

Oregon Youth Authority

Senate Bill 770
ORS 182.162-166

Annual
Government-to-Government Report

December 15, 2008

Purpose of Report

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

- Description of 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 currently implemented to encourage government-to-government relationships;
- The effort of OYA to promote communication between OYA and the tribes and government-to-government relationships.

I. Introduction

OYA was established as an independent state agency on January 1, 1996.

OYA 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.

OYA Mission

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 certain, 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 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: first are juvenile commitments, youth adjudicated to OYA through the state court system and, second, those 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.

All OYA services are based on public safety, accountability and reformation. For more information about OYA, please visit the website at www.oregon.gov/OYA.

OYA houses offenders at one of the agency's six 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 three significant ways: (1) Individually, through government-to-government relationships, as established in a memorandum of understanding with each tribe; (2) collectively, through the OYA Native American Advisory Committee; and (3) collaboratively, through implementing and coordinating culturally relevant treatment service for Native American youth in OYA custody.

Please see attached document for the OYA's Tribal Relations Policy I-A-2.0

II. Government-to-Government

Jack Lawson, OYA's Native American coordinator, is the agency's lead contact in the government-to-government relationship between the OYA and tribes. Mr. Lawson can be contacted directly by phone at (503) 378- 6973 or email at jack.lawson@oya.state.or.us.

Each of Oregon's federally recognized tribes has a key contact to be the first link of communication between OYA and the tribe. The key contact is a vital liaison, and provides opportunities to identify mutual concerns, resources for youth offenders and activities in OYA or communities. Additionally, the key contacts are instrumental in enhancing communication between OYA and their respective tribes.

The government-to-government relationship between OYA and Oregon tribes supports OYA's mission of public safety, accountability, and reformation for youth offenders. Community partnerships enhance OYA's success with youth. As sovereigns, tribal governments are crucial partners.

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.

Memorandum of Understanding

To establish formal relationships with Oregon's tribal governments, OYA has pursued a memorandum 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, they 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 they receive culturally appropriate assessments and services, and that tribes are notified and have opportunities to participate in planning the reformation efforts and transition services for tribal youth as they change placements or leave OYA custody.

OYA currently has MOU's with six Oregon tribal governments:

- The Klamath Tribes;
- Confederated Tribes of Siletz;
- Burns Paiute;
- Cow Creek Band of Umpqua Indians;
- Coos, Lower Umpqua and Siuslaw;
- The Coquille Tribe

Additionally, the Siletz tribes have begun the process of revising their existing MOU with OYA, and are looking forward to completing the process in 2009.

Although OYA has yet to finalize MOUs with the Confederated Tribes of Grand Ronde, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of Warm Springs, there has been significant progress made to reach agreements.

Over the course of 2008, a representative of the Confederated Tribes of Grand Ronde met several times with OYA to actively negotiate the MOU. Plans to meet are in place in 2009 to complete the negotiations.

It is anticipated that an agreement with Confederated Tribes of the Umatilla Indian Reservation will be reached early next year based on ongoing discussions.

A meeting with the chief operations officer for the Warm Springs Tribe did not occur in 2008 to discuss the proposed MOU however, plans are in place to continue the discussion concerning an agreement in 2009.

Although OYA does not have established MOU's with the Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation and Confederated Tribes of Grand Ronde, OYA conducts business with the tribes as if an MOU were in place.

2008 Government-to-Government Summit

Two OYA representatives participated in the 2008 Government-to-Government Summit at Confederated Tribes of Coos, Lower Umpqua and Siuslaw's Three Rivers Casino and Hotel in Florence, OR. Attending the summit were OYA Interim Director Bobby Mink and OYA Native American coordinator Jack Lawson.

Public Safety Cluster

Lonnie Jackson, Director of OYA's Office of Minority Services (OMS), and Jack Lawson, OYA Native American coordinator, 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 met four times in 2008. The meetings were hosted by tribal governments from the Grand Ronde, Umatilla, Warm Springs, and Coos, Lower Umpqua and Siuslaw Tribes.

Over the course of 2008 the Public Safety Cluster brought together state and tribal public safety agencies, departments, commissions and judicial systems. The topics have included:

- Gangs in tribal communities and prisons
- Adam Walsh Act
- Sex Offender Registration and Notification Act (SORNA),
- Methamphetamines
- Definition of peace officer in Oregon statutes - Tribal law enforcement have been petitioning and working with the Department of Justice to include the tribe's law enforcement into Oregon statute
- Oregon Wireless Inoperability Network
- Collecting tribal specific crime data
- Veterans' needs and effect on public safety

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

OYA looks forward to continuing as chair of the Public Safety Cluster in 2009 and plans to make meetings productive and meaningful for the members. These meetings also enhance the government-to-government relationships among state agencies and tribal public safety partners.

During the Public Safety Cluster meeting that was held in conjunction with the 2008 summit, Karen Quigley, Executive Director, and Jay Menthorn, Chairman of the Legislative Commission on Indian Services presented Lonnie Jackson and Jack Lawson of the OYA's OMS with a certificate of appreciation for chairing the meetings.

III. Advisory Committees

Native American Advisory Committee

George Nagel, a Siletz tribal employee, and Jack Lawson, OYA Native American coordinator, 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
- Developing a work plan
- Gang Intervention funding
- OYA's Tribal Notification Policy
- Services to Native American and tribal youth

In 2008 the OYA's NAAC convened three meetings of the scheduled four. The advisory committee met at the Cow Creek and Siletz tribal facilities and the Portland State University in conjunction with the nine tribes Juvenile Crime Prevention (JCP) meeting.

OYA's 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 advising the OYA on its policies and practices. A member of the agency's NAAC sits on OYA's statewide advisory committee to share tribal issues that need to be addressed by all of the agency's stakeholders. George Nagel continues to represent the NAAC on the statewide OYA advisory committee.

IV. Services for Native American Youth

The OYA has legal or physical custody of approximately 2,000 youth offenders, of which approximately 83 are identified as Native American. Of those 83, 70 are juvenile commits and 13 are adult commitments sentenced under Measure 11 or waived to adult court. Additionally, of the 83 commitments approximately 23 youth are Oregon tribal youth.

Services provided to Native youth promote reintegration into family and community which includes: transitional services; culturally relevant treatment and interventions; culturally relevant social and spiritual activities; and tribal support resources.

Collaborative Services with Tribes

OYA juvenile parole and probation officers (JPPO's) located in OYA field offices are responsible for both the direct supervision of youth offenders in the community and for case management. They coordinate multi-disciplinary teams (MDT) for youth on their caseload in close custody facilities. In coordinating treatment services for youth offenders, the JPPO's have direct contact with tribes.

OYA's Tribal Notification Policy directs the JPPO's to notify the tribes and the OYA Native American coordinator, and provide 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.

OYA has identified several opportunities of collaborative services for tribal youth, including:

- Representatives from the Warm Springs Tribe provided services for Warm Springs tribal members in OYA's Eastern Oregon Youth Correctional Facility in Burns, Oregon and the Oak Creek Youth Correctional Facility in Albany, OR.
- Representatives from the Siletz and Grand Ronde tribes meet with their youth in close custody facilities.

- OYA's Central Eastern Oregon parole office worked with the Umatilla tribe and the Yellowhawk Clinic to provide services for a tribal youth referred to the Umatilla County Juvenile Department for treatment programming.
- Klamath County has the majority of tribal youth involved in OYA. As a result, the Klamath parole and probation office has developed a strong relationship with the Klamath tribes in order to benefit the delinquent youth from the community. OYA's work with the tribe's drug and alcohol counselors has benefited 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 utilizing tribal services and support.

Tribal involvement with their youth while in OYA custody provides unique opportunities for tribal and OYA staff to work together to provide culturally relevant interventions and treatment opportunities, identify resources, aid in keeping tribal youth engaged with treatment programming, and enhance positive outcomes.

- The Burns Paiute Tribe and OYA's Eastern Oregon Youth Correctional Facility (EOYCF) entered into an experimental project in 2008. Using EOYCF's green house, youth at the facility grew 4,000 native grass plugs to be planted in the local area. The tribe was very appreciative, and if the grass plugs survive, the plan is to repeat this project on a larger scale next year. Everyone felt the experience for the youth and the community was positive, and is looking forward to expanding the project.

Culturally Relevant Services

OYA recognizes that treatment and reformation efforts are more effective when provided in the context of the youth's culture. OYA's services offer youth opportunities to participate in Sweatlodge and pipe ceremonies, Talking Circles, culturally relevant support groups, and individual meetings with staff, contracted providers, and volunteers. Participation in these services provide youth with opportunities to incorporate values from Native American cultures into their thinking and beliefs. These services also provide positive identity development, strengthened resistance to negative peer associations, offer youth increased options for thinking and behavior issues, and generally support and enhance other treatment opportunities in OYA.

Through a variety of full-time staff, contracted providers and volunteers, OYA is working to meet the needs of Native American youth in close custody facilities. Steve Llanes, the Native American Services coordinator at MacLaren Youth Correctional Facility (MYCF), conducts Sweatlodge ceremonies, meets with youth individually, and facilitates Talking Circles and support groups. Additionally, Mr. Llanes is in contact with community

members, offering them opportunities to participate in Sweatlodge ceremonies with the youth at MacLaren. Mr. Llanes coordinates the annual MYCF Pow Wow as well.

In February 2009 the Hillcrest Youth Correctional Facility (HYCF) became an all male facility. Dusty McKay, the contracted provider for HYCF, continued doing 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 (RVCF), located in Grants Pass, has had a Sweatlodge on its grounds since 2001. Members of the Southern Oregon Indian Center (SOIC) in Grants Pass assisted in the construction of the Sweatlodge and continue to be active participants in the lives of the young men in the facility. SOIC is conducting bi-weekly Sweatlodge ceremonies and regular Sunday meetings, spiritual ceremonies, and training with an emphasis on connecting the youth with their culture. Additionally, the SOIC assists in coordinating bi-annual Pow Wows for the facility.

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

Oak Creek Youth Correctional Facility (OCYCF) located in Albany is OYA's latest facility to open; the facility began receiving youth on February 21, 2008. OCYCF is an all-female facility with the unique challenge of implementing gender and culturally relevant services. In order to meet the needs of the Native American youth at the facility OYA, after a lengthy solicitation that included all of the tribes and OYA community partners, awarded a contract to Dr. Gail Mason to provide culturally specific services. The services she provides are Talking Circles, Sweatlodge ceremonies, support groups, individual sessions, and assistance in coordinating the first annual OCYCF Pow Wow.

Overall, Native American youth who participate in culturally specific ceremonies and treatment programming in OYA facilities experience less problem behaviors in the living units. The OYA is currently conducting research on the effectiveness and outcomes of the programming and ceremonies and should be able to have data to report in 2009.

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 youth contact with their tribes' cultural and traditional values, and educate all youth offenders on Native American culture. OYA appreciates the generosity of the Warm Springs Tribe and the Leno family from Grande Ronde for providing and preparing salmon, 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, on October 11, 2008, OCYCF hosted its first annual Pow Wow. This was the first opportunity to have an all female Pow Wow ceremony since the females transferred to OCYCF.

Minority Youth Transition

OYA's OMS employs 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 the 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 which includes tribes, contracted service providers, youth's parole officer and other community resources.

Supportive Activities

- On April 30, 2008, a meeting between OYA, the Confederated Tribes of the Umatilla Indian Reservation, and Yellowhawk Clinic was held to identify strategies for tribal involvement with Umatilla tribal youth, establish a process for notification of tribal youth, and identifying tribal resources for youth in OYA custody.

As a result of this meeting the OYA was able to identify appropriate referrals from within the tribe and resources for Umatilla tribal youth in OYA. Additionally, the meeting allowed an opportunity for case management for a tribal youth and provided for introductions, networking and collaboration on transitional needs of Umatilla tribal youth returning to the community.

- OYA's Native American coordinator is a member of the advisory committee for the Christie Care program that is designed for Oregon tribal youth in need of culturally specific mental health services.

While few OYA tribal youth are eligible for the Christie Care program, OYA's involvement with the advisory committee provides for continuity of services, collective involvement with tribes and provides opportunities for advocacy for tribal youth suffering from mental health issues that have been adjudicated to

Oregon's juvenile justice system. Additionally, OYA's involvement with the Christie care broadens the agency's involvement with tribes and community partners.

- On May 21, 2008, OYA's Native American coordinator and OYA Parole/ Probation Officer, Stuart Hansen met with the Klamath tribal chair, tribal council members and tribal members to discuss OYA and its services for tribal youth.

Meetings, such as this, provide a forum for updates to tribal representatives on services provided for tribal youth in OYA custody. In addition, ongoing treatment, transition needs and resources were identified for youth returning to the community.

In order to continue to strengthen the relationship and collaboration between the tribe and OYA, the tribe was asked to appoint a key contact and representative for the OYA's NAAC. The tribe has assigned a temporary contact and will be meeting with departments from within the tribe to determine their representative.

- OYA's Native American coordinator participated in the Tribal Information Day at the State Capitol on May 16, 2008.
- OYA's Native American coordinator participated in a meeting with Grand Ronde Tribal representatives, and the Marion County Juvenile Department to discuss tribal gang funding.
- At the 2008 Governor's Summit on Eliminating Disproportionate Minority Contact in the Juvenile Justice System, Hon. Don Costello, Coquille tribal judge, presented the Tribal Peace Giving Court of the Coquille and Coos, Lower Umpqua and Siuslaw Tribes.
- In 2008 OYA experienced many leadership and administrative changes. A transition team commissioned by the Department of Administrative Services Director, participated in a meeting hosted by the Siletz Tribe. The DAS transition team met specifically with members of OYA's Native American Advisory Committee to receive tribal information and feedback concerning their work with the OYA.

V. Training Opportunities

OYA staff attended Tribal Information Day on May 16, 2008, 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.

Additionally, OYA's staff continues to receive training on tribal governments and issues. These trainings are conducted by the OYA Native American coordinator and include tribal representatives when available. Trainings occur in all areas of OYA, including field offices (parole and probation), youth correctional facilities, and with community contracted providers.

- All new employees of OYA receive an orientation on tribal governments and Senate Bill 770.

Training on tribal governments during new employee orientation (NEO) assures 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 employees of the OYA will 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.

- Training on OYA's Tribal Notification Policy to intake workers at Hillcrest Youth Correctional Facility and cottage staff at MacLaren Youth Correctional Facility.

These trainings reinforce OYA's commitment for tribal notification, familiarize OYA staff on the Tribal Notification Policy, provide staff with the protocols for the notification process as outlined in OYA policy and aids in the insurance that tribal youth are being identified for tribal notification.

- OMS staff and agency leaders provide periodic updates to agency managers and county juvenile departments regarding issues of interest to Oregon's tribes.

Tribal governments being a key stakeholder and partner, it is important OYA administration stays abreast of issues of interest, concerns and advocacy of tribal governments.

Tribal Training Opportunities

In 2008, the Confederated Tribes of Grand Ronde provided a training opportunity on community gang awareness. Additionally, the Tribe co-sponsored two gang awareness trainings, one with the local education system and the other with local law enforcement. These training opportunities were one day events and had several participants from the local area attending including staff from OYA.

VI. Legislative

Senate Bill 267 Evidenced-Based Practices

OYA's Native American coordinator continues to work with OMS staff members and other agency-wide efforts to develop and implement curricula which contain evidence-based and are culturally relevant to Native American and other minority youth. As a member of the agency's Curriculum Review Committee, which reviews treatment curricula for potential use in OYA, the coordinator developed criteria included in curricula differing cultural perspectives for the committee. As a member of the correctional program checklist evaluation team, the coordinator continues to assist the agency to address responsivity factors in treatment programming for minority youth.

Gang Intervention Funding

The 2007-09 OYA budget contains a new \$1.55 million statewide grant program to address gang issues. Oregon tribes were not eligible to apply directly for these grants and some tribes have expressed concern regarding compliance with ORS 182.164 in the development and implementation of this grant program.

On implementing the gang grant program, OYA's statutes generally preclude tribes and entities other than counties from contracting with the agency unless they are providing direct youth services. OYA has been advised by legal counsel that it does not have statutory authority to contract directly with tribes.

Given those circumstances, OYA has taken steps to ensure tribal consultation and access to these funds to meet tribal needs regarding youth gangs. OYA has required counties applying for these funds to document how tribes were involved in the application development process. OYA provided each county with contact information for OYA's tribal key contacts, and emphasized this requirement in meetings with county juvenile department directors.

As a result of efforts to include tribes in county planning for gang intervention funding, the Confederated Tribes of Grand Ronde has successfully applied for and received two contracts for gang intervention efforts through the Marion County Juvenile Department and one through the Polk County Juvenile Department.

- 1) Provide two trainings in the Grand Ronde and Salem areas for the adult members of the community to recognize gang issues.

- 2) Tribal Gang Summit: This summit is designed to bring tribal communities together to identify gang issues among the tribes and work on developing strategies for gang intervention efforts.
- 3) Funding from Polk County is for the provision of a night court, an activity based intervention for youth in the Grand Ronde community.

Due to the statutory limitations on OYA's ability to contract directly with the tribes for the gang funding, OYA, on behalf of OYA's Native American Advisory Committee, submitted a legislative concept, to the 2009 Legislative Assembly, that would give OYA the ability to directly fund tribes' gang intervention efforts.

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.