

Oregon Department of Justice Annual Government to Government Report 2011
Pursuant to ORS 182.166(3)

Tribal Key Contact: Stephanie Striffler
Senior Assistant Attorney General
1162 Court St. NE
Salem, OR 97301
503-378-4402

I. Introduction

The Department of Justice (DOJ) is unique among state agencies in that it functions in two capacities. The Department administers programs pursuant to the Attorney General's independent statutory authority. However, much of the Department's work involves providing advice and representation to other state agencies in the pursuit of the programs and policies of those agencies. DOJ does not set policy for those agencies.

The Department's tribal relations policy, as well as this report, reflects DOJ's role both as advisor to other state agencies and as administrator of its own independent programs.

II. Tribal Relations Policy

A. Policy

In 2002 DOJ Executive Staff and the Attorney General adopted the attached Tribal Relations Policy. The policy has been incorporated into the Department's Policy Manual.

B. Dissemination of Policy

As noted above, the Tribal Relations Policy has been incorporated into DOJ's Policy Manual, which is presented to all new employees. In addition, the Tribal Key Contact annually circulates an email reminder regarding the policy. Discussion of the policy has also been incorporated into DOJ's New Employee Orientation program.

III. Updated List of Department of Justice Programs that Affect Tribes

Below is an updated list of DOJ programs compiled pursuant to the Tribal Relations policy. It is noted where the programs are known to affect tribes. Pursuant to the policy, DOJ will continue to confer internally and with tribal representatives to identify additional DOJ programs that may have further potential impacts on tribes.

A. Advice and Representation of State Agencies
(General Counsel, David Leith, Division Administrator)

As noted above, much of DOJ's work is to advise state agencies about their legal options in the course of pursuing the programs they administer and to represent state agencies in litigation, including appeals. Many of the Department's efforts involve working to build good relationships with tribal attorneys, including in situations in which we are adverse to tribes in litigation.

In addition, in connection with advising state agencies, the DOJ pursues some specific programs:

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.

Legal Sufficiency Review. Pursuant to statute, the Department is required to review certain kinds of contracts for "legal sufficiency." This responsibility affects tribal-state agreements.

B. Ballot Titles (Appellate Division, Anna Joyce, 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.

C. Criminal Appeals
(Appellate Division, Anna Joyce, Solicitor General)

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

D. Law Enforcement Programs of the Criminal Justice Division
(Darin Tweedt, Division Administrator)

The Criminal Justice Division engages in a variety of law enforcement programs: Investigation and prosecution of Election Law, Official Corruption and Organized Crime; Criminal Intelligence Unit (investigation and information collection and dissemination); High Intensity Drug Trafficking Area (HIDTA) law enforcement support; Internet Crimes Against Children (ICAC); the Terrorism Intelligence and Threat Assessment Network (TITAN); the Oregon TITAN Fusion Center; District Attorney Assistance; and the Annual Institute for Prosecutors (training program).

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.

Environmental Crimes Unit. DOJ's Environmental Crimes Unit was created in 2009 to launch a new enforcement program focused on prosecuting violations of Oregon

environmental laws. The Unit is also potentially available as a resource for Tribes with respect to violations of Oregon archeological resource protection laws.

Domestic Violence Prosecution. In 2010 DOJ used federal grant money to hire Domestic Violence Prosecutor Erin Greenawald. Greenawald 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. The Crime Victims Services Division (CVSD) (Fred Boss, Director)

CVSD administers certain programs that are available to tribal members:

Violence Against Women Act (VAWA) Grant Program. CVSD has administered the VAWA grant program since 2006. In 2011 CVSD enhanced outreach efforts to Oregon Tribes through programmatic site visits with federal VAWA funded grantees to meet with all nine federally recognized tribes.

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.

F. Financial Fraud/Consumer Protection (Drew Lianopoulos, Attorney in Charge)

DOJ engages in a variety of consumer protection programs, including responding to consumer complaints, Unlawful Trade Practices Act enforcement, enforcement of Oregon antitrust law and consumer education. The consumer education program has included work with tribes.

Scam Alert Network. This network coordinates the Department's regular scam alerts with the media, elected leaders, consumer watchdogs and advocates for the elderly and disabled in partnership with the Department of Consumer and Business Services, Oregon District Attorneys' Association, Oregon State Sheriffs' Association, Oregon Association of Police Chiefs, AARP and Elders in Action.

G. Medicaid Fraud (Rodney Hopkinson, Attorney in Charge)

The Medicaid Fraud Unit deters, investigates and prosecutes fraud by Medicaid providers and physical or financial abuse/neglect of residents of Medicaid-funded facilities.

H. Charitable Activities (Elizabeth Grant, Attorney in Charge)

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

I. Public Records Laws (Michael Kron, Government Transparency Counsel)

The Attorney General issues orders on petitions under the Public Records Law. In 2011 the Attorney General sponsored legislative reforms to improve transparency, efficiency and the coherence of Oregon Public Records Law.

J. Appropriate Dispute Resolution (Mike Niemeyer, ADR Coordinator)

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

K. Civil Rights Unit (Diane Sykes, DOJ Civil Rights Attorney)

The DOJ Civil Rights Unit was established in 2009 to fight discrimination based on age, race, ethnicity, gender, sexual orientation, disability and national origin; protect Constitutional free speech and reproductive rights; and defend Oregon veterans at work and in the marketplace. Such discrimination may include Native Americans.

L. Task Forces

Alcohol and Drug Policy Commission. Attorney General John Kroger chairs the Alcohol and Drug Policy Commission, which is currently producing a strategic plan on substance abuse prevention, treatment and recovery systems. Heather Crow-Martinez of the Warm Springs Tribe and Tina Retasket of the Siletz Tribe have been attending Commission meetings.

M. Division of Child Support
(Gene Gustin, Field Operations Manager/DCS Tribal Liaison)

The Division of Child Support (DCS) interacts and collaborates with tribes on the establishment and enforcement of child support orders.

IV. Training

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

A. Training pursuant to ORS 182.166(1)

Members of DOJ attended the training on Tribal Government Day 2011.

B. Other Training

Representatives of DOJ attended the following programs during the year:

Indian Child Welfare Act. In April, DOJ attorneys from the Appellate Division and the Child Advocacy Section attended an Indian Child Welfare Act (ICWA) training provided

by ICWA attorneys Amanda Marshall and LeaAnn Easton, Grand Ronde Tribal Judge Suzanne Ojibway Townsend and Judge Michael Livingston.

Termination and Restoration of Oregon Tribes. In June the Department's CLE and Diversity Committees presented a half day Continuing Legal Education program on "Termination and Restoration of Oregon Tribes." The program included portions of the movie "Standing Strong" and presentations by representatives of Siletz, Coquille and Grand Ronde tribes. The program was also offered to and attended by members of the Oregon State Bar Indian Law Section. In addition to many DOJ attorneys, DCS Tribal Liaison Gene Gustin, CVSD Fund Coordinator Diana Fleming and Special Counsel to the Attorney General Paul Garrahan attended the CLE.

Tribal Tax and Business Development Seminar. Assistant Attorney General Melisse Cunningham (General Counsel Division Tax and Finance Section) attended a Continuing Legal Education seminar on Tribal Tax and Business Development in Portland on November 10. Cunningham continues to serve as contact counsel for the Oregon Department of Revenue on tribal issues.

Working in Indian Country: Building Successful Business Relationships with American Indian Tribes. In November Assistant Attorney-in-Charge Claudia Groberg attended a two day workshop on behalf of DCS on the Confederated Tribes of the Umatilla Indian Reservation.

The Future of International Law in Indigenous Affairs. In April DOJ Natural Resources attorneys attended this CLE program at Lewis & Clark Law School.

CLE Library. DOJ maintains a library of Continuing Legal Education videotapes audiotapes and materials, including Indian law presentations.

V. Efforts to Promote Good Government to Government Relations

A. Annual Summit

DOJ Tribal Key Contact Stephanie Striffler and Crime Victims' Grant Fund Coordinator Diana Fleming attended the 2011 summit.

B. Cluster Participation

In 2011 DOJ representatives participated in four of the Government to Government clusters: Public Safety, Human Services, Cultural Resources and Natural Resources.

Public Safety. DOJ Tribal Key Contact Stephanie Striffler and Crime Victims' Grant Fund Coordinator Diana Fleming attended the cluster meeting in November. DOJ Criminal Justice representatives also made a presentation regarding the Internet Crimes Against Children Program (ICAC) to the public safety cluster.

Human Services. DCS Tribal Liaison Gene Gustin participated.

Cultural Resources. DOJ Tribal Key Contact Stephanie Striffler attended the cluster meetings in March and November, and participated in the archeological permit subcommittee. Environmental Crimes prosecutor Patrick Flanagan attended the meeting in March.

Natural Resources. Environmental Crimes prosecutor Patrick Flanagan attended and presented at the Natural Resources Working Group meetings in April.

C. Special Activities

Attorney General John Kroger visited with the Coquille Tribal Council in October, where he discussed the state budget and federal timber payments and listened to other concerns shared by their community.

Tribal Key Contact Stephanie Striffler met with Governor's Office representatives and the Board of Trustees of the Umatilla Indian Reservation in October.

Gene Gustin and Nate Freer from the Division of Child Support attended the Klamath Tribes Restoration Day celebration and staffed an information booth alongside representatives from the Klamath Tribes Child Support Program and the Tribal Court.

Oregon State Bar. Tribal contact Stephanie Striffler now serves on the Executive Committee of the Oregon State Bar Indian Law Section.

D. Representation of State Agencies

As noted above, much of DOJ's work involves representation of the State or other state agencies. This often invites DOJ interaction with Oregon tribes on behalf of client agencies. In doing so, the Department 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. Some examples of efforts in the course of representing the State or other state agencies follow:

United States v. Oregon (ongoing Columbia River treaty rights case).

The parties continue to implement the 2008 10-year agreement guiding harvest and hatchery production. DOJ is working to maintain good relationships and open channels of communication while the parties negotiate and litigate the location of tribal harvest. DOJ also helped mediate inter-tribal disputes arising from the case.

Klamath Basin Negotiations. DOJ attorneys continued to participate in significant efforts to resolve Klamath Basin water and fish habitat issues through negotiations of dam removal and water rights settlements, with the Klamath Tribes, among others. Those

negotiations resulted in the “Klamath Basin Restoration Agreement” with the Water Resources Department, Oregon Department of Fish and Wildlife, the Department of Environmental Quality, the Klamath Tribes and other governmental and private parties. DOJ attorneys continue to work with state agencies and the Klamath Tribes in implementing the agreement.

In addition, a legal challenge was filed to the state’s authority to enter into the Klamath Basin Restoration Agreement and DOJ attorneys have worked to defend its validity. In 2011 DOJ continued to argue that the tribes were necessary and indispensable parties to the lawsuit and successfully obtained a dismissal of the case in the summer.

Portland Harbor. DOJ advises the Oregon Department of Fish and Wildlife (ODFW) in its role as trustee for the state’s claim for natural resource damages in the Portland Harbor Superfund and in that capacity works with the other natural resources trustees, a group that includes the Umatilla, Grand Ronde, Warm Springs, Siletz and Nez Perce Tribes as well as the US Fish & Wildlife Service and NOAA. The trustees meet monthly to pursue a collective natural resources damage claim against all potentially responsible parties.

Warm Springs Law Enforcement Agreement. DOJ attorneys worked with the Oregon State Police on negotiations for a law enforcement coordination agreement.

E. Gaming

The DOJ Tribal Key Contact serves on the Governor’s negotiating team for tribal gaming compacts. In 2011 a compact amendment was concluded with the Confederated Tribes of the Warm Springs Reservation.

Challenge to Validity of Gaming Compacts. Ongoing litigation challenging the Governor’s authority to enter into tribal gaming compacts continued into 2011. Department of Justice attorneys continued to work closely with tribal attorneys on briefing in the Oregon Court of Appeals.

F. *Amicus Curiae* Brief Decision Making

DOJ continues to use an email list to alert 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 2011 there were no *amicus curiae* requests requiring consultation with tribal attorneys.

G. Law Enforcement Coordination

Internet Crimes Against Children (ICAC). The Criminal Justice Division has a number of memoranda of understanding (MOUs) with Oregon Tribes.

Representatives from the ICAC program made a presentation at the November public safety cluster.

Oregon High Intensity Drug Trafficking Area Program (HIDTA). In 2010, the Oregon HIDTA program worked with the Confederated Tribes of the Warm Springs Reservation successfully petition for status as a HIDTA – the first ever designated reservation HIDTA in the country. The Warm Springs Police Department (WSPD) HIDTA task force currently has an operating budget of close to \$50,000. DOJ/HIDTA provides updated technology, training and criminal intelligence resources to WSPD as the fiduciary agency for HIDTA. WSPD has a detective cross-designated with the CODE Team (Central Oregon Drug Enforcement). Because he is cross-designated, he is able to work with our Watch Center. DOJ/HIDTA also supports BENT, which has a Umatilla Tribal Police Department member.

Oregon TITAN Fusion Center (OTFC). OTFC worked to build relationships with Oregon Indian Tribes in 2011. The OTFC began working with the Chief of Police and Public Safety Director for the Confederated Tribes of the Umatilla Indian Reservation following the Pendleton Round-up. Both were interested in becoming members of the OTFC program and participating in the Information Sharing Enterprise. On a number of occasions throughout the year, OTFC has provided information and fielded queries for additional information. OTFC is hoping to advance the relationship in the coming year.

DOJ's OTFC also worked to develop a similar relationship with the Tribal Security Officer for the Confederated Tribes of the Grand Ronde.

Law Enforcement Jurisdiction Training. In the spring DOJ teamed with the Oregon State Police (including the Medical Examiner's office) and the US Attorney's office to present four Indian Country law enforcement trainings at tribal locations around the state, hosted by the Siletz, Coquille, Warm Springs and Umatilla tribes. Attendees included tribal law enforcement, local law enforcement, FBI and Oregon State Police. Topics covered included criminal jurisdiction in Indian country, cultural resources laws and treatment of human remains.

Domestic Violence Summit. DOJ participated in and made presentations at the two-day "Tribal State and Federal Summit: Collaboration Across Jurisdictions Addressing Family Violence" conference held at the Umatilla Reservation in August. DOJ speakers included Stephanie Striffler, Domestic Violence Prosecutor Erin Greenawald and Diana Fleming and Shirley Didier of the Crime Victims Services Division. Greenawald presented on Best Practices in the Investigation and Prosecution of Domestic Violence cases, as well as on various types of Protection Orders.

Criminal Appeals. In 2011 DOJ worked with tribes on two appellate cases involving fresh pursuit across reservation borders:

State v. Kurtz. In *State v. Kurtz*, the Court of Appeals had held that a Warm Springs tribal officer was not a "peace officer" or "police officer" within the

meaning of state statutes governing resisting and eluding police officers. After successfully petitioning to the Oregon Supreme court and cooperating with Oregon tribes on briefing, DOJ attorney Janet Klapstein argued the case. In April the Oregon Supreme Court reversed the Oregon Court of Appeals, holding that the tribal police officer qualified as a "police officer" under the attempt to elude statutes, and as a "peace officer" under the resisting arrest statute. The court reversed the decision by the Court of Appeals, which held that only officers employed by Oregon governmental entities met the definitions of police and peace officers. Several Oregon tribal entities filed amicus briefs in support of the state's position.

State v. Smith. This case presented a situation that is the reverse of *State v. Kurtz*. In *Smith*, a local police officer pursued a driver onto the Warm Springs Reservation, where the defendant was arrested in cooperation with Warm Springs tribal officers. The defendant claimed the local officer did not have authority to arrest on the reservation. DOJ consulted with Warm Springs tribal representatives regarding the Warm Springs tribal ordinances and the state's position before filing the brief and arguing the case. In November the Court of Appeals upheld the city officer's authority under the Warm Springs tribal "hot pursuit" ordinance.

Tribal Law and Order Commission. Tribal Key Contact Stephanie Striffler testified at the federal Tribal Law and Order Commission hearings held in November in Portland, participating with tribal representatives on a panel regarding tribal-state cooperation.

H. Cultural Resources

In 2011 DOJ's environmental crimes prosecutor worked on investigations for two cultural resources cases in which tribes are interested.

I. Consumer Protection

Annual Native Caring Conference. Consumer Outreach Coordinator Althea Cullen (formerly Rodgers) participated in the Annual Native Caring Conference at Spirit Mountain Casino on March 31. The conference is for caregivers in the Native community. Her presentation highlighted the ways in which seniors across Oregon are targeted for scams and financial fraud.

J. Crime Victim's Assistance

Throughout 2011 DOJ's Crime Victims' Services Division (CVSD) continued working to improve services for Native victims of crime with a focus on improved communication and building stronger partnerships with tribes and CVSD advisory committees and boards.

Inclusion of Tribal Representation on Funding Advisory Committees and Boards. Tribal representatives serve on CVSD's Violence Against Women Act (VAWA)

Advisory Board: Leona Ike, from the Confederated Tribes of Warm Springs Reservation; Desiree Allen-Cruz, Confederated Tribes of the Umatilla Indian Reservation; and Camille Cole, Klamath Tribes. Tawna Sanchez, Native American Youth and Family Center, is an Advisory Board member for the Oregon Domestic and Sexual Violence Services Fund (ODSVS).

Making Grant Funding Available to Programs that Serve Native American Victims. CVSD Victim Response Section fund coordinators continue to reach out to tribal board members to promote knowledge and understanding of funded programs among tribal governments and strengthen collaboration between the Domestic Violence and Sexual Assault program and tribes. CVSD's VAWA Advisory Board awarded 20 scholarships to tribal nations and non-profit domestic violence and sexual assault advocates, and other Domestic Violence/Sexual Assault service providers that serve Oregon tribal populations.

Improving Access to Services for Tribal Victims and Survivors. All CVSD grant programs prioritize services to victims in underserved communities, including Native American victims. The VAWA Advisory Board Implementation Planning Subcommittee made outreach to these populations a funding priority for its FY 2010 – 2012 STOP Violence Against Women (VAWA) Formula Grant Program.

Tribal Nation Listening Tour. CVSD Fund Coordinators Diana Fleming and Cathy Relang, along with VAWA Advisory Board members, are traveling around the state during its programmatic site visits with VAWA funded grantees to meet with all nine federally recognized tribes. Several grantee programs have recruited tribal members onto their program Board of Directors. The Tribal Nation Listening Tour began in October 2011 and is slated for completion by June 30, 2012.

Needs Assessment. In 2002 CVSD published the Oregon Crime Victims' Needs Assessment. This assessment was conducted by the Regional Research Institute for Human Services of Portland State University (PSU). The information has helped CVSD to identify barriers and unmet needs and strengthen services provided to crime victims in Oregon. Now at the 10-year mark, CVSD is in the process of updating this essential resource and will include in the 2012 Needs Assessment input from all nine federally recognized Oregon tribes.

Presentations and Partnerships

Also in 2011, CVSD Fund Coordinator Diana Fleming participated in the following activities:

- In February Fleming presented along with two Oregon Tribal members Desiree Allen-Cruz of the Confederated Tribes of the Umatilla Indian Reservation and Leona Ike of the Confederated Tribes of Warm Springs Indian Reservation at the 2011 STOP Violence Against Women Act (VAWA) Administrators National Conference held in Miami, Florida. This presentation focused on partnerships to use STOP VAWA funds and offered strategies to enhance relationships, overcome challenges

and work together on key projects designed to address the needs of Native survivors and hold offenders accountable.

- The Oregon Attorney General's Sexual Assault Task Force (SATF) received a grant from the National Institute of Justice to provide Sexual Assault Nurse Examiner (SANE) and Sexual Assault Response Team (SART) training to all 43 tribes in the tri-state area (Oregon, Washington, and Idaho). CVSD is currently working with SATF Director Christine Herman to provide SANE and SART training and ensure the provision of sexual assault services to Oregon tribal victims.
- Fleming met with the Klamath Tribal Council to discuss the provision of care to Native American domestic violence victims in Klamath County.
- At the U.S. Attorney's request, Fleming met with service providers from Unified Solutions at the Confederated Tribes of Warm Springs Indian Reservation to discuss what CVSD is doing to meet the needs of tribes.
- In August Fleming partnered with DHS Domestic & Sexual Violence Coordinator Cheryl O'Neill in Pendleton to provide an overview on state domestic violence/sexual assault funding to tribes.

I. Child Support

Tribal Government Day. All DCS branches were represented, including the DCS Tribal Liaison, and local managers or tribal liaisons from the branches with active tribal partnerships.

DCS Tribal Liaison Gene Gustin also attended individual meetings with the Coquille, Siletz and Grande Ronde Tribes to discuss paternity establishment.

DCS Director Jean Fogarty attended a one day meeting in Portland that included Region 10 State IV-D directors and Region 10 Tribal IV-D directors

IV-D Programs:

Tribal IV-D Child Support Meetings. These meetings were originally structured for tribes that have applied for tribal child support start-up funds or already have a child support program, and have since been expanded to include all tribes with an interest in child support or that have expressed an interest in applying for federal funding. The focus of these meetings is to improve communication between DCS leadership, individual branch offices, tribal courts and child support staff. Two meetings were held in 2011, one in Salem and one in Chiloquin. All tribes were invited to the meetings.

Statewide Collection Activities. DCS has tribal liaisons in offices throughout the state who work in cooperation with tribes to collect child support. As a result of these efforts,

DCS and tribal programs were able to collect \$2.5 million on behalf of Native American families during 2011.

The Confederated Tribes of the Umatilla Reservation. The Confederated Tribes of the Umatilla Reservation (CTUIR) have a tribal child support program with a caseload of approximately 100 cases, including those from the Oregon Child Support Program, new cases from tribal members and interstate cases referred directly from other jurisdictions. Pendleton DCS tribal liaisons and CTUIR work in collaboration to reconcile cases and allow some custodial parents to receive child support directly from the CTUIR child support program. CTUIR has begun establishing child support orders using a hybrid model of the Oregon Child Support Guidelines.

The Cow Creek Band of Umpqua Tribe of Indians. The DCS Roseburg office continues to receive notices for registration of orders with the tribal court. The branch liaison processes all requests for registration and works closely with tribal court clerks to ensure that orders are registered timely to expedite the provision of money and health care coverage to families. In addition, the DCS tribal liaison has met with the social services director to provide information regarding establishment of paternity, cash child support and medical support. DCS provides assistance to tribal members referred directly to the liaison with questions regarding enforcement, modification, DNA testing and paternity establishment. The liaison also facilitates contact with out-of-state tribes and child support programs when necessary.

The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. The Tribe continues to honor wage and medical withholdings but has not yet begun to require registration of foreign orders with its tribal court. The DCS Tribal Liaison has met with the social services director and staff to provide information regarding establishment of paternity, cash child support and medical support. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

Coquille Indian Tribe. The Coquille Tribe now has an established process for registering orders for the enforcement of cash and medical child support. The DCS Liaison and Assistant Attorney General for the state are working with tribal counsel and the tribal court clerk to continue moving forward. The Roseburg liaison is currently processing all registrations for DCS. The liaison provides direct assistance to tribal members with questions regarding enforcement, modification, DNA testing and paternity establishment and facilitates contact with out of state tribes and child support programs as necessary.

The Klamath Tribes. Medford DCS 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. Klamath Tribe Child

Support Enforcement (KTCSE) is beginning to distribute payments directly to the family or through the tribal Temporary Assistance for Needy Families (TANF) program rather than DCS on Oregon orders registered at our request. KTCSE also shares enrollment information on tribal child support cases, enhancing support enforcement activity on non-transferable cases. A process has also been developed to certify for attachment dividend (per capita) payments from the Klamath Tribe.

The Confederated Tribes of the Siletz Indians. In 2011 DCS and the Siletz Tribe began a program in conjunction with the tribal TANF office to train staff on child support enforcement and paternity establishment. DCS liaisons also toured the Siletz Tribal Government Center facility and provided training to the Siletz Tribal Native American Family Assistance Program (NAFA) program.

Assistant Attorney-In-Charge Claudia Groberg represented DCS monthly in the Siletz Tribal Court on income withholding hearings and represented DCS in 165 per capita hearings on July 13 and 14. In 2011 DCS appeared in tribal court to collect \$79,787.34 for child support from tribal dividends.

Confederated Tribes of the Warm Springs Reservation: The Warm Springs Tribe is in continued discussions with DCS about starting their own IV-D child support program.

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.