

# Office for Victims of Crime

## VOCA Administrator Regional Meeting | SUMMARY

<b>MEETING DATE</b>	July 28–29, 2016
<b>MEETING LOCATION</b>	Tallahassee, FL
<b>MEETING CALLED BY</b>	Marilyn Roberts, OVC Deputy Director
<b>TYPE OF MEETING</b>	Regional Administrator’s Meeting
<b>FACILITATORS</b>	Krista Flannigan (OVC TTAC Consultant); Allison Turkel (OVC Deputy Director)
<b>PARTICIPANTS</b>	VOCA Administrators: Kristi Abel (ID); Carol Aguasvivas (RI); Suzanne Breedlove (OK); Elizabeth Cronin (NY); Michelle Crum (FL); Darrell Hale (DC); Alex Cruz-Kemper (MI); Matthew Dale (MT); Katie Guilbault (VT); Sharon Huttenstine (FL); Monica Ivery-Clayton (FL); Nicole Jenkins (GA); Aaron Joyce (HI); (VT); Joseline Kirkendoll (NC); Kimberly T. Lax (LA); Carlos Quinones Lopez (PR); Rachel McKnight (CT); Janelle Melohn (IA); Ginny Miller (NY); Ramona Peterson (NJ); Maddy Roman-Scott (PA); Gary Scheller (UT); Kadedra Smith (AL); Andrea Urane (FL); Mary Vail Ware (WA); Stephanie Vandever (KY); Janine Washburn (MI); Shontel Wright (GA)
<b>ATTENDEES IN PERSON</b>	Marilyn Roberts (OVC Deputy Director); Allison Turkel (OVC Deputy Director); Eugenia Pedley (OVC Program Manager); Ann Hamilton (OVC Program Specialist); Steve Derene (NAVAA).
<b>ATTENDEES VIA PHONE</b>	Toni Thomas (OVC Associate Director); Shelby Crawford (OVC Program Specialist); Joel Hall (OVC Program Specialist); Bethany Case (OVC Program Specialist); Brian Sass (OVC Program Specialist); Tuyet Duong (OVC Language Access Fellow); Adrian Wilairat (OVC Technical Writer-Editor); Diane Alexander (OVC TTAC); Marti Kovener (OVC TTAC); Danielle McLean ( OVC TTAC).

### APPENDIX

- Agenda

### WELCOME, INTRODUCTIONS, & VIDEOS – MARILYN ROBERTS, OVC DEPUTY DIRECTOR

- Marilyn welcomed participants attending in person, on the phone, and via teleconference, and she thanked the Florida representatives for hosting the meeting.

- Marilyn noted that OVC had changed the format of the regional meetings this year to meetings focused on topics. OVC sends the minutes to the listserv afterwards. Please let Marilyn know if this new meeting format works for you and topics of interest for future meetings.
- Marilyn screened 2 OVC-produced videos: “What is the Office for Victims of Crime?” and “What is the Crime Victims Fund?” These videos provide brief, general overviews. Attendees are encouraged to screen these videos at meetings with partner agencies, stakeholders, and subgrantees. They are available on OVC’s website through YouTube.
- Marilyn noted that OVC’s YouTube site became inaccessible for a few days because of an issue with YouTube’s algorithm for accessible content. The issue has been resolved, and OVC is working to ensure it does not happen again.
- Attendees introduced themselves.

## **MASS VIOLENCE TOOLKIT—PARTNERSHIPS & PLANNING, KRISTA FLANNIGAN, OVC TTAC CONSULTANT**

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- Krista introduced herself and gave an overview of her experience as a victim advocate in Florida and Colorado. She is currently affiliated with Florida State University. %
- Attendees shared their experiences regarding mass violence incidents in their respective states.
- Mass violence events during the last 2 years vary in size, but there are some similar factors in victim advocacy. OVC’s toolkit explains commonalities in planning, preparation, and response. Krista led a discussion using various sections of the toolkit.

### Partnerships & Planning:

- Keys to preparation for a mass violence incident:
  - Determining your role during and after an incident.
  - Working with both traditional and nontraditional partners, the latter of which include people with whom you are not used to working.
  - Preparing a victim response plan, which will identify key needs.
- First responders protect life and safety. In some states, however, such as Colorado, victim % assistance personnel are considered to be first responders. %
- Discussion:
  - New York State: The fragmentation of government—many towns, villages, and cities—makes it difficult to determine a single type of response. The Office of Victim Assistance (OVA) reached out to the NY Homeland Security Office, which brought together local and regional response groups to complete a plan that has improved response. There still is a tension; first responders do not want victim assistance to impede their response (e.g., gathering evidence, fighting fires). OVA recognizes that victim assistance must be prepared to mobilize as soon as first responders are finished. Family assistance centers need to be available quickly.
  - There were many lessons learned from 9/11, from necessary funds to vicarious trauma needs. Many first responders have trained for incidents of mass violence but have never responded to an actual mass casualty incident themselves.
  - Schools are more receptive to victim advocacy now because of all the school shootings; there is an increased desire to protect communities.

- Florida Victim Assistance: Immediately after the Pulse nightclub shooting, victim assistance was able to bring in the Puerto Rican community and the LGBTQ community because they already knew these communities and whom to call.
- Work with emergency management leadership.
  - Build relationships by integrating top-level management into planning and exercises so that in an incident, people will know each other.
  - Prior relationships enable a better response.
- Consider being a member of your jurisdiction's emergency response team.
  - In particular, emergency response teams 'accept' compensation administrators and give them tasks.
- Compensation and assistance administrators should be involved in response exercises.
- Determine innovative ways to respond beforehand rather than waiting until the incident.
  - Plan ahead of time for the amount of emergency funds you will need and the quickest way to access these funds.
  - Many participants indicated that their jurisdictions had emergency fund applications.
  - Fill out a semi-complete emergency fund application to make it easier to complete after an incident.
  - Completing a needs assessment can happen later, once you have a better understanding of particular needs.
- Be aware that After Action Reports become public, and these reports will directly state gaps in a response. Your office must be prepared for an incident of mass violence.
- School guidance counselors should be included in the plan.
  - Guidance counselors often have experience with incidents of violence, and they already know the victims and families.
- Review the partnerships and planning checklist, download it from the toolkit, and make adjustments where necessary.
- The planning team must also include funeral groups, business chambers, consulates, and other groups you identify as important to a response.
- Not all mass casualty events will be federal; establish agreements with law enforcement agencies so that you can share information quickly.
- If the incident is deemed a federal event, compensation and assistance administrators will need a strong partnership with the FBI.
- Memorandums of Understanding (MOUs) are critical pieces to preparation and institutionalizing partnerships.
  - In Aurora, CO, where the 2012 movie theater shooting occurred, MOUs had not been established. Even though there was an existing relationship with police agencies, the provision of victim names to the victim advocate took a long time (because of confidentiality issues).
  - There are differences among jurisdictions; in some jurisdictions, the provision of names might happen more quickly.

- In frontier states, such as Idaho, Wyoming, and Montana, MOUs are key because these areas will likely need help from neighboring jurisdictions.
- Memorandums of Agreement (MOA) are similar to MOUs, except MOAs are legally binding.
- Although MOUs and MOAs are between institutions rather than individuals, be aware that a change in leadership could change how the MOU or MOA is viewed, (i.e., new leadership might not be as receptive to the memorandum or agreement).
- Set aside funds to enable a victim response team to travel to a site.
  - Virginia Victim Assistance always sets aside travel money in its budget so that staff can travel to a site quickly. Otherwise, the victim assistance office would not be able to afford to send a team.
- Establish and expand your planning committee.
- Ensure that you include tribal communities in the planning process.
  - Establish tribal relationships before beginning the planning process. Use tribal communities' existing relationships with the FBI and other DOJ offices.
- Review your community's existing emergency response plan.
  - Determine if victim assistance is part of the plan.
  - If it is not, work with partners to ensure that victim assistance is included in the plan.
- Identify existing resources and resource gaps within your community.
  - Conduct a needs assessment to identify populations.
  - Determine if there are victim advocates who specialize in working with populations in your community.
    - In Orlando, the Pulse nightclub shooting necessitated a need for a Latino LGBTQ advocate who specialized in working with victims. Plan ahead of time to know which resources you have and do not have, find out where specialists are located, and reach out to local, regional, and national contacts or referral sources.
    - Train advocates to be prepared to assist certain populations.
    - In states such as Montana, Idaho, and Wyoming, with large swaths of land with few people—and in states such as Colorado, where there are many small communities, some with high rates of victimization—help from other jurisdictions is key.
- Victim Assistance Protocols
  - Communication protocol is an important part of victim advocacy.
  - In particular, it is important to determine which entities and individuals will communicate with the media.
  - In Aurora, the Joint Information Center (JIC) was mobilized by 11:00 p.m., the night of the shooting. The response team decided to pair a Public Information Officer (PIO) with each family and asked PIOs from around the state to assist. By the next morning, 25 PIOs had arrived, many of whom had driven throughout the night to reach Aurora.

- Each victim and family will want to interact with the media differently.
  - For example, some will want to be interviewed only by national media, and some will not want to be interviewed at all.
- Establish a Family Assistance Center as soon as possible.
  - Download the Family Assistance Checklist from the toolkit.
  - Intake is critical. Ensure that families understand that you will contact them as soon as you have more information.
  - Therapy dogs are very helpful at Family Assistance Centers, especially for individuals who are demonstrably upset.
  - Establish a mobile Family Assistance Center when you lack the resources to have a physical location or when the crime happens in one location but the victims live elsewhere.
- Determine who is responsible for victim notification.
- Donation management is one of the most challenging parts of the response.
  - Establish a plan for collecting both financial and service donations.
  - Ensure your donation management protocol is governed by broad language that enables donations to be used “for victims, their needs, and the support of communities” so that victim assistance is not limited in use of funds. Communities have many needs after an incident, including supporting businesses that have shut down after the incident.
  - Expect some victims and families not to seek services until months after the incident. In the immediate aftermath, victims often spend donations on luxuries, but eventually they will need services.
- Prepare a process for managing volunteers.
  - Prepare for many people to show up and want to help.
  - Establish a process for vetting volunteers.
  - Some will genuinely want to help, but others might have ulterior or even bad motives.
- Establish a protocol for victims and families during trials.
  - At the Oklahoma City bombing trial, there were very few seats available in the courtroom. Federal employees wanted to help victims, so they stood in line on behalf of victims at 2:00 a.m. each morning before the trial to get a seat. Victims were very appreciative of this effort.
  - Some victims will not want to be present during the trial or will need to take breaks. At the Oklahoma City bombing trial, the victim hospitality center was located at a parish one block from the courthouse. Clergy of different faiths were present, as well as victim advocates and mental health providers, which provided victims with many choices for counseling and support.
- Challenges:
  - Some mass violence incidents will receive more attention than others; if your community gets relatively little press, victims may feel marginalized or neglected.

- Some communities experience schisms; some might object to victims and families spending money they receive on things like football games, cruises, and dresses.
- After 9/11, there was never a return to “normal” in New York; there was a constant reminder of victimization.
- Differences in compensation amounts can lead to tensions.
  - Sandy Hook: People who lost family members generally received more than those who were witnesses.
  - Boston: People who lost both limbs received more than those who lost one limb.
- Donation management can be very challenging.
  - In Colorado, the press heavily reported on a single organization making donations to individuals, even though that organization’s bylaws restricted it to allocating money only to other organizations. Such publicity put the organization in an awkward position.
- The number of volunteers you receive can be overwhelming.
- Some states, such as New York, have many jurisdictions with their own programs. Managing all the programs, each with their own needs and communities, can be difficult.

## **MASS VIOLENCE TOOLKIT—RESPONSE & RECOVERY**

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### Response:

- The toolkit provides explanations and resources regarding the response phase, which requires coordination among many entities to ensure a timely and effective response:
  - Examine the Response tab in the toolkit, including the Response video clip.
  - The process for response is similar to the process of planning and preparation.
  - Coordinate with law enforcement.
  - Inform first responders about compensation and how to access it.
  - Determine what resources are available and those that are unavailable.
  - Inform senior management about the toolkit and its resources so that they understand that it is not necessary for a response to reinvent the wheel.
  - Ensure that your go bag has items necessary for a response, such as compensation brochures, applications, and checklists. Also include items that you could forget during a crisis but are necessary for work, such as remote network access tokens. Also make sure to have everyday items, such as clothes and toiletries.
- Response Challenges:
  - Younger victims will rely on social media to receive information.
    - In Orlando, most victims were between the ages of 18 and 25.
  - Be prepared for an overwhelming amount of donations.
    - Items can range from dog booties to bottles of water.
  - Establish a plan for coordinating the many agencies and leaders who will be involved.

- Criminals will always find new ways to commit fraud.
  - After San Bernardino, victim names and addresses were made public, which resulted in many instances of identity theft.
  - At Family Assistance Centers, criminals can pose as victims or families.
  - There may be challenges when working with divorced or separated families in instances where it is unclear about which person makes the decision about compensation for the family or which individuals are entitled to compensation.
- Recovery:
  - The toolkit contains resources to help with recovery.
  - Download and review the recovery checklist from the toolkit.
  - Recovery is different for every jurisdiction and individual.
  - The transition from the Family Assistance Center to the resiliency center is difficult, because many victims believe they never will recover.
    - Avoid using “recovery” in the title of the resiliency center—in Orlando, they did not use “recovery” in the title of the resiliency center.
  - Unlike a Family Assistance Center, a resiliency center will have case management.
  - Victims will reach out to victims of other mass violence incidents.
    - Victims of the Oklahoma City bombing escorted victims of 9/11 to Ground Zero.
    - Victims feel comforted by seeing that victims of other incidents are able to progress with their lives and to help others.
- The toolkit is not stagnant. OVC will continuously update it with new resources.
- Resiliency and Hope videos are embedded into the toolkit and on OVC’s YouTube site.

**OVC RESOURCES TO ASSIST STATE VOCA ASSISTANCE AND COMPENSATION AGENCIES,  
EUGENIA PEDLEY, OVC PROGRAM MANAGER**

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- OVC Antiterrorism Emergency Assistance Program (AEAP) is helpful, when applicable:
  - AEAP is designed to help communities that have been “overwhelmed.” This definition is vague on purpose because each community is different, (i.e., what is overwhelming for one jurisdiction might not be for another). For example, a shooting and kidnapping in Alabama a few years ago overwhelmed a small rural county; such an event would not have overwhelmed other jurisdictions.
  - OVC uses AEAP to ensure that a mass violence event does not drain the state’s resources and hinder the state’s ability to support victims of other crimes.
  - AEAP awards require grant applications.
  - AEAP awards are available only to organizations, not individuals.
  - The AEAP grant application has fewer administrative requirements than the VOCA grant applications you are used to completing.
  - Jurisdictions can apply for AEAP compensation grants, AEAP assistance grants, or both.

- The AEAP application process can be lengthy, because it takes time to determine the victims, their needs, and gaps.
- AEAP grants don't pay for regular salaries but could pay for overtime for death notification.
  - Newtown: Because it was a significant mass violence event in a small area, a satellite facility had to be opened for the response. The AEAP grant paid for administrative costs associated with the facility, such as rent.
- After an event, OVC holds an introductory call to make the jurisdiction aware of AEAP and to tell them OVC will be in touch. OVC then follows up after 24–48 hours to ask how the response is going. Often we know only what is being reported by the media, and the reality can be very different.
  - If a mass violence incident overwhelms your jurisdiction, call OVC. Otherwise, OVC will not know that your resources are overwhelmed.
- OVC realizes how difficult it can be to determine the needs after an event. OVC can send a consultant to help you with coordination, determine legitimately funded services, conduct a needs assessment (which could determine that AEAP is not necessary), and strategize on writing a grant application.
- OVC TTAC is available to provide training and technical assistance at no cost. Please take advantage of what TTAC has to offer.
- The FBI has a wonderful Office of Victim Assistance, with a rapid deployment team.
  - Eventually, the FBI's team will leave. Prepare for how to take over the response effort when that happens.
  - After the Orlando Pulse nightclub shooting, some undocumented immigrants were wary of approaching the police officers who were conducting intake. Make sure that non-police are involved in intake.

## **OVERVIEW OF TRIBES – ALLISON TURKEL, OVC DEPUTY DIRECTOR**

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- There are 567 federally recognized tribes, including 2 added in the last 2 years.
- Some states recognize tribes that the federal government doesn't recognize.
- Preferred terms (Native American or Indian, for example) vary depending on location and context.
- Each tribe has a different identity and relationship with the federal government.
- Tribes are diverse and differ drastically in size and culture.
- Victimization in tribal communities is often extensive.
  - Over the last decade, OVC has gained a better understanding of victim needs in tribal communities.
  - Polyvictimization occurs frequently.
- Tribes need trustworthy partners.

- Although most tribes are underserved, it is just a few who continuously apply for OVC grants.
- DOJ has made a single point of entry for tribes to apply for DOJ grants—the Coordinated Tribal Assistance Solicitation (CTAS).
- OVC has two purpose areas in CTAS for tribal grants: Children’s Justice Act grants and Comprehensive Tribal Victim Assistance (CTVA) grants, the latter of which are supported through discretionary funding. OVC makes approximately 30 tribal awards each fiscal year.
- Due to the increase in the obligation limitation, OVC made more awards in 2015 and will likely make more CTVA awards in 2016.
- There are many considerations for whether a tribe is eligible for federal grants, and which federal grants.
- Three quarters of tribes live off of reservation lands.
- About half of the tribes are in Alaska, and these tribes are mostly small, in remote places, and practice subsistence living.
- In the continental United States most of the tribes are in California.
- Public Law (PL) 280 determines which police agency can make arrests on tribal lands.
  - PL 280 states: Primary law enforcement jurisdiction is given to the state itself, which in practice usually means that local law enforcement will respond to incidents on tribal land. California and Alaska are PL 280 states. In Alaska, law enforcement is particularly difficult; there are many isolated communities where the only law enforcement presence is a “village safety officer.”
  - Non-PL 280 states: Tribes, not the state, determine how policing is conducted, which in practice results in tribes having their own law enforcement, using Bureau of Indian Affairs (BIA) law enforcement, contracting for law enforcement, or not having any law enforcement presence. In many areas, the only security present is casino security. In non-PL 280 states, law enforcement does not have access to tribal lands unless it is in hot pursuit of a criminal or when the police agency is invited.
    - The tribe itself has primary criminal jurisdiction over non-felonies.
    - The FBI has jurisdiction over investigation and prosecution of felonies.
  - Whether a state is PL 280 or non-PL 280 affects responses to victims and the safety of victims. For example, if someone is assaulted on tribal land and afraid to report, and the victim reports to law enforcement off tribal land, whether or not the law enforcement agency can come in will differ. Complicating factors even more are the type of alleged crime and all the exceptions to the laws.
  - For domestic violence, who can be arrested and prosecuted is tricky, especially when the husband and wife are members of different tribes. If the perpetrator is non-Indian, then there is no jurisdiction to prosecute in the tribal community.
- There are many jurisdictional exceptions to the PL-280 and non-PL 280 laws and practices, which makes protecting victims and responding to victimization even more difficult.
- Tribal leader elections vary depending on the tribe; some have elections once a year, some every 2 years, and some every 4 years.

- Before traveling to a tribe, call ahead to make sure the tribal leader on your list is still there.
- Sexual violence is a serious problem on tribal lands.
  - 120 tribes have public sex offender registration sites, with 3,000 sex offenders registered with tribes. These tribes are more engaged with holding them accountable.
- Collaborative programs work in some jurisdictions but not in others. In some places, collaborative models are not practical because of geographic isolation.
- Since the increase in VOCA funding, 3-4 pieces of legislation have been proposed that would change how funds are allocated to tribes. Several proposed bills have failed. The House and Senate appropriations bills for 2017 under consideration would provide a 5% statutory set aside for tribes. If the federal government plans to take action that will substantially affect tribes, then it must conduct a formal consultation with tribes for their input.
  - An additional technical consultation with experts in the field also often occurs.
- The majority of Native Americans do not live on reservations.
  - Even the ones who do may often travel off of tribal lands to receive victim services.
- VOCA Administrators have informed OVC that a session with tribal leaders would be helpful at the Indian Nations Conference that will be held in December 2016.
  - OVC will help add this session to the conference agenda.

## **DISCUSSION OF CHALLENGES WORKING WITH TRIBES & SUCCESSFUL STATE-SUPPORTED EFFORTS TO ENHANCE SERVICES FOR AMERICAN INDIAN AND ALASKA NATIVE VICTIMS OF CRIME**

- Download and review the Facts & Myths brochure for helpful information for working with tribal communities.
- It is important for tribes to understand that the federal and state governments have a genuine interest in helping them and working together with them.
  - For example, OVC recently returned a phone call from a tribal leader after a federal roundtable on tribal issues. The leader was ecstatic that his phone call was returned so quickly; seemingly small efforts such as this one can have positive effects.
- Tribal leaders and managers often perform many different roles, which stretch their time and efforts.
- Tribes are bombarded with information from the federal and state governments.
- Tribal politics can be challenging.
- Maintaining personal relationships is sometimes difficult because of tribal elections and change of leadership.
- Shame is sometimes associated with being a victim.
  - Elders may be reticent to report because of a stigma that if they identify these horrible things, they are denigrating themselves and their tribe.
  - There is an ongoing process to change attitudes; victim advocacy is not about pointing fingers and shaming individuals publically, but about providing services to people who need it.

- Washington State has set aside \$3.1 million of new funding for the state's 29 tribes to submit applications.
- Oklahoma:
  - Successes include an increase in grant applications. The tribal outreach liaison, who was Native American himself, made it clear to tribes that he wanted to advocate for their interests and to serve as a resource, which established trust and helped increase applications.
- New York:
  - Successes include reaching out to counterparts in Australia and Canada for guidance on how they worked with indigenous populations. Also, the office recognizes that traditional methods of healing work well for tribal communities.
  - Challenges include language; the state has nine recognized tribes, each one of which wants to be called a different term.
- Utah:
  - Successes include a week spent last fall on Navajo land by representatives from the victim assistance office to help victims fill out application forms.

#### **CLOSING REMARKS – MARILYN ROBERTS & ALLISON TURKEL, OVC DEPUTY DIRECTORS**

- Marilyn and Allison thanked the attendees for coming and for their participation, and noted that the biennial Indian Nations Conference, which will be held in December 2016, will be a great opportunity to discuss victimization issues facing AI/AN communities more in depth.
  - Marilyn said that OVC staff would help add a session during which VOCA Administrators would be able to speak more in depth with tribal representatives.