

November 12, 2011

Liani Reeves
Governor's Office
160 State Capitol
900 Court Street, NE
Salem, Oregon 97310

Karen M. Quigley
Legislative Commission on Indian Services
160 State Capitol
900 Court Street, NE, Room 167
Salem, Oregon 97310

ANNUAL GOVERNMENT-TO-GOVERNMENT REPORT

Reporting Agency: Oregon State Police

Principal Contact: Major Craig Durbin
Oregon State Lottery
500 Airport Road, SE
Salem, Oregon 97301
(503) 540-1406
(503) 540-1440

In 2001, the Oregon State Legislature passed Senate Bill 770, Section I through Section IV, requiring state agencies within the State of Oregon to report to the Governor activities pertaining to the relationship between the State Government and Tribal Governments. The following constitutes that report from the Department of State Police.

Attached with this report is a copy of Chapter 500.11 of the Oregon State Police Policies, Rules, and Procedures Manual titled, State-Tribal Government-to-Government Relations. This policy set out to formalize the government-to-government relationship that exists between Oregon Indian tribes and the Oregon State Police. The policy also establishes a process to assist in the resolution of potential conflicts, maximizes key inter-governmental relations, and enhances an exchange of ideas and resources for the greater good of all of Oregon's citizens, whether tribal members or not.

The above-referenced policy identifies 'key' contacts within the Department by position and provides an additional key contact list that contains names and telephone numbers of these individuals.

The following is a summary of the various interactions between Tribal Governments and the representatives of the Oregon State Police.

Oregon State Police Gaming Enforcement Division

Tribal Gaming Section

The Tribal Gaming Section has daily interaction with all of the Tribes throughout the year. The Tribal Gaming Section is comprised of both sworn and non-sworn personnel. There are three specialized areas within the Tribal Gaming Section which is comprised of Criminal Intelligence, Regulatory and Technical Compliance and Vendor Investigations.

Criminal Intelligence

In 2011, Detectives conducted various criminal investigations relating to gaming and non-gaming crimes at various casinos and tribal properties. The investigations varied in a wide range from cheating scams to theft and drug activity. Detectives also conducted numerous backgrounds on employees working in sensitive areas at the casinos and commissions. A significant project, for assisting the Tribes, in establishing emergency preparedness plans for the casinos has also been recently started. The Criminal Intelligence Unit works in conjunction with, Tribal Police, District Attorneys, City Police, Sheriffs Office, and the U.S. DOJ in many of the investigations at tribal properties. The Criminal Intelligence Unit also networks with various gaming regulators throughout the United States to include agencies such as the Nevada Gaming Commission, Washington Gaming Control Board and the California Gambling Commission. These partnerships provide assistance to the Tribes in bringing the latest intelligence information and resources available to assist in prevention, detection and apprehension of criminal related activity at casinos.

Regulatory and Technical Compliance

The Regulatory and Technical Compliance is comprised of non-sworn personnel which include Compliance Managers and Field Agents. In 2011 Compliance Managers participated directly in Tribal/State compact negotiations with the Tribes of the Warm Springs Indian Reservation. The Compliance Managers also worked extensively with several tribes in the development of new Tribal/State Minimum Internal Control Standards, which are the minimum standards for monitoring and compact compliance reviews of the casinos. Compact compliance reviews were jointly conducted with the Tribes of Warm Springs, Siletz Umatilla, Klamath, Burns, Grand Ronde and the Coos Lower Umpqua & Siuslaw Indians. In the last year Field Agents performed Monitoring/Oversight

activities for Class III Gaming activity at all nine (9) casinos, on a regular basis. Field Agents also conducted onsite inspections of proposed new games and technologies.

Vendor Investigations

In 2011, Detectives in the Vendor Investigations Section completed twenty four vendor background investigations, on companies contracting with the Compacted Tribes for Class III Gaming products and services. Background investigations allow for an evaluation by the Tribes of the competence, integrity, background, character, and nature of the true ownership of the vendor.

Oregon State Police Fish and Wildlife Division

The role of the Fish and Wildlife Division in relation to the Tribal Governments is to investigate violations of Native American archaeological laws and coordinate with State and Federal prosecutors and magistrates to bring defendants of archaeological crimes to justice, provide a staff trained on the Endangered Species Act and Tribal treaty rights, Tribal sovereignty issues, and a foundational knowledge of Tribal sovereignty. This Division must also coordinate with Tribal Representatives, the Oregon Fish and Wildlife Commission, and the Oregon State Legislature on issues relating to Fish and Wildlife and coordinate with the Columbia River Treaty Tribes on enforcement issues related to the Columbia River.

Lieutenant Randy Scorby (East Region) participates as a voting member of the Lower Deschutes River Managers' Group, which oversees management of the lower 100 miles of the Deschutes River scenic waterway. Other voting members include members of the Confederated Tribes of the Warm Springs Indian Reservation, Bureau of Land Management, Oregon Parks and Recreation Department, Oregon Department of Fish & Wildlife, Oregon State Marine Board, and representatives from the local governments.

Successful implementation of the Lower Deschutes River Management Plan requires coordination and cooperation between all of the managing agencies. Senior Trooper Chuck Lindberg (Madras) also participates as a member of the Lower Deschutes River Working Group, which provides recommendations to the manager's group for approval. Sergeant David Pond (Bend) also attends the managers group and working group meetings, and is the supervisor for the Troopers assigned to the Lower Deschutes River.

Lieutenant Scorby, Lieutenant David Anderson (Fisheries Program, General Headquarters), and Sergeant John Katzenstein (The Dalles) participate in the Columbia Basin Law Enforcement Council (CBLEC), which is comprised of representatives from natural resource enforcement agencies in Washington, Oregon, as well as the four Columbia River Treaty Tribes (Warm Springs,

Umatilla, Yakama and Nez Perce), Columbia River Inter-Tribal Fisheries Enforcement, NOAA Fisheries, and the U.S. Fish & Wildlife Service. During 2011, CBLEC held nine monthly meetings to discuss enforcement concerns on the Columbia River and tributaries, and to plan and implement action plans on high priority issues. In addition, CBLEC was tasked by the US v. OR Regulatory Coordination Committee (RCC) to identify, prioritize, and develop solutions for inconsistencies that exist between state and tribal regulations for the Columbia River Treaty Fishery above Bonneville Dam. CBLEC has identified and prioritized the inconsistencies and is currently working towards developing solutions that will be presented to the RCC in 2012.

Senior Trooper Les Kipper (The Dalles) and Trooper Jim Andrews (Salem) assisted the OSP Criminal Division and Umatilla Tribal Police with a marijuana grow on the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Troopers main focus was to conduct an investigation on potential environmental and wildlife crimes related to the illegal grow.

In February 2011, members of the Criminal Division served a search warrant on a residence in Coos County. Possible Native American artifacts were located in the residence. Members of the Fish and Wildlife Division responded and coordinated with the Confederated Tribes of the Coos/Lower Umpqua/ and Siuslaw Tribe. A tribal archeologist responded to the residence and determined the artifacts were high quality reproductions.

On July 17, 2011, Senior Trooper Chuck Lindberg assisted the Jefferson County Sheriff's Office in a Multi-Agency Search of the Lower Deschutes River to locate a missing and presumed drowned fisherman that fell into the river in the area of Trout Creek Recreation Area. BLM River Rangers located the fisherman deceased about ½ mile upstream from South Junction on the side of the river bordered by the Warm Springs Reservation. This location is approximately 2½ miles downstream from where the fisherman was last seen. The deceased was transported by OSP raft downstream approximately ½ mile to South Junction where he was subsequently released to a funeral home for transport. The search included two airplanes, one Jefferson County Sheriff Marine Patrol Boat, one raft and one drift boat from the Jefferson County Search and Rescue Team, one raft from the Oregon State Police, one raft from the BLM, and two rafts from Warm Springs Tribal Police and Fire Safety. About forty people participated in the search and recovery effort.

During the year Sgt. Randall Hand (Klamath Falls) worked with the Klamath Tribe on two separate incidents involving the identification of human remains that were determined to be Native American. Arrangements were made to return the remains to the Tribe for repatriation.

On September 19, 2011 Lt. David Gifford (SW Region) and Sgt. Lynn Withers (Roseburg) met with representatives from the Cow Creek Band of the Umpqua Tribe. The Tribe's natural resources director, Amy Amoroso, has been working

with ODFW to arrange for the distribution of 4 elk tags through a drawing to Tribal members to hunt on Tribal lands. The Tribal Council had a meeting scheduled later in the day and several of the members were able to attend the meeting with Lt. Gifford and Sgt. Withers. Information was exchanged about the tags that would be issued, the transportation permits provided by ODFW for animals harvested, and the boundaries of the property involved. After the main meeting was finished, Lt. Gifford and Sgt. Withers accompanied Amy Amoroso on a short tour of the Tribal property involved in the hunt.

Oregon State Police Command Areas

Eastern Region

The Oregon State Police Bend Area Command in cooperation with the Jefferson County Sheriff's Office, Madras Police Department, Warm Springs Police Department, and Jefferson County District Attorney's Office continue to work together on a daily basis to share information and resources on a variety of calls for service and criminal investigations.

On several occasions during 2011 Oregon State Police has worked with Warm Springs Police Department on a variety of calls for service, criminal investigations, and the sharing of information in the spirit of agency cooperation.

March 21 - Members of the Oregon State Police responded to assist FBI in a Warm Springs Police Officer involved shooting. Members of Oregon State Police Criminal Investigative Division, Patrols Services Division, and Department Crash Reconstruction experts assisted in the investigation.

April 13 - Warm Springs Police Department hosted "Indian Country Jurisdictional Training" where several Oregon State Police members and law enforcement partners attended for all over the state.

June 12 - Members of the Oregon State Police Bend Area Command worked in cooperation with Warm Springs Police Department in a multi-agency investigation involving a high speed vehicle driving recklessly which had previously attempted to elude police in Multnomah, Clackamas, and Jefferson Counties. Agencies worked together resulting in the capture of the fleeing suspect and shared investigative information resulting in multiple search warrants and several multi-jurisdictional misdemeanor and felony charges.

On multiple occasions this calendar year Oregon State Police has shared investigative resources with Warm Springs Police Department for serious injury and fatal crash investigations.

Southwest Region

The Coos Bay Office and Coquille Tribal Police provide reciprocal assistance during times when backup is needed. Our officers, during emergencies, respond to the tribal housing area until one of the tribal officers can arrive. The housing area is adjacent to a state highway.

The Coquille Tribe has timber holdings on Hwy. 42, east of Myrtle Point. Fish and Game officers have responded to this location at the request of Tribal Police to investigate Fish and Wildlife crimes.

The Coquille Tribal Police Chief has offered their office building to our officers for their use. It was felt that their office, near Charleston and a high activity area, would be a place that officers could come and do reports or take a break. His office and all his equipment is at our disposal anytime during day or night.

Training opportunities have been extended to the Coquille Tribal Police members. When room is available, Tribal PD members have been invited and have participated with our members at our training.

Coos Bay Detective serves on an interagency Major Crime Response Team, and attends investigator meetings with Tribal Police officers, sharing information that may be pertinent to ongoing criminal investigations.

Coos Bay Lieutenant attends Local Area Chief's meetings and discusses issues that arise with Tribal Police Chief and other Chiefs of the local jurisdictions.

Coos Bay Troopers have recently been randomly patrolling through Tribal housing areas at the request of the Chief.

Coos Bay Troopers assisted Tribal officers in evacuation notices to Tribal Housing members in the inundation zone subsequent to the Tsunami alert stemming from the March Japanese earthquake.

Coos Bay Lieutenant attended a March 18 Tsunami debrief in Reedsport that was attended by tribal representatives.

Coos Bay Lieutenant attended a table top exercise with the Coquille Tribe regarding reaction to dam failures on Tribal lands.

Coos Bay Lieutenant met with Coquille Tribal legal counsel regarding cooperative policing of the Tribal lands.

Northwest Region

No activity to report

Office of State Fire Marshal

March 10, 2011 Judy Okulitch presented a school program to the Public Safety Cluster at DPSST.

May 22, 2011 Greg Davis conducted a consultation walk through at the Kla Mo Ya Casino facility with maintenance manager Nick Rich and Chiloquin Fire Chief Dewayne Holster. Part of the Casino was being renovated. They also walked through the Travel Center next to the Casino.

July 13, 2011 Scott Goff delivered a copy of the current Mobilization Plan from the Office of State Fire Marshal.

Law Enforcement Data System Division

The Law Enforcement Data System (LEDS) Division conducted Law Enforcement Data System audits in cooperation with the nine recognized Tribes within the State of Oregon. This audit not only encourages compliance in the use of the Law Enforcement Data System, but also instructs the users of the Law Enforcement Data System on proper use and protocol of this system.

LEDS supports the following tribes for access to services:

Burns Paiute Tribal Police
Klamath Tribes Regulatory Gaming Commission
Coquille Tribal Police
Confederated Tribes of the Coos, Lower Umpqua
Grand Ronde Tribal Gaming Commission
Columbia River Intertribal Fisheries Enforcement
Siletz Tribal Gaming Commission
Umatilla Tribal Police
Warm Springs Tribal Police
Warm Springs Tribal Court
Warm Springs Indian Gaming Commission
Warm Springs Bureau of Indian Affairs
Cow Creek Gaming Commission

Identification Services Section

The Identification Services Section is divided into four functional Units. In general, ID Services provides fingerprint-based services to the Tribal Gaming Commissions and Tribal Police agencies. Contacts with them are intermittent and

generally deal with problem or error resolution, or answering questions they may have.

Regulatory Unit

The Regulatory Unit processes fingerprint-based background checks for employment purposes. Many of these background checks are submitted electronically through a livescan device. Typical contact would be returning rejected fingerprints and calling the livescan operators regarding questions or errors. This contact would be on an as-needed basis.

Livescan Coordinator

The Livescan Coordinator assists agencies who are transitioning from the submission of inked fingerprints to an electronic fingerprint submission via a livescan device. These intermittent contacts include both Tribal Gaming Commissions and Tribal Police agencies. The Livescan Coordinator also acts to assist any agency, including the tribes, in helping to resolve issues with livescan vendors, as well as assisting with issues involving submissions of fingerprint transactions. These contacts are on an as-needed basis.

There are intermittent contacts throughout the year to send out updated tables used on both the livescans and records management systems. These contacts are made quarterly. There are also twice-annual contacts made to update contact information, as well as intermittent notifications of system down times.

Computerized Criminal History (CCH) Unit:

The CCH Unit is responsible for ensuring that information received on a criminal arrest card or Criminal Justice Information Services (CJIS) Security applicant card is correct. The information on these cards is used to populate the criminal history files in both LEDS and the National Crime Information Center (NCIC). The CCH Unit has as-needed contacts with both Tribal Police agencies and Tribal Gaming Commissions to correct any errors that are seen.

Automated Fingerprint Identification System (AFIS) Unit:

The AFIS Unit receives incoming fingerprint cards and is responsible for determining, through fingerprint identification, whether the subject has a prior Oregon Criminal History record. The AFIS Unit has as-needed contacts with both the Tribal Gaming Commissions and Tribal Police agencies when errors are noted on the incoming cards, or when the Tribal agency is having difficulty transmitting a card to ID Services.

State Medical Examiners Office

The Medical Examiner's Office hosted the Intertribal Cultural Resources Cluster on June 28, 2011. The Medical Examiner Advisory Board put forth a legislative concept during the last legislative session adding a tribal member to the board which passed both houses unanimously.

OREGON STATE POLICE PRIMARY CONTACTS

Gaming Enforcement Division

Craig Durbin, Major
500 Airport Road, SE
Salem, OR 97301
503-540-1406
503-540-1440 Fax

Tribal Gaming Section

Craig Heuberger, Lieutenant
3400 State Street, NE, Suite G-750
Salem, OR 97301
503-378-5135

Fish and Wildlife Division

Jeff Samuels, Captain
255 Capitol Street, NE, 4th Floor
Salem, OR 97310
503-934-0221

Chris Allori, Sergeant
Cultural Resource Cluster Contact
Portland Area Command
8085 SE Deer Creek Lane
Milwaukie, OR 97222

Office of State Fire Marshal

Randy Simpson, State Fire Marshal
4760 Portland Road, NE
Salem, OR 97305
503-378-3473

Southwest Region

Randie Martz, Captain
4500 Rogue Valley Highway, Suite A
Central Point, OR 97502
541-776-6114

Northwest Region

Cal Curths, Captain
3710 Portland Road, NE
Salem, OR 97301
503-934-0361

Eastern Region:

Travis Hampton, Captain
63319 Jamison Road
Bend, OR 97701
541-388-6213

State Medial Examiner:

Karen Gunsun, MD
13309 SE 84th Avenue, Suite 100
Clackamas, OR 97015
971-673-8200

Law Enforcement Data System:

Dan Malin, Auditor
3225 State Street
Salem, OR 97309-5074
503-378-3055

Identification Services Section:

Tricia Whitfield, Director
3772 Portland Road, NE
Salem, OR 97301
503-378-3070

Oregon State Athletic Commission

Brad Darcy, Director
3400 State Street, NE, Suite G-750
Salem, OR 97301

 The seal of the State of Oregon, featuring a central figure holding a torch and a plow, surrounded by the text "STATE OF OREGON" and "1859".	Department of State Police	CHAPTER: 500.11 SUBJECT: STATE-TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS REVISED: September 8, 1999 SUPERSEDES: N/A PAGES: 4
--	-----------------------------------	--

POLICY

There are nine federally-recognized Indian tribal governments located in the State of Oregon. These Indian tribes have a unique legal status as sovereign governments. The importance of recognizing the relationship that exists between the Tribes and State government agencies cannot be underestimated. As sovereigns, the Tribes and the State must work together to develop mutual respect and trust for the sovereign interests of both parties.

The purpose of this policy is to formalize the government-to-government relationship that exists between Oregon Indian tribes and the State and to establish a process which can assist in resolving potential conflicts, maximize key intergovernmental relations, and enhance an exchange of ideas and resources for the greater good of all of Oregon's citizens, whether tribal members or not.

The State recognizes the sovereign status of Oregon Indian tribes and in furtherance of this, the Department of State Police establishes the following policy statement which:

1. Recognizes that Oregon Indian tribal governments are interested in the development of State policy that affects tribal interests and recognizes the desirability of dialogue between tribal governments; the federal government as trustee, where appropriate; and the State, with regard to those State policies;
2. Identifies key personnel of the Department as "key contacts" responsible for coordination with tribal governments;
3. Establishes a process for the identification of those Department policies by designated tribal representatives and key contacts;
4. Promotes dialogue between the Department and tribal governments on those state policies; and
5. Advances the government-to-government relationship by notifying Department members of Executive Order #96-30.

The Department of State Police will work cooperatively with other State agencies to accomplish the goals of Executive Order #96-30.

This policy is not intended to create a forum for resolution of all issues between the Tribes and the Department, nor is it meant to replace presently existing lines of communications.

RELATED LAWS/REFERENCES

Office of the Governor, Executive Order #96-30; ORS 190.110

RULE

1. The key contacts of the Department are those members primarily responsible for advancing the government-to government relationships between the Department and Oregon Indian tribes and for coordination with tribal governments on agency policies.

- A. The following position is designated as the primary Department representative for Oregon Indian tribes.

Primary Contact:

Operations Services Bureau Commander

- B. The following positions are designated as Department representatives based upon local service area or specialized service responsibility.

Statewide Issues:

Fish & Wildlife/Natural Resources Fish and Wildlife Division Director

Tribal Gaming Gaming Enforcement Division Director

Department Policy & Procedures Policy & Procedures Advisory Committee Chair

Local Issues:

Cow Creek Band of Umpqua Tribe Station Commander-Roseburg

Confederated Tribes of Warm Springs Station Commander-Bend

Confederated Tribes of Umatilla Station Commander-Pendleton

Burns Paiute Tribe Station Commander-Ontario

Fort McDermitt Paiute Tribe Station Commander-Ontario

Coos, Lower Umpqua, & Siuslaw Tribes Station Commander-Coos Bay

Coquille Tribe Station Commander-Coos Bay

Confederated Tribes of Grand Ronde Station Commander-McMinnville

Confederated Tribes of Siletz Station Commander-Newport

Klamath Tribes Station Commander-Klamath Falls

2. The listed Department representatives, or a designee, shall communicate with Oregon tribal governments that are located in their individual service areas for the purpose of working together to achieve mutual goals, identify policy issues, and discuss issues of mutual concern or interest.
3. In the development of issues of mutual concern, the Department representatives shall make reasonable efforts to design solutions and develop programs to achieve mutual goals in relation to Department policy.
4. Department representatives shall consider the use of cooperative agreements with Indian tribal governments as provided for in ORS 190.110 or other tools to achieve mutual cooperation when it is appropriate to do so.
5. Department representatives and designated supervisors shall attend periodic training in tribal culture, relations, and legal status designed to create an awareness of the unique nature of the tribal governments and an understanding of, and sensitivity to, Native American issues.
6. The Gaming Enforcement Division Director shall annually provide the Superintendent with a report on the Department's accomplishments and achievements derived from the advancement of Executive Order #96-30. A copy will be provided to each of the tribal public safety key contacts.
7. All members of the Department will consider impacts on Oregon tribal governments when developing policy and, if appropriate, shall consult with tribal representatives to discuss issues.
8. Station Commanders designated as Department representatives shall establish mutually-agreeable meeting schedules with local tribal representatives.

PROCEDURE:

1. The Gaming Enforcement Division Director, or a designee, shall assist the Superintendent to coordinate and accomplish the requirements of this policy and the goals of Executive Order #96-30.
 - A. The Gaming Enforcement Division Director will coordinate the periodic tribal cultural training for Department representatives and designated supervisors. Each Department representative shall designate those supervisors under their command that should attend this training.
 - B. The annual report to the Superintendent required by this policy shall be an Executive Summary.
2. The Statewide Annual Meeting will serve as a means for Department representatives to further establish contacts with designated tribal government representatives, schedule additional meetings, and develop appropriate protocols of communication on issues of mutual concern.