



Tribal Domestic Violence Courts and Dockets: Protocols and Policies

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Learning Objectives

- Understand the benefits of utilizing protocols and policies;
- Understand the development of tribal domestic violence courts/dockets protocols (having already established the core team and having utilized the vision statement and core values); and
- Utilize the Eight Step Model to develop protocols and policies for tribal domestic violence courts/dockets.



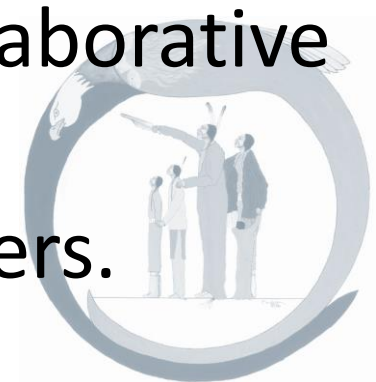
Protocols and Policies-A Living Document That:

- Sets forth procedures and agreements to be followed in individuals agencies or groups.
- Articulates, in writing, a plan for responding to domestic violence.
- Reaffirms and incorporates the vision statement and core values identified by the tribal community regarding domestic violence.



Protocols and Policies-A Living Document That:

- Provides a working definition of domestic violence.
- Provides a roadmap to the delivery of trauma-informed, victim-driven services.
 - Trauma-informed
 - Victim-driven
- Formalizes rules and responsibilities of the collaborative partners – both present and future.
- Helps ensure accountability of court and partners.



The Core Team:

- Judges
- Court Personnel
- Tribal Victim Advocate
- Tribal Prosecutors
- Law Enforcement/Probation
- Defense Attorneys
- Other Victim Service Providers



The Core Team Should Collaboratively Develop and Identify:

- Mission Statement
- Core Values
- Confidentiality/Client Privacy Safeguards To Protect Victim Information

These documents should be in place prior to beginning to write protocols.



Eight Step Model for Developing Protocol

- The Eight-Step Model, called the Protocol Development Cycle, is designed to create community-specific protocol to improve response to crime and its victims.
- This model utilizes a cyclical approach where once the eight steps are completed, they are repeated and adjusted as needed.



Eight Step Model for Developing Protocols

This process involves the following eight steps:

- Inventory of Existing Services
- Victim Experience Survey
- Community Needs Assessment
- Writing Protocol
- Adopt Protocol
- Enter/Renew Interagency Agreements
- Training
- Monitoring
- Evaluation
- Repeat

Inventory of Existing Services

The purpose of taking inventory of the existing services is to examine areas in the community currently addressing victims of domestic violence and to become aware of all services and resources available to these victims.

The inventory should be as comprehensive as possible. It should include services from: law enforcement agencies, prosecutors' offices, medical facilities, mental health programs, victim service organizations, and other social service organizations that are available to assist victims of domestic violence.



Victim Experience Survey

- Core Team should determine the format of the survey.
- Should be confidential.
- Provides a victim's view of how the systems are addressing victim needs.



Community Needs Assessment

This step is intended to answer two primary concerns:

- 1) What services does the community require to meet the needs of domestic violence victims?
- 2) What should the domestic violence tribal court/docket do to meet these needs?

This step is focused on gathering information from your community about the needs of domestic violence victims. Many communities collect this information through public hearings/forums.



Writing and Adopting Protocols:

The process for writing protocols may include the following steps:

- 1) Review the victim experience survey and community needs assessments
- 2) Appoint a committee of writers representing each discipline
- 3) Gather examples of other domestic violence court/docket protocols
- 4) Draft protocols
- 5) Adopt protocols

Note: After the protocol is written, it is then appropriate for each discipline to present the intra-agency protocol to the entire Core Team for comment and recommendations.



Writing and Adopting Protocols:

Be sure to:

- Identify who should be served; when and how will they be served?
- Identify the services available and gaps in the services based upon information gathered and identified by victim survey and community needs assessment.
- Set forth how the targeted population will learn about the tribal domestic violence court/ docket.
- Identify what types of cases the tribal domestic violence court/docket will address.



Writing and Adopting Protocols:

Be sure to:

- Describe how domestic violence cases will be identified by the partners and referred to the court.
- Identify how the domestic violence cases will be tracked through the court system.



Writing and Adopting Protocols:

Who will be responsible for the case (a person or a team)?

How and when judicial monitoring will take place (judge needs some discretion)?

How will partners report non-compliance issues to the court?

What measures are needed to ensure victim's safety entering, inside and existing the court (victim advocate will be very useful on this issue)?

When will cases be staffed?

How will team assist court in identifying what collaborative partners should be present at case staffing?



Interagency Agreements

Once the protocol is finalized, each agency should also sign formal agreements that implement the protocol.

These signed agreements commit resources to ensure that all affected staff are fully trained in their responsibilities.

Interagency agreements are critical in the development of effective long-term relationships within a multidisciplinary approach. These agreements clearly define roles and responsibilities as well as an agreed upon process or protocol.

Having interagency agreements signed by the person in the highest position of power within that agency demonstrates the support of the agreement and commits each agency to abide by the agreement.



Training

In most communities, all agencies who function as a collaborative partner will participate in multidisciplinary mandatory training to ensure full understanding and implementation of the agreed upon protocols, as well as best practices on trauma-informed, victim-driven service providing for victims of domestic violence.

These on-going mandatory training requirements may be included in the agreement signed by each department head.

The training may need to be offered more than once to accommodate the scheduling needs of all partners.



Monitoring

Once your tribal domestic violence court/docket is in operation, you will want to develop a way to monitor the progress of the court and/or the protocols. Monitoring is designed to ask two main things:

1. Are the protocols being properly implemented?
2. Are the protocols achieving the desired results?



Evaluation

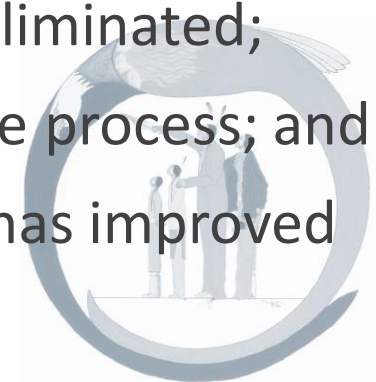
Evaluation is usually more formal than monitoring.

A positive evaluation will justify the need for the tribal domestic violence court/docket and can help leverage additional resources to maintain the court.

This step is evaluating not just the protocols and their effectiveness but also evaluating the protocols and the success of the collaboration.

You should plan on designing a process to measure at least three things:

1. the extent to which system problems have been improved or eliminated;
2. the extent to which victims feel supported and safe through the process; and
3. the extent to which the tribal domestic violence court/docket has improved the tribal response to incidents of domestic violence.



Repeat

In addition to setting forth regular, periodic meetings between the collaborative partners, the protocols should be reviewed by project partners at designated times and modified as needed.

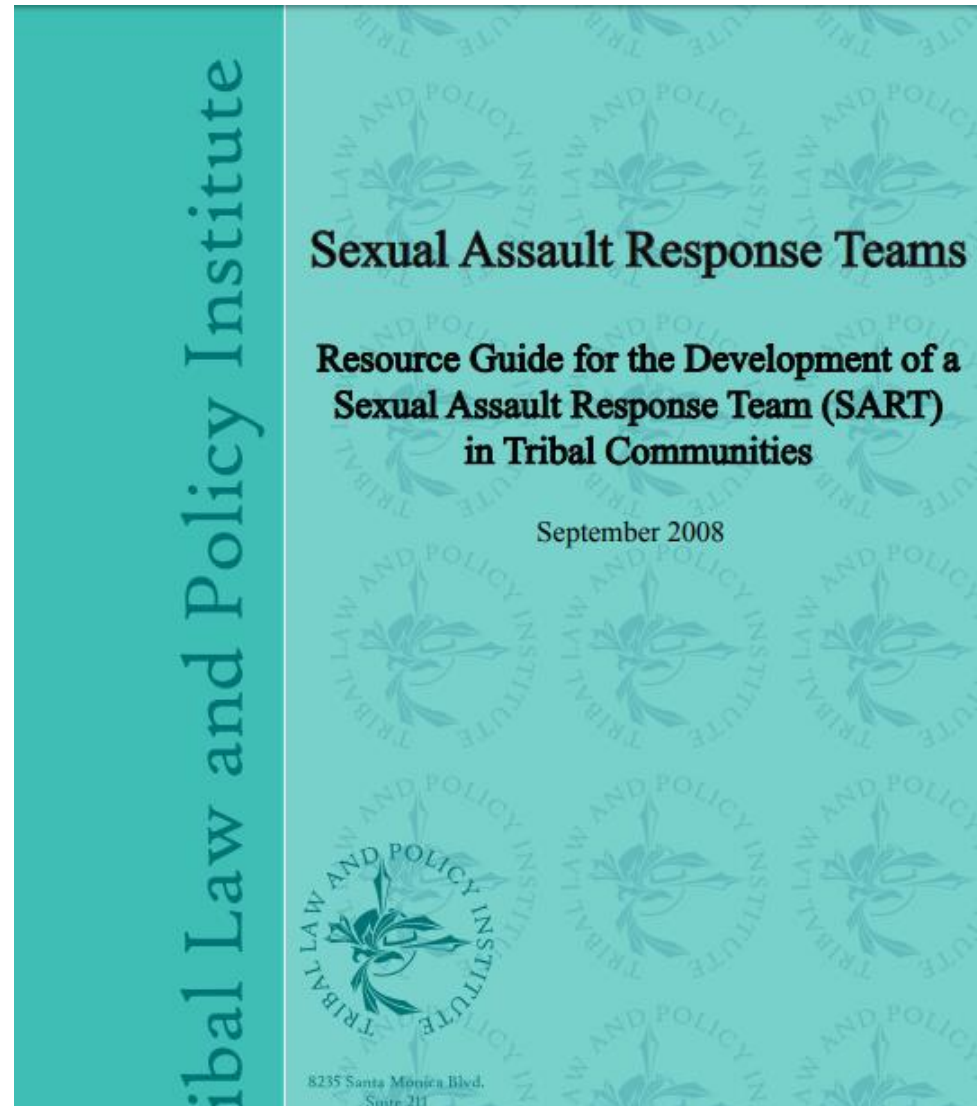
This step is critical and cannot be overstated. This step ensures that the protocols will reflect and address the ever-changing needs of the community and ensure best practices when addressing the complex needs and safety issues of domestic violence victims.



Additional Resources



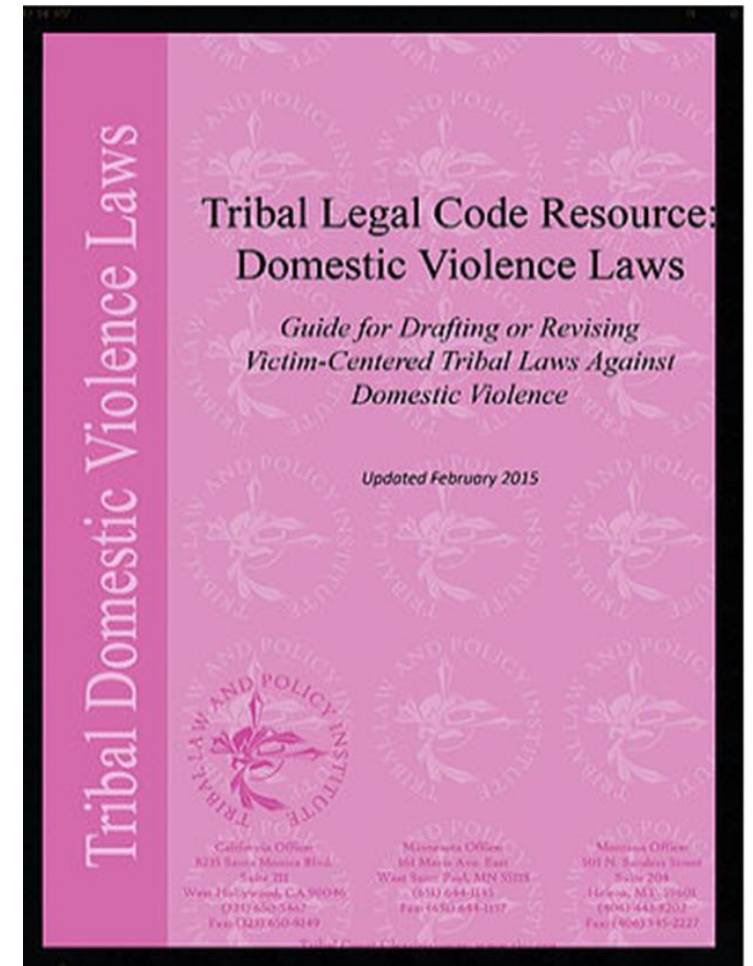
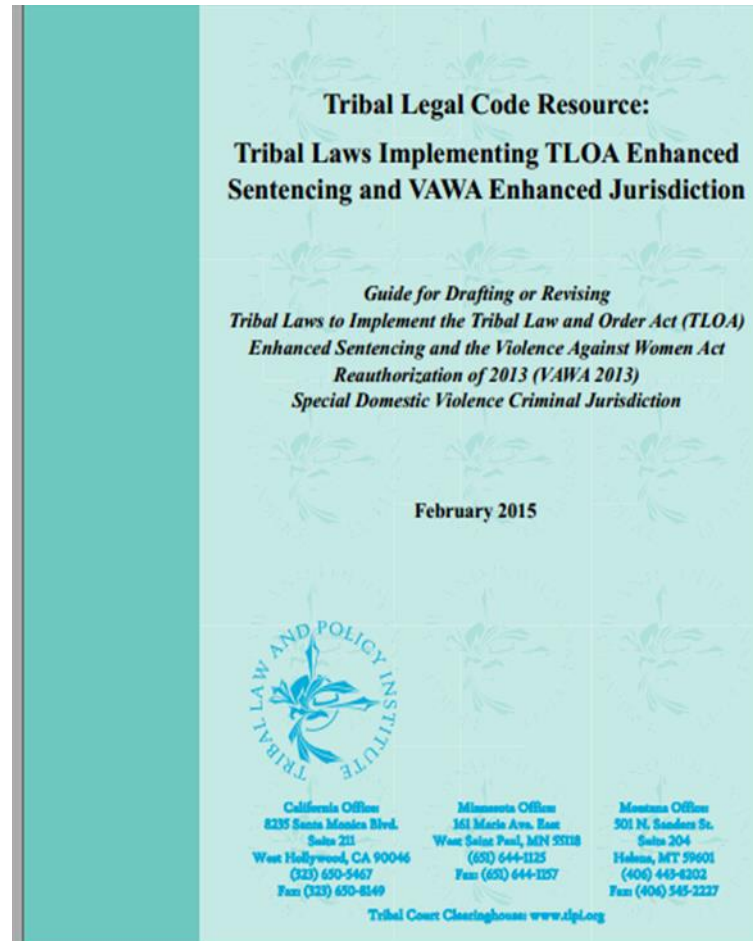
Sexual Assault Response Teams



Tribal Legal Code Resources

Tribal Laws Implementing TLOA
Enhanced Sentencing and VAWA
Enhanced Jurisdiction

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





The screenshot shows the homepage of the Tribal Protection Order Resources website. At the top left is a circular logo with a scale of justice in the center, surrounded by the text "TRIBAL PROTECTION ORDER" and "RESOURCES". To the right of the logo, the main heading reads "TRIBAL PROTECTION ORDER RESOURCES" in white text on a dark blue background, followed by the subtitle "An Online Resource for Drafting and Enforcing Tribal Protection Orders" and "A Project of the Tribal Law and Policy Institute". Below the header is a navigation menu with links for "HOME", "DRAFTING PROTECTION ORDERS", "ENFORCING PROTECTION ORDERS", "RESOURCES", and "TRAININGS AND EVENTS". The main content area is titled "Home" and contains a paragraph explaining the website's purpose: "This website is intended to serve as an online resource pertaining to drafting and enforcing tribal protection orders. Note that each tribe is unique with respect to tribal constitutions and codes. The reader should consult the specific tribal constitution and tribal codes for additional requirements regarding drafting and enforcement of tribal protection orders." Below this is a section titled "1. What is a protection order?" which defines protection orders and their legal nature. To the right of the main content is a "Disclaimer" section stating that the website is funded by a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and that the website's content and technical infrastructure are not endorsed by the U.S. Department of Justice. Below the disclaimer is a "Meta" section with links for "Log in", "Entries RSS", and "Comments RSS".



VAWA Special Domestic Violence Criminal Jurisdiction Resources



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GETTING STARTED | PILOT PROJECT & ITWG | RESOURCES | UPDATES & EVENTS |



Tribal Implementation of VAWA

Resource Center for Implementing Tribal Provisions of the Violence Against Women Act (VAWA)

“Now our most important work begins”

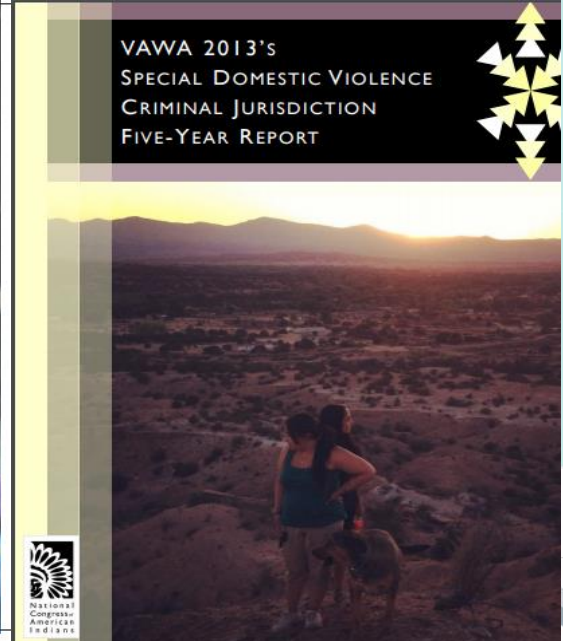
What you need to know to implement VAWA.

Resources to help you get started on implementing the Violence Against Women Act's tribal provisions.


› Tools to Help You Get Started Today!



Special Domestic Violence Criminal Jurisdiction Pilot Project Report

VAWA 2013'S SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION FIVE-YEAR REPORT




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

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Tribal Court Clearinghouse www.tlpi.org

TLPI Publications & Web Resources



Tribal Court Clearinghouse: www.TLPI.org or www.Home.TLPI.org

Tribal Protection Order Resources: www.tribalprotectionorder.org

Sex Trafficking Resources: www.tribaltrafficking.org



Questions?
