

NCJTC- Fox Valley | Policy Development Key Inclusions, Resources, And Implementation - Part 3-1

I just want to welcome everybody to the National Criminal Justice Training Center webinar, in partnership with the Tribal Judicial Institute at the University of North Dakota, policy development, key inclusions, resources and implementation. This webinar is a third of a three-part series. Presenting today's webinar is Michelle Rivard Parks. And my name is Kevin Poleyumptewa.

This project was supported by a grant awarded by the Office for Victims of Crime, Office of Justice Programs, 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. With that, let's try our first poll question. This is a simple question to find out who is joining us today. And the question is, which of the following best describes your role? And your choices are victim services provider, judge or attorney, law enforcement, CAC, social worker, mental health advocate, or other.

And as you can see, the results here. I'd like to welcome you again to the third of a three-part webinar series. I'm pleased to introduce you to our presenter, Michelle Rivard Parks. She is 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, Michelle, I'll turn the time over to you.

Thank you, Kevin. As we begin today's webinar, I just wanted to take a quick moment to review. As Kevin had mentioned earlier in the instructions and the introductory piece for today's webinar, this particular webinar today is the third in a three-part series. And essentially what we attempted to do or what we hope to achieve through this three-part series is to promote an understanding, and really what a stated purpose is for having victim-centered agency policies and procedures.

And to kind of overview the purpose for establishing policies and procedures, the role that policies and procedures can play within your agency, and the importance of policies and procedures within your victim services agencies, that discussion was addressed predominantly in webinar number one. In webinar number two, our focus was really on educating on an effective process that can be implemented in order to plan, and develop, and draft policies. So in webinar two, we really spent some time talking about the importance of stakeholder engagement, bringing together a team of individuals who might contribute to the development of policies and procedures for your agencies, how you might engage those individuals in the drafting of policies and procedures, et cetera.

So having now kind of laid a foundation for and to get us all on the same page as to what the purpose of policies and procedures are, how we might approach the policy and procedure development process, what we wanted to spend some time on today was providing some information to you that might help to at least provide an introductory level discussion on some of the key policy inclusions that you might want to incorporate into your

policies and procedures. We want to take a couple of minutes to talk about some of the available resources that are out there that can support you as you're developing policies and procedures. And also, we wanted to take a little time today to talk about implementation and community engagement. So that's what we planned to discuss in today's webinar.

And with that in mind, again, some of our learning objectives for today. We will identify some of the key inclusions. We will talk about kind of a template or some of the design elements that you might want to consider as you're developing your victim-centered policies and procedures. We will also talk about some of the strategies that you might want to employ as part of your policy development to maybe reduce some of the legal liability associated with your agency services and the provision of those services. We'll talk a little bit about what an implementation process might look like, the importance of community involvement and community engagement with your service agency. And then we'll also end with a short discussion on the evaluation of policies and procedures. So once you have an established policy and procedure, we'll talk a little bit about how you might approach future review and amendment of those policies.

So just to kind of refocus us again and get us started out in a good way and on the same page here, we wanted to kind of emphasize, again, what it is that we're trying to accomplish. And the kind of bigger picture here is to develop services and programs within our justice systems that really help to focus on the needs and concerns of victims. So it's really trying to foster that victim-centered approach to the provision of services as a part of our larger justice system. And our goal in really doing this is to try to achieve the compassionate delivery of services and to foster and ensure that victims' rights are being taken into account as our justice system moves forward in addressing actions of offenders.

We also need to be mindful that as we are developing victim centered agencies, policies, that there's a particular mindset that we want to take into account as we move forward with policy development to ensure that we are being victim-centered. And so the way that we can be victim-centered during our policy development process and to avoid, really, that inadvertent trauma that might occur to victims if they're not treated appropriately through the systemic process, is to really place at the crime victims priorities, needs, and interests at the center of the work that we are doing. You know, I think it's very easy for people to get caught up in what their job responsibilities are and what a process is. And sometimes in doing that, we can lose sight of the people that we're really there to serve. And that is the victims.

So we want to be mindful as we're developing policies and procedures that are really going to outline a process for our agency, we want to make sure that we are always mindful of the needs and priorities of the victim. We also want to make sure that we're providing services in a manner that is non-judgemental, that supports the self-determination and autonomy of the clients, keeping in mind that a lot of the victims that we're working with may

have been a victim of a crime that involves elements of power and control. And that has been removed from a lot of victims, especially those who have experienced violent crimes. And so it's really important that, through our policies and procedures, that we are developing our process in such a way that we're not causing that further trauma or taking away that autonomy or self-determination.

We also want to make sure that we are assisting victims to help them make informed decisions and choices. And so part of our role as service providers is really an educational role to provide information on what is available to victims in terms of services and to really help guide their decisions. We're not there to mandate choices for victims, but rather to support victims in making informed choices for themselves. We also want to make sure that we are taking into account victims feelings for safety and security, and keeping in mind that as we're providing services, the safety of victims moving forward is always going to be something that we need to be mindful of.

OK, so as we've kind of gotten ourselves onto the same page, to some degree, on why it is that policies and procedures are important to our agencies, how they can promote the consistent and comprehensive delivery of services in a manner that's victim-centered, now we want to talk a little bit about what some of the key inclusions in our actual written documents might be. We want to make sure that we're being comprehensive in the documents that we're developing, relevant to our policies and procedures. We want to make sure that our policies and procedures are user friendly, and that also they reflect that victim-centeredness that we've talked about. And we have another poll question, so I'll turn it back to Kevin.

All right. So our question here is which items topics listed below do you feel should be included in a policy and procedure manual or website? You have vision and mission statements, personnel roles and responsibilities, confidentiality, forms, and collaborative agreements. And here are the results in front of you. OK, Michelle, back to you.

OK. It was great that you all had clicked on a number of those different responses. Because I think you're exactly right that when we're looking at policy and procedure manuals, we want to make sure that we are being as comprehensive as possible. And so when we're trying to be aware of and be comprehensive, it's important that we look at who is going to be involved with the delivery of services from your agency, who your agency is, so describing a little bit more about your agency. We want to know a little bit about who it is that you serve, so who are your clients and the people that you work with. We also want to know a little bit about the what, so what your agency is seeking to accomplish. I think that can really help people to understand what your vision and mission is.

We also want to see in your policies and procedures the when. When is it that your agency is going to be able to get involved and to provide services? So are there particular circumstances that need to come into play in order for your agency to be able to become involved and work with an individual or their family? Are there specific

eligibility criteria that apply to your overarching services, or to independent services, or various types of services? Those are going to be things that you're going to want to include. And we're going to talk a little bit more about these as we move forward too.

We also want to make sure that our policies and procedures address the where, so where your agency is providing services. For those of us that have worked in Indian country or tribal communities, we're very well aware of the various jurisdictional issues that can arise in a systemic response, in particular with a justice system response. And sometimes those jurisdictional parameters can impact where we're able to provide services as well. So is there a geographical location, for example, that you are restricted to as an agency? If that is the case for you, then you would want to make sure that you're referencing that in your policies and procedures so that that's made clear.

You also want to make sure that your policies and procedures address the why. In other words, why is your agency providing services? And for those of you who've been with us for the prior two webinars, you'll recall that we had some discussions on purpose statements. We talked about vision and mission and then we talked about purpose statements. So if your team, if you have a policy development team, have they discussed the purpose for your agency? Do you have particular grant funds that support your agency, and do those dictate some of the purpose? So if they do, that is going to help to define the why of your agency. And those purpose statements need to be reflected in a comprehensive policy as well.

And lastly, and very importantly, is the how inclusion. And this really speaks to the how is your agency going to provide those services, and fulfill that purpose, and that vision and mission. And in your how sections of your policies and procedures is where you really get into the meat of the day-to-day operations, and how you're going to engage with your clients, how you're going to access and provide services, how you're going to make referrals for other service providers, and those types of issues. So a little bit more, let's talk a little bit more in depth, I guess, on some of these key inclusions. So you kind of get that big picture, right, of our policies and procedures, in order to be comprehensive, need to include that who, what, when, where, why, and how.

So how do we break that down even further into what might become a table of contents, for example. Well, you know, when we talked about that who, when we talk about that who you are, that's really something that's going to be reflected in the vision and mission statement for your organization or your agency. So your vision and mission statement is going to be important to include in a comprehensive policy. Also, you want to make sure that you include that purpose of your policy. You can include purpose statements for your agency as well as purpose statements for your policy. And when we talk about purpose statements for our policies, again, from webinars one and two in this series, we talked a little bit about why it is that policies and procedures can be helpful and important to us as service-based agencies.

Maybe the purpose is to promote consistency in services. Maybe the purpose is to ensure that your service agency is implementing a victim-centered approach to the delivery of services. You might have those kind of larger policy statements that align with your vision and mission. And if you do, be sure to include those in your policy and procedure because they can really help to explain to the reader who you are as an agency and what it is that your agency is seeking to accomplish. Next, you want to make sure that if there are any governing laws which might be found in your tribal codes. They might be found in some federal codes. If you are a state-based agency, they might be reflected in some state codes. So just having an understanding if there is a governing law that is going to apply to your program, to the services that your program provides, and/or to the clients that your agency your program serves, you would want to make sure that you have at least a governing law statement in there that reflects what types of laws that might be applicable to your agency.

And that can really help to define, kind of, that when pieces of your policy. It can feed into when your agency is able to provide services or not able to provide services. In that regard, too, I'd also add here, you might want to include a section on governing regulations. And sometimes those regulations might be tied to your funding streams or funding sources. And a lot of us know that have worked in the Tribal Justice programs, and particularly our service agencies, a lot of times there are grant dollars that come into play. And along with those come some regulations that may prohibit certain types of services or activities through our programs. And if that's the case for you, be sure that you have referenced that in some way in your policies and procedures.

Also, we want to make sure that we have a definitions section. And this definition section is really important. And I think, a lot of times, we forget to include a definition section in policies and procedures. But the reason that I feel it's important is because it can really help the reader to interpret and understand some of the policy provisions that are going to come later on in your policies. Also, I think the definitions are important from the orientation standpoint. In our earlier webinars, we've talked a little bit about how policies and procedures can be really important to what our next point is here, which is helping personnel to understand their roles and responsibilities.

And so a lot of times, it's used as an orientation tool for new personnel. And oftentimes, the people that are drafting policies and procedures, they have been doing this work for a really long period of time. And we have a tendency, those of us who've worked at this for a long time, to use acronyms. And they're really clear in our mind. Our terms are really clear in our mind because we've been doing this work for so long. But we have to understand that for people that are newly entering our field of service, they may not have that same background and understanding. So providing definitions for some of the key terms that you use throughout your policies, definitions for acronyms, definitions for terms like victim-centeredness, that is very important and can really help people to better understand the written policies that are to come.

Again, remember your personnel roles and responsibilities. Having a section that defines personnel roles and responsibilities, very important. And in achieving part of our goal, I think, with policies, which is to ensure not only comprehensive, but consistent delivery of services through our agencies. And then, finally, we also-- well, this is not finally. We're going to discuss more inclusions in the next slide. But for this slide, we also want to make sure that we address the scope of services that our agency is able to provide. And what we talk about scope of services, we also want to not only define what services we provide, but also establish a process for how an individual can access those services and how those services will be provided by the agency, kind of a step-by-step, if you will.

And this can be an important inclusion for a few reasons, in part because it helps to define the what and when of your agency, so what kinds of services you're able to provide and when you're able to provide those. That can kind of shield your service provider from becoming a dumping ground where people just refer individuals to you for anything and everything, irrespective of your mandate, irrespective of your funding. So it can really help to define what your role is as a service provider. And it can also provide a lot of clarity for your personnel and clientele regarding the services you provide and what they can expect in terms of the delivery of those services.

We also want to make sure that in our policies and procedures, we are including an intake process. If you're considering having an intake process, I think that's a good idea, especially for those of you who are grant funded, I think an intake process can really help you to track some of your grant activities. So that's really important. And then also a referral process, so if you have a client that comes to you, maybe they'll receive some services from you, but maybe they have needs that are beyond the scope of your agency but may be in line with another agency within your tribe or your community, do you have a referral process in place and what does that look like? You know, making sure that you have some of those key inclusions as well.

Also, making sure that you have at least some sort of reference and defined record maintenance and retention policy is important. This, too, is important for audit and grant purposes. But it's also important depending on the nature of the services that you're providing. Because if you are a provider that is serving clients, particularly victims, and you have concerns about confidentiality, how you go about maintaining your records is going to be very important. So to that end, as a part of your record maintenance and retention, you do want to make sure that you are addressing confidentiality and how your agency will handle confidential communications between your staff and the clients that come to you in seeking assistance.

Also, confidentiality of the records you maintain, it never hurts to have a statement in there as to how you will maintain your records and who would be authorized to have access to those records. Collaboration is another area that is important to include in your policies and procedures. So if your agency has any existing memorandums of agreement or memorandums of understanding with other agencies or other service providers,

it's always a good idea to reference those in your existing policies and procedures. If appropriate, you might even include the actual MOU or MOA. The only thing about that piece is if you actually include it as opposed to just referencing it, if there are later changes or amendments to the MOU or MOA, then you would also have to change your policies and procedures.

So as the best practice, if there are existing MOUs or MOAs, from my perspective, I guess, a best practice would be to reference those in your policies and procedures. And that way, if the MOUs or MOAs is changed or modified, amended, later on down the road, you wouldn't have to go in and change your policies and procedures. Also, making sure that if there are any forms that your agency uses, that you have those included so that if your staff needs to know what form are they talking about when they're saying that I'm supposed to do an intake form, for example. Make sure that any of those blank forms that your agency uses are incorporated into your policies. You can have a separate section that just speaks to forms where you put all the blank forms or you might include those in an appendix. That would be up to you. And your forms are likely to be something that will evolve and grow and change over the period of time that you're providing services.

And then lastly, making sure that you include some safety planning in your policies and procedures to add some direction for personnel. You know, I think it's really important that we consider the safety of the people that are working within our agencies. A lot of the times the individuals that we're working with have been victims of violent crimes. Their offenders may still be engaging with them. They may see some of the service providers as a threat to them in some way. And so we want to make sure that we're always addressing the safety needs and helping to guide our personnel through safety planning for themselves, and then also providing some directive to them if they are helping to develop safety plans for victims that they might be working with or serving.

OK, so when we're looking at some of those key inclusions, I think for a lot of us, we might be thinking, geez, instead of re-creating the wheel here, can't we just look at a template that might be out there to kind of help guide us or that we can kind of cut and paste from? I will say that there are templates that are out there that can be of assistance to you as you're developing your written policies and procedures. My suggestion is if you're going online and you're looking for examples, I would suggest that you look for examples within other tribal agencies, particularly tribal agencies that might be similar to yours in terms of the nature of services that you're providing.

Because if you're developing or looking at a policy from a larger urban setting, for example, that has a tremendous amount of resources or they conduct business in a way that doesn't align with how you do within your tribal agency and your tribal government, you may end up getting a little off track with your policy. So if you're looking for examples, I suggest looking to some of those other policies and procedures that are out there. Also, when we're looking at things like-- in the last slide I talked about record maintenance and confidentiality, keeping in mind, too, that sometimes our tribal laws are going to be different than what we might see in a state or federal

setting. And, of course, we're also going to see some variances from tribe to tribe.

And that can be important when we're looking or considering things like confidentiality or what is going to be considered to be privileged communication between an advocate and a victim, for example. There may be a state law that provides for privileged communication. You might want to look at your tribe. Does your tribe have a law in place that addresses those types of things? If the agency that you're looking at as an example, did they have that? So those are the kinds of things that you want to look at. And that's not to say that if you're in a little bit different situation-- I'll use the privileged example of a privileged communications example. Maybe your tribe doesn't have privileged communications referenced in your laws and another tribe does. That doesn't mean that you can't look to their examples of their agency policies.

You may, in fact, decide that that's something that you need to develop in your tribal laws or tribal codes. So just kind of looking at what your agency looks like, what you envision your agency services to look like, and then finding those who are similarly situated to provide examples is always helpful. A good point of reference on that, if you're a victim service provider, reaching out to some of those other victim services programs, if you're part of a coalition, for example, and asking other programs if they have policies and procedures and would they mind sharing those with you so you can take a look at what others are doing. That can be a helpful approach. And I've found that most people are willing to share.

I will say, again, as a cautionary note, though, if you're looking at other agency policies and procedures, don't simply cut and paste. You know, look at it, draw from those examples what will be helpful to you. But a simple cut and paste usually doesn't work out that well because it doesn't take into account, again, those tribal laws, the regulations that might be applicable to your agency. It also may not take into account some of the unique facets of your tribal community and your culture that might be appropriately included into your policies and procedures.

Another thing, when you're looking out at templates, if you're looking for templates, looking at a full policy and procedure can be helpful. But also, you might find that you're actually looking for templates and just certain components or parts of your policy and procedures. So looking for visual aids, such as charts or checklists, is a good idea and something that you might be able to incorporate into your policy, especially that section of the how of our policy and how we're defining kind of the day-to-day operations or how we're going to provide particular services, that checklist or that step-by-step approach can be really helpful.

I find checklists also can be really helpful for record maintenance and retention and helping to guide new personnel. So providing a checklist relevant to case file management, for example, so that you know your staff can go through and check, have we conducted an intake? Yes. Have we made a referral? Yes. Where did we make the referral to? Having that at the onset of a case file can be, really, a helpful tool, not only for consistency

across case files, but also if you have to go back and reference and look at a particular case file, it can provide a very useful summary of information for you.

Also, job descriptions, it's always helpful, I think, to include job descriptions. If you're looking to hire people, of course, you can find templates out there for job descriptions that might be useful in helping to define roles and responsibilities of agency personnel. But once people are hired into a position, also making sure that the job descriptions associated with that particular discipline or that particular position are included, it can be a helpful to go back to and use as a point of reference so that if you have a member of your staff that gets a little off track or maybe isn't doing some of the things that they're supposed to be doing in the delivery of your services, you can always reference them back to their job description. So there's a number of reasons you might want to include a job description in your policies and procedures. But again, one of the reasons is to provide direction to your personnel, another might be from a management perspective and accountability perspective.

Where you can find some of these templates that we're talking about. Because I said you can do a simple Google search, but that's likely to produce any number of different policies, procedures, visual aids. And it can be very daunting to approach things in that manner. So there are some subject matter specific publications that do include guidance for you. They include some checklists. They also include some charts and visual aids and are likely going to be more helpful to you in your particular policy development as victim service providers in tribal communities. And to access some of those subject matter specific publications, you can visit the OVC Tribal Training and Assistance web page. We've provided you the URL link here that you can link to. And you'll see when you go on to that page that there are a number of different publications that can help to inform you as you're moving forward in developing your policies and procedures.

And in addition to that, I will say that if you're looking for-- if you get into your policy development process and you're looking for something really specific, like a specific template, a specific chart, visual aid, you can always reach out to your tribal and training and technical assistance provider for your project. So for some of you that might be the National Criminal Justice Training Center at Fox Valley Technical College. And for others it might be Unified Solutions. So if you do have a specific need for something relevant to your policies, don't hesitate to reach out to those folks. And they're a really good resource in helping you to find those templates as well.

OK, so when we talked a little bit about what are some of the key inclusions and areas that we want to focus on to make sure we have a comprehensive policy and procedure. But we also want to talk a little bit about design elements. Because we don't want our policy and procedure just to become like a dumping ground where we just throw a bunch of information into a document and our personnel or those who are reading and reviewing our policies, like tribal leadership or attorneys, can't really make heads or tails of it. We want to make sure that we have some good, strong design elements. And this will really help to add clarity to your program and the process

that you employ as a program, the services you provide.

It will also help to make your policies and procedures much more user-friendly for the reader and for your staff in particular. So as you move forward and you get ready to start actually-- you've completed the assessment component of your community needs. You've talked a little bit about and develop maybe your vision and mission statement. And maybe you've talked a little bit about your purpose, things like that. And you're actually ready to put your hands to the keyboard and start writing your policies and procedures. So bringing that research that you've conducted together and into your written policies and procedures.

A few just kind of points I think that are important as you start to write. Number one, make sure that you have a clear title, that your purpose and the scope of your policies and procedures are made really clear. Also, I think a well-defined table of contents is very important. That table of contents can be very helpful to the reader. It can help your reader to navigate your policies and procedures easily to avoid them having to kind of read an entire 50-page document if they're just looking for one particular piece of information, on an intake process, for example, if you have a well-defined table of contents it will tell you, for intake process see page 21. And we can easily flip to that.

Also, with your table of contents, try to be logical and organized. I think that's also really helpful to the reader. That's why one of the things that I suggest is kind of looking at the bigger picture of the who, what, when, where, why, and how. That can really help you to organize your table of contents. So kind of starting off with letting the reader know who you are as an agency and what kind of services that it is that you provide is really helpful. Making sure, too, that after you've got your table of contents and you actually start writing the various sections of your policy and procedure, that you have a clear definition section. And again, as I stated earlier, that's really important to helping interpret and understand sections of policy.

And for some of you, when you start to look at the approval process for your policies, it could be that your policies have to go through a government approval process if you're a government agency. And so there may be layers of people within your tribal government that are going to have to read and understand your policies and procedures, and maybe even make a recommendation as to where they should be passed or edited. So the more clear that you can be in defining your various sections, as well as some of the acronyms and the terms, the easier it's going to be and the much more user-friendly document you will have.

And then also to that end, having clear and organized titles and sections within your policies that align with your table of contents is going to be really important. And it's going to help the reader to know that you've addressed everything within your table of contents and to be able to navigate and access those really quickly. So some of these design elements, I don't think we often talk about those or think about them. But they are really important if

you're trying to be both comprehensive and user-friendly as you develop your policies and procedures.

Some other considerations is if you are going to include anything in your policies and procedures or any sections in your policy and procedures where you're referring your personnel or the user to a website and you include the link, make sure that the links that you're included in, those URL links, that they're active. And you may have to periodically check that because there are, maybe, some periods of time where the-- maybe when you draft your policies, the links are active. But two or three years down the road, those links may become inactive. So making sure that your double checking any links that you include is important.

Also, having an approval reference, I think, is really important. And, you know, for myself, I found that I try to do this with any of the tribal code or tribal policy work that I've done over the years is in a footer or even somewhere in the document, itself, I include a reference line for an authorizing resolution or authorizing action by whomever the approving authority is for your policies and procedures. And as we talked about in the prior webinars, that approving body may be different for different agencies. So for example, if you are a nonprofit, you may have a board. If you have a board that has to review and approve your policies and procedures, you would want to have a reference in there referring to the date of the board's action or some sort of reference to the fact that this was approved by your board.

If you are an service provider that is kind of an agency of your tribal government, you would want to double check and see if your policies and procedures need to be approved by your tribal council, for example, or some other designated board of your tribal government. And if so, then what is the authorizing action of that board or of the council? For many councils, it might be an authorizing resolution. But I do like to include those. I think it's an important historical reference. And I think it also adds some validity to the policies and procedures and puts people on notice that these are official policies and procedures.

Also, including an approval and implementation date is important. And then later on, as we discuss revisions, if there are any revisions, any of those revision dates should also be referenced. And that lets the reader know, also, how long ago has it been since these were put in place and have things changed. These approval dates can be really helpful, for example, let's say that you had a policy and procedure that was passed in 2008 and it didn't contemplate some of the changes to something like the Violence Against Women Act. That might let you know that if I'm reading a policy of procedure from 2008 and I'm not seeing any references to something like special domestic violence criminal jurisdiction, it will be because those legislative changes happened after 2008, so they wouldn't be reflected. It might also put you, as an agency, on notice. Instead, it might be time to take another look at your policies and procedures.

Tracking comments and changes is also important for maintaining, I think, some level of integrity to the process.

The track changes can help to create that policy development history. It can help to identify authorship and who contributed to or worked on the policy, who had an opportunity to review and edit. It can also identify some of the issues or concerns that were considered during the policy development process. And by using track changes, you've captured some of that discussion. It can also be important to help let people know that if they've raised an issue or concern, that it's been addressed or taken into account. So really this track changes and track comments process, as you move forward with writing, your policies can be important.

So when you have a team approach, in particular, it would be common for writing to be a designated responsibility of one or more of the team members. And as those drafts of the document and those drafts of the policy are shared with the team, the team should have an opportunity to make comments and changes. If you just sit in a room and you don't document any of the discussion that is had about people's concerns or the issues, then when the people in that room are no longer working with the program or agency, all of that discussion and all of that history is now lost. So somebody who later down the road might look at the policies may question whether or not the policy developers even considered particular issues. So track changes, I think, is a good way to maintain integrity to the process and also maintain that important history.

OK, the next thing we want to move into is a little bit of a discussion on some of the strategies that you can consider including in your policies and procedures to reduce some of the liability concerns or issues that an agency might have. And we have another poll question.

Yes, we do, Michelle. And the question is, do you believe that having documented policies will eliminate liability risk? The options are yes, no, or I'm not sure. As you can see from the results, we have 57% of you answered yes. 21% percent answered no. And 21% answered I'm not sure. Back to you, Michelle.

Well, I think that was a kind of an interesting-- it's an interesting response. You know, I think it's a little tricky when we say eliminate liability because I think there's always going to be some measure of risk liability concerns and risks associated with the provision of services. But some of those liability concerns, I think it's important that we address those as much as we can through our policies. And so for example, there might be times when employee accountability or conduct is questioned. And that question could come from either a client that's receiving services or it could come from a management perspective. A good example is if an employee is accused of acting outside of the scope of their authority or the scope of the policy. Maybe allegations have been made that the personnel has not acted appropriately.

So when you're looking at those types of issues arising, policies can be very important for providing a context and framework for what employees can do, can't do, should do, shouldn't do. And they could really help individuals determine whether an employee has, in fact, acted appropriately, has acted within the context of their job duties

within the process that has been approved as the agency, et cetera. It can also help determine if there is a need for any type of corrective measures or sanctions to be taken on the part of management regarding the employee.

And on the flip side of that, though, not to just kind of come down on employees, the policies and procedures can also act as a shield to protect employees from, maybe, a dissatisfied client who has alleged that they've been treated inconsistently or unfairly. Or maybe they claim that there has been a breach of confidentiality. If our policies and procedures dictate the steps that are to be taken, are victim-centered, and address an issue like how we will handle confidential information, and if our employee has taken all of those steps, then we know that will serve as a shield to the employee. If they have not, then it might open some concerns for the employee. And in that regard, to the liability concerns, it not only minimizes liability concerns or addresses liability associated with employee and employee conduct, but also can help to minimize some agency liability.

Some other kind of things, I think policies and forms can also help to ensure that there is some consistency in how we are disseminating information. They can reduce the likelihood that clients are going to be misinformed and can provide a measure of protection to the agency. When we are also talking about some of the safety planning, we also want to make sure we're addressing things such as injuries in the workplace. You know, some of that might be addressed separately through a human resources policy and procedure. If so, then just have that, at least, incorporated by reference in your policy and procedure. But there might be other issues that are not contemplated by a general human resources manual and are relevant to how your agency provides services.

So for example, if you're providing for transportation needs or working with someone as part of safety planning or healing, do you have a policy and procedure to help guide your personnel through that? And if there are injuries that are sustained during the provision of that type of service, what should your employee do or how will that be managed? Again, that may involve some cross-referencing of looking at your policy and procedure as an agency and then any other policies and procedures that might also apply, such as a human resources policy. The one thing I will say about liability concerns is that risk mitigation is going to be ongoing. So there's always going to be a need for you, as an agency, to educate yourselves and your personnel on the rights and responsibilities of your personnel, as well as the clients that you serve, and to address those through amendments that may be necessary in your policies and procedures.

So it's unlikely that a policy and procedure is going to eliminate all liability concerns. But what we're really trying to do is to mitigate or reduce some of the liability risks that might be associated with the provision of our services and how we provide those services. So just note that that's going to be an ongoing process for most agencies. So when we're looking at mitigating some of those risks, making sure that we have policies and procedures that reflect best practices are going to be important.

So it may be necessary for you to continue or to have your employees stay up to date with some continuing education relevant to their particular field of practice to see if there's emerging issues or changes in how things should be done in various situations. Confidentiality, a lot of times, we see changes in that particular arena. So you want to make sure that people are constantly staying up to date and being educated, not only on the policies and procedures to sure ensure that they're properly implemented, but also being educated on some of the provisions within your policies and procedures to see if there are any new and emerging strategies that should be put into play.

And we want to make sure that a lot of this is being done, again, to try to mitigate risk and avoid accusations of negligence by either personnel or the agency as a whole. One of the other things I think that's really important in our policy and procedure development to consider with respect to risk mitigation is to consider including some provisions. And you may have to include multiple of these in multiple sections of your policies and procedures, but consider disclaimers. So in other words, a disclaimer might be something that reads, failure to adhere strictly to the policy and procedure will not constitute negligence as it is important that the safety of the victim is taken into account. And we approach the delivery of services in a case-by-case manner or that we're able to adjust on a case-by-case manner in order to ensure the safety of the victims or safety of our staff.

So looking at the different sections of your policy, always consider, do we need some sort of a disclaimer here? And again, the reason we want to do that is for those of you who might have been in a court setting, you might see some defense counsel say, hey, you guys have this policy and procedure and you've outlined these steps and how you're going to do things. But you didn't do it in this case, did you? And that can lead some people to think, geez, they didn't follow this and that's a bad thing. But disclaimers can help to kind of mitigate that any of that type of a concern. And it can help to send the message that while we strive to follow this process, there may be some instances where it's appropriate for us to deviate and here's why. And that can be really helpful to your employees as well.

So in that regard, also, then writing some of those safety nets and waivers is also important in procedures and in forms. You know, I mentioned confidentiality a few times throughout today's webinar. That's a good example. If you're not sure on whether you need permission to share information that has been shared with you by a client, for example, getting a consent form or getting a waiver is an easy way to mitigate those concerns and to avoid having to kind of wade through some gray areas. You also want to make sure that you're avoiding any discriminatory language within policies and procedures.

You know, you don't want things in your policies and procedures to be misinterpreted. And you want to make sure that any of the content within your policies and procedures are up to date and based on credible and reliable sources. Again, I'll bring you back to that kind of legal issue, you find yourself or your personnel find yourself in a

courtroom setting or on the stand and being asked about did they follow procedure. And if they answer yes and then somebody saying, well, wait a second, isn't the new best practice to follow a whole different procedure? You don't want to have your personnel or your agency be in that situation. So constantly going back and looking at the validity of content is going to be important.

OK, so now we've talked a little bit about what some of the key inclusions you would want to include within your policies and procedures. We've talked a little bit about some of the design elements to make sure that their user friendly. And we've talked about some of the ways that you might mitigate some of the liability or risks that might be associated with the sensitive nature of the services you provide. So next I want to just talk real quickly here about the importance of community engagement and strategies to implement your policies and procedures.

So when we're looking at an implementation process, it's important that we have at least some sort of involvement from the community so that the community understands a little bit more about who we are as a service provider, what types of services we provide. I think setting those kind of groundwork expectations for the community can be really helpful to avoiding stressors later on. It can also prevent the community from being resistant to some of the changes that may come about by the involvement of your agency as a service provider. And I think that community involvement is going to be an important part of the implementation process. And then also making sure that once you have the implementation, you've got the draft, and you've got some level of community understanding, that as you have new staff that come on board, that there is a particular way that you will use those policies and procedures to implement and orient staff so that they understand the expectations of their job, as well as how they provide services, and they have a really much better understanding of who you are as an agency.

The last thing in terms of implementation process is whether you plan to publish your policies and procedures and make them available, and how that will look. For many agencies, their policies and procedures might be published on their website, if you have those capabilities. For others, it might be that there is a hard copy available to those who request it. But at least when you're looking at implementing policies and procedures, giving some consideration to how you will make those available to the public or to clients is important to consider.

So on this issue of community engagement, it's also, I think, important-- because when people know what your agency is and able to do or not able to do, it's really helpful to you, as an agency, to set those expectations and minimize complaints that your agency may receive. So to that end, I think it's equally important that your policies and procedures clarify what services you offer and what you do not. It's also, I think, an important component of community engagement, wherever feasible and appropriate, to offer community members an opportunity to provide feedback.

That could be as a simple survey instrument that is circulated to the community. But it's helpful for you as an agency. It helps you to assess what's working, what's not working, and how you are engaging with clients, and engaging with the community. It can help you to identify areas where you might want to improve upon your services and make adjustments to policies and procedures. It's also important to engage the community, I think, from an education standpoint, in that with your policies and procedures at development and then also using policies and procedures as a means to help make the community more aware of victimization that's going on, and making them aware of the services that are available to victims and their families. It can be, really, an important component of fostering a healthier community where people are more willing to report crimes to cooperate with law enforcement and to access these really important victims services that are necessary for, not only accountability, but, importantly, for healing for victims.

And really, that's, again, where we want to make sure our focus is . Staying so that's going to be really important. A couple of things when you're soliciting community input or feedback, there's a number of ways that might be appropriate for various communities. For a lot of tribal communities participating in community forums, whether those be regular meetings of the tribal community, whether they be elders meetings, youth meetings, those types of forums can be a really helpful opportunity for our agencies to be able to dialogue with the community, and also can provide a good opportunity for you to put out survey instruments and to get feedback from the community about your program.

A couple of things, if you are using survey instrument instruments and you're asking people for feedback, consider being non-identifying, so not asking for people's name and address and things of that nature can be helpful in getting honest and thorough feedback, which is really what we're going for. It's not always helpful for us just to hear how great we're doing. It's nice, but not always the most helpful if we're trying to be proactive and improve our services. And then, also making sure that if you, as an agency, have a process or means to engage the victims or clients that you've served. And that may be you know that they complete an evaluation, that they're invited to participate in a confidential survey. There could be a number of ways that you might engage victims so that they can provide you feedback on what their experience was in working with your agency. And we have another poll question.

All right. This question here is, thinking about your community, which method do you believe is the best way to engage the community in providing feedback, that be through community meetings and forums, or website form, or survey form, or some other method. And as you can see from the results here, we have 46% of you answered it could be community meetings and forums. 24% feel that website forms are good. 27% responded survey form. And 2% responded some other method. All right, Michelle?

OK, great. And not overly surprising to me. I think that the community forums in that personal interaction and

engagement is something that, for many, is really helpful. OK, so lastly, I just want to take a few moments, we've talked a little bit about some of the key inclusions. And we've talked a little bit about what the structure might look like for your policies. We've talked a little bit about risk mitigation and community engagement. And so I just want to kind of end our webinar just talking a little bit about kind of the ongoing updating an amendment that should happen when we're looking at our policy and procedure development, and why it's important not to just draft a policy and procedure and then never to change it.

You know, we always want to be mindful of future changes, things that change under laws or, maybe, the services. I had mentioned that a lot of victim services agencies are, maybe, grant funded. And those grants might change periodically and over time. And if those grants change, so, too, might the services that an agency is able to provide. So it's really important that if we have a policy and procedure, we are reviewing it, periodically, to assess whether or not there have been changes to laws, the services, or the victim's needs in our community as well, and that if there have been future changes, we're willing to go back to the table and update and amend our policies so that we're adapting to those changes.

We also want to make sure that we're staying abreast of any new and emerging practices or best practices in our field. And if there are new and emerging practices, we want to make sure that we're incorporating those changes, as well, into our policies and procedures. And then also, any of the necessary amendments that might come as a result of some of that assessment or community input that we've received, what's working, what's not working? Making sure that we're always double checking some of those links and resources we're citing to see if they're current and viable for us to continue relying upon, all going to be important.

Some of the things that we want to make sure we're reviewing, again, it's those emerging practices, any legal codes or updates that are relevant to our agency, and any legal or relevant code updates that might relate to victims. And a good example there is, you know, it might be that when you develop your or agency policies and procedures, you don't have victims' rights legislation. Two years down the road, perhaps your tribe enacts victim rights legislation. That would be a great opportunity for you to go back and review your policies and procedures to see if your policies and procedures support the victims' rights law that's been put into place and that they reflect that law. That's going to be something that would be really important on an ongoing basis.

We also want to make sure that-- the really big question is always, to what if anything has changed and are those changes reflected in our policies and procedures? Has it has the group that we work with, our clientele, has that changed? Are there new service providers in our area that didn't exist before that we now work with? Are they reflected in our policy and procedure? Have there been any changes to the clientele that we're able to work with, changes to eligibility criteria, expanded services? Any changes to how we conduct our work? Are there updated MOUs or collaborative efforts that need to be reflected in our policies and procedures. And then, again, how we

work with clientele, has any of that changed?

So in that regard, revisiting your vision, your mission, and your purpose, reflecting upon your agency's role in the larger justice system, those applicable laws and regulations, the overall direct direction for your program and your program personnel, any changes to day-to-day operations, and then making sure that that's all reflected so that your personnel has a good and up to date understanding of their roles and responsibilities, and then also, I would add, if there's been any changes or need to change disclaimer language or risk mitigation is going to be something that you want to constantly stay abreast of and re-evaluate as well. So just to kind of end, if you are looking at some of these things and you're finding that there have been some changes and you need to approach review and amendments, how might you do that?

Well, one of the first steps that I would recommend would be that you re-engage your policy development team. If you don't have that same policy development team that worked on your initial policy or there are new stakeholders, you start the process over again, right? You engage those stakeholders again. You want to bring that group of people back together, identify any of those new services practice or laws, have them assist with drafting some of the necessary amendments to your policies, and then taking those policies through whatever approval and implementation process is applicable to you, depending upon whether you're a nonprofit or you're a governmental agency, for example. Those are all going to be really important steps I think to do this kind of ongoing evaluation process.

And I think in terms of timeliness, also important to consider, people might say, well, how often should I review? My suggestion is that you take a look at least annually at your policies and procedures to identify whether there might be a need to amend. But you also have to be ready and prepared to address policy changes that might be necessary if there are major or sweeping legal, or regulatory, or service based changes that occur within your agency. All right, I think we will move it back to Kevin.

All right, thanks Michelle for another excellent presentation and sharing your insight and knowledge with us today. We will now move into the question and answer portion of our webinar. Let us move to the next slide so Michelle's contact information is displayed while we do the question and answer portion of this webinar. OK, Michelle, we have one question here that asks, do we need to go out in the community to tell tribal members what is in our policies or should they remain internal documents for just staff? For example, do we need to educate the public on what qualifies a person as a victim or the limits on direct financial assistance?

Well, I mean some of the nuts and bolts of your policy and procedure, I mean, it certainly may be something that you want to maintain internally within your community. But I think there are ways to educate your community about some of the policy inclusions if you're not comfortable sharing the written document. On the examples that you

provided about who is going to be considered to be a victim or some of the financial issues associated with direct service provision, I would see no reason that you really can't share that openly with the community. I think that helps to manage the expectations of the community. And it also helps to educate the community on what it is that you are able to do.

The one thing about that, the financial piece to that, though, is that, of course, financial services may be dictated in large part by the source of your funding authority, which could change over time. So if you are including things like direct services in your policies and procedures, rather than referencing specifics on that, you might include in your policy and procedures that direct financial assistance for the purpose of emergency clothing can be provided as dictated by existing grant funds. You might have to be a little more general in your policy and procedure. But that would put your personnel on notice that they would have to then go look at whatever grant is supporting direct services at that time to see if this particular type of service can be provided. So if you keep your some of those provisions of your policies and procedures a little bit more general, you may be less reluctant to share those openly with the community.

We have another question here that asks, would you recommend reviewing the policy yearly or at some other time?

My recommendation would be at least an annual review. The other times though that you might have to do are conduct a review sooner than an on an annual basis would be if there were a significant changes to laws, regulations, or your funding. Those three things might dictate that you need to act more quickly than a random basis.

OK, we have another question here that asks, our MDT collaborated to write a new domestic violence code. However, our travel attorneys reviewed the document and made substantial changes that actually changed the meaning of a few things in the code. Any suggestions on how to push forward through situations like this?

Well, yeah, I think one of the best things to do in a situation like that would be to have the MDT team sit down with those legal reviewers to request an explanation as to why those changes to code were recommended. It could be that there were provisions in the draft code that maybe didn't align with existing federal law or didn't align with other provisions of tribal law or code. So I think the starting point in a situation like that when you have kind of conflicting ideals or notions on what should be included in a law is to first gain an understanding of each party's perspective. And also then sharing with those attorneys who have reviewed why you drafted something the way you did and find out if there is a middle ground or a workaround to some of those issues. Sometimes, when legal comes back with very specific changes, it could be that it's legally required. So you'd want to gain an understanding, an explanation of that.

All right, Michelle, I think we have just enough time for one more question and then we'll go ahead and wrap it up here. The last question here is, I wrote a policy that outlines our tribal victims' rights, my supervisor wants me to add language on the policy that details the consequences for failing to enforce the rights we have in the policy, do we typically add this type of language to policies?

Well, first of all, victims' rights are going to typically be found in law or code. So if there is a law that refers to victims' rights as a best practice, there also should be a law in place that speaks to enforcement of those victims' rights. If these are victims' rights that have been established just through policy, then it is a good idea to include a process for enforcement of the policy-based rights for your agency. In other words, you might want to include in there if a victim or client believes that they have been not treated consistently, who would they report that to? What would happen if they reported it to a director? Would there be a meeting? Would there be an internal review? What would be the process that would come into play if a report is made?

And I do think the important part of including that enforcement process or piece in there is if without it, it can be kind of a hollow right, that we've said that you have this right but we provided you no way to enforce it or report when you have been treated wrong or you think you've been treated wrongly. So at least having some process for responding to a complaint or an issue where someone's rights have been violated is important. But again, you want to make sure is this a policy driven right or is this a right that's found under a law or a code? And does that have a separate enforcement process? Because if it does, your policy needs to align with the law or the code.

All right, thanks Michelle for answering all those questions for us here. And this concludes the question and answer portion of our webinar. And if you're interested in additional training please visit www.ncjtc.org for a listing of upcoming training opportunities or to review our on demand online trainings. Thank you all for joining us today. And that wraps up our webinar for today. So stay safe and stay healthy. Thank you.