

## **Webinar Transcript - Developing Policies and Procedures to Support Tribal Probation (Part 1)**

Welcome, everyone, to the National Criminal Justice Training Center webinar, Developing Policies and Procedures to Support Tribal Probation, part one of a two part series. My name is Jen Jansen, and I will be moderating for you today.

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Before we begin today, let's launch our first poll. The question is, which of the following best describes your role? The options are probation officer or reentry specialist, judge or attorney, court administrator, tribal leadership, or other. As you can see, the majority of our folks, 83% of them, are probation officer and reentry specialists. Next is 10% would be other, followed by both 3% of court administrator and tribal leadership. We have no judges or attorneys present with us today.

I'm pleased to introduce today's presenter, Michelle Rivard Parks, Lea Geurts, and Kevin Brennenstuhl. Michelle Rivard Parks serves as the Associate Director of the Tribal Judicial Institute at University of North Dakota School of Law, where she provides training and technical assistance to tribal, state, and federal officials, judges, and personnel on topics relating to the planning, implementation, and enhancement of tribal justice systems as well as topics relating to tribal law and federal Indian law.

Lea Geurts is a project coordinator with the National Criminal Justice Training Center of Fox Valley Technical College providing training and technical assistance for tribal grantees funded by the BJA and other DOJ programs. Lea has over 15 years of experience working in tribal justice programs in probation, court administration, SORNA, and tribal justice system planning.

Kevin Brennenstuhl is a project coordinator at the National Criminal Justice Training Center of Fox Valley Technical College. Within his role, his main focus is supporting tribal justice system professionals who are working to empower victims of crime, expedite the recovery process, and keep their community safe. Thanks again for joining us today. Lea, I'll turn the time over to you.

Great, thank you, Jen, and welcome, everyone, to our first part of Developing Policies and Procedures to Support Tribal Probation. It's so great to be here with you all today.

I'd like to start off by acknowledging all of the hard work you do in serving your respective communities. Tribal probation is very near and dear to my heart and I truly believe it's a calling to be able to serve our communities in a way that supports community safety, accountability, and a way for individuals that we work with to be supported as they work on behavior change. We know your job is not easy.

There are many challenges that we face as tribal probation officers. Everything from funding levels to adequate staffing, appropriate resources to support the work you're doing, and even many of you may not have adequate policies and procedures to guide the work that you do. We hope that over these two days, you will have some key takeaways that will help you in developing or updating your policies and procedures to support the work that you're doing in your tribal probation positions.

Over our time together, we will describe the difference between codes, ordinances, policies, procedures, and protocols, discuss the importance of vision, mission, and purpose statements, identify the key items to be included in policies and procedures, and analyze special considerations and potential challenges that you may face throughout the development of your policies and procedures.

As we move forward, we hope to have an interactive session. Please feel free to use the chat and engage in conversation and ask questions. We really want to be engaging throughout this process. Most importantly, we hope that you listen to the information presented over these two sessions that you're thinking about the community that you serve. We all come from different places, backgrounds, and experiences. It is vital as we are thinking about developing for the first time or updating current or outdated policies that the community in which you serve is always in the forefront and the work and sovereignty and customs of your community are reflected throughout your work and throughout the development of your policies and procedures.

So what we want to do before we hop into the vision and mission is go over some key terminology and some takeaways that we just want to be sure that everyone is aligned with so we're all on the same page. So when we think about our codes, codes are really those formal and legally enforceable things that regulate or establish conduct.

So codes are tribal law and order codes. Those are usually codified. They generally come through resolution through our tribal council or through our leadership. They may create rules or legal processes that an agency must follow. And they're also enforceable in the legal forum. So that's really that foundational piece. And that's where we're always going to go back.

And you hear this throughout these next two sessions of going back and always be ensuring that you have alignment with your codes, that your policies and procedures are supporting what your tribal codes are directing, that they're abiding by that. And then also evaluating if there's times or particular areas that may need to be updated in the code that supports what the current practice is, because we know sometimes our codes also are not updated as frequently as we would like for them to be updated.

Policies are formal statements of purpose and standards. And again, we're going to go over and break these different sections down for you as we move forward. But your policy is really that formal statement. It's saying why we exist, what it is that we do, what our standards are. It expresses what actions the agency is able to do and it's also enforceable by the agency, meaning that it provides that level of structure and guidance, but it also provides accountability for those that are working within that position.

And then procedures. So we had policies. Start with our code. Talk about our policies, which is why we're doing that. And then those procedures are really those step by step directives or directions that allow somebody to come into the position and understand what they need to do that support the code and the policy. Procedures do a lot of things. They help create consistency and ensure consistency in our responses and the way that we're carrying out our day to day work.

It creates that level playing field where there's not questions on what should be done. It hopefully eliminates those gray areas where we're not really sure in particular situations what we should do. It's really going to be really specific on those action steps that should be taken. It's overall going to provide that guidance on how, when, and who will act. And it's generally not legally enforceable but may have legal implications.

So now that we have talked about some of our key terminology, I think for me where I always like to start is at our vision, mission, and purpose. And the vision, mission, and purpose are so vital to uniting everyone and creating alignment in our programs to support the development of our policies and procedures. It really is that first step.

So we know some of you may be coming in that have policies and procedures. Some of you are like, we kind of do this and learn from each other. Some of you are saying we want to really take on this task over the next year to get some policies and procedures developed. This is really going to be the starting place for creating that alignment within your department.

So we're going to transition now to a poll. And the poll question is, does your tribe or organization have a documented vision and/or mission statement? And you can click yes, no, or I'm not sure. All right. So we've got a little over half that have yes, your organization has a vision and/or mission statement. A little under 20% at no. And then about 20% I'm not sure.

So what we're going to do now is we're going to talk about vision. And again, vision is that starting place. It's that statement of optimism. It brings hope. It's that place that you go in to when you say if all things were perfect. It really is that vision of where you want your community and your program and the people that you serve to be.

So again, it doesn't have to be something that's going to happen today or tomorrow. It may be something that's not even going to happen within our lifetime. But it is that expression of hope and optimism and it's something that doesn't say how we're going to do it. It doesn't say what we're going to do. It's that state of being. So our vision is.

So I'd like for everyone just to take a moment if you can pull up your chat box. And we're going to take just a little trip here. So you want some amazing adventure that you're going to be leaving your community, leaving your position for a couple of years. You're going on this travel adventure, and you're going to be leaving your community to go on this amazing adventure. And you come back to your position. You're in probation. And everything is perfect. And we think about what would that look like?

So in the chat box, I'd like for you to start typing in things. What is that perfect state of being? If you came back and you get back into your role and you're like, wow, we are here. What is it and where is it that you are? How do we describe that? What exists within our probation program that makes it that perfect state of being?

Well oiled machine. Fully staffed and trained. Culturally based. Resources. Trained. Available resources. Compassion. Thank you. What else exists if we come back and we have all of these things? Zero recidivism. Mutual cooperation. A lot of those community resources and the availability to the community.

More probation officers. Cultures and traditions included in our practices. Awesome. Fully staffed. Policies are developed. Yes. Thank you, Tina. Bridging gaps with resources. Rehabilitation through positive results, not punishment. Awesome. So as you're working on your team fully staffed, a permanent building, thank you, Anna. Great feedback. Keep them coming. I like that Susanna. Well laid out roadmap. Community support. Sober living houses. Awesome.

So that's that vision. That's that hope, that optimism that may not be something. We may not have all of these things today or tomorrow. But that's what we're striving for. Your vision is what inspires you. It's what puts your feet on the ground day to day and gets you into the job. It's that hope that the actions that we take and what we're doing each day is going to eventually get us there.

And this is something that I would strongly encourage you, again, regardless if you have policies already developed and you're just looking at updating them or you're really starting from scratch and saying, how do we kick this off? It's really sitting down, pulling together. I know we don't have sometimes a whole lot of people that we can pull together or a team. But get those people that you're working with on a regular basis together and talk about this. Talk about your viewpoints, your perspectives, where you're coming from.

What is it that drives hope? That if you came back and you're like, we have everything we need to be the best program we can be. What does that look like? What does that look like in terms of serving our community and serving our program and supporting our staff that are working and doing the work? How is that reflected? And that vision statement will start to come about.

So again, in your vision statement, it doesn't have to be something that's overly long. If it starts getting too long, then there's probably too much information in there. Your vision statement doesn't need to say how you're going to do it or what you're going to do, but it's just that state of being. Yeah, thank you so much for all of those responses.

But the vision is really where we start creating alignment for our departments. I know especially if you're, let's say, the only probation officer, it's also the way that we get buy in from those that are ultimately going to have to approve our policies and procedures or help us as we're starting to pull information together. It's how we create that buy in. It's that feeling of hope, that level of excitement. It's how we bring people along with us. Like wow, I would love to see that. I would love to be able to support that. I would love to be part of that.

So it really is starting that first step to alignment, that first step to buy in. And it's also that way that as you're bringing in new staff or you're training new individuals or you're expressing to the community what probation stands for, what probation means within your community, it's that way of creating unity. This is something that we can all support. This is something that inspires us to keep moving forward.

Thank you. Communication incentives. Good behavior. So really that's that hope and optimism that we want to bring into our vision statement. And again, the vision statement, that first piece to creating alignment, which is vital. And you'll hear that throughout this process. There's going to be different perspectives. There's going to be different practices.

And always coming back and being able to come back to your vision and mission is really key as you move forward in the development of your policies and procedures, because everything should tie back. Is what we're doing helping us accomplish our vision? Is what we're doing helping us meet what we said we were going to do in our mission statement? If there's any questions around vision, please feel free to type that in the chat and I'll check back in.

The second part of just this preplanning work that we're going to do to get into the policies and procedures is then our mission. And our mission is a little different than our vision statement. Our vision statement is that 30,000 hot air balloons look down on the world. It's that perfect state of being. It's here's what we hope. Here's what's inspiring us.

Our mission is kind of bringing us a little bit closer to the ground. It's not, again, overly complicated or overly long. But it is going to in a brief statement identify who you are. So as your program. So our tribal probation program or however you identify. That's a way that your mission can start. Identify who you are. It's going to identify what you value. And some departments may choose to develop a value statement or a list of values or some even incorporate artwork to identify what those values are.

Values don't always have to be listed or stated specifically, like we value. But it should be implied throughout your mission statement that if somebody reads that and that takeaway is, I see that this is what that value is. It should identify who you serve. And really this is an area where I feel sometimes we can create additional work or get off focus. So really who we serve.

So in probation, we may not be serving everyone. So we are serving our community, but really our actions are going to be specific to our clients, to our court. And if we're not specific enough in who we serve, that can create a challenge as we're developing our policies and procedures, because it makes our approach too broad. So really, again, this vision is kind of bringing it down to that next level. We have the vision big at top. Mission's a little bit more specific. So it's identify who is served, why you serve them, and how you plan to serve them.

So the mission statement will be sometimes about a paragraph, two to three sentences, maybe a little bit longer. But again, we don't want to be overly specific. We don't want to tie ourselves down. But we also don't want to be so broad that it doesn't allow us to effectively do our job.

So one example that I can think of where sometimes there may be too broad of a statement is when we say who we serve. Our program may not be able to serve those that were convicted outside of our jurisdiction. So that may not be something we're able to do. That may not be something that's approved or available through the code. And it may also be that we don't have the resources to support that. If we're not specific enough in who we serve, it can really open up those doors for that to be challenged in an unfavorable way.

So really these are things to where you want to brainstorm these out. The same thing as we did with the vision of what's your thoughts? How does that come to be? Brainstorming these things out of who we are, those keywords. What is it that we value? Who do we serve? Why do we serve them and how do we plan to serve them will pull together your mission statement. Kind of bringing it down a notch, a little bit closer to feet on the ground.

So the next thing that we want to do after we've established our vision and mission, keep in mind developing your vision and mission, even though we might talk about it in webinars or in trainings, your vision and mission sometimes is a very tedious task. And so I just want to put that out there that as you're working on it, as you're bringing your core folks together to discuss and work on that, it's important to give yourself time.

Give yourself time. Honor perspectives. Honor each other's contributions. Word milling. Some people have some strengths in taking all of those great thoughts that we might have and putting them together into that comprehensive sentence. But really establish a way to come to consensus on what your vision is. Come to a consensus on what your mission is. And really build in that time to be able to have that concrete foundation there. That's really important and key.

And even though we might just take a few minutes to talk about it in a webinar, taking a few hours over the course of a month or a couple of weeks or a couple of different sessions of getting together is totally normal. And it really supports clarity of thought. It really supports you being able to flesh out really what is our vision for our probation department? How do we want that to look? What does that look like reflected in that perfect state of being within our community?

We're looking through our codes and our policies. Who is it that we're supposed to be serving? Who is it that we're directed to serve? Who is it that we're actually serving and is there a conflict there between what our code says and who our program is currently serving? So really take the time to get those foundational pieces in, because it will support you when you hit a hiccup or a roadblock to go back to that and be sure that all of the work that you're doing is inspired and meeting your vision and that it also aligns with what your mission statement is.

So when we're thinking about our purpose, really we want to ask, why is this policy needed? Understand that underlying basis for the policy. We want to ask ourselves, what's the reason for the policy?

So if you just thought off the top of your head and you think, what's the purpose? Why are you all here today when you think about policies and procedures? What will policies and procedures do for you? What's the purpose of you wanting to hear more or be with us today to talk about policies and procedures? Go ahead and type that in the chat.

I know for me, when I look at policies and procedures, yes, that's one of those key things, Beverly. Thank you. Protection of the offender, the officer, and public. That's very well stated. To have a better understanding as to why we have them. Yes, abide by the tribal laws. It's upholding the tribal sovereignty. Community safety.

So these are really things that we want to have conversations with. Create this dialogue within your teams. In the process of hiring someone with limited criminal justice experience, that's huge. That's that purpose. Getting to really why it is that we want to have the policies and procedures. And that's really that next step of guiding the process of where you're going to go.

And it's also important to ask those around you. So we know probation, we don't work in a silo. We work with our tribal judges, our court administrators, with our prosecutors, with our defense attorneys. We're working with the community and really having the same conversation that we're having now. Brainstorming these things out and capturing those on notes or on paper charts or on a whiteboard. Whatever that looks like is really important to ensure that it's meeting all of those needs.

Fair trials. Establish guidelines for process. Partnering agencies. Absolutely. And those are all considerations that we'll be talking about a little bit later on as well. So thank you for bringing that up. Yes. Uniformity. Daily operations and adherence to applicable laws is really where we end up going. But really bring those perspectives in from those that are around you, from those that you're working with.

If you have more than one probation officer that's working, get together and, again, pull in those additional folks to give input into really what is the reason for needing to have that policy. The judge may have a different perspective than a prosecutor or that your court administrator or that you have. And really being able to bring those things together is going to impact and assist in the development and the process that you take forward in developing your policies and procedures.

So we talked about purpose. We also want to look at alignment. And I think that I've said alignment a few times in our time this morning. We might have people moving in multiple different directions. We know that everyone has their own specific role. But we really want to look at alignment. And those alignments and those checks and balances that we always want to go back to is reviewing existing laws, applicable laws that govern what we do.

And again, if we find that there's conflict between our existing or applicable laws and what we've been doing on a regular basis, that's again where we need to pause and have a bigger conversation of how do we move forward with putting pen to paper for policies and procedures. If there's a challenge there. And then also looking at code revisions or code updates. Some of our codes may be very outdated. And that's an area that we may need to move forward in updating prior to putting those policies and procedures, kind of that next step.

At the same time, if you find a challenge there, don't stop. There should be other areas that you can keep moving forward with. But again, we want to be sure that everything is in alignment. So there's applicable laws.

This is really, really important where we talk about that it's reflective of our community values, standards, and norms. And I think when we opened up, I was kind of talking about that. We're in a really special position as tribal probation. We're working in the community. We're engaging with families. We're engaging with individuals that are part of the community.

And each of our positions should be reflective of the community that we're serving. We know sometimes there may be some good frameworks. We know that we're bringing different experiences. Some of us may be a community member from the community. Some of us may be from another community. Some of us may have work experience with the state or county or another tribal government. All of that becomes relevant and contributes to the way that we perform our job. But through the lens, we really want to be sure that as we're looking at policies and procedures that they are aligning with our community values, our standards, our norms.

One way that I always like to do this is incorporating a community member into your small team that you're developing. Is there somebody from a law and order committee that's really in touch and attuned with the temperature in the community? Is there somebody that's really engaged with some of the resources and the cultural resources that are available that can provide insight to your policies and procedures development? So really expanding that team out. We don't want a ton of people, but enough people to help be sure that we're informed in the most appropriate way and that ultimately our policies and procedures are reflective of those community needs and values.

That we're looking at what's existing resources and services. So it would be simple to write into our policy that so and so once they're sentenced, they're going to have x, y, and z. But we know if we don't have that resource available within our community, that's not going to be aligned with the resource that's available. But it's also going to create challenges in creating that policy and procedure to support that action because it's not something that exists. So we always want to be sure that resources and services that exist are aligned within our policies and procedures.

Another check. And this is where it's always good to have our legal folks at the table. Again, our judges, our prosecutors, our defense advocates if your community has defense advocates or advocates that represent folks in court or attorneys, that legal review. Other places to look for legal reviews also is oftentimes your tribal leadership may have a tribal attorney that reviews, say, codes or other things that are going to be voted on by a resolution. Great opportunity. What's the process for getting in touch with that person and giving them a heads up that you're working on policies and procedures? That's one of those final steps is kind of running it through or by them for that final review.

And really important and for those of you that have been through the academy really know that victim centered. We know in probation we're working oftentimes with clients that have caused harm. And so we want to be sure that our policies and procedures identify areas where we are able to be victim centered, where we're helping enforce safety for those victims, where we're incorporating practices that are not going to conflict with victim safety, and also are holding our clients accountable to ensure that there's not additional harm caused to those victims while they're under supervision.

So those can be things in considerations even when we talk about conditions that that's enforceable, that if there's no contact orders, that's part of our process. That's part of our policies is that we uphold that and that we're checking in responding to any violations in those terms. So really going back through that lens of being sure that we're supporting victims and things are victim centered.

So we've talked about alignment overall, getting our vision, our mission, how we kind of brainstorm that out with our team. We've talked about our policies, procedures, our key terminology that lays out purpose, and that gets us to data alignment.

So we're going to launch a poll here before I transition it over to Michelle. And the poll is what do you believe is the most important role of policies? Provide direction for people and programs, support delivery of services, ensure compliance with laws and regulations, all are equally important, or I am not sure, that's why I'm here.

All right. So the majority of folks, all are equally important. We've also got provide direction for people on programs, ensure compliance with laws and regulations. So yes, I think all of those is the important role of policies. Awesome. All right, well I'm going to turn the time over to Michelle.

Great. Thank you so much for that wonderful introduction, Lea, and kind of getting us started in our thoughts and kind of organizing our thoughts around policies and procedures and what they can do for us and what the distinction is.

Before I get started on the importance of policy and procedure and kind of reinforcing some of what you all have said, I've been monitoring the chat. And there are a few words that have stuck out for me in here. I've seen some references to rules to follow to enforcing laws. I've seen the creates rules for the agency a few times. So I just want to make one point of clarification in terms of the legal side of things.

So as Lea stated, many of us are within our tribal communities and have existing tribal constitutions and tribal codes. And those really are the legally enforceable provisions within our tribal laws that are brought before the court and also can provide some directives or requirements regarding probation, the provision of probation services, et cetera.

I wanted to make one clarification around this reference to rules. Typically rules and regulations are going to fall next in line below tribal codes in terms of the hierarchy of our laws. Rules and regulations are typically going to be enacted by your tribal legislative branch, which might be your tribal council. And oftentimes the rules or regulations that are created and pertain to a specific agency are also legally enforceable. And so if there's an agency that violates a rule or regulation, that can result in a court action.

And then we move next to what we're discussing today, which is policy and procedure. And so I want you to think about policy and procedure more in the context of guidance documents that are going to do a few different things for our agencies. One of the things that-- and part of the reason that these policies are important is that they are going to help to provide some overall direction for the program or the agency and the personnel who work within that agency.

But I think they're also really important because they help to manage and set the expectations. Those expectations might pertain to what your agency is there to do, the type of services you're able to provide and not provide, and also through your procedures, which are incorporated into this policy and procedure document. It helps to manage and set expectations for how you're going to do the work that is within that kind of scope of your agency. And I think that's a really important part of the discussion.

Because particularly in tribal communities where we might have limited justice system agencies, sometimes there can be people coming to request services from you that just aren't within the scope of probation services. And so if you have policies and procedures, it can really help to manage and educate the community on what you're there to do and why you're there to do it. It also provides this really important roadmap for day to day operations.

And also looking at the chat from earlier, when you were discussing, I think Lea was discussing vision and asked you to throw out some words regarding vision. And people were talking about with their vision, we would be fully staffed, we would be fully trained. And policies and procedures can be an important tool that you can use to help foster the orientation of new personnel and the training of those personnel. It can be an important tool that you can provide to new hires, for example, that can help direct how they're going to conduct themselves as employees on a day to day basis.

The other thing that policies and procedures can do is help to reinforce those legal mandates that you might find in approved rules and regulations that pertain to your agency as well as the code provisions that might pertain to your agency. So if the code says, for example, that an individual is going to be placed on supervised probation and then you may have a rule or regulation that says "supervised probation may include.." and a list of services.

So your policy then might state something like in accordance with this provision of the code and these rules or regulations, we will provide these services by contacting a mental health provider, ensuring that necessary evaluations are completed, et cetera. So you can kind of see how this is a building process. And I really like in this picture that we see this puzzle visual. Because these are all pieces to the puzzle in ensuring that we have comprehensive justice services to people who have been adjudicated and are working towards reducing or eliminating recidivism.

The other thing that policies are important for, I think, is to ensure fair and equitable delivery of services. So that when people come into the probation system, we talk about I just mentioned the word expectations. It creates a set of expectations as to how individuals will be treated, the types of services that they might be eligible for, and how you're going to work with that individual as you supervise them after adjudication.

And the more that you are able to do that in a fair and equitable manner, the more integrity that lends to this work that you're doing. And it actually really translates to the people that you're working with as well and helps to improve their level of consistency and just the view that they have of probation services in general. So it can really help to improve their compliance.



And again, on this guidance to personnel, I think this is really important as well. It kind of ties in to the fair and equitable delivery of services. But our policies and procedures are important guides for our personnel so that they understand their role and responsibility within the agency and hopefully within the larger justice system. It can also be a helpful and useful tool to guide personnel in making decisions when working with an offender.

Such as is this a time for me to request that a judge extend probation or should I be requesting a violation given the circumstances I have in this particular case? And if your policies and procedures are well drafted, they're not going to be so concrete that they create a one size fits all approach. But they should at least give some factors that personnel can consider in making an informed decision to help with case file management.

And then I also saw early on that we had people mention that in the vision, in the perfect world for probation that there would be services provided in a collaborative manner. And that collaboration really is important too. And so your policies and procedures can help guide personnel in how and when they might communicate with other agencies within your tribal community or outside of your tribal community if you have outside and nontribal agencies providing services.

And I think that's also a really important tool. And these provide guidance to our personnel, but as the personnel within your agency have a better understanding of roles, responsibilities, of the purpose of the agency, why you're there, what you're there to do, that's also really empowering for your personnel in terms of the work that they're doing and really important to retention of our employees as well.

So we want to talk just at this point in part one of this series of webinars also get you thinking about then what might some of the key provisions be that you want to include within your written policies and procedures? And as Lea walked you through, the vision and mission. Policies and procedures starting out in some of your very early pages of your policies and procedures, setting forth what the vision of your agency or department is, and what your mission statement is. That kind of sets the tone for everything.

So when your personnel pick up your policies and procedures or you go through your policies and procedures with your legislative branch, your tribal government, or maybe in your communications with the court, it's pretty clear to everybody what your agency or department is there for, what your big, long term goal is, and what you're really trying to accomplish within the community.

Also including some provisions that set forth the roles and responsibilities of key personnel and stakeholders is important. So within your agency, what distinguishes your probation director from an assistant director position? Do they have a different role to play?

For example, maybe your director is going to really be responsible for fostering partnerships and collaborations, monitoring and working on fiscal management matters. Maybe they will be the point of contact for your tribal government when there are questions. Maybe they will be the point of contact for your tribal judicial system. And then maybe your assistant director has a different role. And then you kind of go on down into case managers and so on.

And outlining those roles and responsibilities of key personnel can really help to create kind of an organizational structure for your agency. It can help to establish clear lines amongst personnel so that each understands the roles and responsibilities of one another. And that can help to also minimize conflicts even within your agencies and departments. And then it also lets others know what certain personnel are responsible for.

The procedure and protocols should also include some provisions that give some guidance to the personnel in terms of what's going to be done during the probation process. So for example, there will be a case review and assessment process. And this is what that looks like. There will be timely investigations conducted. And this is what the investigative process looks like. It will outline how communications will be handled with agencies and individuals.

And then it's also important, I think, that some of the key provisions at least focus on a little bit about records and record retention and management. For example, will there be some information in client files that will be confidential? If there is a request for information regarding a client, how can that information be shared? When can it be shared? Do you need releases of information or do you not? Those kinds of things can be very, very important.

And then also those interagency collaborations. Having a section in your policies and procedures that focuses on which agencies maybe you have current collaborations with, how the agency will approach new collaborations. If there are going to be collaborations, are MOUs or MOAs going to be a part of that? Memorandums of Understanding or Memorandums of Agreement. And if so, do those need to be vetted through a legal department? Do they need to be approved by your tribal leadership, et cetera?

And we don't have direct answers for you on that, because some of that process is going to vary from tribe to tribe. But just to get you thinking, OK, if we're going to put pen to paper, these are some of the kind of things that we need to make sure we're touching upon within our policies and procedures.

So when we talk about the importance of policies and procedures, also making sure that we do understand that they do help in making sure that our probation department is being consistent in the services that they're providing within the justice system, that they are helping to orient personnel, that they are helping to foster and document interagency collaborations, and also that they are victim centered.

And I know we're going to get in a little bit more of discussions about what it means to be victim centered. But when we're working with our personnel, it can be really easy for us to really focus in on the client that we're working with and that we're managing.

But we want to always make sure that our personnel and our agency continues to be aware that they are part of a larger justice system and that that larger justice system, particularly when we're addressing criminal activity, is there to make sure that we're addressing the needs of victims, that we're holding offenders accountable, but that we are also in that accountability being very aware that there are individuals who may have been impacted by these crimes, both in the short term and potentially in the long term.

And so even in post adjudication, we have a role to play in ensuring that we're sharing information, keeping victims informed so that necessary safety planning and other steps can be taken when working with victims as well. So even though direct work with victims might not be a part of your day to day case management, it very much is a part of the role and responsibility of probation in the larger justice system context.

The other thing that I would just add on the importance, which we haven't touched on and I know we're going to dive deeper into this in part two of the webinar series, but also liability. Policies and procedures as they guide and as providers are being consistent in services and how they're working with clients, how they're sharing information, and understanding all of that through what's written in the policies and procedures can be an important tool in reducing liability issues that might arise in the context of the work that you're doing.

So some procedure and protocol considerations is what we're going to talk about next. And we have a poll.

The next poll question that we have is, how do you believe policies could help within your organization? Please check all that apply. The options are promote consistency in delivering services, clarify roles and responsibilities, support interagency collaboration, or I'm not sure policies would help my organization.

So Michelle, it looks like we've got our highest three. So no one responded that policies would not help their organization. But promoting consistency and developing services was the second highest response. Clarify roles and responsibilities was the highest response at 91%. And then supporting interagency collaborations was the third highest response.

Well, the good news on that for certain is that you're all recognizing the value of policies and procedures within your organization. And it's not surprising that most would feel that the consistency and delivery of services and clarifying roles would certainly be at the top in terms of benefits for the organization.

The interagency collaboration piece, I think, becomes a little bit obscure to some people. But one thing I do want to stress in terms of how it can support interagency collaboration. It's not only the provisions that you have within your policies and procedures that might pertain to how you're going to interact with other agencies. It's also-- it can help to foster interagency collaboration.

Because once you have your policies and procedures, it's really the document that sets those expectations, clarifies who you are as an agency, what it is that you're there to do. And so when other agencies are able to have a better understanding of who you are and what you do and how you do it, that can certainly go a really long way in supporting interagency collaborations as well. So beyond the provisions you write in your policy, policies as a whole can really be helpful in that regard.

So some of our goals of our procedures and our protocols really is to help our personnel really to more effectively monitor compliance. So keeping in mind most of you that are with us today are probation officers. So you already know that a big part of the job that you have is the receipt of court orders, reading and understanding what the court has ordered or required of an individual as a result of a criminal conviction. And a big part of the job that you have is to follow that individual during a specific term as mandated by the court to ensure that they're complying with the court orders.

Also a big part of your procedure and protocol goals is to implement strategies and procedures that will be encouraging in changing the behavior of clients. So if individuals-- I think this is a criticism in general a lot of times of criminal justice systems in general is people feel like there's no interaction or individuals that they're talking to don't really care about them or don't really care if they change.

And if you fashion your policies and procedures in a way that you are maintaining regular contact with individuals, you're following up on their progress through treatment programs or mental health services or community work or education, that sends a message to them that you, in fact, do care. And that can be really important in encouraging positive behavior changes.

So as you're writing your policies and procedures, be aware of not only establishing an initial plan or the initial work you do with an offender, but also making sure that you're incorporating different steps and strategies and time frames to have ongoing communication with individuals. That's really important.

Also important is that it helps, I think, people within probation to understand their roles and responsibilities as part of this larger justice system response. So you're not oftentimes just there to monitor compliance, but you have an important role to play in communicating back to the court the status of an individual. And that helps the court to make informed decisions about what they should or should not do in a case moving forward.

You have an important role to play in communicating with victim service providers to help healing for victims and safety for victims. And again, improving those collaborations amongst agencies and getting back to that early discussion about vision. And a couple of you said that there would be this good communication across agencies in this perfect world. And so your procedures and protocols can really help to reinforce that collaborative approach and clarify the roles of your justice or your agency personnel within those collaborations.

So we have kind of just touched on some of the key provisions that you want to include within your policies. But also as you start-- so your policies are really kind of those statements and those provisions within this document that are going to provide us information and a better understanding of the scope and purpose of your agency, what your agency does, what your agency doesn't do.

When we start to get further into the document and developing the document, we really want to get into those procedures and protocols. And those procedures and protocols are really going to give more of the how we're going to fulfill the scope and purpose of our agency. How are we going to conduct ourselves?

It might include some provisions when you start looking at protocols and procedures. You might want to address training, qualifications, standards, ongoing trainings. What are the expectations that you're going to set for your agency in this regard? It might include technical requirements. Clarifying what is the authority of a probation officer within your justice system and within your department. How are they going to process violations?

If there's a warrant that's necessary, let's say you've got a client you're supervising and they've gone completely off the grid and you're like, well, they're in violation, but we don't know where they're at and we need an arrest Warrant how do you do that? Do you request one of the judge? Do you work through the prosecutor's office and report to them that this person has absconded? You have a violation and you need a warrant and then the prosecutor requests the warrant. So those are the kinds of things you want to get into when you get into this kind of step by step part of our procedures and our protocols.

Also including some of the key provisions around case management and supervision. What are some of the evidence based practices that you want to follow? So if you are following up on somebody who is supposed to maintain employment, do you have a letter from their employer saying that they are actively and gainfully employed? That would be evidence that you would want to keep in the file. So if they stop maintaining employment, you might request a letter that they've been terminated or how they left their position.

And also some directive as to how are you going to work with clients when you're linking them to services. Do you need to make referrals? What kind of documents do you file? Who has the authority to request referrals? What agencies are you working with? Is there a different process for referring someone to mental health counseling versus, say, a substance abuse treatment program, et cetera? So you're really going to get into the weeds on some of it in these protocols and procedures sections.

And then making sure that you have some directives as to how you expect records will be maintained and documented within your agency. And this also comes down to consistency. It's not only consistency in how we're interacting with the clients, but it's also how we're documenting things within our case files so that we have some measure of consistency.

And of course, realizing that there are going to be some case by case determinations that have to be made. So you always want to make sure that even though your policies and your procedures and your protocols give directive that they're not the kind of direction that is written in stone and don't allow any opportunity for case by case judgments to be made when there-- so maybe you want to fashion in the factors to consider. That also can become important from a liability standpoint and a legal standpoint if you have to testify in court, but we'll talk about that in part two.

And then also communication requirements and limitations. Who can you communicate with as a probation officer? When can you communicate with people? How can you communicate with them? What information can you share? All of those kinds of things are going to be important to include in your procedures and protocols.

So when we're looking kind of in a global context at policies and procedures, we kind of want to bring you back into this framework, if you will, of policies and procedures. What are they good for? Well, they describe who you are as an agency. They should describe what you do as an agency, when you are able to provide services, and maybe when you are not.

Where you are able to provide services. And this is an important one, I think, because all of you that are working within our tribal communities or within Indian country, the where is important. We have a lot of jurisdictional factors to consider around individuals. We've got new laws that have come down federally, such as the special tribal criminal jurisdiction that some tribes have implemented, which for those implementing tribes, they're now holding even non-Indians accountable for crimes and criminal behavior within Indian country. And so that has an effect on probation.

And so when we're looking at the where, are you supervising someone? Is it within Indian country? What if somebody moves outside of Indian country? Can they move outside of Indian country, et cetera.

And then the why. Why are you providing these services? Why are probation services important? Well, they're important for a number of reasons just off the top of my head. And I'm sure as you get thinking about this, there'll be a lot more of the whys. But it's certainly to ensure compliance with our court orders. And that's a big component of tribal sovereignty. Tribal sovereignty. Making laws and enforcing those laws. So just as courts are important to enforcing tribal laws, so too are probation officers and departments.

So kind of that why. It can be a global why of reinforced in tribal sovereignty, reinforcing compliance with tribal laws, working with clients to link them to services to reduce recidivism, to change criminal behaviors and get people on a more positive path. And ultimately all of that culminates into fostering stronger, safer communities for our tribes.

And then of course, when you get into the nitty gritty of the procedures and the protocols that are going to kind of reinforce these policies, then you start talking about the how. How are we going to do these things? How are we going to work with clients? How are we going to communicate with the courts? How are we going to communicate with law enforcement? How are we going to communicate with victims? How are we going to communicate with other agencies?

And so that's the global context. And really what we wanted you to take away from today is to really get thinking about policies and procedures, vision and mission. Who are you as an agency? How can policies and procedures help with the work that you're doing? How can they help to provide structure? How can they help to provide consistency? How can they help to achieve better outcomes for your clients? How can they help to improve the post adjudication supervision, which is an important part of our larger justice system responses to crime? And ultimately, how can they help to foster better, stronger tribal communities? And that is a big part of our goal.

And so that kind of concludes our beginning discussion. And I think we have time here where we want to open it up for some of you to ask any questions that you might have about content that we covered today, about part two of the webinar, or even if it's a specific question about where you're at with developing or enhancing and amending policies and procedures.

So we do have a question. Is a majority of probation supervised by the court?

I mean, typically someone will be placed on probation by order of the court. And so in that regard, their probation will oftentimes report back compliance or noncompliance to the court. But in terms of the day to day supervision of clients, that's a probation function and kind of more in the agency structure within tribes. Usually probation departments are-- well, oftentimes they're going to be a separate department from the court. I have, however, seen probation officers come under the supervision of the court. It's up to each tribe how you want to do that.

But I think from an organizational structure and to avoid conflicts of interest for your judges and such, it is kind of a good idea to at least not have your judges responsible for supervising your probation personnel. Maybe a court administrator, but I would avoid probably having judges do that, because judges are going to be listening to some of the information provided by probation. And if they have this unique working relationship outside of that, it can create a conflict of interest.

All right. Thanks, Michelle. We do have another question. Are policies typically written from scratch?

Oh, I'll jump in on this. And then Lea, if you got anything or Kevin. I think we're at a day and it used to be probably, yeah, policies are often written from scratch. What a lot of people are doing with respect to policies now is looking to other tribes that might already have established policies that they're willing to share and then kind of looking at maybe there are some provisions. We like the way these are outlined and maybe we like some of the provisions but not all of them and adapting them.

The one thing that I would suggest when it comes to policies and procedures, or I take the same stance on codes, you never want to just take somebody else's work and just fully adapt it for your community, because your community is unique. Your community is going to have distinction in available services. It's very likely that your laws or your codes are going to differ. So although I think it's a perfectly normal and fine approach to look to the policies that have been developed by other probations when you're developing yours, I would just discourage people from just doing a full cut and paste of policies and procedures.

Yeah, Michelle, I totally agree with that. I feel, again, bringing together a team to review. And always tying it back to the community that you're serving is really important that policies are developed through that lens. So we can find templates or frameworks, things like Michelle mentioned that we really like, but really then putting on that lens of saying, how is this best going to support our community and align with our community values I think is really that key takeaway from there.

Sure. And I see there's a question in the chat too about, Jimmy Thompson, having to write their policy and wanting to know if there are any available to share. I think that's something that we-- I don't know if we have one in our toolbox for training and technical assistance. If we don't, I'm sure that's something that we can work to identify and share with you all.

So if you do have a request for sample policies or you're looking to have some technical assistance or you're looking for resources around policy development, I would suggest that you reach out to Lea or Kevin. I'm sure they have a technical assistance request. And we can get going on providing some direct resources to all of you as well. And I also think I agree with Kevin. Google is a great tool, but we don't want to cut and paste large chunks.

Let's see. Is there an organization for tribal corrections APPA, but I mean specifically for tribal-- OK. Tribal probation reentry and corrections. I know that APPA does have a tribal section in terms of a-- what am I trying to say? Where you can sign up to be a part of their tribal section.

Outside of that, though, NCJTC does have a current grant from the Bureau of Justice Assistance to provide training and technical assistance to tribal probation officers. And a part of that is also the Tribal Probation Academy. But it's being built out also to include training and technical assistance surrounding reentry and corrections. So certainly, Jerry, keep an eye out. We'll be sharing resources over the next 24 months regarding probation services, the Probation Academy, and also we're doing some other work that goes beyond the Academy as well.

Oh, and then Jimmy had a question about policies to share. Not just saying that he's requesting that of all of us. Wanting to know if others that are participating in the webinar have some to share. Great. Keith is willing to do that share and has provided an email in there. So this is great. This is exactly what we like to see in our chat is that kind of tribe to tribe information sharing, et cetera. So certainly reach out to Keith on that. And alternatively, Keith, if you're willing to share that on a larger scale or even just with people on the group here, we can help to foster that share as well. Or by we, I mean Lea and Kevin.

Thanks, Lea. I was just going to mention to the presenters if they had any last closing remarks before we let everyone go today.

It's been great for everyone to be on here. So many familiar faces. So many new names and folks that we're getting familiar with. Again, this is kind of the introductory, that larger starting at that 30,000 viewpoint. Part two will get into some more detailed considerations. So we're looking forward to seeing everyone tomorrow.

For additional information on general TTA services, links to featured offerings, and to request TTA, please visit our website. And that concludes our webinar today. I want to thank Michelle, Lea, and Kevin for sharing your knowledge and time with us. And thank you to all of our attendees for joining us and all the wonderful work that you are doing. We hope to see you tomorrow for part two, and we hope you can join us for future webinars. Have a wonderful day, everyone.