



Oregon Judicial Department
Office of the State Court Administrator

**HB 2005 Report on Tribal and State Interactions
Relating to Mental and Behavioral Health
Treatment of Tribal Members in the State Civil
or Criminal Justice Systems**

**Submitted to the
House and Senate Interim Committees on
Judiciary, House Interim Committee on
Behavioral Health, and Senate Interim
Committee on Early Childhood and Behavioral
Health**

December 15, 2025

EXECUTIVE SUMMARY

House Bill 2005 (Oregon Laws 2025, chapter 559) was enacted in the 2025 legislative session. Section 38 of the measure went into effect on July 24, 2025, and directed the Oregon Judicial Department (OJD) to study “tribal and state interactions relating to the involuntary hospitalization and mental or behavioral health treatment of tribal members in the state civil or criminal justice systems.” This study is to be reported to the interim committees of the Legislative Assembly related to the judiciary and behavioral health no later than December 15, 2025. The following report fulfills OJD’s obligations under section 38 of HB 2005.

To complete this task, OJD gathered data from several sources and sought information on four specific areas of data collection. OJD asked for data relating to individuals who identify as American Indian or Alaska Native, or Native American, as well as data relating to members of one or more federally recognized tribes who are involved in (1) civil commitment proceedings; (2) competency (aid and assist) proceedings in criminal cases; (3) findings of guilty except for insanity in criminal cases; and (4) participation in treatment courts.

The measure also calls for the collection of any other data that is relevant to the intersection between state and tribal mental and behavioral health and judicial proceedings. To that end, we asked for information from the Oregon Health Authority (OHA) and the nine federally recognized tribes of Oregon relating to administrative rules, statutes, or practices that invited collaboration, information sharing, or care coordination. If collaboration, information sharing, or care coordination were not reported to exist or face obstacles to implementation, we asked for that information to be noted as well.

The data reflected what many suspected: data reporting on race or ethnicity can be difficult to obtain without relying on a reporter’s perception of race, while the data that is collected may be incomplete or categorized in a different way. These challenges are reflected in the numbers that were able to be obtained.

To summarize:

- Most OJD race data is collected through entry of racial data provided by district attorneys or other system partners into the court record system. Race data provided by district attorneys is likely to be based on the officer’s perception of the defendant’s race rather than information from the defendant. OJD has no race data for most civil commitment cases, but what race data OJD was provided for 2024 shows that one percent of individuals civilly committed are perceived to be “Indian.” OHA reports that 6 percent of civilly committed individuals identify as American Indian/Alaska Native or Native American. These terms are misaligned, and one is based on self-reported race and the other is based on perceived race. Importantly, neither data set reflects an individual’s membership in a tribe.
- For aid-and-assist cases, OJD data shows 1.5 percent of those for who fitness concerns are raised are perceived as “Indian”, but OHA reports that nearly 10 percent of individuals found unfit identify as American Indian/Alaska Native or Native American. As the prior data point reflects, this difference may be due to the difference between self-reported race and perceived race. Neither OJD or OHA data tells us how many individuals are members of a tribe or their tribal affiliation.

Barriers exist to collecting and tabulating this data:

- Tribal membership data is not collected by OHA, OJD, or other state entities in a reliable manner.

- Record systems that track an individual in one aspect of the behavioral health system are not integrated with other care systems, meaning that information on a person's tribal membership or racial identity may not be accessible to system partners, reducing care coordination opportunities.
- System partners are making efforts to increase care coordination between tribal and non-tribal behavioral health providers but do so without clear statutory directive. Because there is not a clear statutory directive to gather this data, it may not be gathered consistently or with the accuracy to allow meaningful connection of tribal members to tribal resources.

Through the course of this study, OJD learned that opportunities abound to increase coordination of care for tribal members in the behavioral health system and to connect those individuals to supports that exist within the person's tribe, whether that be additional treatment options, mentorship and guidance, or other resources. In order to better connect tribal members to these resources, data collected and put into record systems must accurately identify individuals in the behavioral health systems who are members of a tribe, whether the tribe is inside or outside of Oregon. That effort must be undertaken with extraordinary care to respect the sovereignty of the tribes and the privacy of the individual.

With this study, OJD looks forward to further discussions with the Task Force on the Intersection of Tribal and State Forensic Behavioral Health, set to begin its discussions in January of 2026.

Sincerely,

A handwritten signature in black ink, reading "Nancy J. Cozine". The signature is fluid and cursive, with the first name "Nancy" and last name "Cozine" clearly legible.

Nancy J. Cozine
State Court Administrator

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1 BACKGROUND

1.1 BEHAVIORAL AND MENTAL HEALTH

Behavioral and mental health disorders¹ touch every segment of our society, regardless of race, ethnicity, religion, or economic status. According to a nationwide survey completed in 2025 by the nonprofit Mental Health America, over 23 percent of adults in the U.S. are experiencing a mental illness, with 5.6 percent of the population experiencing a serious mental illness². That same report detailed that over 46 million people, or nearly 18 percent of the population, had a substance use disorder (SUD).

For Oregon, the study found that 30 percent of Oregonians reported having a mental illness, giving Oregon the highest prevalence of mental illness of any state. The study also found that over 22 percent of Oregon's population reported to be adults with SUD, making it the fourth highest in the nation.

1.2 STATE COURTS AND BEHAVIORAL HEALTH

When a person is experiencing a mental health disorder and the state becomes involved in their mental health care, that involvement can come through several different channels.

- Civil Commitment

A person with a mental illness who has or is at risk of hurting themselves or others may be held in a hospital for involuntary mental health treatment and placed in the **civil commitment** process. If an investigation by the local community mental health provider (CMHP) finds that the person is a danger to themselves or others, or unable to meet their basic needs, the person has a hearing before a judge. If evidence is presented and the court finds that a person has a mental illness and is a danger to themselves or others, or unable to meet their basic needs, the person may be committed to involuntary care for a period of up to 180 days. Opportunities arise in the commitment process for the person to voluntarily receive care or to be diverted into a short hospital stay. In 2024, Oregon saw 7,826 cases filed for commitment with only 474, or 6 percent, resulting in a commitment.³

- Fitness to Proceed/Aid and Assist

If a person is facing criminal charges, that person has a right to be able to understand the proceedings against them and assist their legal counsel with their defense. If the person is unable to understand the proceedings or assist their attorney in their case because of a mental illness, that person is found not **fit to proceed**. Upon a finding that a person is not fit to proceed, or "unable to aid and assist" in their own defense, the court may order a person to participate in treatment to restore them to competency. Services to restore a person to competency may be

¹ The terms "behavioral health" and "mental health" continue to evolve as our understanding of the human brain advances. As used in this report, "mental health" describes the status of a person's wellbeing, with a "mental health disorder" being a condition with a biological basis that affects a person's mood, thinking, or behaviors. Common mental disorders include depression, anxiety, schizophrenia, and bipolar disorders. This report will also reference "behavioral health," which includes substance use disorders as well as mental health disorders.

² Reinert, M, Nguyen, T & Fritze, D., Mental Health America, *The State of Mental Health in America 2025*. pg. 14, Mental Health America (2025)

³ Oregon Judicial Department Civil Commitment Dashboard, 2024.

provided in the community or at the Oregon State Hospital (OSH). The court may also order a person who is not competent to proceed to be released if held in custody, to be assessed for civil commitment, to be placed in an emergency guardianship, or to have the charges against the individual dismissed. In the first nine months of 2025, 1,159 defendants were found not competent to proceed with their case or cases due to a mental illness. Of those, 734 (63 percent) were ordered to OSH for restoration services as their initial placement.

- Guilty Except for Insanity

When a person with a criminal charge is competent to proceed with their case but experienced a mental illness at the time of the offense, the person may bring a defense that the person is “guilty except for insanity” or **GEI**. GEI is a defense to a criminal charge. In order to be found GEI, the evidence must show that as a result of a qualifying mental disorder at the time of engaging in the criminal conduct, the person lacked substantial capacity to either appreciate the criminality of the conduct or to conform the conduct to the requirements of the law. A defendant who is GEI is placed under the jurisdiction of the Psychiatric Security Review Board (PSRB) and placement is fact dependent. In 2024, 40 defendants were found GEI by a court. Of the 40 defendants found GEI in 2024, 30 were committed to OSH, five were conditionally released, and five were discharged.

- Treatment Courts

Treatment courts are court programs that address the specific needs of groups. Often, these are probation programs after a person has plead guilty to a crime. These courts utilize a multi-disciplinary team to provide support to participants and often include heightened judicial interaction with individual participants. Treatment courts can be drug treatment courts, mental health courts, veterans' courts, and can include broader subjects, such as family treatment courts or juvenile drug courts.

1.3 TRIBAL SOVEREIGNTY

Oregon has been home to humans since time immemorial and tribal sovereignty predates the existence of the United States or Oregon. This is reflected in the Constitution of the United States itself.⁴ Article I, section 8 gives Congress the power to “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes” and the presidential treaty powers included the ability to reach agreements with the tribal nations.

An 1831 decision by the Supreme Court coined the term “domestic dependent nations” to describe tribes and likened the relationship between the United States and tribal nations as that between a guardian and a ward.⁵ Just one year later, in 1832, the Supreme Court ruled that the Cherokee Nation was a sovereign entity, and that state laws of Georgia had no force within the Cherokee territory, as only the federal government could make laws applicable within Indian lands.⁶

A series of congressional acts in the mid-1800s quickened the pace of moving tribes onto reservations while offering limited federal support.⁷ The Indian Appropriations Act of 1871 significantly curtailed the

⁴ [US Const., Art. 1 § 8](#)

⁵ *Cherokee Nation v the State of Georgia*, 30 US 1 (1831).

⁶ *Worcester v. Georgia*, 31 U.S. 515 (1832).

⁷ Examples include the [Indian Appropriations Act of 1851](#)

sovereignty of tribal nations, specifying that “no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty...” but that “nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.”⁸ The General Allotment Act, commonly known as the Dawes Act, was passed in 1887. The Act separated tribally held lands into small allotments for Indian families and remaining lands were auctioned off to non-Indian buyers. Through this process, tribal nations lost significant amounts of lands held in trust by the federal government. The Indian Reorganization Act of 1934 modified the structure in which the federal government held lands in trust for tribes and provided a clear right for tribes to “organize for [their] common welfare,” and to “adopt an appropriate constitution and bylaws...”⁹

Following World War II and concurrent with the rise of the Cold War, Congress began systematically removing the protections and entitlements that tribal people had under trust status. One justification for this was an effort to acclimate tribal people into mainstream American culture. This is referred to as the “termination era.” Public Law 588 (1954)¹⁰, for example, terminated 60 bands in western Oregon and required disbursement of the per-capita land value to each tribal member. Termination resulted in a loss of federal recognition of the tribe, and as a consequence, federal assistance and trust protections came to an end.

Among the many laws and acts related to tribes, Public Law 280 (1953) (PL-280)¹¹, determined the jurisdiction of most of Oregon’s tribal courts. PL 280 required the state to have jurisdiction over “offenses committed by or against Indians in the areas of Indian country...to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian Country as they have elsewhere within the State.” In Oregon, this applied to, “All Indian country within the State, except the Warm Springs Reservation.” Oregon civil law similarly superseded tribal law for all tribes in Oregon, except for the Warm Springs Tribe.

In 1968, the Indian Civil Rights Act provided a method for states to return, or retrocede, PL-280 jurisdiction back to the federal government¹². In 2025, Oregon enacted [Senate Bill 1011](#), which sets a method and timeline for Oregon’s governor to respond to a tribe’s formal request for retrocession of PL-280 jurisdiction.

The United States recognizes 574 tribes as “domestic dependent nations,” nine of which are located within Oregon.¹³ Each tribe is a unique nation with its own cultures and customs. Each has a unique relationship with the federal government, the State of Oregon, and the Oregon courts. Each tribe structures its courts according to its needs and customs.

1.4 DEMOGRAPHICS AND TERMS

The United States Census Bureau relies on individual responses to determine if a person self identifies as an American Indian or Alaska Native. The census offers a definition from the Office of Management

⁸ See, the [Indian Appropriations Act of 1871](#)

⁹ [25 U.S.C. 5123\(1934\)](#)

¹⁰ [Pub L 83-588, 68 Stat. 724\(1954\)](#)

¹¹ [Pub L 83-280, 67 Stat. 588\(1953\)](#)

¹² [25 USC §1323 \(1968\)](#)

¹³ Department of the Interior Bureau of Indian Affairs, 86 FR 7554 (2021)

and Budget that American Indians or Alaska Natives refers to “individuals with origins in any of the original peoples of North, Central, and South America.”¹⁴

In the 2020 US Census, 4.4 percent of Oregonians (185,726 people) identified as American Indian or Alaska Native. This includes 62,993 people (1.1 percent of Oregon’s population) who identified as American Indian or Alaska Native only, and another 122,733 people (2.9 percent) who also identified with another race.

While the terms “American Indian or Alaska Native” appear throughout census data and are reflected in data collected and reported by organizations with close federal ties, different terms are used in other systems to describe individuals with more general ties to tribal ancestry, such as “Native Americans” or “Indians.” Of particular importance, none of these terms are an indicator that the person is a tribal member.

Membership in a tribe is not the same as self-identification as an American Indian or Alaska Native, or Native American. Tribes set their own criteria for membership in the tribe, and individuals enroll with the tribe if they qualify and if they so desire. Tribal membership is not automatic and is not guaranteed. While some tribes publish their enrollment numbers, other tribes do not. The number of individuals who self-identify as American Indian or Alaska Native is not an approximation for the number of individuals who are enrolled in a tribe.

OJD utilizes a platform called Odyssey to manage its electronic court systems. Race options in Odyssey are set by the product vendor rather than by OJD and current options include Asian, Black, Middle Eastern, Native Hawaiian or Other Pacific Islander, Indian, Multiracial, Hispanic, or White. Other options include Other, Refused, and Unavailable. OJD recognizes the problematic nature of use of the term “Indian” to describe tribal people and will continue to advocate that the developer uses other terms.

Within this document, technical terms will be used to reflect the precise language requested or reported for the purposes of this data study. Within the narrative portions, terms such as “tribal member” or “tribal person” will be used to refer to individuals who are members of a tribe and “Native American” is used for individuals who self-identify as a person with tribal ancestry.

¹⁴ Leubsdorf, Ben; Murray, Mariel J.; Taylor, Nik, [American Indian, Alaska Native, and Tribal Population Data](#), Library of Congress (2024)

1.5 THE NINE TRIBES OF OREGON

Oregon is home to nine federally recognized tribes. The image below shows the traditional homelands of each of the federally recognized tribes and includes tribes that are not recognized by the federal government or are recognized but are not a tribe of Oregon.



Image Generated by Native-Lands.ca: [Native-Land.ca](https://native-land.ca/) | [Our home on native land](https://native-land.ca/our-home-on-native-land/)

While federal law and treaties dictate whether the tribe is recognized by the federal government, the structure of the tribal government itself is determined by each tribe. Each of Oregon's federally-recognized tribes operate under a constitution. All of the tribes carry out executive functions through a tribal council or board. In many instances, the tribal councils or boards hold both a legislative and executive function. In addition, some tribes have a general council made up of some or all adults in the tribe that holds various authority within the government.

The constitution of each tribe in Oregon authorizes a tribal court, but the level of autonomy experienced by the tribal court depends on the powers granted in the constitution. Some tribes maintain authority over the court functions through executive and legislative action of the tribal council. Other tribes provide greater independence to the tribal court to determine its scope and authority.

Although all nine tribes have a tribal court, they vary in the types of cases in which they take jurisdiction and hear.

Additionally, each of the tribes is listed below with a link to the Oregon Blue Book entry, a brief summary, and a link to each tribe's website, providing opportunity for greater exploration of each tribe.

- Burns Paiute Tribe
 - [State of Oregon: Blue Book - Burns Paiute Tribe](#)
 - Tribe Website: <https://burnspaiute-nsn.gov/>
 - Government: Tribal Council
 - Tribal Court: The Constitution of the Burns Paiute Tribe provides that the tribal court shall have at least one chief judge who is “empowered to exercise all judiciary authority of the community.”¹⁵ The Tribal Court is given exclusive authority over civil matters, except those prevented by federal law.¹⁶ The tribal court has concurrent authority with the federal courts over criminal offenses and may prosecute criminal offenses which are a violation of the Law and Order Code of the tribe.¹⁷ The Tribal Code includes offenses from traffic violations and public nuisance to criminal homicide.¹⁸
- Confederated Tribes of Siletz Indians
 - [State of Oregon: Blue Book - Confederated Tribes of Siletz Indians](#)
 - Tribe Website: <https://ctsi.nsn.us/>
 - Government: Tribal Council
 - Tribal Court: The constitution sets a separate tribal court that is empowered to exercise all judicial authority of the government. The court may hear case types including family, juvenile, employment, gaming, and torts. The Siletz Tribal Code includes regulations and violations relating to gaming, domestic relations and family violence, and a criminal code.¹⁹ At present, the Siletz Tribal Court does not assume jurisdiction over criminal matters and does not initiate civil commitments.
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
 - [State of Oregon: Blue Book - Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians \(CTCLUSI\)](#)
 - Tribe Website: <https://ctclusi.org/>
 - Government: General Council and Tribal Council
 - Tribal Court: The constitution allows the establishment of a tribal court through the ordinance process. The court is granted “the power to exercise the full scope of judicial

¹⁵ Constitution of the Burns Paiute Tribe, Article VII §1

¹⁶ Constitution of the Burns Paiute Tribe, Article VII § 2

¹⁷ Constitution of the Burns Paiute Tribe, Article VII § 3

¹⁸ [Burns Paiute Tribal Code, Part 4, Title 3, Title 5](#)

¹⁹ See, [Siletz Tribal Code](#)

authority permitted by law.”²⁰ The Tribal Code includes provisions for a variety of offenses that equate to violation and misdemeanors in state statute, such as theft, trespass, disorderly conduct, and harassment²¹. The Tribal Code also includes provisions relating to hunting and wildlife, juvenile dependency, domestic violence, and juvenile justice.

- Confederated Tribes of Grand Ronde
 - [State of Oregon: Blue Book - The Confederated Tribes of Grand Ronde](#)
 - Tribe Website: <https://www.grandronde.org/>
 - Tribal Government: Tribal Council
 - Tribal Court: The Grand Ronde Constitution creates a tribal court with one chief judge. Additional judges and staff are delegated to the tribal ordinances. The Tribal Court is empowered to exercise all judicial authority of the tribe, including but not limited to enforcement of the Indian Child Welfare Act and the American Indian Religious Freedom Act. The Grand Ronde Tribal Court does not hear criminal cases and does not initiate civil commitments.
- Coquille Indian Tribe
 - [State of Oregon: Blue Book - Coquille Indian Tribe](#)
 - Tribe website: <https://www.coquilletribe.org/>
 - Tribal Government: General Council and Tribal Council
 - Tribal Court: The Coquille Constitution creates a tribal court with one chief judge. Additional judges and staff are delegated to the tribal ordinances. The Tribal Court is empowered to exercise all judicial authority of the tribe. Tribal ordinances include regulations on child protection, juvenile dependency, gaming, torts, dissolution of marriage, and traffic enforcement. The Coquille Tribal Court also includes a Peacegiving Court. The Peacegiving Court employs the resources of the Tribal Court and tribal elders and offers a variety of restorative justice services to resolve these disputes.
- Confederated Tribes of Warm Springs
 - [State of Oregon: Blue Book - Confederated Tribes of Warm Springs Reservation](#)
 - Tribe Website: <https://warmsprings-nsn.gov/>
 - Tribal Government: Tribal Council
 - Tribal Court: The Warm Springs Tribal Court is established by code through the powers conferred on the Tribal Council by the Warm Springs Constitution. Tribal code addresses civil causes of action, juvenile dependency, crimes, gaming, and competency proceedings.
- Confederated Tribes of the Umatilla Indian Reservation

²⁰ [Constitution of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon](#), Article VII, §1

²¹See, [Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Code, Title 3 \(Offenses\) Chapter 3-3 \(Violations\)](#)

- [State of Oregon: Blue Book - Confederated Tribes of the Umatilla Indian Reservation](#)
- Tribe Website: <https://ctuir.org/>
- Tribal Government: General Council and Board of Trustees
- Tribal Court: The Umatilla Tribal Court is established by the tribal constitution as a separate and independent branch of government. Tribal council may set qualifications for chief judge and associate judges. Tribal Code includes a criminal code, domestic violence provisions, family law code, and juvenile code.
- Cow Creek Band of Umpqua Tribe of Indians
 - [State of Oregon: Blue Book - Cow Creek Band of Umpqua Tribe of Indians](#)
 - Tribe Website: <https://www.cowcreek-nsn.gov/>
 - Tribal Government: Tribal Board of Directors
 - Tribal Court: The Tribal Court is established by the Tribal Board of Directors. It consists of a chief judge, appellate judges, peacemakers, and staff. The court has civil and criminal jurisdiction.
- Klamath Tribes
 - [State of Oregon: Blue Book - Klamath Tribes](#)
 - Tribe Website: <https://klamathtribes.org/>
 - Tribal Government: General Council and Tribal Council.
 - Tribal Court: The Constitution of the Klamath Tribe vests authority into an independent Klamath Tribes Judiciary. The Constitution specifies a Supreme Court, Tribal Court, Juvenile Court, and Peacemaker Court. Klamath Code includes provisions relating to juvenile dependency and delinquency, child support, domestic violence, gaming, landlord tenant, and a Peacemaker Court.

2 DATA

2.1 CIRCUIT COURT DATA

OJD enters race data on criminal defendants into its eCourt case management system based on information included in filing documents from local district attorney's (DA's) offices. Although processes for identifying a defendant's race may vary from one DA's office or law enforcement agency to another, OJD's understanding is that the race provided by DA's offices is usually based on the police officer's perception of the defendant's race. OJD's race data on criminal cases, therefore, is generally **not** self-reported and is **not** verified with the defendant.

While OJD has race data on over 80 percent of defendants with criminal cases filed in 2024, OJD does not have race data on most civil commitment cases. Race data that is available in civil commitment cases is provided by the person filling out the notice of mental illness (often an emergency room doctor), provided by the civil commitment investigator, or based on information from other cases (such as criminal cases) involving the person alleged to be mentally ill.

OJD's race data on civil commitment cases, therefore, can come from a variety of sources. The data may or may not be self-reported and is also **not** verified by OJD.

The quality of OJD's race data is also constrained by the options available in its case management system, which do not match U.S. Census categories. Unlike the U.S. Census, which allows individuals to specify multiple races, Odyssey has a *Multiracial* category but does not allow selection of multiple races for the same person.

The table below shows information on:

- The numbers of unique individuals with criminal cases, aid-and-assist cases, civil commitment cases, and GEI dispositions in Oregon's circuit courts in 2024.
- The number and percent of individuals in each group for whom race data is available in Odyssey.
- The number and percent of the individuals with a race in Odyssey of "Indian", which is the category in Odyssey that is analogous to the American Indian and Alaska Native category in the US Census.

The numbers of individuals in the table listed as "Indian" do not necessarily reflect the number of people in each population who actually identify as Native American or Alaska Native but are offered to provide context on what is currently known about Native Americans in Oregon's state court criminal and civil commitment systems.

Percent of Criminal and Civil Commitment Cases Where Race Data in Odyssey Identifies the Defendant or Person Alleged to Be Mentally Ill as "Indian" <i>Oregon Circuit Court Data</i> <i>January 1, 2024, through December 31, 2024</i>					
Event Type	Unique Individuals	Individuals with Race or Ethnicity Data in Odyssey	Individuals Identified as "Indian"	Percent of Individuals Identified as "Indian"	Percent of Individuals with Race or Ethnicity Data Identified as "Indian"
Criminal Case Filed	52,215	43,271	733	1.4%	1.7%
Fitness Concern Raised	2,324	2,027	31	1.3%	1.5%

Guilty Except for Insanity Disposition	40	33	0	0.0%	0.0%
Civil Commitment Case Filed	7,293	467	5	0.1%	1.1%
Civil Commitment	468	89	1	0.2%	1.1%

OJD's limited and imperfect race statistics show that the percentage of defendants with race or ethnicity data in Odyssey who are listed as "Indian" is higher (1.7 percent for all defendants with criminal cases filed in 2024 and 1.5 percent for defendants with fitness concerns raised) than the percentage of Oregonians identifying as only American Indian or Alaska Native in the most recent census (1.1 percent).

OJD does not have a race listed for most people with civil commitment cases, but the percent of people who do have a race or ethnicity listed who are identified as "Indian" in Odyssey matches the percentage of Oregonians identifying as only American Indian or Alaska Native in the most recent census (1.1 percent).

One area where OJD does receive some self-reported race data is treatment courts, where coordinators in many programs collect self-identified information from participants at intake and enter it into Odyssey. OJD does not currently have a way to identify how much of its treatment court race data is self-identified information and how much is from other sources, but the percent of 2024 treatment court participants listed as Native American (3.7 percent) is much higher than the percentages for general criminal, aid & assist, and civil commitment populations for whom OJD does not collect self-identified data.

2.2 STATISTICAL TRANSPARENCY OF POLICING PROGRAM DATA

The Oregon Criminal Justice Commission (CJC) publishes a yearly report on racial data collected during all officer-initiated traffic and pedestrian stops. All law enforcement agencies in Oregon participate in this program and supply data to the CJC. This is called the Oregon Statistical Transparency of Policing Program (STOP). The most recent report, covering stops made between July 1, 2024, and June 30, 2025, was issued on December 1, 2025, and can be found [here](#).

The STOP data requires officers to report the perceived race or ethnicity of the stopped individual. Officers must pick a single option from a discrete list: White, Black, Hispanic, Asian or Pacific Islander, Native American, or Middle Eastern. These options are not aligned with Census definitions. Other demographic information is reported, including perceived gender and documented or perceived age of the stopped individual.

The STOP data also can be categorized by the size of the law enforcement agency reporting the data. Tier 1 agencies are those with 100 or more officers. Tier 2 agencies are smaller, with 25–99 officers and Tier 3 agencies are the smaller agencies with fewer than 25 officers.

The STOP data found that officers identified a stopped person as "Native" (Or Native American) in less than 1 percent of all stops, with an exception for pedestrian stops generated in smaller jurisdictions. In those cases, the number of individuals stopped who are perceived as Native American jumps to 3 percent.

Table 2.1.3. Demographics of Stopped Drivers & Pedestrians

	Tier 1		Tier 2		Tier 3	
	Traffic	Ped	Traffic	Ped	Traffic	Ped
Race/Ethnicity						
Asian or PI	3.7%	1.5%	2.9%	1.8%	2.5%	2.2%
Black	5.3%	7.8%	3.2%	4.7%	2.2%	4.4%
Hispanic	18.0%	11.2%	17.3%	10.7%	15.2%	10.8%
Middle Eastern	1.8%	0.5%	1.2%	0.6%	0.9%	0.2%
Native	0.6%	0.4%	0.3%	0.4%	0.3%	3.0%
White	70.3%	78.6%	75.1%	81.8%	78.3%	79.1%
Gender						
Female	32.5%	18.5%	35.8%	22.8%	34.3%	27.7%
Male	67.0%	81.2%	64.1%	76.7%	63.0%	72.0%
Nonbinary	0.4%	0.3%	0.2%	0.5%	2.6%	0.3%
Age						
Under 21	10.5%	5.5%	12.3%	8.0%	12.3%	17.7%
21-29	21.7%	13.4%	21.1%	15.2%	18.9%	15.5%
30-39	24.3%	33.9%	23.2%	29.2%	22.3%	24.8%
40-49	18.5%	26.1%	18.9%	24.0%	18.4%	20.1%
50+	24.3%	20.3%	24.4%	23.6%	28.1%	21.8%
Agencies with predominantly unreported values are excluded from the summaries shown here.						

Table Source: CJC 2025 STOP Report.

The STOP reports are intended to give an overall picture of disparate policing practices across the state and do not provide information on the self-reported race or ethnicity of the stopped person, nor the outcome of the interaction. This data does not provide a correlation of the number of American Indians or Alaska Natives that are arrested or jailed but does provide context for understanding the number of individuals who are stopped by a law enforcement officer and are perceived as a Native American. As with other data sets, it does not inquire into whether the person is a member of a tribe.

2.3 OREGON HEALTH AUTHORITY DATA

The Oregon Health Authority (OHA) is the state entity responsible for health care systems in Oregon, including oversight of OSH and administration of the state public health insurance system. OHA also provides coordination and oversight for CMHPs and acts as a system partner for individuals who are in civil commitment, competency proceedings, or receiving treatment through a treatment court while utilizing the Oregon Health Plan for those services. As such, OHA is in a unique position to provide the most reliable data relating to tribal members who are in the state health systems.

To assist with this task, OJD supplied OHA with a series of questions. A summary of their data findings is outlined below and additional narrative relating to barriers to data collection and opportunities for improvement follows.

- Civil Commitment

- Data: OHA collects self-identified race or ethnicity information on individuals who are subject to a precommitment investigation, enter a 14-day diversion, or are committed. This information is collected by the CMHP doing the investigation and is reported to OHA.
 - In 2024, 3,751 precommitment investigations were reported by CMHPs and all had race or ethnicity data. Of the 3,751 investigations, 138 pertained to individuals who identified as American Indian/Alaska Native, or Native American (3.7 percent).
 - Of the 276 individuals that OHA reported as being civilly committed in 2024, 16 self-reported as American Indian/Alaska Native, or Native American (5.8 percent).
 - Of the 645 individuals that OHA reported as subject to a 14-day diversion in 2024, 32 self-identified as American Indian/Alaska Native, or Native American (5.0 percent).
- Barriers: Data specific to tribal membership is not collected in the same system as data collected in the precommitment investigations. As a result, OHA is unable to reliably report whether individuals who were subject to a precommitment investigation, subject to a diversion, or civilly committed were members of a federally recognized tribe. Additionally, challenges may arise in matching an individual's needs with culturally specific supports.
- Opportunities: OHA provides technical support, guidance, and training to CMHPs across the state, including those that serve tribal members specifically (such as the Confederated Tribes of Warm Springs). OHA notes that it supports CMHPs serving tribal members in Oregon, regardless of whether the person is a member of an Oregon tribe or a tribe outside of Oregon, despite the absence of a mandate to contact tribes outside of Oregon when a member is subject to civil commitment proceedings. OHA encourages the use of natural supports to address the needs of tribal members in the precommitment process. Tribes may have additional behavioral health resources available to members or may have people within the tribe who can assist with ideas or guidance on supports for the person. But in order for this exchange to occur, the person must be identified as a tribal member, and the tribe must be notified.

- Fitness to Proceed

- Data: OHA is able to link data provided by OJD on defendants who are found unable to aid and assist in their own defense with OHA self-identified race and ethnicity data.
 - Of the 1,481 defendants who were found to lack competency to proceed in 2024, race or ethnicity data was available for 1,329 defendants. Of those, 121 self-identified as American Indian/Alaska Native, or Native American (9.1 percent).
 - OHA reports that of the 121 defendants who self-identified as American Indian/Alaska Native or Native American, 31 were committed to OSH for restoration (25 percent), 20 went to OSH for restoration services and then into community restoration (16 percent), and 25 were sent to community restoration for restoration services (21 percent).
- Barriers: Data specific to tribal membership is not collected in the same system as data linked to court documents. As a result, OHA is unable to reliably report whether individuals in the competency to proceed system are members of a tribe. Additionally,

challenges may arise in matching an individual's needs with culturally specific supports. Prohibitions on sharing personal health information may prevent outreach or coordination between CMHPs and tribes. OHA notes that it supports CMHPs serving tribal members in Oregon in providing restoration services, regardless of whether the person is a member of an Oregon tribe or a tribe outside of Oregon, despite the absence of a mandate to contact tribes outside of Oregon when a member is subject to competency proceedings.

- Opportunities: Tribal Behavioral Health program team members and OSH are developing a system for communication notification to tribes when a person identifies as a member of an Oregon tribe at intake. In the event an Oregon tribal member is identified, the tribe would be notified at intake and again when the person transitions out of OSH. This process is intended to provide opportunity for greater care coordination for the tribal member.
- Guilty Except for Insanity
 - Data: OHA is able to link data provided by OJD on defendants who are found GEI with self-identified race and ethnicity data.
 - Of the 140 defendants who were found GEI in 2024, race or ethnicity data was available for 33 defendants. Of those, none self-identified as American Indian/Alaska Native or Native American.
 - Barriers: Data specific to tribal membership is not collected in the same system as data linked to court documents. As a result, OHA is unable to reliably report whether individuals in the GEI process are members of a tribe. Additionally, challenges may arise in matching an individual's needs with culturally specific supports. Prohibitions on sharing personal health information may prevent outreach or coordination between CMHPs and tribes.
 - Opportunities: OHA notes that it supports CMHPs serving tribal members in Oregon when a GEI defendant is in the community, regardless of whether the person is a member of an Oregon tribe or a tribe outside of Oregon, despite the absence of a mandate to contact tribes outside of Oregon when a member is subject to competency proceedings. Tribes may have additional behavioral health resources available to members or may have people within the tribe who can assist with ideas or guidance on supports for the person. But in order for this exchange to occur, the person must be identified as a tribal member, and the tribe must be notified.

2.4 TRIBAL DATA

OJD asked each tribal government to answer a series of questions similar to those posed to OHA, specifically the numbers of known tribal members involved in various state behavioral health systems, and to provide narrative on the barriers encountered to receiving care within the state system for tribal members. Where known, this data has been integrated into the tribal summaries above. This report may be supplemented with additional information as it becomes available.

3 CONCLUSION

It is clear that OJD and OHA are not currently collecting information to adequately identify tribal members who are in the state court systems. No known data exists to identify the number of tribal members who

are in state civil commitment, aid-and-assist proceedings, or under the jurisdiction of the PSRB, with limited availability of this information for participants in treatment courts. In 2026, OJD will begin collecting data on tribal membership from treatment court participants. This lack of information leads to significant missed opportunities to connect tribal members receiving involuntary treatment in the state court systems with the resources and guidance of their tribe.

4 RECOMMENDATIONS

Through the course of this study and prior efforts of other stakeholder groups, several ideas for further study are recommended for discussion by the Task Force on the Intersection of Tribal and State Forensic Behavioral Health. Those include:

- Considering methods for securely gathering and reporting a tribal member's status as a tribal member when the person is receiving involuntary treatment or services in the state court systems.
- Increasing awareness and training for CMHPs to accurately report whether a client identifies as American Indian or Alaska Native, and whether that individual is a member of a tribe, when a person is receiving involuntary treatment or services in the state court systems.
- Continue advocating for change of racial terms within the Odyssey platform.
- Establishing special designation on filing documents when a person, such as an attorney representing the state, a defense attorney, or CMHP, has reason to believe a person is American Indian or Alaska Native, or a member of a specific tribe.
- Coordinating data-reporting fields across OHA systems for the purpose of coordinating services to individuals who identify as American Indian or Alaska Native.
- Providing a mechanism for tribal courts/tribal behavioral health providers to be heard on issues related to treatment of individuals in mandated behavioral health systems.
- Providing a notice mechanism for tribes inside or outside of Oregon, similar to the notification of a consulate when a person subject to civil commitment is a foreign national.
- Exploring methods for strengthening relationships between OHA, CMHPs, specialty courts, and tribes so that state providers contact tribes for support, guidance, and extension of resources to tribal members who are in the state court systems.