

**Oregon Department of Justice Annual Government to Government Report 2010**  
Pursuant to ORS 182.166(3)

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**I. Introduction**

The Department of Justice is unusual 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. The Department of Justice does not set policy for those agencies.

As before, the Department's tribal relations policy, as well as this report, reflects the Department's role as advisor to other agencies, as well as its role in administering its own independent programs.

**II. Tribal Relations Policy**

**A. Policy**

In 2002 the Department of Justice Executive Staff and 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 policy has been incorporated into the Department's Policy Manual, which is presented to new employees. In addition, pursuant to the policy, the Tribal Key Contact annually sends out by email a reminder regarding the policy. Discussion of the policy has been incorporated into the Orientation program for new employees.

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

Below is an updated list of Department of Justice programs compiled pursuant to the Tribal Relations policy. It is noted where the programs are known to affect tribes. We will continue our process of conferring regarding DOJ programs pursuant to the policy to determine where we may learn of further potential impacts on tribes.

**A. Advice and Representation of State Agencies**

As noted above, much of DOJ's work is to advise state agencies as to their legal options in the course of pursuing the programs of those agencies, and to represent state agencies in litigation, including appeals. Many of our 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: (David Leith, General Counsel Division Administrator)

**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, Mary Williams, 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 (lottery authority, private casino) affected tribes.

**C. Criminal Appeals (Appellate Division, Mary Williams, 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  
(Sean Riddell, Division Administrator)**

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

Through the **District Attorney Assistance Program**, from time to time DOJ assists in prosecutions involving tribes or questions of criminal jurisdiction relating to tribes.

**Environmental Crimes Unit.** The Environmental Crimes Unit was created by the 2009 Senate Bill 797 to launch a new enforcement program focusing on violations of Oregon environmental laws.

**Domestic Violence prosecution.** DOJ has hired a domestic violence prosecutor with federal grant funds.

**E. The Crime Victims Services Division (CVSD) (Cynthia Stinson, Director)**

The Crime Victims Services Division from time to time provides grants to tribes or tribal members. CVSD also has the following programs:

The **Address Confidentiality Program** for victims of domestic violence, sexual assault and stalking became operational January 1, 2007.

A federal grant program, the **Violence Against Women Act** grant, has been administered by CVSD since 2006.

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

The Department engages in a variety of consumer protection programs: responses to consumer complaints; Unfair Trade Practices Act enforcement, antitrust enforcement, and consumer education.

The consumer education program has included work with tribes. (Althea Rodgers)

**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)**

This section investigates and prosecutes fraud by Medicaid providers.

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

A number of tribally affiliated charities register 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 2010 the Attorney General has been working on legislative reforms to improve transparency, efficiency and the coherence of the Public Records Law.

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

The Department of Justice promotes and provides training with respect to appropriate dispute resolution, which would include disputes involving tribes.

**K. Civil Rights Unit** (Diane Sykes)

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

**K. Task Forces**

Attorney General Kroger chairs the **Alcohol and Drug Policy Commission**, which was established by 2009 House Bill 3353 to bring together state leaders, law enforcement and treatment providers to overhaul the state's drug treatment and prevention system. The Commission is currently working on drafting legislation for the coming session. Members of the Commission include Heather-Crow-Martinez from the Warm Springs Tribe.

**L. Child Support** (Jean Fogarty, Director)

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

A new Division of Child Support tribal liaison, Gene Gustin, was appointed in 2010.

**IV. Training**

Members of DOJ 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. All Division of Child Support branches were represented, including the DCS Tribal Liaison, and local managers or tribal liaisons from the branches with active tribal partnerships.

**B. Other Training**

DOJ members attended the following programs during the year:

**Tribal Government Day** at the Capitol DOJ members participated in learning about Oregon tribes on Tribal Government Day 2010.

Stephanie Striffler spoke at and attended the **Northwest Gaming Law Seminar** in January, which included presentations on various topics by tribal representatives, including a Northwest Tribal Leaders roundtable.

**Indian Child Welfare Act.** The Child Advocacy section's all-attorney meeting included a presentation on recent ICWA case law. The section also provided ICWA training for new attorneys.

**Division of Child Support orientation** includes a two hour module on tribal relations.

Assistant Attorney General Melisse Cunningham (General Counsel Division Tax and Finance Section) attended a Continuing Legal Education seminar on **Tribal Tax Planning and Partnership Structure**. She also gave a presentation on tribal tax law issues at the **Multistate Tax Commission Conference**.

DOJ attorneys heard Indian law professor Charles Wilkinson speak on his history of the Siletz Tribe, *The People are Dancing Again*.

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**

No Summit was held in 2010.

### B. **Cluster Participation**

In 2010, DOJ representatives attended four of the Government to Government clusters: Public Safety, Human Services, Cultural Resources, and Economic Development.

**Public Safety.** Stephanie Striffler and Legislative Policy Counsel Shannon Sivell attended the Public Safety Cluster in April, as well as Diana Fleming from the Crime Victims Services division. Domestic violence prosecutor Erin Greenawald attended two cluster meetings.

**Human Services.** Division of Child Support representatives participated.

**Cultural Resources.** Stephanie Striffler attended the cluster meeting in March.

**Economic Development.** Assistant Attorney General Melisse Cunningham attended the Economic Development Cluster meeting in May with a Department of Revenue representative.

**C. Special Activities**

DOJ was represented at the Oregon State Bar Indian Law Section annual meeting.

Attorney General John Kroger and Legislative Policy Counsel Shannon Sivell met with the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation.

Tribal contact Stephanie Striffler met regularly with Governor's office representatives and the Board of Trustees of the Umatilla Indian Reservation.

Tribal contact Stephanie Striffler attended the Coquille Tribe's Restoration Day celebration.

Stephanie Striffler attended a meeting at Grand Ronde with the Governor's office and Grand Ronde Tribal Council.

The Division of Child Support Tribal Liaison and local tribal liaisons from the Albany office visited the Siletz Tribal Government Center for a tour of their facility and to provide training to the Siletz Tribal TANF program.

The DCS tribal liaison and two local liaisons attended a Region 10 tribal symposium in Seattle.

Jean Fogarty, DCS Director, attended a one day meeting in Seattle that included Region 10 State IV-D (child support) directors and Region 10 Tribal IV-D (child support) directors.

Tribal contact Stephanie Striffler and Division of Child Support Director Jean Fogarty attended the opening of the Confederated Tribes of Umatilla Tribal Governance Center.

**D. Efforts during Representation of State Agencies**

As noted above, much of what DOJ does involves the representation of the State or state agencies, including interactions of those agencies with tribes. We work to develop and maintain respectful and productive relationships with tribes and tribal attorneys, even when we are 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 ten-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. The state negotiated an agreement with the Warm Springs and Umatilla Tribes to authorize tribal harvest in a small area west of the Bonneville Dam. Because the spring chinook run was late passing over the dam this year, the agreement allowed for tribal harvest of a few (but important) fish for tribal first feast ceremonies before enough fish had reached the tribal harvest area.

***Yakama Nation v. USA***. (Hanford litigation). DOJ has represented the State of Oregon, which intervened as plaintiff in this CERCLA suit filed by the Yakama Nation against the US and the Dept. of Energy to recover costs for assessing natural resource damages at Hanford. DOJ has continued to cooperate with Columbia River Tribes, including the Confederated Tribes of the Umatilla Indian Reservation, who also intervened as a plaintiff. The district court has ruled that the issue of DOE's liability for Natural Resource Damage Assessment costs is ripe for determination; since that decision the parties have been in continued negotiations.

Since the district court's ruling, DOE has funded assessment activities directly and engaged in continuing negotiations regarding future funding and decision-making. DOJ continues to work with the other plaintiff-side parties, which include the CTUIR, State of Washington and Nez Perce and Yakama tribes, in an effort to reach a mutually satisfactory resolution of this 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" signed in February, 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.

DOJ attorneys attended the ceremonial signing of the agreement.

In addition, a legal challenge was filed to the state's authority to enter into the agreement, and DOJ attorneys have worked to defend its validity. In particular, DOJ argued that the Tribes were necessary and indispensable parties to the lawsuit.

**Portland Harbor.** DOJ advises 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, including the Umatilla, Grand Ronde, Warm

Springs, Siletz and Nez Perce Tribes. The trustees meet monthly to pursue a collective natural resources damage claim against all potentially responsible parties.

**Tax issues.** DOJ attorneys continued their previous efforts to work with Department of Revenue and tribal representatives to discuss DOR's guidelines on tax issues related to tribes, in particular tribal corporations.

**Indian Child Welfare Act.** DOJ attorneys have collaborated and consulted with several Oregon tribes in the past year in multiple cases involving the Indian Child Welfare Act. In one case in which a tribal attorney expressed concern about the state's legal position, DOJ attorneys held a conference call with tribal attorneys in order to better understand and address the concern.

**Tribal civil commitments.** DOJ attorneys worked with the Department of Human Services and the Warm Springs to address questions regarding circuit court jurisdiction over mental commitment proceedings.

#### **E. Gaming**

The tribal key contact serves on the Governor's negotiating team for tribal gaming compacts.

In 2010 compact amendments were concluded with two tribes.

#### **Challenge to validity of gaming compacts.**

Ongoing litigation challenging the Governor's authority to enter into tribal gaming compacts continued into 2010. After 2009's remand to the trial court from the Oregon Supreme Court, Department of Justice attorneys continued to work closely with tribal attorneys. In April, the case was argued in Lane County circuit court, and the circuit court judge found the compact valid. That decision has been appealed to the Oregon Court of Appeals.

#### **F. *Amicus curiae* brief decision making**

We have continued to use an email list that was set up in 2003 to alert tribal attorneys when we become aware of 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 2010 we consulted with tribal attorneys about one Indian tax law case, and the state did not sign on to the *amicus* brief.

## **G. Law Enforcement Coordination**

### **Internet Crimes Against Children (ICAC)**

The Criminal Justice Division has MOUs with Oregon tribes.

**HIDTA** (High Intensity Drug Trafficking Areas). In 2010, the Oregon HIDTA program worked with the Confederated Tribes of the Warm Springs Reservation to successfully petition for status as a HIDTA. The reservation was designated the first reservation HIDTA in the country.

The Central Oregon Drug Enforcement (CODE) Team, a HIDTA Task Force, has been working on an agreement with Warm Springs Police Department to form a drug enforcement task force, designed to enhance information sharing, enforcement capacity and resource allocation.

**State v. Kurtz.** DOJ has worked with tribes on two appellate cases involving fresh pursuit across reservation borders. In *State v. Kurtz*, the Court of Appeals 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. We successfully petitioned to the Oregon Supreme court, where the case is now under advisement. We cooperated with Oregon tribes on the briefing, and three tribes filed *amicus curiae* briefs in the Oregon Supreme Court.

Stephanie Striffler and Assistant Attorney General Janet Klapstein attended the December public safety cluster meeting to discuss the case.

DOJ was represented at a meeting between tribal officials and the Governor’s office regarding potential legislation addressing the *Kurtz* decision.

**State v. Smith.** This case presents 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 attorneys regarding the Warm Springs tribal ordinances and the state’s position before filing the brief. The case has not yet been argued.

**US Attorney’s office meeting.** Tribal contact Stephanie Striffler and DOJ Legislative Policy Counsel Shannon Sivell attended a meeting in June hosted by the US Attorney’s office to discuss law enforcement coordination issues with tribal representatives.

**Chemawa agreement.** At the request of Marion County, Stephanie Striffler worked with the group of parties negotiating an agreement for state jurisdiction over juvenile offenses at Chemawa School, and worked with the U.S. Attorney’s office to make efforts to ensure that Oregon tribes were in the loop. The agreement was distributed to tribal attorneys and has been discussed at the Education Cluster and Public Safety Cluster.

**Domestic Violence prosecution.** DOJ's domestic violence prosecutor, Erin Greenawald, attended two public safety cluster meetings in order to help make tribes aware of the program and resources available to tribes.

#### **H. Crime Victim's Assistance (Crime Victims Services Division)**

During 2010, CVSD continued work designed to improve services to Native victims of crime. CVSD continues to focus on increasing understanding, improving communication and building partnerships with tribes and CVSD's funding advisory committees and boards.

##### **Inclusion of Tribal Representation on Funding Advisory Committees and Boards**

CVSD tries to include tribal representatives on funding Advisory committees and boards in order to help assure that the voices and concerns of tribal victims are represented on CVSD advisory committees and boards during planning, allocation and application review. In 2010, two new tribal representatives joined the Violence Against Women Act (VAWA) Advisory Board, members from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs Reservation. The Oregon Domestic and Sexual Violence Services Fund (ODSVS) Advisory Council has a board member from the Siletz Tribe.

CVSD and fund coordinators plan to work on including tribal board members during site visits to increase general knowledge and understanding of funded programs to specifically support increased collaboration between the Domestic Violence and Sexual Assault program and tribes. CVSD and the VAWA Advisory Board determined that tribes will be notified of all grant awards to counties with Native American populations within their service areas, so tribes may have the opportunity to see how funds are being used. CVSD is working to compile a contact list for notification.

##### **Making Grant Funding Available to Programs that Serve Native American Victims**

CVSD continued to work to try to ensure that tribal leaders and tribal victim services programs were aware of funding opportunities available through CVSD. During this reporting period available funding was offered through two Requests for Applications. The 2010 VOCA Project Application availability was advertised in the *Confederated Umatilla Journal*. In addition, individual CVSD staff members reached out to tribal victim services programs through emails and individual telephone conversations. To improve communication with all nine tribes, CVSD is working to update its tribal contact list.

##### **Improving Access to Services for Tribal Victims and Survivors**

All CVSD grant programs prioritize services to underserved populations, including Native American victims. CVSD continues to work with non-tribal grantees to be sure they are making their services fully accessible to Native American survivors and victims in their service areas. Grantee programs make this connection in a number of

ways. Several programs have recruited tribal members onto their program Board of Directors. Some programs have formal contracts for services with tribal governments. In other cases the collaboration is informal. Both the VOCA and VAWA Fund Coordinators plan to work with their funding bodies and the tribes in Oregon to improve outreach efforts to tribal victims.

The VAWA Advisory Board conducted a tribal survey in June 2010 to inventory tribal and other resources available to tribal member victims, including courts, law enforcement, probation and parole, victim and/or family violence services and shelters on the reservation or in the area. The survey was conducted in order to recognize gaps in services and identify training or technical assistance needs. The survey results will help guide CVSD in the next steps in enhancing services and strengthening collaboration between the tribes and domestic and sexual violence service providers.

Crime Victims Services Division representatives made a presentation at the April public safety cluster meeting.

## **I. Child Support**

The DCS Tribal Liaison and local tribal liaisons from the Albany office visited the Siletz Tribal Government Center for a tour of their facility and to provide training to the Siletz Tribal NAFA program.

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.

The DCS tribal liaison and two local liaisons attended a Region 10 tribal symposium in Seattle.

Jean Fogarty, DCS Director, attended a one day meeting in Seattle 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 are structured for tribes that have applied for Tribal Child Support Start-Up funds or already have a child support program. In 2010, the meetings were expanded to include all tribes that have an interest in child support or who have expressed an interest in applying for federal funding. The focus of the meetings is to improve communication between DCS leadership, individual branch offices, tribal courts and child support staff. Two meetings were held in 2010, one in Pendleton and one in Salem. All tribes were invited to the meetings.

**Statewide Child Support Collection Activities:** DCS has tribal liaisons at the DCS offices and work in cooperation with tribes throughout the state to collect child support.

*The Confederated Tribes of the Umatilla Indian Reservation* have a tribal child support program with a caseload of approximately 100 cases, including cases 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.

*The Cow Creek Band of Umpqua Tribe of Indians:* The Roseburg office continues to receive notices for registration of orders with the tribal court, which are processed by the branch liaison. The DCS liaison and tribal court clerks work closely to ensure orders are registered timely to expedite getting money and health care coverage to families. The tribal liaison has met with the Social Services Director to provide information regarding establishment of paternity, cash child support and medical support, and the tribal liaison provides assistance to tribal members referred directly to liaison with questions regarding enforcement, modification, DNA test, and paternity establishment.

*Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians:* The tribe continues to honor wage and medical withholdings. The tribe is working on a process for registration of foreign orders with tribal court. The tribal liaison has met with the Social Services director and staff to provide information regarding establishment of paternity, cash child support and medical support, and the liaison provides assistance to tribal members referred directly to liaison with questions regarding enforcement, modification, DNA test, and paternity establishment.

*Coquille Indian Tribe:* The tribal court now provides a process for registering child support orders for enforcement of cash and medical child support. The liaison has been working with the tribal attorney and the state AAG in an attempt to expedite the process. Liaison has provided child support and paternity information via telephone. The liaison provides assistance to tribal members referred directly to liaison with questions regarding enforcement, modification, DNA test, and paternity establishment.

*Klamath Tribes:* DCS has now transferred 178 cases to the Klamath Tribe. Eighteen of these have since closed. The Klamath Tribe Child Support Enforcement (KTCSE) program is beginning to distribute payments directly to the family or tribal TANF rather than through DCS on Oregon orders they have registered at our request. The Tribe has begun sharing information to help DCS identify non-custodial parents who are eligible for or are Klamath Tribe members but whose cases are not transferable to KTCSE.

Medford management and Tribal Liaisons met with the KTCSE in Medford in August to review processes and clarify procedures. KTCSE were provided with training regarding child support data that will become available to them in the future.

*Siletz Tribe:* DCS appeared in tribal court to collect \$91,726.01 for child support from tribal dividends. Assistant Attorney-in-Charge Claudia Groberg was admitted to Siletz Tribal court to represent DCS in Siletz Tribal Court child support hearings.

DCS and the Siletz Tribe began a program in conjunction with the Siletz TANF office to provide training to TANF workers. Training included basic Child Support information, how to read screens, what information might be helpful to the TANF workers, and how our information is useful to each other. We focused some attention on paternity and how we can work together to ensure we are getting this information at the TANF intake process. We also discussed how we can continue to develop this relationship in the future.

DCS also began discussions about the possibility of having the Siletz caseload consolidated in one DCS office in order to better monitor and work these cases.

*Warm Springs Tribe:* The Warm Springs Tribe is continuing discussions about starting up their own IV-D program.

## **Policy 2-95 Tribal Relations Policy**

*Applicability: All full and part time employees, temporary employees and volunteers*

*References:*

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### **(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.

