2021 Report on Government-to-Government Activities  
with Oregon’s Nine Federally Recognized Tribal Governments  

December 15, 2021  

Annual Report Requirements  
Pursuant to ORS 182.166(3), this report details the Criminal Justice Commission’s (“CJC”) activities that must be reported to the Legislative Commission on Indian Services and the Governor’s Office. The following points are component pieces required to be reported by ORS 182.166(3)(a-f).

A. The policy the state agency adopted under ORS 182.164. ORS 182.166(3)(a).  
In December 2019, the CJC revised its Government-to-Government Tribal Relations Policy. No revisions to the policy have been implemented since then. A copy may be obtained by emailing: kaiti.ferguson@cjc.oregon.gov.

B. The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes. 182.166(3)(b).

CJC Tribal Liaison  
Kaiti Ferguson  
885 Summer Street NE  
Salem, Oregon 97301  
503.507.2752  
kaiti.ferguson@cjc.oregon.gov

Alternate CJC Tribal Liaison  
Alex Pichel  
885 Summer Street NE  
Salem, Oregon 97301  
971.301.3844  
alex.pichel@cjc.oregon.gov

C. The process the state agency established to identify the programs of the state agency that affect tribes. 182.166(3)(c).

In 2019, the agency revisited its Government-to-Government Tribal Relations Policy to better reflect the agency’s commitment to fostering strong government-to-government relationships with tribal governments. To effectuate the CJC’s policy to maximize the exchange of ideas and promote open communication with tribal governments, when developing, amending, or removing agency policies, procedures, and programs that affect tribal interests or tribal members, the agency will engage in effective and meaningful consultation with representatives of tribal government. This includes, but is not limited to, seeking, discussing, and considering the views of tribal governments by way of consultation, conducting direct outreach to tribal members and representatives of tribal governments, and continuing efforts to develop relationships with tribal governments.

i. Agency Program(s) that Affect Tribes  
It was not until 2019, that the CJC operated a program that directly affected Oregon’s nine federally recognized tribal governments. That program is the Improving People’s Access to Community-Based Treatment, Supports,
and Services (IMPACTS) Grant Program and requires at least one grant award be awarded to a federally recognized tribe within the State of Oregon.¹

Recently, in 2021, the CJC was tasked with establishing a Restorative Justice Grant Program, which directs the CJC to establish a program to award grants to public and private entities.² This program provides another opportunity for Oregon’s nine federally recognized tribes to apply for grant funding.

As new programs are developed at CJC, the governing legislation or other directives will be assessed to determine the eligibility of Oregon’s tribes, and the CJC will engage with them in accordance with the establish policy.

a. IMPACTS Grant Program

To date, the IMPACTS Grant Program remains the CJC’s primary program that directly affects Oregon’s nine federally recognized tribal governments. In 2019, the IMPACTS Grant Program was established by the Oregon Legislature and appropriated $10 million for programs that provide supports and services to a target population of individuals with frequent criminal justice and emergency services involvement.³ As noted above, the IMPACTS Grant Program requires at least one grant award be awarded to a federally recognized tribe within the State of Oregon.

In its inaugural 2020-2022 grant cycle, 11 programs representing six counties and five federally recognized Indian tribes were awarded grant funding. Of note, all five federally recognized tribes that applied for funding were awarded the full amounts requested. Those tribal grantees include:

- The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
- The Cow Creek Band of Umpqua Tribe of Indians
- The Klamath Tribes
- The Confederated Tribes of Grand Ronde
- The Confederated Tribes of Warm Springs

Notably, during the 2021 Regular Session, the Oregon Legislature appropriated an additional $10 million to the IMPACTS Grant program.⁴ Given this additional funding, the CJC did direct outreach to its current grantees to better understand how the funding may affect existing tribal grantees, as well as other tribal governments who might be interested in applying for funding through this grant. The CJC also—along with its co-administering agency the Oregon Health Authority—sought and engaged in consultation with the nine federally recognized tribes regarding the additional funding and the implications of that funding in establishing a second grant cycle.

Following consultation, and after consideration of the direct feedback provided by existing tribal grantees, the IMPACTS Grant Program’s governing body adopted the recommendation from the tribes to develop two requests for grant proposals (“RFGP”), which would create a tribal-specific RFGP that would better meet the unique challenges and needs of Oregon’s nine federally recognized tribes.

Additionally, the IMPACTS Grant Program’s governing body prioritized the 2021 funding for existing grantees to maintain their current programs. The IMPACTS Grant Program’s governing body also determined that current

¹ See Senate Bill 973 (2019 Regular Session)
² See House Bill 2204; see also House Bill 5006, Sect. 166.
³ See Senate Bill 973 (2019 Regular Session)
⁴ See House Bill 5006, Sect. 92 (2021 Regular Session).
grantees, including tribal grantees, not making substantive changes to their programs would have an abbreviated application process to alleviate the time and resources commonly expended in the application process.

b. Restorative Justice Grant Program
During the 2021 Regular Session, the Oregon Legislature established the Restorative Justice Grant Program and appropriated $4 million for restorative justice programs operated by public or private entities.\(^5\) Pursuant to that legislation, the CJC is directed to establish the Restorative Justice Grant Program, which includes developing and promulgating administrative rules, drafting the RFGP and grant application, and evaluating and ultimately awarding grant awards.

The CJC is currently in the development phases of the Restorative Justice Grant Program. However, to date, the CJC has actively sought input from Oregon’s nine federally recognized tribes. These efforts included inviting the nine federally recognized tribes to engage in consultation as to the development of the administrative rule framework, conducting direct outreach to Peacegiving Courts and tribal members/representatives, and providing several forums for communication to and from the CJC (e.g. Public Listening Sessions, public comment opportunities at all public meetings including the Restorative Justice Grant Program on meeting agendas, providing courtesy emails with updates and status information on the program development to an “Interested Parties” list the agency maintains).

The CJC has also convened an Advisory Committee, which includes a tribal member. Of note, while the underlying legislation only requires the CJC to assemble the Advisory Committee to evaluate grant applications, the CJC brought the Advisory Committee together much earlier in the process to ensure the program’s framework—the proposed administrative rules, the RFGP, and grant application—considered the comments and feedback from Advisory Committee members. Recently, the CJC approved a draft of administrative rules and has provided notice of the proposed rules pursuant to the Administrative Procedures Act. As the CJC continues moving forward with the development of the Restorative Justice Grant Program—including the drafting of the RFGP and grant application—the agency will continue to promote open communication with tribal governments and their members.

D. The efforts of the state agency to promote communication between the state agency and tribes and government-to-government relations between the state and tribes. 182.166(3)(d).
As of 2019, the CJC began operating programs that directly affect or may affect Oregon’s nine federally recognized tribal governments. Nevertheless, the CJC has actively sought to promote communication between the CJC and Oregon’s nine federally recognized tribes and positive government-to-government relations between the state and tribes.

In addition to the efforts discussed in Section C, the CJC has worked closely with the IMPACTS Grant Program’s governing body, which includes a tribal representative, as well as with the Oregon Health Authority’s Tribal Affairs director and staff, to ensure that the CJC’s engagement and consultation with tribal governments occur in a culturally competent, effective, timely, and respectful manner. The CJC also has, in concert with its co-administering agency the Oregon Health Authority and the Council of State Governments, identified a contractor to provide tribal-specific technical assistance and is currently waiting for the finalization of that contract so those services may be offered to tribal grantees. Further, the CJC is in the process of obtaining approval from the IMPACTS governing body to contract with researchers and research entities to provide technical assistance to all

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\(^5\) See [House Bill 2204](https://bills.leg.state.or.us/b21/html/bill2204.shtm) (2021 Regular Session); see also [House Bill 5006, Sect. 166](https://bills.leg.state.or.us/b21/html/bill5006.shtm) (2021 Regular Session).
grantees—including tribal grantees—that would focus exclusively on supporting program evaluation and data collection needs.

Further, when developing, amending, or removing agency policies, procedures, and programs that affect tribal interests or tribal members, the CJC seeks to maximize the exchange of ideas and foster open communication by not only inviting and engaging in meaningful consultation but also by maintaining an “open door” approach to allow tribal representatives and members to ask questions and provide feedback at their convenience.

E. A description of the training required by subsection (1) of this section. 182.166(3)(e).
The CJC’s current Tribal Liaison was named in March 2021, after the previous liaison left the agency. In December 2021, the Tribal Liaison attended the 2021 Annual Tribal-State Government-to-Government Summit.

In addition, the CJC’s Tribal Liaison has attended the 2021 Attorney General’s Public Law Conference’s Tribal Relations: Making the Most of the Government-to-Government Relationship, the 2021 Diversity, Equity, and Inclusion Conference’s Native American History & Culture of Oregon Tribes, and webinars relating to tribal courts. The CJC’s Tribal Liaison has also been in contact with the Legislative Commission on Indian Services and has worked closely with the Oregon Health Authority’s Tribal Affairs Team, including its staff and Director Julie Johnson.

The previously mentioned sessions at the 2021 Public Law Conference and the 2021 Diversity, Equity, and Inclusion Conference were also attended by staff and managers involved in the IMPACTS Grant Program.

The CJC’s Tribal Liaison will continue to seek out additional training opportunities that will aid in and improve the agency’s work with tribal governments.

F. The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164. 182.166(3)(f).
The CJC’s Executive Team, in coordination with the Tribal Liaison, distributes the agency’s written policy to all employees, and any future modifications of said policy. Further, the Tribal Liaison will work with the agency’s Executive Team to seek out ways to bring tribal affairs training opportunities to the agency’s employees at agency meetings or its annual retreat when resumed.