this state or any political subdivision thereof, extradition on a Tribal warrant must be placed on hold until the Tribal fugitive's release from a place of detention in the state case, unless otherwise agreed upon in any given case. RCW [10.32.050](#).

Either the attorney general or the prosecuting attorney of the county in which the fugitive is held must then submit the demand and accompanying documents to the superior court along with a motion for an order of surrender. The motion must also be served upon the person sought. RCW [10.32.060](#)(1).

The person whose return is sought may then either consent to their return to the Tribe or may demand a hearing to test the legality of the motion. RCW [10.32.060](#)(3). Any hearing must take place within three judicial days of the demand and is limited to determining:

- whether the person has been charged with or convicted of a crime by the Tribe;
- whether the person before the court is the person named in the request; and
- whether the person is a fugitive.

RCW [10.32.060](#)(4).

If the judge determines these requirements have been met, and the underlying documentation is in order, the judge must issue an order for surrender to the Tribe. RCW [10.32.060](#)(5). A Tribal court representative who is certified as a general authority Washington peace officer, or who is cross-deputized, may transport a Tribal fugitive within the state of Washington pursuant to an order of surrender. If the Tribe does not take custody of the person on the date the person is scheduled to be released, or within 48 hours of the issuance of the order, whichever is later, the person may be released from custody with bail conditioned on the person's appearance before the court at a later time for the person's surrender to the Tribe. *Id.*

A place of detention must deliver or make available a Tribal fugitive within the place of detention without a judicial order of surrender if:

- the person is alleged to have broken the terms of the person's probation, parole, bail, or any other release of the Tribe; and
- the place of detention has received an authenticated copy of a prior waiver of extradition signed by the person.

RCW [10.32.070](#).

B. Arrest on a Tribal Warrant

Peace officers of the state of Washington may arrest a person subject to a Tribal arrest warrant from a noncertified Tribe when the warrant “is presented by a Tribal court representative or Tribal law enforcement officer or when the warrant is entered into the national crime information center interstate identification index.” RCW [10.32.090](#) (1). The arrested Tribal fugitive must then be brought to an appropriate place of detention, then to the nearest available superior court judge “without unnecessary delay.” *Id.*

The judge must inform the person of the name of the Tribe that issued the warrant, the basis of the warrant, the right to counsel, and the right to a hearing on the matter. RCW [10.32.090](#) (2). The court must then issue an order continuing custody upon presentation of the Tribal arrest warrant. RCW [10.32.090](#) (3). The arrested person may waive their right to a hearing, but if the hearing is not waived, the court must hold the hearing within three judicial days. RCW [10.32.090](#) (3)-(4).

A judicial order to transfer custody must be directed to a peace officer and demand that they take or retain custody of the person until a representative of the applicable noncertified Tribe is available to take custody. RCW [10.32.090](#) (5). If the noncertified Tribe has not taken custody within three days, the court may order the release of the person upon conditions that will assure the person's availability on a specified date within seven days. *Id.* If the noncertified Tribe has not taken custody within the time specified in the order, the person shall be released. *Id.* Thereafter, an order to transfer custody may be entered only if a new arrest warrant is issued. *Id.* The court may authorize the voluntary return of the person with the consent of the applicable noncertified Tribe. *Id.*

C. Transportation

A noncertified Tribe that requests extradition is responsible for arranging transportation for the Tribal fugitive. At the request of a noncertified Tribe, a city, county, or the governor must engage in good faith efforts to negotiate a transportation agreement. RCW [10.32.080](#)(1). A Tribal court representative who is certified as a general authority Washington peace officer or who is cross-deputized, may transport a Tribal fugitive within the state of Washington pursuant to an order of surrender. RCW [10.32.080](#)(2).

2) Certification

To be certified, a Tribe must provide to the Office of the Attorney General certification showing that it meets the requirements of TLOA, 25 U.S.C. Sec. 1302, and has agreed by treaty or practice

not to shelter or conceal Washington state offenders and deliver them to state authorities for prosecution signed by the Tribe's judicial officer and chief legal counsel. RCW [10.32.020](#). The Office of the Attorney General must receive the certification documentation and review the it to confirm that it is complete. *Id.*

3) *Procedures for Certified Tribes*

A warrant of a certified Tribe must be accorded full faith and credit by state courts and state law enforcement officers—meaning it must be treated as if it were a Washington state arrest warrant. RCW [10.32.100\(1\)](#). When a Washington state law enforcement officer arrests a person pursuant to the Tribal arrest warrant of a certified Tribe, if no other grounds for detention exists under state law, the officer must contact the Tribal law enforcement agency that issued the warrant to establish the warrant's validity. *Id.* Places of detention within the state must allow certified Tribes to place a hold on any inmate subject to a Tribal arrest warrant of a certified Tribe and require the place of detention to notify the Tribe when the release of the person is imminent. RCW [10.32.100 \(2\)](#). The privilege of the writ of habeas corpus is available to any person detained pursuant to a certified Tribe's warrant. RCW [10.32.100 \(3\)](#).

4) *Local Agreements*

The Act does not diminish the authority of the state or local jurisdictions to enter into government-to-government agreements with Tribes, such as mutual aid agreements, concerning the movement of persons within their shared jurisdiction. RCW [10.32.110](#). It also does not diminish the validity or enforceability of any such agreements already established. *Id.*

5) *Prioritization*

Tribal warrants are not given priority by the Act, but warrants issued by the courts of certified Tribes are treated equally to other state-issued warrants. RCW 10.32.100, [10.32.120](#).

6) *Immunity*

A peace officer or a peace officer's legal advisor may not be held criminally or civilly liable for making an arrest if the peace officer or the peace officer's legal advisor acted in good faith and without malice while following the TWA. RCW [10.32.130](#). The Office of the Attorney General is immune from liability rising out of the certification process, absent intentional or willful misconduct. RCW [10.32.030](#).

Tribal Warrant Act Work Group Roster

Pursuant to the statute, the Governor’s Office contracted with the Whitener Group, a Tribally owned consulting firm located in Olympia, Washington, to facilitate the Tribal Warrant Act Work Group. The TWA Work Group (TWA WG) has three chairs:

- Barbara Serrano, Senior Policy Advisor on Public Safety to Gov. Inslee, former Assistant Attorney General, and former Assistant City Prosecutor in Seattle.
- Hon. Ron Whitener, former Chief Judge of the Tulalip Tribes and Confederated Tribes of the Chehalis Reservation, Affiliate Professor of Law at University of Washington (UW), and former Director of UW’s Tribal Court Clinic.
- Hon. Laura Riquelme, Skagit County Superior Court; former Skagit County Senior Deputy Public Defender and Skagit County Deputy Prosecuting Attorney; representing Superior Court Judges’ Association

Work Group participants:

Name	Job Title	Organization
Brian Kilgore	Lead Prosecutor	The Tulalip Tribes
Chelsea Sayles	Tribal Attorney	The Quileute Tribe
Chris Gaddis	Court Administrator Pierce County Superior Court	Association of Washington Superior Court Administrators
Christina Barone	Director of Court Services	Port Gamble S'Klallam Tribe
Dan Christensen	Police Chief City of Omak	Washington Association of Sheriffs and Police Chiefs (WASPC)
Hon. Don Colistro	Associate Judge	Kalispel Tribe of Indians
Drew Pollom	Special Assistant Attorney General	Washington Attorney General's Office
Felicia Schumacher	Defense Attorney	Suquamish Tribal Court and Port Gamble S'Klallam Court
James Salazar	Tribal Council Member	The Quileute Tribe

Jamey LaPointe-McCloud	Tribal Court Administrator	Puyallup Tribe of Indians
Jason Cummings	Snohomish County Prosecuting Attorney	Washington Association of Prosecuting Attorneys (WAPA)
Jeffrey Menge	Chief of Patrol Kitsap County Sheriff's Office	WASPC
Joe Beck	City Attorney City of Puyallup	Association of Washington Cities
Hon. Karl Williams	District Court Judge Pierce County District Court	Washington State District and Municipal Court Judges' Association
Kati Bushnell	Business Analyst	Administrative Office of the Courts
Katrinka Dorman	Court Administrator Airway Heights Municipal Court	District and Municipal Court Management Association
Kyle Ahern	Defense Attorney	Various Tribes
Mac Pevey	Assistant Secretary Community Corrections Division	Washington Department of Corrections
Magda Baker	Director of Legal Services	Washington Defender Association (WDA)
Melissa Simonsen	Prosecutor	Swinomish Indian Tribal Community
Michael Foster	Police Chief	The Quileute Tribe
Michael West	Program Manager, King County Department of Adult and Juvenile Detention (KCDAJD)	KCDAJD
Michelle Gagnon-Enright	County Clerk Stevens County Superior Court	Washington State Association of County Clerks
Mike Lasnier	Police Chief (ret.)	The Suquamish Tribe & The Lower Elwha Klallam Tribe
Nicholas G. Cochrane	Superintendent, Ferry County Jail	WASPC
Nicolo Kehrwald	State Trooper	Washington State Patrol

Pamela B. Loginsky	Deputy Prosecuting Attorney Pierce County Prosecuting Attorney's Office	WAPA
Paul Herrera	Council Member Pierce County Council	Washington Association of Counties
Hon. Randy Doucet	Chief Judge Lummi Tribal Court	Lummi Nation
Ray Gonzales	Public Defender (ret.)	WDA
Hon. Richard Okrent	Superior Court Judge Snohomish County Superior Court	Superior Court Judges' Association
Scott Williams	Jail Manager Chehalis Tribal Jail	The Confederated Tribes of the Chehalis Reservation

The Work Group invited other stakeholders to join the discussions and participate in subcommittees. These individuals were: James McMahan, WASPC; Russ Brown, WAPA; and Ben Brueseke, the Suquamish Tribe.

Work Group Meeting Schedule

The Work Group held its first meeting in early August 2024 and met monthly thereafter, with two meetings in November. The group is scheduled to convene in December 2024 and January 2025 to continue its work.

At the first meeting, Work Group participants identified key questions related to the bill's implementation. At the second meeting, three subcommittees were formed:

- Court Processes
- Law Enforcement, Corrections & Transportation
- Certification Process

The Work Group spent the meetings thereafter determining the deliverables necessary for the Act's implementation, discussing the key questions identified, and contemplating best practices for Tribal-state collaboration across the processes the Act requires. Some participants volunteered additional time between meetings to conduct research that would help answer questions. In addition, a representative of the Washington Association of Prosecuting Attorneys provided a presentation on how state-to-state extradition processes work in Washington so that, where possible, lessons could be learned, and analogous processes could be implemented.

Recommendations

The Work Group recommends the following entities create the deliverables described below:

- **The Administrative Office of Courts should draft a Tribal extradition bench card for judicial officers, as well as related pattern orders.** The AOC should establish and staff a Pattern Forms Work Group Subcommittee to develop and draft the forms, in conjunction with the Tribal State Court Consortium. This will promote informed and uniform application of the TWA across the state and help inform judges about their role under the TWA.
- **WAPA and WASPC, in collaboration with Tribal Partners, including prosecutors, peace officers, and judges, should create and distribute a cheat sheet or FAQ on the TWA that includes designated sections specific to prosecutors, law enforcement/patrol officers, and corrections officers at state and local detention facilities.** This information will help individuals new to the process to understand the requirements of the TWA when asked to enforce Tribal warrants or Tribal requests for extradition, even in late night and emergency situations. It should be regularly reviewed and updated as needed.
- **The Office of the Attorney General should, in partnership with Tribal Attorneys, draft a Tribal Leader cover letter, certification template, and list of examples of supporting documentation that would assist tribes requesting certification under the TWA.** The creation of a Tribal Leader cover letter, certification template, and example documentation will provide Tribal partners clear guidance about the AGO's review process. There should also be a document that allows Tribes to notify the AGO if it no longer meets the certification standards.
- **The Office of the Attorney General should create a webpage that lists certified Tribes and provides links to the Tribal Court web pages and contact information for all Washington state Tribes.** Creating an online list of certified Tribes that is easily accessible by law enforcement will help law enforcement respond swiftly and appropriately to requests for assistance. Further, providing centralized access to Tribal contact information will help practitioners verify warrants and identities, access relevant documents, and thoughtfully collaborate on TWA processes.

The Work Group recommends that follow-up legislation be drafted that includes the following:

- **Create a Crime of Tribal Fugitive.** To effectuate state-to-state extradition, Washington has a crime of Fugitive from Justice. *See* RCW 10.34. This crime is charged, but never prosecuted. It allows for the lawful Washington state warrant and warrantless arrest of a defendant who has

fled from another state. Creating an analogous crime will provide for the effective implementation of the TWA. The creation of this crime will give Washington state law enforcement and corrections officer clear authority to detain or hold an individual based on a Tribal warrant. With a Crime of Tribal Fugitive in place, knowledge of a Tribal warrant creates probable cause that the individual has committed a state crime—namely Tribal Fugitive or allow them to seek a state warrant for the same crime. The Work Group recommends creation of a new crime rather than amending RCW 10.34 for data collection and tracking purposes.

- **Add a definition for “authenticated copy.”** The TWA provides that a place of detention must surrender a Tribal fugitive without an extradition hearing if it has received from the Tribe an authenticated copy of a prior waiver of extradition signed by the Tribal Fugitive. A definition of “authenticated copy” will promote a consistent application of the Act and provide clarity to correction officers acting under the law.
- **Include standing for Tribal prosecutors to appear on behalf of their Tribe.** Intervention is not permitted in criminal proceedings under Washington state law. Providing a Tribal prosecutor standing to appear in TWA proceedings will allow Tribes to ensure that their rights under the Act are respected and to support state prosecutors in the extradition of Tribal Fugitives.
- **Liability Protection should be extended to all peace officers, corrections officers, and detention and correctional facilities for all actions under the TWA.** Law enforcement liability should be extended to limited authority peace officers, special commissioned peace officers, and local and state corrections officers, as they were not included in the TWA. Current language limits liability by stating that peace officers and legal advisors are protected “for making an arrest under [the TWA]” when acting in good faith and without malice. This language should be expanded to protect peace officers and their legal advisors when taking any actions to fulfill the provisions of the TWA. Further, peace officers should be immune from decertification when acting in accordance with the TWA when acting in good faith and without malice.
- **Provide dedicated funding for training.** To ensure training and the creation of supporting documentation, the Work Group requests that dedicated funding be appropriated to provide multi-disciplinary training for all public safety partners — judicial officers, prosecutors, law enforcement, and corrections officers.

The Work Group has identified additional actions that other entities may pursue to further implement the TWA:

- **The Office of the Attorney General should consider creating timelines for the review and verification of certified Tribes’ documentation.** This would ensure timely verification of a

Tribe's certification documentation and prevent submissions from languishing in the review process.

- **The Office of the Attorney General should consider hosting consultation on the Certification process.** Consultation would be in line with the Centennial Accord and Tribal Consent and Consultation Policy the Office of the Attorney General.
- **Tribal Partners should consider drafting template forms relevant to the implementation of the TWA (e.g., arrest warrants, affidavits, court orders).** If Tribes are willing and able to use similar documents, it may streamline review in state courts and expedite various processes under the TWA by giving state partners the opportunity to develop familiarity with the Tribal documents.
- **State Prosecutors should consider designating Tribal prosecutors as special deputy prosecutors pursuant to RCW [36.27.040](#).** This would allow Tribal prosecutors to 1) appear on behalf of the state in extradition proceedings when state prosecutors lack the capacity or resources to prosecute noncertified Tribe extradition processes and 2) open a case for the crime of Tribal Fugitive, prefile warrants and other relevant documents to trigger and expedite the noncertified Tribe extradition process, and issue a warrant.
- **State judicial officers should consider appointing public defenders in extradition proceedings under the TWA, as they do for state-to-state extraditions. When possible, State judges may wish to appoint the Tribal Fugitive's Tribal Court public defender.** Appointing public defenders will promote fair and efficient processes and use of Tribal Public defenders will provide continuity to defendants.
- **The Washington State Supreme Court should consider authorizing Tribal prosecutors who are not licensed to practice in Washington to appear on behalf of their Tribe or defendant in proceedings under the TWA.** Not all Tribal prosecutors are authorized to practice in the state courts, as they need only be authorized to practice in the relevant Tribal bar. As described in the recommendations above, it may be advantageous to have a Tribal prosecutor appear on behalf of the Tribe or state in proceedings under the TWA to elicit necessary information and ensure a smooth process.
- **Tribal prosecutors should consider sending important warrants and supporting documents to their state counterparts and, with a crime of Tribal Fugitive, request that they open a case, issue a warrant, and file relevant documentation.** This would expedite noncertified Tribe extradition processes.
- **State Court Commissioners should consider having parties stipulate to the appointment of any Court Commissioner presiding over a TWA proceeding to act as a *pro tem* Judge**

for the purpose of those hearings under the TWA. The Act as drafted provides that only Superior Court judges may hear extradition hearings. Asking for a stipulation will likely act as a waiver against any future attack of the underlying order and allow for expanded judicial capacity for these proceedings.

- **The AOC should consider creating a Tribal Extradition code in the Superior Court Case Management System.** These cases can be effectively managed under the existing Extradition cause of action code(s) available in the Superior Court Case Management System. However, to track filing and case load statistics *specific to* Tribal extraditions, the implementation of a new, unique cause of action code would be necessary. A defined process for managing extradition cases in superior court is in place. If it is determined that new codes specific to Tribal extradition will be implemented, existing process documentation should be updated accordingly and communicated to county clerks statewide.
- **The Tribal State Court Consortium should consider creating a webpage that contains sample Tribal documents (e.g., arrest warrants, affidavits, waivers of extradition, court orders).** Having a central repository for these documents will support Tribal practitioners' best practices.
- **State and Tribal Prosecutors should consider meeting annually to discuss practice under the TWA and other emerging criminal justice system concerns.** Although state and Tribal law enforcement regularly meet through the Washington State Association of Sheriff and Police Chiefs, and state and Tribal judges regularly meet through the Tribal State Court Consortium, there is no regular meeting of Washington state and Tribal prosecutors. The Work Group recommends that these parallel offices find time to meet annually to promote smooth implementation of the TWA as well as improved collaboration and coordination across the criminal justice system.
- **In the time between the conclusion of the TWA Work Group and TWA implementation in July 2025, the Office of the Governor should continue to coordinate education and outreach to state and Tribal partners regarding the implementation of the Act.** With the Work Group's recommended list of deliverables, proposal of follow-up legislation, and suggested best practices, it is imperative that collaboration continue among state and Tribal practitioners, and that government-to-government communication between Washington state and the Tribes located within its borders continue until and after the Act's implementation.