

NCJTC- Fox Valley | Developing a Tribal Coordinated Community Response (CCR) Team

Welcome, everyone, to the National Criminal Justice Training Center webinar, "Developing a Tribal Coordinated Community Response Team." This webinar was developed in partnership with the Tribal Law and Policy Institute. Today's presenters are Bonnie Clairmont and Kelly Stoner from the Tribal Law and Policy Institute. My name is Kevin Brennenstuhl, and I will be moderating for you today.

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I'm pleased to introduce you to our presenters today, Bonnie Clairmont and Kelly Stoner from the Tribal Law and Policy Institute. Bonnie Clairmont serves as a victim advocacy specialist for TLPI. She's worked more than 25 years advocating for victims and survivors of sexual assault, battering, and child sexual abuse, particularly those from American Indian communities.

Kelly Stoner serves as the victim advocacy legal specialists for TLPI. Kelly has taught law classes and worked on various projects related to DV and sexual assault cases. For eight years, Kelly served as a judge for the Seminole Nation of Oklahoma. You can find full bios for both Bonnie and Kelly in the Handout section of the Go To Webinar dialog box. Now with that, I'd like to turn it over to Bonnie and Kelly for the remainder of the time.

Thank you, Kevin. This is Kelly Stoner. Hello and welcome to everyone out there. I'm going to take this first slide on learning objectives just to kind of set the groundwork for the focus of the webinar. We will, during the webinar, define a coordinated community response. We'll be referring to that as a CCR team. We'll discuss and describe the benefits of having a CCR team. We will also discuss the development, sort of a basic discussion of the steps that you can take to develop or implement a CCR team. And, also, at the end of the webinar today, we'll be delving into the importance of confidentiality or protecting victim information as the CCR team begins to exchange information to develop protocols and policies. So we're going to touch on that as well.

Next slide, please.

Just a bit on data, I know many of you who work in Indian Country are already familiar with these statistics. But just to get us all on the same level here, being mindful of at least what the hard data is telling us about violence against American Indian and Alaska Native women, despite the fact that we

know that the statistics are probably far worse than these numbers reflect. 56.1% of all Native women have experienced sexual violence. Over half, 55.5%, have experienced physical violence by an intimate partner. And we all know, and the data seems consistent on this, American Indian and Alaska Native women suffer domestic violence and physical assaults at rates higher than any other ethnicity.

So as Kelly said, when we look at the data and fully realize within each of our tribes that the rate of violence and in particular domestic violence is occurring at disproportionately high rates, it really calls upon us to our tribes and our people to develop responses that ensure victim safety or promote victim safety as well as offender accountability. And prior to colonization, we had our own way of responding when there were difficult times, when our villages were under attack, when we had natural disasters happening, where that resulted in harm to one another, to our people, to property, and so forth. So we had our own way of responding to those times where our people came together.

And a lot of that was also determined by clans. Many of our tribes have a clan, clanship, as far as determining our social roles when these things happen. And we also had our own tribal justice systems in place that would prevent violence from occurring to begin with. And once it did happen, those systems really worked to hold offenders accountable. And those varied from one tribe to another. So this is nothing new as far as coming together in a community coordinated response fashion.

So we have to ask the question, is this happening? Is your community experiencing any of these common challenges when addressing sexual assault or domestic violence? Victims not reporting, distrusting criminal justice system, resulting in those low reporting rates, lack of communication, coordination between agencies, lack of cooperation between tribal and other jurisdictional authorities, lack of clear understanding about roles when responding to domestic violence. And above in the title, we also included sexual assault, because sexual assault can occur within domestic violence cases. So I think it's important for us to think about that as we go through this information about the CCR, that it's not always just exclusively a civil response. So in looking at these questions, I just ask that you would think about these. And then also look at how can then CCR improve all of these challenges how a tribe can utilize the CCR to address these common challenges.

And I'll just parlay off what Bonnie's been saying and ask you a few more questions to reflect on as we move through this webinar. And I want to pick up on the piece Bonnie just spoke about this a CCR isn't only about addressing the civil response to domestic violence and/or sexual assault. It also includes a piece on offender accountability. So that as your CCR team is in the beginning stages of just reflecting on what the team might be able to accomplish, one of your focal points should be a

conversation on holding these offenders accountable.

Is your tribal community experiencing problems with getting your protection order violations prosecuted? Is there a problem getting your tribally issued protection orders recognized and enforced by outside jurisdictions, whether that's a state or another tribe? So these are kinds of issues that a CCR can tackle and address very effectively.

Is there a gap in the response to your domestic violence victims or the issue of domestic violence in your tribal community? And by gaps, we're thinking about gaps in systems, because one of the things you're going to learn as we move through this webinar is that a coordinated community response really brings together a multidisciplinary group of people who are familiar with your tribal community to address and implement effective policies and procedures on addressing these huge issues in Indian Country.

In your tribal community, are victims concerned about their information, whether it's going to be confidential, whether it's going to be turned over to the prosecutor, whether people are going to be talking about it in places where people gather in tribal communities? And one of the things that we're going to keep saying through this webinar is that protecting victim information is the cornerstone to victim safety. You really have to prioritize that, especially when you have multidisciplinary groups exchanging information, trying to develop policies.

And is your tribal community experiencing culturally inappropriate and insensitive treatment of victims of domestic violence? And that could be within your tribal community. Or it could be outside of your tribal community if you're living in a location that oftentimes requires your victim to cross jurisdictional boundaries to seek services.

This brings us to our first question. Do any of these challenges resonate with you? Any of the challenges that Bonnie and I just mentioned, are those challenges that are facing your tribal community? And I'll run through them really quickly-- victims distrusting the justice systems, lack of communication and coordination between agencies, lack of cooperation between agencies, lack of offender accountability, problems with protection order violations, not getting them prosecuted, not having your protection orders enforced, victims worrying about their information, and culturally and insensitive treatment of victims of domestic violence or sexual assault.

Kelly and Bonnie, we had a couple responses already-- absolutely and yes. Several of the participants are agreeing with some of these challenges. We had one that spoke about protection orders not

being recognized, maybe issues with full faith and credit. Maybe you would like to speak a little bit more about that.

Sure. Well, the cooperation between jurisdictions in getting those protection orders enforced is oftentimes a very delicate balance as two sovereigns come together. And in the end, we would hope that these multidisciplinary groups are encouraging in a very kind, but firm way about tribes being sovereigns and protection orders that meet full faith and credit requirements of the Violence Against Women Act. It is mandatory that those protection orders be enforced as they are written.

And we could go on and on about this issue. It is a big issue across the nation. It shouldn't be. The VAWA full faith and credit statute has been on the books for years now, seven years to be exact. Yet, we are still faced with pushback from some state jurisdictions about enforcing tribal protection orders.

So some states are doing some really proactive kinds of things. We can talk more about that later as well if you're interested. So be sure and put something in the question box if you want to hear more about that. But it's really the force and the power, but in a very professional and respectful way, of a multidisciplinary response that sends the message to both the tribal community and outside jurisdictions the tribe that's a sovereign is taking it seriously, and they intend to utilize every tool possible to keep their citizens safe.

Thank you, Kelly. We have a couple other responses that are very similar in theme-- lack of cooperation between jurisdictions and a lack of trust, specifically with law enforcement. Maybe you'd like to speak to those issues as well.

Absolutely. And I fully believe in CCRs. I don't know that it's a do all, end all. There has to be commitment to the CCR. And a lot of that can be written into MOUs between the agencies that are represented on the CCUs in terms of what each partner agrees to do in terms of how information is shared, the confidentiality policies-- and Kelly will be discussing some of that later-- the kind of cooperation between tribal and other jurisdictions, how each agency is responding as soon as that victim walks into the door wherever that is, so that there is consistent response so that that level of trust can be established and increased. So there's just a lot of ways I think that a CCR can address and ameliorate many of these challenges that people are addressing.

And I think it's really important to remember that part of this is being able to institutionalize practices and procedures that really hold at the center the importance of victim safety and offender accountability. That's really the focus for CCRs. So given that, I just think that a lot of these challenges

can be addressed in one way or another through a CCR. But it also is not the end all, do all. There has to be a commitment from the tribe and tribal leadership, perhaps even developing tribal codes to enforce and to give these policies and procedures the teeth that are needed. So, yes, a coordinated community response to domestic violence may help your community address these challenges.

I want to talk a little bit about the different types of teams that we're talking about. We live in a world of acronyms. And we have the MDT and the CCR and SART-- the S-A-R-T-- and CPTs out there, the Child Protection Teams. And I often thought about maybe creating a song or something to use acronyms, so we have a better way to remember all the acronyms.

But I developed this chart just to help us look at the differences. So we have an MDT that primarily addresses child sexual assault or child sexual abuse or child abuse. And this has more of a criminal focus. And the members can be anyone. It's really up to the team. It's up to the core team of who they want to invite to a table. It could be law enforcement, social services, people from the medical field, child welfare workers, advocates, judicial agencies that have jurisdiction over child sexual abuse cases. And the task is primarily coordinating the investigation prosecution and disposition of child sexual abuse cases.

And this is a little different than a CPT. And I'm not going to get into that. But I encourage you to really kind of look at the differences. Maybe Google so that if you're not already aware of the differences that there are some differences between the two.

And today, we're talking about the CCR, the Coordinated Community Response teams. And the primary focus of these teams is domestic violence. And like I said earlier, sometimes within even DV cases, there can be sexual assault, where the victim has been sexually assaulted in one way or another. And that would take on a more criminal focus.

And the members can be law enforcement again, including the dispatcher, because that could be the first point of contact for that victim. So it's important to get the narrative of that call. The jail, because if there is an arrest, then the jail needs to be involved in keeping others informed of the arrest and holding that perpetrator or when that perpetrator is released from jail. Advocacy, probation, courts, civil and criminal, like I already said, prosecution, and also batterer programs, and along with that, like I said already, probation, because we want to ensure that the batterer is being held accountable for getting the treatment that's needed. And the task here is sharing information, creating policy to maximize victim safety and offender accountability on DV cases.

Then we have a SART, which is the focus is sexual assault. The focus primarily being criminal, a

criminal more criminal focus, and also can include law enforcement, advocates, forensic examiners, nurses that do the forensic exams, prosecutor's office, whether it's tribal, state, or federal given the jurisdiction involved, and then hospital clinic staff. And when we look at SARTs it also can involve a wider group of participants from the community. It could even include tribal leadership or healers. So it's really again up to the team. But the task for the team there is providing specialized immediate victim-centered response to victims of recent sexual assault. So that's a little bit of just giving kind of a breakdown of the differences between the team.

So a CCR is a multi-agency collaboration consisting of those individuals who respond to DV incidents within a tribal community. And again, this webinar is really focused on tribes developing their own CCRs and perhaps inviting other jurisdictions to the table. But it really is more tribally governed and tribally focused who coordinate and collaborate to develop and implement policies and practices in order to establish culturally appropriate-- this is a really important part-- victim-centered responses and ensure batterer accountability. Each agency represented on a CCR plays a vital role to ensure a consistent response from advocacy, law enforcement, judges, prosecutors, and probation officers. And again, safety, I can't say it enough, safety, victim's safety is really central and as well as batterer accountability is central to the focus of the CCR.

Bonnie, could you say a word about the importance of having either a tribal victim advocacy program, a tribal coalition, or several maybe DV survivors being on the team?

Sure. I think this is one of the things that really sets us apart as far as a CCR that's more tribally based, because advocates really have a good sense of what's happening in the community, also have understanding about the cultural elements as far as providing support, emotional support, and really understand their own agencies within the tribe and individuals that work within those agencies, those departments, and are sort of the movers and shakers within their communities. So the advocacy programs are just I think a real critical part of a CCR.

And oftentimes it's the first point of contact for victims into the system is through an advocacy program. So I think it's really important that advocates are part of the CCR. And their role is really integral as far as ensuring victim safety, because they really know what's going on for each individual victim and what that victim is wanting and can be a voice-- with the victim's permission, of course-- can be a voice at the table for that victim because it may not be safe for that victim to express directly what their needs are. And they can use the advocate to share that information with the team.

CCR teams implement a variety of strategies that may include interagency policies and protocols.

Like I said earlier, it's really important to remember that a CCR is about institutionalizing these practices and procedures. And it's really also good for the sustainability of the practices that will continue if they can be institutionalized in policies and protocols and also even in tribal codes. So that again like I said before that there's teeth to that the policies.

And it also defines information sharing, confidentiality, and privacy policies when doing case reviews. It's also the task of an advocate, for example, to work with a victim to let that victim know what kind of information will be shared. And all of this is really at the consent of the victim, how much information that that victim wants to have shared.

And also the development of CCR response protocols for each agency-- so each agency has their own response from the moment that victim enters the system at whichever entry point, whether it's through law enforcement, advocate, at the advocacy program, to the hospital, so that each agency has a response protocol. And that's also shared with other agencies at the table.

And there's signed agreements, MOUs, to ensure that the protocols and policies are followed and also training that's developed for the CCR on those protocols. So that everyone at the table is aware of the response of the other agencies involved. So that there isn't information that's falling through the cracks or cases falling-- there's less of a chance that cases are going to fall through the cracks.

Let's go over a few of the benefits of a CCR. As you're sitting back, reflecting, this would be something we'd be interested in, we really don't have a multidisciplinary group of folks who are monitoring and addressing the tribal community's response to domestic violence. So what this could lead to-- it's not a promise-- but it could lead to inter-agency cooperation. Oftentimes, the agencies are very territorial. They're very siloed. And what I mean by that is they're not sharing any sort of consistent policies and protocols that are synchronized across the agency.

And you get this really disruptive and inconsistent response to domestic violence. Law enforcement's doing one thing. Mental health is doing one thing. Maybe the behavioral health, mental health, maybe even the medical response is disjointed. Then you've got the tribal victim advocate doing something different.

So one of the things that happens is when these disciplines come together and begin to work together, there really has to be an open and honest and safe discussion about what information they can share, what they can't share, what their protocols are, if those protocols are victim-centered, if they're re-traumatizing the victim. All of those kinds of conversations have to happen. And hopefully, there will be a meeting of the minds, even if it's not a total, consistent, across the board, everyone is

still working towards this common goal in a synchronized fashion as much as that can be accomplished.

Cross-jurisdictional cooperation, we talked about that a little bit earlier when we talked about getting those protection orders enforced outside of the tribal jurisdiction, once a jurisdiction begins to see a coordinated response, a coordinated effort among a variety of agencies to address the issue, it's sort of sends that message, not only to the community, but the outside jurisdiction, that this isn't going away. The tribe is going to handle this. They're going to exercise their sovereignty. They're going to decide the policies and protocols for people within their tribal communities. And so great message to send there.

Also, protocols, that's what I talked about earlier, getting these agencies to synchronize those protocols and policies. Another really important piece of this-- and Bonnie will talk about this a little bit later-- is a requirement of regular and ongoing training for all of the agencies working with the victim and the victim's family. And so everyone's getting the most updated best practices. They're going back to get these basic refreshers on how DV affects victims, how it affects their children. So that's a huge piece. Even the judges probably need to be in on that training as well. And they could actually sit on a CCR team that's not discussing particular cases I think.

Increase the victim trust in the criminal justice system-- again, the word will get out if there's going to be a coordinated, synchronized, multidisciplinary approach to reducing domestic violence, keeping victims safe, and holding batterers accountable.

More benefits of a CCR to convey-- an environment of collective compassion, this again is sending that community message for victims of DV or sexual assault, sends a message to the community that DV will not be accepted and offenders will be held accountable. And this, too, sort of brings your prosecutor, your law enforcement on board with this. And it maximizes the utilization of limited resources through information sharing, communication, cooperation. In other words, we're not duplicating services.

It provides a roadmap to disciplines for exactly how to address the trauma of domestic violence while keeping the victim and her children safe and holding batterers accountable. And that may look different in each tribal community. There will be some common threads. But each tribal community needs to address the issues in a way that reflects their culture, traditions, and belief systems. And I think Bonnie pointed out how important that was earlier.

It restores hope in the community possibly that-- and not to say leaders aren't doing a good job now-- but if there is a breakdown or a gap or a need for education with tribal leadership and the service providers, this is the way to get that to take a headline in the community, this multi-disciplinary movement. And also, community education and awareness, because this CCR can train as they become really proficient. Each of these disciplines are bringing their own area of expertise into this movement, this stand against domestic violence.

And all of these agencies that are a member of the team oftentimes can be seen in tribal communities, whether it's different tribal functions, whether it's speaker at a tribal college, to raise community awareness on the issue. And again, as Bonnie and I will both say during the presentation over and over, with victims safety being the number one focus and then, of course, batterer accountability being extremely important.

Let's go ahead and just start the power and control wheel. And those of you who are advocates out there, you've seen this. This was developed by the Duluth model out of Duluth, Minnesota. It's a really good way to demonstrate to perhaps folks that are not particularly educated on the dynamics of domestic violence and the method or the ways that batterers can gain and maintain control over a victim. So this is an extremely useful tool, both to educate others and to educate the victim themselves, because oftentimes victims will not recognize that this is their normal. They won't recognize they're in a DV relationship.

So what you see here, I want you to take a look at the middle, the very hub, if you will, of this wheel. And you will see what is at the center of everything in a DV relationship. It's what the batterer has to have in order for the victim to not be punished or called out. The batterer, every move, every method is to exercise power and control over the victim. Every move the batterer is making is to maintain that. And if the victim begins to get outside that little hub and begins to exercise power and control themselves, autonomy, then we will see the batterer using what's in the spokes here to regain power and control over the victim.

And let's just kind of take a look at what's in the spoke here-- using intimidation, making her afraid, making gestures she knows what's coming, abusing the pets, waving around weapons, just using intimidation to get that victim to behave, and whatever is acceptable to the batterer that's in the hub there under power and control.

The next thing is using emotional abuse. I think when I was a practicing lawyer, this is the one that I saw, at least in my cases, in my experience in Indian Country mostly, but representing Natives in

outside jurisdictions as well, that to me, as a non-trained person of behavioral health, it seemed to me to be one of the most devastating to the victim. And that's using emotional abuse, continually putting her down, making her feel bad about herself, calling her ugly names, making her think she's so unworthy, she's crazy, no one else will want her, that sort of thing. So that is a tactic. Now, again, remember, these are the things that are going to be used, maybe one area, maybe all of these different techniques, the batterer will use to get that victim to come back in and behave within whatever parameters the batterer has set setup for the victim that is acceptable to him, acceptable behavior.

Also using isolation-- I saw this probably in 99% of the cases when I was the lawyer in the case. Isolating the victim, I mean sometimes, interesting, the victim didn't even realize it, but the batterer might act so aggressive and out of control when her family came over, the victim's family that they wouldn't come anymore. So effectively, the victim has become isolated.

Minimizing, denying, and blaming, making light of the abuse. I didn't hit you that hard. You're imagining it. That never happened. Or saying it was your fault. You knew that I was getting very upset and you continued to push the buttons, that sort of technique.

Then using the children-- and I used to tell my law students in my class, DV and the lawyer, I would kill my law students that based on my experience, that if there are children in the relationship, the batterer will use those children. And they are often used as a very effective tool for that batterer to make that victim do something or not do something. And so again, saying if you leave me, you'll lose the kids. Oftentimes having the children spy on the victim, saying I will take these children from you. So just using the children in a way to maintain power and control. And, Bonnie, with that, I will let you take over the spoke.

So some of this that's happening, the domestic violence, I'm sure you know that a lot of this happens because of the attitude around male privilege, that this is just how boys are socialized to think that they have the right to do this, to control women. And when it's carried out, this is the extreme on that continuum of attitudes, where someone can be beaten or even murdered on the very far end of that continuum.

And also using economic abuse, where the batterer controls the finances, may give the battered woman just a little bit of money to do what they need or want to do and yet even questions that. Well, I gave you \$20 yesterday. What did you do with it? And again, it's another way to really maintain that power and control that is really central to the batterer's motives.

And also using coercion and threats-- you know, threatening to kill her, kill the children, kill themselves. And we've heard many of these types of accounts in the media. If there's any illegal activity at all, whether it's possible welfare fraud, or if she's participated in selling drugs or buying drugs, he'll also use that to threaten or coerce her into staying and not leaving, threatening to take the children, that she'll never see them again. And, of course, if she thinks that she's going to be caught for any kind of illegal activity, then again that could be worse her worst fears.

And in tribal communities, we also have issues of politics, where a batterer maybe is in a leadership position, for example. Or maybe the batterer has families who are in leadership positions and they wield a lot of power in the community and lot of influence. Again, the batterer could use that as another way to control her, threatening to use that kind of power against her.

So it really demonstrates the strategies, the tactics used by batterers. And this is so important, especially as training pieces, so that everyone involved in the CCR has the same knowledge about why domestic violence happens. So that they're not buying into the age old myths about it, and also can use this information to educate the community. So there's a collective voice about domestic violence.

The outer rim are really more the crimes that we see committed. They're a little bit more visible. When the tactics that are used are really not that visible. They're kind of more behind the scenes, behind closed doors. So this is a wheel that's been used for many years developed out of the Duluth project.

So this is a visual just as an example of coordinated community response model and who is at the table. And like we said earlier, the needs of victims, victim safety, as well as children, the children who witness the violence, are central to the work of a CCR. Their safety and along with that, in order to maintain that safety, they're also working to hold that offender accountable to what the court deems is important, essential, to helping to keep that victim safe.

And, again, like we said earlier, it's really up to the team of who they want to invite to the table. It's up to that core group. And these are suggested members. And I think it's really important for the core group to have a discussion about who they want to invite to the table. Where are domestic violence victims bullying? And who is providing the services? And who has a response to domestic violence? Both initially and then as the victims go through the system, who's involved in these cases? So it's important to look at who those individuals are and also the kind of skill sets that are needed by the CCR.

The CCRs in Indian Country or in tribal communities are going to look completely different-- not really completely, but they're going to look different than those that are in mainstream. I always talk about Auntie Alice who can cook up a really good pot of soup and bread. And inviting Auntie Alice to a focus group and inviting Auntie Alice to come and sit on a CCR is really not a bad idea, because it's kind of like that's again a way to incorporate those cultural traditions. She knows how to talk to women. She knows how people are supposed to behave. She also knows how to bring people together. So if you're holding focus groups, she knows who needs to be at the table. She knows how to bring people together.

And that's a skill set that's different than what you would see in mainstream. So think about that possibility as well, because each agency represented on this CCR has a role. And it's important for a CCR to engage in protocol development, to provide the clarity of those roles in terms of DV response. So that ultimately those protocols can get written into policy and practice. Because what the team is really striving for is to create that seamless response, from the very beginning from when that victim enters the system, either through advocacy or through law enforcement.

And then if the courts become involved because she filed for protection order, if there is charges that are brought, then the prosecutor's office may be involved. If the judge sends the batterer to re-education program, perhaps even if there's children involved, maybe that child advocacy center needs to be involved as well on the CCR. And then also probation to ensure that whatever the court deems necessary for that batterer to do, that the probation is there to report on that progress if the batterer is following through with those orders. And all of this I really believe needs to be institutionalized. And I've said this before, and I'll say it again, really institutionalized within policies and protocols and also through DV tribal code development.

So in the work that we've done with teams, we've learned so many things. CCRs have been around for a long time. I want to say back in the '90s or late '80s, early '90s. And they've evolved from, of course, with VAWA. There's probably more CCRs now. They're becoming a lot more popular I think with the increase in resources, funding that's available to tribes through VAWA.

So what we've learned that there's challenges and also there's benefits. And I think we can probably point out a lot of challenges. I want to say there's probably a lot more benefits than there are challenges. Sustainability, of course, is a huge one, because funding can end. So it's important always to look at that. And I'll talk about that in a minute.

And again, to look at who is needed at the table. Oftentimes, you may get some resistance from folks

that you invite to the table, because their time is really limited. And especially now when we look at the pandemic and how the additional kinds of burdens that places on agencies and their staffing and so forth. But once things get back to normal or new normal, then it's important to look at ideally who is needed at the table. And what does it take to bring them to the table? What kind of information do those individuals need? And they're probably going to want to know how often am I expected to be at meetings? I can't afford to be there you know every week. My job won't allow that. So take those kinds of things into consideration.

To really outline why is a CCR needed in the community, what are some of the problems? And some of you mentioned those earlier. So to keep those central to the work of the CCR, that this is what's bringing us together, this is our central focus. And as you go along, you'll find there's additional challenges as well that need to be addressed.

Identifying roles for each member and each department, each agency, again, that can be developed just by through discussion. But also each agency already has their own existing protocols. And also the work of the CCR can be refining those protocols, improving them by helping each other sort of implement changes to those protocols to make them more victim-centered and also where you're really focusing on victim safety and offender accountability.

Determine how they'll be institutionalized-- through MOUs, through tribal code development, and so forth. So that each agency is signing on that they are going to ensure that these policies and protocols are going to be followed.

And then also, like I said, how the work of the CCR task force will sustain itself. And there's any number of ways. I think the more tools that are developed by the CCR, the better, because those tools are going to be there even if that CCR experiences some funding gaps, you still have those tools that are going to be available to a team to help them work together, to cooperate, to coordinate their efforts to really define their way of communicating with one another in terms of the policies and protocols around confidentiality, for example, and information sharing.

And then also to provide leadership in the development of a common philosophical framework to guide the CCR, ensuring that victim safety is a priority. So to look at the development of why does the team exist? What are the goals of the team? What's the mission of the team? Is there a vision of the team, a philosophical vision of what you're doing together, the work that you're doing together as a CCR?

To create consistent standardized policies, procedures, and protocols focused on the operational

meaning of safety, acknowledging confidentiality as an integral component. And we just can't say this enough-- Kelly will talk more about confidentiality and privacy and privilege in a minute.

Monitor, track batterer cases from initial contact through case disposition and probation to ensure practitioner systems and batterer accountability. It's so important that when there's an incident that law enforcement has the report on the incident, that there's advocacy involved immediately, because it's so important for that victim to have that advocate there with her or him in order to help guide the victim through the system, to keep the victim informed about what's going to be happening, and also really providing options to the victim and also support for the victim, because definitely, there's going to be a response happening.

So the more informed the victim can be kept, the better. That's really re-empowering that victim with information. So that the victim can make informed choices about their plans as far as their housing needs, the needs for their safety, the needs of the children to keep them safe, and the financial burden that this places on the victim, all of those things need to be considered. But most importantly, if there is an arrest made that that victim is kept informed, so that advocate can work directly with law enforcement when that happens, and when the court becomes involved that that advocate can then provide accompaniment and really help the victim with information about the process all the way to the end.

So all of these things can be written into, like we've been saying, policy and protocol, so that there isn't gaps in the response. And I also think that this gives a CCR an opportunity to look at what are the gaps in services. One of the things that's missing in a lot of our tribal communities is victims not having access to 24-hour resources. They have to depend on non-tribal resources. And a lot of those may not be culturally focused or culturally appropriate. And I just can't say enough that tribes you really need to look at resources that are available in the way of funding, so that a tribe can have their own resources, develop their own resources.

Utilize a combination of sanctions, restrictions, rehabilitation, re-education services to hold offenders accountable. And this is so important. And it's one of the reasons why we talk about the power and control wheel is to really look at that underneath this is really about the offender's behavior and the attitudes that that offender has about their need for power and control. And it's really important for a team and those individuals involved in domestic violence responses to be aware of that and really to put the onus for changing the batterer's behavior back onto the batterer and the system holding that batterer accountable to that.

Kelly, did you have any more on this?

Yes, I'll just add a tiny bit. On the sanctions, restrictions, rehabilitation, re-education to hold the offenders accountable, I really want to say a word about the criminal justice systems here. That in order to effectively achieve that statement there, we will have to have this coordinated community response so that law enforcement is utilizing protocols that are focused on victim safety and batterer accountability. And they're doing that in a way that when that prosecutor gets the evidence in the report, the prosecutor is already educated on the dynamics of domestic violence, and that wheel that you that we went over earlier, those techniques, recognizing earmarks of power and control.

And the prosecutor sort of has this no tolerance, if you will, for violation of protection orders. In other words, holding the batterer accountable. And there's no hesitation. There's a policy. There's a protocol to it. Tribal prosecutor is following that.

It even goes higher though. It goes on up into the judge. And the judge has to prioritize these cases, has to be educated on the dynamics of domestic violence. The importance with the stroke of a pen that victim's safety can be compromised. So the judge is doing this in a manner where protocols are even being followed from the judge's perspective. And then after, if we get a guilty verdict, that we're going to have probation also following a set of policies and procedures that the entire team is aware of, so just to kind of give sort of a deeper dive into the criminal justice system and what that might look like.

Each agency-- or each CCR I should say, I'm sorry, really needs to look at ways that they can continue to monitor the work that they do. And I'll be talking about a process for doing that but. To really look at the work that they're doing from the standpoint of victim safety, offender accountability, and the goals of intervening agencies. So it's a continual process. And that's really the sort of the backdrop or the question that needs to be asked all the time. How is what we're doing supporting the importance of victim safety and offender accountability? And if it feels like you can't answer that question with, yes, this will definitely contribute to increased victim safety, that I think it's important to use that as a standard for the operation of a CCR.

To ensure the initiative utilizes traditional life ways as guiding principles including work to undo the harm. As Indian people, women were considered sacred. And we know that a vast majority of the victims of domestic violence are women. That's what the data is telling us. I think there's probably our LGBTQ relatives, our Two Spirit relatives, who also are being victimized through domestic violence. And also there are men who are victims of domestic violence. But by and large, it's women, based on

the data. And it was a time when women were considered sacred, and we had our traditional justice system that was pretty quick in terms of intervening when these things happened.

We also need to look at how we help one another as relatives. We see each other as relatives, despite our tribal affiliations. When we look at how we help one another, it's really based on the premise that we're all related, and we all help each other. And that same kind of feeling can be brought into a CCR, within the mission statement or within the vision of the CCR that we're helping one another as relatives, because it could be your daughter, it could be your mother, it could be your granddaughter that's being harmed. And to utilize those kind of belief systems as guiding principles I think is really important.

And for victims to know that there are people who are working collectively to really increase safety for the victims and also the children who witness the violence.

So the next couple of slides, Bonnie and I are going to be talking about developing policy and protocol. And this is because, as we've been saying, this is one of the key, critical responsibilities of a CCR. And no one knows that tribal community better than the folks that are going to be on the CCR. And as Bonnie said earlier, while some of these CCRs may have common threads, in Indian Country, in tribal communities, they're going to look different than they do outside of tribal communities.

So as we move into the policy and protocol, just letting you know to highlight, it's a super important responsibility. And I like this quote. It's not a collection of good policies that each agency is implementing in a silo sort of irrespective of what might be the focus of victim safety or some not focusing on batterer accountability. But it's a collective policy. It's a policy that the team has come up with together, has agreed is a good fit for their tribal community, and have agreed in writing that they will follow certain policies and protocols, so that all agencies know, they are aware, and consent to the policies and procedures that these team members, team agencies, are going to be utilizing.

I've been saying these words over and over-- the policy and protocol purpose. And I had a dear friend-- her name is Ellen Pence-- she passed a few years back. But she was instrumental in developing a tool that's called Blueprint for Safety. And I really encourage you to look it up, to Google it. And it's a tool that was developed for agencies to look at their responses to domestic violence and really looking at how the criminal justice system is so central, such a huge factor in terms of holding offenders accountable. Because, bottom line, when someone chooses to use violence, that's a crime. And they need to be held accountable for that crime.

In order for that to happen, people have to believe that person did commit that crime. And

oftentimes, things get fouled up because we take on a different approach. Sometimes we say, well, I don't know if that really happened. Or did this happen? Or in order for me to believe this happened. So it's really it's important for each agency to look at it internally, their responsibility to that collective stance that's being taken that this is wrong. Domestic violence is a crime, and it needs to stop.

And so it's important to look at then what the victims need to be safe, to really come up with the answers to that question. What do victims need to be safe? And one way, again, like we've been saying, is for responders to understand lethality that domestic violence holds, the potential that someone can be murdered, someone can be killed, even while children are witnessing the violence. It is so incredibly important to look at all of those factors and the possibilities that exist where domestic violence is occurring, so for responders to really grasp the importance of that and to have an understanding about the dangers.

What practitioners need from each other to do their jobs, so that again, like Kelly said, you're not operating in silos, that you have a duty to one another to work together, to share information, to coordinate efforts, to say this is what we've done, this is our response to this particular case, because every case can be a little different. So it's important that communication is there. And a CCR is a good way for that communication to happen.

What is required by each worker and agency to hold the offender accountable? So it's kind of like what what's needed? What are we expecting? What do we need from others in order for us to do that? And I think that, again, we have to take the onus away from victims to hold the offender accountable. That's not realistic. It's not realistic for us to believe that if she behaves in a certain way, then the battering will stop, if she stops nagging him, or she stops doing whatever it is she's doing that the batterer says is pushing his buttons. We have to get away from that kind of thinking to look at what do we need in order to hold this batterer accountable, because ultimately, it could mean someone's life. We could be saving someone's life, maybe even children involved. So that's the work of a CCR. When we boil it down, it really is kind of a matter of life and death for those victims.

And I don't want to spend a whole lot of time on this because we could spend a whole conference talking about this process. It's one example of a protocol development process that I've been a part of. I've done a lot of training on this process. And it's one example of a way that a team can develop protocols.

And it starts with looking at what kind of services currently exist in the community, what agencies are

involved in providing responses to domestic violence, and really creating a comprehensive listing of all services. So agency's name, address, phone number, web address, what kind of services they provide, is there a cost to the services, and so forth. So you get a really good idea of what services are currently in existence for that community.

Also, you want to survey victims at each agency, wherever the victim enters the system. You want to know what their experience is like. Because once you change protocol or revise or revamp your protocols, then you want to continue this process of getting victim input. And you'll see changes, positive changes, within the victim experience surveys. And then again, this requires consent and permission on the part of the victim as well.

Community needs assessment is to go out into the community to see what are they thinking about the response to domestic violence with that information then you can begin protocol writing to take that information from victims to take that information from the community to start looking at your own internal protocols within law enforcement and within advocacy programs within probation within the courts and so forth. But once those protocols have been revised or revamped to then you can then bring those to the CCR where you agreed to adhering to those protocols and policies and you find new MOUs in terms of how each agency is going to participate on the CCR that they're going to uphold these policies and protocols and also how information will be shared so that there are some agreements about confidentiality then you want training on all the protocols everyone is aware of one another's protocols their response protocols.

And then to monitor that, to look at how are the reports, what kind of data do we have on the number of reports that are being made and the number of protection orders that are being issued and any problems with enforcement and so forth, to look at that data. To hire an outside evaluator to evaluate what's happening within each agency and also within the collective response and also how the CCR is functioning. So to look at that. And then this cycle continues after one cycle is completed. So this is just one example of a protocol development process. And there, again, are probably others. But this is one that I've utilized or sat on.

OK, let's move into protecting victim information. And these are all going to tie in here at the end. I want to get everyone on the same level here with respect to basic knowledge about each one of these terms. And then we're going to tie it together into the CCR here in a few slides. So let's just review. And some of you who have listened to the SART webinar have already heard this material. But it is so critical to the success of each of these teams and to keep victims safe, that we've put the same slide show in a couple of the webinars.

And let's talk about privacy and victim privacy. Privacy, this relationship, really can be a relationship of friends, can be a relationship of colleagues. It's the expectation that the victim has when they share this information about what's happening to them that it will go no further. And each time the victim does this, there's an opportunity for the information to leak out. No one is held accountable by law or by ethical rules. This is merely that relationship, friend to friend sort of thing. But it is extremely dangerous for the victim that we protect this information.

Confidentiality, on the other hand, is an ethical rule. And it usually is created with professional relationships. So if the victim comes in and talks to me as her counselor, her therapist, whether she's coming in to the church and letting the church people know or someone there know what's happening, it does create, in some jurisdictions, an ethical relationship. And if the ethical relationship is breached, then the victim has a cause to report it to some sort of board or licensure agency. And the professional can be sanctioned in some way.

Here are the types of information that are usually confidential. Of course, any personally identifying information, such as the name of the client requesting services, that tribal advocates, that might be you, clients receiving services, phone numbers, location of the victim, location of the domestic violence shelter where the victim might be staying, all of that information is, if there is that relationship of confidentiality, that professional relationship to the victim, that must not be disclosed without the victim's consent. I will also tell you, in small tribal communities, chatting in public places with enough detail that the people around you in this small community know exactly who you're talking about, that also might be a breach of confidentiality.

If the victim is giving-- it has to be knowing and voluntary, the victim understands all the potential risks and still wants to go forward with some sort of release of information, your funders may have their own rules. Oftentimes you'll find them in the special conditions or there'll be a citation to a statute that will tell you what exactly needs-- minimum-- needs to be in a release of information. And you might be seeing things about the victim needs to disclose specifically what kind of information you can disclose, the purpose for the disclosure, whom the information may be shared with. The release of information needs to be signed by the client, have an expiration date, and a notice to the victim they can rescind their permission at any time. So just generalities about a release of information. It's really important to remember that this information belongs to the victim. And then the victim gets to decide who, for what purpose, and so on, the information can be shared.

The next slide is really the strongest of all protections of information. And it's known as a privilege.

It's a legal concept. It's a rule of evidence that lawyers can assert to keep certain information private and protected. And so one of the things I would urge you all to do is to check the statutes in the jurisdiction where you're operating, where you're serving victims, to see that when the victim shares information with you is it protected by a privilege. I'm going to think law enforcement is not, prosecutors are not. But certain professionals will be. Lawyers, usually except for prosecutors, will have a privilege, protecting the information that the client has given to the lawyer.

And it's incredibly important that you know this, because otherwise here's the thing that happens. If I have a privilege as a lawyer, victim comes in to see me, discloses all this information, and now some other lawyers trying to get my notes or get some information that the victim has brought in to me, I can go to court, file a motion, and assert my privilege. And the judge should, based on that scenario, say, opposing counsel, you cannot have this information, it's protected by statute.

Here's the scary part of all of this. If I disclose this information to another person-- I'm working on a case. I need to talk to another professional about this-- if I disclose this information that is protected by this privilege to another person, another professional that does not share that same level of privilege, I have waived it. So it's very important for us to all know where we stand, whether the information we have is protected by a privilege or not, and that we address the client information accordingly.

So again, I said, please go check your tribal codes. And one of the pieces that Bonnie said is a possible responsibility of a CCR is to promote, to encourage the drafting of tribal codes on certain issues related to domestic violence. I would suggest to you all that having a provision in your tribal code that would protect the information gathered and the discussions taking place at CCR meetings are protected by a privilege. Any time we get agencies sharing information, victim information, back and forth, maybe sometimes without the victim's release or consent to that sharing, there is an opportunity for all of the privilege, all of the confidentiality rules, all of that to have been breached. And if it's breached, it is subject to discovery by opposing counsel, which can be extremely problematic, because we reminded you at the beginning, protecting victim information is the cornerstone to victim's safety.

And one of the things that we're going to suggest is that the CCRs, these agencies, different agencies coming together will have to enter into an MOU, a Memorandum of Agreement, or a Memorandum of Understanding. But I just want to tell you this-- it really needs to be done very, very carefully, hopefully with legal counsel, because the MOU or the MOA, if you don't have a tribal code protecting the discussions of the CCRs during meetings, the exchange of information during meetings, that MOA

or MOU that the agency signed among themselves does not bind third parties.

So in other words, a third party could conceivably come in and get some of that information. So we want to be really, really careful about that and do it in a very safe way. It can be done. It definitely can be done.

The CCR will need-- we've already talked about this-- develop these policies and protocols about sharing victim information. Each agency is going to be different in the type of information they can share. And always remember, it's the victims information. So if you have a release from the victim saying what information can be shared, which agencies can have access to the information, and for what purpose, it's OK to share the information, as long as you prep the victim, advise the victim on any safety issues and risks of sharing information.

Just quickly, developing a plan to establish a wide base of community support, this is so important, because it's really important to stakeholders in the community to know how this will impact them, just to know about the CCR, and to get the word out through marketing, sharing at events, and just really having that collective voice into the community that you're working together on this issue of domestic violence and holding offenders accountable, and also really concerned about victims safety. And materials can help with that as well, such as flyers, fact sheets, getting on the radio, and so forth.

And like I said before, the development of tools so that even if the CCR doesn't continue or if there is a lapse in the work of the CCR that there can be tools. There could be MOUs. There could be training curricula. So it's really important to utilize funding to develop some of these as well. Funding, of course, strategic planning, and then buy-in from community leadership, and then evaluation so that you have it documented that the work of the CCR has really been instrumental in creating systemic change within the community.

These are some resources that we have put together in case you're interested and wanting to know more about drafting domestic violence laws in your tribal codes, sexual assault and stalking laws, and also implementing enhanced criminal sentencing and prosecuting non-Indians who commit crimes of dating violence, domestic violence, and violation of protection orders in Indian Country.

A couple more resources on CCR development, one that's out of the Wisconsin Coalition Against Sexual Assault, and it's again-- around sexual assault but this one is developed also with domestic violence. And also, the CCR tool kit out of the victim rights law center and the web addresses are there, I think these are really good resources.

Great. So we do have a few minutes here for questions. We did have a question, Kelly and Bonnie, could SARTs and CCRs be combined to have a greater attendance at partner meetings?

I would say, yes, you could.

And I would add, I think you could too. And I think for smaller communities, that's a very effective way to address both sexual assault and domestic violence. I would just caution everyone, just be aware of the focus of the team, both the SART and the CCR focus on the criminal response to domestic violence. And I know some of you are funded through the Office of Victims of Crime. So you'd want to work with your grant manager and just to make sure you're staying as criminally focused as possible to comply if you are being funded by a federal agent.

Great. Thank you. One more question before we end. Any suggestions on who to include in a multidisciplinary team or CCR specifically to address elder abuse?

If you have an elder protection unit, someone from there would be important. If you have anyone in your tribe that has information on tribal aging unit, I think it would be good to have that as well. Those two individuals I think would be helpful as well of law enforcement. A lot of advocates are being trained on elder abuse, so definitely advocates. The courts, again, if you're looking at civil or criminal, it's important to keep that in mind as well. If you're looking at where the elder can live, then you need to have those folks involved on a CCR as far as ensuring that the residence is safe, wherever the elder is going. And then if it's criminal, of course, you want the prosecutors involved, the prosecutor's office involved on the CCR.

Great. Thank you. And this is going to conclude our webinar. Thank you everyone for participating. On the screen that you're seeing right now is information on how to access upcoming webinars, on-demand trainings and resources for OVC grantees. Please watch your inbox for emails regarding registration for any additional upcoming webinars.

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