

Oregon Department of Justice Annual Government to Government Report 2015¹
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.

An updated list of DOJ programs that affect tribes is attached as Appendix A to this report.

II. Tribal Relations Policy

DOJ Executive Staff and the Attorney General have adopted the Tribal Relations Policy, attached as Appendix B to this report. The policy has been incorporated into the Department's Policy Manual 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. Training

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

¹ The report also contains some information from 2014.

Oregon State Bar Indian Law Section program “Justice in Indian Country.”

In October 2015, several DOJ representatives attended the Oregon State Bar Indian Law Section Continuing Legal Education program, “Justice in Indian Country” held at the Grand Ronde Community Center. The program included presentations on “Trends in Tribal Courts,” “Negotiating Contracts with Tribes,” “Supreme Court Update,” and a visit to the Grand Ronde Tribal Court.

The program also brought together tribal attorneys and prosecutors, the US attorney’s office, and University of New Mexico Professor Barbara Creel and others to discuss criminal law and jurisdiction issues.

2015 Attorney General’s Public Law Conference.

Warm Springs attorney and University of Oregon adjunct professor Howard Arnett joined key contact Stephanie Striffler in a presentation on Indian Law at DOJ’s 2015 Public Law Conference for state agencies. DOJ attorneys also attended.

Commission on Indian Services Events.

Tribal contact Stephanie Striffler and Division of Child Support key contact Dawn Marquardt, and others from DOJ, attended the 2015 Tribal Legislative Day. Ms. Striffler attended the LCIS Spring Gathering and Plankhouse Event in 2014. Others from DOJ attended the 2015 Tribal Government Day, including Dawn Marquardt, Division of Child Support tribal contact.

Walter Echo-hawk Event.

The tribal key contact attended a program by Walter Echo-Hawk at Lewis and Clark Law School. He discussed his book, “*In the Light of Justice, The Rise of Human Rights in Native American and the U.N. Declaration of the Rights of Indigenous Peoples.*”

Domestic Violence Summit.

Attorney General Ellen Rosenblum spoke at the 2015 Tribal, State and Federal Domestic Violence Summit hosted by the Confederated Tribes of the Umatilla Indian Reservation. Others, including DOJ’s Domestic Violence prosecutor Erin Greenawald, as well as representatives from DOJ’s Crime Victims Services Division, attended the 2014 summit.

Cultural Resources.

Patrick Flanagan from the Environmental and Cultural Resources Protection Unit attended Oregon Parks and Recreation Department's Heritage Program's "Archeology Training Conference." Patrick also attended the Columbia River Intertribal Fisheries Enforcement Archeological Enforcement Training May, 2014.

Tax.

Tax and Finance attorney in Charge Melisse Cunningham attended an ABA webinar on BIA tax regulations; panelists included a Umatilla tribal representative. She presented at a CLE for the Multistate Tax Commission's Annual meeting on "Recent Developments in State Taxation of Activities on Tribal Lands."

Indian Child Welfare Act.

All new Child Advocacy Section attorneys and law clerks are required to attend a training on ICWA and staff are trained on the application of ICWA to DOJ processes in juvenile dependency cases, including tribal notice and service requirements.

"Practicing Juvenile Law in a Multicultural Context."

DOJ attorneys, including the Tribal key contact and the Attorney-in-Charge of the Child Advocacy Section, participated in planning a 2014 Continuing Legal Education program, co-sponsored by the Juvenile Law Section of the Oregon State Bar and the Indian Law Section, "Practicing Juvenile Law in a Multicultural Context." The planning group developed a curriculum designed to educate and inform Juvenile Law practitioners about issues relating to Indian children and families in juvenile dependency cases. Presenters included the Honorable Calvin E. Gantenbein, Chief Judge, Siletz Tribal Court, who discussed "Cross-Jurisdictional Issues Between States and Tribes in Juvenile Cases." The program included a presentation on "Qualified Expert Testimony," led by Adrian Smith, from the National Indian Child Welfare Association. The CLE also addressed the U.S. Supreme Court *Adoptive Couple v. Baby Girl* case, Chemawa Indian School, and delinquency matters in tribal courts. Presenters also included tribal attorney, and a presenter from the Native American Rehabilitation Association. Eleven DOJ attorneys attended, and brought back information from the CLE to a meeting with all Child advocacy section attorneys.

New BIA ICWA Guidelines.

DOJ attorneys also attended outside CLEs to further their understanding of the new BIA ICWA guidelines and the impact on DOJ's ICWA work. The

tribal contact attended a presentation on the new guidelines by Vanessa Ray-Hodge, Senior Counselor to the U.S. Department of the Interior Solicitor. She also attended a presentation on the new guidelines by Adrian Smith from the National Indian Child Welfare Association.

Assistant Attorney-in-Charge Shannon Dennison attended the November 2015 quarterly ICWA Advisory Meeting held at the Seven Feathers Convention Center, which is a regular meeting of representatives from Oregon tribes and DHS Child Welfare representatives. AAIC Dennison presented a training on recent case law regarding ICWA expert testimony in guardianship proceedings, because questions regarding that issue had come up among the group.

Internal Continuing Legal Education programs.

DOJ's recent in-house CLEs included programs on "Criminal Jurisdiction in Indian Country," and "Treaty Rights in Oregon."

CLE Library.

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

IV. Efforts to Promote Good Government to Government Relations

A. Annual Summit.

Deputy Attorney General Fred Boss, key contact Stephanie Striffler, Division of Child Support key contact Dawn Marquardt, and Diana Fleming from Crime Victims Services Division attended the 2015 summit.

B. Cluster Participation.

In 2014 and 2015 DOJ representatives participated in Public Safety and Cultural Resources clusters, Health and Human Services cluster, and also attended a joint meeting of the Cultural Resources and Natural Resources clusters.

Public Safety.

DOJ Tribal Key Contact Stephanie Striffler and Crime Victims' Grant Fund Coordinator Diana Fleming participated in cluster meetings. In 2014 and 2015 Diana provided overviews and update of ongoing work with Oregon tribes and DOJ Crime Victims Services program staff.

Civil Rights Director Erious Johnson made a presentation at the August 2015 Public Safety cluster. Outreach Coordinator Ellen Klem presented at the public safety cluster in 2014.

Cultural Resources.

DOJ Tribal Key Contact Stephanie Striffler and Environmental Crimes prosecutor Patrick Flanagan participated in cluster meetings, including joint meetings with the **Natural Resources Work Group**.

Health and Human Services.

Child Support Division Deputy Director Dawn Marquardt attended Health and Human Services Clusters meetings.

C. Special Activities**Oregon State Bar Indian Law Section.**

Tribal contact Stephanie Striffler served as Chair of the Oregon State Bar Indian Law Section in 2015, after serving as Secretary in 2014.

Tribal and State Court Judges Convening.

Stephanie Striffler and Diana Fleming from the Crime Victims Services Division both participated in the 2015 “Tribal and State Court Judges Convening” in August, 2015. An outcome of the Convening was a recommendation that an ongoing Tribal/State/Federal Court Forum be proposed to the Chief Justice.

Present at the event were at least ten state court judges (including Oregon Supreme Court Justice Martha Walters), federal district court Judge Michael McShane and six Oregon tribal court judges. There were presentations from Judge William Thorne from Utah and Heather Valdez Singleton, the Director of the Tribal Law and Policy Institute, about what other states had accomplished in this area.

In addition, there were two substantive panels, one on ICWA and one on the Violence Against Women Act. The VAWA panel addressed Full Faith and Credit requirements for tribal restraining orders as well as issues related to entry of tribal protective orders into national databases.

Tribal Key Contact Stephanie Striffler participated in meetings with the Board of Trustees of the Umatilla Indian Reservation and Governor’s Office representatives, including meeting at the Umatilla Reservation. Civil Rights Director Erious Johnson presented at one of the meetings.

Tribal Key Contact Stephanie Striffler participated in meetings with the Grand Ronde Tribal Council and state agency and Governor’s Office representatives.

Stephanie Striffler attended the Coquille Tribe’s annual Restoration Day celebration in 2014.

Stephanie Striffler attended the Siletz Tribe's Restoration Pow-Wow in 2014.

D. Representation of State Agencies.

As noted above, much of DOJ's work involves representation of the State or other state agencies. Such work 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 or sensitive. Some examples of efforts in the course of representing the State or other state agencies follow:

Tax.

DOJ attorneys worked with the Department of Revenue to conclude an agreement with the Coos Lower Umpqua and Siuslaw regarding tax refunds on tobacco products and traveled to visit the tribe for the signing.

Hunting and Fishing.

DOJ attorneys worked with the Oregon Department of Fish and Wildlife on multiple tribal agreements related to tribal hunting and fishing. Those included an agreement with the Grand Ronde Tribe regarding hunting, and an agreement with the Siletz Tribe regarding shellfish harvest and management.

Measure 91.

DOJ attorneys participated in meetings with tribal representatives regarding issues arising from the implementation of the recreational marijuana initiative.

Child Advocacy.

DOJ has assigned Child Advocacy Section Assistant Attorney-in-Charge Rahela Rehman, along with Chief Counsel Joanne Southey, to serve as DOJ's Indian Child Welfare Act point of contact with the Department of Human Services.

The Child Advocacy Section works with its Department of Human Services Child Welfare client in staffings and consultations to follow their procedures and policies to work closely with tribes, tribal representatives and tribal expert witnesses. Any placement decisions regarding an Indian child needs a level of review within the agency to ensure any tribal placement preferences are being honored. The section also promotes tribal caseworker participation in court hearings and assists in arranging for telephone appearance when the court may not. The section assists DHS in determination of active efforts to ensure that cases are not delayed and the most appropriate permanent plan can be achieved for the child.

DOJ's Child Advocacy Section worked extensively with DHS Child Welfare to develop training for child welfare workers to ensure compliance with the new guidelines. Rahela Rehman, Civil Enforcement Division and Assistant Attorney-in-Charge for the Child Advocacy Section, presented training to DHS Child Welfare on the new BIA ICWA guidelines. In addition to live presentations, DHS' plan is to make this part of its computer-based trainings.

AAIC Rehman also provided advice to DHS Child Welfare on tribal agreements. The section reviewed tribal agreements between DHS Child Welfare and various tribes to ensure that the agreements are consistent with the new BIA Guidelines.

AAG Emily Snook conducted an ICWA Expert Witness Training on January 22, 2015 for Oregon tribal workers on ICWA expert testimony to give points about what testimony needed to contain to comply with the ICWA and to discuss the guidelines for being an ICWA expert.

AAG Snook took part in a Juvenile Law 101 training in Curry County, at which she presented training on general ICWA requirements and procedures as well as ensuring that DHS cases comply with ICWA.

E. Gaming.

The DOJ Tribal Key Contact serves on the Governor's negotiating team for tribal gaming compacts. Recently the state concluded a compact amendment with the Umatilla Tribe, and has been in amendment negotiations with the Klamath Tribes.

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. As a result of that process, in December, 2014, after input from tribal attorneys, DOJ declined to sign on to an amicus brief.

Dollar General v. Mississippi Band of Choctaw Indians. In 2015, after input from tribes, the Attorney General authorized Oregon to join five other states in an amicus brief supporting the Tribe's side in the United States Supreme Court case, *Dollar General v. Mississippi Band of Choctaw Indians*. In that case *Dollar General* challenged the tribal court's jurisdiction over a claim by a tribal member against non-Indian commercial enterprise based on conduct occurring on tribal land. The tribal member employee alleged sexual assault by the manager of a store, which was located on reservation. The amicus brief cited ORS 182.164 and Executive Order 96-30 and advocated for tribal judicial autonomy. A group of other states filed a brief on the other side, supporting the commercial enterprise and advocating that the tribal court did not have jurisdiction.

G. Law Enforcement Coordination.

DOJ's TITAN Fusion Center.

The Fusion Center, a terrorism and criminal information clearinghouse, is continuing to explore ways to work with tribes to increase information sharing with tribal law enforcement.

The Fusion Center engages tribes through its Fusion Liaison Officer Program. The Fusion Center has provided briefing and training for tribal police chiefs on several occasions on Fusion Center operations. The Fusion Center has added a tribal police chief to the Fusion Center Executive Advisory Board to assist in guiding Fusion Center operations, with a goal of helping tribal police agencies to know what the fusion center is concentrating on and also allows them to have information on current terrorism and criminal trends in Oregon that may affect their tribal operations. The Fusion Center now has a "subportal" for tribal chiefs of police.

Domestic Violence Resources.

Erin Greenawald, DOJ's Domestic Violence Resource Prosecutor, facilitates and hosts two prosecutor-only trainings every year and makes them available to tribal prosecutors.

She has continued to collaborate with Umatilla tribal attorney Brent Leonhard and others regarding enforcement of tribal restraining orders and their entry into the Law Enforcement Database (LEDS).

Special Counsel for Public Safety Michael Slauson attended a meeting at the Umatilla reservation with state, tribal and federal prosecutors regarding these issues.

The Statewide Domestic Violence Fatality Review Team, co-chaired by Erin Greenawald, issued reports to the legislature, including a report on restraining orders. One of the recommendations in that report was to amend the foreign restraining order statute to address an ambiguity regarding who can present a restraining order for entry into LEDs.

In addition, at Ms. Greenawald's request, Umatilla tribal attorney Brent Leonhard authored an article for the DOJ *Domestic Violence Prosecutor Newsletter* about the congressional extension of tribal jurisdiction over non-Indian domestic violence perpetrators, and the CTUIR pilot project to exercise that jurisdiction before the law was more generally applicable.

Conference on Principles of Multi-jurisdictional Law Enforcement.

Michael Slauson, Special Counsel for Public Safety, presented at this conference held at Grand Ronde in the fall of 2014, which involved federal, state, local and tribal law enforcement. The conference included presentations about the implementation of SB 412, a presentation by Tom Gede from the Federal Indian Law and Order Commission, and general discussions about multi-jurisdictional law enforcement. Stephanie Striffler also attended.

H. Cultural Resources.

The Environmental and Cultural Resources Enforcement Unit continued to coordinate with District Attorneys' offices on prosecution of violations of cultural resources laws.

In addition, Patrick Flanagan from the unit participated in a new inter-agency cultural resources task force. The task force was created to look at opportunities for increased cooperation between law enforcement agencies regarding enforcement of cultural resources laws, and in particular to look at opportunities for coordinating as to federal enforcement of cultural resources offenses and the sharing of resources.

DOJ attorneys worked with the Division of State Lands and Oregon State Police on issues related to artifact looting on state lands, in particular where looting was exacerbated by lowered water levels.

I. Consumer Protection.

Native Caring Conference.

Ellen Klem DOJ Director of Consumer Outreach and Education, presented at the conference hosted by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw in April 2015.

Ellen Klem presented at the July 2014 Public Safety Cluster meeting.

J. Civil Rights.

The Civil Rights Unit has worked in 2015 attempting to forge stronger relationships with Oregon tribes. As one example, the Unit's Director met with Grand Ronde Tribal Council. The conversation revolved around the acceptance of tribal custom in Oregon correctional facilities and the pros and cons of using tribal inspired symbols as mascots.

Civil Rights Director Erious Johnson made a presentation at the August 2015 Public Safety cluster. The director also presented at a meeting with the Board of Trustees and staff of the Confederated Tribes of the Umatilla Indian Reservation.

K. Crime Victims' Services Division.

The Crime Victims' Services Division (DOJ CVSD) continued to strengthen collaborations between tribes and statewide technical assistance agencies, our grant-funded programs and community partners.

Programs that receive grants from CVSD appoint key tribal representatives on their boards, include tribal program staff in local trainings and partner meetings, provide culturally specific training by tribal partners to non-tribal program staff, and are increasing their understanding of tribal needs by having ongoing and direct conversation with tribes.

Follow up from the Tribal Nation Listening Tour Report.

In 2013, CVSD released the Tribal Listening Tour Report.² That report resulted from a total of 28 meetings with Oregon's nine federally recognized tribes and their community partners that identified barriers and strengths with respect to the provision of domestic and sexual violence funds. CVSD has continued to take steps to follow through on the report's recommendations since its release.

Domestic and sexual violence program funding.

Beginning in 2013, DOJ CVSD awarded non-competitive domestic and sexual violence funding directly to Oregon tribes. As of December 2015, seven of the nine tribes applied for and were awarded funds through FY 2015-2017 non-competitive domestic and sexual violence grants. The funding to tribes helps to ensure equal access to services for all victims across the state. Communication and collaboration with tribes on both the state and local level has increased since tribes have the status of direct grantees. Grant applications and agreements with tribes provide for payment of their full indirect cost rate.

Listening Tour "Next Steps in STOP Violence Against Women Act (STOP VAWA) Implementation Plan.

CVSD included ten Listening Tour Report's "next steps" in the goals, objectives, and activities in the Fiscal Year 2014-2016 STOP VAWA Implementation Plan, a plan required by the federal Office of Violence against Women. The plan was approved by the Office of Violence Against Women in May 2014. The work outlined in the goals was adopted by DOJ CVSD across all grant funds. Recent and continuing implementation of those "next steps" includes the following:

CVSD Advisory Committee and Implementation Plan Subcommittee.

The CVSD Advisory committee currently includes a tribal representative (and in the past has included two). Representatives of all nine tribes are invited to each of the VAWA Implementation Plan subcommittee meetings that set statewide strategy for domestic and sexual violence service provision. The inclusion of tribal representatives helps insure that the voices and concerns of tribal victims are represented during planning, allocation and application review. Tribal board representation continues to provide expertise in CVSD's funding processes and to improve collaboration with state partners and stakeholders as well as domestic violence and sexual assault service providers.

CVSD provided training to the CVSD Advisory Committee members, who are statewide decision makers who do work directly impacting tribes. Following on November 2014 training by DOJ's tribal contact, the 2015 training was provided by Brent Leonhard, attorney for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The training covered Indian law, tribal relations, tribal perspectives on tribal sovereignty, as well as criminal jurisdiction in Indian country.

² Available at: www.doj.state.or.us/victims/pdf/oregon_tribal_nation_listening_tour.pdf

Training, networking and communication.

Six of nine federally recognized tribes attended and participated in CVSD's annual Directors' Day training in September 2015. CTUIR Attorney Brent Leonhard presented training to non-profit (and tribal) victim service directors. (In addition, eight tribes participated in 2014).

CVSD Fund Coordinators and leadership continue to provide information on grant funding streams, competitive grant opportunities and technical assistance to tribal DVSA programs as requested by tribes.

DOJ CVSD continues to update its list of key tribal contacts to help ensure that state and local programs provide ongoing communication to tribes on all matters. Tribal victim service program staff is also included on key state list serves. As part of CVSD's ongoing communication with tribes, CVSD notifies contacts identified by each tribe of all training opportunities.

Tribal, State and Federal Summit hosted by the Confederated Tribes of the Umatilla Indian Reservation.

Attorney General Ellen Rosenblum spoke at the May 2015 Tribal, State and Federal Summit on domestic violence, and shared Oregon DOJ's perspective on tribal domestic violence and sexual assault victim services. Desiree Coyote from the Confederated Tribes of the Umatilla Indian Reservation and Diana Fleming presented on "Enhancing Effective Tribal Relationships with Non-Tribal Partners for Domestic and Sexual Assault Service Provision." The presentation highlighted local community collaboration and use of tribal, state, and local victim service and shelter programs.

National STOP VAWA Administrators Conference.

The 2015 Office of Violence Against Women National STOP VAWA Administrators Conference included a panel presentation with DOJ CVSD Fund Coordinator Diana Fleming and Advisory Committee member Desiree Coyote from CTUIR, along with representatives from Michigan. The panel was moderated by Ms. Coyote and featured ways two states approach their planning work with tribes, including challenges and lessons learned, and how they are partnering with and incorporating the voices of tribes into programming. Several STOP Administrators from other states have contacted DOJ CVSD since the national presentation to learn more about the steps taken in Oregon.

In December 2014 Ms. Fleming and Ms. Coyote presented at the OVC National Tribal Nations Conference regarding "Oregon's Experience in Enhancing Effective Tribal Relationships with Non-Tribal Partners for Domestic & Sexual Assault Service Provision."

Crime Victims Compensation.

DOJ CVSD Claims Examiner Sarah Smith collaborated with FBI Victim Specialist Erin Ludwig on Crime Victims' Compensation Program Cultural Cross Training for Confederated Tribes of Warm Springs tribal members, advocates and state compensation staff in 2014. The training provided an opportunity for tribal members and staff to learn about eligibility and types of compensation. State compensation staff learned about the history of the tribe, tribal customs and traditions pertaining to death and burial. A better understanding of cultural practices led

state compensation staff to outline ways to document items purchased for ceremonies honoring the deceased, in order to help support tribal crime victims' compensation claims.

K. Child Support

Child Support System Project.

The Oregon Child Support Program continues work to replace the Child Support Enforcement Automated System (CSEAS). The official Project Kickoff was held on October 20, 2015. Representatives of the Klamath Tribes and Confederated Tribes of Siletz Indians were present at the Kickoff.

Annual State and Tribal Child Support Conference (April 2015) hosted by the Confederated Tribes of Siletz Indians.

All DCS branches with a Tribal liaison were represented, including the Director Kate Cooper Richardson and Deputy Director Dawn Marquardt, and managers/tribal liaisons with active tribal partnerships. The Klamath Tribes, Confederated Tribes of the Grand Ronde, Cow Creek Band of Tribe of Umpqua Indians, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Siletz Indians were represented. Attorney General Ellen Rosenblum and DOJ Native American Affairs Coordinator Stephanie Striffler, DOJ Attorney-in-Charge Claudia Groberg, along with other AAGs also participated. The federal Program Specialist for the Oregon Child Support Program and Tribal child support programs in Oregon also attended. Siletz tribal members presented on cultural traditions and "Sexual Assault in Indian Country."

In 2014 all DCS branches with a tribal liaison were represented at the *Annual Division of Child Support and Tribal Conference* hosted by the Confederated Tribes of Umatilla Indians. Those present included Director Kate Cooper Richardson and Deputy Director Dawn Marquardt, DOJ Attorney-in-Charge Claudia Groberg and other Assistant Attorneys General. The group also toured the Nixyáawii Governance Center.

40th Anniversary LCIS - (May 14)

Several DCS staff attended this presentation.

Tribal, State, and Federal Summit: Protecting and Healing (May 20 – 21 – CTUIR).

Umatilla Liaison Penny O'Connell attended the conference.

National Tribal Child Support Association Training Conference (June 8 – 11- Green Bay, WI)

Deputy Director Dawn Marquardt attended and presented an ethics CLE. Deputy Director Marquardt also attended and presented in 2014.

National Child Support Enforcement Association Annual Conference - Milwaukee, WI (August 10-12).

Several members of the Oregon Child Support Program management team attended the conference in Wisconsin that included state, tribal, federal, and international representatives.

Numerous members of the Oregon Child Support Program also attended the 2014 conference in Portland.

Increase Your Success (IYS) Conference (September 15-16).

Siletz Tribal Liaisons Coleen Hartford and Brandy Maldonado attended the conference with Siletz tribal staff to discuss paternity establishment, how and why cases are referred to DCS, and enforcement issues. They also presented a session to tribal TANF recipients. Coleen Hartford attended in 2014 as well.

Western Interstate Child Support Enforcement Council (WICSEC) Annual Conference: (Sept. 14-17- Ft. Worth, TX).

Director Kate Cooper Richardson, Deputy Director Dawn Marquardt, and other Program staff attended the conference, as well as representatives of Klamath Tribes Child Support Enforcement, and several other representatives of regional Tribal child support programs.

2014 Diversity Conference-(Sept. 2014).

Deputy Director Dawn Marquardt attended the “Northwest Indians: The Circle of Understanding” presentation.

Region X State and Tribal IV-D Director’s Conference (November 2-4).

Director Kate Cooper Richardson attended an annual meeting in Seattle that included federal Office of Child Support Enforcement Commissioner Vicki Turetsky, federal Region 10 staff, and State IV-D Directors and Tribal IV-D Directors from Oregon, Washington, Alaska and Idaho. Deputy Director Dawn Marquardt attended in 2014.

Klamath Tribes Restoration Day Celebration (August 22).

Deputy Director Dawn Marquardt attended the Restoration Celebration. She joined the parade with representatives of the Klamath Tribes Court and Child Support Enforcement to hand out school supplies to children and staffed an information booth.

In 2014 Director Kate Cooper Richardson, Deputy Director Dawn Marquardt, and Medford Branch Manager Katrina Niehaus attended the Klamath Tribes Restoration Day celebration and staffed an information booth alongside representatives from the Klamath Tribes Child Support Program and Tribal Court.

Pendleton DCS Branch Manager Holly Arguello attended a Stand Down in November 2014, and staffed an information table with CTUIR Tribal Child Support Outreach Director to provide tribal and state child support information to veterans and homeless.

Statewide Child Support Collection Activities.

The Oregon Child Support Program continues to maintain tribal liaisons in DCS branch offices throughout the state, who work in cooperation with the tribes to collect child support. As a result of these efforts, during 2015, DCS and Tribal programs were able to collect almost \$6 million on behalf of Native American families.

The Confederated Tribes of the Siletz Indians.

DOJ Attorney-In-Charge Claudia Groberg continued to represent the Child Support Program on child support cases at the Confederated Tribes of Siletz Indians. Groberg appeared monthly at Siletz Tribal Court for income withholding hearings. Groberg, Siletz Tribal Liaisons Brandy Maldonado and Coleen Hartford, Albany branch manager Sharrice Pendergraft and DCS Deputy Director Dawn Marquardt attended the per capita hearings in July. Over the two days of hearings, 177 cases were heard and \$103,580.85 was collected from Tribal dividends for child support. That effort was even greater than 2014, when Groberg represented the Child Support Program in 162 per capita hearings, where \$92,001.42 was collected from tribal dividends for child support.

The DCS Albany branch office continues to work successfully with the Siletz Tribe and Tribal court. Local Tribal liaisons continue to provide training to Tribal TANF staff. The liaisons meet with the Tribal TANF office monthly and provide training as well as case staffing for general case questions and paternity testing services. DCS meets quarterly with the Siletz satellite offices to provide additional support.

The Cow Creek Band of Umpqua Tribe of Indians.

The DCS Roseburg branch office continues to receive notices for registration of orders with the tribal court. The Tribal liaisons process all requests for registration and work closely with tribal court clerks to ensure that orders are registered timely to expedite the provision of money and health care coverage to families. The liaisons provided training to the new Tribal Court Administrator in October.

Roseburg DCS Manager Lisa Collins and Tribal Liaison Debbie Williams met with tribal staff in 2014 to discuss improvements for registering state orders in Tribal Court.

The Klamath Tribes.

The assigned DCS branch office 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. Over the course of this year, there were several transitions. The Medford office had a new branch manager start, the Klamath Tribes Child Support Enforcement office has a new Program Manager, and we have transitioned many cases involving Klamath Tribal members to the Bend DCS office. The role of Tribal Liaisons for the

Klamath Tribes is now handled out of the Bend office. During the transitions, DCS and KTCSE staff met regularly to discuss the transitions and provide trainings as needed.

In May 2015 Attorney in Charge Groberg visited the Klamath Tribes and met with staff regarding Klamath County cases.

The Confederated Tribes of the Umatilla Indian Reservation.

The Pendleton DCS office continues to work cooperatively with the CTUIR Office of Child Support Enforcement. The Tribal Liaisons assist with training of new CTUIR staff and assist with registering orders with CTUIR for enforcement/wage withholding. Staffs of both offices regularly interact to discuss cases and attend quarterly meetings.

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

The Tribe continues to honor wage and medical withholdings. The Tribal liaisons provide direct assistance to tribal members with questions regarding enforcement, modification, DNA testing, and paternity establishment.

Coquille Indian Tribe.

The Coquille Tribe has an established process for registering orders for the enforcement of cash and medical child support. The Tribal Liaisons provide 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.

Confederated Tribes of the Warm Springs Reservation.

The Bend DCS and the Confederated Tribes of Warm Springs continue to work cooperatively by referring customers to the appropriate office for establishment and enforcement actions.

Burns Paiute Tribe.

The Tribal Liaisons in the Pendleton office remain available to assist with any child support issues for Tribal members.

Appendix A

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.

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.

Ballot Titles (Appellate Division, Paul Smith, Deputy 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.

Criminal Appeals (Appellate Division, Paul Smith, Deputy Solicitor General)

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

Law Enforcement Programs of the Criminal Justice Division (Michael Slauson, Acting 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.

Domestic Violence Prosecution. Domestic Violence Prosecutor Erin 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.

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).

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

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

CVSD administers certain programs that are available to tribes or tribal members:

Federal and State Grant Funding. CVSD has administered the federal Violence Against Women Act (VAWA) Federal Grant Program since 2006 and the Oregon Domestic and Sexual Violence Services State Grant Program since 2001.

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.

Victim Compensation Program. The Crime Victim's Compensation Program provides financial assistance related to the expenses incurred by victims of person crimes.

Financial Fraud/Consumer Protection

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.

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.

Charitable Activities (Elizabeth Grant, Attorney in Charge)

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

Public Records Laws

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

Appropriate Dispute Resolution (Mike Niemeyer, ADR Coordinator)

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

Civil Rights (Director Erious Johnson)

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.

Division of Child Support (Kate Richardson, Administrator; Dawn Marquardt, Deputy and DCS Tribal Liaison)

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

Environmental and Cultural Resources Enforcement Unit. (Patrick Flanagan)

In 2013, DOJ established the new Environmental and Cultural Resources Enforcement Unit. The new unit combines the functions of the Environmental Crimes Unit (focused on prosecuting violations of Oregon environmental laws), with a civil enforcement function. The unit also may provide resources with respect to violations of Oregon archeological resource protection laws.

Appendix B

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.