



House Committee on Judiciary, Oregon Legislative Assembly
Testimony of Woodrow Star, CTUIR Board of Trustees
SB 826 May 1, 2017

Chairman Barker and members of the committee, thank you for the opportunity to provide written testimony on this important bill. My name is Woodrow Star and I am an elected member of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation.

As Chairman of our Tribe's Law & Order Commission and as a retired Tribal Police Officer having served in several states. I can tell you it is critically important that communications between tribal domestic violence advocates and victims remain confidential. In 2015, Oregon passed an historic bill that provides legal protections for communications between victims and their state advocates. Unfortunately, Indian country was left out of that legislation. This bill will remedy that oversight.

At the Confederated Tribes of the Umatilla Indian Reservation we have a Family Violence Program. The program provides services to anyone seeking assistance within the Umatilla Indian Reservation community, regardless of whether or not they are citizens of federally recognized tribes. The program consists of professional advocates who provide critical services to victims of domestic violence and sexual assault. The success of the program depends in part on the assurance of confidentiality between victims and their advocates.

Without such assurances victims, would be reluctant to seek the help they need. Some may seek assistance from police to have their perpetrators prosecuted, but many others wish to avoid the criminal justice system and seek assistance in other ways. In either situation, without confidentiality, victims are less likely to disclose the true nature of their abuse for fear of humiliation, blame, rejection by those close to them, and many other reasons. Without full disclosure of the abuse, our advocates are less likely to be able to ensure effective safety planning and responses. Lack of confidentiality undermines the general trust and confidence victims need in their advocacy services.

Disclosure of confidences also endangers survivors. It can affect their health and re-traumatize them. It can impact their relationships among family and within their community. It can impact their employment and housing. It can even lead to further and more dangerous abuse if the information comes back around to the abuser.

Confidentiality is critical to victim's safety and survival.

While CTUIR law guarantees the confidentiality of communications between advocates and survivors, the tribe's laws do not extend to state court. Some of our cases end up in the state system. Unfortunately, due to the maze of jurisdiction created by Federal Indian law, crimes that occur on the reservation may have to be prosecuted in state court. This is particularly true where both the victim and perpetrator are non-Indian. These cases can, and do, include matters that our

advocates have been involved with. In these situations our advocates should not be able to be compelled to reveal their client's confidences.

The Family Violence Program also provides assistance to victims who reside off the reservation or who may change their residence over time between on-reservation and off-reservation communities. Even in the event of a domestic violence or sexual assault crime occurring off reservation, victims may seek assistance from our program. This is particularly true for tribal members residing in nearby off-reservation communities. In these situations our victim advocates should not be able to be compelled to testify in state court as to confidential communications they've had with their clients simply because the crime occurred off reservation.

Finally, our Family Violence Program is presently 100% funded by federal grants. You may recall when HB 3476 was before you in 2015 it was highlighted that many state recipients of federal domestic violence grants were required to keep their communications confidential. This is also true for the CTUIR Family Violence Program. Without this protection our advocates could be compelled to provide testimony or otherwise reveal confidences in violation of our federal grants and put the entire program in jeopardy.

I respectfully request that you pass this law and extend the same protections the State provides its advocates to tribal victim advocates. Thank you for your time and consideration of this matter.