



PORT GAMBLE S'KLALLAM TRIBE

Request for Proposals Tribal Prosecutorial Services

Background of Tribe and Intent

Vision

“Port Gamble S’Klallam Tribe uses our many resources to maintain a proud, strong, healthy, educated community that uses innovation to ensure all our people enjoy a good quality of life.”

Mission: The mission of the government of the Port Gamble S’Klallam Tribe is to improve the quality of life for all tribal members. We accomplish this through decision-making that considers future generations, competent administration and management, preservation and protection of our rich cultural heritage and natural resources, the enhancement of economic opportunities, and the protection of tribal sovereignty through determining our own destiny.

Brief Description of Tribe

The Port Gamble S’Klallam Reservation is located on the northern tip of the Kitsap Peninsula in Washington State. It is situated on Port Gamble Bay, for generations an important natural resource for Native Americans. The Port Gamble S’Klallam Indian Tribe has been increasing its interaction with its neighbors in the North Kitsap area, making it known that it is concerned about issues related to growth, water resources and land use. By expressing these concerns and working with members of the surrounding communities the Tribe is taking its rightful place as a responsible citizen and custodian of the natural resources surrounding its home.

The Tribe is one of 29 federally recognized Indian Tribes in Washington State. The population of the Port Gamble S’Klallam Tribe is currently just over 1,131 enrolled tribal members. About half the tribal members reside on the reservation, along with other Native Americans and non-Indians. More information about the Tribe can be found at the Tribe’s website: www.pgst.nsn.us

Intent of Tribe

The Port Gamble S’Klallam Tribe is soliciting Requests for Proposal from interested parties to represent the Port Gamble S’Klallam Tribe by providing prosecutorial services within the jurisdiction of the Community Court and pursuant to Port Gamble S’Klallam Tribal Law and Order Code. The Prosecutor is responsible for the representation of the Port Gamble S’Klallam Tribe in the court enforcement of and compliance with the criminal code of the Port Gamble S’Klallam Tribal Law and Order Code including juveniles, traffic violations, and limited civil violations of Tribal hunting and Fishing offenses; and in Indian Child Welfare matters.

Essential Duties and Responsibilities:

The Prosecutor prosecutes tribal members and non-member Indians who are charged with the commission of criminal offenses within the exterior boundaries of the Port Gamble S'Klallam Tribe's Reservation and other properties over which it holds jurisdiction. The Prosecutor works closely with the Port Gamble S'Klallam Tribal Police Department and other tribal departments to protect and enhance the welfare and safety of the tribal community. The Prosecutor may also participate in the negotiation and management of inter-governmental law enforcement agreements with local and state agencies with respect to criminal matters.

The prosecutor, on average receives 8 criminal referrals per month. There are currently 52 active Indian Child Welfare Cases. The contractor should anticipate approximately fifty (50) hours per month in services.

Desired Scope of Services

1. Represent the Port Gamble S'Klallam Tribe as a criminal and civil Prosecutor in Tribal Court including child welfare matters, and in all aspects such as: investigation, arraignment, pretrial hearings and motions, bench and/or jury trials, sentencing, review hearings and appeals.
2. Execute the responsibilities of prosecutor by enforcing Tribal laws, resolutions, policies, procedures and court rules including the authority to determine which civil and criminal cases will be prosecuted and which are declined in conformance with applicable ethical standards and established guidelines;
3. Work closely with the FBI and U.S. Department of Justice, U.S. Attorney General's Office, and other federal or state enforcement agencies to ensure serious crimes committed on the reservation are considered for prosecution;
4. Work respectfully with the Department of Public Safety witnesses, victims, and defense attorneys.
5. Conduct legal research and provide training to the Department of Public Safety in all criminal matters, including statutory interpretation, enforcement issues, and case decisions.
6. Provide occasional training for law enforcement officers regarding criminal procedure, legal updates, and other legal issues applicable to the tribal law enforcement environment.
7. Maintain and advance positive public relations by cooperating and assisting with county, state, federal and tribal judicial systems and representing the Port Gamble S'Klallam Tribal Prosecutor's Office at meetings, panels and conferences.
8. Prepares monthly reports indicating cases filed, cases declined, completed cases, and status of appealed cases and submit to the Court Administrator by the first Friday of each month.
9. Meet on a monthly basis with Director of Court Services, Chief of Police, and when necessary, in-house general counsel.
10. Demonstrated experience in working with current computerized case management systems and other court related software and technology.

Other Functions

1. Establish and maintain an effective system of communication throughout the Port Gamble S'Klallam Tribe, and establish and maintain an effective working relationships with others; and
2. Demonstrate tact, respect, and diplomacy in working relationships.

Selection Criteria and Qualifications (In no particular order)

- a. Experienced trial attorney preferred, preference for attorneys experienced in tribal court;
- b. Must be willing to become familiar with the Port Gamble S'Klallam Law and Order Code; must be familiar with the Indian Civil Rights Act & courtroom procedures; demonstrated experience with the concepts of Federal Indian Law, principles of tribal sovereignty and jurisdiction are preferred; experience with criminal and civil law concepts including juvenile jurisdiction and the Indian Child Welfare Act are preferred;
- c. Familiarity with alternative sentencing and restorative justice are preferred.
- d. Must have a juris doctorate degree from an ABA accredited law school;
- e. Must be licensed and a member in good standing of the Bar in any state;
- f. Must not have been convicted of a felony or a crime involving dishonesty or ever have been disbarred by any jurisdiction; and
- g. Must be able to travel to attend training and meetings as required;

Proposed Schedule

- a. Tribe to release RFP by December 1, 2016.
- b. Proposals will be accepted until January 31, 2017.
- c. The Port Gamble S'Klallam Tribe will review the first round of proposals it receives by Thursday, December 22, 2016.
- d. The tentative selection timeline is to select an applicant and have a contract completed by February 15,, 2017.

Proposal Requirements/Guidelines

- e. Letter of Interest and overall qualifications.
- f. Description of practice areas and experience, including an explanation of how these services will best meet the Tribe's needs as described in the Scope of Work.
- g. A list of 4 references.
- h. Proposals shall clearly set forth billable hourly rate or fee schedule.

Procedures for Submission

All proposals must be submitted by January 31, 2017, however The Port Gamble S'Klallam Tribe will review the first round of proposals December 22, 2016. Proposals should be submitted to:

Electronic Address: cbarone@pgst.nsn.us

Mailing Address:
ATTN: C. Barone
Port Gamble S'Klallam Tribal Court
31912 Little Boston Road N.E.
Kingston, WA 98346
(360) 297-6297

For additional information or clarification please contact Ms. Barone of the Port Gamble S'Klallam Tribe Community Court, at 360-297-6297. All material submitted in response to this Request for Proposals becomes the property of the Tribe and will not be returned.

Rejection of Responses

The Tribe reserves the right to reject any or all responses to this Request for Proposals or to award a contract to the next most qualified candidate, based solely on the Tribe's judgment, if the successful candidate does not enter into a contract with the Tribe within thirty (30) days after the selection of the provider by the Tribe.

Dispute Resolution and Waiver of Sovereign Immunity

Any candidate responding to this Request for Proposals should include a statement of their consent to the jurisdiction of the Port Gamble S'Klallam Tribal Court for the resolution of any disputes that may arise between the contractor and the Tribe along with their agreement that any waiver of sovereign immunity that may be included in a contract between the Tribe and the consultant will be limited to declaratory and injunctive relief in Port Gamble S'Klallam Tribal Court.