



Policies and Procedures to Protect Victims of Domestic Violence and Sexual Assault

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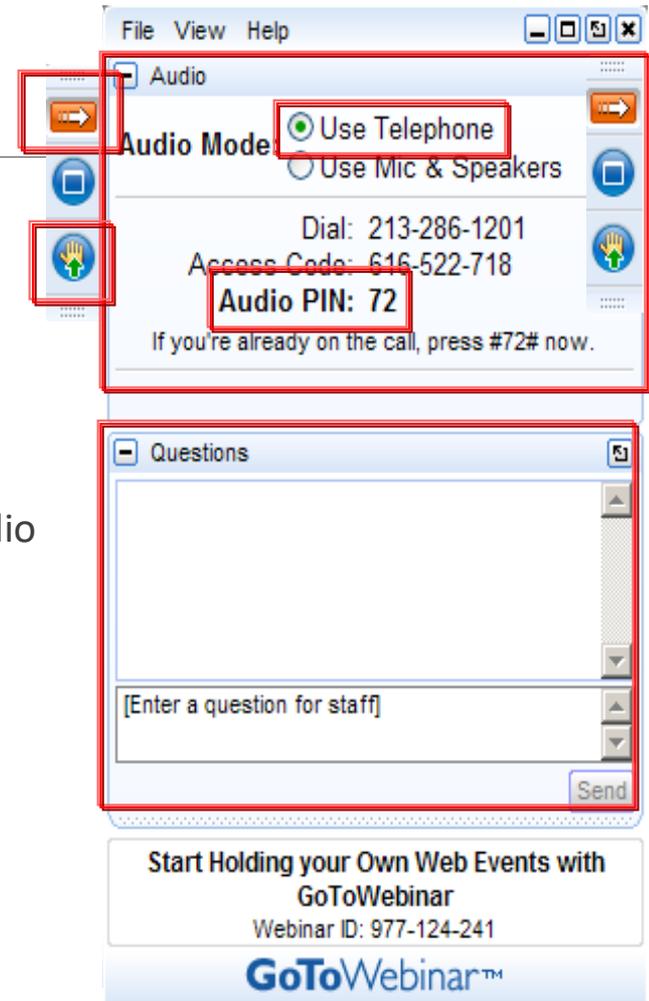
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Before we begin...

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6. During the discussion portion, please 'raise' your hand by clicking the hand icon to signal to be unmuted.
7. Everyone will receive an email with a link to a survey about today's session.
8. A recording of the webinar will be made available on www.tribalvictimservices.org.



Welcome

Goal: Our goal today is to describe how we ensure victim safety and offender accountability through policies and procedures/protocol.

Panelists:

- Lonna Hunter, Tribal Victim Resource Specialist, Tribal Law & Policy Institute
- Bonnie Clairmont, Victim Advocacy Specialist, Tribal Law and Policy Institute
- Heather Torres, Program Director, Tribal Law & Policy Institute

Learning Objectives

- Describe the difference between codes, ordinances, policies, and procedures/protocols.
- Discuss the importance of vision, mission, and purpose statements.
- Explain how policies and procedures can promote consistency in services and improve outcomes for victims.
- Identify the key items to be included in policies and procedures.

Poll Question

Which of the following best describes your role?

- Victim Services Provider
- Tribal Court
- Law Enforcement
- CAC, Social Worker, Mental Health Advocate
- Other

Vision and Philosophy of Advocacy

- Understanding why violence against women occurs at such alarming rates
- Understand impact of violence on victims, children, those who witness violence
- Understand the basic tenant of advocacy is the empowerment of the victims who've been harmed by violence
- Know the resources in the community and know them well. Watch for gaps in the system and work to provide a seamless response to victims and to hold offenders accountable. This is systems' change work which is an arm of advocacy.
- Create social change through ongoing community education – reduce stigma of sexual assault/domestic violence and break silence
- Create a vision of hope and healing for victims and the community and building a broad base of community support through relationship building and regenerate values of taking care of one another as relatives

Policy and Protocol Purpose

Key Elements to the Development of Policies and Procedures:

1. What victims need to be safe
2. What practitioners need from each other to uphold safety for victims
3. What is required by each worker and agency to hold the offender accountable.

Policies and Procedures

Best Practices to ensure you address the Key Elements

- Trauma informed
- Victim centered response
- Culturally appropriate services
- Advocacy model

Trauma Informed Response

- Current trauma of domestic violence trigger past abuse and historic trauma.
- Addressing victim's whole person needs with emphasis on safety needs – Mental/Intellectual; Emotional; Physical; Spiritual.
- Victim empowerment is critical.
- Requires service providers understand trauma of domestic violence, sexual assault and avoid re-traumatizing victim.
- Requires education for all segments of the community.

Victim Centered

- The *systematic focus* on the needs and concerns of sexual assault/domestic violence victims to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.
 - Source: OVC Human Trafficking Task Force e-Guide, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>
- Regardless of what door victims enter the criminal justice system, they must be met with a victim-centered approach. Training, multi-disciplinary collaboration may address this.

Culturally Appropriate Services

- Decolonizing victim services
- Policies and rules incorporate cultural traditions of helping with respect to cultural norms, roles
- See one another as relatives, how we promote healing and justice within a tribally appropriate context

What is Crisis Intervention within an Advocacy Framework?

Mental Health/Social Services

- Diagnosis
- Treatment/Case Plan
- Case Centered
- Internally Imposed Trauma
- Worker expected to Maintain Status Quo & Adapt to System Requirements
- Non-Political
- Bureaucratic Hierarchies

Advocacy

- No Diagnosis
- No Treatment Plan
- Victim Centered
- Externally Imposed Trauma
- Social/systems change integral part to create accountability
- Political
- Grassroots, greater sense of peer support

Types of Advocates: Challenges, Benefits & Cross Jurisdictional Collaboration & Cooperation

System Based

- All information may not be confidential but must be shared with others in their departments – prosecutors, law enforcement, medical and in court
- Works with victim within a case-centered perspective to strengthen case for prosecution - priority
- Victim will likely have access to information about case disposition sooner if working with a systems based advocate such as victim-witness advocate
- May not be as accessible by geographic location in some places

Community Based

- All information is confidential, documentation is kept to a minimum
- Works with victim within a victim-centered perspective to aid healing, promote safety
- Advocate will work with system-based advocate on case disposition and keep victim informed
- May be more geographically accessible

Codes/Policies/Protocols – What is the difference?

Codes	Policies	Protocols
<ul style="list-style-type: none">• Formal and legally enforceable rules to regulate, conduct, or establish prohibited conduct• Enforceable by government	<ul style="list-style-type: none">• Formal statement of applicable purpose, standards, and process• Enforceable (usually by agency)	<ul style="list-style-type: none">• Formal Steps to help effectuate code and policy• Help to ensure consistent responses• Provide guidance to practitioners• Not generally legally enforceable (but may have legal implications)

Codes and Ordinances

Tribes as sovereign governments have right to establish laws and pass ordinances to regulate the business and behavior of entities and individuals under its jurisdiction

- Formal and legally enforceable rules
- Regulate conduct
- Establish prohibited conduct
- Enforceable in a legal forum

Victim Centered Policies

Policy Governs Internal Operations

- Operational guidelines for the victim services program/shelter
- Provide guidance to board and staff to fulfill victim services program/shelter's mission
- Tool for decision making, address conflicts, taking appropriate action
- Provides a roadmap for day-to-day operations providing services to victims
- Ensures compliance with applicable laws and regulations
- Supports fair and equitable delivery of services (*very important in a victim-centered approach*)
- Provides guidance to personnel how to operate in a victim centered approach
- Understand victim services roles and responsibilities
- Make decisions pertaining to victim services
- How to work with other agencies to uphold a victim centered approach

Examples of Policies

- Board related policies such as financial policy, board elections, roles, code of ethics, governance
- Personnel
- Confidentiality
- Victim rights
- Safety Policies & Procedures - shelter, tribal court, law enforcement
 - Will provide a deeper dive into shelter policies and procedures at the end of today's webinar!

Policies & Safety of Victim Information



- Privacy
- Confidentiality

Privacy

- **Privacy** is the expectation that when a victim shares information with another individual (*the individual does not have to be a professional*), the information will go no further without the victim's consent.
- Privacy can pertain to when, where, and how much information a victim chooses to share.

Confidentiality – Cornerstone to Safety

- Confidentiality in policy
- Confidentiality in law
- Confidentiality in funding

Confidentiality in Funding

- The U.S. Congress has legally codified the importance of victim confidentiality in two sections of VAWA and in FVPSA:
 - VAWA
 - Universal Grant Conditions: Nondisclosure of Confidential or Private Information (VAWA 2013 Section 3: 34 USC §12291 (a)(20) & (b)(2)
 - VAWA amended the McKinney-Vento Homeless Assistance Act at (42 U.S.C. 11363) (VAWA 2005, Section 605)
 - FVPSA 42 U.S.C. 10406(c)(5)
- Additionally, the Department of Justice has implemented supporting regulations on victim confidentiality for VAWA grantees at 28 CFR 90.4, and for VOCA grantees at 28 CFR 94.115.
- Resource: [Confidentiality in VAWA, FVPSA, and VOCA — Technology Safety \(techsafety.org\)](https://techsafety.org)

Your Program's Policies

- Your agency should have a written policy about confidentiality and disclosure for example.
 - As a special condition of receiving a microgrant: (1) you are **required** to have written policies & procedures outlining how you will protect the personally identifiable information (PII) of victims of crime who contact/actually receive services from their programs; and (2) you are **required** to have written policies and protocols regarding how you will handle an actual or imminent breach of a victim's PII, which includes making a report to NCAI Fund within 24 hours following the breach or notice of an imminent breach to NCAI Fund.
- This policy should govern your daily actions and provide guidance when faced with a difficult situation like child abuse reporting.
- This policy should also guide employees on record-keeping, storage of records.

Roles and Responsibilities to Protect Victim Information

- Clearly inform victims about data privacy, confidentiality policies and mandated reporting requirements as early as possible in the intake process.
- Clearly define and follow confidentiality policies throughout the agency, among all staff and volunteers.
- Ensure all staff and volunteers understand their professional responsibility, ethical obligations and legal requirements regarding confidentiality of client information and receipt of services.
- Have in place a policy and protocol that is in compliance with legal requirements for data and record retention.
- Develop a system for coding victims' files that maintains anonymity

Victim-Advocate Privilege

- A privilege is an evidentiary rule that prevents the disclosure of information, even if relevant, in court. Particularly, privilege can come into play when the information was originally communicated in a professional or confidential relationship that is covered by law.
 - Based on the definition, can you think of any relationships where privilege might apply?
 - Resource: <https://www.tribaltrafficking.org/sex-trafficking-advocacy-curriculum>
- Most states require a 40 hour training to protect victim-advocate privilege communication.
 - Most states provide such training but not culturally appropriate
 - Example: Minnesota Indian Women's Sexual Assault Coalition provides a 40 hour sexual assault advocacy training, www.miwsac.org

Procedures/Protocols

Formal Steps Taken to help:

- Implement tribal code and program/agency policies
- Provide consistent responses
- Provide guidance on how, when, and/or who will act

May have legal implications.

Example: Physical Safety

- Develop and follow safety protocols for access to the program service locations by the general public.
- Train staff in appropriate safety and security policies and protocols.
- Clearly inform clients of safety and security protocols.
- Ensure building security equipment and tools are updated regularly and function properly.
- Work with the court to ensure that a safe waiting area for victims is available at the courthouse.

Example:

Professionalism and Ethics

- Provide clear definition of roles of staff, board, guests in policies and protocols
- Communication – Discourage office “gossip”; clear policies on conflict
- Implement an organizational environment of respect, equity, value of employee contributions

Example of Protocol Development Process

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



Vision and Mission



Poll Question

Does your organization have a mission or vision statement?

- Yes
- No
- Unsure

Mission

- Who we are?
- What we do?
- What we value?
- Who we serve?
- Why we serve victims?
- How we serve victims?

Vision

Long-term view of where you want to be:

- For your program
- For the people that you serve
- For your community

Generally includes an expression of hope and optimism about the future

Deeper Dive: Shelter Policies and Procedures

Vision and Mission for the Shelter

- Purpose of Shelter for _____Tribe
- Mission or Philosophy? How does this fit with generally how the development of this shelter fits with the tribe's belief about sacredness of women and importance of exercising tribal sovereignty to protect women and children
- Potential Services Provided within the Shelter and how they reflect tribal traditions of taking care of one another, feeding one another, helping one another with the children, etc.
- What types of forms may be needed such as Contact Sheet, Release of information, Victim Rights, Resources and a Resident handbook aka "A Guide to Harmony."

Policy Considerations for your Shelter

- Consider the location of your shelter, is it on the reservation or off?
- If your shelter is on the reservation, tribal codes may be in place that the shelter will have to follow.
- If the shelter is off the reservation, make sure that you are aware and have incorporated any city, county, and/or state codes into your shelter policies.

Policy Items to consider for your facility

- Action Plan
- Schedule of Hours
- Expected Behavior (for staff and for residents)
- Residents Belongings
- Keeping Clean
- Confidentiality (for staff and for residents)
- Mail
- In Case of Emergency
- Tribal Cultural practices
- Violations of Code of Conduct (for staff and for residents) (ex. Weapons, drugs, alcohol use, cannabis)
- Suspension- Appeal Procedure (for staff and for residents) (ex. Weapons, drugs, alcohol use, cannabis)
- List of Misconduct Consequences
- Smoking Policy
- Laundry Schedule
- Meal Schedule
- Visiting Hours
- Dress Code

Resident establishment

- **Phase I: New Resident Orientation**

- Examples of, but not limited to:
 - Meeting with your advocate to go over shelter Code of Conduct
 - transitional plan
 - length of stay
 - services and evaluation
 - establish your goals and objectives
 - Chores
 - Job opportunities as you complete phases
 - Attend in-house groups/meetings/services

- **Phase II: Established Resident**

- Examples of, but not limited to, going out into community to complete goals and objectives such as:
 - Looking for/going to work, school
 - Getting needed documents such as driver license, birth certificates, Social Security Cards, etc.
 - Setting up services such as TANF, WIC, Counseling

- **Phase III: Established Resident cont.**

- At this phase, resident should have:
 - A job, or some vocational, educational, support services treatment program

Strive to focus on advocacy vs. rule enforcement

- If advocates are spending the bulk of their time on rule enforcement, precious resources are being misused.
- An emphasis on rule enforcement over advocacy undermines trusting relationships between residents and staff, and can result in low staff morale as well.
- It can help to keep in mind that when a client breaks a rule, it is a great opportunity to find out what their real needs are.
- Unless the rule violation created a clear danger to others in the shelter and it is simply untenable to have the resident stay, a good advocate will work to find out what the issues are behind the rule problem.

Model Rights & Responsibilities

- You have the right to be respected.
- You have the right to be heard.
- You have the right to self determination.
- Each family has the right to safety, privacy and to establish schedules that allow each member to adequate rest, peaceful time, and time to complete schoolwork as well as family obligations.
- You have the right to be supported in your role as a parent.
- Every resident, including any children, has the right to live without the threat of violence.
- Every resident has the right to a healthy, sober and drug free environment.
- Every resident has the right to a clean and physically safe environment.
- Every resident has the right to keep their presence at the shelter CONFIDENTIAL.
- Every resident has the right to reside in a program that works for them.

Control the environment, not the residents

- Create a physical environment that supports following the rules. If residents repeatedly have difficulty with a particular rule over time, ask yourself if it is possible that a physical fix could alleviate the problem.
- For example, instead of emphasizing “no stealing” instead provide residents a safe place to lock up their valuables. If residents are required to keep children in sight, ensure that a safe play area is visible so they can watch their children. Or if residents have difficulty keeping their rooms clean, is it because they don’t have enough closet and shelf space to organize belongings? How can neat storage be facilitated?

Upcoming Training and Technical Assistance Webinars

UPCOMING

- We are All Related: Importance of Braiding Innovation, Cultural Traditions, Sovereignty into Advocacy Approaches, February 23-24, 2022

Questions?

1. Use the questions box on your control panel to submit questions and responses.
2. 'Raise' your hand by clicking the hand icon to signal to be unmuted.

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