

SART/SANE: Step by Step Process to Developing SART and Forensic Exam Sites in Tribal Communities

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Primary Purpose of This Workshop

- ▶ Provide a broad overview of SART development ready (or thinking about beginning the process)
- ▶ Obtain understanding on protocol development process
- ▶ Considerations for forensic exam site
- ▶ Obtain information on resources when tribe is ready to begin the work

What We Know About Sexual Assault In Tribal Communities

- ▶ American Indians were twice as likely to experience a rape/sexual assault compared to all races;
- ▶ Strangers committed 42% of the violent crimes against American Indians during 1992–2001; and
- ▶ Nearly 4 in 5 American Indian victims of rape/sexual assault described the offender as white.*
- ▶ 70% of sexual assaults are not reported

Look at your local statistics for grant writing purposes.

*From: American Indians and Crime, US Dept of Justice, Bureau of Justice Statistics, Lawrence Greenfield and Steven Smith, February 1999

SART

A Sexual Assault Response Team (SART) is a multi-disciplinary team that provides *specialized immediate* response to victims of *recent* sexual assault.

Each team can name your team/project whatever you would like. Doesn't have to be SART.

From: National Protocol for Sexual Assault Medical Forensic Examinations, U.S. Department of Justice, Office on Violence Against Women, September 2004

Victim Centered

The systematic focus on the needs and concerns of a sexual assault victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.

Note: Each team can determine what it means to be victim-centered based on tribal values of helping, empowerment, healing & justice.

Questions to Ask Before Forming a SART

- ▶ Is the current response to sexual assault in your community adequate? Why or why not?
- ▶ When a sexual assault occurs, what happens?
- ▶ Is there a coordinated community response to the sexual assault?
- ▶ Does your community need a multidisciplinary response to sexual assault?
- ▶ How will a SART fit into other similar collaborative and multidisciplinary efforts in your tribal community?
- ▶ Has there been any community education/awareness on sexual assault?

Additional Questions

- ▶ Are there medical services available to women who've been raped? Are there nurses or physicians that might be interested in discussing the possibility of forming a SART?
- ▶ Is there a representative from a local law enforcement agency that's been aggressively responding to sexual assault/domestic violence crimes who may be willing to discuss the possibility of forming a SART?
- ▶ Is there a tribally based advocacy program? Is there someone from this advocacy program who may be willing to provide some initial leadership for forming a steering committee?
- ▶ Are there tribal leaders that are seen as allies in addressing violence against Indian women?
- ▶ Are your current sexual assault tribal laws? Do they need revisions?

Some of the Benefits of Forming a SART

- ▶ Privacy/confidentiality
- ▶ Consistency in response
- ▶ Alleviate victim-blaming attitudes
- ▶ Development of tribal specific response
- ▶ Increase victim safety
- ▶ Improve healthcare response
- ▶ Increase accessibility for victims
- ▶ Empower victims
- ▶ Cross discipline coordination
- ▶ Decrease confusion over jurisdictional complexities
- ▶ Develop/increase trust

Challenges to Forming a SART

Community Commitment

- ▶ Lack of statistics to support argument for program development
- ▶ Cost of setting up a separate facility
- ▶ Lack of space for a program
- ▶ Finding a site for exams is difficult
- ▶ Hard to determine administration location

Criminal Justice System

- ▶ Prosecutors, judges and law enforcement officers may be unaware of the SANE's expertise in the examination and evidence collection procedures
- ▶ May be difficult to have numerous police jurisdictions work together in collaboration
- ▶ Decision-makers are not educated about sexual assault and cases

Additional Challenges

Financial

- ▶ Cost of training
- ▶ Lack of funding for SART program
- ▶ Hospital reluctant to cover costs for forensic equipment
- ▶ Slow fund raising
- ▶ Difficult determining responsibility for funding
- ▶ Costs for facility if separate from existing ER, equipment, medications, supplies

Health System

- ▶ Hospitals/facilities not aware of the benefits of SANE/SART programs
- ▶ Physicians and administrators may be unwilling to allow nurses to perform rape exams without physician intervention
- ▶ Administration allotting limited time for nurse training
- ▶ Hospitals may develop own SANE programs separately and not collaborate
- ▶ Lack of RN's (medical personnel) interest, knowledge of SANE or inability to participate due to time constraints

WHO



Start Up

- ▶ Convene a work group/task force
- ▶ Seek buy in
- ▶ Inform elected officials/tribal leaders
- ▶ Hold community forums
- ▶ Needs assessment
- ▶ Victim input
- ▶ Convene work group/SART meeting

Discussion Points with Team Members

- ▶ Geographic Area to Be Served
- ▶ Who will be served by SART? Adult victims? Adolescent victims?
- ▶ Who do you need to recruit? Who's missing?
- ▶ Who will contact them?
- ▶ How often will team meet? Where? Who will take minutes? Distribute them?

Protocol Development

Developing Protocol & Getting Started

- Identify all of the agencies that should participate.

The approach is to include representatives from all involved agencies in the development of the protocol. If the agencies are involved in the development of the protocol, you are less likely to have disagreements later in the process.

- Invite representatives of all of these agencies to a meeting and to set-up a time-line for developing the protocol.
- Each agency shares existing protocols for sexual assault response.
- Identify training provided within each agency on sexual assault.

STEP 1: Developing a Purpose or Mission Statement

- ▶ What is the goal of the Team?
- ▶ What do you hope to do together (that you do not do individually) for sexual assault victims?
- ▶ What commitment is to be made by participating agencies and individuals?
- ▶ Why does your community need a written set of guidelines about how to handle sexual assault cases?
- ▶ How do you think that a report of sexual assault should be handled?

Answering the following questions will help in defining your purpose:

- ▶ What is your goal in drafting the protocol?
- ▶ Why do you need it?
- ▶ What do your traditional beliefs teach about the treatment of women?
- ▶ How does your tribe value women?
- ▶ What happened in the past to perpetrators who sexual assaulted women?
- ▶ How will the protocol make a difference?

Incorporate Tribal beliefs and values

- ▶ Think about how your tribe values women, including traditional beliefs about how women are to be treated.
- ▶ What lessons were you taught about how to treat women?

Seek input from all parts of the community

- ▶ In order to develop a meaningful purpose statement for the protocol, you must have : elders, tribal leaders, youth, professionals, religious and spiritual leaders, law enforcement, sexual assault advocates, mental health workers, medical personnel, educators, etc.

STEP 2: Jurisdiction

- ▶ What jurisdictions have a role in a sexual assault response? Tribal? Federal? State?
A clear jurisdictional statement in the protocol can be very useful.

Questions to Help Clarify Jurisdiction Issues

- ▶ What jurisdictions have a role in sexual assault response?
- ▶ Are they concurrent?
- ▶ Describe the scope of each jurisdiction as it relates to sexual assault?
- ▶ Do they cover the same geographical area?
- ▶ How does their power vary depending upon whether the victim or perpetrator is Indian/non-Indian?
- ▶ How will agencies cooperate in the investigation?
- ▶ Are there any agreements between jurisdictions which affect this protocol?
- ▶ Are the existing agreements sufficient? Why or why not?

- ▶ Discuss and define the types of sexual assault issues that may be addressed. Using your tribal code definitions of sexual assault and the relevant federal or state statute, list the types of sexual assault that the protocol must address.
- ▶ How does your protocol vary depending upon whether the perpetrator is Indian or non-Indian? Whether the victim is Indian or non-Indian?

Step 3 – Questions, Definitions and Roles:

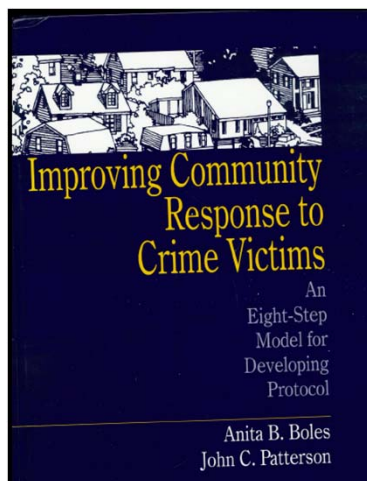
- ▶ How is sexual assault defined by your tribal code?
- ▶ What are the definitions used by any relevant jurisdiction?
- ▶ What term will you use? (sexual assault, sexual abuse, rape)
- ▶ Define how your protocol will differ depending upon whether the perpetrator is Indian or non-Indian?
- ▶ Define how your protocol will differ depending upon whether the victim is Indian or non-Indian?
- ▶ List the agencies that will be involved by agency name or by role.
- ▶ List the functions of each agency relating to sexual assault. What are each expected to do?
- ▶ Are there any existing agreements or protocols which define or describe the roles? If so, are they adequate?

STEP 4: Referrals and Response Procedures – Priorities and Timeframes

- ▶ Timeframes from initial contact through investigation and disposition
- ▶ Priorities

8 Step Model for Protocol Development

- ▶ Ramsey County Sexual Assault Protocol Team utilized this model.
- ▶ Based on “Improving Community Response to Crime Victims” An Eight Step Model for Developing Protocol – Anita B. Boles, John C. Patterson



Writing Protocol

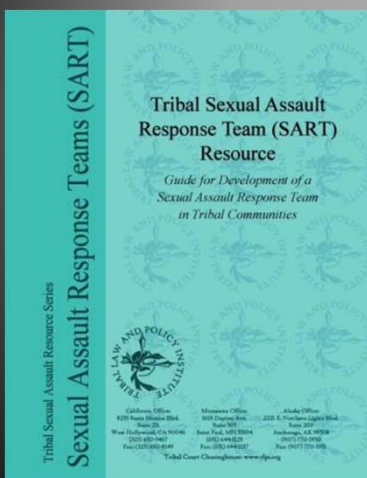
- ▶ Gather examples
- ▶ Review any preliminary information gathered such as needs assessments, victim surveys, notes taken at community forums, etc.
- ▶ Determine who's going to write each discipline's protocol
- ▶ Establish timeframe
- ▶ Each discipline review drafts with team for comment
- ▶ Revision process & adoption

Forensic Exam Site Considerations

- ▶ Where will exam site be housed?
- ▶ Address privacy, confidentiality factors
- ▶ If housed in hospital, will there be a special room used only for SANE exams? Is there possibility for private access? Room for family members? SART?
- ▶ What priority will rape victims be given in triage?
- ▶ Who will notify advocacy program?
- ▶ Who will call law enforcement?
- ▶ Equipment needs
- ▶ Comfort needs
- ▶ Clothing to wear home
- ▶ Place to pray smudge

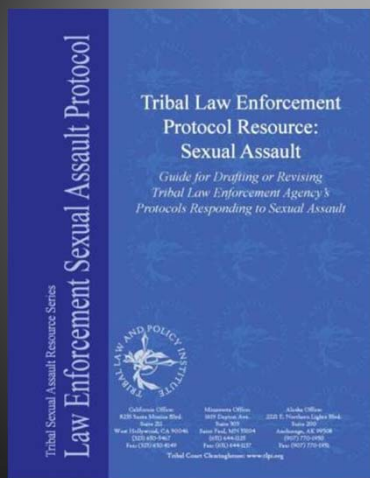
Resources

Tribal Sexual Assault Response Team (SART) Resource



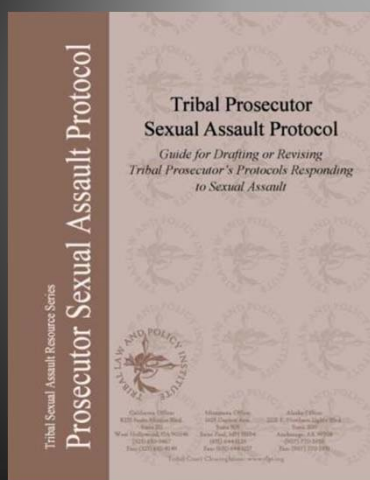
This guide for development of a Sexual Assault Response Team (SART) in tribal communities is a guide to creating cohesive policies between tribal agencies. Victims of sexual assault deserve a coordinated, comprehensive response from a variety of community agencies. This SART Resource provides a starting point for developing victim-centered SART teams in your community.

Tribal Law Enforcement Protocol Resource: Sexual Assault



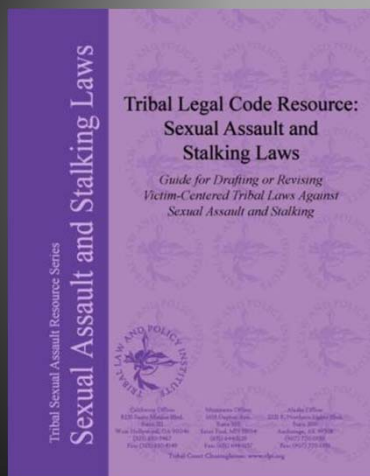
This guide for drafting or revising tribal law enforcement agency's protocols responding to sexual assault (*including a model sexual assault protocol*) is a tool for improving the investigation of sexual assault crimes. Effective investigations increase the likelihood of victim participation and increase the probability of convictions in tribal, state, and/or federal courts. This guide focuses on the development of an internal protocol for law enforcement. A law enforcement protocol can enhance the efforts of all community agencies in addressing sexual violence. Once your tribal government has strong laws in place, this publication will help you create policies and protocols for your law enforcement agency to enforce your laws.

Tribal Prosecutor Protocol Resource: Sexual Assault



This guide for drafting or revising tribal prosecutor's protocols responding to sexual assault (*including a model sexual assault protocol*) is a tool for improving the prosecution of sexual assault crimes. Holding offenders accountable for their actions is a key part of making your community safe. This publication is designed to help your prosecutor's office ensure consistency and compassion for all survivors. This guide focuses on the development of an internal protocol for tribal prosecution. A prosecutor protocol can enhance the efforts of all community agencies in addressing sexual violence.

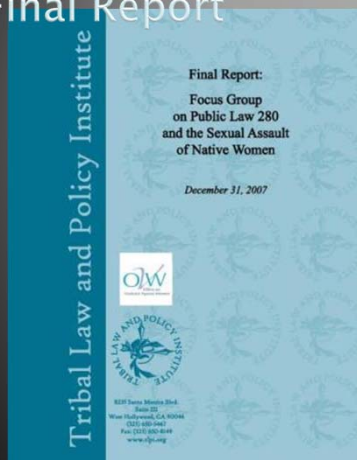
Tribal Legal Code Resource: Sexual Assault and Stalking Laws



This guide for drafting or revising victim-centered tribal laws against sexual assault and stalking is written with a philosophy that tribal laws should reflect tribal values. In addition, writing a tribal law usually requires careful consideration of how state and/or federal laws might apply in the community. This resource guide includes sample language and discussion questions which are designed to help tribal community members decide on the best laws for their community.

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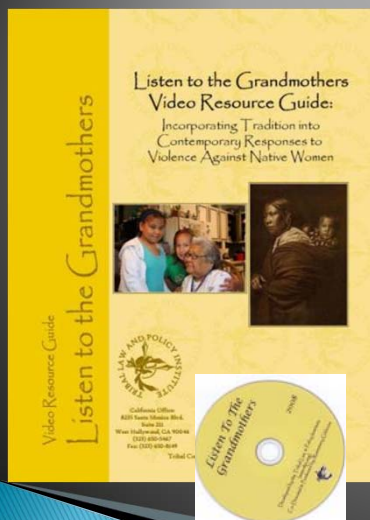
Focus Group on Public Law 280 and The Sexual Assault of Native Women Final Report



On August 15 – 16, 2007 the Office on Violence Against Women (OVW) hosted a focus group in Green Bay, Wisconsin to discuss challenges to, and opportunities for, collaboration between states and tribes in Public Law 280 jurisdictions to address sexual assault in Indian country. The Tribal Law and Policy Institute (TLPI) provided technical assistance and collaborated with OVW on the design and delivery of the session. This final report details the event.

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Listen to the Grandmothers Video and Video Discussion Guidebook



This video and video discussion guidebook is designed to assist tribal programs with incorporating cultural traditions into contemporary responses to violence against Native women. The "Listen to the Grandmothers" video features Native elders speaking to the problem of violence against Native women. The video provides a historical overview of violence against Native women, traditional responses, and an analysis concerning the incorporation of cultural traditions into contemporary responses to violence against women.

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