

Oregon Department of Justice Annual Government to Government Report 2018-2019
Pursuant to ORS 182.166(3)

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I. Introduction

The Department of Justice (DOJ or Department) 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, 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.¹

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

This is a combined report, covering DOJ's activities from 2018-2019.

II. Tribal Relations Policy

The Attorney General has adopted the Tribal Relations Policy, attached as Appendix B to this report. The policy has been incorporated into the Department's Policy Manual, which is presented to all new employees. In addition, the Department's 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.

¹ The Nine Federally Recognized Tribes in Oregon will be referenced by the following:
Burns Paiute Tribe – Burns Paiute Tribe
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians – CTCLUS
Confederated Tribes of the Warm Springs Reservation – CTWS or Warm Springs Tribe
Coquille Indian Tribe – Coquille Tribe
Klamath Tribes – Klamath Tribes
Cow Creek Band of Umpqua Tribe of Indians – Cow Creek Tribe
Confederated Tribes of the Grand Ronde – CTGR or Grand Ronde
Confederated Tribes of the Siletz Indians in Oregon – Siletz Tribe
Confederated Tribes of the Umatilla Indian Reservation – CTUIR or Umatilla Tribe

Unless noted otherwise, a reference to "Tribe" or "tribe" refers to one of Oregon's 9 federally recognized tribes.

III. Training

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

A. External Trainings (in chronological order)

Top 10 Things All Attorneys Should Know About Indian Law, Multnomah Bar Association (Portland), January 18, 2018. Assistant Attorney General Stephanie Striffler and Assistant United State Attorney Tim Simmons presented a continuing legal education program of an overview of and brief introduction to Indian Law.

CTUIR Treaty Rights and Jurisdiction Training (Salem), April 28, 2018. CTUIR Office of Legal Counsel Attorneys Naomi Stacy, Brent Leonhard, and Brent Hall presented training on the unique attributes of the CTUIR Treaty of 1855, working matters of mutual government, and consultation and best practices in the government to government relationship. Many DOJ attorneys attended and the invite was extended to several state agencies.

Annual State and Tribal Child Support Conference (Pendleton), May 2-3, 2018. The 2018 annual meeting was hosted by the Confederated Tribes of the Umatilla Indian Reservation. All Division of Child Support (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 Cow Creek Band of Umpqua Tribe of Indians were represented. Representatives of District Attorney Family Support offices in Lincoln, Lane, and Morrow counties also attended. Civil Recovery Section Attorney-in-Charge (AIC) Claudia Groberg, and other Civil Enforcement AAGs also attended. The federal Regional Program Manager for state and tribal child support programs in Oregon, Washington, Idaho, and Alaska also attended. For the first time, representatives of the Washington Child Support Tribal Relations Team attended to learn about tribal relations in Oregon and share information about their tribal relations team. Conference attendees learned about tribal court practices and customs and visited the Tamástslíkt Cultural Institute to experience the interactive exhibits.

National Child Support Enforcement Association Annual Conference (Pittsburg, PA), August 12-15, 2018. DCS Director Kate Cooper Richardson, Deputy Director Dawn Marquardt, and branch managers from Bend and Roseburg of the Oregon Child Support Program management team attended the conference in Pennsylvania that included state, tribal, federal, and international representatives.

The Klamath Tribes Restoration Celebration (Chiloquin), August 24 – 25, 2018. DCS Bend case managers and Tribal Liaisons Lyssa Warren Wyatt and Mondae Roberson attended the Restoration Celebration. They shared a booth at the Fun Run/Walk with the Klamath Tribes Child Support Enforcement Program. DCS representatives also attended the Pow Wow and Parade over the weekend.

Western Interstate Child Support Enforcement Council (WICSEC) Annual Conference (Omaha, NE), October 14 – 18, 2018. DCS Director Kate Cooper Richardson, Tribal Liaisons Mondae Roberson and Brittney Moreno, and other program representatives attended the conference, as well as representatives of several other regional tribal child support programs.

State VOCA Administrators and Tribal Victim Services: Working Together for Better Outcomes for AI/AN Victims of Crime, 16th National Indian Nations Conference (Agua Caliente Band of Cahuilla Indians Reservation & Palm Springs, CA), December 6, 2018. Crime Victim and Survivor Services Division Manager Shannon Sivell and Grant Management Section Manager Mike Maryanov attended this workshop covering topics of tribal crime victims' access to state compensation funds, collaboration opportunities between states and tribes to serve all victims, and opportunities for assistance funding to tribal programs. Oregon delegation met with representatives from the tribes at breakout sessions.

NW Gaming Summit (Seattle, WA), December 13-14, 2018. The seminar covered issues of the SCOTUS legalization of sports betting, e-sports betting, social gaming and sports betting in Indian Country. AAG Adrienne Delcotto attended this event.

Annual State and Tribal Child Support Conference (Chiloquin), May 1-2, 2019. The 2019 annual meeting was hosted by The Klamath Tribes. All DCS branches with a tribal liaison were represented, including 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 Cow Creek Band of Umpqua Tribe of Indians were represented. A representative of the Lincoln County District Attorney Family Support office attended as well as AIC Claudia Groberg and AAGs Shannon Richard and Adam Peterson from the Civil Enforcement Division. The federal Regional Program Manager for the state of Oregon and Oregon Tribes also attended. Representatives of the Washington Child Support Tribal Relations Team and the Yurok Tribe from California attended to learn about tribal relations in Oregon and share information about their practices. Conference attendees learned about differences between state and Tribal court practices. Conference attendees learned about Historical Trauma during a presentation by Monica Yellowowl.

National Tribal Child Support Association (NTCSA) Annual Conference (Temecula, CA), June 23-27, 2019. DCS Deputy Director and key contact Dawn Marquardt attended the conference, as well as representatives of The Klamath Tribes and the Confederated Tribes of the Umatilla Indian Reservation. Other conference attendees from across the nation included tribal child support programs, state child support representatives, and federal government representatives.

National Child Support Enforcement Association (NCSEA) Leadership Symposium (Minneapolis, MN), August 11-14, 2019. DCS Director Kate Cooper Richardson, Deputy Director Dawn Marquardt, and System Project Executive Karen Coleman attended the conference in Minnesota that included state, tribal, federal, and international representatives.

The Klamath Tribes Restoration Celebration (Chiloquin), August 23-24, 2019. DCS representatives and tribal liaison team members Lyssa Warren Wyatt, Mondae Roberson, and Crystal Sellers attended the Restoration Celebration. They had a booth at the Fun Run/Walk to reach out to Tribal members. The Division of Child Support representatives also attended the Pow Wow and Parade over the weekend.

Archaeological Crime Investigation Training for Law Enforcement (Klamath Falls), September 10, 2019. The Archaeological Crime Law Enforcement Working Group provided a training for law enforcement responsible for responding to violations of archaeological laws. Training provided instruction on cultural resources laws and provided an opportunity for law enforcement entities in the region to interact and collaborate. The training assisted participants in identifying the elements of state and federal cultural resource crimes, the appropriate entities to contact upon discovery of such a crime, and establishing a plan to address such violations. AAG Patrick Flanagan attended.

Tribe/State Qualified Expert Witness Training (Portland), September 23-24, 2019. Child Advocacy Section (ChAS) AIC Shannon Dennison partnered with Oregon tribes, Oregon Judicial Department (OJD), and Department of Human Services (DHS) in providing Qualified Expert Witness trainings. Dennison presented with the Confederated Tribes of Grande Ronde, Confederated Tribes of Warm Springs, DHS, and OJD also participated in planning sessions with the tribes before and after the training.

Western Intergovernmental Child Support Engagement Council (WICSEC) Annual Conference (Spokane, WA), October 6-12, 2019. DCS Director Kate Cooper Richardson, Tribal Liaison Lyssa Warren Wyatt, and other Program representatives attended the conference, as well as representatives of several other regional Tribal child support programs.

Understanding Jurisdiction on Tribal Lands, A User Friendly PL-280 (Grand Ronde), October 8-9, 2019. The training was presented by the Cal State San Marcos California Indian Culture and Sovereignty Center, sponsored by Oregon Department of Education, Youth Development Division, and hosted by Confederated Tribes of Grand Ronde. It covered topics of domestic violence and tribal protection orders, public safety issues, and the history of PL-280. AAGs Karen Clevering and Matthew McCauley from the General Counsel Division and AAG Patrick Flanagan of the Environmental and Cultural Resources Enforcement Unit attended.

Tribal Relations and Indian Training, Conference of Western Attorneys General, Western Attorneys General Litigation Action Committee (Phoenix, AZ), October 22, 2019. Natural Resources Section AIC Paul Garrahan attended the conference and the presentations on topics including “State Attorneys General-General Tribal Consultation Policies,” “Indian Gaming Law Developments,” “Tribal Enforcement of Traffic Laws,” “Indian Reserved Water Rights,” and “Brackeen ICWA.”

Emerging Land Issues in Indian Law, Oregon State Bar Indian Law Section CLEs (Eugene), October 25, 2019. Topics included tribal natural resources development and tribal energy resource development; impacts of climate change; diminished boundaries, treaty rights and the effects of statehood; native outdoor recreation industry; and tribal court and tribal

member civil rights. The CLE was co-sponsored by the Environmental and Natural Resources Law Center, University of Oregon School of Law. AAG Matt DeVore attended.

U.S. v. Oregon 50th Anniversary Symposium (Portland), October 28, 2019. Lewis and Clark Law and the Columbia River Inter-Tribal Fish Commission (CRITFC) held a symposium commemorating the 50th anniversary of Judge Robert Belloni's landmark decision that interpreted the Columbia River Tribes' treaty fishing rights to ensure that the tribes were able to harvest "a fair share" of Columbia River salmon runs. The symposium featured tribal and governmental attorneys considering the implications of the case now known as *United States v. Oregon*, including its effect on the health of the salmon runs, the negotiation and renegotiation of a couple of international treaties, even the formation of CRITFC itself. AAGs Matt DeVore, Patrick Aitchison, and Nina Englander attended.

Understanding the Needs of Tribal Victims and Survivors, Prosecutor Training, (Salem), November 2019. DOJ's Domestic Violence Resource Prosecutor Sarah Sabri collaborated with tribal victim advocacy programs of Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Grand Ronde, and Confederated Tribes of the Siletz Indians to provide a training on specific needs and considerations for tribal victims and survivors. Approximately 35 prosecutors from around Oregon attended.

B. Internal Trainings

Broken Treaties CLE, September 20, 2018. Participants viewed *Oregon Experience* film "Broken Treaties," which discusses the history of Oregon tribes and the stories of the negotiation and treatment of their treaties, to a large extent through the words of tribal members. The presentation was followed by a discussion of the current legal framework for treaty rights of Oregon tribes. Panel included AAGs Stephanie Striffler, Kamala Shugar, and Erin Donald.

2019 Child Advocacy Training, July 18, 2019. This training is designed for new Assistant Attorney Generals and provides the understanding of the inner workings of the Civil Enforcement Child Advocacy Section of the Oregon Department of Justice, including a special session on Indian Child Welfare Act.

DOJ Crime Victim & Survivor Services Division Training: Introduction to Indian Law, Tribal Relations, and Criminal Jurisdiction in Indian Country, August 6, 2019. AAG Stephanie Striffler presented this training on an overview of the nine Indian tribes in Oregon, their history, the Federal Indian Policy, criminal jurisdiction, and government- to-government relations. The training was recorded and is available online for all CVSSD staff and Advisory Committee members. The recorded training will be provided for sub-grantees across the state as requested.

Intro to Indian Law CLE, September 25, 2019. AAGs Stephanie Striffler and Karen Clevering presented a CLE providing a basic introduction to the history and concepts of federal Indian Law, including treaties, termination and restoration of Oregon tribes, the legal status of federally recognized tribes, and sovereign immunity.

Raising Cultural Awareness, November 5, 2019. Monica Yellowowl, Behavior Health Director of Klamath Tribal Health and Family Services, presented a training on cultural awareness, speaking on issues of tribal sovereignty, pre-contact, treaties, war, and the era of boarding schools and termination of tribes, historic distrust, self-governance, and strength in tribal community.

Tribal Relations at the AG's Public Law Conference, October 23, 2019. AAGs Stephanie Striffler and Karen Clevering presented a basic overview of the legal status of federally recognized tribes in Oregon, discussed the legal landscape governing state agency coordination with tribes, and covered some tips for working with tribes.

ICWA Trainings to ChAS AAGs and law clerks, 2019. Throughout 2019 ChAS AIC Shannon Dennison provided ICWA trainings to incoming DOJ/ChAS law clerks to ensure that incoming AAGs and clerks understand tribal perspectives in ICWA dependency cases and interact with tribes in a spirit of mutual respect. Dates are provided below.

IV. Efforts to Promote Good Government to Government Relations

A. Annual Tribal/State Government-to-Government Summit

DOJ Key contacts Stephanie Striffler, Kamala Sugar, Karen Clevering, AAGs Patrick Flanagan and Adrienne Delcotto, DCS Deputy Director Dawn Marquardt, and CVSSD Fund Coordinator Diana Fleming, and others attended the 2018 Summit at Grande Ronde Indian Reservation and the 2019 Summit at Umatilla Indian Reservation.

B. Cluster Participation

1. Public Safety Cluster

DOJ Tribal Key Contact Karen Clevering and CVSSD Fund Coordinator Diana Fleming participated in cluster meeting.

2. Cultural Resources Cluster

DOJ Tribal Key Contacts Kamala Shugar (2018), Stephanie Striffler, and Karen Clevering (2019) and AAG Patrick Flanagan of DOJ's Environmental and Cultural Resources Enforcement Unit participated in cluster meetings.

C. Special Activities

1. State-Tribal Court Forum

In June 2019, AAGs Stephanie Striffler and Domestic Violence Resource Prosecutor Sarah Sabri participated in discussions about enforcement of tribal court protective orders. CVSSD's Diana Fleming also attended. Sabri and others have participated in ongoing discussion with the U.S. Attorney's Office regarding enforcement issues.

2. AG Opinion, No. 8295, February 20, 2019

The Attorney General issued an opinion that addressed the question of CTWS's off-reservation hunting rights. The opinion concluded that the State would be precluded from disputing that an 1855 treaty governs those rights. This made clear that the State could not rely on a later treaty that purported to relinquish those rights. The AG presented the opinion to representatives of the tribe at a meeting in the governor's ceremonial office.
<https://www.doj.state.or.us/wp-content/uploads/2019/02/op8295.pdf>

D. ICWA

Throughout 2019, DOJ's Child Advocacy Section (ChAS) has been involved in multiple committees focused on developing legislation for a state Indian Child Welfare Act and redesigning DHS/Child Welfare's ICWA processes and training.

1. ICWA Compliance Committee

The Confederated Tribes of the Umatilla Indian Reservation convened an ICWA compliance committee that includes representatives from Oregon's nine tribes, DHS/Child Welfare, DOJ/ChAS, OJD, the National Indian Child Welfare Association (NICWA), and additional national ICWA experts to analyze ICWA compliance in Oregon and develop plans for improved adherence to the ICWA's requirements throughout the state. The committee developed subcommittees to focus on specific issues including training, ICWA search protocols, ICWA case mapping, and the development of a state ICWA statute. AIC Shannon Dennison participated on the primary compliance committee as well the training, ICWA search protocol, and state statute subcommittees.

2. ICWA State Statute Subcommittee & Legislative Work Group

AIC Shannon Dennison participated on the ICWA state statute subcommittee of the ICWA Compliance Committee throughout 2019. Representatives of Oregon's tribes, OJD, DHS/Child Welfare, NICWA, and several national ICWA experts also participate. Subcommittee members developed a draft statute which then moved into a legislative work group. Using the draft produced by the ICWA compliance committee's ICWA state statute subcommittee, the legislative work group is currently developing proposed legislation to be introduced by Oregon State Representative Tawna Sanchez in the 2020 short session. Dates of meeting attendance are provided below.

3. ICWA Training Subcommittee

AIC Shannon Dennison participated on the training subcommittee of the ICWA Compliance Committee throughout 2019. Representatives of Oregon's nine tribes, OJD, DHS/Child Welfare, NICWA, and several national ICWA experts also participated on this subcommittee. Dates of meeting attendance are provided below.

4. Legislative Testimony

ChAS AIC Rahela Rehman testified at the legislature on September 18, 2019 with members of the ICWA State Statute Legislative Work Group regarding implementation of a state ICWA statute.

5. Casey Family Programs' ICWA Court Collaborative Conference

AIC Shannon Dennison attended the Casey Family Programs ICWA Court Collaborative with Oregon Judicial Department (OJD) in Denver, Colorado on September 25-28, 2019. Participants included tribal members from across the country and juvenile state court teams who are interested in, or who have implemented, ICWA state courts in their jurisdictions.

6. Oregon State ICWA Court Development & 2020 ICWA Model Court Summit

In November 2019, OJD convened a group – including DHS/Child Welfare, DOJ, Oregon tribes, and Office of Public Defense Services– to develop an ICWA Model Court Summit focused on the ICWA and to begin discussions regarding a state ICWA court devoted to hearing ICWA cases. AIC Shannon Dennison is participating in this group.

E. Missing and Murdered Native American Women Workgroup

House Bill 2625 (2019) directed the Oregon State Police (OSP) to conduct a study involving “Missing and Murdered Native American Women” in Oregon. OSP is working with partners to conduct a study to report the legislature regarding the findings. Chief Counsel of the Criminal Justice Division, Michael Slauson is a workgroup member. “Listening and Understanding Tours” with each tribe are being scheduled for 2020.

F. 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 DOJ 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. Department of Human Services

a. Civil Commitment Legislative Work Group

Health and Human Service AIC Jeffrey Wahl and AAG Kailana Piimauna worked on the tribal civil commitment legislative workgroup at the request of DOJ and the Governor's Office. Both attorneys attended workgroup meetings along with tribal representatives and provided feedback to the workgroup, including input on proposed legislation drafted by the tribes to address any potential legal concerns.

b. Tribal Navigator Service

AIC Jeffrey Wahl worked with DHS in negotiating a contract between DHS and the various tribes for Tribal Navigator services. Tribal Navigators help facilitate eligible elderly or disabled tribal members connect with appropriate services under Medicaid or the Older Americans Act. Tribal Navigators also act as liaisons between tribal community elders or people with disabilities, providing them assistance by navigating them through the various application processes and DHS systems and other state agency programs and systems to optimize access and opportunities for eligibility for Medicaid Long Term Services and Supports and Older American Act services that are available and facilitate opportunities to enhance cross-cultural understanding through training and collaboration and improvements in the Tribal Navigator services.

2. Department of Human Services – Child Welfare Program

a. CTGR Tribe/State Agreement and Tribal Assessments

In January and February of 2019, ChAS AIC Shannon Dennison met with DHS/Child Welfare staff Emily Hawkins and Deena Loughary, and attorneys and child welfare staff from the Confederated Tribes of Grand Ronde (CTGR) to review and update the CTGR/DHS agreement regarding child welfare cases involving CTGR children and to develop protocols for child abuse assessments of CTGR children.

b. Review of OARs with CTGR

In January 2019, ChAS AIC Shannon Dennison met with CTGR and DHS/Child Welfare to review DHS' administrative rules addressing the Oregon Safety Model and the ICWA to ensure ICWA requirements are followed in DHS' safety model.

3. Department of State Lands

AAG Matt DeVore worked with DSL on matters involving relocation of the spud barge on Columbia River to identify a location to minimize impact on drift net fishing season for Columbia River Tribes.

4. Oregon Department of Transportation

a. Tribal Employment Rights Ordinance

In 2018, AAG Karen Clevering worked with ODOT's Office of Civil Rights and ODOT Director Garrett to negotiate memorandums of understanding (MOUs), renewing its partnership with the Tribal Employment Rights Offices of the CTGR, CTUIR, and CTWS. Through these MOUs ODOT agrees to require its contractors to participate in the TERO program.

b. Safety Improvements Along Hwy 26

AAG Jen O'Brien assisted ODOT in negotiating an agreement with CTWS in April 2019 to access tribal land in order to perform safety improvements on and construct a multi-use/pedestrian path along Highway 26, which crosses the Warm Springs Reservation.

c. Cultural Resources Agreement

AAG Herb Lovejoy assisted ODOT in entering an agreement with Cow Creek Tribe for the Tribe to perform cultural resources work

5. Klamath Tribes Resource Management

AAG Renee Moulun participated in meetings between the Klamath Tribal Council, the Governor's Office and the Directors of the Oregon Department of Agriculture, Oregon Water Resources, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality and Oregon Watershed Enhancement Board September 18, 2019. Areas of interest to the tribes for further discussion include issues regarding management of game, groundwater, and most particularly addressing water quality.

6. Oregon Health Authority (OHA)

a. Coordinated Care Organizations (CCO)

AAG Ted Falk worked with OHA's tribal liaison in the drafting of Oregon's Medicaid Managed Care Program 2.0 Contract on all matters that intersected with Tribal concerns, including those relating to HB 2267 relating to the Tribal Advisory Council and Tribal Liaison and SB 134 regarding the consideration required to be given to Tribal Based Practices in establishing standards of care relating to, and providing, behavioral health and substance abuse Prevention treatment.

b. Indian Managed Care Entities

AAG Ted Falk has been working with the OHA in assisting tribes to form Indian Managed Care Entities (IMCE) for tribal members who are on Medicaid. Five tribes are expected to have an IMCE by July, 2020.

7. Oregon Military Department (OMD)

OMD and CTUIR entered into an agreement to propagate and support land management projects. CTUIR will propagate and install native plants on OMD properties in Eastern Oregon.

8. Oregon State Fire Marshal

The Fire Marshal entered into agreements with the CTUIR and CTGR for tribal members serving on the incident management teams. Agreements were finalized in 2019.

9. Portland Harbor Natural Resources Damages

AAGs in the Natural Resources Section work representing state agencies ODOT and DSL related to natural resources damages in the Portland Harbor Superfund Site. AAGs also represent trustee Oregon Fish and Wildlife and work with NRD trustees CTGR, CTWS, CTUIR, Siletz Tribe, and Nez Perce Tribe.

G. Gaming

Key Contact Stephanie Striffler has served on the Governor's negotiating team for tribal gaming compacts along with AAG Adrienne Delcotto and most recently Key Contact AAG Karen Clevering. In addition to gaming compacts, AAGs advise Oregon State Police Tribal Gaming Section (TGS) in negotiating Tribal/State Minimum Internal Controls (MICS) for specific games, pursuant to respective compact terms. The following is summary of gaming-related representation.

- *The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.* The State and Tribe negotiated Amendment II to the compact which redefined "Video Lottery Terminal." Amendment was effective April, 16, 2019. TGS and Tribe amended MICS consistent with compact amendment, effective April 11, 2019.
- *Coquille Indian Tribe.* TGS and Tribe approved MICS Amendment I on April 10, 2019. TGS and Tribe approved MICS to permit new game of sports pool, consistent with the compact. The MICS were effective October 7, 2019.
- *The Cow Creek Band of Umpqua Tribe of Indians.* State and Tribe negotiated Amendment III to the compact which redefined "Video Lottery Terminal." Amendment was effective September 27, 2018.
- *Confederated Tribes of the Grand Ronde.* OSP and Tribe approved Amended and Restated MICS on April 5, 2018. State and Tribe negotiated Amendment III to the compact which permitted the Tribe to provide sports pool. Amendment was signed on October 31, 2019.
- *The Klamath Tribes.* State and Tribe negotiated Amendment I to the compact which redefined "Video Lottery Terminal." Amendment was effective April, 16, 2019.

- *The Confederated Tribes of the Siletz Indians.* TGS and Tribe formalized MICS to permit new game of sports pool, consistent with the compact. The MICS were effective August 1, 2019.
- *The Confederated Tribes of the Umatilla Indian Reservation.* TGS and Tribe amended and restated the MICS, effective June 26, 2019.
- *Confederated Tribes of the Warm Springs Reservation.* State and Tribe negotiated Amendment I to the compact which redefined “Video Lottery Terminal.” Amendment was effective April, 16, 2019.

H. *Amicus Curiae* Brief Decision Making

DOJ continues to notify tribal attorneys via email 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 DOJ asking that the Attorney General join an *amicus* brief. In 2018 and 2019, the DOJ communicated with the tribes about the AG’s interest in joining the following *amicus* briefs.

Brackeen v. Bernhardt. In 2018, the State of Oregon joined State of California, Alaska, Arizona, Colorado, Idaho, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Jersey, New Mexico, Rhode Island, Utah, Virginia, Washington, and Wisconsin, in support of the United States and Intervenor Tribes urging the court to preserve the Indian Child Welfare Act, on appeal to the Fifth Circuit Court of Appeals. The State also joined the *amici* states brief for re-hearing *en banc*, scheduled for early 2020.

Swinomish Indian Tribal Community v. BNSF Railway Company. In 2019, State of Oregon joined Washington State and New York State supporting the Swinomish Tribe. The brief explained the States’ interests, observing that “Amici States must be able to enforce voluntary agreements with railroads. If ICCTA provides railroads legal cover to renege on contractual promises with Tribes, then it also provides cover to break promises made to states and local governments.”

I. Law Enforcement Coordination

1. Oregon 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. Cow Creek Tribe and CTUIR serve as partners to the Oregon Titan Fusion Center.

Through the Critical Infrastructure Program, DOJ and Department of Homeland Security performed an infrastructure assessment of the Warm Springs Reservation.

2. Regional Automated Information Network (RAIN)

RAIN is an ORS 190 intergovernmental agency tasked with facilitating law enforcement data-sharing by connecting separate, locally administered criminal justice records management systems, allowing users to query departmental reports and other documents across database platforms and jurisdictions throughout the state. CTGR is a member of RAIN.

3. Oregon High Intensity Drug Trafficking Area Program (HIDTA)

DOJ/HIDTA supports tribal police to the extent that tribal police participate with local law enforcement in HIDTA-designated counties. Warm Springs police officers have used DOJ/Investigative Support Center's "Watch Center" for investigative support.

J. Cultural Resources

AAG Patrick Flanagan and other attorneys in the Environmental and Cultural Resources Enforcement Unit (ECREU) have been active in enforcement efforts with the tribes in several ongoing criminal case referrals. ECREU continued its presence at the joint federal ARPA Investigators (sometimes referred to as the Archaeological Crime Law Enforcement Working Group) quarterly meetings.

ECREU attorneys have continued to be active participants in the Culture Cluster as well as the Governor's Taskforce regarding Executive Order 17-12 and Tribal Cultural Items inventory.

K. Crime Victim and Survivor Services Division (CVSSD)

In 2018 and 2019, the Crime Victim and Survivor Services Division (CVSSD) continued to build stronger collaboration between tribes and statewide technical assistance agencies, grant-funded programs and community partners. Tribal representatives sit on community program boards, are included in local trainings and partner meetings, provide culturally specific training by tribal partners to non-tribal program staff. In 2018 and 2019, two of the nine federally recognized tribes in Oregon had a member representing tribal interests on the DOJ CVSSD advisory committee. Sub-grantees or local community partners report working on cases involving tribal victims and engage in collaboration with Tribal police and tribal victim service programs.

CVSSD Fund Coordinators and leadership provide information on grant funding streams, competitive grant opportunities, and technical assistance to tribal victim service programs as requested tribes.

In 2018 and 2019, CVSSD held meetings with tribal leadership and victim service staff as well as other community partners to work directly with tribes to improve the response to

violence against tribal victims. These community collaboration meetings focused on victim service needs and services provided. The County District Attorney Victim Assistant Program (DAVAP), Child Assessment Center, and nonprofit community-based victim service programs joins the tribes at the table for these discussions.

CVSSD also provides annual grant management training. Six of 9 tribes attended and participated in May 2018. In March 2019, 7 of 9 tribes attended and participated.

CVSSD updates the list of key tribal contacts annually and ensures state and local programs honor the ongoing communication with the tribes on all matters. Tribal victim service program staff is included on key state list serves. The list is updated annually, posted internally at CVSSD, and provided upon request.

CVSSD implements and supports various programs and services. The following summary describes specific involvement with tribes.

1. Crime Victims' Compensation Program (CVC)

Crime Victim Compensation (CVC) staff made changes to the CVC portal for online applications for victim compensation claims. CVC staff met with individual tribal programs to provide training on site.

Melinda Radford, Domestic Violence Program Coordinator from the Confederated Tribes of Coos, Lower Umpqua & Siuslaw and Desiree Coyote, Confederated Tribes of the Umatilla Indian Reservation provided insight to tribal practices in death and burial for CVC staff. The presentation and information shared assist CVC staff with their approval of compensation claims on behalf of tribal victims.

2. Human Trafficking Intervention Program

In 2018 and 2019, DOJ's Trafficking Intervention Coordinator Amanda Swanson provided training concerning the identification of human trafficking victims and what it looks like in casinos. In September 2019, Swanson collaborated with the Klamath County Trafficking Task Force to provide training to Klamath Tribes and staff about trafficking. On October 23-24, 2019, she provided similar training to Chinook Winds Staff at the Confederated Tribes of the Siletz Indians Reservation.

Swanson also partnered with City of Portland Tribal Liaison Laura John around Missing and Murdered Indigenous Women awareness events and speaking engagements.

3. STOP Violence Against Women Act Grant (federal and state grants)

The federal STOP Violence Against Women Act (VAWA) Formula Grant pass through funds and Oregon Domestic and Sexual Violence Services grant funds are allocated to counties and more recently tribes (first time in FY 2013 – 2015) utilizing a formula which is based on

population (and enrolled tribal membership). Some tribes participated in a series of meetings that addressed increases to the allocation formula.

The non-competitive grant funding is used to provide emergency support services for victims, and travel and training for tribal advocates. It also provides funding to hire additional part-time advocates to increase service delivery for victims in a large tribal county service area (up to eleven in Oregon). The funding to tribes ensures equal access to services for all victims across the state. Communication and collaboration with the tribes on a state and local level have improved with tribes as grantees.

In 2018, Burns Paiute Tribe, CTCLUS, Cow Creek Tribe, CTGR, Klamath Tribes, Siletz Tribe, and CTWS were in the second year of a two year non-competitive domestic and sexual violence grant award, FY 2017 – 2019 joint application. In 2019, Burns Paiute Tribe, Cow Creek Tribe, CTGR, Klamath Tribes, Siletz Tribe, and CTWS are in the first year of a two year non-competitive domestic and sexual violence grant award.

4. Underserved, Marginalized, and Oppressed Communities Outreach

CVSSD Fund Coordinator Ben Bradshaw began a series of round table discussions across the state between October and December 2019 to explore system gaps and barriers to victim services for underserved, marginalized, and oppressed communities. The discussions focus on outreach, community coordination, and challenges faced by service providers with regards to outreach and engagement with these populations.

CVSSD reached out to all tribes inviting them to participate. Discussions are scheduled through December 2019. CTUIR, CTCLUS, and Burns Paiute Tribe have already participated in these discussions.

5. Victims of Crime Act (VOCA) Grant and Program (federal)

In late 2017, CVSSD visited with tribal leadership and/or staff from all of Oregon's federally recognized tribes to provide an overview of the purpose of the grant funds and allowable costs. Burns Paiute Tribe, CTCLUS, Cow Creek Tribe, CTGR, Klamath Tribes, Siletz Tribe, CTUIR, and CTWS are in the final year of their Victim of Crime Act (VOCA) non-competitive award totaling \$2,500,000 (or \$312,500 per tribe) with no match requirement, for a 30-month period on April 1, 2018 – September 30, 2021. The funds serve a broad range of services for victims such as child abuse, elder abuse, sex trafficking, domestic and sexual violence, and general victim services. An additional \$20,000 was awarded for each tribe in support of emergency support services and training. These funds were awarded to all of the CVSSD sub-grantees in the noncompetitive joint victim services application. A total of \$250,000 will be offered non-competitively to all 9 federally recognized tribes every two years.

6. Violence Against Women Act (VAWA) Implementation Plan

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 and

receive meeting materials. The inclusion of tribal representatives assures that the voices and concerns of tribal victims are represented during planning, allocation and application review. Tribal representation provides additional expertise to CVSSD's funding processes and improves collaboration with state partners and stakeholders as well as domestic violence and sexual assault service providers. CTCLUS, Cow Creek Tribe, Siletz Tribe, CTGR, and CTUIR were represented at this meeting on June 28, 2018 and on October 22, 2019.

The FY 2017 – 2020 VAWA Implementation Plan for Oregon was approved by the Office on Violence Against Women (OVW) in October 2017. All tribes reviewed the Implementation Plan during the public commenting period. The four year plan addressed identified funding priorities, goals, and objectives. CVSSD is currently working on the draft FY 2021 – 2024 VAWA Implementation Plan. The draft plan will be released in December 2020 for its public comment period.

7. 2012 Tribal Nations Listening Tour Update

Diana Fleming, CVSSD Fund Coordinator, and Desiree Coyote, Confederated Tribes of the Umatilla Indian Reservation and CVSSD Advisory Committee member, held the following meetings as a follow-up to the 2012 Tribal Nations Listening Tour:

- *Klamath Tribes*, July 2018: Fleming and Coyote met with Tribal Council to discuss the changes to ongoing victim service work and to hear about tribal service gaps and needs. A separate meeting was held to bring collaborative partners together: Klamath Tribal Victim Service Program, Klamath County DAVAP, Klamath Lake Cares, and the Klamath Crisis Center,
- *Confederated Tribes of Grand Ronde*, May 2019: This meeting included a presentation before tribal council and a community collaboration meeting.
- *Confederated Tribes of the Umatilla Indian Reservation*, July 2019: Meeting included a presentation before the Board of Trustees and a community collaboration meeting.

CVSSD will meet with the remaining six tribes in 2020 and hold a separate community collaboration meeting with local partners to address challenges in service delivery and to learn how to share and integrate services in their communities in a meaningful and equitable way.

L. Division of Child Support (DCS)

1. Child Support System Project

The Oregon Child Support Program has converted all existing child support cases to its new child system Origin. The new system allows DCS to capture each participant's tribal affiliation. As the tribal affiliation is updated for tribal members, the program will be able to provide more meaningful data regarding child support orders and collections on behalf of tribal families.

2. 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. Funds collected by the Oregon Child Support Program, the Confederated Tribes of the Umatilla Indian Reservation Office of Child Support Enforcement and The Klamath Tribes Judiciary Child Support Enforcement Office are distributed to tribal families, Tribal child support programs, Tribal TANF programs, and the state of Oregon.

3. Activities Per Tribe

DCS provides support to each tribe from its regional offices. The activities per tribe are described below:

- *Burns Paiute Tribe.* The tribal liaisons in the Bend office are available to assist with child support issues for tribal members.
- *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 facilitate contact with out of state tribes and child support programs as necessary.
- *The Cow Creek Band of Umpqua Tribe of Indians.* The Roseburg DCS office continues to process 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.
- *Confederated Tribes of the Grand Ronde.* Albany tribal liaisons work with Grand Ronde Tribal Court Administrator and Tribal Court staff.
- *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 to discuss respective business needs and improve processes.

During 2018, the Division of Child Support expanded its partnership with the Klamath Tribes to be more accessible to Klamath Tribes Child Support Enforcement (KTCSE) staff and tribal members. Tribal Liaison Lyssa Warren Wyatt travelled to Chiloquin to work with at the KTCSE office to review DCS programs cases in common and determine the best approach on those cases. The liaison was also available for tribal members to stop by the KTCSE office to discuss their case in person.

- *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.

In 2018 and 2019, Civil Recovery Section AIC 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. In July 2018, Groberg and Siletz Tribal Liaisons Brandy Maldonado and Coleen Hartford attended the per capita hearings. Over the two days of hearings, \$114,979.54 was collected from Tribal dividends for child support. In July 2019, Groberg represented the Child Support Program in 168 per capita hearings, where \$130,861.09 was collected from tribal dividends for child support.

- *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 discuss cases. In 2018, Pendleton DCS named their new conference room, “The Cayuse Conference Room” to honor their ongoing partnership and collaboration with CTUIR.
- *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. During 2018, the Tribal Court allowed the Oregon Child Support Program to begin enforcement on a few cases to assist the custodial parent with enforcement tools that are not available to the Tribe. The Bend office continues to provide services on cases where the Tribal Court has authorized the Oregon Child Support Program to assist the custodial parent with enforcement tools that are not available to the Tribe.

4. Tribal Liaisons for the Division of Child Support

DCS has established tribal liaisons as follows:

Statewide Tribal Contact: Dawn Marquardt

Assigned Tribal Contacts by Tribe:

- *Burns Paiute:* Mondae Roberson (primary), Lyssa Warren Wyatt (secondary), Liza Lima (secondary), and Brandee Stroud.
- *Confederated Tribes of Coos, Lower Umpqua, and Siuslaw:* Debbie Petetit and Brittney Moreno.
- *Coquille Indian Tribe:* Debbie Petetit and Brittney Moreno.
- *Cow Creek Bank of Umpqua Tribe of Indians:* Debbie Petetit and Brittney Moreno.
- *Confederated Tribes of Grand Ronde Indian Reservation:* Brandy Maldonado (primary) and Colleen Hartford.
- *The Klamath Tribes:* Mondae Roberson (primary), Lyssa Warren Wyatt (secondary), Liza Lima (secondary), and Brandee Stroud.
- *Confederated Tribes of the Siletz Indians:* Brandy Maldonado (primary), Colleen Hartford (primary) and Brandy Maldonado.
- *Confederated Tribes of Warm Springs:* Mondae Roberson (primary), Lyssa Warren Wyatt (secondary), Liza Lima (secondary), and Brandee Stroud.
- *Confederated Tribes of the Umatilla Indian Reservation Tribal Contact:* Holly Arguello, Kari Monroy, and Penny O'Connell.

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.

I. Advice and Representation of State Agencies (General Counsel Renee Stineman (2020), Division Administrator)

As previously noted, 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 the State may be adverse to tribes in litigation.

DOJ pursues additional programs described below:

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. The AG's Public Law Conference was held in Salem in October 2019.

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.

II. 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.

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

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

IV. Law Enforcement Programs of the Criminal Justice Division (Michael Slauson, Division Administrator)

The Criminal Justice Division engages in a variety of law enforcement programs:

A. 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.

B. Internet Crimes Against Children (ICAC)

The Criminal Justice Division has a number of memoranda of understanding (MOUs) with Oregon Tribes.

C. Oregon High Intensity Drug Trafficking Area Program (HIDTA)

DOJ/HIDTA supports tribal police to the extent that tribal police participate with local law enforcement in HIDTA-designated counties.

D. Elder Abuse Prosecution

DOJ's Elder Abuse unit works 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 develops training materials and best-practice policies to improve the identification, investigation and prosecution of elder abuse.

Elder Abuse Resource Prosecutor AAG Victoria Roe attends multi-disciplinary team (MDT) meetings on elder abuse throughout the state to learn how to train or partner in the area of Elder Abuse. Roe attended a MDT at Warm Springs Reservation this year.

E. TITAN Fusion Center (Richard Austria, Assistant Special Agent-In-Charge)

The Fusion Center engages tribes through its Fusion Liaison Officer Program. The Fusion Center provides 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. This 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.

F. Other law enforcement programs

The following Criminal Justice Division programs also coordinate with tribes.

- Investigation and prosecution of Election Law, Official Corruption and Organized Crime

- Criminal Intelligence Unit (investigation and information collection and dissemination)
- The Terrorism Intelligence and Threat Assessment Network (TITAN)
- The Annual Institute for Prosecutors (training program).

V. The Crime Victim and Survivor Services Division (CVSSD) (Shannon Sivell, Director)

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

A. Federal and State Grant Funding

CVSSD 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 personal crimes.

D. Domestic Violence Prosecution

Domestic Violence Resource Prosecutor Sarah Sabri 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 provides training and education on Human Trafficking Intervention.

VI. 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.

B. 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.

C. Charitable Activities (Elizabeth Grant, Attorney-in-Charge)

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

D. Public Records Laws

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

E. Appropriate Dispute Resolution

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

VII. 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.

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

Established in 2013, the Environmental and Cultural Resources Enforcement 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.