

**Oregon Department of Justice Annual Government to Government Report 2016**  
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.<sup>1</sup>

### **Commission on Indian Services Spring Gathering.**

Tribal key contact Stephanie Striffler, Environmental and Cultural Resources Prosecutor Patrick Flanagan, and DOJ Indian Child Welfare Act coordinator Shannon Dennison attended the LCIS Spring Gathering and State Agency Training at Three Rivers Resort in May. Patrick Flanagan participated in a panel presentation with US Attorney's office tribal liaison Tim Simmons.

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<sup>1</sup> Child Support Division trainings, are described in the section of the report on Child Support Division, IV K, p.9.

### **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.

On May 2 & 3, 2016, Shannon Dennison, Civil Enforcement Division/Child Advocacy Assistant Attorney in Charge, presented an ICWA Qualified Expert Witness Training at the Umatilla tribal courthouse and the Pendleton DHS child welfare office for new expert witnesses from Oregon tribes. AAIC Dennison also prepared an ICWA Expert Witness Training to be presented to new expert witnesses for Oregon tribes at the Klamath tribe's courthouse in November 2016, and that training has been rescheduled to early 2017.

On October 20, 2016, Shannon Dennison co-presented a workgroup training with Nadja Jones, Oregon DHS tribal affairs liaison, at the 2016 Tribal/State ICWA Conference held at Seven Feathers in Canyonville, Oregon. The workgroup focused on government-to-government relationships, tribes and DHS working together on permanency planning and qualified expert witness testimony, and processes when DHS and tribes reach an impasse in case planning.

### **New BIA ICWA Guidelines.**

DOJ attorneys have been engaged in various training efforts related to the new Bureau of Indian Affairs Indian Child Welfare Act regulations.

In September 17, 2016, Shannon Dennison presented a training for Oregon juvenile attorneys on the new ICWA federal regulations at the Juvenile Law Training Academy.

In October, Assistant Attorney General Olivia Godinez and Shannon Dennison attended the U.S. Department of Interior ICWA Training in Olympia, Washington regarding the new regulations, with several representatives from DHS Child Welfare's Central Office. Also in attendance were representatives from several Northwest Indian tribes, Washington state child welfare ICWA workers and Assistant Attorneys General.

In December, Shannon Dennison presented a webinar training with Shary Mason, Oregon Judicial Department, for Oregon juvenile judges and referees on the new ICWA federal regulations.

AAIC Dennison has been presenting weekly short-topic trainings on the new ICWA regulations at internal DOJ meetings since November, 2016 to review and discuss the new rules and further DOJ attorneys' AAGs' understanding of the changes and impact on our work.

### **American Bar Association State and Local Government Section**

Attorney General Ellen Rosenblum, Stephanie Striffler and Child Advocacy Assistant Section Attorney in Charge Kamala Shugar attended the American Bar Association meeting of the State and Local Government Section. The latter two participated in a roundtable with other state and Tribal Attorney Generals' offices. Attorney General Rosenblum is the incoming chair



of that section. On the agenda were other presentations on Indian law related topics, including a presentation on “Energy Projects in Indian Country.”

**Internal Continuing Legal Education programs.**

DOJ’s recent in-house CLEs included the following programs:

“Introduction to Indian Law and Tribal Relations”

“Tribal Agreements”

“Oregon Archeological Resources Laws” (presentation by State Archeologist Dennis Griffin).

**CLE Library.**

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

**IV. Efforts to Promote Good Government to Government Relations**

**A. Annual Summit.**

Patrick Flanagan from the Environmental and Cultural Resources Enforcement Unit, Division of Child Support key contact Dawn Marquardt, and Diana Fleming from Crime Victims Services Division attended the 2016 summit hosted by the Siletz Tribe.

**B. Cluster Participation.**

**Public Safety.**

DOJ Tribal Key Contact Stephanie Striffler participated in cluster meetings.

**Cultural Resources.**

DOJ Tribal Key Contact Stephanie Striffler and Environmental Crimes prosecutor Patrick Flanagan participated in cluster meetings, including the cluster meetings held at Coquille in July and Burns in October.

**C. Special Activities**

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.

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

Stephanie Striffler attended the Installation of Tribal Flags in the US Attorney’s office, with tribal leaders.

### **Oregon State Bar Indian Law Section.**

Tribal contact Stephanie Striffler continued on the Executive Committee of the Oregon State Bar Indian Law Section as immediate past chair, and serves on the section's CLE subcommittee.

Two other members of the Executive Committee have recently been hired at DOJ.

### **Tribal and State Court Judges Forum.**

DOJ representatives participated in the 2016 "Tribal and State Court Judges Forum" hosted by the Klamath Tribes in Chiloquin in October, 2016. The meeting included a tour of tribal government building and a cultural presentation by Perry Chocktoot.

The meeting included a panel discussion on child support issues. Assistant Attorney General Claudia Groberg joined Klamath tribal court judge Jeremy Braveheart in presenting on that panel. Stephanie Striffler and Child Support tribal contact Dawn Marquardt also participated in the forum.

### **LCIS meeting.**

Patrick Flanagan presented at the LCIS meeting in Canyonville in August.

### **Frank Pommersheim Event.**

Tribal contact Striffler attended "An Evening with Frank Pommersheim: Tribal Justice: Twenty-five years as a Tribal Appellate Judge" at Lewis and Clark Law School in May.

## **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:

DOJ attorneys worked with Office of Emergency Management on a statutory amendment to facilitate a tribe becoming a 911 jurisdiction.

DOJ attorneys worked with the Oregon Watershed Enhancement Board on a grant agreement and other documentation for the acquisition of a 125 acre wetlands property to the Confederated Tribes of Siletz Indians with a conservation easement held by OWEB.

DOJ attorneys worked with the Oregon Health authority on matters related to tribal health care coordination.



**Mascot rule.**

DOJ attorneys have been coordinating with tribal attorneys in *Walters v. Board of Education*, a challenge to the Department of Education's rule regarding tribal agreements with school districts regarding the use of mascots.

**Tax.**

DOJ attorneys in the Tax and Finance section assisted state agencies on a variety of grant agreements with Oregon tribes.

**Hunting and Fishing.**

DOJ attorneys worked with the Oregon Department of Fish and Wildlife on multiple tribal agreements related to tribal hunting and fishing.

**Marijuana.**

DOJ attorneys worked with state agencies and the Governor's office in negotiating an agreement with the Warm Springs regarding marijuana production, sales and regulation.

**Child Advocacy.**

DOJ has assigned Child Advocacy Section Assistant Attorney-in- Charge Shannon Dennison, 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 the Department of Human Services 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.

From October – December of 2016, Shannon Dennison has participated in regular ICWA rule revision workgroup meetings with DHS, Oregon Judicial Department, and representatives from Oregon tribes. During these meetings, the workgroup has developed necessary changes to the state ICWA rules to ensure DHS compliance with the new federal rules.

**E. Gaming.**

The DOJ Tribal Key Contact serves on the Governor's negotiating team for tribal gaming compacts. In 2016 the state concluded a renegotiation of the compact with the Klamath tribes, and an amendment with the Coquille Tribe. In addition the state negotiated an MOU regarding security with the Cow Creek Tribe and has been in amendment negotiations with another tribe.

#### **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 addition, tribes on occasion contact the Department of Justice asking that the Attorney General join an amicus brief.

In 2016, the Attorney General joined one amicus brief supporting a tribal position, along with other states, and the Umatilla Tribe and other tribes. That brief was the "government perspective" brief in *Lewis v. Clarke*, a case involving tribal sovereign immunity.

#### **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 has recently been working with the Grand Ronde to provide Terrorism Liaison Officer Training and non-law enforcement "Active/Rampage Shooter Training," as well as coordinating other training. The Fusion Center hopes to use that experience to share similar training with the other Oregon tribes.

#### **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 continued to participate in the inter-agency cultural resources task force created to look at opportunities for increased cooperation between law enforcement agencies regarding enforcement of cultural resources laws.

DOJ attorneys continued to work 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, and to consult regarding potential legislative changes.

#### **I. Criminal Appeals.**

DOJ appellate attorneys coordinated with the Umatilla Tribe regarding a case involving questions of criminal jurisdiction on the Umatilla Reservation.

#### **J. Crime Victims' Services.**

In 2016, the Crime Victims' Services Division (DOJ CVSD) continued to build stronger collaboration between tribes and statewide technical assistance agencies, our grant-funded programs and community partners. Programs have (and continue) to appoint key tribal representatives on their boards, including tribal program staff in local trainings and partner



meetings, providing culturally specific training by tribal partners to non-tribal program staff and beginning to increase their understanding of tribal needs by having ongoing and direct conversation with Tribal Nations.

DOJ CVSD awarded non-competitive domestic and sexual violence funding in a FY 2015 – 2017 joint application to Tribal Nations. These funds were allocated to tribes – in addition to counties —for the first time in FY 2013 – 2015 utilizing a formula which is based on population (and enrolled tribal membership). As of December 2016, seven tribes have used the non-competitive grant funding to provide emergency support services for victims, travel and training for tribal advocates, as well as to hire additional part-time advocates to increase service delivery for victims in a large tribal county service area (up to 11 counties for Oregon Tribal Nations). The funding to tribes helps to ensure equal access to services for all victims across the state. As grantees, communication and collaboration with the Tribes on a state and local level has increased.

The following has occurred in 2016 since the Tribal Nation Listening Tour report<sup>2</sup> was released in May 2013.

DOJ CVSD awards federal STOP Violence Against Women Act (VAWA) Formula grant funds and state grant funds (Oregon Domestic and Sexual Violence Services or ODSVS) that ensure the use of the tribes' full indirect cost rate costs. Ten “next steps” outlined in the Listening Tour report are included in goals, objectives, and activities in the FY 2014-2016 STOP Implementation Plan. The work outlined in the goals was adopted by DOJ CVSD across all grant funds. The Implementation Plan was approved by the Office of Violence Against women in May 2014 following a statewide public commenting period that included Oregon Tribal Nations.

Six of nine federally recognized tribes attended and participated in CVSD's annual Directors' Day training in October 2016.

A representative of an Oregon tribe serves on the DOJ CVSD advisory committee. 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. Six tribes were represented in this meeting on August 26, 2016. The inclusion of tribal representatives helps to ensure 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 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 Tribal Nations.

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<sup>2</sup> A total of 28 meetings were conducted during the tour with the nine federally recognized tribes in Oregon and their community partners that identified barriers and strengths with respect to the provision of domestic and sexual violence (DVSA) services for tribal victims.

The Confederated Tribes of Siletz Indians was awarded \$240,711 in the FY 2016 – 2019 Victims of Crime Act (VOCA) Formula Competitive grant solicitation with an award period of October 1, 2016 – September 30, 2019. These funds will support another full-time advocate to provide services to victims in an 11 county tribal service area and continue to build collaboration with community-based agencies.

DOJ CVSD continues to update the list of key tribal contacts that facilitate state and local programs honor the tribes' ongoing communication on all matters. Tribal victim service program staff is also included on key state list serves.

New goals, objectives and activities will be added to the FY 2017 – 2020 STOP VAWA Implementation Plan that continues to increase service delivery for Tribal Nations. In FY 2017 – 2018, DOJ CVSD will conduct follow up meetings (and create action plans) with tribal leadership and victim service staff as well as other community partners in order to work directly with tribes to improve the response to violence against tribal victims. The draft version of the Implementation Plan will be released statewide for a 60-day public comment period. Tribal leadership, their designated contacts, tribal victim service staff and other statewide contacts are receiving a copy for comment.

As of October 2016 (through September 20, 2019), a DOJ CVSD Fund Coordinator and a Tribal Advisory Committee member will work with the SW Center for Law and Policy Tucson, Arizona and ALSO's STAAR Project in Chicago, to support STOP Administrator's efforts on VAWA Implementation Plan coordination with Tribal Nations.

## **K. Child Support**

### **New activities or changes in the Oregon Child Support Program (CSP)**

#### *New Tribal Liaisons for DCS*

- *The Klamath Tribes:* The current liaisons are Mondae Roberson, Lyssa Warren, and Kurt Segrist.
- *Confederated Tribes of Warm Springs:* The current liaisons are Mondae Roberson, Lyssa Warren, and Kurt Segrist.
- *Burns Paiute:* The current liaisons are Mondae Roberson, Lyssa Warren, and Kurt Segrist.
- *Confederated Tribes of the Grand Ronde:* The current liaisons are Roy Fair and Jessika Jenson.

The complete list of current Tribal liaisons for each Tribe office is attached as Appendix C.

## **Training**

In addition to the Tribal-State court Forum noted above, Child Support Division representatives attended a variety of trainings relevant to tribal issues in 2016:



*Increase Your Success (IYS) Conference (March 22)*: 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.

*Annual State and Tribal Child Support Conference (May 4 & 5)*: The conference was held in Canyonville and hosted by the Cow Creek Band of Umpqua Tribe of 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, Cow Creek Band of Tribe of Umpqua Indians, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Siletz Indians were represented. DOJ Native American Affairs Coordinator Stephanie Striffler, DOJ Attorney-in-Charge Claudia Groberg, and other Civil Enforcement AAGs also appeared. The federal Regional Program Manager for state and Tribal child support programs in Oregon, Washington, Idaho, and Alaska also attended. DOJ Native American Affairs Coordinator Stephanie Striffler spoke about the Government to Government relationships between the State and Tribes. Conference attendees learned about the history of the Cow Creek Tribe and also had an opportunity to tour the Government Office and view the collection of Tribal artifacts.

*National Tribal Child Support Association Training Conference (June 26 – 30 - Tulalip, WA)*: Deputy Director Dawn Marquardt, DOJ Attorney-in-Charge Claudia Groberg, Pendleton Branch Manager and Tribal Liaison Holly Arguello, and Bend Case Manager and Tribal Liaison Mondae Roberson attended the conference. Dawn Marquardt was also a presenter at the conference.

*National Child Support Enforcement Association Annual Conference – (New Orleans, LA August 1-3)*: Several members of the Oregon Child Support Program management team attended the conference in Louisiana that included state, tribal, federal, and international representatives.

*Oregon District Attorney Association 2016 Child Support Conference – (September 23, Salem)*: DCS Deputy Director Dawn Marquardt presented on the statutory history of state and Tribal relations in Oregon to DCS management and district attorney child support staff. Kelly Sager, Umatilla Tribal Child Support Program Manager, also attended and presented on Tribal issues.

*Western Interstate Child Support Enforcement Council (WICSEC) Annual Conference - (October 2-6, Salt Lake City, UT)*: Director Kate Cooper Richardson, Field Operations Section Chief Tammy Kramer, and other Program management and staff attended the conference, as well as representatives of several other regional Tribal child support programs.

### **Statewide Child Support Collection Activities.**

The Oregon Child Support Program maintains 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 2016, DCS and Tribal programs were able to collect almost \$6 million on behalf of Native American families.



*The Confederated Tribes of the Siletz Indians.* 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. In November, Siletz TANF staff visited the DCS Albany office for training provided by Tribal Liaison Brandy Maldonado, Deputy Director Dawn Marquardt, and Lead Workers Stephanie Bangert and Bryan Lea.

DOJ Attorney-In-Charge Claudia Groberg continued to represent the Oregon 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 and Siletz Tribal Liaisons Brandy Maldonado and Coleen Hartford attended the per capita hearings in July. Over the two days of hearings, \$113,691.36 was collected from Tribal dividends for child support. Some of those funds were assigned to the Siletz Tribe to reimburse the Tribe for Tribal TANF.

*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 clerk to ensure that orders are registered timely to expedite the receipt of child support. The Tribe and DCS also partnered together to host the Annual State and Tribal Child Support Conference.

*The Klamath Tribes.* The Bend 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. The Klamath Tribes TANF program regularly sends requests of assignment of support when a caretaker is receiving Tribal TANF. DCS and Klamath Tribes child support and TANF staff met regularly this year to discuss each other's business needs, improve processes, and provide trainings as needed, including having two tribal child support case managers attend the Child Support Academy in Salem. In 2016, Klamath Tribes Child Support Enforcement staff also worked closely with Division of Child Support financial case managers to reconcile payment records.

*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. Staff from 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 Grand Ronde.* The Tribal liaisons in the Eugene DCS office assist with any child support issues for Tribal members. The Tribal liaisons visited the Tribe with DOJ AAG Shannon Richard for introductions of the new liaison.

*Confederated Tribes of the Warm Springs Reservation.* The Tribal liaisons in the Bend DCS office are available to assist with child support issues for Tribal members.

*Burns Paiute Tribe.* The Tribal liaisons in the Bend office are available to assist with 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, Ben Gutman, 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, Ben Gutman, 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, 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).

**Elder Abuse Prosecution.**

In November 2016, the Attorney General appointed Dan Norris as the first statewide elder abuse prosecutor, to head DOJ's new Elder Abuse unit will work with Oregon's district attorneys, and other prosecutors, law enforcement and community partners throughout the state. In addition to the investigation and prosecution, the unit will develop training materials and best-practice policies to improve the identification, investigation and prosecution of elder abuse.

**TITAN Fusion Center** (Steven McIntosh, Assistant Special Agent-in-charge)

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.

**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:*

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#### (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.



## Appendix C

### Oregon Child Support Program Tribal Contacts

<http://www.oregonchildsupport.gov/resources/pages/tribal.aspx>

<b>Statewide Tribal Contact</b>	
Name	Dawn Marquardt
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E-Mail	dawn.marquardt@doj.state.or.us
<b>Confederated Tribes of the Umatilla Indian Reservation</b>	
Name	Holly Arguello
DCS Office	Pendleton
Address	800 SE Emigrant Street, Suite 100, Pendleton, OR 97801
Phone #	541-276-6932 Ext. 5224
Fax #	541-278-4062
E-Mail	holly.arguello@doj.state.or.us
Name	Carol McCall
DCS Office	Pendleton
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Phone #	541-276-6932 Ext. 5212
Fax #	541-278-4062
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<b>Confederated Tribes of Coos, Lower Umpqua &amp; Siuslaw Indians</b>	
<b>Coquille Indian Tribe</b>	
<b>Cow Creek Band of Umpqua Tribe of Indians</b>	
Name	Brittney Moreno
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Fax #	541-440-3368
E-Mail	brittney.m.moreno@doj.state.or.us
Name	Debbie Williams
DCS Office	Roseburg
Address	2440 NW Troost Street, Suite 100, Roseburg, OR 97471



Phone #	541-440-3385
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<b>Confederated Tribes of the Siletz Indians</b>	
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<b>Burns Paiute Tribe</b>	
<b>Confederated Tribes of Warm Springs</b>	
<b>The Klamath Tribes</b>	
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