

Thank you for joining us today. Our webinar will begin shortly. Located on the screen in front of you is the information on how to join the National Criminal Justice Training Center email list. Welcome everyone to the National Criminal Justice Training Center webinar in partnership with the Tribal Judicial Institute of the University of North Dakota, Introduction to Policy Development. This webinar is the first of a three-part series.

Presenting today's webinar is Michelle Rivard Parks. My name is Kevin Brennenstuhl. Before we begin the presentation, there's a few items I would like to go over. This project was supported by a grant awarded by the Office for Victims of Crime, OVC, Office of Justice Programs the US Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this webinar are those of the contributors and do not necessarily reflect the views of the Department of Justice.

And with that, let's try our first poll question of the day. This is a simple question to find out who's joining us today. The question is, which of the following best describes your role? The choices-- victim service provider, judge or attorney, law enforcement, CAC, social worker, mental health advocate, or other? As you can see, most of our participants are actually victim service providers. And we do have quite a few that are other. And we welcome you today.

I'm pleased to introduce you to our presenter, Michelle Rivard Parks. She's the Associate Director at the Tribal Judicial Institute at the University of North Dakota School of Law. She serves in many roles in promoting tribal justice. With that, I'm going to turn it over to Michelle.

Good afternoon, everyone, and welcome to today's webinar. It's a pleasure to have you join us today. And today, we are going to talk a little bit about policy development. And hopefully, we can get into a little bit of an introduction to policy development, distinguishing from policies and codes, et cetera.

So in terms of the goal of our overall project, we work towards emphasizing a victim-centered approach to support American Indian and Alaska Native tribal communities, as those communities are developing and implementing programs and services to address and meet the needs of crime victims, their families, and the communities. And we try to have the delivery of the training and technical assistance and the work that we do be both culturally appropriate and comprehensive.

For purposes of this project, we work with agencies who serve crime victims. And those folks might include individuals who have been neglected, abused, or folks who have experienced domestic violence, sexual assault, or other forms of violence. For purposes of today's webinar, I'd like to just note that we will be talking about introductions to policies. And for our learning objectives today, we hope to achieve some of the following

objectives.

We would like to describe the difference between codes, ordinances, policies, procedures, and protocols. From there, we will move in to a discussion on the importance of establishing a vision, mission, and purpose statement for your respective agency or program. Next, we will talk a little bit about how policies and procedures can promote consistency in services and ultimately improve outcomes that will support services to victims. Finally, we will identify some of the key items that you might want to consider including in your policies and procedures.

So let's talk a little bit about some of the key terminology. And actually, before we move into this discussion, I would just like to clarify for all of our attendees today that today is the first of what will be a three-part series of webinars. This series of webinars originated out of requests that had been received from a multitude of different grantees who were working with a variety of different victims. When we began the process of developing the webinar series, one of the things that we wanted to begin with was this introductory webinar.

And as we move forward with our discussions and we talk about policy, we will talk about policy that includes larger systemic-based information as well as those policies that might pertain to specific agency or program functions. So with that, let's move into a discussion on some of the key terminology that we will include in our discussion today.

As I had stated earlier, one of the things that we hope to achieve today is to come to an understanding on the differences between codes, policies, and procedures. So when we're speaking on the development of codes, we're really referring to those formal and legally enforceable rules.

These are typically going to be laws that will be enacted by legislative branches for tribal communities. That may be a tribal council, a tribal executive branch. And it will involve laws that regulate conduct, perhaps, establish prohibited conduct or identify, for our community, what type of behaviors will be acceptable or not acceptable.

It will also include provisions, our codes will include provisions, that speak to what will occur when prohibited or regulated conduct takes place in our community and what the enforcement process and remedies are. And these codes are typically going to be found in documented books, although, there may be numerous online mechanisms for maintaining our codes as well.

When we're speaking to policy, we're really speaking to formal statements of purpose and standards that apply to our agencies. Now, policies, oftentimes, are enacted to inform our agencies on what their purpose is. It may serve as an opportunity for us to educate personnel within our departments and to inform them a little bit about the larger system that they work within. And most importantly, policies are often put in place to help us implement the laws and codes that we have in our books.

These policies often will also reflect why an agency or program exists, what services those agencies might provide, to whom those agencies provide such services. And there may also be some information in there that will help to protect agency and program personnel as they perform their duties and responsibilities under both laws and policy.

Policies are typically going to be enforced by the agency. And just kind of going back in reference to codes, our codes are often going to be enforceable by attorneys or prosecutors and, oftentimes, in a court or a forum for justice or dispute resolution. In addition to policies, we will often hear reference to procedures and protocols. And sometimes we even hear all three of those words meshed together. But I'd like you to think about procedures and protocols as separate and distinct from your policies in that these are really some of the formal steps that can be taken by an agency or program to help effectuate or carry out law or code provisions as well as policy provisions.

Procedures and protocols can be very helpful to ensure that there are consistent responses on the part of agencies when providing services. And they also can provide important guidance for agency or program personnel on how they are to perform their jobs or roles within the agency, when they are to perform those functions, and they can also be important in designating or clarifying who is responsible for acting or carrying out various code or policy provisions.

Procedures and protocols may have legal implications. So when developing procedures or protocols, it is important to consider whether those procedures or protocols will be made openly available to the public and whether those might become an issue, for example, in litigation.

The best example I could give is that, if you have a formal agency protocol and a member of your personnel deviates from that protocol, and they are later called as a witness on the stand or in a court proceeding, they may be questioned as to whether or not they deviated from protocol and why. So just be aware that there could be legal implications associated with protocol. And be mindful of that when you are developing those.

Now, another term that we wanted to reference at the onset of today's webinar is the term, victim-centered. As we're developing our codes, our policies, and our procedures, especially in those areas where we are working with victims of crime, it is important that our codes, policies, procedures, and protocols reflect a victim-centered approach.

And what we really mean by this is that there is a systemic focus on the needs and concerns of the victims. In other words, while we are carrying out our roles and responsibilities as advocates, as law enforcement providers, as prosecutors, we are constantly being mindful of the needs and concerns of the victims, and we are factoring that in to the process and the policies that we are developing.

The goal of a victim-centered approach is really going to be to ensure that, as we deliver services through our justice systems and through our respective agencies, that we are doing so in a compassionate manner and in a manner that empowers and does not further cause trauma or harm to the victims. OK, I'd like to talk a little bit about vision, mission, and purpose as we move into our discussion, our further discussion about policy.

It is really important that, when an agency is considering development of policies and procedures, that there be some initial thought given to the long-term vision of the agency, perhaps the role of that agency in a long-term vision for the justice system and the community. It's also important to give some thought to your particular mission as an agency or program. And the purpose within which you are functioning, what is the purpose for your agency? And what contributions does your agency make both to systemic responses as well as to the victims that we are here to serve?

And with that, we have another poll question. Question is, does your tribe or organization have a formal documented vision and mission statement? Three answers-- yes, no, or I'm not sure. 86% of participants do have formal documented vision and mission statement.

OK, that's great news. That shows that I think your programs and policies-- your programs and agencies have been putting some deeper thought into where it is that you would like to see your program going in both the short and long term as well as giving some thought to what role your program, perhaps, plays in your larger justice system.

So although we have a large number of you that are reporting that you do have a vision and mission statement, we do have some folks that have indicated that they do not have that. So I'd like to discuss a little bit about a vision and mission and how those might differ.

And for those of you who already have one, perhaps revisiting that vision and mission periodically is helpful. Because we do know that the needs of our victims, the needs of our communities, are constantly changing and evolving. And so it is a good idea for us to occasionally take a look back at some of these things and see if we need to update or amend.

So when we're speaking of our vision statement, we're really referring to the long-term view of where you want to be. And that can mean where you feel you want your community to be. It can refer to where you want your program to be. And it can include reference to the people that you serve. Where do you want to be in terms of an agency in a community for those individuals?

Usually, your vision statements are going to include an expression of hope and optimism about the future. And, you know, as I stated, these are really long-term views. And by long term, they may include a statement that can

be achieved in a lifetime. And they may be something that we strive towards, but we never achieve in a full lifetime. An interesting discussion that we had in another forum about vision statement, you know these vision statements can be as complex or comprehensive as you want them to be, or they can be as simple as you want them to be.

So a vision might say that, our vision is for a safe and healthy community. That could be a vision statement in its entirety, or that could be a partial vision statement that encompasses your community. If you wanted to include a vision statement that addressed both the community and your program, and let's say that you are a victim advocacy program, you might say that our vision is to foster a healthy and safe community through the provision of culturally appropriate victim-centered direct services. That might be an example, kind of more comprehensive vision statement.

Your mission statement is a little bit more concrete in that it will inform the reader or inform your personnel or those who would like to learn more about your program in that it tells those folks who you are. It will inform them on what your values are. It will tell a story of who you serve and why you serve that particular group of people. And it will also inform on how you plan to serve them.

So your mission statement might be that, we are a victim advocacy program that emphasizes a victim-centered approach to serve child victims of crime to ensure healthier future generations. And you might include something on how you plan to serve them through consistent and culturally relevant programming. Sorry. I'm just kind of walking through what something like a mission statement might look like. But I think you get the idea that your vision is really kind of that larger vantage point, that larger view of the forest, if you will.

And that mission is really more of the vantage point of looking at the individual trees. Or you can look at it as a painting. And you see the painting on the wall, and you get that full picture, which is really kind of your vision. But what are all the different paint colors and brush strokes that are going into accomplishing that vision. And that really speaks to your mission.

As you embark upon the development of policy and procedures, it is really a good idea for you to have some clarity on that vision and mission for your program and to have that reflected into your policies and procedures. But as you're reflecting, it's also important that you ask yourself, why are we developing this policy? Why is it that we need a policy? Do we need a policy, for example, to train or orient our new agency or program personnel so that they understand their roles and responsibilities?

Is the policy important? Or are we moving forward with this to help the agency implement a law that has been passed by our leadership? Are we perhaps moving forward with a policy to reinforce interagency collaborations and to add clarity as to how our agency personnel and service providers will work with others? Do we want to

have inclusions that will help to inform our program personnel and others as to what our agency's role is in a larger justice system, for example?

So having that understanding and clarity as to why it is that you are developing a policy can really be helpful to your team in moving forward with developing effective policies. And it can also be very helpful to ensure that you avoid gaps in your policies and that you are able to effectively implement policies.

So in terms of policy alignment, for folks that are considering developing or amending policies, it's not only important that you consider and incorporate vision and mission and that you understand the purpose for the policy you're developing, but it's also important that the policies you're creating align with existing and applicable laws.

Now, those existing and applicable laws might be tribal laws in some jurisdiction if they are applicable. They might be state laws. Or they might be federal laws. It could also be that it is a combination of two or three of those. There are some agencies that work across jurisdictional lines. And if that's the case, it's really important that the policies you're developing reflect and align with the laws that apply within your community and to your agencies and the individuals and people that you're serving.

Your policy should also align with community values, standards, and norms. Another way to put this is that the policy that you're developing doesn't conflict with generally acceptable standards of behavior, for example, in your community, that it maybe aligns with how you view the individuals that you're serving.

They should also reflect the existing resources and services in your community. And I think this goes to both code development as well as policy development. And it also, I think, demonstrates the reason why just cutting and pasting codes or laws or policies from other jurisdictions is not always the best practice.

Because each community is going to have different resources and services that are available in terms of their justice system and working with court-involved individuals and also resources and services that might be available to victims, and so it's really important that, when you're developing codes and you're developing policies, that you're mindful of what resources and services exist in your community and that your policies reflect how you will connect those victims or the people that you serve to those resources and services.

You also want to make sure that your policies do not conflict with applicable federal law. You know you don't want to have your policy deemed to be null and void or open up your program or personnel to liability issues or perhaps jeopardize funding and things of that nature. So being aware of what some of the federal laws are that apply to your agency and program and based on the nature of services you provide is also important to those folks who will be working on policy development for your agency.

And lastly, with your policy alignment, we have this highlighted for a very important reason. When developing policies in a victim-centered manner, it's really, really important that, at each stage of your policy development and as you discuss what will be the purpose of your policy and what you will include in your policy, that, at the forefront of that discussion, you're always asking, how will this policy impact victims? Will this policy or this provision support victims? Does it prevent further trauma to the victims? Is it helpful to victims?

So making sure that your policies are victim-centered and that you're very mindful of the needs of victims when you're developing your policy is really important to having effective agency and program policies that will help you meet the needs of the people that you are serving, whether those be child victims or whether those be adult victims. And I think that too is important, knowing your target audience, right? Who is it that you serve?

You should have identified some of that in your earlier mission statement. And that should also help you as you're moving through your policy alignment and understanding your target audience, your service or client base. And knowing whether there are specific laws that might apply to that particular group is going to be very important.

So in this way, it is important that I think that we understand that our codes, our policies, and our protocols all feed together or combine to evolve into what is a systemic response. And by a systemic response, we're talking about a justice system responds that will meet and serve the needs of the victims.

In this regard, it's, again, really important that we have that alignment of our policies, our codes, and our protocols with the needs of our service or clientele base. It is also important that we not have those conflicts and that, as we're developing each one of these, we are very mindful of the needs of the victims. And if we are mindful of the needs of victims when we're developing code, when we're developing those policies and protocols that help us implement codes, we will ultimately end up with a systemic response that is, in fact, victim centered.

And with that, we have another poll question. What do you believe is the most important role of policies? Provide direction for people and programs, support delivery of services for victims, ensure compliance with laws and regulations, all are equally important, I'm not sure that's why I'm here. So from our results, we can see that all are equally important-- providing direction, support, ensuring compliance with laws and regulations, overwhelmingly, all are important. Thanks for participating.

OK, great. I think we have a good group of people on today's webinar and folks that really have a good understanding, not only of the role that policy might play, but the importance of policy in our agencies. But I want to take a minute just to kind of regroup and to talk about that a little bit. Why is it that agency or program policies are important?

Well, one of the reasons is, of course, that it can provide overall direction for program and program personnel.

And for many of us that have been working in these arenas for long periods of time, we know that program personnel, there is turnover that happens. And we are constantly seeing new individuals and new people coming into the service industry. And it's really important that we have some tools to help orient them and give them understanding of their role within the larger system and their role within the program.

So having policies can be a really strong and good tool for orienting new people to the program as well as promoting an understanding of the overall direction for the program. Also true is that agency policies can help us to provide a roadmap that will walk through the day-to-day operations. And this is another area that is really, I think, very helpful to program personnel in that it can help us to be informed on what it is that we're supposed to be doing on a day-to-day basis. But I think also, equally true, is that it helps us to know what we're not supposed to be doing to some degree, right?

For some of our agencies and programs, we have limited funding. We have a limited scope on what our funding allows us to do and doesn't allow us to do. And that's not always easy to explain to the individuals that we're working with or that we're working for. So policies can really help to reinforce what the scope of services for your agency is as well as those day-to-day operations.

The other thing that your agency policies can do is to help ensure compliance with applicable laws and regulations that have been established by legislators. This is particularly true I think when we are working with victims and especially for areas of the law where we might have victims' rights or we may have laws and codes that reflect a coordinated community response.

It's really important that our agency policies and procedures also then reflect what our role might be in servicing particular groups of victims as well as maybe what our role is in forums like multidisciplinary teams or other coordinated community response forums.

So that policy and procedure is helpful not only to helping us understand how we function internally as an agency, but also how our agency relates to others who are also providing services and work for victims in our community. Very important, I think, also is that agency-- these agency and program policies are important to the fair and equitable delivery of services. And it's very important to a victim-centered approach.

When people have been victimized or are victims of crime, one of the things that may make them reluctant to coming forward and disclosing what has happened to them is that they fear that they will not be treated fairly or equitably. And so having policies that are adhered to and followed by agency and program personnel is an important way to achieve that consistency in services and to diminish some of those negative perceptions or concerns that might exist from the perspective of the victim and the larger community. I think that's also very important.

So agency policies then are going to provide guidance to personnel to understand their role and responsibilities. It will help them to make decisions as they're performing their roles and responsibilities. It will help them to work with other agencies. And I do think also, it will provide a measure of protection for your agency and program personnel because it does add that clarity to what their roles and responsibilities are and are not.

So when you're looking at developing policies, or maybe you're looking at revisiting some of the policies that you already have in place, there are some key inclusions that you might want to look at and see if these are reflected in what you have or make sure that these are reflected in the policies that you are newly developing.

The first is, of course, to make sure that your vision and mission statement is reflected early on in your policies because that really does set the tone for the reader and is informative to the reader of what direction you are trying to go as an agency or program, who you are serving, and what your ultimate goal is.

Also important is to clarify or include sections in your policies that speak to the roles and responsibilities of key personnel and stakeholders within your agency or program. Again, this section can be very helpful to orienting new staff, and it can also be very helpful and informative to those who are trying to understand what your agency does and what functions the various sections or components or people within your program play. Also important to include are procedures and protocols that can be followed by key personnel and stakeholders as they fulfill or perform their jobs.

So one of the things that you might want to have reflected in procedure or protocol would be, for example, an initial intake or case review and assessment process. That might include some steps that could be taken by personnel when conducting an intake, so it will clarify the intake process. It might also include some tools or resources or forms that can be utilized or should be utilized to collect and record information during that initial intake review and assessment process.

Also important is to refer or include references to the investigative process. If investigation is a part of your agency's responsibility, then you want to clarify what that investigation looks like and what some of those steps might include.

If your agency is not directly responsible for investigation of certain crimes or relevant to maybe the needs of victims, then you might want to specify the agency or collaborative working partner that is responsible, just as long as you have something in your protocols to investigate or to refer to when an investigation might be warranted, under what circumstances, and to clarify which agency is responsible for that, whether that's your agency or an outside agency.

Also, if there is a referral process for referring something for investigation, that would also be important. A good example, I think, just to try to clear that piece up a little bit too is, when we're working, in particular with child victims, a lot of our laws or codes now include mandatory reporting. And so what does that look like?

If you have program personnel, for example, that are working with children, and there is some information disclosed that might be subject to mandatory reporting, what direction can you give your agency personnel on their role as a mandatory reporter, the laws applicable to them as a mandatory reporter, and the process for them making referrals as a mandatory reporter?

That would be one example of what we mean by that section. And of course, if you're working with adult victims, that mandatory reporting may or may not come into play. Although, we have started to see some tribal jurisdictions start to include mandatory reporting provisions for elders or for crimes against elders. So just be aware that those types of things may come into play with specific target audiences.

Procedures and protocols that you include might also include direction on how to communicate with other agencies and how to share information. What information can be shared, and what cannot be shared? You might also want to give some guidance to your program personnel on the record maintenance piece. How are they to record their communications and their services that are being provided, for example, to ensure that you have proper records? And some of that may be dictated by your funding streams. You may be required to maintain certain information.

And other information you may not want to include in formal case files if you have concerns over discovery and litigation issues that could stem from that. But the important thing is that you give some consideration as to how your agency will maintain records as part of your services. Also, very important to a lot of the work that we're doing as agencies who are working with victims is to give some thought and to address within your policies confidentiality for program personnel and information sharing.

And particularly with disclosures that are made by victims, what type of information will be subject to confidentiality? What information can be shared amongst other service providers? And under what circumstances can that information be shared or not be shared? Also, considering whether or not there might be confidentiality laws that are going to apply-- so take a look at your tribal code.

Are there things like privileged communications that might be protected under the law for, let's say, advocates and victims that they're working with? You want to make sure that you're including that type of information within the policies that you're developing. And so again, you have to be mindful of the applicable tribal, federal, and in some instances, state laws or regulations that might be applicable and that you want to make sure that you reaffirm or that those are reflected through the policies which provide guidance to your service providers.

Also, in your policies, when you are moving forward and you're considering developing policies, think about any of those interagency collaborations, and go back to how your agency or program works within the larger justice system. And then maybe give some guidance in your policies if you are part of a multidisciplinary team. For example, you may want to reference that in your policies and procedures. Maybe even describe a little bit of the history of your program with that multidisciplinary team.

Are you part of a coordinated community response, and what does that look like? What is your role within that? Do you have unique relationships that are reaffirmed through memorandums of agreement or memorandums of understanding with other disciplines or perhaps with other jurisdictions that are performing a similar service to you? So just making sure that you have some sections within your policies that reflect that overall interagency or multidisciplinary, multijurisdictional collaborative section.

So when we talk about the importance of procedures and protocols and why these are important-- and this kind of gets back to the earlier poll question that many of you were so sharp and responding to. And many of you are exactly correct. They're important for many reasons. They do promote that consistency in services.

They are very helpful to the orientation of new personnel. They are also very helpful to reaffirming and clarifying the role of agencies within larger collaborations. And those could be interagency or multijurisdictional collaborations. And they're very important to making sure that the services we are providing are being done in a way that is victim-centered.

OK, so in addition to some of those policy considerations, let's talk a little bit about some of the procedure or protocol considerations.

Before we get into that, we have our final poll question. How do you believe policies could help within your organization? Choose all that you feel apply. Promote consistency in delivering services, clarify roles and responsibilities, support interagency collaboration, I'm not sure policies would help my organization-- again, choosing all that you feel apply. We're seeing that most all participants are saying that promoting consistency in delivering services and clarifying roles and responsibilities are two of the main ways that it can help within your organization. Supporting interagency collaboration also received a lot of the vote.

OK, great. I'm glad to see that you all recognize the importance of policies and procedures. I've been at this work for quite some time. And I think that, in many of the communities that I have personally worked in, policy development is something that really has been ongoing for the last decade plus. We've spent a lot of time on code development. But I think policy development is something that we're really starting to value, and we're starting to see how important that is to maintaining services for victims in our community as well.

And so that, when people who really were helpful in the initial stages to developing victim services, when those folks retire or move on, that the services aren't just lost. The policies can go a long way into maintaining those services in the long term. OK, so when we are looking at the development of procedures and protocols, a few things that we want to make sure those procedures and protocols do is we want to make sure that they reduce further trauma to the victim.

So a good example of this would be that we don't want protocols that would require the victim to relive their experience over and over and over and over again. If there is a way, for example, that we can conduct a comprehensive interview at the onset of an investigation, and that information can be shared among disciplines who are, say, part of a multidisciplinary team where we have confidentiality agreements in place, those types of steps can really go a long way to reducing further trauma to the victim.

The other thing that we want to make sure is that our procedures and protocols reflect and reaffirm that, throughout our process of providing services or responding as a justice system, that we, at all times, want to make sure we have open communication with the victim and to make sure that they don't feel like-- a crime has occurred, that they have experienced the trauma of that, and that, as the system moves forward, they're kind of left out of the response. We don't want that to happen. So we want to make sure that we have open communication with the victim as these services are provided and as a case maybe moves through a justice systemic response.

We also want procedures and protocols that will clarify the roles and responsibilities of the agencies within that larger systemic response. So if we have a case, for example, that might be proceeding to a prosecution, do our domestic violence advocates, for example, have a role to play in working with the prosecutor's office? If we have a child victim advocate, does that child victim advocate have a role to play in working with law enforcement during investigation?

Do they have a role that they can play in communicating and working with the prosecution if there is a criminal prosecution? Do they have a role to play in informing the court in a child-deprivation matter for example? So our procedures and protocols, we want to make sure that they clarify what our roles and responsibilities are in each of those elements of a larger systemic response.

We also want to make sure that that collaborative piece is addressed because it really-- if we are really clear on how the agencies are going to work together, that can go a really long way in preventing information, evidence, and just an overall response from falling apart. And that's one of the biggest complaints that we've heard from victims about the justice system as a whole is that, if they've historically reported matters or issues, number one, they feel like they're re traumatized, or, number two they feel that nothing's been done.

And so, as an agency and as an agency that's part of a larger system, we want to minimize the likelihood that cases will fall through the cracks. And one of the ways we could do that is to improve and be clear on how we're going to collaborate. And that clarity can be something that is reflected and identified through our procedures and protocols.

When we're looking at some of these procedures and protocols, some of the key procedures might include distinguishing between criminal and civil responses. What is our role as an agency? Or what are the roles of our personnel within our agency if a case is proceeding through a criminal investigative and prosecution response process? And what might our role be in the civil process? Because those will, very likely, look very differently.

It's important and can be very helpful to have procedures and protocols that will inform your reader about the role of investigators in relation to a particular behavior. And that can differ also depending upon whether we are part of a criminal systemic response or a civil systemic response. So in criminal responses, we're likely to have that law enforcement investigative piece. In civil, we might have child protective services conducting some of that initial investigation. It's really important to know which direction we're going and what types of cases we're involved with.

Also, again, that collaboration and partnership is important, kind of outlining the steps. And this can also be helpful, not only to informing your program personnel, but can be helpful in how your program personnel relates or relays information to victims so that victims know what to expect from your agency and from a larger systemic response. When it comes to prosecution-- and I realize that many of you on the call are probably developing policies and procedures for victim services agencies.

And if that's the case, I still want you to be aware of what the steps for prosecution involve because, again, a lot of times, our advocates and those that are working directly as service providers with victims are going to be helpful in informing the victim about what they can expect, what the various stages, for example, of a criminal trial might be.

If it's a civil case or we have a child deprivation case, what the steps might be included in that-- and so including that in your agency policies, procedures is going to be important to equip your personnel with the information they need to be able to effectively communicate and keep those lines of communication open with victims.

Also true in that regard is to have some procedures and protocols that speak to the victim services that are available through your respective agency. What is the particular group of people that you work with? Do you work with child victims, do you work with adult victims, do you work with elder victims? Is it all of the above? And then, also, how are you going to communicate with victims? And so what can victims expect as they work with your program? And then, what services does your program offer?

Because not all victim services agencies are going to offer the same types of services. Do you offer safety planning? Do you offer court advocacy services? Are there counseling or other types of services that you offer or that you can link victims to? So being clear in your procedures and protocols and maybe doing a little bit of mapping, if you will, of the type of services and eligibility for those services is very helpful.

When we're looking at criminal policy inclusions, it's also important that, when we include sections within our policy that are related to a criminal response, you might want to reference back to the tribe's or the community's jurisdictional authority to investigate and to prosecute. And a lot of times, you can find those statements in your tribal code. If you are a victim service agency and you're not familiar with those sections, a lot of times, a quick call to your court or to your prosecutor can help identify those for you.

When you are referencing some of the procedures and protocols that might apply when there is a systemic criminal response, it's also important that it's made clear what role your agency might have, if any, in that criminal response, particularly with respect to investigation. Maybe that is a working with law enforcement. It might be involving responding as an advocate to a crime scene.

It might include some of the safety planning and helping to inform some of the interview process and to educate those conducting those types of interviews on how to avoid further trauma to the victims. It might also include and outline, what the process will be followed, what process will be followed in your jurisdiction relevant to child victims or victims when they are going to be interviewed, those types of things.

So it might clarify what, if any, role your agency has to investigation and then, once a case has concluded investigation, what, if any, role or responsibility does your agency have as the case proceeds through adjudication? So once it goes over to the prosecution and it starts to go into the court, does your agency provide any services?

Or do you have a role to play, even if it's an information-sharing role so that the prosecutor, for example, can share information with you, and you can then pass that information along to the victim, whatever the case may be, but just clarifying what, if any, role you have in that response is important.

When we're looking at civil response inclusions, a lot of times we're talking about child protective services. We might also be in a domestic violence arena talking about things like orders of protection. So if your agency provides services in those types of arenas, you want to make sure that you referencing applicable laws and regulations and that you are also including or referencing those provisions of the law that might apply to confidentiality and information sharing.

When you are looking at incorporating provisions that relate to a civil response, whether you're working with child

victims or whether you're working with adult victims, it's also important that you reference whether there might be different jurisdictions that are sharing responsibility or have a responsibility to adjudicate the case. So sometimes these cases might proceed through a tribal court, sometimes a state court, sometimes a federal court, sometimes it's a combination of those.

So making sure that you have a procedure that will clarify which courts would have adjudicatory authority is important. Again, if you're not clear on that within your agency, a quick call to your prosecutors or your attorneys on your tribal attorney's office or your AG's office can oftentimes point you in the direction of the applicable law, whether that is-- whether you're serving child victims, so in a CPS type of case, or whether you might be working with adult victims. Those are going to be important.

I think we've kind of talked a little bit about this, making sure, too, that, in the civil response, if there are applicable coordinated community responses or multidisciplinary teams that your agency is a part of and what role do you play in that, whether there are any memorandums of agreement or understanding, those too should be referenced in your sections of your policies and procedures.

OK, I would like to take a few minutes before we conclude today's webinar to really focus in on and talk a little bit about the victims rights inclusions and information as well. So up to this point, we've talked a lot about some of the different terminology in terms of codes, policies, procedures, or protocols.

We've talked a little bit about a victim-centered approach. And then we've moved through part of our introductory discussion on policy development to highlight or outline, what are some of the key areas and things you would want to make sure your policies and procedures address?

So as we move into a discussion on victims' rights, if you are an agency or a program that is providing services for victims, it's really important that your policies and procedures clarify what services are available, what the eligibility criteria might be for those services, how those services might be accessible or provided. So some services, for example, might be directly provided by an agency. In other instances, your role might be to link or refer a victim to a different agency, a collaborative agency, for provision of services.

So you want to be real clear in your policies and procedures about which services are going to be available for victims. You also want to-- again, I can't stress this enough-- make sure that, wherever you are including policies, procedures, and protocols, that you are aware of and considerate of confidentiality and how information-sharing is going to occur in a way that honors or respects or abides by applicable standards or laws regarding confidentiality for victims.

If you are an agency that is working with American Indian and Alaska Native children, it's very important also that

your program personnel are made aware of the applicable codes and policies that might recognize or affirm or establish legal rights for the children that you serve. Some of these rights might be found in federal law, and some of those rights might be found within your tribal or state codes, depending on where the case is being adjudicated.

If you are working on cases or you are looking for some of the federal laws that will prescribe legal rights for, particularly, American Indian and Alaska Native children, you might look at the Victims of Child Abuse Act as one of those federal laws that would delineate some of those rights. Some tribal codes also specify legal rights for children. So if you are a service provider that is working with this particular group in a tribal community, you would want to be familiar with the applicable tribal laws and codes. And you would want to make sure that your agency policies reflect an awareness and familiarity and reaffirm those rights.

When we're looking at the rights of victims-- and a lot of times here we might be looking at a larger array of crime victims, which could be adult victims and, in some instances, might also include child victims, you also want to be mindful of any codes, policies, or protocols that establish legal rights for that kind of larger group of victims that you might be working with. Some of these rights as well can be found in federal laws, and some of these rights can be found in tribal laws.

If you are looking at federal laws, the Federal Crime Victims Rights Act is a good example of a federal law that is going to establish and reinforce the rights of victims. Many different things are included in that Crime Victims Rights Act. But just off the top of my head, a few examples-- that particular law includes the right of an individual to be protected from the retaliation or actions of the accused.

It also affords some rights to timely notice of hearings and things of that nature. It clarifies that the crime victims have the right not to be excluded from the hearings involving the crime that has occurred and that they were the victim to. And there are some reasonable notice provisions and things of that-- so it's much more extensive than that, but that just gives you a few examples.

Also, many tribes have now been moving towards codifying victims' rights within their tribal law and order codes. So if you are part of a service agency that is working with victims in a tribal community, you would want to make sure that you're familiar with those crime victims rights. And if you are helping to develop agency policies and you're working with people in those communities, you want to make sure that your policies and procedures would reflect or at least give some form of reference to the applicable federal or tribal laws that might establish rights for victims in your jurisdiction.

Thanks, Michelle. Thanks for sharing your insight and your knowledge with us today. So we're going to move now into the question-and-answer portion of our webinar. Also, we're going to move ahead a slide and put Michelle's contact information up on the screen while we do this question and answer portion of the webinar.

The first question, how often, Michelle, do policies and procedures need to be reviewed and updated?

Oh, I think that's a good question. I think that, whenever we see changes in the law or we see new agencies and programs and service providers that are coming into and providing services within our system, whenever we have changes in how we're collaborating with other jurisdictions-- so maybe we have some new MOUs coming into play. I think, when you see things like that happening in your community, it's always a good idea to revisit your policies and procedures.

If you're not comfortable, with that free-flow thought and you want some concrete time, I would say that it never hurts to, at least annually, take a look at your policies and procedures, meet as an agency with your program personnel, and discuss whether or not the policies you've developed are meeting the current needs of your program personnel, are adding clarity and helping to achieve the purpose, or whether there are some things that you might want to update or amend.

And then, again, any time that they're legal or code changes that might impact the victims or the people that you're serving, it's always helpful to think about whether or not you need to amend your policies to reinforce those codes.

Great. So we have another question. If a tribe or an organization is establishing policies and procedures, what's the typical amount of time to set aside, usually one that's an acceptable amount of time to go to develop policies and procedures within this grant period?

That's a good question. One of the things that I always recommend is-- I am a really big fan of a team approach to code and policy development. So I think, really, one of the initial steps would be for any agency or program to identify a team of individuals who would have-- would be stakeholders. And those stakeholders might be people that would be impacted by the policy or people who will have to implement the policy and have a familiarity with the agency's services and the larger system that you work within.

Getting those people together can really help to, I think, expedite the process. It prevents it from just falling on the lap of an individual person to complete that which I think can take much longer. And it can also result in a much more comprehensive policy and procedure.

Realistically, I think it's realistic for some agencies to have policies under the team approach drafted and forwarded for enactment and implementation anywhere within three to six months if you're meeting maybe every other week and if you are also doing some time in task planning in between that period of time where your team members are actively engaging and working towards developing and drafting certain provisions within your

policies.

Great, thanks Michelle. We have another question. Who usually initiates procedures or protocols for an MDT? I guess they're hinting at which agencies maybe you should be involved?

Well, it depends on the MDT. From my experience, it depends on whether we're-- this is an MDT that's been established for the purposes of criminal prosecution or whether-- or advancing a prosecution or whether it's a multidisciplinary team that's been established for another purpose. Some of the MDTs that I have seen have been federally driven, and they are implemented with the notion of sharing information and working towards federal prosecutions. Others I've seen that are tribally driven.

So within an MDT, you've already got your team in place. So I think the first part of discussion is that can be the agenda item number one. So whoever drives or sets your MDT agendas, there could be a discussion on policy development. Do we need it? What roles can each of us play within the MDT towards developing those policies and procedures and then developing some task plans? So really, who's responsible is going to depend upon the types of policies and where the MDT is originating from, if it's tribally originating, federally, or some sort of a hybrid.

Excellent. We have another question. Michelle, you mentioned that there's a lot of good different reasons to have strong policies and procedures for an organization, especially like in terms of cross-training you mentioned a little bit. But we had a question that speaks to-- maybe there is a program that's very small with one or two staff. What is the impact you see with policies and procedures on such a small operation in victim services?

That's a great question. And I've actually worked with programs that are providing victims services with only a couple of program personnel. A couple of things-- number one, I think the benefit is it secures or formalizes the institutional knowledge that those individuals who created the program have.

Because like I have mentioned earlier, we have people who retire, who move on, take other opportunities for whatever reason. And you don't want all of that institutional knowledge and the work that they've done to leave entirely with them. I think that's often how we see programs and services fall apart or we have lapse in services.

So preservation of that institutional knowledge is really important. I think the other thing that policies can do, especially if you draft policies and then bring them before-- like let's say you're tribal council if you're affiliated with a tribal agency or program-- that can reaffirm and legitimize your program and the services you provide within the other justice system professionals as well as within the larger community.

And then, I think another thing that it can do is it can help us, as we develop policies, sometimes we-- it gives us clarity. It gives us clarity and in what we've been doing. And sometimes it also draws to our attention maybe things

that we haven't done so well and helps us to strategize on things that maybe we want to do a little bit better. So I would say that institutional knowledge piece, that legitimization within the larger community in the system is important. So I think those are really some of the major benefits to having a policy.

Great. We have one final question. Do policies or procedures need to be signed if it's being used similar to an MOU or MOA and maybe just making that distinction a little bit more clear.

OK, sure. So a Memorandum Of Agreement or Memorandum Of Understanding is usually going to be an interagency or multijurisdictional document that is used to clarify roles and responsibilities of different agencies and how they work with one another. MOUs and MOAs are not typically going to be used to establish an internal agency process or policy. So your policy is really your guiding document for your specific agency's function.

Now, whether or not those need to be signed off on is really a matter of probably your local process or local law. For some tribal communities, all agency policies have to be brought before their tribal leadership or tribal council and reviewed and approved before they become a formal policy. In other instances, though-- and those are usually if you're a governmental agency.

But in other instances, perhaps we have a nonprofit. And the nonprofit is wanting to formalize what their internal process is and provide that guidance. In those instances, you may not need to get those policies signed off on by a legislative branch, but you might need to take those before your operational board for review and approval. So you need to be familiar with what your policy process is depending on the nature and type of agency you are. And then that will dictate whether there's an approval process and what that looks like.

Great, thank you, again, Michelle. I just wanted to make one more comment. I know we had several questions come in asking about reviewing policies and having additional questions about policies and procedures after this presentation. I just want to mention that we do have TA providers that you should know and you can reach out to if you have further assistance that is required in this area. Just definitely reach out to them, and I know that one of those providers will provide assistance however they can.

So this is going to conclude our question and answer portion of the webinar. As a reminder, this is the first of a three-part series. If you're interested in additional training, feel free to visit our website, www.ncjtc.org for a listing of upcoming trainings and opportunities or to review our on-demand online training. Thanks for joining us today, and have a great day.