



## **December 2022 Report on Government-to-Government Activities with the Nine Federally Recognized Tribal Governments in Oregon**

### **I. 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 on an annual basis.

#### **A. The CJC's Government-to-Government Tribal Relations Policy, adopted pursuant to ORS 182.164.<sup>1</sup>**

The CJC's Government-to-Government Tribal Relations Policy identifies agency contacts for development and implementation of programs affecting federally recognized Tribal Governments in Oregon, sets forth the process by which the CJC identifies programs that affect tribes, establishes the agency's expectation that staff will promote communication between the CJC and Tribal Governments whenever agency action affects tribes in furtherance of positive government-to-government relationships and collaboration, and establishes the method by which CJC staff are notified of and trained regarding the agency's Government-to-Government Tribal Relations Policy.

This policy was revised in 2022 to reflect changes in staffing contacts, to expand the types of relevant training opportunities the agency will seek out for its staff, and to clarify the process by which the CJC will determine which programs may affect Tribal Governments or tribal members. A copy of this policy may be obtained by emailing [bridget.budbill@cjcc.oregon.gov](mailto:bridget.budbill@cjcc.oregon.gov).

#### **B. The CJC staff contacts responsible for developing and implementing programs that affect tribes.<sup>2</sup>**

CJC Tribal Liaison

Bridget Budbill

885 Summer Street NE

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Alternate CJC Tribal Liaison

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<sup>1</sup> ORS 182.166(3)(a).

<sup>2</sup> ORS 182.166(3)(b).

### **C. The process the state agency established to identify the programs of the state agency that affect Tribal Governments.<sup>3</sup>**

To effectuate the CJC's policy of maximizing the exchange of ideas and promotion of open communication with Tribal Governments, the agency will engage in effective and meaningful consultation with representatives of Tribal Governments when implementing new programs or modifying existing programs that affect Tribal Governments or tribal members. This includes, but is not limited to, seeking, discussing, and considering the views of Tribal Governments by way of formal government-to-government consultation, conducting direct outreach to tribal members and representatives of tribal governments, and ongoing relationship building and collaboration.

To identify agency programs that affect Tribal Governments, the Tribal Liaison, in collaboration with agency staff, will evaluate existing programs, and any new programs assigned to, or adopted by, the agency, on an annual basis to assess whether the programs may affect Tribal Governments or tribal members. When the agency concludes that a program may affect Tribal Governments or tribal members, the provisions of the agency's Government-to-Government Tribal Relations Policy will be applied. If there is uncertainty regarding whether a program may affect Tribal Governments or tribal members, the Tribal Liaison will conduct outreach to the federally recognized Tribal Governments in Oregon for additional information and input to make this determination.

#### **1. Agency Programs that Affect Tribes**

The CJC presently operates two programs that affect the nine federally recognized Tribal Governments in Oregon: (1) the Improving People's Access to Community-Based Treatment, Supports, and Services (IMPACTS) Grant Program, established in 2019,<sup>4</sup> and (2) the Restorative Justice Grant Program established in 2021.<sup>5</sup> Both grant programs include Tribal Governments as eligible grantees, with the IMPACTS grant requiring that at least one award be made to a federally recognized Tribal Government. As of this report, the CJC funds grant programs with five of the nine federally recognized Tribal Governments in Oregon, requiring contractual relationships as well as ongoing engagement in program management and evaluation, and support and technical assistance, between the agency and Tribal Governments.

##### **a. IMPACTS Grant Program**

In 2019, the Oregon Legislature established the IMPACTS Grant Program, with \$10 million in funding, to provide supports and services to a target population of individuals with frequent criminal justice and emergency services involvement.<sup>6</sup>

To date, five federally recognized Tribal Governments in Oregon have applied for and received IMPACTS grant funding. Those tribal grantees include:

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<sup>3</sup> ORS 182.166(3)(c).

<sup>4</sup> [Senate Bill \(SB\) 973](#) (2019 Regular Session).

<sup>5</sup> [House Bill \(HB\) 2204](#); see also [HB 5006 § 166](#).

<sup>6</sup> [SB 973](#) (2019 Regular Session).

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

During the 2021 Regular Session, the Oregon Legislature appropriated an additional \$10 million to the IMPACTS Grant program.<sup>7</sup> The CJC also – along with its co-administering agency the Oregon Health Authority – consulted with the nine federally recognized Tribal Governments regarding this additional funding and the implications of that funding in establishing a second grant cycle.

Additionally, after consideration of the direct feedback provided by existing tribal grantees, the IMPACTS Grant Program’s governing body adopted a recommendation from the tribal grantees to create a tribal-specific grant application that would better meet the needs of the program’s Tribal Government applicants. The agency then engaged in government-to-government consultation on the tribal-specific grant application’s contents. The IMPACTS Grant Program’s governing body prioritized the 2021 funding for existing grantees to maintain their current programs and determined that current grantees, including tribal grantees, who were not making substantive changes to their programs would have an abbreviated application process to reduce the burden of re-applying.

#### **b. Restorative Justice Grant Program**

During the 2021 Regular Session, the Oregon Legislature established the Restorative Justice Grant Program, with \$4 million in funding, for restorative justice programs operated by public or private entities, which includes Tribal Governments.<sup>8</sup> In implementing this new program, the CJC sought input from the nine federally recognized Tribal Governments in Oregon, including inviting all to engage in government-to-government consultation as to the development of the administrative rule framework, conducting direct outreach to Peacemaking Courts and tribal members and representatives, and providing open forums, such as hosting public listening sessions, offering public comment opportunities at all Restorative Justice Grant Program public meetings, and providing routine updates and status information on program development.

To facilitate inclusive drafting of the program’s administrative rules, the CJC convened a Rules Advisory Committee, which included a Tribal Government representative. Going forward, the program’s administrative rules, adopted earlier this year, require that the grant’s advisory body – which approves applications – must include at least one position for a Tribal Government representative but is not limited to only one.<sup>9</sup>

In the grant’s inaugural application process, the Cow Creek Band of Umpqua Tribe of Indians applied for and received full requested funding to support expanded capacity of their Tribal Government’s Peacemaking Court.

<sup>7</sup> [HB 5006 § 92](#) (2021 Regular Session).

<sup>8</sup> [HB 2204](#) (2021 Regular Session); *see also* [HB 5006 § 166](#) (2021 Regular Session).

<sup>9</sup> [OAR 213-040-0040\(3\)\(a\)](#).

**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.<sup>10</sup>**

The CJC seeks to promote communication and collaboration between the CJC and the nine federally recognized Tribal Governments in Oregon in its programs that directly affect and may affect Tribal Governments and tribal members, as well. In addition to the efforts described in Section C, other efforts conducted by agency staff to engage with Tribal Governments and tribal members in improving agency programs this year includes:

- Contracting with researchers and research entities to provide technical assistance to all IMPACTS grantees – including Tribal Government grantees – that focus exclusively on supporting program evaluation and data collection needs.
- Conducting multiple staff site visits with Tribal Government grantees for agency program and research staff to collaborate on program successes and challenges with IMPACTS grantees, such as representatives of Tribal Governments, tribal police, family services, and courts, and to experience Tribal Government-led educational experiences regarding cultural practices and programs and introductions to ceremonial sites.
- Conducting outreach to a tribal-specific re-entry program to gather information about the specific health care resource needs and barriers affecting tribal members releasing from Oregon jails into communities statewide.
- Administering a survey regarding gun violence reduction strategies in preparation to apply for a gun violence crisis intervention federal grant opportunity and including representatives of all nine federally recognized Tribal Governments in Oregon in this request for input.
- Drafting a legislative concept for consideration during the 2023 Regular Legislative Session that would reconvene the Public Safety Task Force – a representative body of criminal justice system agencies and impacted groups – to conduct long-term strategic planning for Oregon’s criminal justice system, which, for the first time in the task force’s history, specifically mandated that at least one voting member must be a tribal representative.

**E. A description of trainings obtained to satisfy ORS 182.166(3)(e).<sup>11</sup>**

The Tribal Liaison, IMPACTS contracted technical assistance providers and researchers, and the entire CJC Programs Team, took part in a Klamath Tribes-led training on Tribal Government history and culture, which included an emphasis on the epigenetic consequences of generational trauma, genocide, and ongoing institutional racism. The CJC’s Tribal Liaison and IMPACTS lead program staff person also completed the DAS Workday’s “Native American History and Culture of Oregon Tribes” training. The Programs Director and IMPACTS lead program staff took part in “Living Native American Histories Across Generations” training offered through George Mason University. The IMPACTS lead program staff also completed the Oregon Department of Education’s five-module Tribal History/Shared History series.

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<sup>10</sup> ORS 182.166(3)(d).

<sup>11</sup> ORS 182.166(3)(e).

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. The agency is planning to provide an agency-wide Tribal Government training in 2023.

**F. The method the CJC established for notifying employees of the provisions of ORS 182.162 to 182.168 and the CJC's Government-to-Government Tribal Relations Policy.<sup>12</sup>**

The CJC's Executive Team, in coordination with the Tribal Liaison, distributes the agency's Government-to-Government Tribal Relations Policy to all employees and provides guidance to employees in fulfilling the policy as they carry out the agency's work. Members of the Programs Team, which includes the Tribal Liaison, collaboratively seek out team-specific tribal affairs training opportunities. Further, the Tribal Liaison is working with the agency's Executive Team to seek out new ways to bring tribal affairs training opportunities to all agency employees at regular agency meetings or its annual retreat.

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<sup>12</sup> ORS 182.166(3)(f).