



Testimony of the Confederated Tribes of the Umatilla Indian Reservation
Senate Committee on Judiciary & Ballot Measure 110 Implementation
SB 183
March 8, 2021

Good morning Chair Prozanski, Vice Chair Thatcher and members of the committee. My name is Jill-Marie Gavin. I am an elected member of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation and have come here today to urge you to pass SB 183, with the -1 amendments, to better ensure the protection of tribal member victims of domestic violence.

As an Indigenous woman who is a survivor of domestic violence and sexual assault, this bill is personal. The protection of Indigenous women, on and off the reservation, is incredibly important to me as an elected official and is a priority for my tribe. I am here today to tell you why I think it should be important to all of you.

Since it was enacted in 1994, the federal Violence Against Women Act has required that domestic violence protection orders issued in one jurisdiction be recognized and enforced in other jurisdictions as if it were their own order. The effective enforcement of protection orders between jurisdictions is vital to victim safety. This is especially true of domestic violence protection orders issued by tribal jurisdictions and the enforcement of those orders by states.

In 2012 the Confederated Tribes of the Umatilla Indian Reservation enacted a comprehensive domestic violence protection order process. This process is more simplified than the State of Oregon protection order process and allows for the issuance of three kinds of protection orders. There is an automatic protection order issued when a person is arrested for a domestic violence crime and given to a defendant before they are released from jail. There is an emergency protection order issued when a person proves to the court that they are in immediate danger of domestic abuse. And then there is a protection order issued in non-emergency situations.

The process enacted by the Confederated Tribes takes great strides in removing the victim from having responsibility over the process once a petition is filed or a court order is issued. This is to ensure the safety of the victim and make it clear to the person subject to the order that once an order is issued it is the tribe that takes responsibility over the matter. For example, all of our orders state that only the court has the power to change the conditions of the order regardless of the consent of the protected person. This is to prevent a person subject to an order from claiming that even though they technically violated an order, the protected person consented to the violation – a common excuse used to defend against violations and place blame on victims.

Unfortunately, it took years of having to educate the State that though our protection orders do not look like those in the State of Oregon, and have different procedures and requirements, they are nonetheless entitled to full faith and credit under federal law. In fact, when the Tribe implemented VAWA 2013's enhanced tribal jurisdiction over non-Indian domestic violence, the United States Department of Justice's Office on Violence Against Women thoroughly reviewed, and approved, our protection order process before granting the Tribe early authority to exercise enhanced jurisdiction.

A major unanticipated obstacle the Tribe encountered after implementing its own protection order process was getting those orders recorded in criminal databases so that police officers would know of the order's existence when responding to an incident, whether on or off reservation. The process the Tribe sought to use was simply to have the tribal Court or tribal police department send a copy of the order to the County Sheriff for entry into the state criminal database system. Again, the focus was in taking the responsibility out of the hands of the victim to better ensure their protection against future violence.

However, the State of Oregon's foreign protection order statute is worded in such a way that the State has interpreted it as requiring the victim to record a protection order with the county sheriff. This was unacceptable to us as we believe it endangers victims – perpetrators would know the reason an officer was aware of an order is because the victim recorded it and the perpetrator would blame the victim for their arrest and likely abuse them more.

SB 183, as amended, fixes this recording problem and better protects victims. It allows foreign courts and law enforcement agencies to submit their jurisdiction's protection orders to Oregon county sheriffs for entry into the Oregon criminal database system without placing the burden, and blame, on the victim. Our hope is that by doing this more tribal and other foreign protection orders will be entered into the Oregon criminal database system to ensure state officers are aware of protection orders that are in place. And that this, in turn, will make it more likely that the State will enforce valid foreign protection orders the same as if the order were an Oregon court issued order, as has been required by federal law for over 25 years. For these reasons the Confederated Tribes of the Umatilla Indian Reservation strongly urge you to pass this important piece of legislation.

Thank you for your time and consideration.