



DEPARTMENT OF JUSTICE

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Oregon Department of Justice Annual Government to Government Report 2023
Pursuant to ORS 182.166(3)

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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.¹ This government-to-government relationship is one that DOJ is honored to take part in building and sustaining. 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.

In particular and as detailed further below, this year it was my pleasure to accept the invitation to consult with the Confederated Tribes of the Warm Springs at the Tribal Governance

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 Siletz Indians– 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 nine federally recognized tribes. “Oregon Tribes” also refers to these nine tribes.

Center. I am also encouraged and heartened by partnership and efforts to rebuild trust with the Klamath Tribes through DOJ's role managing the Klamath County District Attorney's Office. Further, after insightful consultation with the Tribes, in July, DOJ implemented the Hope Card program to improve the enforcement of protection orders from State and Tribal Courts.

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. 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. 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.

Each year, the Department's Tribal Key Contact redistributes the policy and highlights its importance to all employees. 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 (CLE) programs relating to federal Indian Law and Native American culture and heritage.

A. External Trainings

In February, Division of Child Support (DCS) Deputy Director and Key Contact Dawn Marquardt, Director Kate Cooper Richardson, and Policy Team manager Lenny Kistler attended the National Child Support Engagement Association (NCSEA) Policy Forum in Washington, D.C., which included attendees from Tribal child support programs. Other DCS staff were able to attend virtually.

On April 18 and 19, DCS Roseburg Tribal liaisons Deborah Petetit and Lisa Martin attended the 15th Annual Native Caring Conference hosted by the Cow Creek Band of Umpqua Tribe of Indians.

In May, DCS Director Kate Cooper Richardson attended the Eastern Regional Interstate Child Support Association (ERICSA) Annual Conference in Georgia, which included attendees from Tribal child support programs and sessions on Tribal-related issues.

In July, DCS Deputy Director Dawn Marquardt, Director Kate Cooper Richardson, DCS Bend case manager and Tribal Liaison Lyssa Warren Wyatt, and DCS Pendleton case manager and Tribal Liaison Kari Monroy attended the National Tribal Child Support Association (NTCSA) Annual Training Conference in Wisconsin. Klamath Tribes Judiciary Director Danita Herrera and Dawn Marquardt presented at a “Building Bridges: Fostering Collaboration” session.

In August, DCS Deputy Director Dawn Marquardt, and members of the DCS management team attended the NCSEA Leadership Symposium in California, which included attendees from Tribal child support programs.

From September 17 to 21, nearly 150 DOJ employees attended the Western Intergovernmental Child Support Engagement Council (WICSEC) Annual Conference in Portland. Attendees included DCS management, Tribal liaisons, DCS employees from around the State, and AAGs from Civil Enforcement’s Civil Recovery section. More than 10 Tribes were present at the conference. Peter Hatch, History & Archaeology Specialist from the Confederated Tribes of Siletz Indians gave a cultural presentation during the opening plenary.

Child Advocacy and Protection Division (CAPD) AIC Shannon Dennison participated in ICWA CLEs throughout 2023 including the CLE “After Brackeen: Outcomes and Implications of the Supreme Court’s Decision Upholding the Indian Child Welfare Act” presented by the William S. Boyd School of Law and the Indian Nations Gaming Governance Program on September 20.

On October 11 and 12, DCS Tribal liaisons attended the Washington State Division of Child Support Tribal Liaison Annual Training and presented on the processes for interactions with each Oregon Tribe.

On October 24 to 26, DCS Albany Tribal liaisons Brandy Maldonado and Gail Newkirk attended the Increasing Your Success event hosted by the Siletz Tribe in Lincoln City.

Civil Recovery Assistant Attorney in Charge (AAIC) Kristan Gilman attend the National Association of Attorneys General (NAAG) Tobacco Issues Seminar in October 2023, which included an hour-long presentation regarding tobacco enforcement issues related to tribes.

On December 14-15, 2023, AAG Karen Clevering attended the Northwest Gaming Law Summit, by the Seminar Group. Topics included:

- National Indian Gaming Litigation Update
- PNW Gaming Legislative Update
- National Indian Gaming Commission Declination Letters
- Responsible Gaming Support
- Northwest Tribal Leaders Update
- Northwest Gaming Law – Regulators Roundtable
- Seminole, Reg 293, and Beyond
- Section 20 Litigation and Administrative Update
- Sports Wagering – Five Years After the Fall of PASPA
- Seminole, Reg 293, and Beyond

B. Internal Trainings and Information Sharing

Throughout 2023, Child Advocacy and Protection Division (CAPD) AIC Shannon Dennison continued to provide ongoing trainings on multiple ICWA/ORICWA topics for CAPD AAGs, law clerks, and support staff. The trainings were intended to provide both nuts and bolts information on ICWA/ORICWA legal requirements, and to ensure that CAPD AAGs and staff understand tribal perspectives in ICWA/ORICWA dependency and termination of parental rights cases and engage with tribes in a spirit of mutual respect.

C. 2023 Public Law Conference

DOJ held its Public Law Conference (PLC) from October 16-27 via a hybrid format. The PLC is a biannual conference exclusively for DOJ clients, including state agencies, boards, and commissions. The PLC covers a variety of topics of top concern and interest to clients. This year, DOJ Key Contact AAG Karen Clevering presented the session “Tribal Relations: Respecting Sovereignty in the Government-to-Government Relationship” to an audience of approximately 300 attendees.

IV. EFFORTS TO PROMOTE GOOD GOVERNMENT TO GOVERNMENT RELATIONS

A. Cluster Participation

1. Public Safety Cluster

DOJ Tribal Key Contact Karen Clevering and CVSSD staff participated in cluster meetings.

2. Cultural Resources Cluster

DOJ Tribal Key Contact Karen Clevering and AAG Patrick Aitchison of DOJ's Environmental and Cultural Resources Enforcement Unit (ECREU) participated in cluster meetings. At the March 14 meeting, AAG Steve Novick presented on the opportunity for tribal input on the issue of the social cost to greenhouse gases (SC-GHG) relative to cultural and natural resources.

3. Natural Resources Work Group

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

B. Special Activities

1. Hope Card Program

In furtherance of HB 2741 (2021), the Attorney General initiated government to government consultation with Oregon's nine federally recognized tribes to learn how the development of a new Hope Card Program could best serve state interests and tribal interests. The Hope Card Program was passed by the Oregon Legislature in 2021 to improve the enforcement of protection orders from State and Tribal Courts by providing quick and accessible information about an order of protection on a durable, wallet-sized card. The card is intended to serve as an optional safety tool to help victims and to remind law enforcement that the law requires full faith and credit for eligible protection orders, regardless of the protection order's origin.

DOJ held two rulemaking advisory committee meetings on January 12 and February 24 and received public comment. Representatives from eight Tribes participated. On May 31, 2023, the Attorney General and DOJ staff met with the CTWS to consult on this program at Warm Springs Tribal Headquarters. DOJ adopted rules on June 28, 2023, effective July 5.

C. ICWA

Throughout 2023, DOJ's Child Advocacy and Protection Division (CAPD), formerly the Child Advocacy Section or ChAS, continued its commitment and work in support of ORICWA and ICWA. The CAPD provides quality and timely legal advice and effective legal advice and effective court representation to the Oregon Department of Human Services (ODHS) Child Welfare Division in order to protect children from abuse and neglect and to support families, allowing children to grow up in safe and stable environments.

1. ABA Advisory Committee for Tribal Attorney Performance Standards in State ICWA Cases

AIC Shannon Dennison participated on the Tribal Attorney Performance Standards in State ICWA (ICWA) Cases Advisory Committee. This American Bar Association (ABA) Advisory Committee developed model performance standards for tribal attorneys in state child welfare proceedings, similar to the performance standards that exist for parent, child, and government

attorneys in state child welfare proceedings. These standards provide a baseline for child welfare attorney practice and in doing so promote quality representation for tribes in state child welfare proceedings. Casey Family Programs provided support to draft the tribal attorney standards. AIC Shannon Dennison reviewed and provided commentary on the standards and attended several planning sessions with juvenile practitioners from multiple states, tribal representatives, and national ICWA experts. Participants included Kate Fort (Michigan State University College of Law), Jack Trope (Casey Family Programs), representatives from the Pokagon Band of Potawatomi, Cherokee Nation, Squaxin Island Tribe, Choctaw Nation, Tlingit and Haida Indian Tribes of Alaska, the Pascua Yaqui Tribe, the Indian Child Welfare Act Law Center, the Tribal Law and Policy Institute, the California Tribal Families Coalition, the Indian Child and Family Preservation Program, and other legal professionals from across the United States.

2. Indian Child Welfare Act Issues Study Committee

AIC Shannon Dennison participated on the Indian Child Welfare Act Issues Study Committee, which explored whether a model or uniform state ICWA statute should be developed to better ensure nationwide ICWA adherence, uniformity, and possibly higher levels of protection for tribes and tribal communities. This Uniform Law Commission committee is led by retired Oregon Supreme Court Justice Martha Walters, and participants have included tribes, attorneys, law professors, legislators, and Commissioners from across the country including Texas Supreme Court Justice Debra Lehrman, UCLA Indian Law professor Lauren van Schilfgaarde, Nevada State Representative Shea Backus, Kate Fort (Michigan State University College of Law), Jack Trope (Casey Family Programs), Whitener Group attorney Adrian Smith, representatives from the California Tribal Families Coalition, the National Council of Juvenile and Family Court Judges, the American Bar Association, the Native American Rights Fund, the Cherokee Nation, Tlingit and Haida Indian Tribes of Alaska, and other tribes and legal professionals from across the United States. The next steps for this committee will involve drafting and consultation with tribes throughout the United States regarding recommended model statute language.

3. Klamath Tribes Tribe/State Agreement

In February, AIC Shannon Dennison worked with Oregon Department of Human Services (ODHS) Child Welfare, ODHS' Office of Tribal Affairs, and General Counsel, Health and Human Services Section AIC Jeff Wahl to extend ODHS' Child Welfare's Tribe/State Agreement with the Klamath Tribes. Shannon Dennison also worked with ODHS Child Welfare and AIC Jeff Wahl to review and develop the terms of an updated Tribe/State Agreement between ODHS Child Welfare and the Klamath Tribes.

4. Development and Implementation of Multnomah County ICWA Court

Throughout 2023, CAPD Deputy Chief Counsel Rahela Rehman attended multiple meetings in Multnomah County to create plans for the development and implementation of a Multnomah County ICWA court. Deputy Chief Counsel Rehman also travelled with a Multnomah County team to observe the Klamath County ICWA Court.

5. ORICWA/ICWA “Reason to Know” Training for the Josephine County Model Court

On March 30, AIC Shannon Dennison and Jayne Cooper from the Oregon Judicial Department (OJD)/Juvenile Court Improvement Program (JCIP) presented an ICWA/ORICWA Training to the Josephine County Juvenile Dependency Model Court Group at the request of Judge Sarah McGlaughlin titled “Indian Child & Reason to Know.”

6. ORICWA Reports to the Legislative Assembly – ODHS/OJD Strategy Sessions

Beginning in April, AIC Shannon Dennison began attending Oregon Judicial Department (OJD) JCIP Tribal Collaboration Meetings and ODHS/OJD Strategy Sessions with ODHS Child Welfare to develop plans for ODHS Child Welfare’s and OJD/JCIP’s 2024 ORICWA Legislative Assembly reports, provision of reporting data to the Nine Tribes of Oregon, and review and discussion of that data with the Nine Tribes of Oregon. Additional meetings will be scheduled in November and December 2023 to review the data and proposed reports with the Nine Tribes of Oregon prior to submission to the Legislative Assembly.

7. CAPD Collaboration Meetings with the Nine Tribes of Oregon

In May 2023, AIC Shannon Dennison contacted each of the Nine Tribes of Oregon and their attorneys to schedule individual collaboration and feedback meetings. Over the next several months, virtual meetings were scheduled with the Confederated Tribes of Warm Springs, the Burns Paiute Tribe, the Confederated Tribes of Grand Ronde, the Cow Creek Band of Umpqua Tribe of Indians, and in person in Chiloquin, Oregon with the Klamath Tribes. AIC Dennison is also in contact with representatives from the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Umatilla Indian Reservation to schedule meetings before the end of 2023. During meetings with tribes, AIC Dennison has sought feedback from tribes regarding their experiences with CAPD AAGs in juvenile dependency matters, legal resolution processes related to juvenile dependency matters, and improved tribe/state collaboration.

8. Meeting and Tour of Great Circle Recovery in Salem, Oregon Dept of Justice

On May 24, AIC Shannon Dennison and AAIC Caitlynn Knopp met with representatives from the Confederated Tribes of Grand Ronde, tribal attorney Kim D’Aquila, the Director and staff of ODHS’ Office of Tribal Affairs, Polk/Marion County ODHS District and Program Managers, and the Director and physician for Great Circle Recovery to tour the Salem location of Great Circle Recovery Opioid Treatment Clinic. The clinic is administered by the Confederated Tribes of Grand Ronde. During the meeting, participants discussed patient access to treatment, disclosure of records and testimony for juvenile court proceedings, and treatment modalities.

9. ORICWA Tribal Customary Adoption Training for Multnomah and Washington County CASA Offices

On June 2, AICs Carmen Brady-Wright and Shannon Dennison, co-presented a training on tribal customary adoption training with Confederated Tribes of Siletz Indians Family Services Program Administrator Amanda Barnhart and ODHS ICWA Permanency Supervisor Jonnie Gilroy for the Multnomah and Washington County Court Appointed Special Advocate (CASA) offices.

10. ODHS Office of Tribal Affairs Regional ICWA Specialist Trainings

On August 14, AICs Shannon Dennison and Catherine Terwilliger presented an ICWA/ORICWA professional development training for ODHS Office of Tribal Affairs Regional ICWA Specialist staff members regarding child protective service investigations, emergency removals, and legal sufficiency issues in ICWA/ORICWA cases.

On August 15, AIC Carmen Brady-Wright presented an ICWA/ORICWA professional development training for ODHS Office of Tribal Affairs Regional ICWA Specialist staff members regarding permanency issues in ICWA/ORICWA cases.

11. 2023 Indian Child Welfare Act Conference: Together We Strengthen Our People – Confederated Tribes of Grand Ronde Spirit Mountain Casino, Grand Ronde, OR

On September 28, CAPD Deputy Chief Counsel Rahela Rehman and AICs Shannon Dennison and Jennifer Meisberger co-presented a training with Confederated Tribes of Siletz Indians Family Services Program Administrator Amanda Barnhart at the 2023 Tribal-State Indian Child Welfare Act Conference: Together We Strengthen Our People held from September 27 – 29, 2023 at the Confederated Tribes of Grand Ronde Spirit Mountain Casino conference center. Presentation attendees included social workers from the Nine Tribes of Oregon, ODHS Child Welfare staff, and ODHS Office of Tribal Affairs staff. Deputy Chief Counsel Rehman and AICs Dennison and Meisberger attended all three days of the conference and participated in multiple trainings and social gatherings with the Nine Tribes of Oregon.

12. 2023 Juvenile Law Training Academy

On October 16, 2023, AIC Shannon Dennison co-presented an ORICWA CLE at the Oregon Criminal Defense Lawyers Association’s Juvenile Law Training Academy with Ashley Harding (ODHS Office of Tribal Affairs Senior ICWA Manager), Jack Trope (Casey Family Programs Senior Director in Child Welfare Programs), and Lea Ann Easton (Indian law attorney) titled “ICWA Developments and Implementation: *Haaland v. Brackeen*, Cultural Connections for Children & Youth, and Reason to Know.” CLE attendees included many CAPD AAGs, juvenile law attorneys, and judges throughout Oregon.

13. Nine Tribes of Oregon and ODHS Child Welfare ICWA Advisory Council and Oregon Tribal Administrators Quarterly Meetings

In May, August, and November, AIC Shannon Dennison attended ICWA Advisory Council and Oregon Tribal Administrators Quarterly meetings along with ODHS Child Welfare, ODHS' Office of Tribal Affairs, and representatives from Oregon tribes. During ICWA Quarterly meetings, AIC Dennison has presented trainings on legal and tribe/state collaboration, resolution of legal issues and concerns, strategies for improving engagement and outcomes for Indian children and families involved in the juvenile dependency proceedings, and issues related to implementation of ICWA courts.

14. CAPD ORICWA Resource Group

AIC Shannon Dennison developed the CAPD ORICWA Resource Group in 2022 to improve compliance with ICWA and ORICWA across Oregon and to build stronger relationships between CAPD AAGs and tribes. Throughout 2023, AIC Shannon Dennison has continued to lead the Resource Group which includes CAPD attorneys from across the state including Deputy Chief Counsel Rahela Rehman; AICs John Anderson, Carmen Brady-Wright, Catherine Terwilliger, and Michelle Watkins; AAICs Lauren Kemp and Caitlynn Knopp; and AAGs Kim Bolen, Holly Ferrioli, and Mary Margaret Montgomery.

Members of the Resource Group meet monthly to discuss issues related to ICWA/ORICWA cases, including legal and policy developments and questions and concerns posed by tribes. Group members continue to be available to CAPD AAGs across the state to consult on and share their expertise to assist with pending ICWA/ORICWA cases as needed. Members of the ORICWA Resource Group meet with the ODHS' Office of Tribal Affairs Regional ICWA Specialists monthly to discuss specific cases and issues. Group members also meet with ODHS' Office of Tribal Affairs leadership on a quarterly basis to address issues of concern from tribes, ODHS policy and practice developments in ICWA/ORICWA cases, and advice related to ICWA/ORICWA issues.

15. Calendar of Events

January

- 1/20: CAPD ORICWA Resource Group Meeting
- 1/20: ODHS Office of Tribal Affairs and CAPD ORICWA Resource Group Meeting
- 1/30: Uniform Law Commission Indian Child Welfare Act Issues Study Committee Meeting

February

- 2/1: ICWA/ORICWA Training for incoming AAGs
- 2/7: Meeting with ODHS Office of Tribal Affairs Director Adam Becenti regarding Tribe/State Agreement with Klamath Tribes
- 2/13: ABA Advisory Committee Meeting – Tribal Attorney Performance Standards
- 2/17: CAPD ORICWA Resource Group Meeting
- 2/23: ODHS Office of Tribal Affairs and CAPD ORICWA Resource Group Meeting

March

- 3/6: ABA Advisory Committee Meeting – Tribal Attorney Performance Standards
- 3/17: CAPD ORICWA Resource Group Meeting
- 3/21: ORICWA Report to the Legislative Assembly – ICWA Compliance Reports
- 3/24: CAPD ORICWA Brown Bag Training: Tribal Customary Adoption
- 3/30: ORICWA/ICWA “Reason to Know” Training for the Josephine County Model Court Group
- 3/30: ICWA/ORICWA Training for incoming AAGs

April

- 4/6: JCIP Tribal Collaboration Meeting
- 4/13: CAPD ORICWA Brown Bag Training: General ORICWA Discussion
- 4/20: ABA Advisory Committee Meeting – Tribal Attorney Performance Standards
- 4/21: CAPD ORICWA Resource Group Meeting

May

- 5/17: ICWA Advisory Council Quarterly Meeting
- 5/19: CAPD ORICWA Resource Group Meeting
- 5/24: Confederated Tribes of Grand Ronde – Great Circle Recovery Connection Meeting with ODHS and DOJ

June

- 6/14: ICWA/ORICWA Training for incoming AAGs
- 6/15: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting
- 6/16: CAPD ORICWA Resource Group Meeting
- 6/22: ODHS Office of Tribal Affairs and CAPD ORICWA Resource Group Meeting

July

- 7/10: Indian Child Welfare Act Issues Study Committee Meeting
- 7/14: ICWA Listening Session Debrief
- 7/20: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting
- 7/21: CAPD ORICWA Resource Group Meeting

August

- 8/14: ODHS Regional ICWA Specialist ICWA/ORICWA Training
- 8/16: ICWA Advisory Council Quarterly Meeting (Chinook Winds, Lincoln City)
- 8/17: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting
- 8/18: CAPD ORICWA Resource Group Meeting
- 8/28: ODHS/DOJ ORICWA Strategy Session

September

- 9/8: ICWA/ORICWA Training for incoming AAGs
- 9/12: Meeting with the Klamath Tribes in Chiloquin, Oregon
- 9/15: CAPD ORICWA Resource Group Meeting
- 9/21: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting

9/27 – 9/29: 2023 Tribal-State Indian Child Welfare Act Conference: Together We Strengthen Our People (and Tribal Customary Adoption Presentation)

October

- 10/6: Indian Child Welfare Act Issues Study Committee Meeting
- 10/16: Juvenile Law Training Academy CLE Presentation, “ICWA Developments and Implementation: *Haaland v. Brackeen*, Cultural Connections for Children & Youth, and Reason to Know”
- 10/19: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting
- 10/20: CAPD ORICWA Resource Group Meeting
- 10/23: Joint ODHS/OJD ORICWA Strategy Session
- 10/26: Office of Tribal Affairs/CAPD ORICWA Resource Group Bi-Monthly Meeting

November

- 11/6: Indian Child Welfare Act Issues Study Committee Meeting
- 11/16: ICWA Advisory Council Quarterly Meeting (Seven Feathers, Canyonville)
- 11/17: CAPD ORICWA Resource Group Meeting

December

- 12/7: Indian Child Welfare Act Issues Study Committee Meeting
- 12/21: Office of Tribal Affairs Regional ICWA Specialist Case Discussion Meeting
- 12/22: CAPD ORICWA Resource Group Meeting
- 12/26: Joint ODHS/OJD ORICWA Strategy Session
- 12/28: Office of Tribal Affairs/CAPD ORICWA Resource Group Bi-Monthly Meeting

D. Civil Enforcement

During the 2023 Legislative Sessions, Tobacco Unit AAIC Kristen Gilman engaged with Oregon tribes regarding House Bill 2128, which related to the Tobacco Master Settlement Agreement.

On August 25 and 26, DOJ Civil Recovery Section Assistant Attorney in Charge Shannon Richard, and Bend Tribal Liaison team members attended the Klamath Tribes 37th Annual Restoration Celebration in Chiloquin. The Klamath Tribes Child Support Enforcement Program, DOJ AAIC Shannon Richard and Division of Child Support Staff CS staff participated in the Health Row event that took place during the Restoration Celebration. Civil Recovery AAGs also contributed materials for the “fill the backpack” event.

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 tribes and 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 these efforts, some of which are confidential or sensitive. Some examples of legal work conducted while representing the State or other state agencies follow.

1. 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. AAG Rowe continued to assist in ODOE's implementation of its Community Renewable Energy Grant and Community Heat Pump programs by reviewing grant agreements, including with certain tribes.

2. Department of Environmental Quality (DEQ)

AAG Gary Vrooman facilitated interaction with tribes' counsel regarding DEQ's cleanup program, in particular cleanup activity related to contaminated fisheries. AAG Vrooman also assisted DEQ ODFW in collaborative work with Tribes to recover natural resource damages, in particular the Portland Harbor Superfund site and the Bradford Island Superfund site.

AAG Vrooman also advised on DEQ-related work with the Yakama Nation concerning the Bradford Island Superfund site where DEQ, EPA and Washington State Department of Ecology are working with the tribe to ensure they are included in portions of the remedy implementation agreement. The US Army Corps will select and implement the remedy.

3. Oregon Department of Forestry (ODF)

ODF continues to work with tribes in regulating forest practices on tribal lands. AAG Matt DeVore has been assisting ODF as they prepare for their discussions with various tribes regarding collaboration of enforcement efforts on tribal forestland. He has also provided support in agreements that provide for mutual enforcement authorities on tribal lands.

4. Department of Revenue

AAG Melisse Cunningham assisted DOR in executing cigarette and tobacco products tax refund agreement with Tribes. DOR has these tax refund agreements with all Tribes in Oregon.

5. 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, Yakama, and Shoshone Bannock that facilitates tribal and state sovereign co-managers of the Columbia River fishery resources. Starting this fall, mediation has commenced with federal magistrate Judge Beckerman for the negotiation of the 2028-2037 Management Agreement.

AAG Erin Donald assisted the Fish and Wildlife Commission and ODFW on several issues including rulemaking and agreements with tribes:

- Rule implementing a memorandum of agreement with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians for take of species over which the Oregon Fish and Wildlife Commission has management authority.
- Rule implementing a memorandum of agreement with the Cow Creek Band of Umpqua Tribe of Indians for take of species over which the Oregon Fish and Wildlife Commission has management authority.
- Rule implementing a memorandum of agreement for off-reservation and non-trust land hunting, fishing, trapping and gathering with the Confederated Tribes of the Grand Ronde Community of Oregon.
- Rule implementing a memorandum of agreement with the Confederated Tribes of Siletz Indians for take of species over which the Oregon Fish and Wildlife Commission has management authority.

AAG Vrooman represents ODFW on the NRD Trustee Council concerning the Portland Harbor Superfund Site and regularly interacts with the 5 Tribes that are members.

6. Department of Land Conservation and Development (DLCD)

AAG Steve Shipsey assisted DLCD with preliminary work on taking up a rulemaking for cultural resources under Statewide Planning Goal 5 which included scoping work with Oregon's tribes.

7. Department of State Lands (DSL)

AAG Matt DeVore advised DSL in its process for renewal of the waterway registration to Grand Ronde for a fishing platform at Willamette Falls. He also assisted the agency in its consultation and communication with tribes that opposed the registration.

8. Oregon Department of Agriculture (ODA)

AAGs Rachel Weisshaar and Erika Hamilton advised ODA regarding pesticide licensing applicator licensing agreements with tribes and tribal entities. They also advised the agency on relevant statutory changes in furtherance of government-to-government cooperation and consultation.

9. Oregon Department of Parks and Recreation (OPRD)

AAGs Steve Shipsey and Karen Clevering assisted OPRD in negotiating a Memorandum of Agreement the CTGR regarding coordination and consultation for management of the Fort Yamhill State Heritage Area, which is owned and managed by the OPRD.

10. Office of Emergency Management (OEM)

AAG Sam Zeigler assisted OEM in drafting templates to negotiate with Tribes for grants awards for emergency management performance and homeland security grants.

11. Oregon Health Authority (OHA)

AAG Shannon O'Fallon worked with OHA Tribal Affairs Director Julie Johnson to establish tribal template agreements at OHA that have specific tribal provisions.

AAG Ellen D. Taussig Conaty assisted OHA's Tribal Affairs program in finalizing negotiations on a contract with the Confederated Tribes of the Warm Springs Reservation to operate an Indian Managed Care Entity (IMCE) for Medicaid services.

12. Oregon State Police (OSP)

AAG Karen Clevering and Wildlife Anti-Poaching Resource Prosecutor AAG Jay Hall co-presented the training "Treaty Rights and Fish and Wildlife Regulation" to the OSP Fish and Wildlife Division on April 12 and 19, 2023.

13. Oregon State Fire Marshall

AAG Sam Zeigler assisted State Fire Marshall in negotiating grant award with the Burns Paiute Tribe for purposes of wildfire mitigation.

14. Oregon Water Resources Division (OWRD)

AAGs Renee Moulun and Jesse Ratcliffe continued negotiations with federal negotiating team and the Confederated Tribes of the Umatilla Indian Reservation to recognize and quantify federal reserved water rights in surface and groundwater. AAGs Moulun and Ratcliffe also convened and led cooperative discussions between the Klamath Tribe, the US Bureau of Reclamation and the Oregon Water Resources Department regarding the Klamath Tribes call for elevation lake level water rights in Upper Klamath Lake.

15. Oregon Watershed Enhancement Board

AAG Sam Zeigler assisted the Board in drafting template agreements for negotiation with tribes for purposes of post-fire recovery activity.

16. Portland Harbor Natural Resources Damages Negotiations

On behalf of ODOT and DSL, the 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, and the Nez Perce Tribe. This effort has been ongoing since approximately 2010 and steady progress continues.

17. 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 tribal oversight cost agreements with the Yakama Nation and with five tribal governments working collaboratively on the oversight work, including the Confederated Tribes of the Grand Ronde, the Confederated Tribes of Siletz Indians, the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Nez Perce Tribe.

E. 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.

F. *Amicus Curiae* Brief Decision Making

DOJ continues to notify tribal attorneys about cases in which the Attorney General is called upon by other states or associations to participate in appellate court briefing in an *amicus curiae* role by joining briefs that have been drafted by other states. This process has resulted in meaningful input from tribal representatives in the State's decision-making process. In addition, tribes on occasion contact DOJ asking that the Attorney General join an *amicus* brief.

G. Criminal Justice Division and Law Enforcement Coordination

The Criminal Justice Division conducts specialized criminal investigations and prosecutions and provides highly trained and experienced special agents, prosecutors and analysts to fight crime across Oregon. The Division also provides outreach and training to citizens, victim service providers, and members of the law enforcement community to help ensure that Oregonians receive the highest level of service from the criminal justice system. The Division has three main units: Investigation, Prosecution, and Analytical. Members of these units participate in various

specialized programs and serve local, state, and national law enforcement, state and federal prosecutors, state agencies, and crime victims on a daily basis.

1. Tribe-Specific Collaboration

a. Confederated Tribes of the Grand Ronde

Assistant Special Agent-in-Charge Brian Prevett met with Chief McKnight, Grande Ronde Police Department on December 13, 2022. They discussed issues in CTGR jurisdiction, the MMIP program, and Oregon cold case investigators. Criminal Justice special agents also assisted the Grand Ronde Police Department regarding an investigation involving financial exploitation of an elder victim.

b. Klamath Tribes

As of November 1, 2022, the Klamath County District Attorney's office has been managed by Oregon Attorney General Ellen Rosenblum, through Senior Assistant Attorney General John Casalino of the Criminal Justice Division. With this role, the Criminal Justice Division has taken meaningful steps to engage with the Klamath Tribes.

In February 2023, AAG Casalino organized an initial meeting between the Klamath County DA (KCDA)'s office and Tribal Administration. This included the Director of Klamath County District Attorney's Office, Victim Advocate Program, Dava Leslie and members of the Klamath Tribe including General Manager of the Klamath Tribe, George Lopez. The goal of this meeting was to inform tribal members that DOJ/KCDA's Office would seek to improve service to tribal members who were victims of crime and seek to improve the process involving tribal members who were criminal defendants. DOJ/KCDA also discussed improving relations between KCDA, local law enforcement and the Tribes.

Though this work is ongoing, these efforts are bearing fruit:

- Klamath Tribes art is currently being displayed in the KCDA conference room.
- AAG Casalino, the KCDA Victim Advocate Staff and investigator attended Klamath Tribes' National Day of Awareness for Murdered and Missing Indigenous People on May 5. This was the first time a DA attended this event. KCDA hosted a barbeque, attended by court judges, Klamath Tribes General Manager, and tribal representatives among others.
- AAG Casalino and KCDA staff attended the Klamath Tribes Restoration Celebration Pow Wow in August, where they learned about tribal culture and met with crime victims and tribal administration to discuss the justice system in Klamath County and how it can more fairly serve tribal members. This annual event marks the anniversary of the Klamath Tribes federally recognized status, which was restored in 1986 for the three tribes: Klamath, Modoc, and Yahooskin-Paiute. The three-day event brings

together tribal members from across the basin and state and is also an invitation to the general public to observe and participate in tribal cultural activities.

- AAG Casalino and KCDA staff met with the Klamath Tribal Court and Tribal Victim Advocate and discussed progress in rebuilding trust between the KCDA and the Tribe in September. In particular, tribal representatives reported that tribal victims in the criminal justice system are feeling like they are being heard more.
- AAG Casalino and KCDA discussed with Klamath Tribal Court Judicial Director Danita Herrera ways to improve relationships between the Klamath Tribes and law enforcement in September.

2. Tribal Representation

The Criminal Justice Division coordinates multidisciplinary team meetings on specific topics and includes representatives from the District Attorneys offices, law enforcement, schools, and other supportive service groups. In 2023, following teams added tribal representation:

- Domestic Violence Reduction Unit
- Elder Abuse Multidisciplinary Team
- Child Abuse Multidisciplinary Team

3. Oregon TITAN Fusion Center

The Oregon TITAN Fusion Center (OTFC) works directly with tribal security partners to share information on criminal activity and potential threats to Oregon tribal lands and surrounding areas. It most recently distributed a bulletin to Tribal Police Departments in September. The OTFC has conducted several risk vulnerability assessments with tribal partners for assets on tribal land. In February, it disseminated a missing persons poster for the US Department of Justice Missing Murdered Indigenous Persons (MMIP) Program.

4. Oregon DOJ Watch Center

The Oregon DOJ Watch Center (WC) works directly with local, state, federal, and tribal law enforcement partners to aid in criminal investigations, the location of criminal subjects, and the location of victims of crimes.

5. 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.

6. Tribal Court Protection Orders

AAG Sarah Sabri serves as DOJ's Domestic Violence Resource Prosecutor, a part of the Criminal Justice Division, and through this work she has been working closely with representatives from Tribal Nations on issues most specifically related to domestic violence, sexual assault, stalking and protection order enforcement. AAG Sabri has been engaged in ongoing work with the State/Tribal Court Forum to first coordinate the legislative changes that ultimately cumulated in SB 183, making necessary changes to the Oregon statutes to assure that state law enforcement, prosecutors and courts properly recognized and enforced tribal protection orders under State and Federal Law. This work was done in careful collaboration with tribal members, advocates, attorneys, prosecutors, and judges as well as in collaboration with the Indian Law Section of the Oregon State Bar. AAG Sabri has presented a multitude of trainings to provide for an ongoing flow of information and feedback as to the existence, effectiveness and implementation of the legislative changes.

AAG Sabri continued her work by providing trainings on enforcement of tribal court protection orders. Trainings included:

- George Murdock Eastern Oregon Regional Child Abuse Conference at Wildhorse Resort & Casino in Pendleton on April 28.
- Klamath County Law Enforcement in June.
- Oregon Sheriff's Association Civil Enforcement Division in September.
- Family Violence Supervision Network in October
- VAWA Implementation Plan Meeting in October
- Lane County Domestic Violence Council/Sexual Assault Response Team in November

DOJ has continued its partnership with Klamath Tribes law enforcement. In 2022, AAG Sabri met with Klamath Tribe DV team regarding issues and concerns that the Klamath community is experiencing as related to domestic violence, sexual assault and protection order enforcement. In May 2023, AAG Sabri met with various representatives of the Klamath Tribes, including the Tribal Court, law enforcement, and advocacy, to assess additional training needs.

H. Cultural Resources

AAG Patrick Aitchison has continued Environmental and Cultural Resources Enforcement Unit's (ECREU) 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 meetings of the Intergovernmental Cultural Resource Council.

I. Crime Victim and Survivor Services Division (CVSSD)

In 2023, 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. It also

continues to provide ongoing technical assistance and facilitated conversations with tribal communities and nonprofit victim service programs to improve long standing issues and concerns regarding service delivery to tribal victims.

1. Grant Funding

CVSSD administered grants to Oregon Tribal Nations along with other culturally specific programs for a 10% funding differential in the 2023-2025 Joint noncompetitive DVSA grant award. Additionally, the CVSSD Advisory Committee approved allocations that included increasing the base amount to \$150,000 for each service area.

2. Tribal Nations Listening Tour

In 2023, CVSSD conducted listening sessions with the leadership of all nine federally recognized tribes in Oregon. Desireé Coyote, Family Violence Services Program Manager, Confederated Tribes of Umatilla Indian Reservation, and Diana Fleming, CVSSD, met with tribal leadership, supervisors and program staff between February 21 and November 2. Discussions focused on the changes between 2010 and present along with ongoing barriers to service delivery. CVSSD conducted listening sessions to focus on meaningful access to services more than 10 years apart with the first [listening tour report](#) released in 2012. CVSSD will compare its findings with next steps in a written report to be released in 2024. CVSSD will conduct a statewide community collaboration meeting in 2024 that includes dominant culture and Tribal Nations victim service programs. Diana Fleming presented this work at the Tribal-State Public Safety Cluster on October 25.

3. Violence Against Women Act (VAWA) Implementation Plan

The VAWA IP is a 4-year strategic plan that proposes how federal VAWA Formula Grant funds are allocated with statewide funding priorities, goals and activities. Two of the nine federally recognized tribes in Oregon have a member representing tribal interests on the CVSSD VAWA Implementation Planning Subcommittee. All nine tribes are invited to each of the CVSSD and IP Subcommittee meetings that set statewide strategy for domestic and sexual violence service provision. The inclusion of tribal representatives assures that the voices and concerns of tribal victims are represented during planning, allocation and application review. Tribal board representation continues to provide expertise in CVSSD's funding processes and to improve collaboration with state partners and stakeholders as well as domestic violence and sexual assault service providers.

4. Training

Diana Fleming and Christine Heyen of CVSSD presented "Lessons Learned and New Approaches" on August 3, 2022, at the Tribal, State, and Federal Summit: Setting the Path for Accountability, hosted by the CTUIR Family Services.

J. Civil Rights Unit

The Civil Rights Unit (CRU) is part of the Crime Victim and Survivor Services Division in the Oregon Department of Justice. 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 also founded, structured, and staffed the state's new Sanctuary Promise program and hotline, which investigates violations of Oregon's sanctuary laws and support victims and families targeted with these law violations.

The Civil Rights and Social Justice Director sits in the Office of the Attorney General and advises the Oregon Attorney General on civil rights issues. The Civil Rights and Social Justice Director additionally provides supervision on civil rights litigation in Oregon, coordinates multi-state litigation on civil rights, education, and labor rights issues, and, along with the CRU, 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 (or Bias Response Hotline, BRH) is part of the Civil Rights Unit in the Crime Victim and Survivor Services Division. The BRH opened in January 2020, and provides confidential support, resources, affinity and community referrals, emergency funds, 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 bias crimes and non-criminal bias incidents.

To date of this report in 2023, the BRH has received 3,222 reports to the hotline. Of those, there have been 31 reports of race-based anti-American Indian/Alaska Native bias, and there have been 6 reports of national origin-based AI/AN nation bias, accounting for 1% of all hotline reports. Of the 37 reports to the hotline, 3 were determined to be [hate crimes](#) and 34 were [bias incidents](#). Conduct reported included harassment, assault, doxxing (sharing private contact information online for the purpose of inciting others to harass an individual), institutional bias, refusing service or accommodations, swatting (calling 911 on a person in an attempt to bring about unnecessary or dangerous law enforcement response or consequence to another person), murder, and vandalism. All of the BRH's data is available publicly and updated monthly on its [data dashboard](#) by the Oregon Criminal Justice Commission. It is searchable by month (or multiple months), location, determination, conduct, and protected class.

2. MMIP Working Group

The CRU Hotline Coordinator continued to serve on the District of Oregon Missing and Murdered Indigenous Persons (MMIP) Working Group, and attended three workgroup meetings, two prep meetings with the coordinators, as well as two meetings of the MMIP Tribal Community Outreach Sub-Group.

K. Division of Child Support (DCS)

The Division of Child Support works with both parents to provide the financial and emotional support their children need to grow and thrive. These services help children in need, encourage family self-sufficiency, return money to the public treasury, and reduce the state's cost of providing public assistance. During 2023, regional and national conferences were a combination of virtual and in-person events, with a focus on diversity, equity, and inclusion. Many staff of the Division of Child Support (DCS) were able to attend virtual events. Specific trainings noted in section III above.

Oregon Child Support Program employees continue to update the case management system, Origin, with demographic information for the participants and families we serve. Origin allows DCS to indicate Tribal membership for each case participant. Identifying this information helps determine jurisdiction over the Tribal family, enables Tribal families to obtain Tribal services if more appropriate, and accurately reports collections for Tribal families. DCS welcomes Tribal members or their families to report Tribal affiliation to staff maintain accurate records.

In 2023, DCS solicited a Request for Proposal (RFP) for parentage testing to determine the likelihood or probability that the alleged father is the biological father of a child and awarded the contract to Laboratory Corporation of America Holdings (LabCorp). As part of the RFP process, DCS sought input from Oregon Tribes. Oregon Tribes are able to access the pricing by entering into an Intergovernmental Joint Cooperative Procurement Agreement with DOJ.

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 2023, the Oregon Child Support Program collected more than **\$1,472,000** on cases with Oregon Tribal members.

DOJ Civil Enforcement Chief Counsel Claudia Groberg continued to represent the Oregon Child Support Program on child support cases at the Confederated Tribes of Siletz Indians. Groberg appeared monthly at Siletz Tribal Court for income withholding hearings. Groberg and Siletz Tribal liaisons Brandy Maldonado and Gail Newkirk attended the per capita hearings in June. After a full day of hearings, **\$82,665.79** was collected from Tribal dividends for child support. A portion of those funds are disbursed to the Siletz Tribe to reimburse the Tribe for Tribal TANF.

2. Activities by 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. Tribal employers receive and process wage and medical support withholding orders. 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.

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. In October, DCS deputy director Dawn Marquardt and Child Support Manager Ana Potter visited the Tamastlikt Cultural Institute. They also observed the CTUIR Tribal Court, Tribal Support Docket with Pendleton Tribal liaison Kari Monroy and Pendleton manager Holly Arguello. In November, the Tribal liaison started working at CTUIR on the monthly child support docket day to answer questions Tribal members or employees may have about their Oregon Child Support Program case.

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 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. During 2023, the Tribal liaisons began outreach efforts at the Warm Springs ODHS office.

Coquille Indian Tribe. The Tribal liaisons provide direct assistance to Tribal members with questions regarding child support services, 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 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 staff and Klamath Tribes child support staff meet regularly to discuss work and improve processes. Tribal liaison meets virtually or in person 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

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 (Primary Contact) and Lisa Martin (Secondary Contact).

Coquille Indian Tribe: Debbie Petetit (Primary Contact) and Lisa Martin (Secondary Contact).

Cow Creek Bank of Umpqua Tribe of Indians: Debbie Petetit (Primary Contact) and Lisa Martin (Secondary Contact).

Confederated Tribes of Grand Ronde Indian Reservation: Brandy Maldonado (Primary Contact) and Gail Newkirk (Secondary Contact).

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

Confederated Tribes of the Siletz Indians: Brandy Maldonado (Primary Contact) and Gail Newkirk (Secondary Contact).

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

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

Contact details are available at [Tribal - Oregon Department of Justice : Child Support \(state.or.us\)](http://Tribal - Oregon Department of Justice : Child Support (state.or.us))

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. In addition, 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 Internet Crimes Against Children investigates internet exploitation of children and has several memoranda of understanding (MOUs) with Oregon Tribes.

C. Financial Crimes Prosecution

Financial Crimes special agents and a resource prosecutor works with Oregon's district attorneys, and other prosecutors, law enforcement and community partners throughout the state. In addition to investigating and prosecuting financial crimes, this unit develops training materials and best-practice policies to the investigation and prosecution of financial crimes.

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 multidisciplinary team (MDT) meetings on elder abuse throughout the State to learn how to train or partner in the area of Elder Abuse.

E. Environment & Cultural Resources Enforcement Unit

The Environmental Crimes Unit investigates and prosecutes cases regarding the theft and desecration of tribal artifacts and environmental crimes that affect tribal lands. As well as investigating cases where tribal rights are misused or impinged upon.

F. Bias Crimes Prosecution and Investigations

A DOJ Bias Crimes Prosecutor and Special Agent were hired in the last year to work with our state, local, tribal, and federal law enforcement and prosecutors to identify and properly investigate crimes of bias against our community members.

G. 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 will work to add 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.

H. 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. The Human Trafficking team conducted human trafficking training to law enforcement and the security team at the Chinook Winds Casino on September 7, 2023.

F. Hope Card Program

The Oregon Legislature passed the Hope Card Program in 2021 in [HB 2746](#) to improve the enforcement of protection orders from State and Tribal Courts by providing quick and accessible information about an order of protection on a durable, wallet-sized card. The card serves as an optional safety tool to help victims and to remind law enforcement that the law requires full faith and credit for eligible protection orders, regardless of the protection order's origin.

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 of more than 12,000 Oregonians shares scam alerts with members of the public, media, elected leaders, consumer watchdogs, and advocates. 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, Director; 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.