

Oregon Department of Justice Annual Government to Government Report 2008
Pursuant to ORS 182.166(3)

Tribal Key Contact: Stephanie Striffler
Special Counsel to the Attorney General
1162 Court St. NE
Salem, OR 97301

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. The Tribal Key Contact also reminded Division Administrators of the policy, and attended various staff meetings in the Department to discuss the policy. Discussion of the policy has been incorporated into the Orientation program for new employees. In addition, in 2008, the key contact made a presentation about the tribal relations policy at an all-day New Attorney Orientation.

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: (Don Arnold, 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
(Steve Briggs, 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.

E. The Crime Victims Services Division (CVSD)

In 2008 the Crime Victims Assistance Program became a separate division, Crime Victims Services Division. That Division from time to time provides grants to tribes or tribal members. (Cynthia Stinson). 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, was administered for several years by the Oregon State Police. Due to reorganization of several of their units, this grant is administered by CVAS, effective November 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; Trade Practices Act enforcement, antitrust enforcement, and consumer education.

The consumer education program has included work with tribes. (Jan Margosian)

G. Medicaid Fraud (Ellyn Sternfield, 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 (Pete Shepherd, Deputy Attorney General)

The Attorney General issues orders on petitions under 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. Task Forces

The Department of Justice has initiated various task forces.

Attorney General's Underage Drinking Task Force. The goal of this task force is improving the enforcement and adjudication of liquor laws with respect to underage drinking. The Task Force met numerous times during 2006 and developed a set of

legislative proposals for submission in the 2007 legislative session. The Task Force sought tribal representation and its membership has included Carney Pearson and Jackie Mercer of the Native American Rehabilitation Association. The Task Force was reconstituted to continue development of legislative proposals for the 2009 legislative session.

Attorney General's Sexual Assault Task Force. (Christine Hermann, Program Director) is a non-profit facilitated by the Attorney General to advise on and provide services related to sexual assault, including victims assistance, training, public awareness, and prevention.

In 2006 the **Sexual Assault Task Force** started the **Indian Country Work Group**, a subcommittee formed to initiate efforts to address issues regarding sexual assault response in Indian Country. The Indian Country Work Group includes tribal members. The work group has been on hiatus.

Elder Abuse Task Force - task force to identify needed improvements in systems for dealing with abuse of elderly Oregonians. The Elder Abuse task force has included representation from the Confederated Tribes of the Grand Ronde and representation from the Confederated Tribes of the Warm Springs Reservation.

Restitution Reform Task Force – to identify strategies for improving payment of restitution in all crimes in which there is pecuniary loss.

L. Child Support (William Castor, Deb Mosher, DCS tribal key contacts)

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

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 sessions at Tribal Information Day.

B. Other Training

DOJ members attended the following programs during the year:

Tribal Information Day at the Capitol. In addition to those attending the training, many other DOJ members participated in learning about Oregon tribes on Tribal Information Day 2008. We keep the tapes of many of the trainings from prior years available in DOJ's Continuing Legal Education library

Conference of Western Attorneys General. The annual Conference of Western Attorneys General meeting attended by the Attorney General and tribal key contact included presentations on “Economic Development in Indian Country: Tribal-State cooperation.” In addition, Stephanie Striffler made a presentation on tribal-state cooperation as part of a panel on “Tribal-State Relations/Improving conditions in Indian Country.”

Federal Bar Association Indian Law Section Conference. Stephanie Striffler attended the two-day annual seminar in Albuquerque in April 2008. This year’s topics included: the Indian Child Welfare Act (30 year update); Tribal Courts and Modern Indian Identity; Anniversaries of Significant Indian Law Cases; and Economic Development.

Indian Child Welfare Act conference. In October, Child Advocacy Section attorneys attended this conference on the 39th anniversary of ICWA, including presentations by tribal representatives

In May, attorneys from DOJ attended a two day CLE that included ICWA issues as part of various presentations, including a presentation by a Grand Ronde tribal representative.

As part of the Oregon State Bar Leadership College, two DOJ attorneys, the Appellate Division Assistant Attorney in Charge of Criminal Appeals, and the Attorney in Charge of the Human Services section attended a dinner on the Umatilla Reservation, visited Tamastalikt and attended a talk by the Umatilla Tribal Chair.

Northwest Gaming Summit. In December 2008 Stephanie Striffler attended a two day seminar on gaming issues, including tribal presentations.

Stephanie Striffler attended a day long Lewis and Clark Law Review symposium on **Indigenous Economic Development: Sustainability, Culture and Business**, sponsored in part by the Oregon State Bar Indian Law Section.

In April, DOJ attorneys attended a two day CLE on the history of the *United States v. Oregon* treaty rights case, organized by the Columbia River Intertribal Fish Commission. DOJ attorney Steve Sanders participated in a panel presentation in that CLE.

Amanda Austin in the Appellate Division helped organize the National Association of Women Judges conference program on tribal courts.

Tax section attorney Melisse Cunningham attended a CLE in Seattle on *Tax Management for Tribes*.

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

The following DOJ representatives attended the annual summit:

Attorney General Hardy Myers
Special Counsel Stephanie Striffler
Division of Child Support contact Deb Mosher

The Financial Fraud/Consumer Protection program provided information for the networking session of the program.

B. Cluster Participation

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

Public Safety. Stephanie Striffler participated.

Natural Resources. Stephanie Striffler and Jas Adams, Attorney in Charge of the Natural Resources section, have participated.

Human Services. Division of Child Support representatives attend the meetings along with the local tribal liaison serving the area in which the meeting is held.

Cultural Resources. Stephanie Striffler participated.

C. Special Activities

Stephanie Striffler met regularly with Governor's office representatives and the Board of Trustees of the Umatilla Indian Reservation. Natural Resources Section attorney Paul Logan attended one of the meetings to discuss global warming litigation.

During the year,

Attorney General Hardy Myers and Stephanie Striffler met with Coquille tribal representatives and tribal attorneys in North Bend;

Attorney General Hardy Myers and Stephanie Striffler met with Umatilla tribal representatives at the Umatilla Indian Reservation;

Attorney General Hardy Myers and Stephanie Striffler met with leaders of the Confederated Tribes of the Coos Lower Umpqua and Siuslaw Indians and toured new tribal lands;

Stephanie Striffler attended the Coquille Tribe's annual salmon bake;

Stephanie Striffler visited and observed Siletz Tribal Court.

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.

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:

Columbia River Litigation

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

DOJ worked with Oregon Department of Fish and Wildlife to implement the new ten year agreement to guide management of harvest allocation and hatchery production for the next ten years. That agreement is premised on the view (and on the recent history of the negotiations) that we can resolve the harvest allocation and fish hatchery management disputes we have best with compromise and cooperation rather than litigation. Once again this year, we resolved all fishing season and hatchery management issues without resorting to the court.

We established a new regulatory coordination committee within the *US v Oregon* structure, with a two-fold aim: 1) to establish a central repository for the currently active state, tribal and federal rules relating to Columbia River salmon harvest, in one place with easy public access, and to ensure consistency among those various regulations, and 2) to serve as a forum for cooperative prosecution agreements, with an aim of both streamlining and bringing consistency to enforcement of the harvest agreement. On that front, we are negotiating with the tribes to establish model "prosecution referral agreements" with the tribes to designate certain hunting and fishing cases which would be sent to tribal court for prosecution.

Humane Society v. Gutierrez. DOJ attorneys cooperated with tribes in this case to establish federal authority to remove sea lions from Bonneville Dam.

Marr Ranch. DOJ attorneys continued to work with the Governor's office and Parks and Recreation in consulting with tribes regarding issues relating to tribal desire to protect private property near the Chief Joseph Cemetery in Wallowa County. In 2006, the property owner sued OPRD and three tribes, including the Confederated Tribes of the Umatilla Indian Reservation. DOJ continued to consult with the tribes regarding the defense of the case and resolution. In 2007 the litigation was successfully concluded when OPRD purchased the property in conjunction with the Umatilla, two other tribes and the Oregon State Parks Trust. The parties negotiated an agreement regarding management of the property. Commercial, Condemnation and Environmental Section Attorney-in-Charge John Geil and Stephanie Striffler attended the blessing ceremony with tribal representatives and others at the site in June 2008.

DOJ attorneys worked with the Oregon Watershed Enhancement Board to draft cultural resources protection conditions for their conservation easements.

Klamath Basin Negotiations. DOJ attorneys participated in significant efforts to resolve Klamath Basin water and fish habitat issues in the context of hydro system relicensing.

State v. Kurtz. We cooperated with tribal attorneys in the appeal in this criminal case involving the authority of a Warm Springs tribal police officer.

Water issues. DOJ attorneys worked with Water Resources Department on issues relating to the water needs of the Umatilla and Cow Creek tribes.

Tax issues. DOJ attorneys attended meetings with Department of Revenue and tribal representatives to discuss DOR's guidelines on tax issues related to tribes, in particular tribal corporations.

E. Gaming

The tribal key contact serves on the Governor's negotiating team for tribal gaming compacts. In 2008 an amended and restated compact was negotiated with the Confederated Tribes of the Umatilla Indian Reservation.

Challenge to validity of gaming compacts.

Ongoing litigation challenging the Governor's authority to enter into tribal gaming compacts continued into 2008. In late December 2005, the federal district court issued a decision in favor of the state and tribes. The plaintiffs then revived an appeal of an earlier state court case. In 2008 Department of Justice attorneys continued to work closely with tribal attorneys on that appeal, now in the Oregon Supreme Court.

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.

G. Law Enforcement Coordination

Internet Crimes Against Children (ICAC)

The Criminal Justice Division has continued to work to initiate programs to affiliate tribes with the ICAC program, and now has MOUs with four Oregon tribes.

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

The Crime Victims Services Division has continued to try to publicize availability of grants to tribes. During the past year, CVSD continued work designed to achieve the statutory objective and improve services to Native victims of crime. The focus of work during this reporting period has been on continuing to increase understanding, improve communication and build partnerships:

Attendance at Second Annual Victims of Crime Act (VOCA) Tribal Grant Program conference in Tucson in January, 2008, with Warm Springs Tribal Victim Services Program (the only Oregon Tribe to receive the grant.) Two CVSD staff members, representing the Victim Assistance and the Victim Compensation programs, attended the three-day conference, which focused on increasing mutual knowledge and understanding between state and tribal agencies, and on developing victim-centered collaborative strategies.

Recruitment of Tribal Representation on Funding Advisory Boards. Recruitment of tribal representatives was undertaken in order to assure that the voices and concerns of tribal victims are represented on advisory boards to funds administered by CVSD. The Program Coordinator for victim services within the Klamath Tribes Social Services Department was appointed to the Oregon STOP Violence Against Women Act (VAWA) Advisory Board in January 2007 and continued membership throughout this reporting year. The Siletz Tribes Charitable Trust staff member was appointed to the Oregon Domestic & Sexual Violence Services Fund (ODSVS) Advisory Council in April 2008, joining the Family Services Director of the Native American Youth and Family Center (NAYA), which serves urban Native populations in Oregon.

Developing Funding Strategies to Better Serve Native American Victims. All CVSD grant programs prioritize services to underserved populations, including Native American victims. Specific activities that have taken place within the reporting period include:

ODSVS: In order to better educate itself on victim issues relevant to ODSVS, the ODSVS Advisory Council hosted a presentation in August 2008 on the history and experience of Native Americans in Oregon that could influence their response to victim services. The DOJ Tribal Liaison provided basic information on tribes & jurisdictional issues. The Program Director Family Services for NAYA presented on how history shapes victims' attitudes & response to services. Subsequent discussion noted the challenges in estimating numbers and location of Native American population within the state, and the different needs of individual tribes. The Advisory Council will continue to gather information in order to assure that victims on and off reservations have access to services. As part of this effort the ODSVS Fund Coordinator has interviewed the non-profit grantee program that has contracted with the Confederated Tribes of Grand Ronde to provide victim services. She will include this information in the Advisory Council's ongoing work.

STOP VAWA: As part of the development of its three-year Implementation Plan, the Oregon STOP VAWA Advisory Board included the priority of providing culturally competent services. Among the competitive grants awarded for 2008 was one to the Coos County Victim Assistance Program to increase delivery of services to Native American clients, including members of the Confederated Tribes of the Coos, Lower Umpqua and Suislaw Indians; and the Coquille Indian Tribe, both located within Coos County. The project focuses on collaboration with (female) members of each Tribe's police department and relies on informal trust building to shape truly responsive services.

Visits to Tribes.

Confederated Tribes of Warm Springs. In February 2008, the Manager of the Crime Victims Compensation Program presented a training on the CVCP to the Tribal Victims Services program staff (one of the tribal judges also attended). Unfortunately, there have been 4 homicides on the reservation during this reporting year and the CVCP staff continues to work closely with the Tribes in addressing victim needs. In addition the ODSVS Fund Coordinator attended a workshop on Sexual Assault Response conducted by the Victims of Crime Services staff at the annual OCADSV conference in August 2008.

Confederated Tribes of the Siletz Reservation. In May 2008 the ODSVS Fund Coordinator and the Executive Director of the Oregon Coalition Against Domestic and Sexual Violence visited the Siletz Tribes. The objectives of the visit included: a) orientation to the ODSVS Advisory Council for the Executive Director and Tribal Charitable Trust staff member, both of whom had recently been appointed to the Council; b) enhanced knowledge of Siletz Tribal services and history for the visitors; and c) enhanced knowledge of OCADSV for the Siletz representative.

Confederated Tribes of Umatilla Indian Reservation. In September 2008, the ODSVS Fund Coordinator spent two days in Umatilla County. Her visit included a lunch with the non-profit program Director and the staff of the CTUIR Umatilla Tribal DV/SA program staff and a visit to the tribal program for discussion of how services are provided and the ways in which CVSD can better meet Native American victim needs through the funding it administers and the many initiatives in which it participates. The CTUIR Program Director has a long history of state-wide leadership in domestic and sexual violence services and generously shared a great deal of valuable information and insights. She continues to keep CVSD staff informed of opportunities for learning and collaboration.

I. Consumer Protection/Education

Native Caring Conference. The Attorney General and Jan Margosian spoke on financial fraud directed at elders at the Native Caring conference in October, a conference for Native American caregivers hosted by the Coquille Tribe.

As part of an Oregon State Bar program, DOJ attorney Dan Rosenhouse participated in a presentation at the Native American Youth Association regarding the use of credit cards.

J. Cultural Resources Protection.

Stephanie Striffler, Civil Enforcement Division Fred Boss and other DOJ attorneys have worked with Oregon Parks & Recreation Department (OPRD) (and in consultation with LCIS) to develop a potential legislative proposal to establish funding for Attorney General's office enforcement of cultural resource protection laws.

K. Child Support

Tribal Information Day:

DCS Tribal Liaisons, Branch Managers, The CSP Assistant Director, Policy Management, and Case Managers attended the 2008 Tribal Information Day.

IV-D Programs:

The Klamath Tribe and Confederated Tribes of the Umatilla Indian Reservation received their federal IV-D Child Support Program approval during 2008. The establishment of Tribal Child Support programs is a milestone in the recognition of tribal traditions and customs as part of the support of their children. Training for Child Support Program liaisons and ultimately all Child Support Program staff will be developed in the coming year as each Tribal program develops their procedures to establish and enforce child support orders.

Confidentiality and federal tax referral training has been provided to Tribal program management and staff.

The Child Support Program is in the process of developing an agreement with both IV-D programs to submit Tribal cases to the IRS for federal tax collections. The agreement will allow CSP staff the ability to provide IRS collection information as well as federal parent locate services.

CTUIR received their IV-D approval in January 2008. The program began accepting application for services in September. The Umatilla County DA child support officer and the Pendleton Branch Manager met with the CTUIR Program Manager/Attorney and case manager in August to begin the referral/transfer of child support cases to the Tribal

program. DCS registered over one hundred and ninety cases in Tribal Court before the establishment of a Tribal child support program.

The Klamath Tribe received their IV-D plan approval in October 2008 and began receiving applications for services in November 2008. DCS has been establishing child support orders for the Klamath Tribal TANF program since 1999. The Federal OCSE Tribal Final rule and policy training was provided by the CSP in the Medford DCS office in June 2008 for the Medford and Pendleton DCS liaisons as well as the Klamath Tribal program staff. The Klamath IV-D program will begin receiving cases from DCS in December 2008.

Statewide Collection Activities:

The Albany DCS branch establishes child support orders for the Tribal TANF program as well as submitting wage withholding orders to the Tribal court for enforcement by tribally owned businesses. The Siletz Tribal court once again recognized the Albany Tribal liaisons and DOJ attorney Roger Warren for their case preparation and work in tribal court to collect Tribal dividends distributed in August of each year.

DOJ attorney Claudia Groberg was admitted to Coquille Tribal Court. She and Donna Johnston from the Roseburg DCS branch met with tribal attorneys and tribal court staff to discuss how DOJ could communicate and coordinate effectively with tribal court, and have been following up.

The CSP is receiving more requests from tribal families to assist in the collection of child support through the liaison contacts with the tribal courts.

Regional Activities:

Region X State/Tribal Summit The CSP sent three representatives to the Region X State/Tribal Summit held in Ocean Shores in September 2008, hosted by the Quinault Tribe. The sessions facilitated by state and tribal representatives from Region X as well as Tribes from the mid-west provided training on tribal culture and traditions that directly impact the support of tribal families. The Division of Child Support statewide tribal liaison represented Oregon on two state sponsored panels for tribal participants in understanding how each state has established medical insurance enforcement required by the Federal Deficit Reduction Act, and information regarding the resources available to locate parents.

DM1196252

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 one of the Special Counsels to the Attorney General as the Department's 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.