

Oregon Department of Justice Annual Government to Government Report 2017
Pursuant to ORS 182.166(3)

Tribal Key Contacts: Stephanie Striffler
Senior Assistant Attorney General
Native American Affairs Coordinator
100 SW Market St.
Portland OR 97201
(971) 673-1880

Kamala Shugar
Special Counsel
Office of the Attorney General
1162 Court Street NE
Salem OR 97301
(503) 378-6002

I. Introduction

The Department of Justice (DOJ) is unique among state agencies in that it functions in two capacities. First, the Department administers programs pursuant to the Attorney General's independent statutory authority. And second, attorneys in the Department provide advice to, and represent, Oregon's 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, reflect 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 interface with tribes is attached as Appendix A to this report.

II. Tribal Relations Policy

The Attorney General has adopted the Tribal Relations Policy, attached as Appendix B to this report. The policy is incorporated in the Department's Policy Manual, which is presented to all new employees and available on the agency intranet. In addition, the Department's Tribal Key Contacts annually circulate an email reminder regarding the policy. An introduction to and discussion of the policy is 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

A. Commission on Indian Services Spring Gathering

Both Tribal Key Contacts, Stephanie Striffler and Kamala Shugar, as well as Attorney General Ellen Rosenblum attended the Commission on Indian Services Spring Gathering in May 2017. Attorney General Rosenblum delivered welcoming remarks at the gathering.

B. Cultural Resources

Sr. AAG Patrick Flanagan presented at the OPRD annual cultural resources training for state employees. Sr. AAG Flanagan also served as an instructor for the DPSST for a statewide Oregon State Police in-service training on cultural resources laws.

C. Jurisdiction in Indian Country

Tribal Key Contact Stephanie Striffler participated with AUSA Tim Simmons from the U.S. Attorney's office in providing criminal jurisdiction training to state, local and tribal officers at three locations: The Department of Public Safety Standards and Training in Salem, on the Warm Springs reservation, and on the Umatilla reservation. Others from DOJ attended, including Sr. AAG Patrick Flanagan and AAG Patrick Aitchison from the Environmental and Cultural Resources Enforcement Unit.

The training included discussion of full faith and credit for tribal court protection orders and cultural resources issues.

D. Indian Child Welfare Act

All newly hired 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.

AAIC Shannon Dennison, Civil Enforcement Division, Child Advocacy Section provided ICWA training on May 1, 2017, to the Yamhill County juvenile court community. Yamhill County judicial officers, DHS caseworkers, local tribes (including the

¹ For Child Support Division trainings, see the section of the report on Child Support Division.

Confederated Tribes of Siletz Indians and the Confederated Tribes Grand Ronde), the CASA office, and the defense consortium attorneys were invited to the training.

Beginning in August 2017, AAIC Shannon Dennison met regularly with DHS ICWA Consultant Christine Kamps, representatives from the Confederated Tribes of Siletz Indians, DHS ICWA worker Jaqueline Cloud, and Shary Mason with the Oregon Judicial Department to develop a training on ICWA regulations for the Lincoln County juvenile court community.

On October 18, 2017, AAIC Shannon Dennison and DHS Tribal Affairs Director Nadja Jones trained at the 2017 Tribal/State ICWA Conference at the Chinook Winds Casino and Convention Center in Lincoln City. Specifically the training centered on developing culturally appropriate Protective Action Plans with Indian families, emergency removals, and foster care proceedings. Representatives from all Oregon tribes attended this training.

Throughout 2017, AAIC Shannon Dennison worked with DHS ICWA consultants Emily Hawkins and Christine Kamps, and OJD contacts Lorraine Brave and Shary Mason to develop an ICWA Qualified Expert Witness Training to be presented at the Klamath Tribe's courthouse in early 2018 (rescheduled from 2017 at the request of the tribe).

During 2017, all Child Advocacy Section AAGs attended internal DOJ meetings to receiving training, review and discuss ICWA federal guidelines and DHS ICWA administrative rules to further develop their understanding of the changes and the impact on their work.

E. Oregon State Bar Indian Law Section CLE

Several DOJ attorneys participated in and attended the CLE "Current Developments in Federal Indian Law" including a presentation on ICWA.

F. Attorney General's Public Law Conference

Every other year, the Attorney General convenes a statewide public law conference for representatives and leaders from all Oregon state agencies on legal matters specific to public agencies and their administration. In October, 2017, Tribal Key Contact Stephanie Striffler partnered with Warm Springs attorney Howie Arnett to present a session on Tribal Relations and the Legal Status of Indian Tribes.

G. Western Policing Institute

Tribal Key Contact Stephanie Striffler participated on a panel on SB 412 at the Western Community Policing Institute Symposium "Breaking Down Tribal Jurisdictional Walls" in May 2017.

H. Northwest Gaming Law Summit

Tribal Key Contact Stephanie Striffler presented at the Northwest Gaming Law summit in Seattle. Assistant Attorney General Adrienne Delcotto also attended the two-day summit, which included presentations by state, tribal and federal speakers.

I. Internal Continuing Legal Education programs for DOJ attorneys

DOJ's recent in-house CLE, attended by attorneys across disciplines and throughout the department, included a program on Tribal Gaming presented by Tribal Key Contact Stephanie Striffler and AAG Adrienne Delcotto.

J. CLE Library

DOJ maintains a library of Continuing Legal Education recordings and materials, including Indian law presentations from the current year and many years past.

IV. Efforts to Promote Good Government to Government Relations

A. Annual Summit and Training Day

This year, the following Department attorneys and representatives attended the Annual Training Day held the day before the Annual Summit: Kamala Shugar, Dawn Marquardt (Child Support), Patrick Flanagan (Environmental and Cultural Resources Enforcement), Amanda Swanson (Human Trafficking), and Adrienne Delcotto (Government Services - who advises OSP's Tribal Gaming Section).

The next day, Attorney General Ellen Rosenblum was honored to have the opportunity to attend and speak at the Governor's Annual Tribal Summit, hosted by the Siletz tribe. In addition, the following Department representatives attended the Summit: Stephanie Striffler, Kamala Shugar, Dawn Marquardt (Child Support), Patrick Flanagan (Environmental and Cultural Resources Enforcement), and Diana Fleming (Crime Victims Services Division).

B. Cluster Participation

1. Public Safety

DOJ Tribal Key Contacts Stephanie Striffler and Kamala Shugar, along with Crime Victims' Grant Fund Coordinator Diana Fleming and Trafficking Intervention coordinator Amanda Swanson all participated in cluster meetings.

Attorney General Ellen Rosenblum attended and spoke as a guest at the Public Safety Cluster in October.

2. Cultural Resources.

DOJ Tribal Key Contact Stephanie Striffler and Sr. AAG Patrick Flanagan participated in Cultural Resources Cluster meetings.

C. Special Activities

Tribal Key Contacts Stephanie Striffler and Kamala Shugar participated in meetings with the Board of Trustees of the Umatilla Indian Reservation and Governor's Office representatives, including meeting at the Umatilla Reservation.

1. Tribal celebrations

Tribal Key Contact Kamala Shugar attended the Coquille Tribe's annual Restoration Day celebration.

2. Domestic Violence Summit

Tribal Key Contacts Kamala Shugar, Stephanie Striffler and Diana Fleming participated in the Tribal State and Federal Domestic Violence summit at the Umatilla reservation in May. Stephanie Striffler spoke on "Reflections on Government-to-Government Relationships." Diana Fleming presented "Observations on State Collaboration with Tribal Nations."

3. Oregon State Bar Indian Law Section

Tribal Key Contact Stephanie Striffler continued on the Executive Committee of the Oregon State Bar Indian Law Section and serves on the section's CLE subcommittee.

Two other DOJ attorneys served on the Executive Committee.

4. Tribal and State Court Judges Forum

Stephanie Striffler participated in the 2017 "Tribal and State Court Judges Forum" meeting in June. The forum included presentations on the Indian Child Welfare Act regulations, drug courts, and transfer of juvenile cases.

She and Diana Fleming serve on the forum subcommittee on the enforcement of tribal court restraining orders.

Two Tribes, Two Judges, One Goal – Tribal Justice – Stephanie Striffler and Division of Child Support key contact Dawn Marquardt and other representatives of DOJ attended the film screening and panel discussion sponsored by the Oregon Tribal Court/State Court Judicial Forum, Tribal Law & Policy Institute, and NALSA and the Indian Law Program at Lewis & Clark Law School.

D. Representation of State Agencies

The Department of Justice is the attorney for all Oregon state agencies, and this includes legal representation and advice involving policies and laws that impact tribal relations. 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 legal work conducted in the course of representing the State or other state agencies follow:

1. Fire suppression agreement

DOJ attorneys worked with the Oregon State Fire Marshal on an agreement with the Bureau of Indian Affairs regarding response to fires on tribal lands throughout Oregon.

2. Health care

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

AAG Jeff Wahl worked with the Health Services Division of the Oregon Health Authority to review and advise on collaboration with tribes, including developing a tribal collaboration protocol consistent with federal requirements. This included meeting with tribal representatives in order to develop a protocol that the state would pass on to coordinated care organizations (CCOs) as part of the CCO contract.

3. Wetlands grant

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.

4. Water

DOJ attorneys worked with the Oregon Water Resources Department on tribal water rights negotiations.

Assistant Attorney General Sarah Weston participated as the chair of the attorney “Case Management Committee” for the Klamath Basin Adjudication. The committee was established by the Court to provide proposed case management orders and assist the court in managing the adjudication. This committee work includes coordination between attorneys for the state and attorneys for the Klamath Tribes approximately every two weeks.

5. Education

DOJ attorneys worked with the Oregon Department of Education on an agreement with the Grand Ronde tribe regarding juvenile crime prevention funds.

6. Mascot rule challenge

DOJ attorneys have continued to coordinate 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.

7. Tax

DOJ attorneys in the Tax and Finance section assisted state agencies on a variety of grant agreements with Oregon tribes. Section Attorney in Charge Melisse Cunningham worked with the Department of Revenue and the Warm Springs tribal representatives on legislation (HB 2197) that permitted the Department to enter into a tax agreement with a tribe that has established a marijuana regulatory agreement with the Governor’s office. Negotiations are now underway to implement that new law.

8. Hunting and Fishing

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

AAG Anika Marriott continued cooperative and collaborative work with the Columbia River tribes in concluding negotiations of a new 10 year management agreement for fisheries along the Columbia River, subject to ongoing court oversight in *United States v. Oregon*.

Patrick Flanagan worked with the Umatilla Tribal attorneys to establish a cooperative approach to resolving a hunting case with treaty rights implications.

9. 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. The agency is now also in discussion with other tribes regarding possible agreements.

10. Child Advocacy

Child Advocacy Section Assistant Attorney-in- Charge Shannon Dennison, along with Chief Counsel Joanne Southey are assigned to serve as DOJ's Indian Child Welfare Act points of contact for the Department of Human Services and tribes.

The Child Advocacy Section advises the Department of Human Services in legal staffings and consultations to ensure compliance with ICWA and to follow DHS' procedures and policies, which include working 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 attorneys in this section also promote tribal caseworker participation in court hearings and assist in arranging for telephone appearances by tribal representatives, even when the court may not. The attorneys in this section advise DHS to make active efforts in all ICWA cases, thereby reducing unnecessary delay and ensuring the most appropriate permanent plan can be achieved for an Indian child.

From January – June of 2017, AAIC Shannon Dennison participated on DHS' ICWA Rules Advisory Committee along with representatives from multiple Oregon tribes, attorney Craig Dorsay, and Shary Mason with the Oregon Judicial Department. Ms. Dennison attended the public rule-making hearing on June 13, 2017, along with representatives from the Siletz Tribes. Ms. Dennison has continued to meet with DHS and tribal representatives to discuss amendments to DHS' ICWA rules.

On October 3, 2017, AAIC Shannon Dennison attended the first meeting of DHS' Customary Adoption Workgroup, along with representatives from Oregon tribes and Shary Mason of the Oregon Judicial Department. Oregon tribes requested that DHS form this workgroup to explore the option of implementing customary adoptions with Oregon tribes. This committee will continue meeting in 2018.

E. Gaming

Stephanie Striffler has served on the Governor's negotiating team for tribal gaming compacts. In 2017 the state concluded a compact amendment with the Grand Ronde Tribe, and has been in amendment negotiations with two other tribes.

AAG Adrienne Delcotto, who has begun to work with the Oregon State Police and the Governor's office on tribal gaming matters, attended the December meeting of the Oregon Association of Indian Gaming Commissions.

F. *Amicus Curiae* Brief Participation and 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 2017, the Attorney General declined to join two amicus briefs after receiving tribal input.

G. Consumer Protection

The Department's Consumer Protection Outreach Director Ellen Klem spoke to the Legislative Commission on Indian Services at its May meeting.

H. Law Enforcement Coordination

1. DOJ's TITAN Fusion Center

The Fusion Center, an anti-terrorism and criminal information clearinghouse, continues to work with tribes to increase information sharing with tribal law enforcement. The Fusion Center conducted four Active Shooter Trainings at the Spirit Mountain Casino for approximately 80 tribal security personnel, as well as a Fusion Liaison Officer Training at Three Rivers Casino.

2. Narcotics Enforcement

At the Oregon Narcotics Enforcement Association meeting in July, Investigative Center Analyst Juli Ross-Mota met with a detective from the Columbia River Intertribal Fisheries Enforcement (CRTFE) to explain the services of our High Intensity Drug Trafficking Area (HIDTA) program and what it can offer,

including introducing several task force sergeants and other law enforcement who work in the intertribal police's jurisdiction. Since then CRTFE has reached out with updates and questions related to narcotics trends and other related topics, allowing for information sharing and coordination.

I. 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. Mr. Flanagan also attended multi-agency cultural resource protection coordination meetings in February and May sponsored by the FBI and hosted at the US Forest Service.

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. The Department supported a legislative change (SB 144) to the cultural resource protection statutes to allow for greater enforcement opportunities for the DOJ.

J. Crime Victim and Survivor Services

In 2017, the Crime Victims' Services Division (CVSD) continued to build stronger collaboration between tribes and statewide technical assistance agencies, our grant-funded programs and community partners. Those programs are continuing to appoint tribal representatives on their boards, to include tribal program staff in local trainings and partner meetings, to provide culturally specific training by tribal partners to non-tribal program staff, and are beginning to increase their understanding of tribal needs by having ongoing and direct conversation with tribes.

CVSD awarded non-competitive domestic and sexual violence funding in a FY 2017 - 2019 joint application to Tribal Nations. These funds, federal STOP Violence Against Women Act (VAWA) Formula grant pass through funds and state grant funds (Oregon Domestic and Sexual Violence Services or ODSVS) are allocated to counties and more recently to tribes (first time in FY 2013 – 2015) utilizing a formula which is based on population (and enrolled tribal membership). As of December 2017, seven of the Oregon federally recognized tribes have used the non-competitive grant funding to provide emergency support services for victims, travel and training for tribal advocates, and hiring 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 ensures equal access to services for all victims across the state. Communication and collaboration with the Tribes as grantees on a state and local level has increased.

The following has occurred in 2017 since the [Tribal Nation Listening Tour report](#)² was released in May 2013.

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

CVSD continues to update the list of key tribal contacts annually that ensures 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.

1. DOJ CVSD advisory committee

Two of the nine federally recognized tribes in Oregon have a member representing tribal interests on the DOJ CVSD advisory committee. All nine tribes are invited to each of the Violence Against Women Act Implementation Plan Subcommittee meetings that set statewide strategy for domestic and sexual violence service provision. Six tribes were represented in this meeting on May 11, 2017. The inclusion of tribal representatives helps to assure 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.

2. STOP VAWA Implementation Plan

In 2017, all nine Oregon tribes reviewed the STOP VAWA Implementation Plan for FY 2017 – 2020. The plan includes next steps as outlined in the Listening Tour report in its goals, objectives, and activities. New goals, objectives and activities were added to the FY 2017 – 2020 STOP VAWA Implementation Plan that continues to increase service delivery for tribes. In FY 2018, CVSD will begin conducting 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 Implementation Plan was approved by the federal Office of Violence Against Women in October 2017 and is posted on the CVSD website.

² 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.

3. Victim of Crime Act (VOCA) non-competitive funding opportunity

CVSD formally notified tribal leaders and representatives from all Oregon tribes about a Victim of Crime Act (VOCA) non-competitive funding opportunity for a total of \$2,250,000 (\$250,000 per tribe), for a 2 year award period beginning April 1, 2018 with no match requirements. Ms. Fleming conducted in-person presentations and teleconferences before tribal leadership and representatives in July and August. The funds will serve a broad range of services for victims such as child abuse, elder abuse, sex trafficking, domestic and sexual violence, and general victim services. A brief overview of the purpose of the federal grant funds and allowable costs were provided.

4. **Directors' Day training.** Six tribes attended and participated in CVSD's annual Directors' Day training in September 2017.
5. **Tribal, State & Federal Summit: Protecting and Investing in Tomorrow's Leaders.** CVSD provided 7 scholarships to community-based programs (non-profit and tribal) to attend the Tribal, State & Federal Summit sponsored by the Confederated Tribes of Umatilla Indian Reservation in May.
6. **National STOP Conference.** Ms. Coyote and Ms. Fleming outlined Oregon's model of Tribal and State collaboration in a breakout session at the national STOP Conference in Tucson, Arizona on March 26, 2017.

A CVSD Fund Coordinator and a Tribal Advisory Committee member will work with the SW Center for Law and Policy in Tucson, Arizona and ALSO's STAAR Project in Chicago to support STOP Administrator's efforts on VAWA Implementation Plan coordination with Tribal Nations. An in-person meeting was scheduled on January 11, 2018 with the US DOJ, Office on Violence Against Women (OVW) in Washington D.C.

7. **Human Trafficking.** Amanda Swanson worked with communities and tribes across the state bringing awareness and building a response to human trafficking. In collaboration with the FBI, CVSD has partnered with the Confederated Tribes of the Umatilla Indian Reservation and the Burns-Paiute Tribes to bring training to their tribal and local service providers, prosecutors, and law enforcement. There are currently representatives from the Confederated Tribes of Grand Ronde and the Burns-Paiute Tribe on the Attorney General's Trafficking Intervention Advisory Committee, with hopes to add representatives from other tribes in the next year.

K. Child Support

1. New Activities or Changes in the Oregon Department of Justice Division of Child Support and the Oregon Child Support Program

New Management Personnel in Offices Where Tribal Liaisons Work:

- *Albany:* Martin Herbest is the branch manager.

Steps Taken by the Division of Child Support to Strengthen Communications and Relationships with Oregon's Tribes

In 2017, the Child Support Program had a number of changes in Tribal Liaisons assigned to work with each Tribe. As new liaisons were named, we implemented an email mailbox for each office that serves as a liaison to enable our Tribal partners to continue using the same email address regardless of staffing changes. This also enables local management and backup liaisons to easily access communications.

In 2017, both Tribal liaisons for The Confederated Tribes of Grand Ronde at the Eugene DCS office left employment with the Program. At that time, it was determined we would consolidate the responsibilities for the Grand Ronde Tribe into the Albany DCS office, which also serves as the Tribal liaison for the Confederated Tribe of Siletz Indians and is geographically closer to Grand Ronde.

Tribal Liaisons Changes for the Division of Child Support in 2017

- *The Klamath Tribes:* The current liaisons are Lyssa Warren Wyatt, Brittany Bradley, Liza Lima, and Kurt Segrist.
- *Confederated Tribes of Warm Springs:* The current liaisons are Lyssa Warren Wyatt, Brittany Bradley, Liza Lima, and Kurt Segrist.
- *Burns Paiute:* The current liaisons are Lyssa Warren Wyatt, Brittany Bradley, Liza Lima, and Kurt Segrist.
- *Confederated Tribes of the Grand Ronde:* The current liaisons are Brandy Maldonado and Coleen Hartford.

The list of current Tribal liaisons for DCS is attached.

2. Trainings and Events

Annual State and Tribal Child Support Conference (Grand Ronde, May 3 & 4): This year's annual meeting was hosted by The Confederated Tribes of Grand Ronde. All DCS branches with a Tribal liaison were represented, including the Director Kate Cooper Richardson and Deputy Director and Division of Child Support key contact Dawn Marquardt, and managers/tribal liaisons with active tribal partnerships. The Klamath Tribes, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, and The Confederated Tribes of Grand Ronde were represented. DOJ Attorney-in-Charge Claudia Groberg, and other Civil Enforcement Assistant AGs also attended. The federal Regional Program Manager for state and Tribal child support programs in Oregon, Washington, Idaho, and Alaska also attended. Conference attendees learned about the history of the Grand Ronde and also had an opportunity to visit the Plank House.

National Tribal Child Support Association Training Conference (Niagara Falls, NY, July 9 to 13): Division of Child Support key contact Dawn Marquardt attended the conference with representatives from Oregon's Tribal Child Support Programs, as well as Tribal, federal, and state representatives from across the U.S.

National Child Support Enforcement Association Annual Conference – (Scottsdale, AZ, August 6-9): Director Kate Cooper Richardson and Hillsboro branch manager Carmen Lopez of the Oregon Child Support Program management team attended the conference in Arizona that included state, Tribal, federal, and international representatives.

The Klamath Tribes Restoration Celebration – (Chiloquin, August 25 - 26): Division of Child Support key contact Dawn Marquardt, Bend branch manager Brandee Stroud, and Bend case manager and Tribal Liaison Lyssa Warren Wyatt attended the Restoration Celebration. They shared a booth at the Fun Run/Walk with The Klamath Tribes Child Support Enforcement Program. The Division of Child Support representatives also attended the Pow Wow and Parade over the weekend.

DCS Tribal Liaison Meeting – (Video conferencing – August 28): DCS Tribal key contact Dawn Marquardt led a meeting of Tribal liaisons and managers to share news from The Klamath Tribes Restoration Celebration, watched a Tribal video, and share news on interactions with the Oregon Tribes.

Western Interstate Child Support Enforcement Council (WICSEC) Annual Conference - (Anchorage, AK, September 24 - 28): 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.

3. Efforts to promote communication between the agency and tribes and government to government relations between state & tribes

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, **\$111,536.38** 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.

Statewide Child Support Collection Activities. The Oregon Child Support Program maintains Tribal liaisons in DCS offices throughout the state, who work in cooperation with the tribes to collect child support. As a result of these efforts, during 2017, 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 Albany DCS 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.

The Cow Creek Band of Umpqua Tribe of Indians. The Roseburg DCS 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 the Tribal court clerk to ensure that orders are registered timely to expedite the receipt of child support.

The Klamath Tribes. The Bend DCS 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, and improve processes.

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 assisted with any child support issues for Tribal members. Since the transition of Tribal liaison duties to the Albany office, Division of Child Support key contact Dawn Marquardt, Albany office manager Martin Herbest, and Albany case manager and Tribal

liaison Brandy Maldonado visited with the Grand Ronde Tribal Court Administration for introductions.

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.

1. Advice and Representation of State Agencies (Chief Counsel Steve Wolf, General Counsel Division)

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:

- a. **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.
- b. **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.

2. Ballot Titles (Solicitor General Ben Gutman, Appellate Division)

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.

3. Criminal Appeals (Solicitor General Ben Gutman, Appellate Division)

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

4. Law Enforcement Programs (Chief Counsel Michael Slauson, Criminal Justice Division)

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).

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

- f. **Elder Abuse Prosecution.** (Sr. AAG Dan Norris) 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.
- g. **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.

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

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

- a. **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.
- b. **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.
- c. **Victim Compensation Program.** The Crime Victim's Compensation Program provides financial assistance related to the expenses incurred by victims of person crimes.
- d. **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.
- e. **Human Trafficking Intervention.** (Amanda Swanson)

The Trafficking Intervention Program was created in Spring 2015. The goal of the program is to develop a comprehensive statewide response to trafficking that encourages cooperation and coordination across state and local agencies. The Program assists counties and others, including tribes, in developing the necessary infrastructure to identify trafficking victims, train law enforcement, social service partners and establish victim service programs to assist trafficking survivors.

6. Financial Fraud/Consumer Protection (Kelly Harpster, 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.

- a. **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.

7. 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.

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

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

9. Public Records Laws (Special Counsel Michael Kron)

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

10. 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.

11. Environmental and Cultural Resources Enforcement Unit. (Patrick Flanagan)

In 2013, DOJ established the new Environmental and Cultural Resources Enforcement Unit. The 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 provides 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.