



# NCAI Fund Victim Services Micro-Grant Tribal Codes and Victim Services

DECEMBER 1, 2020

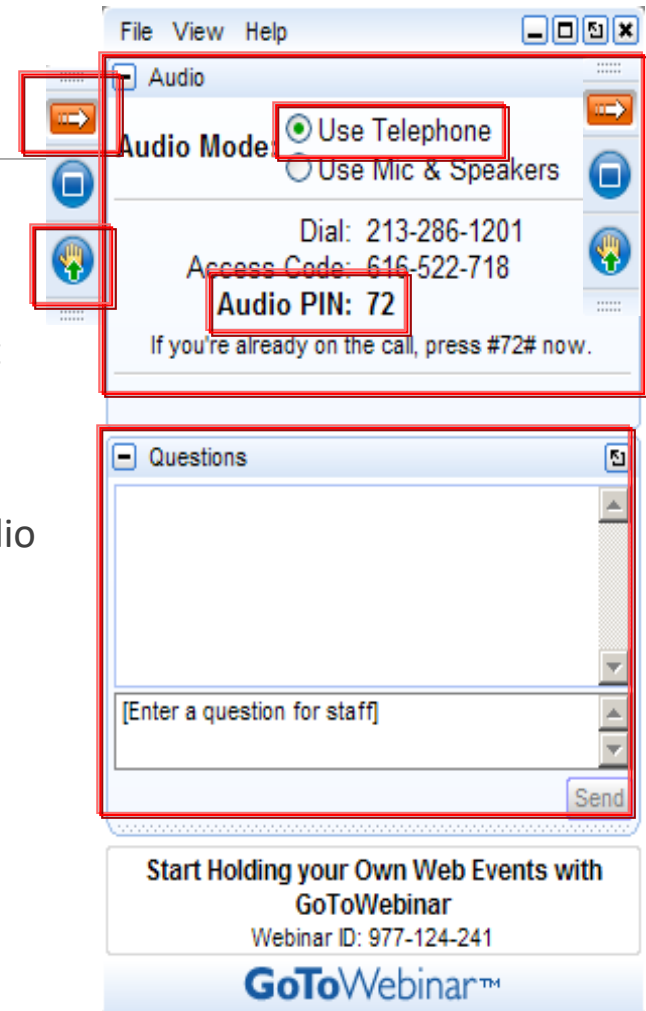
*This webinar was produced by the National Congress of American Indians Fund under 2019-VO-GX-K145, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this webinar are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*



# Before we begin...

Here are some friendly housekeeping reminders:

1. Your control panel will appear on your user screen.
2. To minimize the control panel, use the orange arrow at the top left panel.
3. All attendees will be muted during the presentation.
4. Once you call into the meeting call line, enter your Audio PIN shown on your control panel.
  - i. In Audio: you can view, select, and test your audio.
5. Use the questions box on your panel to submit questions and responses via text.
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.tribalvictimsservices.org](http://www.tribalvictimsservices.org).



# Welcome

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Goal: To discuss tribal code drafting, including important considerations for victim service programming.

Panelists:

- Lonna Hunter, Tribal Victim Resource Specialist, Tribal Law & Policy Institute
- Heather Torres, Program Director, Tribal Law & Policy Institute
- Abby Thoennes, Program Assistant, Tribal Law & Policy Institute

# Chat Question

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WHO SHOULD BE INVOLVED IN THE PROCESS OF DRAFTING TRIBAL CODES?

# Philosophy

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- Laws should come from the community.
- Attorneys do not necessarily have all the answers.
- Providing tools and examples from other tribal codes facilitates discussion for each tribal community engaging in code development work.
  - Following this philosophy, TLPI tribal legal code resources take this approach in many of its resources.
  - <https://www.home.tlpi.org/legal-code-development-series>

# Community-based Solutions

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Are we making room at the table for our traditional/cultural community based solutions?

- Our Culture is rooted in kinship – our relation to one another. Our laws can reflect those values and how we care for one another.
- Consider your language and any words or concepts that do not exist in English.
- Traditional storytelling.
- This is sovereignty.



# Who should write the code?

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- Survivors
- Advocates
- Prosecutors
- Court personnel
- Law enforcement
- Leaders
- Elders
- Family Services
- Medical personnel
- Probation/Parole
- Corrections
- Medical Personnel
- Corrections
- Defense attorneys
- Food bank
- Traditional healers
- Churches
- Child Protective Services
- Housing Authority
- School System
- Youth Council
- Legal Aid
- Casino Workers

# Benefits of Multi-disciplinary Code Drafting Team

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- Expanded education/outreach
- Shared ownership of problem and responsibility to solve it
- Promotes buy in from stakeholders
- Establishes and maintains trust between groups
- Promotes resource sharing
- Facilitates the development of formal subcommittee



# Tribal Codes and Victim Services – Drafting

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- Drafting is a PROCESS
  - Takes time and resources
- Drafting is a COMMITMENT
  - If possible, a team approach can be useful for support and accountability
- Drafting is IMPORTANT WORK
  - Opportunity to embody tribal values to keep the community safe

# Tribal Codes and Victim Services - Why

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- Address an issue impacting your tribal community
- Assist in the protection of victims
- Codify tribal understanding and approach to supporting victims
- Codify tribal understanding and approach to perpetrator accountability
- Operationalize support for victims outside of the victim services program
- Show a governmental commitment to addressing victims' issues

# Sample Purpose Statement: Oglala Sioux Tribe Domestic Violence Code

(as available at Native American Rights Fund website)

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## **CHAPTER 1 - GENERAL PROVISIONS**

### SECTION 101. Purpose

The OST Domestic Violence Code is construed to promote the following:

*That violence against family members is not in keeping with traditional Lakota values. It is the expectation that the criminal justice system respond to victims of domestic violence with fairness, compassion, and in a prompt and effective manner.*

*The goal of this code is to provide victims of domestic violence with safety and protection.*

# Tribal Codes and Victim Services - What

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- Community identifies the issues that need to be addressed, or “The What”
- What types of crime are prevalent in your community?
  - This is a great topic to investigate if planning to deliver a community needs assessment or build a strategic plan
- What forms of victimization is your program hoping to address with its programming?
- In what ways should the tribal justice system respond?
- What are some considerations unique to a victim of crime?
  - Confidentiality
  - Victim’s Rights
  - Tribal Protection Orders

# Tribal Codes and Victim Services - How

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- How to Begin the Process?
  - This question will be unique to your tribal community. Understanding the overall structure of your current tribal laws and working with your tribal legal department and/or consultant may be useful.
- Beginning the process
  - Get copy of and review the Tribal Constitution
  - Get copy of and review relevant tribal laws (ex: criminal code)
  - Gather or learn about applicable tribal custom or traditions
  - Investigate relevant federal and/or state law on the subject
  - Make any tribal case law on the subject accessible
  - Acquire resource guides or other source material
    - WE CAN HELP!

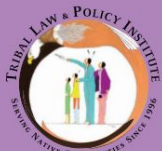
# TLPI Legal Code Development Resources:

<https://www.home.tlpi.org/legal-code-development-series>

## Tribal Legal Code Resource: Sexual Assault and Stalking Laws

*Guide for Drafting or Revising  
Victim-Centered Tribal Laws Against  
Sexual Assault and Stalking*

April 2017



Main Office: 8235 Santa Monica Blvd, Suite 211 | West Hollywood, CA 90046  
Phone: 323-650-5467 | Fax: 323-650-8149

Tribal Law and Policy Institute: [www.Home.TLPI.org](http://www.Home.TLPI.org)

## Tribal Domestic Violence Laws

## Tribal Legal Code Resource: Domestic Violence Laws

*Guide for Drafting or Revising  
Victim-Centered Tribal Laws Against  
Domestic Violence*

Updated February 2015



California Office:  
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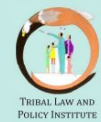
Minnesota Office:  
161 Marie Ave. East  
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(651) 644-1157  
Fax: (651) 644-1157

Montana Office:  
501 N. Sanders Street  
Suite 204  
Helena, MT 59601  
(406) 431-5941  
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## Tribal Legal Code Resource: Tribal Laws Implementing TLOA Enhanced Sentencing and VAWA Enhanced Jurisdiction

*Guide for Drafting or Revising  
Tribal Laws to Implement the Tribal Law and Order Act (TLOA)  
Enhanced Sentencing and the Violence Against Women Act  
Reauthorization of 2013 (VAWA 2013)  
Special Domestic Violence Criminal Jurisdiction*

Updated March 2016



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Tribal Court Clearinghouse: [www.tlpi.org](http://www.tlpi.org)

# Training and Technical Assistance Webinars 2020

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- **December 3, 2020:** Community Needs Assessment and Privacy (Part 2) Webinar at 11:00am PT/12:00pm MT/1:00pm CT/2:00pm ET
  - *Please note the time of this webinar.*
  - *For subgrantees who will be completing a Needs Assessment*
- **December 8, 2020:** Financial Online Reporting Webinar (repeat) at 10:00am PT/11:00am MT/12:00pm CT/1:00pm ET
  - *This is a repeat of the October 7 webinar regarding submission of reimbursement requests in the online reporting system.*
- **December 15, 2020:** Strategic Planning Webinar at 10:00am PT/11:00am MT/12:00pm CT/1:00pm ET
  - *For subgrantees who will be completing Strategic Planning*

# Questions?

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# Contact Info

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General questions:

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