

Oregon Department of Justice Crime Victims' Services Division Tribal Nation Listening Tour



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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

May 2013

Dear Friends,

The Oregon Department of Justice, Crime Victims' Services Division (DOJ CVSD) strives to ensure that all crime victims have meaningful access to services. In 2011 and 2012, CVSD initiated a Listening Tour with the nine federally recognized tribes in Oregon. The enclosed report provides a summary of the conversations that took place during the tour. The goal of the "Tribal Nations Listening Tour," was to foster and continue government-to-government collaboration between Tribal Nations, CVSD grant funded programs, and community partners, with the ultimate goal of enhancing services to all survivors of domestic and sexual violence throughout the state.

The next steps that are identified in the Report will allow these valuable and enduring relationships to strengthen and work to end violence against women and children in this state. DOJ promises to continue to collaborate with underserved, marginalized, and/or oppressed communities and Tribal Nations in order to ensure that all victims and survivors may receive services and community support.

Sincerely,

ELLEN F. ROSENBLUM
Attorney General

Acknowledgments

Sincere gratitude is extended to the following people who took the time to provide their guidance and assistance for this important project.

We would like to recognize the Violence Against Women Act (VAWA) Advisory Board members, with special acknowledgment to Desiree Coyote (formerly Allen-Cruz), Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and her tribal leadership for their support of Desiree's work throughout the Tribal Nation Listening Tour. Further acknowledgment is extended to Leona Ike, Confederated Tribes of the Warm Springs Reservation (CTWSR) and Ms. Coyote for their work on the FY 2010 – 2012 VAWA Implementation Plan for Oregon and the Tribal Survey.

Oregon Tribal Nations
<p>Burns Paiute Tribe Tribal Council Michelle Bradach, Social Service Director Anna Deboard, General Manager</p>
<p>Confederated Tribes of Coos, Lower Umpqua & Suislaw Indians Stephanie Matthews, Former Acting Tribal Administrator Eric Metcalf, Former Health Director Iliana Kazmierczak, Asst. Health Director Roni Jackson, Caseworker</p>
<p>Confederated Tribes of Grand Ronde Community Dave Fullerton, Social Service Director Mark Johnston, Ex. Health Director Ron Karten, Smoke Signals Staff Writer</p>
<p>Confederated Tribes of Siletz Indians Tribal Council Bonnie Peterson, Asst. Director Cat Tufts, Siletz Tribal Attorney</p>
<p>Confederated Tribes of Umatilla Indian Reservation General Council and Board of Trustees Les Minthorn, Board of Trustees Chairman Leo Stewart, Law & Order Chairman, Board of Trustees Vice-Chairman Ray Denny, Public Safety Director Desiree Coyote (formerly Allen-Cruz), Family Violence Services Program Manager Brent Leonhard, Attorney Helen Morrison, Law & Order Committee Marvin Beauvais, Tribal Prosecutor Donyale Ezell, Advocate Tim Addleman, Umatilla Tribal Chief of Police</p>
<p>Confederated Tribes of Warm Springs Indian Reservation Nancy Seyler, Former Victims of Crime Services (VOC) Manager Gwen Leonard, VOCS Elder Abuse Outreach Advocate Dorothy Kalama, VOCS Advocate Supervisor Janelle Wallulatum, VOCS Advocate/Transitional Housing Advocate Marie Calica, Community Member Leona Ike, Parole and Probation Supervisor</p>

Oregon Tribal Nations cont.**Coquille Indian Tribe**

Tribal Council
George Smith, CEO
Tara Bowen, Tribal Council Executive Assistant
Yvonne Livingstone, Social Service Director

Cow Creek Band of Umpqua Tribe of Indians

Michael Rondeau, Tribal Administrator
Sharon Stanphill, Health & Wellness Director
Rhonda Malone, Human Services Director
Julie Hargraves, Behavioral Health Counselor

The Klamath Tribe

Tribal Council
Kathleen Mitchell, Tribal Administrator
Marvin Garcia, Social Service Director
Camille Dalorme, Social Services Department

Oregon Government to Government Cluster Groups**Public Safety Cluster**

Jack Lawson, Chair, Native American Coordinator, Oregon Youth Authority (*ret.*)
Dianna Brainard, Assistant

Health & Human Services Cluster

Richard Acevedo, Tribal Relations Liaison, Department of Human Services (*ret.*)
Diana Woods, Executive Assistant

CVSD Non-Profit and Prosecutor-Based Victim Service Programs**Coos County District Attorney Victim Assistance Program (DA-VAP)**

Maureen Knudsen, VAP Executive Director
Michele Short, Domestic Violence/Sexual Assault Advocate

Women's Safety & Resource Center

Judy Moody, Former Executive Director

Jefferson County DA-VAP

Twila Rosenberg, VAP Director

Saving Grace (Jefferson and Deschutes Counties)

Janet Huerta, Executive Director
Carino Bautista, SA/DV Bilingual/Bicultural Advocate
Cindy Hess-Mondoy, SA/DV Advocate

Douglas County DA-VAP

Rick Wesenberg, District Attorney
Deborah Pike, Victims Services Program Coordinator
Lisa Thompson, Office Manager

Battered Persons Advocacy

Vanessa Becker, Former Executive Director

Harney County DA-VAP

RaNae Palmer, VAP Director

Harney HOPE

Teresa Cowing, Executive Director
Rosie Richburg, Financial Officer/Bi-Lingual Advocate

CVSD Non-Profit and Prosecutor-Based Victim Service Programs cont.
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Lincoln County DA-VAP Marsha Thompson, Victims' Advocate Case Manager Supervisor Jill Wagner, Office Manager
My Sister's Place Karen Shores, Executive Director
Polk County DA-VAP Susan Fleming, Former VAP Director
Sable House Deborah Thompson, Executive Director
Umatilla County DA-VAP Kathleen Davidson, VAP Director Daniel Primus, District Attorney
Domestic Violence Services Marta Harvill, Former Executive Director
Wasco County DA-VAP Judy Urness, Director/Advocate
Haven from Domestic Violence Tara Koch, Executive Director

State and Community Partners
Oregon Legislative Commission on Indian Services
Oregon Department of Justice Shannon Sivell, Director, Crime Victims' Services Division Diana Fleming, CVSD Fund Coordinator Cathy Relang, CVSD Fund Coordinator Fred Boss, Chief Counsel, Civil Enforcement Division Stephanie Striffler, Senior Assistant Attorney General/Native American Affairs Coordinator Erin Greenawald, Domestic Violence Resource Prosecutor, Criminal Justice Division
Oregon Coalition Against Domestic and Sexual Violence Vanessa Timmons, Executive Director Gabby Santos, Former Program Coordinator for Underserved Communities
Attorney General Sexual Assault Task Force Christine Herrman, Former Executive Director
U.S. Attorney's Office, District of Oregon Bill Williams, Chief of Criminal Division Craig Gabriel, Assistant U.S. Attorney (AUSA) Gerri Badden, Victim Witness Manager

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Oregon Department of Justice Crime Victims' Services Division Tribal Nation Listening Tour

I. Introduction

In 2011 and 2012, the Oregon Department of Justice (ODOJ), Crime Victims' Services Division (CVSD) initiated a Listening Tour with the nine federally recognized tribes in Oregon. This report provides a summary of the conversations that took place during the tour. CVSD hopes this will guide our next steps and enhance our partnerships and community collaborations with Tribal Nations.

The Listening Tour involved 28 meetings between October 2011 and July 2012 with District Attorney Victim Assistance Programs (DAVAP), non-profit Domestic Violence and Sexual Assault Program Executive Directors, tribal leaders from the nine federally recognized Tribal Nations and CVSD. The purpose of the tour was to:

- Develop a better understanding of the collaborative relationships between Tribal Nations and our grant funded programs.
- Identify areas where CVSD could provide assistance with the goal of improving domestic violence and sexual assault service delivery to all victims in Oregon; and
- Educate ODOJ CVSD on how funding decisions affect all communities, including Tribal Nations, so that future funding decisions can begin to address barriers to inclusive and effective service delivery.

During the tour, CVSD provided information to the nine tribes informing them of the state and federal non-competitive grants administered by the state. This funding supports 47 domestic violence/sexual assault victim service programs in all 36 Oregon counties, three legal services organizations, and the 36 county District Attorney Victims' Assistance Programs (DAVAPs). The listening tour focused on the non-competitive funding (a total of \$7,748,294 included seven separate grant funding streams for the 2011-2013 biennium) as the grant awards are based on population statistics that include Tribal Nations (Appendix A).

It was important for ODOJ CVSD to understand what the tribes and our grant funded programs identified as barriers to effective delivery of domestic violence and sexual assault services. This report focuses on what we learned from those conversations.

II. Background

Statewide VAWA Implementation Plan

The Oregon Department of Justice, Crime Victims' Services Division is the state administrative agency for the STOP Violence Against Women Act (VAWA) and Sexual Assault Services (SASP) Formula Grant Programs. These programs are administered by the United States Department of Justice (USDOJ), Office of Justice Programs (OJP), Office on Violence Against Women (OVW).

The VAWA program encourages the development and implementation of effective law enforcement and prosecution strategies in an effort to combat violent crimes against women. The goal of the program is to encourage states and localities to restructure and strengthen the criminal justice systems' response to violence against women. VAWA places particular emphasis on drawing on the experience of all of the participants in the criminal justice system, including the advocacy community. This Federally funded program also stresses the importance of building collaborative relationships between state/government

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

agencies and underserved, marginalized and oppressed communities. ODOJ, too, considers enhancing coordination among funding recipients and community partners to be a core mission of the Crime Victims' Services Division.

The VAWA program requires each state to develop a three-year Implementation Plan that includes underserved communities and Tribal Nations in the planning process. VAWA then authorizes states to allocate funds to programs that advance the Plan. As ODOJ CVSD began developing the 2010-12 Implementation Plan, the department took steps toward increasing inclusion of underserved, marginalized and oppressed communities in the planning process. As part of this effort, two members of Tribal Nations were recruited to join the VAWA Advisory Board, one from the Confederated Tribes of Warm Springs Reservation and one from the Confederated Tribes of the Umatilla Indian Reservation. This helped the VAWA Advisory Board to build positive collaboration with Oregon tribes and to meet the STOP VAWA Formula Grant Program goals and objectives of diversity. It was also the first step in enhancing partnerships and community collaboration with Tribal Nations.

During the development of the Implementation Plan, tribal representatives conducted a survey that inventoried the resources available to victims within the tribal criminal justice and safety infrastructure. (Appendix B) These resources included: tribal courts, law enforcement, probation and parole departments, victim and/or family violence services and shelters on the reservation. The survey results provided insight regarding gaps in services and training needs and helped create a road map for the Tribal Nation Listening Tour discussed further below.

OVW approved the ODOJ Implementation Plan in January 2011 and acknowledged the inclusion of Tribal Nations in the planning process. A copy of the current Implementation Plan may be found at the following link:

http://www.doj.state.or.us/victims/pdf/vawa_implementation_plan_fy_2010_2012.pdf

The FY 2013 – 2015 Implementation Plan will include the next steps identified in this report.

State/Tribal Government to Government Relations

By statute, Oregon agencies are required to establish and maintain government-to-government relationships with Oregon tribes. In 1996, Governor Kitzhaber issued Executive Order 96-30 (Appendix C) to assist in maximizing intergovernmental relations between the state and Oregon tribes. ORS 182.162 (Appendix D) requires state agencies to promote positive government-to-government relations between the state and tribes by taking steps that include adopting tribal relations policies and cooperating with tribes in the development and implementation of programs that affect them. ODOJ's policy states that, "It is DOJ's policy to promote the principle stated in Executive Order No.96-30 that [a]s sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties." (Appendix E) ODOJ's Tribal Relations Policy includes a requirement that ODOJ involve tribes in its programs that affect tribes. Accordingly, as part of ODOJ, CVSD strives to follow the statute and policy in awarding and implementing grants.

Oregon Tribal Nations

There are nine federally recognized tribes in Oregon -- the Burns Paiute Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, the Coquille Tribe, the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of the Grand Ronde Community, the Klamath Tribes, the

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation. Each of these sovereign nations has its own history, culture, lands, treaty rights, governmental structure, membership requirements, court system and criminal jurisdiction. According to the 2010 U.S. Census, 108,550 persons self-identified as American Indian and Alaskan Native in Oregon. In 2011, the Oregon Legislative Commission on Indian Services (LCIS) recorded a total enrollment of 24,653 for the nine federally recognized tribes in Oregon. The census process of data collection allows people to self-identify based on race while the enrollment numbers from LCIS are based on actual tribal nation membership. The census data may also include members of non-Oregon tribes residing in the state.

According to information published by the Legislative Commission on Indian Services (LCIS), "about 875,700 acres, or 1.4 percent of land within Oregon, are held in trust by the federal government or are designated reservation lands." Generally, the state does not have jurisdiction over crimes committed by or against Indians on tribal lands. However, in the 1950's, Public Law 280 extended state jurisdiction to all Indian country in Oregon except the Warm Springs Reservation, "over offenses committed by or against Indians." The State of Oregon is one of six states subject to Public Law 280. Since that time, the Confederated Tribes of the Umatilla Indian Reservation and the Burns-Paiute Tribe have obtained exemptions from Public Law 280's criminal jurisdictional provision through retrocession. Public Law 280 applies on lands of the other six Oregon tribes but does not divest tribes of concurrent jurisdiction over crimes by Indians.

The nine Oregon tribes differ in terms of law enforcement and tribal court infrastructure. Tribal Nations may have long-established tribal courts or have courts that are recently expanding their jurisdiction. They may have their own police forces or rely exclusively on local law enforcement or on contracts with local tribal law enforcement. Tribal Nations may have local law enforcement personnel deputized by county sheriffs; some have not reached agreements with local law enforcement. In 2012, the Oregon Legislature passed SB 412 which authorizes tribal police to exercise state police officer authority if the tribe has met certain conditions. Currently, six of the nine Tribal Nations have their own tribal law enforcement on the reservation with five of those compliant with SB 412 certification requirements.

Oregon Tribal Nation	Tribal Law Enforcement Status
Burns Paiute Tribe	Tribal Police Department; has not requested SB 412 certification at this time
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians	Tribal Police Department; SB 412 compliant
Confederated Tribes of Grand Ronde	Tribal Police Department; SB 412 compliant
Confederated Tribes of Siletz Indians	Contracts with City of Toledo Police Department
Confederated Tribes of Umatilla Indian Reservation	Tribal Police Department; SB 412 compliant
Confederated Tribes of Warm Springs Reservation	Tribal Police Department; SB 412 compliant
Coquille Indian Tribe	Tribal Police Department; tribal law enforcement cross-deputized by county sheriff; SB 412 compliant
Cow Creek Band of Umpqua Tribe of Indians	No tribal law enforcement; relies on local law enforcement
The Klamath Tribe	Tribe in process of creating their own law enforcement on the reservation; relies on local law enforcement

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

III. Oregon Tribal Nation Listening Tour: Barriers and Strengths

As discussed above, during the Listening Tour, CVSD met and spoke with members of Tribal Nations, non-profit domestic and sexual violence service providers and DAVAPs. The following is a breakdown of barriers and strengths identified by these groups.

Service Delivery Barriers

1. Highly individualized relationships between Tribes and local communities throughout the state

The relationship between Tribal Nations and community partners varies greatly across the state. While some collaborative relationships are strong, others are minimal for a variety of reasons as noted below:

- Four of the nine Tribal Nations have a victim service program on the reservation which is supported primarily by discretionary federal funds and/or other funds.
- Five of the nine Tribal Nations have health or social service departments that provide victim service referrals, utilize community resources and/or may contract with local non-profit victim service programs.
- The majority of Tribal Nations were not aware of the services available through domestic violence and sexual assault non-profit programs and DAVAPs in their region (Appendix F).
- Other Tribal representatives indicated that though they were aware of programs available in their region, members did not engage with the services due to what they perceived as a lack of cultural understanding on the part of the program and trust within the tribe. The need to build a foundation of trust upon which communication and collaboration can be built was a consistent theme across the board.
- Interaction between tribal police and local law enforcement on tribal lands is complicated by the jurisdictional framework in Oregon.
- Community partners often did not understand that in order to have a tribal member on a board or commission who has authority to speak on behalf of the tribe, the community partner must go through proper tribal channels. This misunderstanding can lead to frustration between tribal representatives and community partners.

2. Lack of understanding regarding the legal effect of Tribal Court Orders in other jurisdictions

By Oregon law, tribal restraining orders must be treated the same as any foreign restraining order (Appendix G). VAWA also requires that a restraining order obtained lawfully through a tribal court must be accorded full faith and credit in state court. Tribal representatives report inconsistencies in local enforcement of restraining orders that are issued through tribal courts. They also note that not all Tribal Courts issue restraining orders, which presents another obstacle for many tribal members who are the victims of domestic violence.

Many non-profit and system-based victim service agencies with whom we spoke also reported that they did not have a comprehensive understanding of the criminal jurisdiction issues between Tribal Nations and county or state government, especially as they pertained to enforcement of Tribal restraining orders.

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

3. Inconsistent Tribal Representation and Involvement on Domestic and Sexual Violence and Other Multi-Disciplinary Teams

Many tribal representatives reported that they would like to be included in local Sexual Assault Response Teams (SART), Multi-Disciplinary Teams (MDTs) that address child or elder abuse, and Domestic Violence Councils. Two tribes reported having tribal Sexual Assault Nurse Examiners (SANEs). However, both of these tribes expressed frustration that the SANE was not utilized by others in their region.

There are other areas where Tribal Nations are very active in community partnerships. CVSD would like to work with community partners to enhance collaborations in areas in which partnerships are not as active.

4. Lack of Training opportunities

Tribal representatives report receiving few opportunities for training and technical assistance from victim service programs working in their regions.

Service Delivery Strengths

The following strengths were identified as a result of meeting with Tribal Nations, non-profit and/or prosecution-based victim service providers:

1. Some tribal members sit on the boards of local non-profits and are active participants in community fundraising and advocate trainings, as well as active members of SARTs, MDTs and/or DV Councils in their service delivery area.
2. Some victim service providers already have strong communication and/or collaborative relationships with Tribal Nations. In other cases, victim service providers expressed a desire to improve communication and made contact with Tribal Nations prior to the conclusion of the listening tour. Some of these contacts included discussions about enhancing collaborative partnerships and undertaking specific community projects and shared trainings.
3. Some victim service providers have shared training with Tribal Nations both on and off the reservation.
4. One provider is working to establish a restraining order protocol with the neighboring tribe so that tribal victims are not required to obtain restraining orders in both courts.

IV. Highlights of the Tribal Listening Tour

The listening tour provided many opportunities for learning, training and change. Although this work is far from completed, the following highlights some of our efforts thus far:

Learning and Recognition:

- Developed contacts within the tribes who are subject matter experts in the areas of law enforcement and victims' rights. By identifying these tribal members, community partners will have greater access to tribal members involved in law enforcement, tribal courts, tribal prosecution and tribal domestic violence and sexual assault programs.
- Attended the Public Safety Cluster meetings in order to learn from tribes and other agencies about tribal relationships and work. At Cluster meetings CVSD communicated progress on the

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

listening tour and informed tribes and other agencies about ongoing changes that enhanced victim service delivery to Tribal Nations.

- CVSD staff and VAWA Advisory Board members presented at both the 2011 and 2012 STOP Administrators' and Coalition Directors Annual Conference. In 2011, the focus was a national panel discussing ways that the state worked with Tribal Nations. In 2012, a breakout session was offered to focus on "Meaningful Inclusion of People who are Underserved with a focus on Tribal Communities".
- Recognition on the part of CVSD regarding how the indirect cost criteria may have inhibited tribes from applying for CVSD grant funding. In Oregon, indirect cost rates for Tribal Nations are very high (21-63%) which makes it problematic to award most grant funds directly to the tribes since awards are not large enough to cover these costs. Through clarification from Tribal Nations CVSD now understands that some tribes may be able to waive part and/or the entire indirect cost rate in order to apply for federal and/or state funding from CVSD.
- Understanding of the tribal county service areas included knowledge that tribes have populations in parts of the state that are outside of the location of their tribal administrative offices. (Appendix F). This information was shared with victim service providers around the state as well as posted on our website as a resource tool for victim services programs. More importantly, this information informed a competitive grant solicitation process.
- CVSD and Portland State University Research and Evaluation team provided targeted outreach to all nine Tribal Nations for CVSD's 2012 Crime Victims' Needs Assessment.

Training and Outreach:

- CVSD provided training for District Attorney Victim Assistant Program Directors around Indian Law, Tribal Relations, and Criminal Jurisdiction in Indian Country during the ODAA summer conference in Sun River in August 2012. The training provided specific information regarding VAWA Full Faith and Credit and Tribal Restraining Orders for prosecution-based victim service program directors.
- Subject area experts drafted FAQs addressing when and how the state courts honor tribal restraining orders. These FAQs were released to our grant funded programs and Tribal Nations on September 11, 2012 (Appendix G).
- Information about our Crime Victims' Compensation Program, DOJ's Internet Crimes Against Children Unit, the Victim Information and Notification Everyday (VINE) services, and CVSD's Address Confidentiality Program was provided to tribal communities during the listening tour.
- Provided contact information to Tribal Nations for each prosecutor-based victim assistance program, domestic violence/sexual assault provider and child abuse intervention center throughout the state.
- CVSD gave multiple presentations on the progress of the listening tour at the state and local level to ensure the focus of the work was communicated to our state collaborative partners, funding boards and committees, grantees and tribal representatives.
- Provided training and networking opportunities to all nine Tribal Nations at our Victim Service Provider Director's Day training as well as training opportunities through community or statewide partners. CVSD offered scholarships to both Tribal Nations and CVSD victim service providers for the Confederated Tribes of the Umatilla Indian Reservation Tribal, State and Federal Summit in Pendleton, OR in August 2011. In 2012, additional scholarships were offered to Tribal Nations to attend the State Victim Assistance Academy (SVAA) allowing tribes without trained DV/SA advocates on the reservation the opportunity to be trained in victim services.

Oregon Department of Justice Crime Victims' Services Division

Tribal Nation Listening Tour

Change:

- During the listening tour, CVSD revised grant documents such as our program site visit monitoring instrument to explore more fully the collaborations between community partners including Tribal Nations. The change included the victim service provider as well as community participation on SARTs, MDTs, SANEs, and DV Councils.
- While CVSD has always made an effort to publicize our funding opportunities to providers who serve the underserved, marginalized and oppressed communities, we have increased these efforts with respect to specific outreach to Tribal Nations. In addition, where our funding opportunities are only open to non-profit organizations, we have included specific language to enhance direct interventions and assistance to underserved, marginalized, and/or oppressed communities and/or Tribal Nations. Two of the seven Sexual Assault Services Program awards granted in a 2012 competitive process are serving tribal populations or are working to improve collaboration with Tribal Nations within their service areas.
- Facilitated conversations with the tribal communities and non-profit victim service programs to improve long standing issues and concerns regarding victim service delivery to tribal victims.
- Enhanced outreach to provide state crime victim compensation trainings for Tribal Nations.
- Independently, the Attorney General Sexual Assault Task Force focused on services and partnerships to tribal communities in their National Institute of Justice (NIJ) federal grant application.

V. Next Steps to Strengthen Collaboration between CVSD Grant Funded Programs and Tribal Nations

In addition to the work already in process, DOJ CVSD has identified some possible next steps for continued collaboration:

1. CVSD Advisory Boards, Committees, and CVSD funded programs will receive periodic training on Indian Law, Tribal Relations, Criminal Jurisdiction in Indian Country and Cultural Considerations in order to improve collaboration with Tribal Nations.
2. CVSD will conduct periodic updates with Tribal Nations and continue to gather information on tribal victim service needs identified during the listening tour that will continue to develop understanding of the ways that both our grant funded non-profit and prosecutor-based programs can interact with other tribal departments such as tribal law enforcement, prosecution, and courts as well as domestic violence and sexual assault programs if established on the reservation.
3. Tribal law enforcement, prosecution, courts and domestic and sexual violence programs will be included in state and local community training opportunities, e.g. Director's Day, Compensation Program and Address Confidentiality Program training.
4. Encourage statewide community partners, such as the Attorney General Sexual Assault Task Force and the Coalition Against Domestic and Sexual Violence (OCADSV) to enhance technical assistance to tribes.
5. CVSD will provide information on grant funding streams and competitive grant opportunities to Tribal Nations. CVSD will also provide grant award summaries to Tribal Nations annually.
6. Enhance competitive grant applications to include specific language that reduces and/or waives indirect cost rate for some Tribal Nations.

Oregon Department of Justice Crime Victims' Services Division

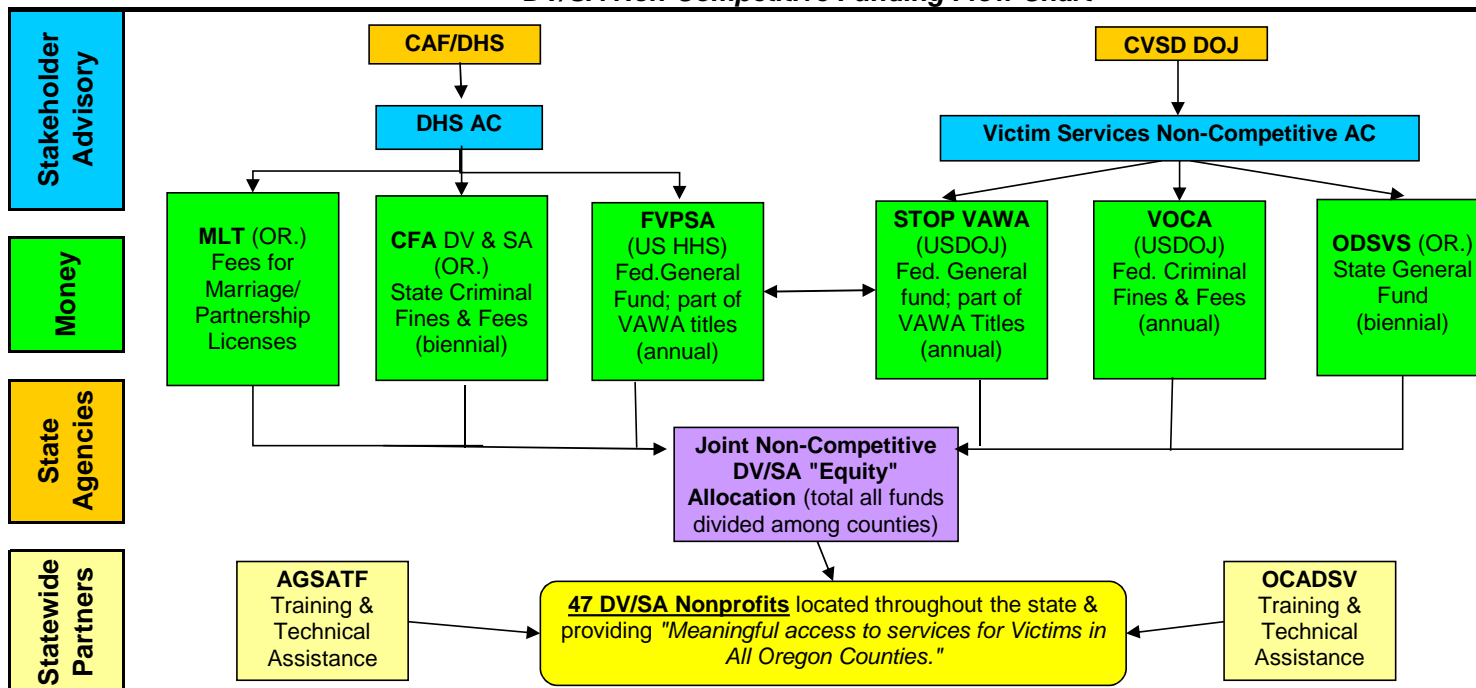
Tribal Nation Listening Tour

7. Set priorities within competitive grant applications to encourage providing services to tribes that cannot waive their indirect cost rates.
8. Provide continuing education for CVSD grantees around VAWA Full Faith and Credit and Tribal Restraining Orders. Tribal victims should also understand how tribal restraining orders may be handled in the state court system and through local law enforcement.
9. Explore the relationships that Tribal Nations have with the twenty Child Abuse Intervention Centers in the state.
10. Continue co-sponsorship of the Domestic Violence Tribal Summit Conference with the Confederated Tribes of the Umatilla Indian Reservation.
11. Pursue other federal grant funding opportunities as they become available such as the State Tribal Crime Victims' Demonstration Grant.
12. CVSD will provide technical assistance to tribal domestic violence and sexual assault programs as requested by Tribal Nations.
13. Continue to provide outreach to community and statewide partners to discuss the importance of having Tribal Nations representation on community teams such as SARTs, MDTs, and DV Councils.
14. Discuss with Tribal Nations how best to reflect their needs and gaps in victim service provision following the release of the Statewide Needs Assessment.
15. With the approval of each tribe, develop a list of key contacts to post on our website and provide to our victim service programs to encourage outreach and collaboration.

Closing Statement

Crime Victims' Services Division trusts that the next steps identified in the Listening Tour Report will be stepping stones toward the valuable and enduring relationships that strengthen collaborations necessary to end violence against women and children throughout the state. The VAWA Implementation Plan will continue to inform victim services providers in Oregon of the importance of this work focusing on strengthening domestic and sexual assault service provision to underserved, marginalized and/or oppressed communities and Tribal Nations. It has been a privilege for CVSD staff to be involved with Tribal Nations in this work.

DV/SA Non-Competitive Funding Flow Chart



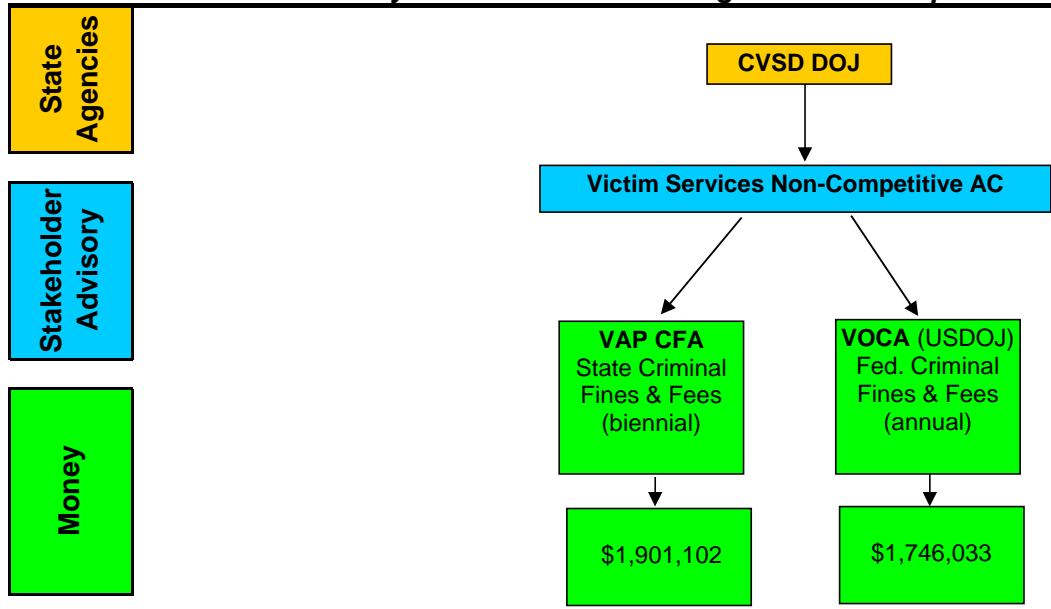
Competitive Funds for DV/SA Services NOT Part of this Joint Process

Rape Prevention Education (RPE): Federal Funds (Part of VAWA) to DHS to AGSATF **VOCA Competitive Grants:** Federal Funds to CVSD
Sexual Assault Services Program (SASP): Federal Funds (Part of VAWA) to CVSD **STOP VAWA Continuation Grants:** Federal Funds to CVSD
Discretionary OVW Grants: Federal Funds directly from USDOJ/OVW (e.g., Rural VAWA, Grants to Tribes, Encourage Arrest, etc.)

Key:

AC: Advisory Committee/Council	MLT: Marriage License Tax
AGSATF: Attorney General's Sexual Assault Task Force	OCADSV: Oregon Coalition Against Domestic and Sexual Violence
CAF DHS: Children Adults & Families, Department of Human Services	ODSVS: Oregon Domestic & Sexual Violence Services Fund (state general fund money)
CFA: Criminal Fine Account (from fines and fees collected in state criminal court)	STOP VAWA: Violence Against Women Act Formula Grant Program (federal general fund money)
CVSD DOJ: Crime Victims' Services Division, Department of Justice	US HHS: US Department of Health & Human Services
FVPSA: Family Violence Prevention & Services Act	VOCA: Victims of Crime Act Formula Grant Program (from fines and fees collected in federal criminal court)

District Attorney Victim Assistance Programs NonCompetitive Funding Flow Chart



State Agencies

Stakeholder Advisory

Money

Competitive Funds for DA VAP Services

VOCA Project Grants (by CVSD)
Discretionary OVW Grants (Federal Funds directly from USDOJ/OVW -- e.g., Rural VAWA, Grants to Tribes, Encourage Arrest, etc.)

Key:

AC: Advisory Committee/Council	VOCA: Victims of Crime Act Formula Grant Program (from fines and fees collected in federal criminal court)
CFA: Criminal Fines Account (from fines and fees collected in state criminal court)	CVSD DOJ: Crime Victims' Services Division Department of Justice

**Oregon VAWA Tribal Survey Results
2010**

Tribal Nation	Tribal Court	Law Enforcement	Parole & Probation	Victim Services	Shelters	Existing DV Code
Burns Paiute Tribe	Yes	Yes	Juvenile only	Yes	No	Yes
Confederated Tribes of Grand Ronde	Yes	No	No	No	No	No
Confederated Tribes of Siletz	Yes	Yes	No	No (Lincoln County)	No	No
Confederated Tribes of Umatilla Reservation	Yes	Yes	Yes	Yes	No	Yes
Confederated Tribes of Warm Springs	Yes	Yes	Yes	Yes	<i>Yes. Also uses shelters in Deschutes & Jefferson counties</i>	No
Confederated Tribes of the Coos - Lower Umpqua - Siuslaw	Yes	Yes	No	Yes	No	No (found in DV Protection Act)
Cow Creek Band of Umpqua Indians	Yes	No	No	No (make a stronger short staff program)	No	No
Coquille Indian Tribe	Yes	Yes	No	No	<i>Yes. Also uses state and county shelters</i>	No
Klamath Tribes	Yes	No	No	Yes, with hotline	Recently opened tribal shelter on reservation and uses Klamath Falls shelter	Yes

**Oregon VAWA Tribal Survey Results
2010**

Tribal Nation	Other funding sources supporting DV/SA	Tribal/County Family Violence Service Providers	Interest in creating Tribal program	Local sources of training and/or technical assistance
Burns Paiute Tribe	Uses county DV/SA services	County DV/SA services	Currently working on it	County, CTUIR, Federal, once with state coalition
Confederated Tribes of Grand Ronde	Receives government funding for Domestic Violence	Tribal and county	FV Prevention Services	Federal only
Confederated Tribes of Siletz	County	County	Yes	State: Healthy Family/Healthy Child project by DHS
Confederated Tribes of Umatilla Reservation	Federal	Tribal and County	No, currently has a Tribal Family Violence Program	Federal only
Confederated Tribes of Warm Springs	Tribal VA grant, Family Violence Prevention and Services grant, Legal Assistance for Victims grant (all Federal)	Tribal, but also receives support services from Jefferson & Deschutes Counties	No, currently has a Tribal Family Violence Program	County
Confederated Tribes of the Coos – Lower Umpqua – Siuslaw	Directly: BIA, general funds and grants; Indirectly using community and family services	Tribal and County	Yes	No

**Oregon VAWA Tribal Survey Results
2010**

Tribal Nation	Other funding sources supporting DV/SA	Tribal/County Family Violence Service Providers	Interest in creating Tribal program	Local sources of training and/or technical assistance
Cow Creek Band of Umpqua Indians	Tribal official in fiscal department is not aware of specifics	County	Yes	County and Tribal
Coquille Indian Tribe	No direct services with Nation	County	Yes	County
Klamath Tribes	Tribal funding for mental health	Both	Recently started own program on reservation	Tribal and County

Office of the Governor
State of Oregon



EXECUTIVE ORDER NO. EO - 96 - 30

STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

There are nine federally recognized Indian tribal governments located in the State of Oregon. These Indian tribes were in existence prior to the formation of the United States of America, and thus retain a unique legal status. The importance of recognizing the relationship that exists between the tribes and state government can not be underestimated.

As sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties. The relationships between our governmental structures can only be built through trust and mutual respect .

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

IT IS ORDERED AND DIRECTED:

1. That the Governor's Legal Counsel, or such other person as the Governor may from time to time designate, shall be accountable to the Governor for the implementation of this Executive Order and be responsible for convening an annual meeting where representatives of the State and the nine federally recognized Oregon tribal governments will work together to achieve mutual goals.



EXECUTIVE ORDER NO. EO - 96 - 30

Page Two

2. That the head of each Cabinet level department who is either appointed by the Governor or who reports to gubernatorial appointees and is made subject to this Order by the Governor (hereinafter "department") shall be accountable to the Governor's office for adopting a departmental State/Tribal Government statement that:
 - a. Recognizes that Oregon Indian tribal governments are interested in the development of state policy that affects tribal interests (hereinafter "state policy") and recognizes the desirability of dialogue between tribal governments and the state, with regard to those state policies;
 - b. Identifies key personnel of the department as a "key contact[s]" responsible for coordination with tribal governments;
 - c. Establishes a process for the identification of those state policies by designated tribal representatives and key contacts ;
 - d. promotes dialogue between Oregon departments and tribal governments on those state policies ; and
 - e. That advances the government-to-government relationship by notifying staff and employees of this Executive Order.
3. Through the process established under this Executive Order the key contacts and designated tribal representatives shall identify issues of mutual concern arising from state policy. The departments and each tribal government shall make reasonable efforts to design solutions and develop programs to achieve mutual goals in relation to state policy.



EXECUTIVE ORDER NO. EO - 96 - 30
Page Three

4. That each department shall recognize the opportunity to use a number of tools to achieve mutual cooperation including but not limited to use of cooperative agreements with Indian tribal governments as provided for in ORS 190.110 when it is appropriate to do so.
5. That each department shall provide key managers with periodic training which enables them to better recognize Indian issues and to understand and respect the legal status of tribal governments and of American Indians as citizens of Oregon who also have their own unique and distinct culture. It is important as well for the tribes to develop tribal training so its members will better understand the workings and process of state government. It is the hope of the state that these training's will enable the tribes and the state to learn about each other's cultures and improve our mutual ability to communicate our interests more clearly. The key contact and designated tribal representatives shall consult on the scope and content of training as well as the coverage of its cost.
6. That the departments shall work cooperatively to accomplish the goals of this order.

It is the hope of the state and the tribes that this executive order will result in improving the quality of communication between our sovereign governments. The tribes and the state recognize that this order cannot and is not intended to create a forum for resolution of all issues between the tribes and the state. Nor is it meant to replace presently existing lines of communications. Both the tribes and the state recognize that issues that are the subject of litigation or that are likely to become the subject of litigation are inappropriate for discussion in this process.

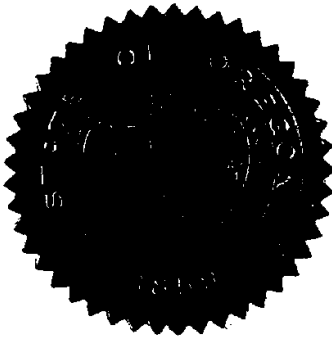
Nothing in this order shall require the state or any of its agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law including but not limited to state Public Records laws, Public Meetings laws and provisions of the state Administrative Procedures Act.

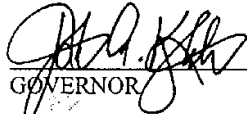


EXECUTIVE ORDER NO. EO - 96 - 30
Page Four

This document has been adopted for the sole purpose of enhancing communication and mutual cooperation between the State of Oregon and the tribal governments and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or responsibility, substantive or procedural, enforceable by a party against the State of Oregon, its agencies or instrumentality's, its officers or employees, its subdivisions or any other persons.

Done at Salem, Oregon this 22 day of May 1996.




GOVERNOR

Attest.


SECRETARY OF STATE

STATE ADMINISTRATIVE AGENCIES

182.162

RELATIONSHIP OF STATE AGENCIES WITH INDIAN TRIBES**182.162 Definitions for ORS 182.162 to 182.168.** As used in ORS 182.162 to 182.168

(1) "State agency" has the meaning given that term in Oregon ORS 358.635.

(2) "Tribe" means a federally recognized Indian tribe in Oregon [2001 c. 177 §]

Note: 182.162 to 182.168 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See preface Oregon Revised Statutes for further explanation.

182.64 State agencies to develop and implement policy on relationship with tribes; cooperation with tribes. (1) A state agency shall develop and implement a policy that:

(a) Identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(b) Establishes a process to identify the programs of the state agency that affect tribes.

(c) Promotes communication between the state agency and tribes.

(d) Promotes positive government-to-government relations between the state and tribes.

(e) Establishes a method for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under this section.

(2) In the process of identifying and developing the programs of the state agency that affect tribes, a state agency shall include representatives designated by the tribes.

(3) A state agency shall make a reasonable effort to cooperate with tribes in the development and implementation of programs of the state agency that affect tribes, including the use of agreements authorized by ORS 190.110 [2001c.177 §2]

Note: See note under 182.162

182.166 Training of state agency managers and employees who communicate with tribes; annual meetings of representative of agencies and tribes; annual reports by state agencies. (1) at least once a

year, the Oregon Department of Administrative Services, in consultation with the Commission on Indian Services, shall provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes.

(2) Once a year, the Governor shall convene a meeting at which representatives of state agencies and tribes may work together to achieve mutual goals.

(3) No later than December 15 of every year, a state agency shall submit a report to the Governor and the Commission on Indian Services on the activities of the state agency under ORS 182.162 to 182.168. The report shall include:

(a) The policy the state agency adopted under ORS 182.164.

(b) The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(c) The process the state agency established to identify the programs of the state agency that affect tribes.

(d) The effort of the state agency to promote communication between the state agency and the tribes and government-to-government relations between the state and tribes.

(e) A description of the training required subsection (1) of this section.

(f) The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164. [2001 c. 177 §3]

Note: See note under 182.162.

182.168 No right of action created by ORS 182.162 to 182.168. Nothing in ORS 182.162 to 182.168 creates a right of action against a state agency or a right of review of an action of a state agency. [2001c. 177 §4]

Note: See note under 182.162

182.170 [1959 c.501 §7; repealed by 1959 c.501 §10]

182.180 [1959 c.501 §8; repealed by 1959 c.501 §10]

182.190 [1959 c.501 §9; repealed by 1959 c.501 §10]

182.200 [1959 c.501 §10. Repealed by 1959 c.601 §10]

Policy 2-95 Tribal Relations Policy

Effective Date: *November 1, 2002*

Applicability: *All full and part time employees, temporary employees and volunteers*

References:

(1) Purpose

This tribal relations policy is adopted pursuant to ORS 182.162 – 182.168, which requires state agencies to develop and implement tribal relations policies.

(2) General Policies and Principles

It is DOJ's policy to promote the principle stated in Executive Order No.96-30 that "[a]s sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties." DOJ interacts with tribes in differing roles: in its role as legal advisor to and representative of other state agencies; and in its role as independent administrator of certain DOJ programs. In all of its roles, it is DOJ's policy to promote positive government to government relations with the federally recognized tribes in Oregon ("tribes") by

- (a) Facilitating communication and understanding and appropriate dispute resolution among DOJ, other state agencies and those tribes;
- (b) Striving to prevent unnecessary conflict with tribes;
- (c) Interacting with tribes in a spirit of mutual respect;
- (d) Involving tribal representatives in the development and implementation of programs that affect them; and
- (e) Seeking to understand the varying tribal perspectives.

(3) Native American Affairs Coordinator

- (a) The state is best served through a coordinated approach to tribal issues. The Attorney General has designated a Native American Affairs Coordinator, who serves as the Department's key contact with tribal representatives.
- (b) Individuals in the Department who are working on a significant matter involving or affecting a tribe shall notify the Native American Affairs Coordinator.
- (c) The Native American Affairs Coordinator will develop with each Division Administrator an appropriate means for that Division to keep the Native American Affairs Coordinator regularly informed of the status of significant matters involving or affecting tribes.

(4) Dissemination of Tribal Relations Policy

- (a) Upon adoption, this policy shall be disseminated to members of the Department, and shall be incorporated into the DOJ Policy Manual. In addition, this policy and information regarding ORS 182.162 – 168 shall be included in new employee orientation, and on the Department's intranet.
 - (b) The Native American Affairs Coordinator will distribute an annual reminder regarding the policy.
-

State of Oregon
Department of Justice

(5) Training

- (a) The DOJ CLE Committee and Diversity Committees shall strive to incorporate topics regarding Indian law and culture in their agency training and CLE programs.
- (b) The Native American Affairs Coordinator will assist Divisions and sections in arranging training on specific topics relevant to the work of that particular division or section.
- (c) Appropriate DOJ representatives will attend annual training provided by the Department of Administrative Services pursuant to ORS 182.166(1).
- (d) DOJ attorneys who come into significant contact with tribes are encouraged to consider taking advantage of outside CLE opportunities on Indian law and culture.

(6) Guidelines for Advising and Representing other State Agencies

The Department of Justice is uniquely situated to aid implementation of ORS 182.162 – 182.168 through its contact with and advice to various state agencies. DOJ attorneys should promote other agencies' compliance with ORS 182.162 to 182.168 by means including:

- (a) Considering the represented agency's obligations under the statute in the course of advice and representation and
- (b) Striving to ensure involvement of the agency's tribal key contact in significant matters affecting or involving tribes.

(7) Identification of DOJ Programs Affecting Tribes

The Native American Affairs Coordinator will compile a list of DOJ programs that affect tribes, as well as the DOJ individuals responsible for implementing them, through the following process:

- (a) Division Administrators will provide to the Native American Affairs Coordinator a list of Division programs, noting those they believe affect tribes. The entire list will be shared with tribal representatives identified through Government to Government cluster groups, tribal attorneys known to the Department, the Indian Law Section of the Bar, the Native American Program of Oregon Legal Services, and tribal chairs.
- (b) Annually, the Native American Affairs Coordinator will update the list of DOJ programs that affect tribes, in consultation with Executive staff and tribal representatives.

(8) Guidelines for Independent DOJ Programs

- (a) Managers of programs identified as potentially affecting tribes shall adopt guidelines for cooperating with tribes in the development and implementation of those programs in consultation with the Native American Affairs Coordinator.
- (b) DOJ will invite tribal participation on Task Forces of interest to tribes.

Tribal Nations	County Service Area
Burns Paiute Tribe	Harney
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Coos, Douglas, Lane, Lincoln, and Curry
Confederated Tribes of Grand Ronde	Lincoln, Tillamook, Linn, Benton, Lane, Yamhill, Polk, Marion, Multnomah, Clackamas, and Washington
Confederated Tribes of Siletz Indians	Lincoln, Tillamook, Linn, Benton, Lane, Yamhill, Polk, Marion, Multnomah, Clackamas, and Washington
Confederated Tribes of Umatilla Indian Reservation	Umatilla
Confederated Tribes of Warm Springs Reservation	Jefferson, Wasco
Coquille Indian Tribe	Coos, Curry, Douglas, Jackson and Lane
Cow Creek Band of Umpqua Tribe of Indians	Douglas, Jackson, Josephine, Coos, Deschutes, Lane and Klamath
Klamath Tribes	Klamath

THE FAQs OF FAPA

A FAPA Restraining Order:

1. **Statute Number:** ORS 107.700 through 107.735
2. **Who may petition for an RO:** A person who has a “family/household” relationship with the Respondent. (The “family/household” definition is the same as in ORS 135.230)
3. **How:** A petitioner must file an affidavit with the court in the county where either the Petitioner or the Respondent resides (ORS 107.728)
4. **What does the Petitioner have to allege to get an RO:** (ORS 107.710(1))
 - a. There is a “family/household” relationship w/ the Respondent
 - b. “Abuse” has occurred (same definition as in ORS 135.230)
 - c. The “abuse” happened w/i 180 days of the request for the RO (w/ limited exceptions)
 - d. The Petitioner is in imminent danger of further abuse by the Respondent and Respondent represents a credible threat to the physical safety of the Petitioner or Petitioner’s child.
5. **Standard of Proof to RECEIVE RO:** Preponderance of the Evidence (ORS 107.710(2))
6. **Duration of RO:** One year (ORS 107.718(3)), but can be renewed
7. **Venue for filing RO violation:** *Contempt* proceedings on a violation of RO may be filed in the county that issued the RO or by the circuit court for the county in which the violation occurred (ORS 107.728)

Contempt Statute and Rules:

All FAPA violations are filed as contempt charges.

1. **Statute Numbers:** ORS 33.015 through 33.155
2. **“Contempt of Court”:** ORS 33.015(2)(d): “Disobedience of, resistance to or obstruction of the court’s authority, process, orders or judgments.”
3. **“Punitive Sanction”:** A sanction imposed to punish a past contempt of court
4. **“Procedure for imposition of punitive sanctions”:** ORS 33.065(1)
 - a. **Standard of Proof to impose a punitive sanction:** Beyond A Reasonable Doubt (ORS 33.065(9))
 - b. There is no right to a jury trial in a contempt proceeding, but the Respondent has all other constitutional and statutory protections, including the right to appointed counsel. (ORS 33.065(6))
5. **Statute of Limitation to file contempt charge:** Two years (ORS 33.135)

“Foreign” Restraining Orders:

1. Statute Numbers: ORS 24.105 through 24.175
2. “Foreign Restraining Order”: ORS 24.190: “Foreign Restraining Order” means a restraining order that is a foreign judgment as defined by ORS 24.105.
 - a. “Foreign Judgment” means any judgment, decree or order of a court of the United States or of any other court which is entitled to a full faith and credit in this state.
 - i. **TRIBAL PROTECTION ORDERS:** Are “Foreign Judgments”. 18 USC 2265(a) mandates that all qualifying tribal protection orders shall be given full faith and credit by this state and be enforced by the court and law enforcement personnel of this state as if it were an order of the State of Oregon. Tribal orders are to be treated the same as any foreign state protection order. Ex parte orders and final orders both qualify.
 - ii. **QUALIFYING TRIBAL PROTECTION ORDERS:** Under 18 USC 2265(b), as with foreign states, qualifying tribal orders require that the tribe have jurisdiction over the parties and matter under the law of the tribe; and that the tribe afford the respondent reasonable notice and opportunity to be heard in a manner sufficient to protect the person’s right to due process.
 - b. “Restraining Order” means an injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against another person; contact or communication with another person; or physical proximity to another person.
 - i. “Restraining Order” includes temporary and final orders.
 - ii. **Validity in Oregon:** Except as otherwise provided in ORS 24.190(2)(a)(b), immediately upon arrival in this state of a person protected by a foreign restraining order *is enforceable as an Oregon order* without the necessity of filing and continues to be enforceable as an Oregon order without any further action by the protected person.

Mandatory Arrest:

1. Statute Number: ORS 133.310
2. Mandatory Arrest on an Oregon Restraining Order: ORS 133.310(3): “A peace officer *shall* arrest and take into custody a person without a warrant when the peace officer has probable cause to believe that: There exists an order issued pursuant to ...ORS 107.716, 107, 718...and a true copy of the order and proof of service has been filed as required... and the person to be arrested has violated the terms of that order.”

3. Mandatory Arrest on a Foreign Restraining Order: ORS 133.310(4): “A peace officer *shall* arrest and take into custody a person without a warrant if the person protected by a foreign restraining order as defined in ORS 24.190 presents a copy of the foreign restraining order to the officer and represents to the officer that the order supplied is the most recent order in effect between the parties and the person restrained by the order has been personally served with a copy of the order or has actual notice of the order; and the officer has probable cause to believe that the person to be arrested has violated the terms of the order.”

Other:

1. Contempt adjudications are NOT convictions: State v. Reynolds, 239 Or App 313, 243 P3d 493 (2010): Defendant was found to be in contempt of a court order. A judgment reflected Defendant’s “conviction” for contempt. The Court of Appeals reversed. Contempt is not a “crime” therefore a finding of contempt is not a “conviction.” *See also, State v. Lam*, 176 Or App 149, 158 (2001): Contempt is not a crime, “rather, it’s a unique and inherent power of the court to ensure compliance with its orders.”