

Oregon Youth Authority

Government-to-Government Report on Tribal Relationships

2009

Submitted in accordance with
Senate Bill 770
ORS 182.162-166

Report highlights

Highlights of this year's Government-to-Government report include:

Tribal support for the OYA Tribal Liaison position is strong. In response to the possible elimination of the position due to a potential budget shortfall, tribal response was overwhelmingly supportive of retaining the position. Many tribal representatives including tribal council members, tribal chairs and others wrote e-mails and letters to OYA interim Director Bobby Mink requesting the position be maintained. In addition, tribal representatives provided testimony in support of the position during OYA's legislative budget hearings.

OYA gained permanent leadership. After many administrative upheavals, interim leaders and a lengthy recruitment process, Colette S. Peters was appointed OYA director. Interim Deputy Director Fariborz Pakseresht was named to the position on a permanent basis.

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Oregon Youth Authority signed a Memorandum of Understanding. OYA now has MOUs with seven of the nine federally recognized tribes in Oregon.

OYA now has statutory authority to contract directly with tribes for gang intervention funds. The 2009 Legislature passed Senate Bill 106, which was submitted by Governor Kulongoski at the request of OYA. SB 106 amended language in OAS 420A.040 to grant OYA the authority to contract directly with tribes.

The Confederated Tribes of Grand Ronde held a Tribal Gang Summit. Funding for the summit was provided by OYA. The Marion County Juvenile Department submitted the summit proposal and funding request on behalf of the tribe.

OYA continues to serve as chair of the Public Safety Cluster meetings.

I. Introduction

The annual “Government-to-Government Report on Tribal Relationships” is a requirement of OAR 182.162 (attachment 1). This report includes information about:

- The Oregon Youth Authority’s (OYA) activities to develop and implement policy on relations with the nine federally recognized Indian tribes in Oregon;
- How training efforts are being implemented to encourage government-to-government relationships; and
- OYA’s efforts to promote communication between OYA and the tribes and government-to-government relationships.

Purpose and mission

OYA was established as an independent state agency January 1, 1996. The agency exercises legal and physical custody over youth offenders between the ages of 12 and 18 who commit crimes and have been adjudicated to the OYA by county juvenile courts. Youth offenders may remain in OYA’s legal and physical custody up to age 25.

In addition to juvenile court commitments, OYA can have physical custody of young offenders who commit crimes while under age 18, who are convicted in adult court after jurisdiction or statutory judicial waiver or Measure 11 charge and are in the legal custody of the Oregon Department of Corrections. OYA may retain custody of these offenders up to age 25.

The mission of OYA is to protect the public and reduce crime by holding youth offenders accountable and providing opportunities for reformation in safe environments. To achieve this, OYA:

- Emphasizes safety of the public, youth and staff;
- Provides specific and consistent sanctions for youth offenders through a continuum of services and sanctions;
- Supports the concerns of crime victims;
- Provides comprehensive youth reformation programs;
- Promotes and supports juvenile crime prevention activities;

- Encourages the involvement and responsibility of families, communities and juvenile justice partners; and
- Selects, trains, supports and empowers a competent and diverse workforce.

OYA is the primary state agency involved in Oregon’s juvenile justice system. The agency provides services for two types of offenders – youth adjudicated to OYA through the state juvenile court system and youth convicted in adult court but housed with OYA because of their age. If a youth is committed to OYA through means of an adult conviction, they come under the jurisdiction of the Oregon Department of Corrections, even if they are housed within OYA.

OYA houses offenders at one of the agency’s seven close custody facilities or four transitional facilities located throughout the state. Additionally, OYA’s field services staff manage youth offenders who are either on parole from a close custody facility or who have been placed on probation to receive out-of-home services such as residential treatment or foster care as an alternative to confinement.

OYA engages tribal governments in four significant ways:

- Individually, through government-to-government relationships, as established in a memorandum of understanding with each tribe;
- Collectively, through the OYA Native American Advisory Committee;
- Collaboratively, through implementing and coordinating culturally relevant treatment services for Native American youth in OYA custody; and
- Through the coordination and chairing of the Public Safety Cluster meetings.

II. Government-to-government relations

Jack Lawson, OYA’s Native American Coordinator, is the agency’s lead contact in the government-to-government relationship between OYA and tribes. Mr. Lawson can be contacted directly by phone at 503-378- 6973 or via e-mail at jack.lawson@oya.state.or.us.

In addition, each of Oregon’s federally recognized tribes has identified a key contact to be the first link of communication between OYA and the tribe. Each

key contact is a vital liaison who provides opportunities to identify mutual concerns, resources for youth offenders and activities in OYA or communities. These key contacts are instrumental in enhancing communications between OYA and the respective tribes.

The government-to-government relationship between tribes and OYA supports OYA's mission of public safety, accountability and reformation for youth offenders. These relationships enhance community safety by increasing the opportunities for successful reintegration of tribal youth returning to their communities.

As sovereign nations, tribal governments are crucial partners in the public safety arena through the coordination and collaboration of services for adjudicated and or convicted youth in OYA. Tribal involvement with delinquent youth keeps youth offenders connected to their communities, enables culturally relevant treatment and intervention opportunities, provides for a continuum of services that extends beyond their confinement, and provides additional measures for accountability and public safety.

OYA recognizes that tribal communities have a great impact on youth returning to their community and serve as a vital link between youth who are adjudicated and their families. OYA also recognizes that tribes may be uniquely able to address family risk factors that could contribute to a youth's delinquency.

Tribal opportunity to meet OYA director

This year brought many administrative changes to OYA. After an extensive recruitment process Colette S. Peters was appointed director for the Oregon Youth Authority, replacing interim Director Bobby Mink. Director Peters's appointment was unanimously confirmed by the Senate October 1, 2009. Director Peters then appointed Fariborz Pakseresht as deputy director, a position he had been filling on an interim basis.

At the request of the Native American Advisory Committee, a meeting with Director Peters was coordinated with the tribes. This meeting provided the tribes

with an opportunity to meet the director and provide her with an overview of the relationship between OYA and tribal representatives.

Tribal support

During the 2009 legislative session state government was experiencing a drastically downward fiscal crisis. State agency directors and administrators were directed to submit plans on how they would adjust to 30 percent cuts in their operations. At that time interim Director Mink included the tribal liaison position for the OYA as a possible cut, if the agency would be required to make staffing layoffs as result of the budget shortfall.

Many tribes responded with letters and e-mails from tribal councils, tribal chairs and others within the tribes to the interim director to validate the importance of the tribal liaison position. In addition, during legislative hearings on the OYA budget, tribal representatives provided testimony to the legislative committee on the importance of the position for ongoing government-to-government relations and coordination for culturally specific needs of tribal and Native American youth in OYA custody.

In September 2009 Director Peters attended her first Native American Advisory Committee meeting and in the course of the meeting announced there would be ongoing support for the position.

Memoranda of Understanding

To establish formal relationships with Oregon's tribal governments, OYA continues to pursue memoranda of understanding (MOU) to memorialize the relationships with each tribe, pursuant to ORS 182.162-166. While each MOU is tailored to meet the individual needs and concerns of each tribe, the agreements generally identify areas of mutual concern, identify services to youth of particular interest to the tribe and OYA, establish mutually agreed upon roles and responsibilities, and identify key contacts to promote effective communication and positive relationships.

Each MOU generally includes assurances that tribal youth are identified when they enter OYA custody, that tribal and Native American youth in OYA receive culturally appropriate assessments and services, and that tribes have opportunities to participate in planning the reformation efforts and transition services for tribal youth as they change placements or leave OYA custody.

OYA is pleased to announce that an agreement on an MOU was reached in 2009 with the Confederated Tribes of the Umatilla Indian Reservation. That document has been signed by the CTUIR tribal chair and OYA director. OYA views these agreements as opportunities to strengthen and enhance the relationship between each of the tribes.

OYA currently has MOUs with seven Oregon tribal governments. These are the:

- Klamath Tribes;
- Confederated Tribes of Siletz;
- Burns Paiute;
- Cow Creek Band of Umpqua Indians;
- Coos, Lower Umpqua and Siuslaw;
- Coquille Tribe; and
- Confederated Tribes of the Umatilla Indian Reservation.

Although OYA has yet to finalize MOUs with the Confederated Tribes of Grand Ronde and the Confederated Tribes of Warm Springs, OYA continues to pursue agreements with these tribes. In addition, in the absence of formal agreements, OYA continues to conduct its relationship with the Grand Ronde and Warm Springs tribes as if agreements exist.

In addition, the MOU between the Confederated Tribes of Siletz and the OYA is currently under review for updating the agreement.

2009 Government-to-Government Summit

It is anticipated that five OYA representatives will attend the 2009 Government-to-Government Summit, which will be held at the Oregon State Fairgrounds in Salem. Participants will be Director Colette S. Peters, Deputy Director Fariborz Pakseresht, Assistant Director for the Office of Minority Services Lonnie Jackson,

Assistant Director for Facility Operations Joan Palmateer, and Tribal Liaison Jack Lawson.

Public Safety Cluster

OYA Assistant Director for the Office of Minority Services Lonnie Jackson and Tribal Liaison Jack Lawson serve as co-chairs of the Public Safety Cluster. The Public Safety Cluster convenes state public safety agencies and tribal officials to discuss and address tribal-specific public safety issues and issues of mutual concern.

The Public Safety Cluster (PSC) met four times in 2009. The meetings were hosted by the Department of Public Safety Standards and Training (DPSST), the Criminal Justice Commission (CJC) and the Confederated Tribes of the Umatilla Indian Reservation. During 2009 PSC brought together state and tribal public safety agencies, departments, commissions and judicial systems.

Topics addressed at PSC meetings have included:

- Gangs in tribal communities and prisons,
- Adam Walsh Act,
- Sex Offender Registration and Notification Act (SORNA),
- Definition of peace officer in Oregon statutes (tribal law enforcement agencies have been petitioning and working with the Oregon Department of Justice to include the tribe's law enforcement in Oregon statute),
- Collecting tribal-specific crime data,
- Joint meeting with the Cultural Resources Cluster, and
- Post-prison supervision.

As a result of the public safety meetings, issues affecting public safety in tribal and Oregon communities have been identified. These meetings provided a forum for a dialogue to take place to share ideas, events and strategies to promote safer communities throughout Oregon.

In addition, these meetings also enhance the government-to-government relationships among state agencies and tribal public safety partners.

OYA looks forward to continuing as chair of the Public Safety Cluster in 2010 and plans to continue to make the meetings productive and meaningful for the members.

III. Advisory committees

Native American Advisory Committee

George Nagel, a Siletz tribal employee, and Jack Lawson, OYA's tribal liaison, continue to serve as co-chairs of the OYA Native American Advisory Committee (NAAC). Committee members meet regularly to articulate the priorities of each tribe and identify ways in which the committee may better serve tribal and OYA interests and needs. The tribes and OYA agree the forum of the NAAC should focus on system issues, policy review and development of resources for youth.

Topics of advisory committee meetings have included:

- Priorities of the tribes,
- Review of Native American youth in OYA custody,
- Gang intervention funding,
- OYA's Tribal Notification Policy, and
- Services to Native American and tribal youth.

During 2009 NAAC convened four meetings of the scheduled four. The advisory committee met at the Confederated Tribes of Grand Ronde, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation. The fourth meeting will take place in the Salem area.

Statewide Advisory Committee

OYA maintains an advisory committee of juvenile justice partners and stakeholders to provide input and information on issues and events affecting juvenile justice, as well as advise OYA on its policies and practices. The co-chair of OYA's Native American Advisory Committee continues to represent tribal

concerns on the statewide advisory committee and shares tribal issues that need to be addressed by all of the agency's stakeholders.

IV. Services for Native American youth

OYA has legal or physical custody of nearly 2,100 youth offenders, of which approximately 67 are identified as Native American. Of those 67, 55 are juvenile commitments and 12 are adult commitments sentenced under Measure 11 or waived to adult court. Additionally, of the 67 commitments approximately 20 are Oregon tribal youth.

Services provided to Native American youth in OYA promote personal responsibility, accountability, community safety, and reintegration into family and community. Services include transitional services, culturally relevant treatment and interventions, culturally relevant social and spiritual activities, and tribal support resources.

Many of the Native American youth who enter OYA have not had contact with their tribes and cultural and/or spiritual traditions prior to entering the juvenile justice system. While these youth will receive interventions from the ongoing cognitive behavioral programs offered by OYA, the exposure to and practice of Native American values and traditions provides an important and unique opportunity for many Native American youth to become acquainted with their culture and heritage for the first time. OYA views these services as crucial to the treatment and reformation needs of the youth in OYA.

Collaborative services with tribes

OYA juvenile parole and probation officers (JPPOs) located in OYA field offices are responsible for both the direct supervision of youth offenders in the community and for case management of youth at the time of adjudication. They coordinate multi-disciplinary teams (MDT) for youth on their caseload in close custody facilities.

In coordinating treatment services for youth offenders, the JPPOs have direct contact with tribes. OYA's Tribal Notification Policy directs the JPPOs to notify the tribes and the OYA Native American coordinator, and provides procedures to follow when an Oregon tribal youth is identified in OYA. Additionally, tribes are included as core members of the MDT team for their tribal youth, enabling them to participate in planning and delivering services to tribal youth.

Tribal notification continues to be a concern for some tribes. Two tribes reported instances when notification did not occur or was delayed.

This year, during a Native American Advisory Committee meeting in Warm Springs, a representative of the Confederated Tribes of the Umatilla Indian Reservation raised a concern about a lack of notification of a tribal youth who would be visiting family on the reservation. The representative believed the visit could result in negative consequences.

The concern was noted and the advisory committee was assured by OYA that a follow-up would occur. In addition, NAAC asked to be apprised of the solution. As a result of the follow-up conducted by OYA's Native American Coordinator, a letter was sent to the tribal liaison by OYA's Eastern Oregon Parole Supervisor assuring the tribe that initial notification and ongoing communication with the tribe would improve.

As a result of the follow-up, the tribal representative reported communication between the Eastern Oregon Field Office and the tribe has greatly improved, and the tribe is receiving regular updates and meeting notices for MDTs.

In addition, to the follow-up with the Eastern Oregon Field Office, OYA's tribal liaison met with OYA's assistant director for Facility Operations and all of the OYA superintendents to review OYA's tribal notification policy and Multi-Disciplinary Team standards, which identify the tribes as core members of the MDT meetings when their youth are involved. The superintendents of the facilities have been directed to define a process for improving notification to tribes regarding their youth. In addition, OYA's tribal liaison will continue taking an active role in monitoring the tribal notification process and working with facility superintendents and field supervisors.

Klamath County continues to have the majority of tribal youth involved in OYA. As a result, the OYA Klamath parole and probation office has continued to maintain a strong relationship with the Klamath tribes to benefit the delinquent youth from the community. OYA's ongoing work with the tribe's drug and alcohol counselors continues to benefit a number of youth in OYA custody, and OYA meets regularly with tribal representatives to identify needs and services for the youth. Additionally, these tribal representatives have been active members on the Resource Development Committee, and have assisted many youth in diversion from OYA by using tribal services and support.

In addition to the effort between OYA and the tribe, the Klamath County Juvenile Department is developing a process for referring certain pre-adjudicated and adjudicated delinquent Klamath tribal youth back to the tribe for continued sanctions and programming. To support this effort, the Klamath tribe requested a meeting with OYA to review implementation of sanctions, processes for holding youth accountable and programming options. Members of OYA's Southern Oregon field office, including the supervisor for the region, Craig Contreras; Bill Bowers and Stewart Hansen, OYA Juvenile Parole and Probation Officers; and OYA's Native American Coordinator attended the meeting along with several tribal representatives including Marvin Garcia, Klamath Tribes Social Services Director; Julie Ann Godwin, Klamath Tribal Court administrator; and the Klamath tribal attorney.

While the development of this project between the tribe and the Klamath County Juvenile Department is in its infancy, along with the development of the Klamath Tribal Court, OYA is excited about this project and is looking forward to its full implementation. One outcome of the project for which OYA is hoping is a reduction in the number of Klamath tribal youth committed to OYA.

Culturally relevant services

OYA recognizes that treatment and reformation efforts are more effective when provided in the context of each youth's culture. In this regard OYA is the only juvenile justice agency in the United States that has an Office of Minority Services (OMS) dedicated to meeting the specific cultural and linguistic needs of minority

youth in OYA. OMS coordinates a variety of cultural events, provides culturally specific support groups, provides trainings, and coordinates and provides gang intervention services through a curriculum developed by the OMS.

OMS services provide Native American and tribal youth opportunities to participate in Sweatlodge and pipe ceremonies, Talking Circles, culturally relevant support groups, and individual meetings with staff, contracted providers and volunteers. Also included in these services is the opportunity to participate in cultural events such as Pow Wows.

These services provide positive identity development, strengthen resistance to negative peer associations, offer youth increased options for thinking and behavior issues, and generally support and enhance other treatment opportunities in OYA. Participation in these services provide youth with opportunities to incorporate values from Native American cultures into their thinking and beliefs, which then become part of the youth's treatment and reformation.

In order to meet the objective of incorporating services statewide for Native American youth throughout the OYA system, a variety of staff, contractors and volunteers are used.

OYA staff, contractors, volunteers and services

Steve Llanes is the Native American Services coordinator at the MacLaren Youth Correctional Facility (MYCF) in Woodburn. Steve coordinates and conducts Sweatlodge ceremonies, meets with youths individually, and facilitates Talking Circles and support groups, mentorship groups and drumming groups, attends Multi-Disciplinary Team meetings with youth, and coordinates the annual MacLaren Pow Wow. In addition Steve supports training activities and works with community partners.

Dusty McKay, the contracted provider for Hillcrest Youth Correctional Facility (HYCF) in Salem, continues to do a great job connecting with the young men. The services Dusty provides are Sweatlodge ceremonies, Talking Circles, support groups, individual youth meetings, and assistance with the coordination of HYCF's annual Pow Wow.

Rogue Valley Youth Correctional Facility (RVYCF), located in Grants Pass, has continually had a Sweatlodge on its grounds since 2001. At the time of construction, members of the Southern Oregon Indian Center (SOIC) in Grants Pass assisted in the construction of the Sweatlodge. Although the Southern Oregon Indian Center no longer is in operation, Nick Hall and other former members of the center continue to be active participants in the lives of the young men in the facility. Services they provide include conducting bi-weekly Sweatlodge ceremonies, regular Sunday meetings, other spiritual ceremonies, and training with an emphasis on connecting the youth with their culture. Additionally, members assist in coordinating of the bi-annual Pow Wows for the facility.

The Tillamook Youth Correctional Facility and Camp Tillamook, located in Tillamook, continue to contract with a tribal member of the Confederated Tribes of Grand Ronde to conduct Sweatlodge ceremonies for youth in both facilities.

Oak Creek Youth Correctional Facility (OCYCF) located in Albany, is OYA's all-female intake and close custody facility with the unique challenge of implementing gender and culturally relevant services for girls and young women. OYA is actively seeking volunteers to assist in the provision of services for the girls. These services include conducting Sweatlodge ceremonies, Talking Circles and smudging ceremonies.

A volunteer, Glenn Lamont, is providing Sweatlodge services for the North Coast Youth Correctional facility in Warrenton.

At the Eastern Oregon Youth Correctional Facility in Burns, a Burns Paiute community member is conducting Sweatlodge ceremonies for the young men.

Currently, Steve Llanes, Dusty MacKay and Jack Lawson are alternating in the facilities that do not have a volunteer base to conduct Sweatlodge ceremonies. Those facilities are Riverbend Transition Facility in La Grande and Camp Florence in Florence. This is temporary arrangement until someone is recruited to facilitate the ceremonies from the local area.

Cultural events

Both the MacLaren and Hillcrest Youth Correctional Facilities continue to host annual Pow Wows. The Pow Wows provide opportunities for community participation by tribes and Native American organizations, allow new or renewed youths contact with their tribe's cultural and traditional values, and educate all youth offenders on Native American culture. OYA appreciates the generosity of the Warm Springs Tribe for providing salmon for the Hillcrest event, and the Native American Rehabilitation Association (NARA) for the drums and singers for these events. Youth offenders and OYA staff gain a lasting benefit from participating in the Pow Wows.

Additionally, OCYCF hosted its second annual Pow Wow October 10, 2009. This Pow Wow was a great success. The facility received guidance from Bonnie Petersen of the Siletz tribe on shawl making for the girls and, again, OYA extends its appreciation to the Warm Springs tribe for providing Salmon for this event. The young women in the facility were excited about the event and enjoyed themselves.

Minority youth transition

OYA's OMS continues to employ two full-time transition specialists, Christina Puentes and Johnny Demus, who coordinate treatment and aftercare for youth returning to their communities from close custody facilities. Ms. Puentes provides transition services for youth residing in Marion, Polk and Yamhill counties. Mr. Demus provides transition services for youth from Clackamas, Washington and Multnomah counties.

Native American youth eligible for these transition services include not only enrolled youth from Oregon's tribes, but also youth whose tribes are outside Oregon. The transition program has several community contractors that provide specific services for the youth as they return to their respective communities.

The goal of the Minority Youth Transition Program is to have minority youth be successful in their community following incarceration in a youth correctional facility. Reducing recidivism rates of minority youth is a primary function of the

transition program. This is accomplished through a collaborative effort that includes tribes, contracted service providers, the youth’s parole officer and other community resources.

OYA tracks recidivism as a key performance measure. The official measure that OYA reports to the Oregon Legislature is a felony adjudication or adult conviction with a disposition of formal supervision by the state or county calculated at 12, 24 and 36 months after release from close custody. The table below presents the 36-month recidivism rate by race/ethnicity for youth who were released from close custody from July 1, 2003, through June 30, 2006.

Race/Ethnicity	36-Month Recidivism Rate
Hispanic	31% (42/133)
Caucasian American	35% (280/807)
Native American	38% (20/52)
African American	39% (30/76)

In an attempt to reduce recidivism OYA implements evidenced-based interventions and uses a Risk Needs Assessment to target specific needs of youth.

V. Training opportunities

OYA staff attended Tribal Information Day May 14, 2009, at the Oregon Capitol. Those attending were Steve Llanes, MacLaren Youth Correctional Facility Native American Services Coordinator; Lonnie Jackson, Director of OYA’s OMS; and Jack Lawson, OYA Native American Coordinator.

The Confederated Tribes of the Umatilla Indian Reservation conducted a gang assessment and training for the tribe and local community in Pendleton. OYA’s MacLaren Multi-Cultural Services Coordinator Franklin “Ron” Weaver, and Native American Coordinator Jack Lawson were interviewed for the assessment. In addition, they made a presentation regarding gangs in the juvenile justice system and the Street SMARTS (Self Analysis of Mentality and Attitude through Reformatory Treatment Services) gang intervention curriculum being used in OYA close custody facilities

In response to OYA's lack of statutory authority to contract directly with the tribes for gang prevention and intervention programming, the 2009 Oregon Legislature allocated funding in OYA's 2007-2009 budget for counties to use for tribal-related gang programs. OYA established criteria that required the county juvenile departments that applied for and received funding to collaborate on services and programming with the tribes.

As a result of these criteria to collaborate with the tribes, the Marion County Juvenile Department submitted a plan on behalf of the Confederated Tribes of Grand Ronde for a Tribal Gang Summit. This project was funded and held April 16 and 17, 2009, at the Spirit Mountain Casino in Grand Ronde. A member of OYA's Office of Minority Services transition team was part of the planning for the summit and also was a presenter. The event was a great success. Participants included representatives from all Oregon tribes, tribes from outside the state and several state and county agencies.

All new employees of OYA receive an orientation on tribal governments and Senate Bill 770. Training on tribal governments during new employee orientation (NEO) ensures that all OYA employees will have a basic awareness of tribes within Oregon and OYA's government-to-government relationship with them.

Cultural competency training is required for all OYA staff working with youth offenders. All new OYA employees are expected have a basic awareness of cultural values, beliefs, social norms and customs. This training begins laying the foundation for new employees to work with minority youth and describes the need for culturally relevant services.

VI. Legislative relations

In 2009, interim Director Mink, on behalf of OYA's Native American Advisory Committee, submitted a legislative concept that would allow the agency to contract directly with Oregon tribes for gang funding. Senate Bill 106 was passed and ORS 420A.040 was amended to provide OYA with statutory authority to contract directly with tribes for gang funding.

Ongoing

The agency's Native American Coordinator continues to meet with the tribal key contacts to share information, coordinate services, resolve concerns, review and negotiate memoranda of understandings, and provide updated reports to tribal councils. OYA is actively committed to building and supporting strong government-to-government relations with Oregon's nine federally recognized tribes.