

Webinar Transcript - Developing Policies and Procedures to Support Tribal Probation (Part 2)

So welcome to the National Criminal Justice Training Center webinar, developing policies and procedures to support tribal probation part 2. My name is Greg Brown, and I'll be moderating today's discussion and presentation. This webinar was provided under an award provided to us by the Bureau of Justice Assistance, Office of Justice Programs, US Department of Justice.

The opinions expressed by presenters in their oral or written materials are theirs alone and do not necessarily represent those of the National Criminal Justice Training Center or Fox Valley Technical College or the Department of Justice. So before we begin, let's go ahead and launch our first poll question. And the question is which of the following best describes your role, probation officer, reentry specialist, judge or attorney, court administrator, tribal leadership, or other?

All right, so the most of you are private tribal probation and reentry specialists, no judges or attorneys. We've got some court administrators, some tribal leadership, and a few that selected other. I am pleased to introduce today's presenters Michel Rivard Parks, Lea Geurts, and Kevin Brennenstuhl.

Michelle serves as the Associate Director of the Tribal Judicial Institute at the 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 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 BJA and other DOJ programs. Lea has over 15 years of experience working in the Tribal Justice programs in probation, court administration. She's worked in SORNA as well as tribal justice system planning.

And finally Kevin is a project coordinator at the National Criminal Justice Training Center at Fox Valley Technical College. And 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. Presenters, the time is now yours.

Awesome, thanks, Greg. And we want to talk just a little bit about the things that we covered yesterday. So if you remember, we started off with talking about the difference between our codes, ordinances, policies, and then the difference between those policies, procedures, and protocols. We kind of did a little bit of brainstorming activities around our vision, mission, and our purpose statements.

That's really that foundational piece to bring in a small group together to help dive in to either start developing your policies and procedures or updating and reviewing your policies and procedures. We talked about some of those key items that are included at that higher level. We're going to get into a little more specific stuff a little bit later on. And then we are also going to analyze those special considerations and potential challenges.

So for today, we're really getting into some of those pen to paper kind of stuff that we want to consider. And we're going to go over identifying key inclusions, templates, design elements to consider when you're developing your policies, explain strategies to reduce liability, describe the implementation process and the importance of community involvement, and then also discuss those ongoing evaluations of policy and the importance of keeping those updated.

So we have another poll here. And the poll is does your department currently have policies and procedures to support tribal probation? So the options are yes, they are adequate, yes, but they need refreshed, yes are very limited, no, there are no policies and procedures, or the last one is I'm unsure. So we've got a small group that says, yes, we have adequate policies and procedures. I think the majority of folks are kind of there in the yes, they need refreshed or they're limited.

So hopefully, you'll take away some good stuff from today. And then we've got some folks that are kind of starting at that ground zero place of no, there's no policies and procedures and then a few folks that aren't sure if there's policies and procedures. So that's good information. Thanks for responding to that poll. We can go ahead and close that out.

So we're going to hop in where we left off yesterday was some of those key inclusions. And we kind of left you to think about that between yesterday and today really looking at that being able to define who your agency is, who it is that you're going to serve, what your agency seeks to accomplish on behalf of the population that you're going to be serving, when your agency provides services or engages with the clients, what types of circumstances or orders come about, where your agency or your department is able to provide those services, why your agency provides those services, and how your agency provides certain services.

So those are kind of those guiding questions that we'll continue to come back through and kind of break those down as we continue in our conversation today. But really, your policies and procedures should ask and answer all of these different considerations. So in our policies and procedures, again, when we're talking about how we're approaching our policies and procedures. I know there was some really great chats going on yesterday where folks were willing to share what they have currently, great place to start.

We always want to remember that even if we're looking at templates, not reinventing the wheel, that we're really taking the time to step back and be sure, though that everything is reflected through our community's lens that we're serving and that we're working in and that it's meeting our community's needs. And we really want to start off with some of those key inclusions.

So we talked about our vision and mission and purpose of policy yesterday, that kickoff point of having your policies and procedures, the governing law, and that can be the overview of your codes that are applicable to all of your crimes, victims, safety, your probation clients. There will be a section where you look at those different definitions, and we'll go through some of those definitions and things that you may want to include in your definition section, and then personnel roles and responsibilities, which really tells our staff what it is that we do on that day-to-day basis.

Some other key inclusions as we kind of move forward, and this is where we're getting into more of those practical application things on the everyday is the overview of our agency and our services. Again, this is where we go back and check when we're thinking the overview of our agency and services. That should also align with your mission statement, the eligibility for services and the process for delivery of those services.

So really, when we're looking here at those services, and we think well who's eligible for services? What types of services? So there's a lot of questions that we ask about that. Are there resources that are available for all persons that the court has jurisdiction over? Are those resources or eligibility for those resources limited in some way? So those are really those questions that we want to ask when we're thinking about services.

We want to think about our intake and our referral processes. What does that look like and how specific do those need to be? Records maintenance, and retention, and we know that this is sometimes a struggle. And it's oftentimes a work in progress in terms of record maintenance and retention. Some places have implemented or purchased, invested in case management systems. Many of you are still doing the hard paper files and hard court files.

So really, how are those records maintained? How long do you have to keep a file? What's subject to discovery, so all of those different things we want to discuss when we're looking at that records maintenance and retention, also areas around confidentiality. There are some things in conversations that we have within our clients or with individuals that are contacting us on behalf of clients or probationers that we're going to supervise.

Some of those conversations, we can't have additional conversations with. And so that's important, again when we talk about roles and responsibilities and really having those policies and procedures that support our staff so we're really specific in what information can be shared, what information can't be shared, and also where we need to make disclosures that some information may not be able to remain confidential. Specifically, if we have, say, for example, a potential victim sharing information or someone from the household calling and wanting to report that there was something that took place.

And they may be disclosing information that could potentially violate our probationer, right? We want to be sure that everyone's on the same page on how we disclose and let people know who are providing this information what is confidential and what can't be confidential and confidentially of course, with our records. Collaborations, and that can be any MOUs, MOAs, any agreement, so if we're working with other jurisdictions. We may even have MOUs or MOAs with internal departments.

Those are really vital to incorporate into your policies and procedures. Again, when we're thinking about consistency and longevity and sustainability of our programs, we know that collaborations, sometimes they work really well. Sometimes we get a lot of turnover. So there's new players that are coming into the group. It's important that we have those MOUs, MOAs, what's working, those agreements, those that we interact with really in writing so as transitions take place, everyone knows what their role is and how it is that they're to contribute.

Some other key inclusions that we'll go over are some forms that you'll want to have, standardized forms if there's formatting for templates, for anything from writing status reports, violation reports, pre-sentencing reports, all of the different types of reports that we'll write, we want to have those standardized forms. And then of course, the big key thing is safety planning for personnel, which is really vital.

So as we get into really looking at talking about probation services and how we incorporate those into our policies and procedures, we have the lens of looking at what's best going to serve our community. But we also want to think about as we're going through these steps of how we're incorporating our evidence-based practices. Where are we incorporating assessments and what do those assessments look like, staff training, ongoing training and evaluation, communication, skill building?

All of those things we want to also be having putting that lens on when we're approaching our services. So really one of the key things of where we start, and I know that we've said this a few times, but really is looking to your tribal code for some guidance on services that probation is expected to provide within your jurisdiction. We say that. We know that some policies may be very detailed, or some codes may be very detailed and robust in terms of what probation is supposed to do, what services probation provides.

It's going to give a bigger framework of how probation is to operate. We also know that there are some codes that might have a small paragraph or one or two sentences that basically acknowledges that yes, there's a probation officer, or there's a probation program or department and probation supervises clients referred by the court, which doesn't give a whole lot of direction.

And that really creates that need for you to be more clear and to have a more robust policies and procedures that's going to eliminate a lot of those gray areas since there's not as much guidance within the codes and potentially make recommendations for code updates to better reflect what probation is expected to do within your jurisdiction. There may be some areas where probation is optional. There may be some areas where probation is prohibited.

Those are important for us to look at. Where my mind kind of goes when I think of this is there may be our general criminal code and then some of us have a separate domestic violence code. So there may be a general statement on probation, and kind of everybody's eligible for probation under our criminal code.

Under our domestic violence codes if those are specific, and are sometimes written as an addendum to the current criminal code, there might be some aspects within that code that may say that a person on, for an example on a second offense of conviction of domestic violence may not be eligible for probation supervision. So those are things that we want to review and be sure that we're looking when we're breaking down what our probation services are.

The other areas that we want to look at is really who has discretion? So and that's really going to come from our code. If it's not in our code, there could also be an order of the court, an administrative order of the court. But really what we're looking to determine if the judge has the discretion to prescribe probation, terms and conditions or if they're mandated, so there may be some areas in your code for particular offenses that says if they commit this offense, they have a mandatory period of probation supervision, which is again six months, 12 months, whatever that might look like.

So again, it's really getting in and looking at that code review. Or it may be silent, and then that may be an area where the judge has discretion. Probation sentences and custody time, meaning that they still face jail or prison, so if we have that suspended sentence, that's important to also look at. Some codes have different provisions that I've seen. Some codes count probation in different ways.

Some codes, if you are placed on probation, and you end up being revoked as additional time on. So there's all of these different things that you want to be aware of as you're looking through your code to look at what that looks like. If probation is violated, and say your probationer is taken into custody, and then maybe placed back on probation, does that time count towards their suspended sentence? Does that time count towards maybe a sanction or violation for violating their probation conditions?

So really look at what kind of consequences are laid out within your code if those exist there. While we're looking at our probation roles and responsibilities, it really is to read, understand, and help enforce those court orders. So what we're really wanting to pull out, and again this may or may not be in your codes. It may be something that's practiced it may be something that the judge may do as a general order of the court or the judge is just doing from the bench.

There's multiple different areas where this might avail itself. But really we're looking at what are our standard probation terms and conditions, how we monitor, supervise, and are going to record keep, also looking at how we collect evidence. So I think even yesterday when we were talking about some of the things that we were doing like drug testing, how do we submit those results? How do we collect evidence if we have a client that's coming into our office with contraband or something that might be illegal or a violation?

So that's again if applicable, I would encourage you to talk to also your tribal law enforcement on their practices when you're looking at evidence collection. There are times or situations that may arise where you may come across evidence or may come across a situation that is going to be a new offense, that may end up being if we're dealing with somebody that's coming in with narcotics, and it may end up being going federal. So there are specific protocols to follow in terms of the evidence collection.

And that's an area again where I would strongly encourage you to talk to your prosecutor, talk to your law enforcement and really look at what their policy is in terms of evidence collection. Also storage of evidence, if you don't have the safety requirements to secure any type of evidence that may be collected and while you're supervising your probationer, that may be something, again that could go into that MOU or an agreement with your law enforcement office that you can store things there and really what those protocols are.

Understanding the community, how do we foster professional and community relationships? Again, that's really vital in terms of community supervision, right? We know that a huge percentage of our client success relies on the relationship between the probationer and the probation officer. And so really spelling out those things is what are those expectations for those roles and responsibilities when it comes to having professional and community relationships?

We're also going to look into those roles and responsibilities where we're looking at how are we conducting probation checks in our office. What's protocols for doing home visits? Schools or places of employment, are there specific things that we need to follow prior to going out into the field, if we're working with juveniles, or there's specific releases that we need to have? How are we engaging with the local schools that we may be going to visit? Or if we're showing up at people's places of employment, what are those protocols?

There may be some areas, again, why we talk about also as you're developing your policies and procedures to have your team. There may be areas where your tribal leadership says we may not be entirely comfortable unless there's a warrant or something else with maybe you just popping into some person's employment. So there may be some, again, different community norms that may differ between each tribal community.

And that's really where we want to always get that leadership buy in as we're moving forward and developing our policies and procedures, and then of course, how we report to the prosecutor or to the court. So when we get to reading and understanding probation terms and conditions, this is kind of an important part to consider as you're developing your policies.

And your policies should provide some guidance to your probation officers, to your personnel on how to read, understand, and apply the codes and orders to the supervision that they'll be doing. So there's a lot of direction that comes from that. And we know that as we're reading and reviewing even if we have standard terms of probation, those can be interpreted very differently from officer to officer. They can also be interpreted very differently between our judge or prosecutor, the defendant or the client when they're in court they may have a different perspective.

So we want to be sure that our policies are clear enough to our personnel that are responsible for enforcing those policies, that those are clear on what the intention is behind that particular condition. Also terms, how terms of conditions can be imposed, so that can be impose it, and it's a flat time. It's an indefinite time. Sometimes when we're working with juveniles, or maybe they're placed to complete a program, when does it start and when does the term end?

So are they placed on probation from the day that they're sentenced in court, and then they see you a week or two later, does probation term start from the moment that they're sentenced? And then also if the person was sentenced to a period of incarceration and then are coming out to be on probation or parole, depending on how your code reads, when does that period start? What does supervised, unsupervised, self-monitoring, I think that we have some different terms at least that I've seen throughout some of our different tribal codes but really defining what that looks like.

So if we have, say perhaps some of our lower risk clients, they may be on an unsupervised status, meaning maybe for six months if we don't see you again, it may be on a defer and dismissed case, we just kind of want to keep them on paper to be sure that they continue to make right choices and they don't end up back in the court system, what does supervised probation look like, and also how are we breaking that down in terms of incorporating our assessments and looking at high risk, low risk what those needs are and how that might be defined under that supervised probation period.

We also wanted to find if there's a requirement for, again home visits, how often those should take place, specifically what is it that we're looking for? So if we're just doing, say random home visits or maybe we're going to go do some alcohol checks on our probationers on a weekend versus going in and maybe getting a warrant or doing a search because we have reason to believe that there may be an offense that's taking place.

I think I kind of talked about this slide before, where you can make contact with your clients? So clients come into our offices. We may go do those home visits, places of employment, educational institutions. I also say consider where we can make contact is we know within our communities, and if we're engaged in our communities, we're going to see our clients out in the community.

We're going to see our clients when we're grocery shopping. We're going to see our clients at community events. Really, what type of documentation or situation do we need to report that we had an encounter with our client, and really what kind of boundaries or expectations are around those outside of work or outside of our professional environment and we're having those interactions? What's appropriate and what might not be appropriate in terms of our role and our position?

And then our conditions of supervision. So there's different ways that a client may be put on probation. So the court may say you're on our standard conditions of probation and any other conditions that the probation officer deems appropriate. It may be that there's other conditions after discussions with your probationer that you feel should be incorporated in. It may be at that process that you have to go back to the judge. And the judge is the one that has to order those.

But we really want to look at the reasonableness, always, of the conditions. So it may not be reasonable if we have a client, and it also may be prohibited by law if we have a client, say, that has no history of substance abuse. The underlying offense had nothing to do with substance abuse. And then we put them on strict alcohol monitoring or substance abuse monitoring or no use of alcohol while they're on probation. That may not be something that would be applicable under that particular sentencing offense.

How do we utilize house arrest, electronic monitoring, halfway houses? Really, what does that look like? And we need to be detailed in when, where, and how those things take place. And again, we're always looking for where there is discretion and where there's no discretion. So if somebody, say, has some technical violations, if the probation officer allowed to put somebody on home confinement. If a client continues to have some alcohol issues and are driving while intoxicated, are they able to go under an electronic monitoring system?

So those are things that do we need to have a court order? Is that something that the officer has discretion in doing? Really, what does that look like? Requirements for employment, I know a lot of standard conditions are not just about employment, but really that they're either fully-- full time employed, actively seeking employment, let's see, employment, that they're fully enrolled in school. So there could be other things that might come about when we're talking about employment.

But it's really looking at where is that tying their ability to support themselves and also what's reasonable within that condition. So we may have a client who is working on a higher level of substance misuse issues. And they may not have the capacity to have a full time 40 hour a week job. So again, when we're talking and developing, putting into our policies and procedures, we want to ensure that we're incorporating those considerations, right?

So we're meeting the client where they're at. We're conforming to what we know is evidence-based practice and is going to support that client through their progress throughout probation. If there's referrals for counseling and traditional or healing services, what's available within the community, really, looking at areas that there may be things that if you have some options, you were required to do x amount of meetings, well, what kind of meetings are those?

Where's your discretion defined in what types of programs they can participate in to meet that court ordered requirement? Or is it very specific that a very specific thing that they need to do? Supervision and conditions of supervision, we really need to break down those payments of fines, fees, restitution. A lot of places have moved away sometimes from keeping people on paper if all they do is owe a fine, but there may be alternatives to monetary compensation.

There may be something along the lines of being able to convert some of the fine to community service. And then there's an hourly credit for community service that's applied to the fine. Are there fees that are mandatory? Is there a supervision fee? Are there fees that are required for court processing? Are there fees for drug testing? So your department may have different fees that are applicable that either come from the sentencing order or that they may accrue throughout their period of incarceration.

And then restitution is also really important. Again, restitution is not generally convertible to community service. There can be instances, though maybe where there is a victim who says I don't need the \$300 that the person owes me for breaking something in the house or breaking a window, but I really need somebody to help come clean up my yard. Do you have the discretion to negotiate that or to help facilitate that conversation on really what's going to indemnify that victim and meet that victim's needs?

So we want to be sure that we have those things that are built in. Again, with restitution, though, that shouldn't be something that we're offering or agreeing to without the victim's contribution to that conversation. Big thing, and again, I feel like this is sometimes more of a gray area, firearms disqualification. So sometimes, we have domestic violence, TPOs that are still in place while they're under a period of supervision.

Are there particular offenses that the person is convicted of that prohibits them from having firearms or any types of weapons that could do harm? What's your process for securing, right? So if they're prohibited for having firearms or weapons just while they're under supervision, what's the process for securing those weapons? How do you confirm that they don't have any of those in their possession? And what's the process for releasing those items back to them after they've satisfied their court terms.

And then also other considerations we know is if there's any requirements for them to register as a sex offender, sometimes as a violent offender. But really, that that's incorporated into part of their supervision conditions, into our policies when we're reviewing what's required of the probation officer to incorporate in there under those policies some of those considerations.

So kind of transitioning from those conditions of probation to reporting to the court, we know that one of our big roles as probation officers is always the responsibility for reporting to the court. And that can be an array of different things. And this is, again, where you really want to get the feedback from your judges, from your prosecutors, from your court administrators what's really required of you in terms of managing your caseload?

So in general, oftentimes, if there's any assessments or evaluation results, those are always provided to the court. And really, what we want to look at is as the probation officer, if you're receiving those assessments or those evaluations on behalf of your clients, what's the process that you file to be sure that those get into the court file that the prosecutor has the copy, right? Everybody that needs to have it has it.

And is that your responsibility? Is it the client's responsibility to not only give you a copy of those assessment or evaluation results, but then they also need to go in and submit that to the court for review or for the court file, so really breaking that down.

Compliance, noncompliance, those terms of conditions, your judge or your code, your process may want to address how you report any types of drug testing.

Results, that may be if there's a positive test, it may be if they've had a period of negative tests, so really, what is the requirement for you to report to the court on that status. Employment, education status reports on when we're meeting with our clients, really, what is the court's minimum standards that they say, here's how we want to keep an eye and be sure that things are moving along smoothly.

Your court may say we like to have monthly or quarterly status reports regardless of compliance. We still like to just keep them on paper and have a report to the court every 30 days, every 90 days unless maybe there's been a violation, and then we need that report that's filed within x amount of days to the court, and then review if there needs to be a hearing. So all of those things we want to have really specifically broken down when we're talking about the probation officers responsibilities to report to the court.

There may be also times that we're filing. We may file, as our probation officer, if that's within our capacity, we may file our own motions. We may file our own reports. Or it may be that we file a request or a petition to the prosecutor, and then the prosecutor is the one that reviews that and files that with the court. Those are the processes that again, we need to have broken down. But that might include things where we're looking at extending probation periods, adding in additional conditions of supervision, ending probation status.

There could be other things, making recommendations for additional resources. There could be areas where you may petition if a client has excelled and has met all their obligations for an early release. So there's often different times where you may be making recommendations to the court. The important thing is to know how that's processed. What's your obligation? And it's clear in your policies what the probation officer's job is.

Are they developing writing the report, submitting it to the court? Are they writing a request to the prosecutor? What does that look like in terms of being sure that the court is staying informed with our client's progress? Some other probationary terms is how can probation be extended? Or oftentimes, they may be extended. Or sometimes, we know that we may have clients that are habitual offenders. And maybe they pick up.

They get placed on probation for one case. And then within a month, they've been arrested, and they have three other cases. And the prosecutor wants to combine them and put the person back on probation. What's their eligibility for that term of probation? And what does that look like when you're adding in cases whether that might be consecutive or current in terms of their probationary time? Is probationary time calculated differently?

But really, what is those circumstances in which probation may look differently, also, that eligibility if we continue to have individuals that are noncompliant with probationary terms or continue to commit new offenses while they're under supervision. What's the standard for bringing something into court if there's a violation? So if we have a violation, what's the minimum requirement that the judge and the prosecutor need to be able to bring that violation to court?

In general, probation violations are usually that preponderance of evidence. So sometimes, your judge may allow second hand information to be provided, so you may have a report from your drug analysis folks that says here's the substances this person was confirmed to test positive for may not have to have the technician come in and testify. You may be able to provide that information to the court. But that's really those areas that we want to have broken down.

And then whose authority? What is our discretion that we have in terms of what the judge orders and where that discretion comes to us. So a couple of examples, at least where I've experienced some of that probation officer's discretion, is in terms of doing different types of sanctions. So we know that sometimes, there may have been a relapse. There may have been a technical violation. There may have been noncompliance with getting to their meetings.

There may be things that don't rise to the level of needing to be back in front of the judge. And it also may delay accountability being applied to that client. So discretion that the probation officer might have would be the probation officer can implement or impose these types of sanctions under these types of circumstances. Otherwise, these other types of violations need to be in a formal report to the court. So really, where is your discretion in terms of violations?

Some judges like to dictate how often a probation officer sees their client. I don't know that that's always the most favorable practice. But at the same time, that's something that then puts us as probation officers under that obligation to comply with. The question would be then is what discretion does the probation officer have in scheduling clients or seeing clients? So really, when we're talking about that authority, it's important to understand those directives and then also where that discretion comes into place.

And that really, moves us into what probation revocation provisions look like. What are the grounds for revocation? What are alternatives prior to getting to revocation? So are there opportunities that are afforded to clients when we're looking at revocation. So if we say they're working on this, and we continue to have violations without seeing effort or those behavioral changes, what does that look like in terms of revocation. And then what types of procedures do we need to have in terms of actually violating the probation?

We may also have, again violation hearings, so pending on the level of the violation, your judge or your code may require hearings for every violation. Even smaller or technical violations and provide you no discretion. Or it may say when a violation reached this level, or there's continued violation, or if the probation officer feels that there's a need for that person to be back before the court, really, what are those standards in terms of bringing that to the court and then of course presenting your evidence.

And then really, how are you going to work with the prosecutor to ensure if it's going for relocation to ensure that you have everything that's needed to be able to support them in moving for that revocation hearing? Sanctions, I think I kind of talked about this a little bit. What sanctions can the court impose? What sanctions can you as a probation officer impose? Again, we know a lot of times behavioral change is a process. So we know there's going to be some challenges.

We know there's going to be some areas that we need to work on. But really, what does that look like? Maybe there's a violation and our recommendation is that person is placed back and continues under probation supervision. Maybe some of those results are that they serve a period of their suspended sentence, and then they're reinstated under probation upon their release. There may be provisions where a person serves a little bit of time, a jail sentence, and then they're transferred to a substance abuse facility and then they're placed on probation.

So there could be all different types of instances where we're looking at reinstatement, revocation, or changing those terms and conditions. Also, something to address is what's the appellate process? Do probationers have the right to appeal any of their findings from a revocation hearing? Is that something that's waived? By being on probation, what does your code say is the requirement for that appellate process?

What is the probation officer's role if there is an appeal filed on a revocation hearing or a violation hearing, really important to know that process. Oftentimes, there's different players when we're looking at appeals, so it may be heard by a different venue. It may be heard by different judges. It may be heard by an inter-tribal consortium. Your tribe may have its own appellate court panel that's going to review those cases. But really, in terms of our policies and procedures, it's outlining what that process is and what the probation officer's roles and responsibilities are.

And then termination of probation, so if we're not going on revocation, and there's different ways that we can terminate probation. Sometimes that can be where a client's time has expired. Or it can also be where all the terms of conditions have been satisfied. Sometimes, if we're saying, and really where we want it to be clear in our policies is if their time expires.

So say they were placed under probation for a certain period of time, and they have not met their court ordered obligations, how do we get them back into court? And are we able to extend that period of time, or did they just fall off paper? What if they met all of their terms and conditions, do they need to continue to serve out or continue on their period of supervision? Or is that something that we can review for that early termination? And then what are those guidelines for making that recommendation?

Oftentimes, you may need to file with the court a discharge order or a release from supervision at the time of term. And that officially closes out your probation case. Again, those are things that you want to review with your judge, with your court administrator, your prosecutors, what's required, especially if it's not specified within your code, what process is going to best serve your community.

I know for me in particular having that discharge order was always beneficial. Sometimes we had delays in information getting transferred or updated orders, say transferred over to our police department. And that could create a challenge because then maybe they saw somebody who had a no driving condition. And then they got released on Friday and Saturday, the officer sees them driving around, pulls them over, and they're under supervision and you're not supposed to be driving, then they have something in hand while that paperwork is being processed that shows that they've been discharged.

It also gets that records over to again, those agencies that may also be keeping an eye out for our clients. That early termination grounds, if it's permitted, what's the procedure for doing that, and also keeping in mind that there may be instances that they may have gone through a process or met some obligations. But there may be, especially when they're working on some longer term change, that that's part of that evaluation, not just again, checking boxes off that says oh yeah, you can be released early.

But really is it in the best interest of the client and the community for that to take place? And then always what that procedure is, so if that's the motion, what the order of the court looks like, oftentimes, if we're doing motions for discharge or motions for release, either the probation officer, if they're the one submitting that to court are going to submit the motion and a draft order that the judge can just sign, or the prosecutor would be responsible for submitting that if they're the ones that are filing on behalf of probation.

So a lot of things to consider when we're looking at these different areas in terms of building those policies and procedures out, and then the last thing that we're going to talk about before we get into putting that pen to paper is transfers. And this becomes a really big issue in terms of courtesy supervision, in terms of our clients living maybe in another community.

Sometimes, there's been MOUs or MOAs or agreements with say, a county court and maybe the tribal court, which is where the client is from and resides, has a really strong healing to wellness court and robust probation department where they can provide that supervision that's going to be more beneficial for the clients' success. So there's different ways that we can look at transfers, but really can supervisory authority be transferred to another jurisdiction?

So that's always a big question. Oftentimes, depending on your codes, the answer may be no, but there may be options for well what happens if we have Johnny that lives 50 miles away in another tribal community. Or is there-- can we work with their probation department to be sure that he's able to go in there to do his weekly drug testing? What does that look like? Is there a cost that's associated with that? Is that cost the burden of the client?

So really asking that question of "can jurisdiction be transferred?" Is there just courtesy supervision in the tribe, you maintain that jurisdiction? Really, what do those things look like? Also, can you accept transfers of jurisdiction? So it's not only giving it, but then also, are you able to receive that? So I think that we have an example here. So if an offender commits a crime on a reservation in North Dakota but lives on a reservation in South Dakota, can the North Dakota tribe transfer supervisory and enforcement jurisdiction to the South Dakota tribe?

And then will it transfer such authority include the authority to enforce the original order or otherwise impose a sanction in the event of a violation? So that's kind of that real life example of what we're talking about is those things can get really tricky. So there may be a supervisory transfer, but enforcement may be the jurisdiction of conviction. So it may-- that violation then may come back to you, the original probation officer to file on that new violation and bringing them back under the tribes, the jurisdiction of convictions jurisdiction.

So I know there's a ton of information that we kind of went through, and I know that we've got a lot to go through today. So we're kind of moving at a pretty steady pace. But I want to pause here and just check in real quick. I know that we've had some dialogues going on in the chat. Kevin, Michelle, is there anything that we need to bring out to the larger group or any questions that came in? Or do any of you have, or do you have anything that you'd like to contribute to some of the stuff that I've just went over?

Lea, I was just noticing in the chat there was a reference to interstate compacting for tribes, and then a follow-up question, do they use interstate compacts within tribal systems? What I've seen is inter-tribal compacts that are something that might be the proper tool that could be used, I think whether or not an inter-tribal compact would be effective or valuable or useful would probably be determined by how close in proximity tribes are to one another, how much you see people moving in and out or from one tribe to another.

If you have a significant amount of movement, like people living on one reservation but being enrolled in another, what have you, if you see a lot of that, it might be worthwhile. I think another approach to the compacting is to take and reevaluate tribal code provisions that pertain to the acceptance of transfers for probation purposes. And I think a lot of tribal codes, we don't see that.

But certainly, we have things in tribal codes like recognition of foreign judgments and other things. So I think that approach might be another option. Because the interstate, if you did an inter-tribal compact, it would only apply to those participating tribes. And some tribes call it an inter-tribal compact. Some tribes might have inter-tribal memorandums of understanding or memorandums of agreement. And they're really a kind of a valuable tool that can be used when we're looking at tribe to tribe issues.

Thanks for that, Michelle. And I think that just also kind of brings to the forefront when we're talking about being sure that your policies and procedures align with the community's values and the community's practices. It really is important. And there's not any one code or policies and procedures that's going to be 100% the same. Because there's always going to be different nuances. There's always going to be different considerations, different circumstances, different resources available.

So it really is taking the time to have some of these more complicated conversations. So I think I mentioned that yesterday if we hit a roadblock in the development of your policies and procedures, that's OK. That doesn't mean we necessarily stop working on our policies and procedures.

We might go to another area where things are a little bit more clear and then come back to those difficult conversations or those things where we maybe need to get input from some other agencies or other departments, or we need to get legal advice on what that might look like in those areas that we find that may be a little bit more challenging.

So I know that I've been talking a lot. I'm going to, and it didn't look like we had any other questions come in. So I'm going to go ahead and move things forward and transition things over to Kevin, who's going to talk about moving forward with those written policies. Kevin?

All right, thanks, Lea, appreciate that, some good conversation on the interstate compact and tribal compact like Michelle was talking about. So for the next few minutes, we're going to look at where we can find some resources that are going to help support policy development. And then we're going to turn our attention to some of the design elements of your specific documents. So we're going to move forward with first some templates.

So for a lot of us, I think maybe the hardest part of writing policies and procedures is just really trying to get started. Policy and procedure writing is, it can be a huge undertaking, and maybe it just seems a little overwhelming for some of us. You're probably thinking to yourself, hey Kevin, can we just find something that's already out there to help guide us? Can we just Google something up?

And I will say tentatively yes, that there are a lot of things out there that can be helpful when we're writing policies and procedures, things like samples and templates. So my first helpful hint would be to say yeah I mean, I think we should consider looking at existing templates and resources from other tribal departments, specifically other tribal probation or reentry programs that are similar to yours in terms of the way you supervise clients, the way you provide resources and the like.

So when we develop policies and procedures, it's really going to be important that we find existing resources and existing templates from programs that again, are similar to us. So I know we had people from Alaska with us yesterday. So our friends from Alaska it's probably going to be really important for you all, if you're here with us today to find existing templates or documents from agencies in Alaska that have a similar client base, that have similar resources that are available.

The way you do business is going to be important. So if you're looking at policies from Oklahoma or an Oklahoma tribe, or maybe you're reviewing Florida probation or reentry program, the way they work with clients, or the way they do business, it might not always align with your program or your government. And it's impossible that the content of their policy is way off track compared to what you're used to.

So if you're looking, for example policies or templates, I would suggest trying to find some that are closer to home. So that variance from program to program is really not all that much different, much of what we've been kind of talking about. I think it's also important when we're developing policies and procedures that keep in mind that tribal laws are going to be way different than what we see at the state level or even the federal level.

So we know that there's going to be variance between tribes. But I think there might even be more differences between state and federal programs. So we're going to see a lot of differences. Maybe we see differences in incarceration rates or supervision contact standards, things like that, right? It doesn't hurt to take a look at state and federal policies and procedures. In fact, they could really be helpful. But they have a lot of inclusions in their documents that may be very helpful when we're starting to sit down and write our own.

But we just want to be mindful that when we're looking at those state, federal policy and procedures that we want to come back to your own tribal laws that you have in place. Because that's going to help in determining if something should be included in your own documents. So they are helpful, but just be mindful that you should always be coming back to your own tribal laws. Let's see, you can see on the slide that I included a note of caution.

So if you're looking at other agencies policies, it's important that you don't just cut and paste those large chunks of text when you're creating your own. We talked about this a little bit yesterday at the end of our webinar. I know it seems easy, and it may be tempting just to cut and paste. But when we do that, it doesn't necessarily always take into account your own tribal laws or the regulations that are mandated for your agency or program.

It also doesn't take into account those unique parts of your tribal community and culture that really should be finding their way into your policies. So just a little cautionary note, a simple cut and paste is just not going to suffice for this. Another thing that when we're looking at templates, we're not just looking at a full policy manual or procedure manual, right? You may find that you're actually looking for maybe just specific components or parts that you can use for your own policies.

I would recommend looking at just certain things, like I know in the past Michelle's mentioned like visual aids, things like charts or checklists, things that we can put into our own policies right away and are good step-by-step visuals that may be helpful in defining what you actually do on a day by day basis, those daily operations. I know that checklists can be helpful also for record maintenance and record retention, especially for new staff that are coming into your agencies and your programs.

If you have a checklist that's part of your policies and procedures, your staff are going to be able to efficiently go back and check and see if they're doing things the right way. Maybe they're asking themselves, did we conduct our risk assessment at intake? Check, yes we did. Did we make the appropriate referral to the counseling agency? Yes. Did we fill out community service paperwork the right way? Check. Did we hand out our life skills packets or our Carey Guide assignments?

So having these charts and these checklists, they're important parts of policy development, and they can be tremendously helpful for completing those daily duties that really need to happen to set up things like case planning and goal planning and things like that. Another unique thing to include in policies and procedures at the end there is job descriptions. And you can find a lot of templates out there for job descriptions that are really useful in helping to define roles and responsibilities.

It's especially helpful for staff to go back, reference what their job descriptions say. And if we have supervisors out there, allows you some perspective, and it allows you to promote accountability for staff when things aren't always working out the way they should in your department if you know what I mean. So job descriptions are kind of a neat inclusion in a template that we can just usually resource and look up to add towards that policy development.

So if you're getting into policy development, and you're starting to put pen to paper as Lea says, and you're really looking for something specific like a chart or visual aids or templates, it's again best to reach out to tribal agencies whose documents that you can review and reference those that are necessarily close to you, the ones that we know are similar to doing the business the way that you do business. And if that's not always an option, definitely reach out to us here at NCJTC.

We have a lot of templates, checklists, things like that that we can help you with if you're just looking for ideas even to kind get the ball rolling, that's what we're here for. So yeah, that's templates. We talked a little bit also about how we should consider the templates, but also want to talk a little bit about design elements. So has anyone ever read a policy or read a procedure manual that just was like, wow, this is way too much.

There's just a bunch of information thrown into this big body of text. And maybe you didn't even know what they were talking about. I mean, I've been there. Anybody been like that? Just, you read one of those that it's just like wow, yeah, Bernard said, yep, yes, yeah. You're not alone. I've read a lot of policies like this. It's probably not what we want to do with our own policies, right?

So we want to make sure that we have some good, strong design elements that can really help add some clarity to the procedures, and processes that we use all the time. So the way we design our policies and the way we set them up is really important for the people that are going to read these documents, especially the staff that we have in our programs. So as we move past these planning parts of the P&P, the things that we talked about yesterday, our vision and our mission, past our purpose, really starting into that writing phase.

There's really a few important parts that we want to make things simple, right? First, we want to make sure we have a clear title, a clear purpose and scope of the document. We want to make sure that these things are very thorough. Both these areas should be defined. And typically again, they're at the beginning of each procedure or policy that we create. They're at the beginning of that. Think we also need to have a defined table of contents.

That's really crucial if we're looking at some kind of comprehensive policy or procedure manual. The table of contents can be very helpful to someone who's reading that. It's helpful to people. It helps them navigate typically a larger document that it's not necessarily fun to read. It helps them having to avoid reading that whole massive document for one little piece of information. Maybe someone needs to find a section on how do we record strengths or protective factors in case plans for clients?

No one wants to read through 20 pages of a policy manual to find how to record protective factors, right? Well, if you have a really well defined table of contents in your document, it's going to tell you where to look, protective factors, see page 14. And then anyone can easily go right to that section and reference it, right? So a table of contents, I mean, they should be logical. They should be really well organized. They're covering those bigger ideas of what, when, where, why and how.

And it starts off with really letting the reader know who you are as a program or as an agency, the type of work you do with clients, purpose of the work you do, and how you plan to accomplish things. That's really important stuff that I think you can kind of see right off the bat in terms of table of contents. And I'm just trying to think. I know having a really organized sequence, it just makes life a lot easier for people when they're reading these documents and trying to understand them.

Does anyone have to get their policies approved by tribal council or maybe some other government committee? Anybody have the AG's office by legal? You're right, yeah, good, yes, tribal council. Yeah, there's going to be people that are going to have to read and understand these documents and probably some of them that are even going to need to make recommendations about if these procedures or policies are good to go. So not everyone's going to know every single term in these policies.

Yeah, I'm seeing them all come through, a lot of tribal councils or committees. Yeah, not everyone's going to know every acronym or unique term, right? How many people are going to know what, I mean, I think a lot of people probably know what BJA means, but is everyone going to know what criminogenic need is or responsivity? Or does everyone know what recidivism is?

Not everyone, so the more clearer that you can be in defining various sections as well as those acronyms those different terms, the easier and more user friendly this documents going to end up being. So just make sure you have clear, defined sections, including the definitions of things like acronyms and terms that people might not know . Final note, I know that we have here is making sure that we have these clear and organized titles and sections.

Again, this should be aligned with your table of contents, having clear and organized titles within each section is going to help the reader know that you've kind of addressed everything and you're able to navigate and access the sections pretty quickly, similar to what we already talked about. But I don't think that we always address these design elements, or I don't think we think about design elements that often when we're writing these different policies and procedures.

But they're really important, especially if we're trying to be comprehensive and really user friendly. And that's the goal of when we're designing policies that they cover everything, but they also are easy to read and understand. Some of the things to include in your documents, if you're referring to staff, or if you have someone who's going to be reading this, anybody that's going to be an eventual reader of your policies and procedures, if you have a website, and you include a link in your policies and procedures make sure that the links that you included are active.

Seems kind of weird to say it, but all those URL links, I think those are great to include as support and structure to your policies. But just make sure that they're working. It's important that you occasionally go back after a couple of years, probably, to make sure things are working fine with all those links, that they're still active. I also think having an approval reference is also important.

And all the policies and procedures that I've ever done for all my different departments that I've worked in, I've always included some sort of authorizing resolution page or some kind of authorizing page at the beginning of my policy and procedures. So usually, that's where an approving authority designates that your policies and your procedures have been approved. Yep, we approved these. And again, we saw some of these come through in chat, tribal councils, advisory boards, committees, whatever that looks like.

I didn't see every single one in chat, but I've seen a whole bunch. Those are your approving authorities. So it's nice to have at the beginning of your policies and procedures, a reference to the date of whatever action that they're taking and some sort of reference of when they were approved. So you're going to want to just double check. I know a lot of you sounds like where these are going, but maybe double check to see if your tribal leadership or some other board has to approve them.

Again, I love having, I love including those authorizing resolutions or acts right with those policy documents because hey, I think they're important historical reference. But they also provide some validity to all the hard work that you're doing. You're spending a lot of time creating P&P, but there's some validity behind some kind of authorizing resolution or resolution act saying yes, we approve this. So I think that's really important to include right with your P&P.

And the last thing, it's also important to include those approval and implementation dates. Again, this could include any revisions, the revision dates all that stuff that's occurred that's really important because it lets other readers know how long it's been since these documents were put into place. And I think it also kind of tells you how things have changed since the originals were created, right? The approval dates I think are helpful in helping to better understand why some of the changes were probably made originally so if you have revisions.

Maybe you, let's say you had a policy regarding, I think we had an example earlier. So we have required contact days with clients, right? Maybe the original policy required the required contact days with your clients was past 20 years ago, 2003. Well, there's been a lot of research conducted in the last 20 years. And contact standards have changed dramatically, I think, in the last two decades.

So if you're reading a policy from 2003, and as an outside reader, I'm not seeing any of these new best practices that should have been implemented in the last two decades, it helps to me as an outside reader explain to me that hey, this is why these changes aren't in there because the policy is outdated. But that's because they didn't have access to any of this new information over the last 20 years. So just make sure that you're including some of those approval dates, the implementation dates.

Because when you have those implementation approval dates in your documents, it's a good reminder also to help your department realize, hey, it's time to look at changing some of our policies. The contact standards one is 20 years old. So it's good to have those and put those right on in your documents as well. All right, our next slide is talking about tracking comments and changes. So tracking comments changes to policies and procedures is important.

Because we want to maintain some level of integrity in this development process. I'm assuming that everyone is familiar with track changes and Word documents. I really am. I'm hoping you do. If not, let me know. We'll figure out how to do that together, but track changes can help. It can help to create this policy development history or what I like to call this backbone, right? It's the backbone of where these policies started from and where they're at now. It's that centerpiece.

It helps identify who wrote the originals, who contributed to it, who worked on our procedures, who made edits, or who reviewed our documents. But it also helps identify some of the concerns, maybe some of the original challenges when the policies were first created or written. So if you're using track changes, there's a good chance you captured a lot of that discussion or yelling, whatever that looks like when you're writing these policies, right?

If you have a lot of that discussion and conversation around that, there's a good chance that someone captured that in comments. And that's important, especially to someone who's making revisions to the policy years later. It lets them know that there's been issues in the past. There's been concerns, and we took that all into account already. So really, the track changes and this use of tracking comments in the document, it's really an important part of the policy development because it gives you a picture of what happened, maybe even years ago.

On another note, I'm hoping that you and your programs are using a team approach when you're writing policies and procedures. It's pretty common for a writing process or a typing process to be shared by a lot of different people, or at least several people in a team. And as these different drafts are being created and shared with team, everyone really should have an opportunity to make different comments or make different changes that are going to be impactful for them and their roles and their responsibilities.

So if you're all just kind of together, and you don't really document any of the discussion that's happening, you're not talking about people's concerns or challenges or the issues of the time. Then when people aren't working for that program or that department or probation anymore, then all that discussion, all that history, all that backbone, it's potentially lost. We haven't had that. We won't be able to record that anywhere.

So anybody that's new that's coming into your agency, and they look at these policies, they're going to probably start questioning why did the original developers, the original writers of these policies, why did they write it that way? Why did they put it-- the wording that way, that specific phrase or whatever that may look like. That's why track comments and track changes are really important. They maintain that integrity of the process and again they act as that recorder of history. We don't want to lose that.

So if someone on your team is making comments, and they're tracking changes, save that edit by itself as a process, this whole long process of developing your policy and procedures. Save all those different edits, those different individual versions because it gives you a longer history of where this came from and all the different concerns that people had and how you've addressed them.

So that's all I'm going to be talking about today. It's short and sweet on my end. I appreciate it. I'm going to go back and look at some of the comments. But next, we're going to be looking into some of the strategies that can help reduce the liability concerns that maybe your department has regarding their P&P development. So Michelle, I'm going to turn it over to you. Thanks, everybody.

Thank you, Kevin, and thank you all for being so actively engaged. I've just been keeping my eye on the webinar chat. And there's a lot of great information sharing that's happening there and questions that are coming out. And so it's always good when we have that level of engagement. So keep that up. And I think, again, as much as we have to offer in today's webinar, we know that you all have a great deal of information to share amongst one another. So we do appreciate your level of engagement.

What I want to talk about now and move into in the final portion of our webinar on policies and procedures to support probation departments pertains to liability. And what are some of the liability concerns that we might have? And how can we utilize policies and procedures to mitigate or minimize some of the liability concerns that we have? So some of the liability concerns, this is not an exhaustive list, but a few things just to kind of get you thinking about what kind of liabilities might be associated with a probation department or the provision of services through probation.

And realistically, there can be any number of liability concerns particularly when we're looking at our employees. When we're looking at our employees, a couple of liability concerns that immediately would come to mind for me would be making sure that our employees are conducting themselves in a manner that they are not violating the rights of clients, for example, right? Because if they are, then that opens the employee and potentially the agency and even more potentially, the tribe, up to liability.

So we want policies and procedures by providing some of that direction to help employees understand how they're supposed to be performing their jobs can go a really long way to mitigating or reducing those types of liabilities. On the flip side of that with employees, we would be remiss if we didn't also acknowledge the fact that we have some liability concerns based on the nature of the work that our probation officers and people within our probation departments do.

And there are times that we have individuals, employees who are engaging with violent offenders, who are having to conduct home visits, and things in what might be unsafe neighborhoods or unsafe communities. And that can in and of itself create some liability concerns pertaining to the safety of our employees. So when you're thinking about liability, I want you to think about it in kind of a multidimensional way where we're thinking about what are the liability concerns associated with how we provide services?

What are some of the liability concerns that we might have around safety for our employees? And then on the broader scale, what are some of the liability concerns we might have by virtue of the fact that most of our probation departments are really an agency of the tribe. And so that has some of its own kind of deep issues, if you will. It's very likely just by the nature of the work that you all are doing, it would be pretty common for you to encounter dissatisfied clients.

And dissatisfied clients might find their way to an attorney's office and say we want to sue. And so how can you minimize that? Well, one of the ways you can minimize that is by ensuring to the best of your ability that the services you're providing are consistent and fair and that you're aware of individual rights and that you are not you doing things in violation of those rights, such as breaches of confidentiality if there's some covered information like health information, for example.

And so those are some of the things we're talking about when we're looking at it from a client standpoint. Also misinformation, it can be challenging for some people within the justice system, particularly if they feel like an offender is doing something wrong, but they haven't been caught, et cetera. But keeping in mind that we are all a piece of the puzzle in this justice system, we're all doing our very best to make sure that people who are conducting themselves in a criminal manner are held accountable, properly supervised, and hopefully don't continue down that path.

But in performing our job, it's important that we hold ourselves and our employees to a high standard and that we're not putting misinformation out into the field, whether that is in our communications with other system providers, such as law enforcement, whether that is in our reports to the court, or any of the other work we do. It's important to the integrity of our programs and reducing liability for our programs that we conduct ourselves in a fair, consistent, and honest manner.

And then also for injuries, injuries, we want to be cognizant of those could come into play in a number of ways. It could be concerns around injuries for our employees as they're conducting work in the field. But it might also be concerns about injuries to clients that we're working with. Probation officers might be in different places in terms of the legal authority that's been granted to you in terms of providing a quasi or a law enforcement function.

So just a quick example, let's say that you have the authority to place an individual in handcuffs, right? You want to make sure that when you do that, you're not using excessive force, that you're taking the steps to avoid injuries to the client whenever possible, and also to avoid injuries to personnel. So training is a big part of that and also understanding what use of force is allowed in carrying out responsibilities. That would be one example.

Another example that comes to mind for me, and one of the communities that I've been in courthouses within our tribal communities that are these brand new beautiful buildings. I've also been in makeshift courts that were double wide trailers and where we were kind of making do with whatever facilities we had. But that can be an issue surrounding injury and safety as well both for employees and clients.

If you're having people coming in for office visits, for example, making sure that the facilities are safe, if your tribal law dictates do they have to be accessible for persons with disabilities, what other steps can we take to avoid injury? One example that comes to mind for me like in the facilities is one of the offices back in the day when I was a tribal prosecutor, there was only one door in and out.

And it didn't cross my mind, but the way I had my office set up it placed the individual that I was meeting with between myself and the only exit from the room. And from a safety perspective, that was not a good decision. I can't remember how I wised up to that. But I ended up with just the placement of my desk and things. And those are things that you can certainly address within your policies and procedures that might not ever cross the mind of a lot of your personnel until and unless something goes awry for example in a meeting, right?

So it's thinking about safety in terms of our interactions with the clientele, , thinking about fairness and thinking about consistency, and then also thinking about the safety and the needs of our personnel, and being mindful of the fact that the work we're doing in probation can come with its own safety concerns and risks for our employees. Oh, and I like that. Thank you for adding that comment, Jerry, yeah, saying that your partner is very serious about the placement of office setup.

And it really is a big-- it can be a very big deal. And I think as tribes are, I think tribes have always addressed you know crimes and violent crimes through tribal courts. But I think we're seeing more and more of that happening. And as a result of that, the caseload and the individuals that are coming under supervision of probation, some of those individuals may have a violent history. And it's really important that your personnel is aware of that.

And it's really important that you take a look at your surroundings, and you try to mitigate some of those safety risks. And so as we're establishing our policies, mitigating safety risks, there are some best practices that you can look to that will help to provide guidance on not only how you engage with clients, how you're performing services, but even something like office safety, right? There are resources out there that can speak to what is the best office setup?

Do you have that second exit in or out? Do you have a policy in place or a procedure in place that will foster emergency training for your staff? What if somebody comes into your office with a weapon, right? How is that going to be handled? And for those of you that have offices that are joined to or are a part of law enforcement, there may already be some policies in place. But if you're not, that's important.

And as you pointed out in the chat also, just some of the simple things that we don't think of, but like when we're meeting with clients, put into your policies. Keep your desk clear of objects such as scissors, staplers, hole punchers. Because we do know that at any moment, something that simple and not intended for that use can easily become a weapon and can result in injury to oneself or to somebody else. And so having a policy that states that can be huge for orienting new staff and can be an important reminder sometimes when we get a little too comfortable.

And so when you have these policies and procedures in place, making sure not only that you develop these great policies and procedures, but that you take the time to educate your employees on those policies and procedures to make sure they're understood and properly implemented. And my suggestion on the education piece is that it shouldn't be a one time deal, right? We don't just want to say you're new. Here are the policies and procedures. Read them through.

Let them know, let us know if you have any questions. I think a good approach, and what we see in a lot of places now are kind of at least an annual meeting on the policies and procedures to make sure that if there are any updates or changes that employees are made aware, if we've seen instances throughout the year maybe that people are deviating from policies and procedures, those annual meetings or training opportunities can be a really good way to make sure we're coming back to our policy and that we're reinforcing the need for compliance, particularly from a safety and liability standpoint.

So another thing I think is important to point out regarding liability concerns within your written policies, and this doesn't go so much to like physical safety concerns or physical liability, but more into some of maybe the legal liability that might pertain into things like if you've released information that to avoid releasing confidential information, or also what I've seen, and this is kind of a liability issue, I guess it's a safeguard.

For those of you who have been called to testify before the court, particularly where there might be defense counsel and during a violation of probation, if defense counsel gets their hands on your policies and procedures, and your policies and procedures are written in stone with no disclaimer language, no net waivers, no provisions that say that these policies provide a general guide. However at times there may be a need to deviate on a case by case basis.

If you don't have those kinds of provisions in there, it can make a cross-examination very uncomfortable for you. And it can allow, it opens the door, if you will, for a public defender or a defense counsel to make it appear that you're not doing your job properly because you didn't follow the letter of what's written in your policies. So I always suggest including some disclaimer language within your policies.

You might even want to include it right in the footer so it's on every single page of the policy or maybe on the opening pages, but at the very least, something to say these policies have been developed as a general guide. But there may be case by case factors that warrant or justify a deviation from these policies. Every attempt will be made to follow them, so something to that effect.

Another important disclaimer or provision that you might want to reference, and I would suggest you would run this by your legal department for your tribe. They may have some canned language for you already. But keeping in mind that as probation departments, you are typically an agency that comes within the umbrella of your tribal government. And as a tribal agency within the bigger tribal government, sovereignty and sovereign immunity can play a factor in liability concerns.

So in other words, sovereign immunity pertains to a government not being able to be sued for various things unless they consent to the lawsuit or unless they exceed the scope of their legal authorities, right? Because you don't want your probation officers and department getting pulled into court into a civil suit every time you have a disgruntled client. And so some of that sovereign immunity language might be something to weave in as well.

Another thing you want to do in your policies is be mindful of discriminatory language or what could be perceived as discriminatory language. And this kind of ebbs and flows a little bit, I think, and does over time and generations in terms of what kind of terminology might be considered discriminatory or not. But a good example, I think, is we've got under the Violence Against Women Act 2022, some tribes are moving forward and implementing special tribal criminal jurisdiction so that they can adjudicate specific crimes perpetrated by non-Indians within their tribal communities.

And so of course, that translates down oftentimes to probation departments who are then enforcing the criminal sentences that pertain to those cases. So when you're drafting your policies and procedures, try not to differentiate, I guess, between the types of services you're providing to individuals who may be categorized as Indian people politically and those who are not Indian people for purposes of jurisdiction.

And I think a lot of tribes have started to adjust even their tribal codes to say things like any individual who comes within the purview of our program or comes within the court, they've gotten away from some of that terminology of non-indian, Indian, and have just started to use the term person or individual, something like that. So just being mindful of some of the terminology that's being used.

And then of course verifying what you're placing into your policies and procedures, if you're referencing resources or materials, or you're suggesting these as resources or materials that your personnel or people can rely on or go out and look to for additional information, make sure that what you're citing is a credible or reliable resource, that it's a resource that has been accepted by the courts, or that it is a generally accepted standard amongst probation and parole amongst the tribe or maybe even nationally, et cetera.

So vetting any resources you're citing is also really important. OK, so that's all I'm going to speak to on liability. Really, we're not going to get into the weeds on liability, but we want you to be cognizant that there are liability issues associated with the work you're doing. And as you're developing your policies and procedures, we want you to continue to think about what some of the liability concerns might be and then addressing them as best you can in your procedures and policies.

But we want to move into some discussion on implementing your policies and procedures and particularly looking at what might an implementation procedure or process look like. And realistically, this can be different from tribe to tribe. And so it's going to be important for you as you're working through your policies and procedures within your team that you know what happens next, right?

What is the process that is required in your jurisdiction to move a policy from a thought to a written document and then to a actual guidance document for your agency? Does it simply require that the agency director agree and approve? Do you have to open it for public comment? Do you simply go before your tribal leadership or your tribal council and have an authorizing resolution? And again, the answers to that might vary.

So just know how to-- what the process is for you. And then also, I think it's a good idea for you, particularly because these are written in formal process-- a formal policies and procedures, have a procedure. Even if you aren't required to have an authorizing resolution, it's always a good idea to at least let your tribal government know that, hey, our agency has developed these policies. This is how we went about it. This is why we did it. And here's a copy of it, right?

Although most I'm finding, most tribal agencies do require that approval, but that's, I think, important. Another thing that is often overlooked is community outreach. Particularly in justice system responses, it's been my experience that if the community is aware of what's being done and kind of kept up to speed there's less resistance. And it can also help to manage expectations.

So if people understand who you are, what you do, why you do it, and how you do it, they're not going to come to you with issues that you're not able to address or at least not as frequently. And you're going to very likely get less resistance from the community in terms of compliance and support as well. And then also with the implementation, making sure you have decided how are you going to approach orientation of staff to these new policies, are you just going to drop a copy on everybody's desk and tell them to read it?

Are you going to set aside one day to have a formal staff meeting to go through the policies and procedures. Maybe you want to develop a PowerPoint where you highlight for your staff how to use the policies and procedures. Maybe you want to highlight for them what the key provisions of your policies are, why you have them, the importance of them following.

If you do an annual notification of policies and procedures, you might want to have an acknowledgment form signed by your personnel where they're verifying that they've read them, they understand them, and that they don't have questions about them right, and then again a plan for publishing procedures. And this too can be a little bit tricky. For some tribes, they don't publish agency policies and procedures like on the internet or things like that.

Although it may be that if somebody wants to look at your policies and procedures, they can request a copy. So just think through though, whether or not you're going to publish your agency policies and procedures and if you are going to, how you're going to, and realizing that if you put them out onto the world wide web or any place else, there's also some factors that can come into play with liability, et cetera with that. So just be aware of that.

And when it comes to publication of procedures, you also want to make sure you're complying with the tribal government's guidelines for the publications of policies, whether it's allowed, how it's allowed, et cetera. And on this community engagement piece, I won't spend a ton more time on this. But I do think that informing the community about the services that you provide is really important. I think it's important that people understand and have expectations for your agency.

I think it can foster a sense of safety and comfort within many people. And it also can help manage expectations for family members, for example, of individuals that you might be supervising. And it gives you an opportunity to be really clear with the community about what your agency is there to do and what you're not able to do, right? That's also really important. We can minimize the criticisms of our agency if we're clear that that's not what we're here for or that's not something we're able to do, and here's why.

The other thing with community engagement is it offers the community an opportunity to have feedback. All of our agencies and programs in the justice system, we always want to be open to grow, to change, to meet the needs of the community. And so even though it may not always be comfortable, providing an opportunity for that community feedback can be really helpful, not only to give the community a voice, but also to helping us self-reflect and build and grow our programs in a way that better meets the needs of the community.

Well, if you're thinking about engaging the community, there might be a few different opportunities for you to do that. Some tribes have regular community meetings. Sometimes those are monthly, sometimes they're quarterly. But you can certainly request a time on the agenda for a lot of those community meetings. Having a website for your agency is a good resource where you can provide information about your services and then any published resources, frequently asked questions sections, things like that.

And the online platforms also might give you an opportunity to include a section where people can provide feedback through things like survey instruments. That can be really helpful. So just, I want to encourage you all as you're developing your policies and procedures, either while you're developing them or after they're developed or ideally both, don't be hesitant to engage the community, right? It can be really helpful to your process. OK, and we have a poll question.

So thinking about your community, which method below do you believe is the best way to engage the community in providing feedback? And the options are community meetings or forums, website forms, survey forms, or some other method? All right, and Michelle, it looks like over half, about 55% feel that community meetings and forums are the best way to engage the community. Second on the list is a survey form. And then under 10% were both website form and then some other method.

Yeah, excellent. And I think community forums are a way for us in our tribal communities to really kind of reach across the generations, right? I think our younger generations, a lot of them are really attached to their phones and cellular devices. But with our older generations, we may not see that quite as much. Although sometimes, I think our older generation has really adapted to that technology quickly.

So those community meetings, yes, an excellent opportunity to engage with people and to answer questions and foster understanding of your services. We want to take a few minutes here as we're closing out the webinar series to talk about updating and amending the policies and procedures. And I know a number of you had mentioned that you already have some measure of a policy and procedure.

Some of you said that it's working adequately others said you have something, but it's not adequate. And so everything we've talked about, I think, is pertinent whether you're first developing, or whether you are looking at amending your policies and procedures. But regardless of what stage you're in, we would encourage you to think of policies and procedures as a fluid document that you are going to want to adapt and change and modify moving forward.

There's very likely to be future changes to laws. There's very likely to be changes to services available. There's very likely to be changes for your clients' needs. I think if you look at clients that come in and out, and addiction issues for example, they may change from time to time depending upon what's going on in the community. Mental health needs might change.

So as the needs of the community changes and the clients change and the laws change, you're going to want to make sure that you're reviewing and amending your policies as well also to include and incorporate any new and emerging services or practices, right? We always see some best practices. Or I like to use the term promising practices in our fields. And as you come across those promising practices, you may want to update and incorporate.

But even if you don't have those very specific changes or kind of emerging practices, it's always helpful to evaluate your policies and say, what is working? What is not working? If we have links in our policies, are they still active so that people can click on them and get to where they need to be? Or are they outdated? Do we need to update some of those things. So a regular review of policies is a really good idea, I think, moving forward as well.

And when you're reviewing policies, again, looking for emerging practices, you can reach out certainly to some of the training and technical assistance providers in this arena. Or maybe you've made some connections through the probation academy or through some of the peer-to-peer opportunities where you're sharing emerging practices, making sure you're taking a look at your tribal codes, working with legal.

If there have been any changes that impact the services or the work that you do, that you have a means to be notified of that so that you can make sure that those are properly updated as well. And so those things are going to be really important, looking at code updates relevant to the service population, your agency, and emerging practices. And if you review those on an annual basis, that will help you to identify whether or not you might need to make some updates to your policies as well.

Another thing I think is always helpful to do is to revisit your vision, mission, and purpose. That too does not have to be etched in stone, right? There might be significant changes that happen within your tribal community or within your agency. And when that happens, you want to make sure your vision, mission, and purpose are adapted to those changing roles or those changing needs.

And so again, if there are role changes within your larger justice system, whether there are changes to laws, rules, or regulations, whether your whole program is taking a different focus, or maybe you've incorporated additional focus into the work you're doing in terms of day-to-day operations or services or your just general approach to probation and supervision, you want to make sure that those are incorporated and reflected in that vision, mission, and purpose as well.

So when you're looking, or you're considering reviewing or amending, first of all, I suggest that you do this maybe annually in leading up to an annual meeting where you discuss policies with your personnel is a great time to revisit policies every year, reengaging your policy development team, so those people if they're still available that started working on the policy or those agency stakeholders, re-engaging them saying, hey, we want to revisit these.

Would you guys be willing to get together so we can take a look through these? Maybe the stakeholders, such as service providers have changed a little bit. So getting that group together can be a really helpful tool and approach to amending. And then how are you going to draft amendments? Do you have a team member that's going to be responsible for taking your discussions, leading them into actual amendments? And then again, if you do amendments do those amendments need and require a formal approval?

So that is really just an annual process. And once you have your written policies and procedures, the amendment process is typically a lot less time consuming, particularly if you continue with it on a regular basis Oh, Jerry, that is a great question. Absolutely, looking at the question Jerry had in the chat, would it be acceptable to add tribal culture in the mission statement or goals?

Absolutely, and that is exactly one of the reasons that we suggest you don't just go out to like a state agency or another agency and cut and paste their policies and procedures or vision and mission statement and make it your own. Because it is your tribal values, your tribal culture, and your tribal communities that really sets you apart and make you unique. And you do absolutely. I would encourage anyone to have that reflected in your mission statements and goals. Great question.

OK, that draws us to the end. We have covered a lot of ground here today and hopefully given you guys some really useful information to set you on your path to either developing your policies and procedures or to amending, editing, and enhancing those that you have so that they're working better for you. And I think we have a few minutes left here today for any, we'd be happy to answer any questions that any of you might have.

Jerry said, I would see the creation of a national organization for Native American probation corrections re-entry professionals. Great idea. I think that there's a huge need there that could be a place where you're not always reinventing the wheel with unique tribal kinds of considerations. So it would be a great idea to have that kind of an organization. Anybody else want to comment on that question?

I would just say I totally agree with that. And I think that's something that we're kind of having conversations right now what that might look like. So definitely stay tuned. I think Greg's also going to talk about some community of practices that we have coming up, which is also another way to get together with other probation and reentry professionals and talk about key topics and things that are happening. So stay tuned.

Yep, Keith, thanks for that. Actually, we do work with APPA. And I mean, they obviously do some tribal probation policy and procedure work. And Mark is a good resource for that. So we are happy to help with technical assistance, giving you all ideas if you're starting this journey or revisiting this journey. So stay in touch with us. So this is going to conclude our training on developing policies and procedures, the two part series.

We also will be holding some community of practice sessions for tribal corrections in September and October with the option of extending those through the next federal fiscal year. So visit our website, and watch your emails for registration information. For additional information on general technical assistance services, links to featured offerings, and to request technical assistance, please visit our website, ncjtc.org. This concludes our webinar for today. And thank you again, Michelle, Lea, and Kevin for sharing your time and knowledge and expertise with all of us. And thank you to our attendees for joining us today. Have a great rest of your day and rest of your week. Thanks, everybody.