

Oregon Department of Justice Annual Government to Government Report 2012
Pursuant to ORS 182.166(3)

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I. Introduction

The Department of Justice (DOJ) is unique among state agencies in that it functions in two capacities. The Department administers programs pursuant to the Attorney General's independent statutory authority. However, much of the Department's work involves providing advice and representation to other state agencies in the pursuit of the programs and policies of those agencies. DOJ does not set policy for those agencies.

The Department's tribal relations policy, as well as this report, reflects DOJ's role both as advisor to other state agencies and as administrator of its own independent programs.

II. Tribal Relations Policy

A. Policy

DOJ Executive Staff and the Attorney General have adopted the attached Tribal Relations Policy, which has been incorporated into the Department's Policy Manual.

B. Dissemination of Policy

As noted above, the Tribal Relations Policy has been incorporated into DOJ's Policy Manual, which is presented to all new employees. In addition, the Tribal Key Contact annually circulates an email reminder regarding the policy. Discussion of the policy has also been incorporated into DOJ's New Employee Orientation program.

III. Updated List of Department of Justice Programs that Affect Tribes

Below is an updated list of DOJ programs compiled pursuant to the Tribal Relations policy. It is noted where the programs are known to affect tribes. Pursuant to the policy, DOJ will continue to confer internally and with tribal representatives to identify additional DOJ programs that may have further potential impacts on tribes.

A. Advice and Representation of State Agencies
(General Counsel, Steve Wolf, Division Administrator)

As noted above, much of DOJ's work is to advise state agencies about their legal options in the course of pursuing the programs they administer and to represent state agencies in litigation, including appeals. Many of the Department's efforts involve working to build good relationships with tribal attorneys, including in situations in which we are adverse to tribes in litigation.

In addition, in connection with advising state agencies, the DOJ pursues some specific programs:

Client Legal Training/Public Law Conference. On occasion the Department holds seminars for state agencies about various areas of public law, and Indian law has often been included in the program.

Legal Sufficiency Review. Pursuant to statute, the Department is required to review certain kinds of contracts for "legal sufficiency." This responsibility affects tribal-state agreements.

B. Ballot Titles (Appellate Division, Anna Joyce, Solicitor General)

DOJ drafts ballot titles for initiatives and litigates challenges to ballot titles. On more than one occasion in the past, the subject matter of the initiative (e.g., lottery authority, private casino, fishing regulations) potentially affected tribes.

C. Criminal Appeals
(Appellate Division, Anna Joyce, Solicitor General)

From time to time DOJ handles appeals of criminal cases involving tribes or questions of criminal jurisdiction relating to tribes.

D. Law Enforcement Programs of the Criminal Justice Division
(Darin Tweedt, Division Administrator)

The Criminal Justice Division engages in a variety of law enforcement programs: Investigation and prosecution of Election Law, Official Corruption and Organized Crime; Criminal Intelligence Unit (investigation and information collection and dissemination); High Intensity Drug Trafficking Area (HIDTA) law enforcement support; Internet Crimes Against Children (ICAC); the Terrorism Intelligence and Threat Assessment Network (TITAN); the Oregon TITAN Fusion Center; District Attorney Assistance; and the Annual Institute for Prosecutors (training program).

District Attorney Assistance Program. DOJ provides occasional assistance to district attorneys in criminal prosecutions of interest to tribes or cases in which questions of tribal criminal jurisdiction arise.

Environmental Crimes Unit. DOJ's Environmental Crimes Unit was created in 2009 to launch a new enforcement program focused on prosecuting violations of Oregon

environmental laws. The Unit is also potentially available as a resource with respect to violations of Oregon archeological resource protection laws.

Domestic Violence Prosecution. In 2010 DOJ used federal grant money to hire Domestic Violence Prosecutor Erin Greenawald. Greenawald routinely provides training, technical assistance and legal expertise to law enforcement and service providers throughout the state on a coordinated response to family violence. Tribal law enforcement officers have participated in these efforts.

E. The Crime Victims Services Division (CVSD) (Shannon Sivell, Director)

CVSD administers certain programs that are available to tribal members:

Violence Against Women Act (VAWA) Grant Program. CVSD has administered the VAWA grant program since 2006.

Address Confidentiality Program. The Address Confidentiality Program is a free mail forwarding service to help survivors of domestic violence, sexual assault, trafficking or stalking protect their physical address information.

F. Financial Fraud/Consumer Protection (Drew Lianopoulos, Attorney in Charge)

DOJ engages in a variety of consumer protection programs, including responding to consumer complaints, Unlawful Trade Practices Act enforcement, enforcement of Oregon antitrust law and consumer education. The consumer education program has included work with tribes.

Scam Alert Network. This network coordinates the Department's regular scam alerts with the media, elected leaders, consumer watchdogs and advocates for the elderly and disabled in partnership with the Department of Consumer and Business Services, Oregon District Attorneys' Association, Oregon State Sheriffs' Association, Oregon Association of Police Chiefs, AARP and Elders in Action.

G. Medicaid Fraud (Rodney Hopkinson, Attorney in Charge)

The Medicaid Fraud Unit deters, investigates and prosecutes fraud by Medicaid providers and physical or financial abuse/neglect of residents of Medicaid-funded facilities.

H. Charitable Activities (Elizabeth Grant, Attorney in Charge)

A number of tribally affiliated charities register with DOJ as Oregon charitable corporations.

I. Public Records Laws (Michael Kron, Government Transparency Counsel)

The Attorney General issues orders on petitions under the Public Records Law.

J. Appropriate Dispute Resolution (Mike Niemeyer, ADR Coordinator)

DOJ promotes and provides training with respect to appropriate dispute resolution, which may include disputes involving tribes.

K. Civil Rights Unit (Diane Sykes, DOJ Civil Rights Attorney)

The DOJ Civil Rights Unit was established in 2009 to fight discrimination based on age, race, ethnicity, gender, sexual orientation, disability and national origin; protect Constitutional free speech and reproductive rights; and defend Oregon veterans at work and in the marketplace. Such discrimination may include Native Americans.

L. Division of Child Support (Kate Richardson, Administrator; Gene Gustin, Field Operations Manager/DCS Tribal Liaison)

The Division of Child Support (DCS) interacts and collaborates with tribes on the establishment and enforcement of child support orders.

IV. Training

DOJ representatives have participated in a variety of seminars and Continuing Legal Education programs relating to Indian Law and culture.

A. Training pursuant to ORS 182.166(1)

Members of DOJ attended Tribal Government Day 2012.

B. Other Training

Representatives of DOJ attended the following programs during the year:

DOJ environmental crimes prosecutor Patrick Flanagan attended training by the U.S. Attorney's Office that included training regarding tribes and criminal jurisdiction.

DOJ's key contact provided a seminar for DOJ entitled, "***Introduction to Indian Law and Tribal Relations***" covering basic information about Executive Order 96-30 and DOJ's tribal relations policy, as well as introductory information about the legal status of Oregon's nine tribes and basic Indian law concepts and history of federal Indian law.

Oregon State Bar. Government Law and Indian Law: Critical Issues and Recent Developments. DOJ's key contact and DOJ attorney Heather Vogelsong served on the planning committee for this day-long continuing legal education program that DOJ attorneys attended. DOJ attorneys Stephanie Striffler and Janet

Klapstein presented. The Department has purchased the program for its library so that it can be available for future reference for others..

Indian Child Welfare Act training.

DOJ's Child Advocacy Section held a CLE for all of its offices, "*Nuts and Bolts of ICWA*," presented by Shannon Dennison, DOJ's new attorney with ICWA experience from the Native American Program of Oregon Legal Services.

The Attorney in Charge of the Child Advocacy Section serves on two juvenile law CLE committees that promote ICWA presentations, including a recent ICWA presentation at the Juvenile Law Training Academy. That CLE was attended by attorneys for the state, children, parents and tribes. (The Juvenile Law Training Academy is sponsored by a number of agencies and nonprofits, including the Department of Justice.) Three Assistant Attorneys General presented, and 13 additional assistant AG's attended.

Assistant Attorney-in-Charge Claudia Groberg attended a program sponsored by the Juvenile Court Improvement Program at the Confederated Tribes of Siletz Indian reservation, along with state court judges and Warm Springs trial judges. The purpose of the program was to enhance the "development, and strengthen relationships between DHS, tribes, tribal organizations, courts and community partners regarding the management of Indian child welfare cases."

Tribal Best Practices; Peacemaking Circles: In October, DCS Tribal Liaison Gene Gustin attended training presented by the Chicksaw Nation District Court which focused on the process that requires the parties to agree to peacemaking and to the selection of the peacemakers in order to participate in the peacemaking process and resolve their differences.

Unraveling State and Tribal Court Jurisdiction: Moving Forward for Tribal Children: Also in October, DCS Tribal Liaison Gene Gustin attended training that focused on the differences between state and tribal jurisdictions.

CLE Library. DOJ maintains a library of Continuing Legal Education videotapes audiotapes and materials, including Indian law presentations.

V. Efforts to Promote Good Government to Government Relations

A. Annual Summit

DOJ Legislative Liaison Aaron Knott, DOJ Tribal Key Contact Stephanie Striffler, Division of Child Support Key Contact Gene Gustin and Crime Victims' Grant Fund Coordinator Diana Fleming attended the 2012 summit.

B. Cluster Participation

In 2012 DOJ representatives participated in Public Safety, Cultural Resources and Human Services clusters.

Public Safety. DOJ Tribal Key Contact Stephanie Striffler and Crime Victims' Grant Fund Coordinator Diana Fleming participated in cluster meetings.

Joe McCarty from DOJ's Crime Victims compensation program made a presentation at the September public safety cluster meeting.

Cultural Resources. DOJ Tribal Key Contact Stephanie Striffler attended cluster meetings.

Human Services. Crime Victims' Grant Fund Coordinator Diana Fleming made a presentation at the Human Services cluster regarding the Crime Victims Services Division Tribal Nation listening tour.

C. Special Activities

Attorney General Ellen Rosenblum attended the October Commission on Indian Services meeting.

Attorney General Ellen Rosenblum and Tribal Key Contact Stephanie Striffler met with the Board of Trustees of the Umatilla Indian Reservation and Governor's Office representatives.

Division of Child Support Key Contact Gene Gustin attended the Klamath Tribes Restoration Day celebration and staffed an information booth alongside representatives from the Klamath Tribes Child Support Program and the Tribal Court.

Stephanie Striffler attended the Coquille Tribe's annual Restoration Day celebration.

In addition, Stephanie Striffler spoke on practicing Indian law at Lewis and Clark Law School's Native American Law Students' Association, and spoke on jurisdiction issues at the Oregon County Counsels Association.

Oregon State Bar. Tribal contact Stephanie Striffler continues to serve on the Executive Committee of the Oregon State Bar Indian Law Section.

D. Representation of State Agencies

As noted above, much of DOJ's work involves representation of the State or other state agencies. This often invites DOJ interaction with Oregon tribes on behalf of client

agencies. In doing so, the Department strives to develop and maintain respectful and productive relationships with tribes and tribal attorneys, even when taking differing positions in litigation.

It is not possible to detail all of these efforts, some of which are confidential. Some examples of efforts in the course of representing the State or other state agencies follow:

United States v. Oregon (ongoing Columbia River treaty rights case).

The parties continue to implement the 2008 10-year agreement guiding harvest and hatchery production. DOJ is working to maintain good relationships and open channels of communication while the parties negotiate (and potentially litigate) the location of tribal harvest in river mouth sanctuaries. The 2012 spring, summer and fall seasons were conducted without resort to litigation. DOJ also continued to help mediate inter-tribal disputes arising from the case.

Sea lion litigation. DOJ has continued to coordinate with tribes and facilitated tribal participation in the latest round of litigation challenging the authorization for lethal take of California sea lions preying on ESA-protected salmon at Bonneville Dam.

Klamath Basin Negotiations. DOJ attorneys continued to participate in implementing and amending the "Klamath Basin Restoration Agreement" with the Water Resources Department, Oregon Department of Fish and Wildlife, the Department of Environmental Quality, the Klamath Tribes and other governmental and private parties.

Yakama Nation v. USA (Hanford natural resources damages assessment litigation). DOJ has continued to coordinate with Columbia River tribes in this case seeking to recover costs for natural resource damages at Hanford.

Portland Harbor. DOJ advises the Oregon Department of Fish and Wildlife (ODFW) in its role as trustee for the state's claim for natural resource damages in the Portland Harbor Superfund, and in that capacity works with the other natural resources trustees, a group that includes the Umatilla, Grand Ronde, Warm Springs, Siletz and Nez Perce Tribes as well as the US Fish & Wildlife Service and NOAA. The trustees meet monthly to pursue a collective natural resources damage claim against all potentially responsible parties.

Water rights. DOJ has participated in meetings with the Confederated Tribes of the Umatilla Indian Reservation to discuss solutions for providing water to reservation lands. A federal Water Rights Negotiating Team has been appointed by the U.S. Department of Interior.

Fire investigation. DOJ consulted with the Umatilla Tribe regarding litigation challenging DOJ's authority to investigate a fire on the Umatilla reservation.

ICWA. In 2012 DOJ's Child Advocacy Section hired a new attorney with multiple years of ICWA experience through the Native American Program of Legal Aid Services of

Oregon, who has provided added ICWA expertise and understanding of tribal perspective to the Department.

Agreements. DOJ worked on various agreements between state agencies and tribes in 2012, including an agreement with the Umatilla Tribe and OSAC regarding regulation of Mixed Martial Arts events on the Umatilla reservation.

E. Gaming

The DOJ Tribal Key Contact serves on the Governor's negotiating team for tribal gaming compacts. In 2012 compact amendments were concluded with the Confederated Tribes of the Grand Ronde Community and the Cow Creek Band of Umpqua Indians.

DOJ Key Contact Striffler also participated in several Oregon Association of Indian Gaming Commissions meetings.

Challenge to Validity of Gaming Compacts. Ongoing litigation challenging the Governor's authority to enter into tribal gaming compacts continued into 2012. Department of Justice attorneys continued to work closely with tribal attorneys on briefing in the Oregon Court of Appeals and argued the case together in the Court of Appeals in October.

F. *Amicus Curiae* Brief Decision Making

DOJ continues to use an email list to alert tribal attorneys about cases in which the Attorney General is called upon by other states or associations to participate in appellate court briefing in an *amicus curiae* role by joining briefs that have been drafted by other states. This process has resulted in meaningful input from tribal representatives in the state's decision-making process. In 2012 there were no *amicus curiae* requests requiring consultation with tribal attorneys.

G. Law Enforcement Coordination

DOJ participated with the U.S. Attorney's office in law enforcement coordination meetings with the Burns Paiute Tribe.

Internet Crimes Against Children (ICAC). The Criminal Justice Division has a number of memoranda of understanding (MOUs) with Oregon Tribes.

Oregon High Intensity Drug Trafficking Area Program (HIDTA).

In 2010, the Oregon HIDTA program worked with the Confederated Tribes of the Warm Springs Reservation successfully petition for status as a HIDTA – the first ever designated reservation HIDTA in the country. DOJ/HIDTA provides updated technology, training and criminal intelligence resources to WSPD as the fiduciary agency for HIDTA.

WSPD works with and shares information on drug trafficking related investigations with the CODE Team (Central Oregon Drug Enforcement). More recently, DOJ's HIDTA program conducted a review of the WSPD HIDTA initiative, providing feedback and working with them on an equipment inventory system and additional training. WSPD investigators also use DOJ's intelligence database, event deconfliction system, and DOJ/HIDTA watch center. WSPD recently received a \$20,000 supplemental HIDTA grant, allowing WSPD to expand their investigations.

DOJ/HIDTA also supports the Umatilla Tribal Police in similar ways as they participate in the Blue Mountain Enforcement Narcotics Team (BENT).

Domestic Violence resources.

DOJ's Domestic Violence prosecutor Erin Greenawald provided a training in Warm Springs at the request of the tribe's victim advocate on "Strangulation and Sexual Abuse and Domestic Violence." The training was attended by advocates, prosecutors and medical personnel.

Erin Greenawald and Tribal key contact Striffler collaborated with Umatilla tribal prosecutor Brent Leonhard to add information regarding tribal restraining orders to the Restraining Order FAQ circulated by Erin.

SB 412 implementation conference. At the SB 412 implementation conference organized by the Coos, Lower Umpqua and Siuslaw Indians at Grand Ronde in January, Tribal key contact Stephanie Striffler participated in a panel on "Working on Tribal Lands" and Crime Justice Division Special Agent in Charge Ken Reuben spoke on "Sharing Criminal Intelligence Information."

Criminal Appeals. In 2012 DOJ consulted with tribes regarding criminal appeals, including consulting with the Confederated Tribes of the Umatilla Indian Reservation on a criminal hunting appeal involving a tribal member.

H. Cultural Resources

In 2012 DOJ's environmental crimes prosecutor continued to consult with tribal representatives regarding prosecution of a looting case in which tribes are interested.

I. Crime Victim's Services

DOJ Crime Victims Services Division has continued to focus on increasing understanding and enhancing partnerships and community collaboration with Oregon tribes. Specifically, CVSD is working to expand collaboration between our grant-funded programs and tribes.

In 2011 and 2012, the DOJ/CVSD initiated the Tribal Nation Listening Tour, which included 29 meetings with District Attorney Victim Assistance Programs (DAVAP), non-profit Domestic Violence and Sexual Assault Program Executive Directors and tribal leaders from the nine Oregon tribes. The purpose of the listening tour was to improve domestic violence and sexual assault service delivery to all victims in Oregon, to be more deliberate in how DOJ/CVSD funding affects all communities including Oregon tribes, as well as to raise awareness about other CVSD programs such as DOJ's Victims' Compensation and Address Confidentiality Programs. A survey, conducted with Leona Ike from the Warm Springs Tribe, and Desiree Allen Cruz, from the Umatilla tribe was instrumental in demonstrating the need for the listening tour. CVSD Fund Coordinators Diana Fleming and Cathy Relang, along with VAWA Advisory Board member Desiree Allen-Cruz completed the Tribal Nation Listening Tour in July 2012. A report on the listening tour is being compiled by CVSD and is expected to be available in 2013.

As a result of the listening tour, CVSD has either directly initiated the opportunities listed below or, as a result, seen some enhancements and outcomes as follows:

The Violence Against Women Act Implementation Plan resulted in federal grants for both the Attorney General's Sexual Assault Task Force and Jefferson County's Victim Assistance Program specifically allowing for training and collaboration with tribal communities.

CVSD built relationships with tribes and obtained contact information for future enhanced collaboration.

CVSD revised grant documents such as the site visit monitoring instrument to explore more fully the collaborations between community partners and tribes.

Information regarding tribal county service areas has been shared with statewide victim service providers.

Funding opportunities have been shared with tribes, for outreach and collaboration to underserved, marginalized and/or oppressed communities and tribes

CVSD provided training and networking opportunities to all nine Oregon tribes, including CVSD's Victim Service Program Director's Day and scholarships to attend other victim service provider trainings such as the State Victim Assistance Academy (SVAA). More importantly, those training and networking opportunities facilitated conversations between tribal representatives and non-profit and prosecution based victim service programs to improve service delivery to tribal victims.

CVSD targeted outreach to all nine Oregon tribes for the Oregon Crime Victims' Needs Assessment that will be released in early 2013.

CVSD provided information and a summary list of grant awards within tribal service delivery areas along with brochures, forms and other materials on Crime Victims' Compensation Program, Address Confidentiality Program, DOJ's Internet Crimes Against Children Unit, and the Victim Information and Notification Everyday (VINE) services.

Presentations and partnerships:

In March 2012 Diana Fleming, STOP Violence Against Women fund coordinator, and VAWA Advisory Board member Desiree' Allen-Cruz presented at the 2012 STOP Violence Against Women Act (VAWA) Administrators National Conference held in Nashville. That presentation was included as a break out session, "Meaningful Inclusion of People who are Underserved with a focus on Tribal Communities." A subsequent presentation was given at the Oregon Coalition Against Domestic & Sexual Violence (OCADSV) regional conference on the Warm Springs reservation. Tribal Key Contact Stephanie Striffler spoke on "Collaboration with Oregon's Nine Tribes" at the Oregon Coalition Against Domestic at that conference.

CVSD made presentations regarding the listening tour at the Public Safety Cluster in March and September 2012 and Health & Human Services Cluster in August.

CVSD made a presentation regarding the Crime Victims' compensation program at the Public Safety Cluster.

CVSD provided technical assistance to the Confederated Tribes of Siletz Indians with their 3-year federal discretionary grant that supported their victim service program on the reservation.

Stephanie Striffler and Diana Fleming participated with Desiree Allen-Cruz in a panel on "*Introduction to Indian Law, Tribal Relations, Criminal Jurisdiction in Indian Country and Cultural Considerations*" for the Victims Assistance Program track of Oregon District Attorneys Association summer meeting.

CVSD continues to have tribal representation on both of its funding advisory committees that are responsible for guiding the work and grant funding priorities.

National Crime Victims Week commemoration. In 2012 the theme of National Crime Victims Week was "Extending the Vision, Reaching every Victim." DOJ presented an award to Desiree Allen-Cruz to recognize her commitment to improving services for tribal victims of domestic violence and sexual assault and to building collaborative relationships among non-profit advocacy organizations, governmental agencies and tribes.

I. Child Support

Tribal Government Day. The DCS Tribal Liaison attended the Tribal Government Day activities along with several branch DCS tribal liaisons.

DCS Tribal Liaison Gene Gustin also attended individual meetings with the Coquille, Siletz and Grande Ronde Tribes to discuss paternity establishment and to address jurisdictional questions.

Gene Gustin and local liaisons Charleen Holcomb and Ava Hounshell met with the Warm Springs Tribe to discuss paternity establishment and jurisdictional questions.

DCS Director Jean Fogarty and Deputy Director Kate Richardson attended an annual meeting in Seattle on September 19, 2012 that included the Federal Commissioner, Region 10 State IV-D directors and Region 10 Tribal IV-D directors.

DCS Liaison Gene Gustin participated in a teleconference on April 20th, 2012 that included tribal liaisons from Washington, Oregon, Idaho, Alaska and Federal Office of Child Support representatives to discuss tribal child support concerns and what's being done at the federal level to support Tribal Child Support programs.

IV-D Programs:

Tribal IV-D Child Support Meetings. These meetings were originally structured for tribes that have applied for tribal child support start-up funds or already have a child support program, and were later expanded to include all tribes with an interest in child support or that have expressed an interest in applying for federal funding. The focus of these meetings is to improve communication between DCS leadership, individual branch offices, tribal courts and child support staff. In 2012 it was determined that the meetings could be held once a year.

Statewide Child Support Collection Activities. DCS has tribal liaisons in offices throughout the state who work in cooperation with tribes to collect child support. As a result of these efforts, DCS and tribal programs were able to collect \$4.7 million on behalf of Native American families during 2012.

The Confederated Tribes of the Umatilla Reservation. The Confederated Tribes of the Umatilla Reservation (CTUIR) have a tribal child support program with a caseload of approximately 100 cases, including those from the Oregon Child Support Program, new cases from tribal members and interstate cases referred directly from other jurisdictions. Pendleton DCS tribal liaisons and CTUIR work in collaboration to reconcile cases, which allows some custodial parents to receive child support directly from the CTUIR child support program. CTUIR has begun establishing child support orders using a hybrid model of the Oregon Child Support Guidelines.

The Cow Creek Band of Umpqua Tribe of Indians. The DCS Roseburg office continues to receive notices for registration of orders with the tribal court. The branch liaison processes all requests for registration and works closely with tribal court clerks to ensure that orders are registered timely to expedite the provision of money and health care coverage to families. In addition, the DCS tribal liaison has met with the social services director to provide information regarding establishment of paternity, cash child support and medical support. DCS provides assistance to tribal members referred directly to the liaison with questions regarding enforcement, modification, DNA testing and paternity establishment. The liaison also facilitates contact with out-of-state tribes and child support programs when necessary.

The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. The Tribe continues to honor wage and medical withholdings, but has not yet begun to require registration of foreign orders with its tribal court. The DCS Tribal Liaison has met with the social services director and staff to provide information regarding establishment of paternity, cash child support and medical support. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

Coquille Indian Tribe. The Coquille Tribe has an established process for registering orders for the enforcement of cash and medical child support. The DCS Liaison and Assistant Attorney General are working with tribal counsel and the tribal court clerk to continue moving forward. The Roseburg liaison is currently processing all registrations for DCS. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

The Klamath Tribes. Medford DCS tracks cases transferred to the Klamath Tribes to establish or register orders and reciprocal requests from the Tribe for unemployment compensation attachment on tribal orders. Klamath Tribe Child Support Enforcement (KTCSE) is beginning to distribute payments directly to the family or through the tribal Temporary Assistance for Needy Families (TANF) program rather than DCS on Oregon orders registered at our request. KTCSE also shares enrollment information on tribal child support cases, enhancing support enforcement activity on non-transferable cases. A process has also been developed to certify for attachment dividend (per capita) payments from the Klamath Tribe.

The Confederated Tribes of the Siletz Indians. The program continues to work successfully with the Siletz tribe and tribal court. DCS continues to provide training to the Tribal TANF office. The DCS branch liaison meets with the Tribal TANF office once a month for at least half a day During

that time we provide training as well as case staffing for general case questions and provide paternity testing services. DCS has reintroduced our branch tribal liaisons to some of the outlying offices and greatly improved our relationship with the satellite offices for the Siletz Tribe.

Assistant Attorney-In-Charge Claudia Groberg continued to represent DCS monthly in the Siletz Tribal Court on income withholding hearings and represented DCS in 179 per capita hearings in early July. In 2012 DCS appeared in tribal court to collect \$67,928.33 for child support from tribal dividends. AAIC Groberg and DCS branch Liaison Coleen Hartford were awarded a plaque and recognition from the Siletz Tribal Court; Groberg's plaque reads: "In appreciation of your years of professional representation of the Child Support Division" in Tribal Court.

Confederated Tribes of the Warm Springs Reservation: DCS met with representatives of the Warm Springs Tribe social services department and the Tribal court to discuss jurisdictional issues and to offer support for paternity testing services. The meeting resulted in productive information-sharing and has improved dialog between the Tribe and the State IV-D program.

Policy 2-95 Tribal Relations Policy

Applicability: All full and part time employees, temporary employees and volunteers

References:

(1) Purpose

This tribal relations policy is adopted pursuant to ORS 182.162 – 182.168, which requires state agencies to develop and implement tribal relations policies.

(2) General Policies and Principles

It is DOJ's policy to promote the principle stated in Executive Order No.96-30 that "[a]s sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties." DOJ interacts with tribes in differing roles: in its role as legal advisor to and representative of other state agencies; and in its role as independent administrator of certain DOJ programs. In all of its roles, it is DOJ's policy to promote positive government to government relations with the federally recognized tribes in Oregon ("tribes") by

- (a) Facilitating communication and understanding and appropriate dispute resolution among DOJ, other state agencies and those tribes;
- (b) Striving to prevent unnecessary conflict with tribes;
- (c) Interacting with tribes in a spirit of mutual respect;
- (d) Involving tribal representatives in the development and implementation of programs that affect them; and
- (e) Seeking to understand the varying tribal perspectives.

(3) Native American Affairs Coordinator

- (a) The state is best served through a coordinated approach to tribal issues. The Attorney General has designated a Native American Affairs Coordinator, who serves as the Department's key contact with tribal representatives.
- (b) Individuals in the Department who are working on a significant matter involving or affecting a tribe shall notify the Native American Affairs Coordinator.
- (c) The Native American Affairs Coordinator will develop with each Division Administrator an appropriate means for that Division to keep the Native American Affairs Coordinator regularly informed of the status of significant matters involving or affecting tribes.

(4) Dissemination of tribal relations policy

- (a) Upon adoption, this policy shall be disseminated to members of the Department, and shall be incorporated into the DOJ Policy Manual. In addition, this policy and information regarding ORS 182.162 – 168 shall be included in new employee orientation, and on the Department's intranet.

- (b) The Native American Affairs Coordinator will distribute an annual reminder regarding the policy.

(5) Training

- (a) The DOJ CLE Committee and Diversity Committees shall strive to incorporate topics regarding Indian law and culture in their agency training and CLE programs.
- (b) The Native American Affairs Coordinator will assist Divisions and sections in arranging training on specific topics relevant to the work of that particular division or section.
- (c) Appropriate DOJ representatives will attend annual training provided by the Department of Administrative Services pursuant to ORS 182.166(1).
- (d) DOJ attorneys who come into significant contact with tribes are encouraged to consider taking advantage of outside CLE opportunities on Indian law and culture.

(6) Guidelines for Advising and Representing other State Agencies

The Department of Justice is uniquely situated to aid implementation of ORS 182.162 – 182.168 through its contact with and advice to various state agencies. DOJ attorneys should promote other agencies' compliance with ORS 182.162 to 182.168 by means including:

- (a) Considering the represented agency's obligations under the statute in the course of advice and representation and
- (b) Striving to ensure involvement of the agency's tribal key contact in significant matters affecting or involving tribes.

(7) Identification of DOJ Programs Affecting Tribes.

The Native American Affairs Coordinator will compile a list of DOJ programs that affect tribes, as well as the DOJ individuals responsible for implementing them, through the following process:

- (a) Division Administrators will provide to the Native American Affairs Coordinator a list of Division programs, noting those they believe affect tribes. The entire list will be shared with tribal representatives identified through Government to Government cluster groups, tribal attorneys known to the Department, the Indian Law Section of the Bar, the Native American Program of Oregon Legal Services, and tribal chairs.
- (b) Annually, the Native American Affairs Coordinator will update the list of DOJ programs that affect tribes, in consultation with Executive staff and tribal representatives

(8) Guidelines for Independent DOJ Programs

- (a) Managers of programs identified as potentially affecting tribes shall adopt guidelines for cooperating with tribes in the development and implementation of those programs in consultation with the Native American Affairs Coordinator.
- (b) DOJ will invite tribal participation on Task Forces of interest to tribes.