

NCJTC- Fox Valley | Sexual Assault Response Team (SART) Development in Tribal Communities

Welcome, everyone, to the National Criminal Justice Training Center webinar Sexual Assault Response Team Development in Tribal Communities. This webinar was developed in partnership with the Tribal Law and Policy Institute. Today's presenters are Bonnie Clairmont and Kelly Stoner from the Tribal Law and Policy Institute. My name is Kevin Brennenstuhl, and I'll be moderating for you today.

This project was supported by a grant awarded by the Office for Victims of Crime, Office of Justice Programs, US Department of Justice. 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. I'm pleased to introduce you now to our presenters, Bonnie Clairmont and Kelly Stoner from the Tribal Law and Policy Institute.

Bonnie Clairmont serves as a Victim Advocacy Specialist for TLPI. She's worked more than 25 years advocating for victims and survivors of sexual assault, battering, and child sexual abuse, particularly those from American Indian communities. Bonnie has provided leadership on various teams and conferences focused on sexual assault and exploitation.

Kelly Stoner serves as the Victim advocacy Legal Specialist for TLPI. She's taught many law classes and worked on various projects related to domestic violence and sexual assault cases. For eight years, Kelly served as a Judge for the Seminole Nation of Oklahoma and helped launch the Native Alliance Against Violence, which is Oklahoma's only tribal coalition against domestic violence, sexual assault, and stalking.

Now with that, Bonnie and Kelly, I'll turn the time over to you.

Thanks Kevin. And this is Kelly Stoner. Hi, to all of you folks out there on the webinar. Thank you for joining us today. I'll take the first slide here. So we're going over the learning objectives just to kind of refresh mine and Bonnie's memory, keep us on task today.

We're going to be, as we move through these slides, discussing the definition of a Sexual Assault Response Team and talking about what some of the benefits might be to your tribal community if you were to decide to develop a SART, or Sexual Assault Response Team. And then we'll move into some of the steps you might take if you're interested and feel your tribal community would benefit from a SART. And we also will be talking about the concept of collaboration between agencies, which is a huge issue in every community, and the multi-disciplinary team approach when developing the

protocols and policies your tribal community might use to address sexual assault.

We'll start with a few statistics. I'm sure those of you who are out there working in Indian country are well aware of these statistics. You see them on a variety of different publications. But let's just get ourselves sort of centered here about how big the issue of sexual assault is in Indian country. And we know that it's high. And as profound as these numbers are, most likely, it's even higher.

And we'll start with 56.1%, well over half of American Indian Alaskan native women have experienced sexual violence, including sexual assault. And well over half of them have experienced physical violence by an intimate partner. And an estimated quarter, or 24.5%, of those women also experience stalking during their lifetime.

So it's a huge issue. It's a huge battle that we have to move forward with to battle together. It's going to take multiple agencies to address the issue. And with that focus, we'll move to the next slide.

We'd like to start off with a question. What are some of the challenges facing your tribal community when you're addressing sexual assault in your tribal community? And if you could just type in some thoughts, some challenges that you're facing, you can list one, you can list a couple. And then we will get that information out to everybody, and Bonnie and I maybe will discuss that.

We had two comments that came directly to me. One is that there is not enough cooperation between agencies. And then there's also a comment here that people have to travel a long way for SANE exams. And if you wanted to touch upon either of those.

OK. Bonnie, do you want to address either one of those questions? And they, again, were a lack of cooperation between agencies. You want to just take them one at a time?

Sure. Hi, everyone. This is Bonnie Clairmont. Absolutely, these are two really common challenges that I've seen as I travel across Indian country doing trainings of SART-- tribal SARTs, in particular. The lack of cooperation between jurisdictions, the lack of sharing information, sharing data, even investigative information, so that if one jurisdiction isn't going to prosecute or charge the defendant, then they could share that investigative information with maybe their tribe. If the tribe wants to take it.

I've just seen such a lack of cooperation and collaboration. So, yes, definitely, there's issues there. And also, even intertribally sometimes there's even a lack of cooperation just between departments. Not knowing-- the left hand not knowing what the right hand is doing, and so forth. And just the lack of communication about that.

And, yes, there is-- still as much work as the Indian Health Service has done to provide more forensic exam sites, and also equipment, and getting more training for forensic examiners, there's still a lack of adequate facilities right in tribal communities where victims have to travel great distances. And this can be really difficult for a number of reasons. It's difficult already to be victimized in such a violent, brutal way. And then to have to drive a distance to get that examination.

And the examination itself is so invasive. So, yes, we still have a lot of work to do. And sometimes a SART can come together as a team and discuss these challenges and really work to find some solutions. If there's a clinic, or whatever, nearby where they can collaborate with that clinic to maybe develop a forensic exam site, that would be optimal.

We're also seeing other responses come in now. Victim fear of tribe's recourse, fear of confidentiality within the tribe, inability to prosecute non-native perpetrators when the abuser is within the family, or they don't necessarily want to "out" them. Either of you'd like to address just a few of those?

This is Bonnie. Yes, that-- it's really a common problem. And I've again seen those problems across Indian country. And I think-- I really believe in my heart of hearts that a SART can address any of these. And we have to also really be honest and real as far as these problems have been in existence for years.

So it's going to take a little bit of work on the part of a SART team to identify possible solutions. Because part of the problem is many solutions that could address these problems, whether it's a training issue, whether it's just the community not seeing the problem of sexual assault for what it is. So there needs to be maybe more community awareness. But the fear of confidentiality is a real one because victims have rights to confidentiality.

So they're-- those kind of policies need to be put in place. And sometimes a SART can help develop those policies and can establish MOAs or MOUs within the SART to adhere to those confidentiality rules and policies. And it really sends a message when a SART-- when a team is doing this to the community that these issues are really important. And victims have a right to be able to secure services and know that it's going to be held confidential.

And, yes, there is still-- the prosecution rates are very low yet. As much work that's been done in tribal communities, there's still a lot of cases that fall through the cracks because-- it could be attributed to many reasons, whether it's a lack of resources, a lack of good criminal investigators, or if we're looking at outside jurisdictions, they're not able to access evidence, the evidence get lost, all of these reasons.

And again, those are some of the things that a SART can address by protocol development so that investigation is-- and even just the whole response is more seamless. Because sometimes we lose victims in the process because they get frustrated. They don't hear from anyone about their case and the investigation, and they just sort of drop out. We have to have a victim in order to have a case, in order to prosecute. So it starts from right in the beginning, whatever door that victim enters into the system that if they get a good response and they're-- we stay in touch with those victims, and they're kept informed throughout the process, we're going to keep them at the table. And we're building a stronger case right from the beginning.

Thank you for that. And I think our last two, before we move on, comments or questions that were asked. Some of the challenges our tribe has with sexual assault is that there's just a lack of services, or no services, not enough resources in smaller rural areas. I know you touched upon that a little bit, Bonnie, but maybe you just want to give that just another minute or so.

Absolutely. As I travel across Indian country, there's still a lot of those really small remote communities where there's sexual assault happening there. And yet often, it's difficult for them to even file a police report and for law enforcement to get there in a timely fashion. So tribes are still very under-resourced.

And then if we're relying on other jurisdictions, it's hard to get an adequate response in a timely fashion. So a SART can address some of that, bring other jurisdictions to the table, and say, look, these are some problems that we're having, and we really need to figure out how we can work together to remedy these problems, whether it means to look at additional funding when it becomes available. Every so often we hear about local funding, or-- so that there can be a little more resources in those communities because our tribes are big. And some other communities are very isolated. They're very remote and lack the resources.

Great. Thank you. Yes, I think that's great. Thanks, Bonnie.

OK. So let's discuss-- and some of these you've already brought up during that great question and answer exchange there. Common challenges, when addressing sexual assault. We talked about the lack of communication and coordination and how a SART really does send that message, that we have a group of different people from different agencies that are willing to make this a focus in our tribal community. I do think that sends a very strong message.

Cooperation between the tribal jurisdictional authority, between tribal federal, tribal state, the role

that each agency would play in the sexual assault. We know, as you work, with different agencies, some become very territorial. Others will say, oh, we have policies and procedures. We can't do that. We can't do this.

It's sort of-- we're finding a workaround about that to do what's best for the victims of sexual assault in the community. Lack of offender accountability is the big one. You all have already brought that up. And really getting that prosecutor, the law enforcement piece into the SART to have an open dialogue about priorities and what they need to take some of these cases. What they feel they're lacking, and just sort of focusing on a uniform collaborative response to both domestic violence and sexual assault.

Again, that strong message that there's a group of different people from different agencies that are going to make this the focus. Victims don't trust the system. And that's true. The system, just quite honestly, has failed many of them.

And so again, seeing this group of people working to try and focus on how there will be this collaboration in addressing these issues goes a long way in the community. And word of mouth, believe me, goes very quickly in tribal communities. When we think about confidentiality, privacy, and safety, I mean, that's really a concern that I have as a lawyer when we get different agencies sharing client information, and I think it can be done.

I think it can be done in a way that is safe for the victim. But that-- hammering that agreement out between all the different agencies can sometimes be challenging. And then the culturally inappropriate and insensitive treatment of victims is especially true when these victims are having to seek services outside of the tribal community. And getting maybe-- if that's happening in your tribal community, getting a representative from one of those agencies where victims are often having to seek services, getting them to be on your SART team might be helpful.

Sexual assault is a crime. I think we all agree on that. And this slide is really to sort of explain and make you aware of might be a better way that every jurisdiction may use a different term. They may call it sexual abuse, sexual battery, sexual assault. They may have different levels of sexual assault. But in the end, it's a crime.

And if it's in your tribal code, and you need to check for those of you who are working in Indian country, pull the statute out, look at the elements. Look at what it's called. Is it called a sexual assault? Highlight the elements, because those will be the pieces that the prosecutor is really focusing on, and all of the evidence is going to hook in to one of those three elements.

So typically what we see, and this is very generally speaking so this may not be exactly what your tribal code says. An unwanted physical touching of a sexual nature of another person without that person's consent. So some tribal codes may require there to be touching a particular body part. Others may be very general.

And without the person's consent really means that a person, first of all, has to be able to consent. They can't be incapacitated by drugs, by alcohol, by disability, by their age. And so this unwanted physical touching of a sexual nature has to be without the person's consent.

And in law, those folks that are incapacitated, because they're-- either they're unconscious, they have cognitive disabilities, or they're young, some tribal codes will put an age limit on a child up through the age of 16. They can't consent to sex. And so that's what that prosecutor is going to be looking at at here.

The unwanted physical touching of some sort of sexual nature, whatever your tribal code is saying. And that was done without the person who's been touched. They did not give their consent. Some tribal codes would require force, coercion. Again, just sort of giving you an idea to go back and check your code and see exactly what element sexual assaults-- your criminal sexual assault statute requires that prosecutor to show.

And I wanted to give you just an example here, a tribal code example. Not that you need to adopt this or anything, just so we can get an example. And this comes from the Pascua Yaqui tribe. This is their criminal statute. And it says, sexual assault-- a person commits sexual assault by intentionally-- so as a prosecutor, I'm going to have to show that the perpetrator intended, or knowingly engaged in sexual intercourse, or oral sexual contact with any person without the consent of that person.

So you see, this one's even different than the general definition we looked at earlier. This is going to require me as the prosecutor to show intent, or knowing, sexual intercourse, or oral sexual contact. So this is not going to be necessarily about touching body parts, or anything like that. This is going to be very specific.

Now, what I also want you to take note of is when you're looking at your criminal sexual assault statute and you're picking out those elements, I want you to look to see if your criminal code defines those terms. Is the term sexual intercourse defined? Is the term oral sexual contact defined? Is the term consent defined?

Because those definitions will also bind your prosecutor as these cases are coming to the prosecutor for review. Also wanted to say, we're going to give you some additional resources at the end. But TLPI has a free publication. It's free for download. And it's drafting sexual assault laws.

And I just-- if you would take a look at that. I pulled-- before the webinar just pulled up a couple. And the two examples are Fort Peck. They define their sex-- at least one of their sexual assaults as rape. And they give all the elements of that. And then Hopi also defined their sexual assault. And it says, a person who engages in sexual contact-- sexual contact-- that can be a lot of different things-- with another person without their consent is guilty of a sexual assault.

And then Hopi defines consent and gives some examples in their tribal code. So when you want to grab that publication, take a look at it, and sort of compare it to your own tribal codes, that might be helpful to you. Getting those elements highlighted and getting the definitions highlighted, as well.

Also, wanted to give you just for a reference point, the federal crime of sexual abuse. Now, notice they're saying abuse, not assault. Still going to be in the same family of crimes there. I've given you the citation there, 18 USC 109A and you want to cut and paste that into your Google, it'll bring up the statute.

And in the federal system, they've got three levels here. They've got aggravated sexual abuse, and it's going to have its own element. And there will be some federal definitions that go with it. Sexual abuse and abusive sexual contact with aggravated sexual abuse being the most egregious, with the most criminal penalty.

And so again, each one of these terms-- sexual abuse, aggravated sexual abuse, sexual abuse and abuse of sexual contact-- are all defined in that federal statute there. And I will point out that the term-- there is a term that is defined sexual act that goes with the particular statute. And one of the pieces says, the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years of age.

So you can see that some jurisdictions are even noting that children need protection from this crime, and they're going to put some age limits in the crime, as well. And we touched on the term consent. The legal definition of consent will vary from jurisdiction to jurisdiction. Again, a great idea that you have this term defined in your tribal code.

And what that means is the person that has been touched, let's say, in a sexual way, they had to have agreed to that. And that includes the ability to agree for all those reasons we talked about,

incapacitation, drugs, alcohol, cognitive disability impairment, or because someone is simply too young to agree. And it also carries with it the option to withdraw that consent at any time.

Permission for one act does not imply permission for other activity. For instance, permission to kiss does not grant permission to fondle in a sexual way. And the consent must be voluntary. It can't be a situation where the perpetrator is holding a gun at the victim, or the perpetrator's threatening to hurt the victim's family if the victim doesn't carry through with it.

It has to be voluntary. And this concept of consent, it's probably the most highly litigated element of sexual assault type crime. If the perpetrator will allege something like, well, she said it was OK. Well, she didn't object. Well, she didn't-- and that's going to be the issue.

So having this term defined in your tribal code goes a long way for that. Still, I think going to be-- and you advocates out there that have worked these cases know-- it's probably going to continue to be the most high-- one of the most highly litigated elements of sexual assault.

Can I just add one thing? The age of consent also varies. I think in most places, it's 18 and some at 16. So basically, a 16-year-old can consent to having sexual activity with an adult, for example, and it's not illegal.

That's correct. Thanks for bringing that up, Bonnie.

Except if the adult is someone in a position of authority, then that's illegal. But if not, then that 16-year-old, for example, can have sexual activity, sexual contact, with a 21-year-old, or a 30-year-old, for example. And we used to get at the sexual assault center, we get a lot of calls about that from parents, in particular. And it's really important, because if you report things like that, a 16-year-old having sexual contact with an adult, basically, you're violating that person's confidentiality, or she is consensual.

Thanks, Bonnie. And I will say that as you look at when age is incorporated into consent, if it is in your tribal code, there's something you may have heard of called statutory rape. I don't know if all codes call it that. But what that means to a lawyer, that's a strict liability crime.

In other words, if the age of consent is 16, and the victim is 15, the prosecutor no longer has to show consent. It's automatic that that person could not give consent. So that element doesn't-- other than the age, doesn't have to be proven.

So it's a real-- it's a real tool to use by the prosecutor. But I will also say there are some statutes in

some jurisdictions that will put a range in there to say something like this. A person under the age of 16 cannot consent. A person the age of 17 can consent, but only to having intercourse or sexual contact with someone who is four years older.

So I think there's just a wide variety. So it's so important to go back and see where your code is on that particular topic. When sexual assault occurs in your tribal community, what is your community current response?

I was waiting on some of those comments to come in. I would like for you to comment on something that I saw when I was a prosecutor for a tribe in North Dakota. It didn't happen with a lot of frequency, but it was-- it did happen several times while I was there. And I was there for about eight years.

And it was a situation where there was a sexual assault of a female, let's say, 17 years of age, by someone in a position of trust, a relative, someone in a position of trust. And when the victim reported it, the family gave that victim a lot of pushback. Because there was going to be a criminal trial then, because the perpetrator may go to prison. And I-- that was such a traumatic experience, I think, for that young woman.

I wonder to this day how she got past that. Can you say a word about that? Have you seen that happen before?

Oh, absolutely. It really becomes difficult for victims under even the best of circumstances, because still in our community, a sexual assault is still sort of a taboo kind of a lot of shame and secrecy around it yet. And it really puts the onus on the victim to have to talk about what happened to investigators and forensic nurses, and nurse examiners. If it's a child, they go to a child advocacy center and ask some pretty sensitive questions.

And so it's really a challenging-- a really challenging time for victims under the best of circumstances. But you add that to whoever the perpetrator is, people still have a hard time believing that this crime can happen and just don't want to see their relatives go to jail, or go to prison, really kind of put a lot of energy into trying to dissuade the victim. And if that doesn't work, to threaten even sometimes. And so it becomes really important for that victim to be encircled with some support by family, by relatives, and especially advocates.

Because advocates really are trained to be really good support people. So it becomes even more important. And I've seen this, especially, like with someone who was assaulted by a tribal leader, or a spiritual leader. So it just-- it becomes even more challenging to victims to have to proceed.

And sometimes they will decide not to move forward and say, oh, I just made it up. And when it really was true. But it becomes really, really difficult to move forward given all the challenges and all the scrutiny around it.

Hi, this is Kevin. We have a few responses to the question. So the question being, when sexual assault occurs, what is your community's current response? We had two that talked about it depending on who the perpetrator is and their position in the community. And then, also, that each case is different. And that assessments are made as soon as an advocate arrives on scene. I'll let you address those two first, and then I have one more after that.

Yeah. I've seen that happen, the comment about depending on who the perpetrator is. And that's one of the things that I think is really important for a SART to look at, that the response should be consistent. That there should be a consistent response, regardless. That saying that no one's above the law is really important for us to look at as responders, as even just community grass roots people, that people are capable of committing crimes. And it's important for us to respond and hold them accountable for making the choice to commit that crime.

And, yes, each case is different, absolutely. And every situation is a little different, and the individuals involved are different. The kind of resources that are available in a community also varies. So, yes, each case is going to be different.

And again, a SART is-- should be prepared to bring their resources together from each of their disciplines, their departments. And again, that consistent response, that consistent, seamless, victim-centered response is really important. Again, like I said, this is really challenging for victims as it is in the best of scenarios.

So it's really important for those involved at the-- in the SART to be mindful of that and create victim-centered responses that can move a case along seamlessly and sensitively.

Thank you for that. We're seeing other responses very similar about fear of not being believed and not caring who the alleged suspect offender, or who they are. So thank you for that response, Bonnie.

We had one other that stood out. I think it's more practical about the response from the system approach. And I'll ask this, and then I'll let you continue with your slides. But if you wouldn't mind taking a minute to answer this one.

There is a community that has a regional hospital that is focused on SART, and they're the ones that

do all the initial responding. Obviously, the troopers are first responders in rural villages. And they're the first line to take in reports. And having law enforcement notifying advocates immediately might make a difference. So something maybe you want to touch base on.

Absolutely. And one of the beautiful things of a SART is where they develop their own individual response protocols. And one of those is identifying who is going to be involved. Who's going to be notified that there is a case, whether it's at the hospital, whether it's law enforcement, whether it's advocacy.

But wherever that victim makes that initial contact, that's what sets the whole process in motion. So that individual then reaches out to advocates where an advocate can come to the scene, or go to the hospital. And I've seen SARTs that even develop an ETA, like when other discipline-- when the other disciplines are expected to arrive.

So if you're at the hospital, nurses' ETA should be within an hour, for example. An advocate, it would be better for an advocate to arrive earlier than the nurse so that that advocate can be with the victim, for example. So that all can be outlined within SART protocols so that there's a clear understanding across disciplines how the response will look, when the assault's been reported.

Like I've been saying, a SART is one way for a tribe to respond to sexual assault as they happen by the creation of a SART. And a SART consists of the departments that respond to sexual assault organizations that provide direct services to sexual assault victims, and also those involved in the criminal justice system. So like law enforcement, the courts, and so forth.

And the SART is a vehicle for collaboration and provides an opportunity for SART members to develop response protocols, like I've been saying. And it would be-- protocols within each of their departments. But also, how the protocols, how they're going to work across disciplines. How you're going to collaborate across-- disciplines across jurisdictions.

So those also can be developed so there is a clear understanding about how information is going to be shared. How data is going to be shared. How investigative information is going to be shared, and so forth. And this is all critical for a sexual assault that occurs on reservations in order to create those seamless responses. And also, particularly, to address victim's safety and offender accountability.

For most SARTs, those are the two main purposes for a SART is to address victim's safety, right from the point of contact, that first point of contact that the victim makes. And also to create that seamless response for prosecution. So it's kind of a twofold purpose.

One is to have a victim-centered approach to the services, but also to start to build a strong case for prosecution. So one of the things that needs to happen is to look at who should be a part of this SART? And I've seen SARTs that are very small. I've also seen SARTs that are huge, 25, 30 members in their SART team.

So it's really up to the organizers, the people that first come together, that little core team, that says, it sounds like a really good idea for us to have our own tribal SART. And then from there, to start talking about who needs to be on this SART. So making some plans for who do we want on the SART, and then developing some plans to reach out.

So it could be law enforcement from these different agencies, advocacy programs, whether it's tribally based advocates, or advocates that work for the Assistant US Attorney's office, or the FBI, for example. Because there are victim witness coordinators that work in those offices that work with those cases that go through those offices. So once a case is taken for prosecution, then the victim witness advocates work with the victim to help them prepare for trial, and so forth, to testify and help that victim and be a support person to that victim.

And also, health care professionals, contact with the local hospital, if there is a SANE exam, a forensic exam, facility to have contact with them. And if not, to begin to look at how can we develop our own here, and what is that going to take? Prosecutors from these different jurisdictions, tribal state and federal-- and also, I always recommend having someone from your local forensic lab. Because those are the people that look at the evidence. They want-- there are specific things that they're looking for. And that's the evidence that needs to be gathered. That's what's going to help build that strong case for prosecution.

And also, looking at other people within the tribe that might be helpful, whether it's a traditional healer, or other kind of people in the community, maybe a victim who is now doing some work in the community to do some-- maybe community awareness or community organizing. Those kind of individuals are really enthusiastic about helping build some of the bridges between agencies, and so forth.

So it's up to each tribe and up to each core group who you-- who you're going to invite to the table and what your team is going to look like. This is a diagram that I developed, just a visual to look at the makeup of a SART, including the first responders. So it's important for a team to think about who needs-- like I said, who needs to be at the table, and then to identify stakeholders for creating that culturally appropriate victim-centered response, and to begin building that case for prosecution.

So overall, it's a multi-disciplinary team approach. So it's bringing you together all the different disciplines that respond to sexual assault-- law enforcement, victim advocacy, that community based victim advocacy program, medical personnel at your local IHS facility, or maybe you use contract health, looking at people that you could invite from there. And also your legal system and your tribal court.

And then outside of the tribal jurisdiction, the FBI, your local sheriffs, or your local law enforcement, your system based advocates from the FBI, or your US Attorney's office. Private hospitals, if there is forensic exam, locations that are being utilized there, or that could possibly be based there. Your medical health services, they may be seeing victims there. Maybe victims are going to a private clinic because of their injuries, or maybe because of a sexually transmitted infection that they've contracted from the assault. So you may want to think about inviting someone from there.

And then like I said, our forensic lab person, and also someone from your United States Federal Court. So, I've already talked about a lot of benefits for a SART. I helped organize one here locally and have worked with a lot of tribes to develop their tribal SARTs. And I can't say enough good things about all the benefits of a SART.

It really-- I think they're really important. Like we've already talked about victims who are being re-victimized by the community, by insensitive responders. And even the issue of sexual assault may not be seen as it is today still in our communities. There still is denial, perhaps, about sexual assault.

If you have maybe five cases reported a year, your local law enforcement, or your local courts might say, well, if sexual assault is not a problem here. Last year we only had five reports. Well, we know that there is probably more than five sexual assaults that are happening in a year within any community.

So it's important to look at why, why are those reports not being made, and what can we do to address some of those challenges like we've discussed earlier in the earlier slide. And then, also, just victims not being kept informed, cases falling through the cracks. That can be so frustrating for a victim to work up the courage to make this report, especially, if it's about someone that's really well-known, or well-respected, well-liked in the community, a real outstanding, popular person, and they're going to report that person for sexual assault. That's-- that takes a lot of courage.

And then for someone to have that courage and not hear back from anyone about the case and where it's at. The problems also could be related to training. It might be a training issue like I talked

about earlier. Protocols also are important, especially as it relates to confidentiality and the importance of responders and service providers holding that and maintaining that confidentiality.

Also, the cross-jurisdiction cooperation that we talked about earlier. And all of this is really important, especially to look at how this impacts a victim, and the importance of collaboration, also, to hold offenders accountable. So it's kind of a two-fold purpose and mission within the SART.

A lot of victims don't have a lot of trust, because when they've reported assaults in the past, they haven't gotten a good response from law enforcement, if they've gotten a response at all. So these are-- again, these are benefits of a SART is to be able to improve that response so that it's more victim-centered. When we developed the SART here locally, that's one of the things that we asked, if even the dispatcher can say, I know that this is a scary time for you, and we're going to do our best to provide some safety and protection for you.

So sort of reinforcing what the victim is fearing right now, for that first responder to utter words like, I'm sorry this happened to you. Because all too often, we-- right away we put on that cap of-- the hat of a judge, or the hat of a jury person, and making a decision, well, I wonder if this happened or not. It doesn't-- she just doesn't-- she isn't responding like a typical victim. So this just can't be true.

And that's really important that we not do that as responders. Another good thing that I've seen as a benefit of a SART is where SART members work together and provide community education out there, like at community health fairs, or wherever, so that they're seen together, perhaps, like maybe a law enforcement person and advocate going out and doing some community awareness. So there's just so many benefits for a SART.

The SARTs are not-- the concept of a SART is not a new thing, right? We've always come together in times of hardship, times of natural disasters, for example. Or when our villages were under attack, we had to come together and to help one another.

So this is not a new concept. Because this type of collaboration was essential in-- for our survival and for just in terms of carrying out our values and our traditions around helping one another. So it's an extension of that. And it was at that time, it was the responsibility of tribal leaders to set the example and work for the good of the people.

And so a SART is an opportunity to send a message to the community that SART members are working together to stem the problem and protect the tribal citizens. So it provides that opportunity that it conveys that environment of collective compassion to the community. And also, the message

that sexual violence is intolerable, and offenders will be held to the fullest measure of the law. And it maximizes the limited resources, right?

We're really good at stretching the resources that we have. We may have very limited resources, but this is another way that we bring our resources to the table and say, well, I have a meeting location where we can meet. Someone else can say, well, our staff will take notes for each of our SART meetings. And our staff will disseminate those notes. We'll send everyone emails on the notes.

We have another agency that'll say, well, we'll help with doing some community awareness about this, and so forth. So it's a really good time to maximize the resources that are available. Provides a road map for providing victim-centered services. In our tribal communities, oftentimes, we're dealing with multiple jurisdictions, and that can be really confusing and frustrating for victims.

So again, this is a way to provide a roadmap for victims. It just restores hope that efforts are being made to respond in a holistic tribally appropriate way. Kelly, do you have any comments about collaborative work for prosecutors, or judges, or--

Well, I do think-- I love the word roadmap on this slide, Bonnie, because I think for folks who don't develop protocols and policy, I sort of think of it as a roadmap. And the SART is going to get all these agencies together, including the judges and the prosecutor, and we're going to do a step by step about how these cases are going to be handled by each discipline. And each discipline is going to buy off on these, and we're going to all agree to follow these and have a formal memorandum of understanding, or a memorandum of agreement.

And I think it's important if you have a judge that's willing to sit and keeping in mind, this will be the SART development where we're not talking about specific cases, because that would be problematic for a judge to be sitting there. But talking about the protocols. And one of the things I think this does, Bonnie, for judges is to have them revisit the trauma that a victim is going through, and all of the lack of collaboration among the agency. And it sort of brings that home for the judge.

Same for the prosecutor. That prosecutor, if the policy is, well, what happens when they come into the prosecutor's office? What do you say to them? We're going to develop a policy where you would do these things. We can't really tell a prosecutor what to say, but these things. And that you're aware that there's a tribal victim advocate working. You're aware of the safety issues. You're aware of the trauma.

And I think it's really important to have law enforcement, prosecutors, and a judge you can get one

be there for-- to educate them, and to also work on this protocol development. And there're such good resources out there, too. TLPI has a couple we'll mention at the end. We have one for prosecutors. We have the Bench Book for judges. We have law enforcement protocol. We have how to develop a SART. So thanks, yeah.

Thank you. I just can't say enough good things about the benefits of a SART. I just think it's limitless. Where do we start? Tribes are all at different places in their response to sexual assault. Some communities have done a lot of work, and especially, in the area of providing education and awareness about different forms of violence that's happening that's impacting their communities.

And in some communities, there might even already be a team, maybe MDT, a multi-disciplinary team, or a child protection team, or a team addressing violence, for example. This is another type of team. And I think it's helpful to maybe develop a small little core group, a steering committee.

That's what we did here in my community. There was probably about five of us that said, you know what? We just caught wind of this model. This was back in the '80s, late '80s, early '90s of this model of coming together as a team to develop response protocols and do training, and really working together as a team in sexual assault cases.

So there was a little group of us that came together in our community -- we knew that there already was some education awareness about sexual assault. But we also wanted to provide more information about the SART as we-- as it grew. So we also did things like press releases in our community. And then also, we utilized the eight step model of protocol development. And I'll talk about that in a minute.

So again, each community is different. And it's important to look at readiness. If there hasn't been any education at all, that might be a good place to start is really getting out there and educating the community about sexual assault. And also, to start talking to community people about SARTs, and just to kind of get a feel for whether or not a SART is something that is-- that's needed in the community.

And once the team comes together and starts to develop protocols, and like Kelly said earlier, it's good for a team to have a mission statement, to really know why they're coming together. What's their mission? What's their purpose?

So these are all elements to consider when developing a SART. It's really important to make contact with your community, or stakeholders, so that they feel some ownership. And also there's, like I said, there is a lack of trust often in the criminal justice response to sexual assault. So for communities to

see that these are agencies that are coming together and working together to improve their response, that's going to restore some hope and some faith back into the criminal justice system.

It's important to look at why would you want support for a SART? And how would you go about securing the support, to start thinking about that. In a couple of slides, I'll be talking about a checklist. But maybe to start developing some plans to meet, to maybe hold community forums, or a little-- once we're able to meet out there. In the meantime, other ways to educate the community that you're thinking about developing a SART. Maybe a fact sheet on what are SARTs, and somewhere that people can get more information if they want more information.

And this would be particularly helpful to post on a website, on your tribal website, for example, that this is work that you're considering. So that you're getting that information out there to the stakeholders, because they're the ones that are going to be utilizing and benefiting from the work of the SART. So it's really important to start developing a plan how you're going to reach out and garner the support that's needed to implement a SART.

I just think the more information that can be disseminated, the better. I know right now we're not gathering, we're not doing a lot of public events. But eventually, even places like I already mentioned, health fairs, or contacting the schools, just really getting that information out there about what is a SART, for example, and why you're considering the development, and where people can call if they're interested in helping out.

Also, to do sort of thinking about what resources do you already have? So part of that like a logic model may be to look at what do you have already? What's already in place? And what are the gaps in terms of the response?

And then what's needed to fill those gaps. So start doing some of that kind of work, I think, is really important. And you divide up the work in a way so it doesn't just fall on one person's shoulders.

This is just a diagram that I talk-- I'd been talking about a core team. That could be-- that could be maybe an advocate and maybe someone from your local health clinic, maybe someone from your law enforcement department. Maybe just the three of you, or maybe a couple advocates, and maybe someone who works in the court saying, you know what? We heard about this really cool model, other tribes are utilizing it, and they seem to be getting good results. What do you think?

So to-- just to start having some discussions around forming a SART. And there's layers to this participation. And really that core team, eventually, will be the first-- we call it tier one-- which is law

enforcement advocacy and your forensic examiners. That's the core team within any SART. Those are the three people, or agencies, that respond as soon as an assault happens.

So for example, if a victim is at the hospital, a nurse there will call law enforcement, if that victim wants to make a report. And also, we'll call the advocate. So the three of those individuals will work together in that location.

And also, when you start developing protocols, start looking at what happens as soon as that victim walks into that office, or that clinic, or that emergency room. Who does that victim meet? What kind of communication is shared with that victim right at that first contact? Who calls law enforcement? Specifically, who calls? Who calls the advocate?

So those are all protocols that need to be defined. Those are the three key individuals that, again, will participate in SART meetings. But there can be other individuals which are key stakeholders, which would be people from the courts, for example, the forensic lab. Someone from your social services, someone from the school. Anywhere that people have contact with victims of sexual assault, or where sexual assaults might be happening.

And also from there, people from a community, any tribally based support, for example, can also participate in this in one way or another. And then, also, your external resources. Because we have to rely on resources outside of the tribe, those would also be people that could be invited to a SART to attend meetings, for example.

And then there also has to be some understanding about when you are discussing cases that they are limited to a certain few individuals, and that there is signed consent from the victims if their case is going to be discussed. And those can be closed meetings. That's how I've seen some SARTs handle that in order to ensure victim confidentiality, and also just protect the investigative findings up to that point.

So oftentimes, law enforcement are really protective of that information. And rightfully so. So this just sort of gives you an idea of how-- I always look at it kind of like a pebble in the water. You have a core team. You drop that into the pool and it starts to expand out into other areas, under other departments, and so forth.

This is a checklist that we developed. I love lists. I don't know, I'm kind of lists prone. Everything I do, I have a list of things to do daily, and so forth. So I just love lists.

And I think this-- the checklist is also available to you on a handout that you have available to you.

But it kind of gives you an idea of the kinds of things that need to be done to-- once you establish your core group and invite team members, identify your resources, like I said, you needed to guide the team. Right from the beginning, you may need a meeting place. Well, for a while now, it probably will be Zoom meetings, for example.

But to identify what agency is going to host those little meetings. To look at just having some discussion around forming the team, the purpose, your mission statement. And we'll talk about that in a minute. Looking at buy in from leadership.

Again, you want to inform your stakeholders, and tribal leadership are part of that. You're going to need their support, because you may be looking to them for resources of different varieties. Troubleshoot solutions for existing problems regarding response. And like you are already-- some of you have already identified some of the challenges that exist in your communities around sexual assault response.

So those are some of the key areas that you're going to be addressing. Discuss protocol development and define roles. Again, there's a process for that. And I'll talk about that in a minute here.

But again, when we're looking at sexual assault response, sometimes the roles get a little muddled. Sometimes they're not clear. A lot of these can be further clarified through protocol development, and each agency saying, here's what we do. Here is how we respond in sexual assault cases. This is our internal protocol, and that's shared with each other within SART meetings, for example.

And it's also written. You can put them in a booklet where each agency has their little checklist of protocol, their steps that they utilize when they respond to sexual assault. And then discuss or develop MOUs. And we've already talked about that.

There has to be some agreements made across the table about how you're going to respond. Also, the work that is needed at the start, that should also be written in MOUs, that you're going to meet monthly, or that you're going to all participate in protocol development and respond based on those protocols, so that there is some clear language within your MOUs.

We have samples of MOUs. So if you ever are interested in samples, a lot of these things already exist, like Kelly said. We have resource guides that are posted on our website, and a lot of this information is there within those resource guides. And then also, training on a variety of issues, especially around confidentiality, communication, information sharing, and data collection, for example.

I think it's really interesting when a SART comes together and advocacy says they've seen 200 sexual assault victims in a certain period of time. And yet maybe law enforcement has seen 20 within that same period of time. You want to start looking at why is that? Why is there that discrepancy between the two departments?

So that kind of information sharing is really important. Kelly, do you have any additional comments on this checklist?

I like checklists, too, Bonnie. I'm wondering if you want to-- you mentioned training. I wonder how you feel that agencies attending training together as a team?

Oh, I love it.

Do you think that team building--

I always encourage people that are-- once we're able to come together and at conferences or trainings, to bring a team. I think there is just nothing better because you start to then become a little bit more familiar with one another on a little bit more personal level. It's like the more time you spend together, the more familiar you become.

And that kind of teamwork, team development, I think, is really important to a SART. You start to understand each other better, rather than they're-- like between law enforcement and advocacy, there used to be a little bit of conflict. Advocates would be upset with how law enforcement responded, or law enforcement would be frustrated with prosecution because they're not taking cases, even though law enforcement feels like they really investigated that case really well, and yet they're still-- that perpetrator's still not being charged.

So we sort of have a history of not fully appreciating each other. But once you come together around training, for example, you understand a little bit more of the full nature of each other's work, then you start to develop those stronger ties with each other and cross-discipline respect, mutual respect. I think-- so I think training is really important.

OK. I want to just review that-- the protocol development process really quickly. We could do it several days of training on this process. But I think it's a really good way for SARTs to develop protocol.

One of the first steps is just doing an inventory of all the services that exist in your community, whether it's within the tribe or outside of the tribe. The next step is to-- then that information can also

be utilized as like a resource directory for your agencies or even for victims. If a victim needs a particular kind of service, you can hand them that booklet.

Victim experience survey, you want to find out what's been the victim's experiences with different agencies, for example. Has it been good? Has it been not so good? Also, to do a community needs assessment. These can be done through like community forums, reaching out to the community about the needs of the community around sexual assault response, their challenges, their ideas, their suggestions.

And it's to start taking that information and writing protocol within each agency, and then across the collaborative kind of protocols. And then agree, right? Start to develop those MOUs to agree to follow the protocols as written. And then training, for example, on the protocols, as well as other kind of training that might be needed, like around confidentiality and data collection, and so forth.

Monitoring how the work of your SART, how it's progressing, what kind of improvements that are needed, hiring an evaluator to evaluate your responses, and looking at another round of victim experience surveys, using that to evaluate how victims are responding now, now that you have a SART in place. So this is our eight step model. I've seen it, and it works really well for communities that are developing SART.

Bonnie, do you remember we added a ninth step, and that was repeat?

Oh, yes.

I want to say a word about that.

OK. Yes. This is an ongoing-- once you go through these eight steps, you go back through them again. So, yes, there's a nine step of repeat. But each time you go back through them, it doesn't take as long because you already have some of the information. It's just really to sort of update each step, see if there's any new information that can be added.

So developing a mission statement, again, you don't have to reinvent the wheel. This is really talking about why you're doing what you're doing. Why this is important. And what are the needs that must be addressed in the community. Some of the examples that a mission statement may include, we exist to coordinate and implement an interagency response to sexual assault, for example, just a blanket statement.

And it's our belief that we will do this to promote consistency, respect, and victim-centered safety, for

example. So incorporate how all of these elements into a mission statement in terms of your purpose for the SART. Resources-- we've already sort of been talking about resources that are available on a variety of websites.

So the nsvrc.org has a number of resources. They have what's called the SART Toolkit. I sat on this advisory board that developed this toolkit, and it's very comprehensive. It isn't all tribal specific, which is something that I've always wanted to do is to develop this kind of a platform for tribal SARTs. But it's very good. It's very comprehensive. And they do have a section in their own tribal SARTs. I encourage you to visit that website at nsvrc.org/SARTS. And it'll take you to the SART Toolkit.

This is our TribalResponse.org website. This is a project that we had here at the Tribal Law and Policy Institute. We were doing outreach to tribes that do not receive Office on Violence Against Women funding, because we know that tribes that don't get OVW funding still are dealing with sexual assault and domestic violence and may not have OVW funding and need training and technical assistance.

So we had this project for two years. And we developed this website where we post a lot of really good information. And one of those includes resources on developing tribal SARTs. I invite you to this website, as well. It's TribalResponse.org.

OK. Well, we-- like Bonnie said, we talked about some of the TLPI publications. Particularly relevant are the SART Guide and Drafting Sexual Assault Statutes. Again, free, we've given you the link. You can download those for free.

Again, more resources, couple of other publications you might find informative as you're thinking about SARTs. And I particularly like the *Sharing Our Stories of Survival*, which is full of stories from actual survival-- survivors of domestic violence and sexual assault. Again, free for download at the link there.

And I think we're up to the question and answer portion.

All right. Thank you for that. We-- I want to respect everybody's time, and so I have a question that came in a while ago. And it kind of relates to some of these last slides that we went through fairly fast. But if you wouldn't mind just maybe spending just a half minute or so talking about where we can find policies and procedures about starting a SART, and what the ongoing, well-functioning of a SART team.

If you go back a couple of slides, there's Tribal Law and Policy Institute Resources. The second one is one possible one. It's Sexual Assault and Stalking Laws. That's to develop tribal codes around sexual

assault.

We also have, which we don't have here listed, it's actually a tribal SART development resource guide. And it really is-- takes you through all the-- what we just talked about, kind of a step-by-step guide. And we also include in there some model policies.

And one of the things that we believe in at TLPI is, we're not-- we provide the resources, and then it's up to-- it's up to the tribe, it's up to you all to decide what you need of that. If you don't need it, you skip over and you go to the next step, for example. So if they're kind of tools that way, rather than to say, here, adopt this. So we have a lot of those. But you can find them on our website, which is www.home.tlpi.org.

And Bonnie, I think that publication you're referring to is Sexual Assault Response Team Resource Guide for Developing a Sexual Assault Response Team.

Yes.

So they should be able to find that under sexual assault publication.

Thank you for that. And to respect everybody's time, we do want to conclude our question and answer portion of the webinar. And thank you for participating in all the earlier questions.

On the screen in front of you, you'll see a list of some upcoming webinars. We have one that we know for sure that will be coming on CCR teams. Please watch your inbox for emails regarding registration on this webinar.

Again, I want to thank Bonnie Clairmont and Kelly Stoner from the Tribal Law and Policy Institute for the excellent presentation today, sharing their insight with us about SARTs. If you're interested in attending training, feel free to visit ncjtc.org for a listing of upcoming training opportunities, or to review our on-demand online training. Thanks, and have a great day, everyone.