I. Introduction

The Oregon Department of Justice (DOJ or Department) is pleased to submit this annual Government-to-Government Report to highlight the ways our attorneys interface and collaborate with Oregon’s nine federally recognized tribes. This government-to-government relationship is one that DOJ is honored to take part in building and sustaining. As emphasized at the 2021 Annual Tribal-State Government to Government Summit, “issues of tribal concern are issues of state concern.” Each year presents opportunities for DOJ to address new, joint issues affecting numerous parties in Oregon and to continue to learn from the tribes and build resilient tribal partnerships.

DOJ’s commitment to a strong government-to-government relationship is reflected in its advice and legal counsel to Oregon state agencies and through the administration of its own programs. Through its role as general counsel to state agencies, assistant attorneys general (AAGs) advise and confer with client agencies regarding agency programs, policies, and decisions. Although DOJ does not set policy for client agencies, this role provides a unique opportunity to raise with client agencies the importance of respect for tribal sovereignty and potential program impacts to tribal communities. In addition to its role as general counsel, DOJ also administers its own programs that reach broad sectors of the community, including the tribes. These programs include Crime Victim and Survivor Services, Consumer Protection, Child Support Enforcement, and more that are further described in this report. Please find an updated list of DOJ programs that interface with tribes attached as Appendix A.

The Department’s Tribal Relations Policy underpins all of the work DOJ does for client agencies that may impact tribes—specifically promoting the principle in Executive Order No.

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 – CTCLUSI
   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. “Oregon Tribes” also refers to these nine tribes.
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 works diligently to facilitate clear communication and understanding among DOJ, state agencies, and the tribes, and strives to prevent unnecessary conflict by involving tribal representatives in the development and implementation of programs that affect them. In our roles as agency advisors and as program administrators, DOJ values the opportunity to collaborate with the tribes in furtherance of shared goals, as well as the many opportunities to learn and continue to strengthen government-to-government relationships.

II. Tribal Relations Policy

The Attorney General has adopted the Tribal Relations Policy, attached as Appendix B to this report. The policy is grounded in promoting positive government-to-government relations with Oregon’s federally recognized tribes by actively facilitating communication and understanding; striving to prevent unnecessary conflict; interacting with tribes in a spirit of mutual respect; involving tribal representatives in the development and implementation of programs that affect them; and seeking to understand tribal perspectives.

The policy is part of the Department's Policy Manual New Employee Orientation program. In addition, the Department’s Tribal Key Contact reminds employees of the importance of this policy. Discussion of the policy has also been incorporated into DOJ’s New Employee Orientation program.

III. Training

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

A. External Trainings

On April 26, Civil Rights Unit (CRU) staff attended the presentation “Wrestling with Words, Acronyms & Language in Antiracism Advocacy and Actions” hosted by the American Bar Association.


On May 7, CRU staff attended “A MMIW Conversation with Rosalie Fish presented” hosted by the Northwest Portland Area Indian Health Board.

On May 20, CRU staff attended the presentation “Native American Pacific Islanders: People, Issues, and Policy Considerations” hosted by the American Bar Association.

On August 1-4, Division of Child Support (DCS) Deputy Director and key contact Dawn Marquardt, and members of the DCS management team attended the NCSEA (National Child Support Enforcement Association) conference in New Orleans.
Support Enforcement Association) Leadership Symposium in Texas, which included attendees from Tribal child support programs.

On August 5, Child Advocacy Section (ChAS) Attorney in Charge (AIC) Shannon Dennison and Assistant Attorney in Charge (AAIC) Catherine Terwilliger attended the DHS “Every Child Matters” event along with DHS caseworkers and supervisors and representatives from tribes. The event included presentations and discussions regarding the history and impact of boarding schools on Native American communities following the confirmation by the Tk'emlúps te Secwépemc First Nation in May 2021 that the remains of over 200 Indian children were found near the Kamloops Indian Residential School in Canada. Presenters at the event included nationally renowned Indigenous leaders Sandy White Hawk (Sicangu Lakota), Jocelyn Formsma (Moose Cree First Nation), Dr. Terry Cross (Seneca), DHS leadership, as well as a former teacher and a former student from Chemawa Indian School in Salem.

On September 13-17, many staff from the Division of Child Support (DCS) attended Oregon's Statewide Diversity, Equity, and Inclusion Conference. This annual conference brings together State of Oregon employees from across the state to explore and discuss topics on diversity, equity, and inclusion to shape our workforce and help better serve the public and all communities throughout Oregon.

On September 28-30, Dawn Marquardt co-presented with Erin Biencourt, Program Manager for the Confederated Tribes of the Umatilla Indian Reservation Office of Child Support Enforcement, and with Washington state and Tribal partners at the WICSEC (Western Intergovernmental Child Support Engagement Council) Annual Conference on Tribal Relations.

On October 11, CRU staff attended the “Indigenous Peoples' Day Student Presentation” presented by Mitchell Museum of the American Indian.

On October 17, Dawn Marquardt and two DCS Tribal liaisons attended the NTCSA (National Tribal Child Support Association) Annual Training Conference in Connecticut.

On November 11, CRU staff attended the session “The Legislative Creation of Permissive Violence: Colonization, Pervasive Equity and the Role of Resiliency of Indigenous Communities” hosted by Center for Children & Youth Justice.

On December 9 and 10, 2021, Key Contact Karen Clevering attended the 19th Annual Northwest Gaming Law Summit, which covered the following topics:

- National Indian Gaming Litigation Update
- Indian Gaming Federal Legislative Update
- Northwest Gaming State Legislative Update
- Section 20 Litigation & Administrative Update
- The State of Federal/Tribal Gaming Relations
- Indian Gaming in 2022
- Indian Gaming Post-Pandemic: Tribal Executive Insights
• Sports Compact Litigation
• Sports Betting

B. Internal Trainings and Information Sharing

On March 16, 2021, Crime Victim and Survivor Services Division (CVSSD), Grants and Compensation Sections, watched the *Sisters Rising* documentary. The film tells the story of six Native American women fighting to restore personal and tribal sovereignty in the face of ongoing sexual violence against women.

On May 25, 2021, Key Contact Karen Clevering presented to DOJ staff *Criminal Jurisdiction in Indian Country*. AAG Clevering also administers the informal DOJ email listserv providing links and other resources related to federal Indian law and tribal relations.

In November, in celebration of Native American Heritage Month, DOJ’s Diversity and Inclusion Committee shared on the DOJ Intranet site information about the nine federally recognized tribes in Oregon, including links to the tribes’ websites.

Throughout 2021, ChAS AIC Shannon Dennison provided ICWA/ORICWA trainings on multiple topics to ChAS AAGs, law clerks, and support staff to ensure that ChAS staff understand tribal perspectives in ICWA/ORICWA dependency and termination of parental rights cases and interact with tribes in a spirit of mutual respect. Starting in December, AIC Dennison began hosting monthly ORICWA Brown Bag Meetings for ChAS AAGs. The Brown Bag meetings provide opportunities for ongoing training and staffing of specific ICWA/ORICWA questions and concerns.

IV. Efforts to Promote Good Government to Government Relations

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

Attorney General Ellen Rosenblum, DOJ Key Contact Karen Clevering, AAG Patrick Aitchison, and staff from the Civil Rights Unit and CVSSD attended the virtual 2021 Summit.

B. Cluster Participation

1. Public Safety Cluster

DOJ Tribal Key Contact Karen Clevering participated in cluster meetings.

2. Cultural Resources Cluster

DOJ Tribal Key Contact Karen Clevering and AAGs Patrick Flanagan and Patrick Aitchison of DOJ’s Environmental and Cultural Resources Enforcement Unit (ECREU) participated in cluster meetings.
3. **Natural Resources Work Group**

DOJ Tribal Key Contact Karen Clevering participated in work group meetings.

C. **Special Activities**

1. **Full Faith and Credit Legislation**

   Domestic Violence Resource Prosecutor (DVRP) AAG Sarah Sabri collaborated with other parties in support of Senate Bill 183, which was passed unanimously in 2021 Legislative Session and will take effect on January 1, 2022. This collaboration occurred in partnership with the State/Tribal Court Forum and was focused on the needs of the Tribal courts and communities in developing Oregon law that addressed safety gaps for parties protected by tribal protection orders and generally increased access to justice. The new law explicitly extends full faith and credit within Oregon Courts to all judgments, decrees, and orders of tribal courts of all federally recognized Indian tribes. It also strengthens the existing requirements and process for law enforcement and courts throughout the state to properly respond to and enforce violations of tribal protection orders and strengthens and clarifies requirements for sheriff’s offices to enter tribal court protection orders into the state’s Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) database when requested.

   Over the course of the year, the DVRP provided a number of trainings on this topic. A training regarding the impending legislation was provided at the Sheriffs Association Annual Civil Conference in April 2021. The DVRP, along with other members of the SB 183 workgroup, presented on the legislation after it passed during a CLE presentation hosted by the Indian Law Section of the Oregon State Bar in September 2021.

2. **HB 2930 Commission**

   The Attorney General initiated government to government consultation with the federally recognized tribes in Oregon to discuss appointment of a representative to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline established under HB 2930 (2021).

3. **Consultation on pollutants and toxins**

   DOJ initiated government to government consultation with the nine federally recognized tribes in Oregon and Columbia River Treaty tribes to better understand how pollutants and toxins have impacted their relationships with natural and cultural resources in and around the State.

4. **National Archives and Records Administration Litigation**

   In January 2021, the Attorney General filed a lawsuit against the U.S. Office of Management and Budget (OMB) for illegally proceeding with the sale of the National Archives and Records Administration (NARA) building in Seattle. Oregon joined a broad coalition to stop the federal government from shipping irreplaceable, un-digitized archives more than a
thousand miles away to archive centers in Kansas City, Missouri and Riverside, California—effectively eliminating regional access to records essential for understanding the history of the Pacific Northwest. The coalition included the State of Washington, twenty-nine federally recognized tribes, Alaskan tribal entities, and tribal communities from Washington, Oregon, Idaho and Alaska, as well as nine community organizations, historical preservation societies and museums. In April 2021, the OMB Director withdrew the OMB’s 2020 decision to approve the sale of the NARA building.

D. ICWA

Throughout 2021, DOJ’s Child Advocacy Section (ChAS) continued its involvement in the development of legislation for a state Indian Child Welfare Act and redesigning DHS/Child Welfare’s ICWA processes and training.


House Bill 4214, Oregon’s Indian Child Welfare statute (ORICWA) passed in the 2020 Special Session. ORICWA codified the federal ICWA into state law, but it also built upon and expanded ICWA’s protections for tribes, tribal communities, and Indian children and families in several respects.

Senate Bill 562, passed in the 2021 Legislative Session, provided multiple legislative fixes to HB 4214 and added requirements for permanency planning for Indian children, adoption processes, parentage, court findings, and more. AIC Shannon Dennison participated in the legislative workgroup with Representative Tawna Sanchez, Oregon Tribes, the Oregon Department of Human Services (DHS), the Office for Public Defense Services (OPDS), and the Oregon Judicial Department’s Juvenile Court Improvement Program (JCIP). AIC Dennison reviewed the draft legislation and provided written testimony in support of its passage.

2. Statewide ORICWA Trainings

Throughout 2021, AIC Dennison partnered with tribes in Oregon, DHS, JCIP, and Oregon county model court communities to present multiple ORICWA trainings across the state. Those trainings included presentations to tribes both in and out of Oregon, juvenile court judges, AAGs and defense attorneys, and Court Appointed Special Advocate (CASA) offices. Please see Section IV.D.13 Calendar of Events for dates of trainings provided.

3. ORICWA Benchbook Workgroup

Following the passage of SB 562, JCIP reconvened the ORICWA benchbook workgroup to incorporate SB 562’s revisions to ORICWA. AIC Shannon Dennison and Appellate AAG Inge Wells have participated on this workgroup along with representatives and attorneys from Oregon tribes, DHS, OPDS, and David Simmons from the National Indian Child Welfare Association (NICWA). Please see Section IV.D.13 Calendar of Events for workgroup dates.
4. **DHS ICWA/ORICWA Administrative Rulemaking Meetings**

Throughout 2021, AIC Dennison has participated in ICWA/ORICWA OAR drafting meetings with attorneys for Oregon tribes, JCIP, and DHS to incorporate required changes from both HB 4214 and SB 562 into DHS’ administrative rules. Please see Section IV.D.13 Calendar of Events for meeting dates.

5. **Tribe/State Agreement between the Confederated Tribes of the Umatilla Indian Reservation and DHS**

In May of 2021, AIC Dennison met with DHS Child Welfare and CTUIR attorneys and staff to assist in revising and updating the CTUIR/DHS tribe/state agreement.

6. **Ongoing Consultation and Collaboration with Oregon Tribes Regarding Legal Issues in Juvenile Dependency and Termination of Parental Rights Cases**

In 2021, AIC Dennison worked with DHS and Oregon tribes to address legal issues impacting ICWA/ORICWA cases in Oregon. In March, AIC Dennison met with the Confederated Tribes of Grand Ronde and DHS to address the use of juvenile court protective supervision of Indian children in ICWA/ORICWA dependency cases. In October, AIC Dennison met with DHS and multiple Oregon tribes to discuss the use of Protective Action Plans in ICWA/ORICWA cases.

7. **ChAS ORICWA Resource Group**

To improve compliance with ICWA and ORICWA and build stronger relationships between AAGs and tribes, AIC Dennison developed an ORICWA Resource Group comprised of AICs, AAICs, and AAGs. Members of the Resource Group meet monthly to discuss issues related to Oregon tribes (cultural events, questions and concerns from Oregon tribes, and structural changes within tribes, etc.), ICWA/ORICWA legal developments, and to discuss ICWA/ORICWA issues in specific ChAS cases. Group members are available to AAGs across the state to assist with pending ICWA/ORICWA cases. The ORICWA Resource Group will also meet with the DHS’ Tribal Affairs Unit quarterly to address issues of concern involving Oregon tribes.

8. **DHS Child Welfare’s 2021 Virtual Tribal-State ICWA Conference**

On October 22, 2021, AIC Dennison presented two ICWA/ORICWA trainings at DHS’ 2021 Virtual Tribal-State ICWA Conference. AIC Dennison’s trainings addressed SB 562’s ORICWA amendments and considerations for ICWA/ORICWA court hearing preparation. Conference attendees included caseworkers and attorneys from Oregon tribes, DHS Child Welfare ICWA unit supervisors and caseworkers, national ICWA experts, and Tribal Affairs Unit staff including Active Efforts Specialists.
9. **Oregon Judicial Department State Court-Tribal Court Relationship Subcommittee**

JCIP has convened a subcommittee to improve adherence to ICWA/ORICWA requirements and to improve the quality of Oregon’s juvenile court hearings for tribes and tribal communities. AIC Dennison participates on this subcommittee along with representatives from Oregon tribes, juvenile court judges, OPDS, and DHS. Please see Section IV.D.13 Calendar of Events for subcommittee meeting dates.

10. **Multi-State Qualified Expert Witness Training**

During October of 2021, AIC Dennison worked with juvenile attorneys from the Washington Department of Justice, DHS, and Washington’s Department of Children, Youth, and Families to develop a Qualified Expert Witness training for tribes from multiple states (including Alaska, Oregon, Washington) and the Bureau of Indian Affairs. AIC Dennison presented the training on November 9 – 10 along with AIC John Anderson, AAIC Kristin Ward, AAGs Mary Margaret Montgomery and Emily Snook, and AAGs from Washington state.

11. **ICWA Training Subcommittee**

AIC Dennison has participated on DHS’ ICWA/ORICWA training subcommittee throughout 2021. The focus of the committee is the training of new caseworkers, refresh trainings for more experienced workers, and monitoring of ICWA/ORICWA understanding and adherence. Representatives of Oregon’s nine tribes, JCIP, DHS, NICWA, and national ICWA experts also participate on this subcommittee. Please refer to Section IV.D.13 Calendar of Events for subcommittee meeting dates.

12. **ORICWA Mini-Series Trainings for DHS**

In December 2021, DHS will record a series of ORICWA trainings provided by AIC Shannon Dennison. The trainings will target more complicated ICWA/ORICWA topics and will be used in the initial training of new DHS caseworkers as well as refresher trainings for more experienced caseworkers.

13. **Calendar of Events**

**January**
1/4: JCIP/OJD ORICWA Training  
1/6: Marion DHS ORICWA Training  
1/26: Multnomah CWC ORICWA Training  
1/27: Marion DIG/Model Court ORICWA Training  
1/29: ORICWA Legislative Workgroup Meeting (Representative Tawna Sanchez, Tribes, NICWA, national ICWA experts, DHS, OPDS)
February
2/2: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
2/4: ORICWA Legislative Workgroup Meeting
2/8: JCIP/OJD ORICWA Presentation Planning Meeting
2/23: DHS ICWA Training Subcommittee Meeting
2/26: DHS ICWA/ORICWA Permanent OAR Drafting Meeting

March
3/2: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
3/4: ORICWA Cultural Connection & Contact Agreements Planning Meeting (NICWA, Oregon Tribes, DHS, JCIP)
3/5: JCIP/OJD Training for juvenile judges, “ORICWA Q & A: Ask the Experts”
3/16: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
3/22: HB 3182 Feedback Meeting with Representative Tawna Sanchez
3/31: ORICWA Presentation for Multnomah County 5th Wednesday DHS Training

April
4/2: DOJ ChAS ORICWA Training
4/5: Oregon’s 9 Tribes ORICWA Training, Part 1
4/6: Oregon’s 9 Tribes ORICWA Training, Part 2
4/6: ChAS Support Team ORICWA Training
4/19: DHS Rules Advisory Committee Meeting – Division 115/ORICWA
4/20: DHS ICWA/ORICWA Permanent OAR Drafting Meeting

May
5/18: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
5/18: Tribe/State Agreement Meeting with DHS and CTUIR
5/25: DHS ICWA Training Subcommittee Meeting
5/25: ORICWA Training for DHS Active Efforts Specialists

June
6/4: Tillamook County Model Court ORICWA Presentation
6/7: Yamhill County Model Court ORICWA Presentation
6/15: DHS ICWA/ORICWA Permanent OAR Drafting Meeting

July
7/8: OJD State Court-Tribal Court Relationship Subcommittee Meeting
7/27: DHS ICWA Training Subcommittee

August
8/2: Meeting with Marion County Juvenile Judges regarding ORICWA mediations
8/5: DHS “Every Child Matters” Event
8/16: DHS Statewide ICWA Search Protocol Meeting
8/20: ICWA Quarterly Presentation to Oregon’s 9 Tribes with DHS
8/23: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
8/25: DHS Rules Advisory Committee Meeting – Division 115/ORICWA
September
9/13: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
9/20: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
9/23: ORICWA Presentation to Lincoln County Model Court
9/27: DHS ICWA/ORICWA Permanent OAR Drafting Meeting

October
10/8: Meeting with Oregon tribes and DHS regarding Protective Action Plans in ICWA cases
10/11: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
10/11: OJD/JCIP Tribal Collaboration Subcommittee Meeting
10/12 – 10/14: 2021 Virtual Tribal/State ICWA Conference: Every Child Matters
10/18: DHS ICWA/ORICWA Permanent OAR Drafting Meeting
10/26: OJD/JCIP Benchbook Revision Workgroup Meeting

November
11/1: OJD/JCIP Tribal Collaboration Subcommittee Meeting
11/15: OJD/JCIP Benchbook Revision Workgroup Meeting
11/29: DHS ICWA/ORICWA Tribal Customary Adoption Permanent OAR Drafting Meeting

December
12/6, 13, 20, & 27: DHS ICWA/ORICWA Tribal Customary Adoption Permanent OAR Drafting Meeting

E. Representation of State Agencies

The Department of Justice is the law firm 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 and their attorneys 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. Oregon Business Development Department (OBDD)

AAG Wendy Johnson assisted OBDD in its extension for grant award to Confederated Tribes of the Warm Springs to address its water crisis.
2. **Criminal Justice Commission (CJC)**

AAG Sam Zeigler assisted CJC in a grant award to CTWS under the Improving People’s Access to Community-Based Treatment, Supports and Services Program.

3. **Oregon Department of Human Services (ODHS)**

AAG Ellen Taussig Conaty assisted ODHS Emergency Management regarding grant awards to tribes to fund and support emergency response efforts, in conjunction with Senate Bill 762 (2021).

4. **Department of Energy (ODOE)**

AAG Patrick Rowe advised ODOE, which represents the State of Oregon on the Hanford Natural Resource Trustee Council (HNRTC). The HNRTC, which was formed in 1993, is a collaborative working group chartered to address natural resources impacted by releases of hazardous substances at the Hanford Nuclear Site. The Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation and the Yakama Nation are the tribal members on the HNRTC. AAG Rowe participated in meetings with representatives of these tribes and other trustees. The near-term goal of the HNRTC (within the next few years) is to complete the injury assessment phase and prepare a Restoration Plan. The ultimate goal is to reach an agreement for restoring injured resources and services and compensation for the loss of resources and services resulting from the releases.

AAG Rowe also regularly advises ODOE’s Siting Division and the Energy Facility Siting Council regarding the siting of energy facilities in Oregon. The work of staff in the Siting Division often involves tribes, including coordination regarding the potential impact of a proposed energy facility on historic and cultural resources.

5. **Department of Environmental Quality (DEQ)**

AAG Gary Vrooman assists DEQ on hazardous substance cleanup matters and its engagement with tribes regarding areas of cultural and historical significance, including the Bradford Island site and the Armstrong/St. Helens site in Scappoose Bay.

AAG Anika Marriott facilitated discussions regarding long-term solutions to water quality (pH exceedances) associated with hydroelectric dam partially owned by Warm Springs Tribe with DEQ and tribal leadership. Discussions are ongoing.

In 2019, AAGs in DOJ’s Trial Division represented DEQ regarding challenges to its issuance a Section 401 Certification for Hells Canyon Complex on the Snake River by several tribes. The Burns Paiute Tribe, the Nez Perce Tribe and a coalition of conservation groups filed separate lawsuits challenge. The cases filed by the Nez Perce Tribe and the conservation plaintiffs were consolidated and, in 2021, resulted in a settlement that included, among other things, a commitment by DEQ to fund the development of a Methylmercury TMDL for the Hells Canyon reach of the Snake River. The Burns Paiute Tribe voluntarily dismissed its complaint.
6. **Oregon Department of Fish and Wildlife (ODFW)**

AAG Anika Marriott represented ODFW in its ongoing participation in the *U.S. v Oregon* policy committee and Management Agreement Implementation with the Confederated Tribes of the Umatilla Indian Reservation, Nez Perce, Warm Springs, and Yakama. AAG Marriott also participated as contact counsel for ODFW at the quarterly policy committee meetings that facilitate tribal and state sovereign co-managers of the Columbia River fishery resources, which also includes coordination on fishing citations to tribal members, Oregon and Washington Compact-related consultation with the four tribes, and other associated issues.

7. **Department of Land Conservation and Development (DLCD)**

AAG Steve Shipsey participated in extensive consultation and coordination with DLCD and the four coastal tribes on proposed amendments to the “Territorial Sea Plan Part 3: Rocky Shores” to develop a draft policy that accounts for traditional tribal gathering and cultural use of the rocky intertidal zone. This primarily involved working with Margaret Corvi of CTCLUSI who serves on the Ocean Policy Advisory Council as tribal representative (ORS 196.438(1)(f)(H)).

AAGs Shipsey and Jesse Ratcliffe also coordinated with CTCLUSI attorney Rick Eichstaedt and Ms. Corvi on the CTCLUSI and Oregon briefings in the Jordan Cove Energy Project appeal of the state Coastal Zone Management Act Federal Consistency denial to the Secretary of Commerce.

8. **Department of State Lands (DSL)**

AAG Matt DeVore advised DSL regarding consultation and communication with tribes on decisions related to land management. In 2018, DSL issued a waterway registration to the Grand Ronde Tribe to conduct traditional fishing from a fishing platform on state-owned lands at Willamette Falls. Four other tribes appealed DSL’s decision. For the last few years, DSL has been working with the five tribes and PGE to try to find a resolution. However, the parties are now moving forward with a contested hearing before the Office of Administrative Hearings with a hearing scheduled for May 2022.

9. **Oregon Department of Transportation (ODOT)**

AAG Sam Zeigler assisted ODOT in grant awards with multiple tribes on topics including public transit funding and with CUTR for the Oregon Community Paths program, and Safe Routes to Schools program.

10. **Office of Emergency Management (OEM)**

AAG Sam Zeigler assisted OEM in grants to multiple tribes under the Homeland Security Grant Program.
11. **Oregon Health Authority (OHA)**

AAG Ted Falk assisted OHA in its work to create Indian Managed Care Entities with four tribes and NARA NW. These organizations will be paid to provide care management to tribal members covered by Medicaid.

AAG Wendy Johnson assisted OHA in administering grants to increase access to care and improve outcomes for individuals actively using substances, engaging in substance misuse, or having a substance use disorder to support obligations outlined in Ballot Measure 110. These included grants to the following entities:

- BestCare Treatment services, Inc. to serve Warm Springs tribal members and others
- Mid-Valley Healthcare, Inc. to pay for costs associated with Milestones Family Recovery; Mid-Valley Healthcare, Inc., works closely with the Warm Springs and Siletz Tribal Offices
- St. Charles Hospital to finalize an agreement with Warm Spring Tribal clinic and hire a Warm Springs site coordinator, aimed to expand health professional training and healthcare work forces.

AAG Johnson also assisted OHA Behavioral Health with its grant to Cow Creek to fund the development and implementation of programming responsive to the behavioral health needs of tribal veterans. This required close collaboration with the tribe’s attorneys, OHA program staff, and OHA’s Tribal Director to work out contract details to address tribal rights and concerns.

12. **Oregon State Police (OSP)**

AAG Anika Marriott facilitated signing of a prosecutorial fishing citation referral agreement between with the Umatilla Indian Reservation and county DAs.

13. **Oregon Water Resources Division (OWRD)**

AAG Renee Moulun represented and advised the OWRD on a variety of matters. She participated in negotiations, on behalf of OWRD, with the U.S. Federal Negotiation Team and CTUIR. The effort consists of obtaining and recognizing surface water rights from the Umatilla River and groundwater rights within the reservation boundaries. This effort has been ongoing since at least 2012, and steady progress was made this year.

AAG Moulun assisted the OWRD in regulatory efforts to protect tribal water rights in the Upper Klamath Lake and its tributaries to assure tribal water right claims from the Klamath Adjudication are protected.
14. Portland Harbor Natural Resources Damages Negotiations

On behalf of ODOT and DSL, the Natural Resources Section (NRS) Portland Harbor defense AAGs continued negotiations with the Portland Harbor Natural Resource Trustee Council (Trustee Council) to resolve potential natural resource damages liability. The following tribes are members of the Trustee Council: Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Nez Perce Tribe. This effort has been ongoing since approximately 2010 but steady progress was made this year.

15. Portland Harbor Remedial Design Work

On behalf of ODOT and DSL, the NRS Portland Harbor defense AAGs continued to support work under EPA consent orders, including compliance with four tribal oversight cost agreements; two with the Yakama Nation and two with five tribal governments working collaboratively on the their oversight work: the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe.

F. Gaming

AAG Karen Clevering serves on the Governor’s negotiating team for tribal gaming compacts. In addition to gaming compacts, AAG Clevering advises Oregon State Police Tribal Gaming Section (TGS) in its regulatory role in tribal gaming activities in the State. The following is summary of gaming-related representation by tribe.

- **Confederated Tribes of the Grand Ronde.** AAG Clevering assisted OSP in entering into agreements with the Tribal Gaming Commission regarding Amendment III to gaming compact related sports betting.

- **Confederated Tribes of the Coos, Lower Umpqua Siuslaw Indians.** AAG Clevering assisted in negotiation of Amendment IV of the Tribal-State Gaming Compact, which authorized the Tribe to engage in sports pool.

G. 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.

This year, the Attorney General joined the State of California and many other states on a brief in support of Petitioners the United States and tribes in *Haaland v. Brackeen*. The brief
sought review of the holding from the Fifth Circuit Court of Appeals that certain aspects of the Indian Child Welfare Act (ICWA) violate the federal Constitution. These *amici* states confirmed their support of ICWA, noting that the law is a critical and constitutional framework for managing state-tribal relations and for protecting the rights and stability of Indian children, families, and tribes.

H. **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 Confederated Tribes of the Umatilla Indian Reservation serve as partners to the Oregon Titan Fusion Center.

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.

I. **Cultural Resources**

AAG Patrick Aitchison will continue ECREU’s role as DOJ representative on the Governor’s Tribal Cultural Items Taskforce regarding Executive Order 17-12 and Tribal Cultural Items. AAG Aitchison also attended the newly organized Oregon State Police Cultural Resources Taskforce Meeting earlier this year.

J. **Crime Victim and Survivor Services Division (CVSSD)**

In 2021, the Crime Victim and Survivor Services Division continued to build stronger collaboration between tribes and statewide technical assistance agencies, grant-funded programs and community partners. CVSSD also sought additional opportunities to learn about challenges confronting tribal nations and how better to deliver services to tribal populations.

CVSSD staff have also shared their experiences and knowledge at national events. On August 11, 2021, Desiree Coyote, Confederated Tribes of Umatilla Indian Reservation (CTUIR) and Diana Fleming, CVSSD, presented “Enhancing Tribal State Relations to Support and Strengthen Tribal DV and Shelter Programs in Oregon,” for the National Indigenous Women’s Resource Center.

1. **Grant Funding**

CVSSD Fund Coordinators and leadership provide information on grant funding streams, competitive grant opportunities, and technical assistance to tribal victim service programs as requested by tribes. In 2021, Oregon Tribal Nations received grant funding increases in one of
two non-competitive grant awards. The equity formula in the joint application led to earlier increases in 2019 and again in 2020 with 7 of 9 tribes accepting the $229,400 joint award for FY 2021 – 2023 and $225,000 for the FY 2021 – 2023 VOCA CFA noncompetitive award. **VOCA awards include a 4.5% budget increase for all programs.** The increased funding to tribal programs supports equal access to services for all victims across the state. The grant funds provided:

- Emergency support services for victims, which includes transitional housing, mental health and legal services
- Travel and training for tribal advocates
- Staffing for advocates to increase service delivery for victims in larger tribal county service areas (up to eleven counties for some tribes).

Also this year, tribes, along with other CVSSD grant funded programs, received additional COVID relief and emergency housing grant funds.

In addition, CVSSD continued ongoing technical assistance and facilitated conversations with tribal communities and non-profit victim service programs to improve long standing issues and concerns regarding service delivery to tribal victims. These efforts addressed a shift to accountability within the community to ensure meaningful access to services for all victims.

2. **Community Collaboration and Needs Assessment**

CVSSD visited four of nine tribes in 2019 and 2020. The COVID pandemic and tribal administrative closures led to the postponement of the follow up to the Tribal Nation Listening Tour. The Community Collaboration and Needs Assessment listening sessions with tribal leadership will be rescheduled in 2022 and 2023.

3. **Community Conversations**

On June 2, DOJ began its 3rd annual **Community Conversations**; a two-month long community engagement series with twenty-one population-specific open community forums. The forums focused on the rise of hate crime and bias targeting as well as increasing equity and access to victim and survivor services. A specific session focused solely on the experiences of American Indian and Alaska Native Communities. Leadership from all Tribal Nations within Oregon were formally invited to attend this session by Attorney General Ellen Rosenblum. A robust outreach campaign helped bring native voices to this session. Other sessions highlighted the needs of BIPOC communities, LGBTQIA2S+ communities, Transgender/Gender Non-Binary/Gender Expansive communities, BIPOC LGBTQIA2S+ communities, People Experiencing Houselessness, Deaf and Hard of Hearing communities, Blind and Low Vision communities, People with Disabilities, People with Mental Health Disabilities Communities, and Victims who are Incarcerated, Formerly Incarcerated, or Justice-Involved.

In each of these sessions, the participants were encouraged to discuss and explore the intersectional and overlapping elements of oppression that impact these communities. The Community Conversations series aids CVSSD staff in identifying service gaps and guides the
direction of system reforms that support increased equity. A summary of the findings of the 2021 Community Conversations series will be released by spring of 2022.

K. Division of Child Support (DCS)

The Covid-19 pandemic has continued to impact in-person options for gatherings with Tribal partners in 2021. The Oregon Child Support Program partnered with Tribal IV-D child support programs to review outreach materials for Tribal partners and families. Since the 2018 roll-out of Origin, the complex case management system for the Oregon Child Support Program, staff have been working to update demographic information on the participants and families that DCS serves. The new system allows DCS to indicate Tribal membership for each case participant. Identifying this information helps DCS to determine if it has jurisdiction over the Tribal family, enable Tribal families to obtain Tribal services if more appropriate, and accurately report collections for Tribal families. DCS welcomes Tribal members or their families to report Tribal affiliation to staff to update records.

1. 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 and tribal members to collect child support on behalf of Native American families. 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. In federal fiscal year 2021, the Oregon Child Support Program collected more than $1,456,000 on cases with Oregon tribal members.

2. Activities per Tribe

Burns Paiute Tribe. The Tribal liaisons in the Bend office are available to assist with child support issues for Tribal members.

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 child support enforcement, modification, DNA testing, and paternity establishment.

Confederated Tribes of the Grand Ronde. Albany Tribal liaisons work with the Grand Ronde Tribal Court Administrator and Tribal Court staff and are available to assist Tribal members with child support issues.

Confederated Tribes of the Siletz Indians. The Albany DCS office works with the Siletz Tribe and Tribal Court. Local tribal liaisons meet with the Tribal TANF staff regularly to provide training as well as case staffing for general case questions and paternity testing services. DOJ Civil Enforcement AIC Claudia Garcia Groberg continued to represent the Oregon Child Support Program at the Confederated Tribes of Siletz Indians. AIC Groberg appeared monthly in
telephonic hearings with the Siletz Tribal Court to handle income withholding orders issued to the Tribe by the Oregon Child Support Program. Due to the pandemic and economic hardship to Tribal members, the Siletz Tribe passed a resolution to not garnish per capita distribution for child support, which resulted in per capita hearings not being held in 2021.

DCS has been working with the Siletz 477-Self Sufficiency Program Director to draft a new government-to-government agreement based on an updated service plan submitted to the federal government. DCS plans for the agreement to take effect early in 2022.

Confederated Tribes of the Umatilla Indian Reservation. The Pendleton DCS office works cooperatively with the CTUIR Office of Child Support Enforcement. The Tribal liaisons assist with training of new CTUIR staff and help with registering orders with CTUIR for enforcement and wage withholding. Staff from both offices interact regularly to discuss cases.

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. The Bend office provides services on cases where the Tribal Court has authorized the Oregon Child Support Program to assist the custodial parent with enforcement tools not available to the Tribe. The liaisons also aid Tribal members who have child support matters in other states, serving as a liaison between Tribal members and child support programs in other jurisdictions.

Coquille Indian Tribe. The Coquille Indian 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 child support enforcement, modification, DNA testing, and paternity establishment, and facilitate contact with out-of-state Tribes and child support programs as necessary.

Cow Creek Band of Umpqua Tribe of Indians. The Roseburg DCS office processes 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. Requests are sent from the Tribe for assignment of support when a caretaker is receiving Tribal TANF. DCS staff and staff from both The Klamath Tribes child support and TANF meet regularly to discuss each other’s business needs and improve processes. Requests for income withholding of Tribal employees’ wages for child support are sent to The Klamath Tribes Child Support Enforcement office for processing. During the pandemic, a Tribal liaison has met virtually with the Tribe’s child support staff and Tribal members to answer questions about cases, audit cases, and assist with complex cases.
3. 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:* Lyssa Warren Wyatt (Primary Contact) and Jennifer Nelson (Secondary Contact).

*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 Contact) and Colleen Hartford (Secondary Contact).

*The Klamath Tribes:* Lyssa Warren Wyatt (Primary Contact) and Jennifer Nelson (Secondary Contact).

*Confederated Tribes of the Siletz Indians:* Colleen Hartford (Primary Contact) and Brandy Maldonado (Secondary Contact).

*Confederated Tribes of Warm Springs:* Lyssa Warren Wyatt (Primary Contact) and Jennifer Nelson (Secondary Contact).

*Confederated Tribes of the Umatilla Indian Reservation Tribal Contact:* Kari Monroy (Primary Contact) and Ashley Armstrong (Secondary Contact).

L. Civil Rights Unit

The Civil Rights Unit (CRU) is part of the Office of the Attorney General in the Oregon Department of Justice. The CRU advises the Oregon Attorney General on civil rights issues. Upon passage of SB 577 in 2019, the CRU has founded, structured, and staffed the nation’s first statewide Hate Crimes and Bias Incidents Response Hotline dedicated to supporting victims and witnesses targeted with hate or bias based on their protected class.

After the passage of HB 3265 in 2021, the CRU is currently structuring the state’s new Sanctuary Promise program and hotline, which will investigate violations of Oregon’s sanctuary laws and support victims and families targeted with these law violations. This program is scheduled to open in February 2022.

The CRU additionally provides supervision on civil rights litigation in Oregon, coordinates multi-state litigation on civil rights, education, and labor rights issues, and engages in community, government, and law enforcement training and outreach regarding civil rights issues affecting marginalized and vulnerable Oregonians.
1. **Bias Response Hotline**

   DOJ’s statewide Hate Crimes and Bias Incidents Response Hotline (Bias Response Hotline or BRH) is part of the Civil Rights Unit in the Office of the Attorney General. The BRH opened in January 2020, and provides confidential support, resources, affinity and community referrals, connection to law enforcement, criminal justice advocacy, and additional options for civil investigations for those targeted or who witness targeting based on protected class in both criminal and non-criminal bias.

   As of early December, the BRH has received 1502 reports to the hotline. Of those, there have been 70 reports of anti-American Indian/Alaska Native bias, or 5% of all hotline reports. Some reports are specific to the victim’s tribal enrollment, including reports of anti-Warm Springs bias (1 report), anti-Klamath bias (36 reports), and anti-Coos, Lower Umpqua & Siuslaw Indians bias (1 report). Of the 70 reports to the hotline, 14 were determined to be hate crimes and 56 were bias incidents. Conduct reported included harassment, assault, doxxing (sharing private contact information online for the purpose of inciting others to harass an individual), vandalism, and institutional bias. All of the BRH’s data is available publicly and updated monthly on the data dashboard by the Oregon Criminal Justice Commission. It is searchable by month (or multiple months), location, determination, conduct, and protected class.

2. **You Belong newsletter**

   The CRU started its outreach newsletter called *You Belong* in 2021. Its first issue was disseminated in early October. The newsletter was sent to tribal leadership for all nine federally recognized tribes in Oregon as well as numerous contacts at tribal victim services, prosecution offices, and behavioral health centers. Copies of past editions as well as a link to sign up to receive future editions of the newsletter are located on DOJ’s website.
Appendix A

Updated List of Department of Justice Programs that Affect Tribes

The following 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, 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 collegial 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 is held biennially. The 2021 Public Law Conference was held entirely online over a period of two weeks.

B. Legal Sufficiency Review

Pursuant to ORS 291.045 through 291.049, 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. Public Records Laws

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

IV. Appropriate Dispute Resolution

DOJ promotes and provides training with respect to appropriate dispute resolution, which may include disputes involving tribes.
V. Criminal Appeals (Appellate Division, Ben Gutman, Solicitor General)

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

VI. 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)

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 Chris Stringer 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.

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).

VII. **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.
VIII. Civil Enforcement Division

The Civil Enforcement Division is generally DOJ’s plaintiff’s civil litigation arm assisting state agencies in seeking affirmative action or recovery of money. The Division also provides legal representation to the Division of Child Support and the Division of Human Resources Child Welfare Program, along with operating programs overseeing consumer protection laws, charitable activities, and operating the Medicaid Fraud Control Unit. Much of this work includes coordination and consultation with tribes and tribal communities.

A. Consumer Protection (Kelly Harpster, Attorney in Charge)

The Consumer Protection Section investigates and prosecutes violations of the Unlawful Trade Practices Act. Investigations span a wide range of consumer activity, including consumer finance, privacy, health care, and telecommunications. Staff also work directly with consumers and businesses to informally resolve consumer complaints and to assist a team of community volunteers who staff DOJ’s consumer hotline. The consumer education program has included work with tribes.

B. Antitrust and False Claims (Tim Nord, Special Counsel to the Civil Enforcement Division)

This unit investigates anticompetitive business practices and false claims made to government entities.

C. Scam Alert Network (Ellen Klem, Director of Consumer Education and Outreach)

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. The consumer education program has included work with tribes.

D. Medicaid Fraud (Sheen Wu, 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.

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

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

X. Environmental and Cultural Resources Enforcement Unit (Patrick Aitchison)

The Environmental and Cultural Resources Enforcement Unit (ECREU) prosecutes, or assists with the prosecution of, environmental and cultural resource offenses statewide. Environmental cases include not only the “traditional” pollution-type offenses (e.g. air, water, hazardous waste) but also fish and wildlife offenses which include cases involving treaty rights. Cultural resources offenses include, but are not limited to, cases in which archaeological objects, other objects of cultural significance, and archaeological sites are damaged, looted, or destroyed.
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.