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Sexual Assault Response Team (SART) Development in Tribal Communities

August 25, 2020

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Tribal Law and Policy Institute



Webinar Information

This webinar was produced by the National Criminal Justice Training Center of Fox Valley Technical College under cooperative agreement number 2018-VO-GX-K001 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this webinar are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.



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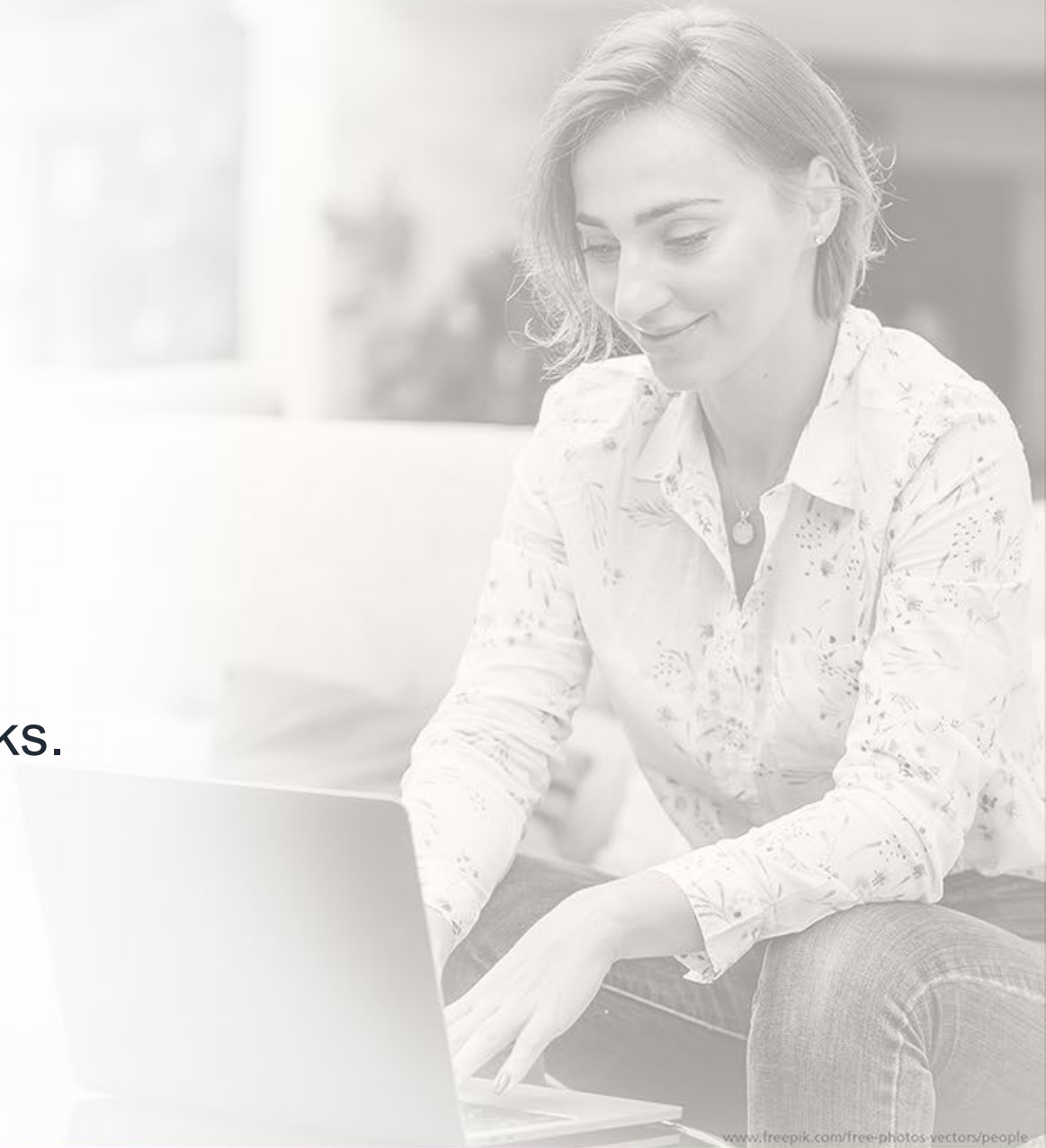


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Presenters



Bonnie Clairmont

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Tribal Law and Policy Institute

Learning Objectives

- 1 Learn the definition of a Sexual Assault Response Team (SART).
- 2 Describe the benefits of a SART.
- 3 Learn how to develop a SART.
- 4 Identify the benefits of collaboration utilizing a multi-disciplinary team approach when developing sexual assault response protocols.



Violence Against Native Women

56.1% of American Indian/Alaska Native (AI/AN) women have experienced sexual violence and 55.5 % have experienced physical violence by an intimate partner.

National Institute of Justice Research Report: Violence Against American Indian and Alaska Native Women and Men. U.S. Department of Justice (2016)

An estimated 24.5% of American Indian/Alaska Native women experienced stalking during their lifetimes.

Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization — National Intimate Partner and Sexual Violence Survey, United States, 201

Question for Attendees

What are some challenges facing your tribal community when addressing sexual assault?

Type your answers in the question box.



Common Challenges when Addressing Sexual Assault

- ✓ Lack of communication and coordination
- ✓ Lack of cooperation between tribal/jurisdictional authorities
- ✓ Lack of clear understanding about roles
- ✓ Lack of offender accountability
- ✓ Gaps in the response to DV/SA
- ✓ Victims not reporting or distrusting the system
- ✓ Concerns about confidentiality, privacy and safety needs
- ✓ Culturally inappropriate and insensitive treatment of victims

Sexual Assault – it is a Crime!

For the elements of sexual assault in a particular tribal jurisdiction look to the tribal code but generally includes:

- Unwanted physical touching of a sexual nature by another person
- Without the person's consent

Pascua Yaqui Tribal Code

Title 4, Chapter 2, §60. Sexual Assault

Section 60 Sexual Assault;

(A) A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.



Federal Crime of Sexual Abuse

18 U.S.C. 109A

Aggravated Sexual Abuse – 2241

Sexual Abuse – 2242

Abusive Sexual Contact – 2244



Consent

The legal definition of consent varies from jurisdiction to jurisdiction.

An agreement to engage in sexual acts and includes the ability to give or withdraw consent.

Permission for one act does not imply permission for other activities.

Must be voluntary.

May be a highly contested element in criminal trials.

Question for Attendees

When sexual assault occurs, what is your community's current response?

Type your answers in the question box.



Sexual Assault Response Team

SART

A SART is a type of Coordinated Community Response. It is a multidisciplinary, inter-agency, sexual assault intervention model. It is a team approach to implementing a comprehensive, sensitive, coordinated system of intervention and care for sexual assault victims. It can also be instrumental in developing policies and practices to hold offenders accountable. A SART's focus is to implement a comprehensive, sensitive, coordinated system of intervention and care for sexual assault victims and to strengthen cases for criminal prosecution.

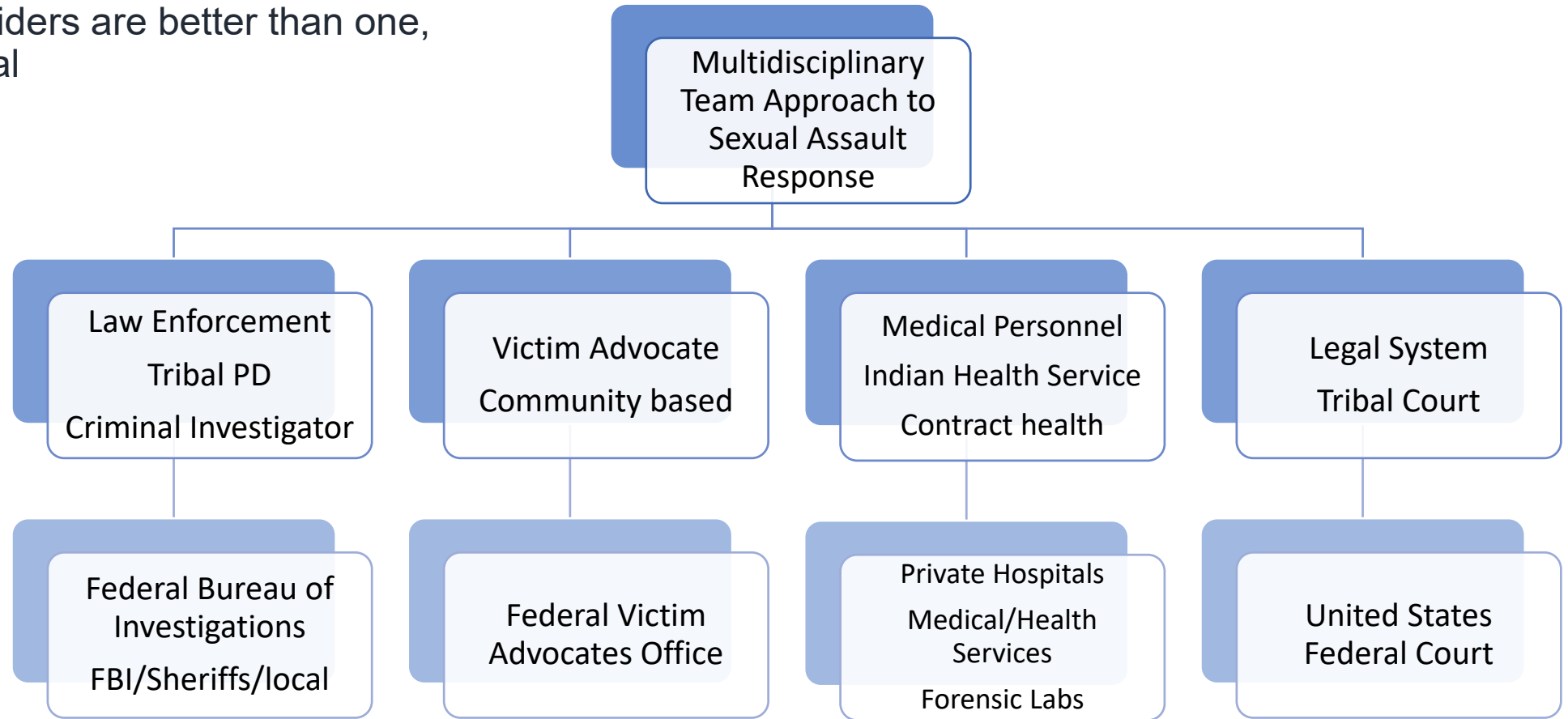
Team/Stakeholder Composition



- ✓ Law enforcement (Tribal, BIA, FBI, local)
- ✓ Advocate
- ✓ Sexual assault forensic examiner
- ✓ Health care professional
- ✓ Prosecutor (Tribal, state, federal)
- ✓ Forensic lab
- ✓ Traditional healer
- ✓ Other professional

One & One Makes Two

Two service providers are better than one,
but a team is ideal



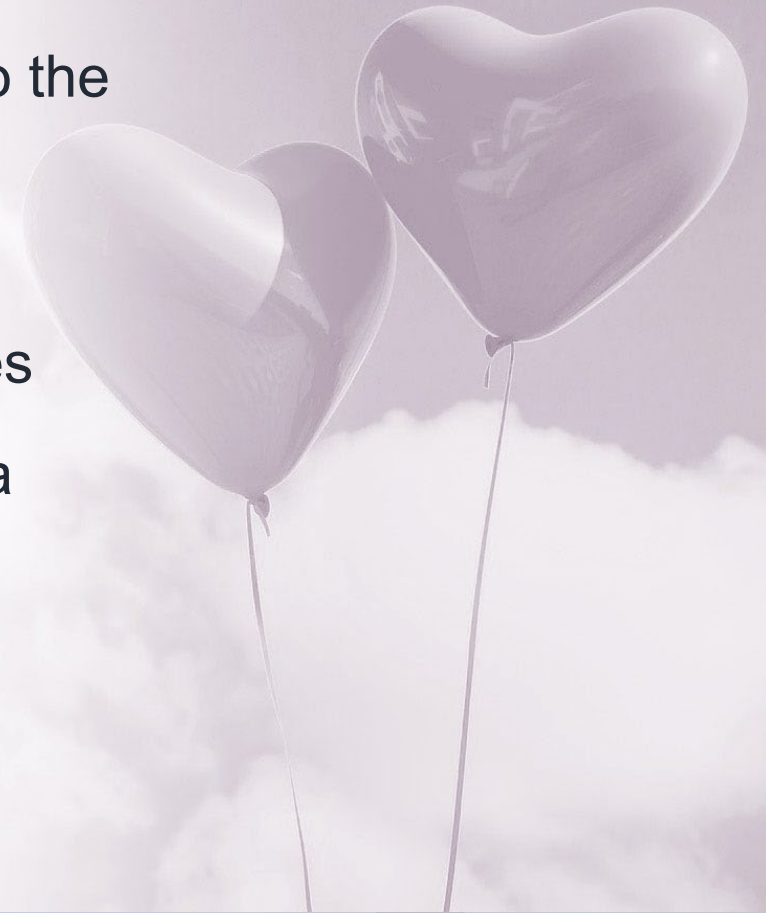
Benefits of a SART

- ✓ Interagency cooperation
- ✓ Cross-jurisdiction cooperation
- ✓ Protocols for information sharing, confidentiality policies, roles and responsibilities, developing victim centered responses
- ✓ Training for responders
- ✓ Education, awareness, and prevention opportunities for the community
- ✓ Increase the victims' trust in criminal justice system
- ✓ Shared focus of offender accountability



Additional Benefits of a SART

- ✓ Conveys an environment of collective compassion in the community
- ✓ Sexual violence is intolerable and offenders will be held to the fullest measure of the law
- ✓ Maximizes the utilization of limited resources
- ✓ Provides a road map for providing victim centered services
- ✓ Restores hope that efforts are being made to respond in a holistic, tribally appropriate way



Where do we Start?

- ✓ Form a steering committee
- ✓ Establish a wide base of support
- ✓ Identify a plan, such as the 8 step model of protocol development
- ✓ Develop a mission statement



START

Establish a Wide Base of Support



Why is this important?



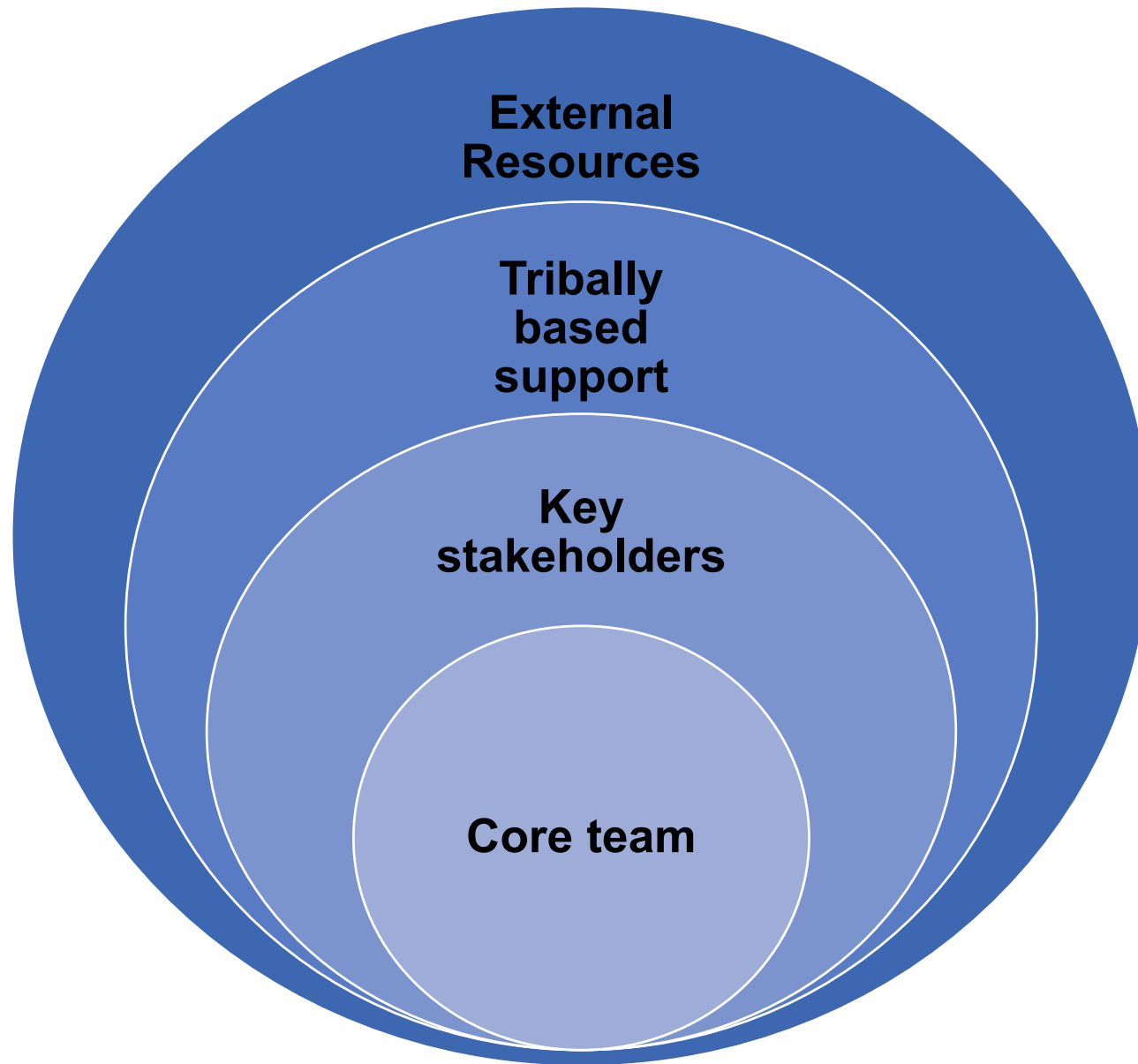
How do you establish this support?



Who do you target? Why?

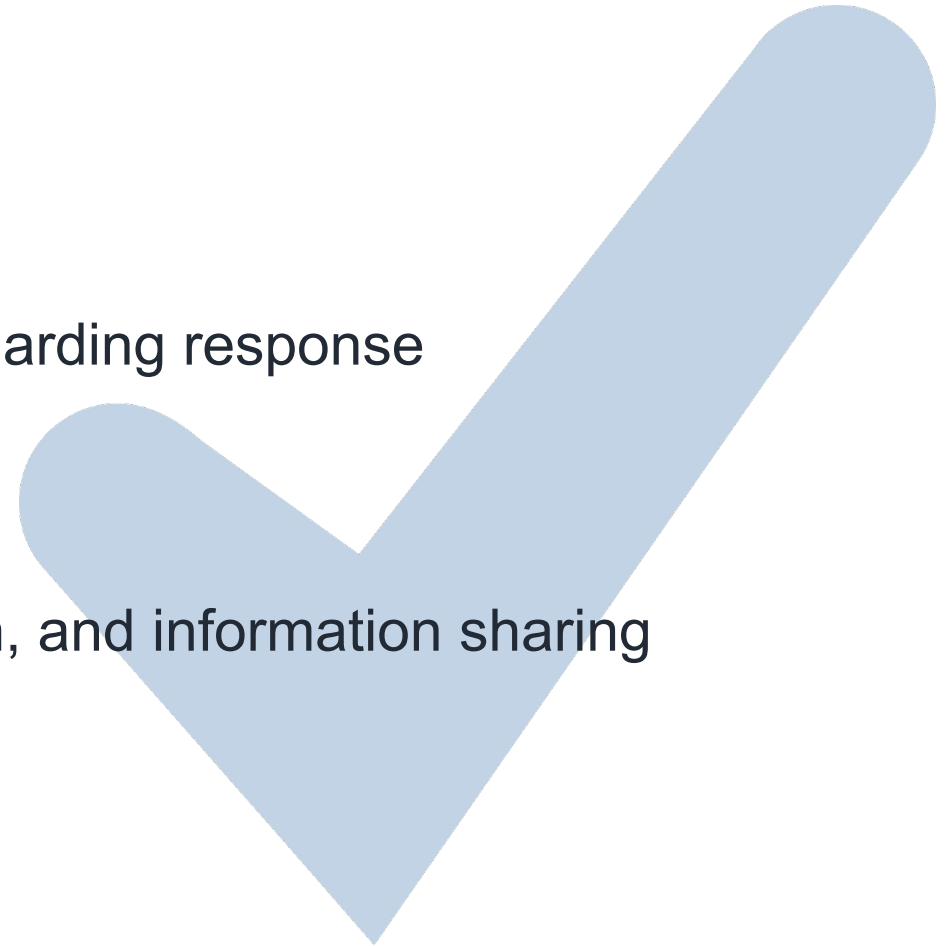


What resources will you need?



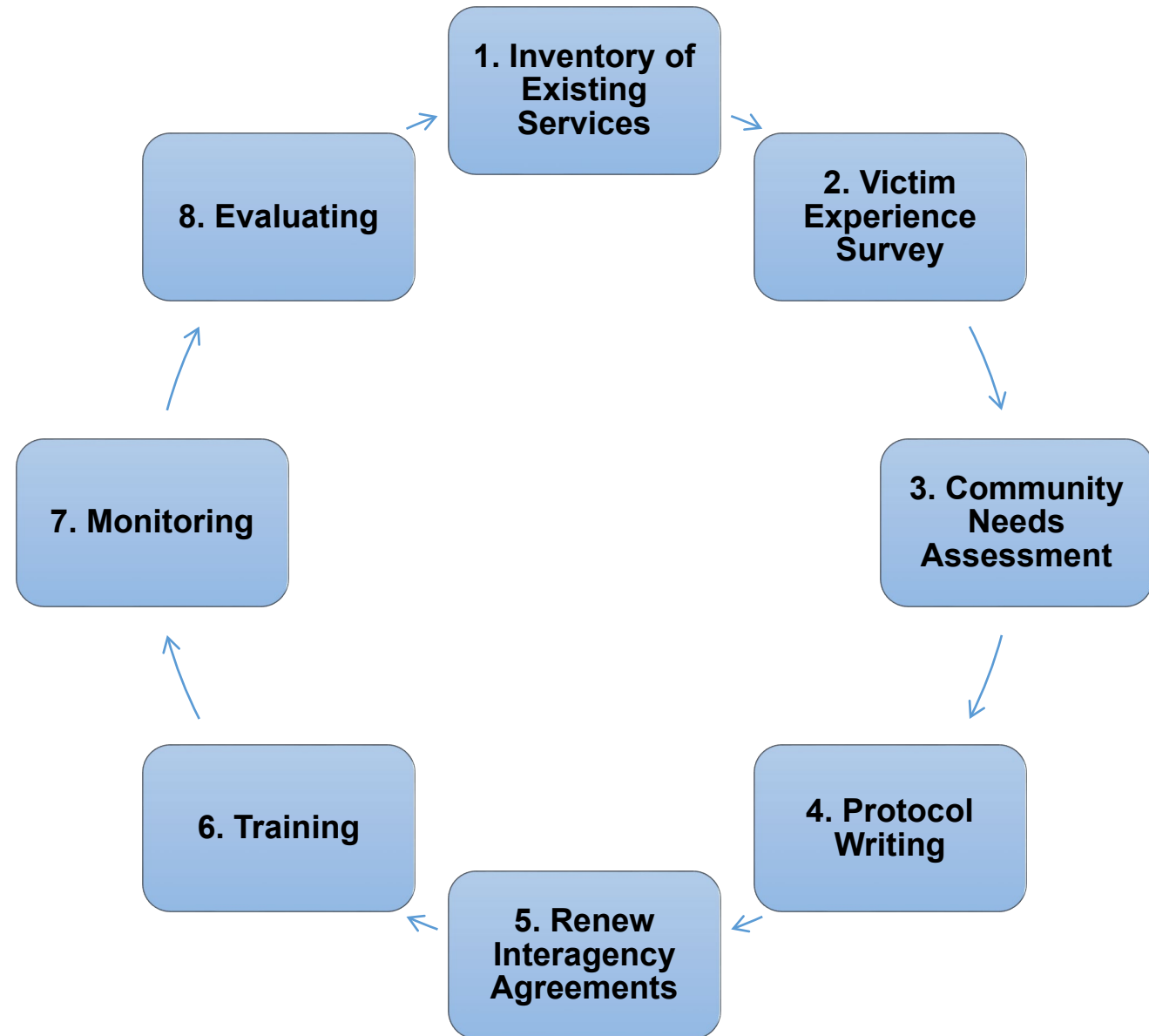
Checklist

- ✓ Identify team members
- ✓ Identify resources
- ✓ Form a team, purpose, and mission statement
- ✓ Obtain buy-in from leadership and stakeholders
- ✓ Troubleshoot solutions for existing problems regarding response
- ✓ Discuss protocol development and define roles
- ✓ Develop MOU's with represented agencies
- ✓ Consider T/TA for confidentiality, communication, and information sharing



Example of a Protocol Development Process

From: Improving Community Response to Crime Victim Services –
Anita B. Boles, John C. Patterson, Sage Publications, Dec 1996

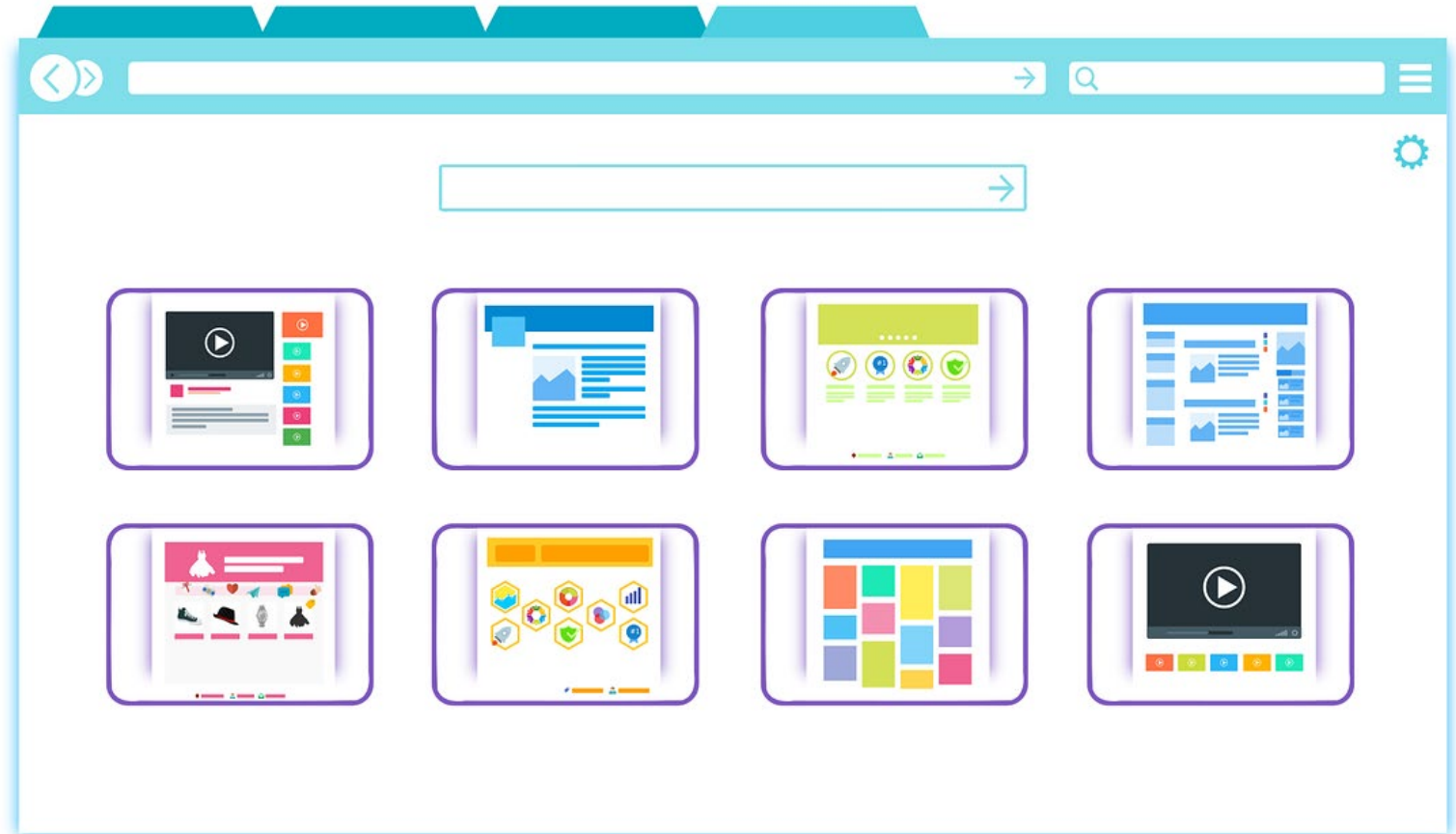




Develop a Mission Statement

- Why is this important?
- What are the needs that must be addressed in the community?
- How will the team address the needs?
- What traditions, beliefs, and values will guide your work?

Resources



NSVRC.org/SARTS

Features of the website include:

- ✓ SART Discussion Group
- ✓ SART Toolkit
- ✓ Protocols and Guidelines for Sexual Assault Response Teams

SART TOOLKIT

Sexual Assault Response Team Toolkit



About the Toolkit
Section One

Learn about SARTs
Section Two

Build your SART
Section Three

Meeting Logistics
Section Four

**Sexual Assault
Response**
Section Five

**Victim-Centered
Approaches**
Section Six

**SARTs and Sex
Offender Management**
Section Seven

Glossary
Section Eight

Outline

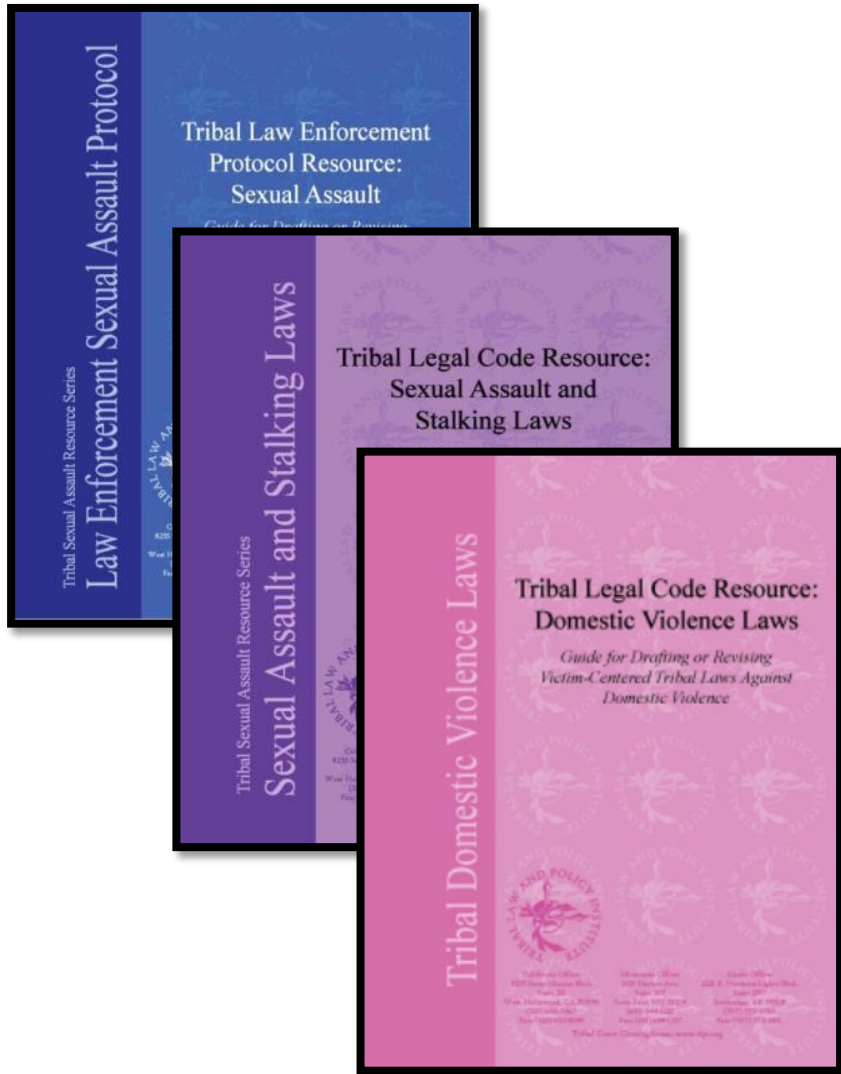
TribalResponse.org

Features of the website include:

- ✓ Critical resources and tips for strengthening responses that prioritize victim safety & offender accountability
- ✓ Resources for tribal protection orders
- ✓ Critical resources for victim safety planning
- ✓ Resources to design and implement community education and awareness
- ✓ Information on community and systems-based victim advocacy
- ✓ Resources to increase tribal capacity to develop and sustain shelter and safe housing



Tribal Law & Policy Institute Resources



- ✓ Tribal Law Enforcement Protocol Resource: Sexual Assault
- ✓ Tribal Legal Code Resource: Sexual Assault & Stalking Laws
 - ✓ Tribal Legal Code Resource: Domestic Violence Laws

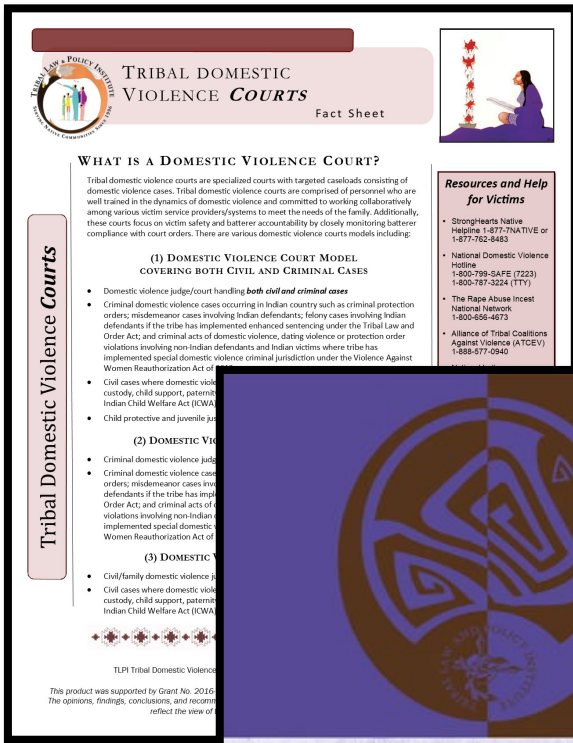
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Tribal Law & Policy Institute Resources



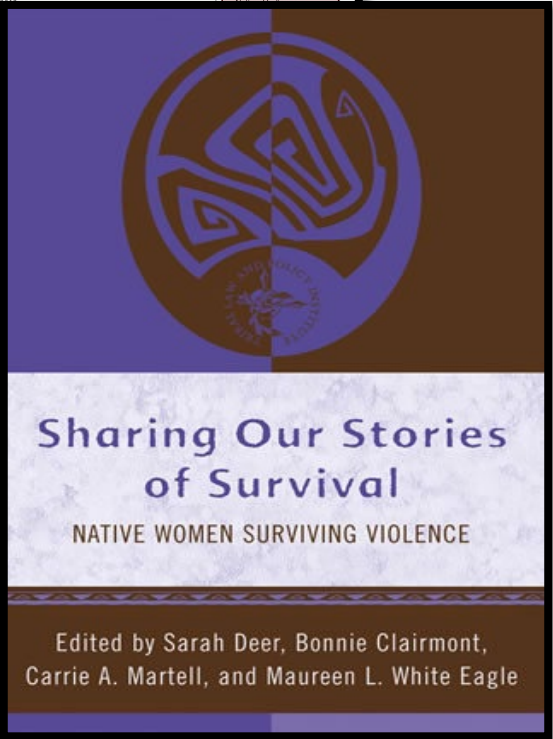
- ✓ Final Report: Focus Group on Public Law 280 & the Sexual Assault of Native Women
- ✓ Tribal Legal Code Resource: Tribal Laws Implementing TLOA Enhanced Sentencing and VAWA Enhanced Jurisdiction
- ✓ Tribal Court Judges Bench Book: Sexual Assault

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Tribal Law & Policy Institute Resources

- ✓ Sharing Our Stories of Survival: Native Women Surviving Violence
- ✓ Tribal Domestic Violence Courts Fact Sheet



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September 8, 2020 | 3 PM CT

- ✓ Coordinated Community Response (CCR)

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