

**BATTERERS INTERVENTION PROGRAM STANDARDS
OVERSIGHT COMMITTEE**

Meeting of June 5, 2006 DRAFT

Open session

Minutes

Voting Members Present (11): Sisan Smallman, RI Department of Corrections, Chair; Stephen King, RI Supreme Court, Vice Chair; Kat Tavares, RI Coalition Against Domestic Violence; Kristen Meuse, RI Justice Commission; Beatriz Perez, RI Department of Health; Janice Dubois, Supreme Court Domestic Violence Training & Monitoring Unit; Ed Degnan, Kent House/BIPs Representative; John Brennan, Justice Assistance; Honorable Elaine Bucci, RI District Court, Chief John LaCross, RI Police Chiefs Association; Maureen Keough, Domestic Violence Unit/Office of the Attorney General.

Seats Not Represented (2): Governor's Office; Urban League.

Additional Participants (6): Sandi McLaughlin, Probation & Parole; Micheline Lombardi, Probation & Parole; George Sheehan, RIBIP; David Spencer, Gateway/Tri-Hab; Laura Jaworski, BIPSOC; Michael DiLauro, Public Defender's Office.

Materials Distributed:

Meeting Agenda: June 5, 2006

Meeting Minutes: February 6, 2006

Rules & Standards Subcommittee Minutes: May 9th, 2006

Senate Bill #2321

Sisan Smallman, Committee Chair, called the meeting to order at 2:10 pm. Attendees were asked to introduce themselves. Sisan noted that the proceedings were being tape recorded.

Review of Minutes

Minutes from the meeting of February 6, 2006 were reviewed and adopted.

Steve King made a motion to adopt the February 2006 minutes. Chief LaCross seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Review Subcommittee Report

RIBIP Monitoring Visits

o Laura Jaworski reported that monitoring visits were conducted for RIBIP in the Spring. Committee members were reminded that the Comprehensive Standards allows for periodic on-site visits of certified batterers intervention programs (RIBIP is halfway through it

current renewed comprehensive certification cycle). All groups observed demonstrated compliance with the Comprehensive Standards. Particular significance was placed on the fact that not only English language groups were observed; a Portuguese language and a Spanish language men's group were observed as well (this is usually difficult due to limited availability of members with said language comprehension). Laura thanked fellow Subcommittee members for volunteering to participate in the observations, and also thanked George Sheehan of RIBIP for working with the Review Subcommittee during this process.

Renewed Comprehensive Certification

o Laura reported that the Review Subcommittee completed the document review of the Vantage Point application that has been submitted for renewed comprehensive certification. The curriculum, facilitator/supervisor qualification forms, and other relevant documents are in compliance with the Comprehensive Standards. Group observations and record review are scheduled for June and July.

Rules & Standards Subcommittee Report

Sisan reported that proposed changes to RIGL§12-29-5 have been submitted to the General Assembly for consideration during this legislative session at the initiative of the Public Defender's Office (reference Senate Bill #2321 with Substitute A included). Currently, a

“batterers intervention program” is defined as a program which is certified by the Oversight Committee. The proposed changes to the legislation would add the following language:

“...or a substantially equivalent program implemented by the department of corrections for sentenced inmates.”

OR (Proposed Sub A):

“...or an equivalent program that shall be implemented by the department of corrections for sentenced inmates.”

Because of serious concerns about the implications, Sisan testified against the proposed bill, as did Sage Bauer of the RI Coalition Against Domestic Violence. During a conversation with the Senate sponsor, Senator Charles Levesque asked if the Oversight Committee would be amenable to a possible compromise – i.e., to enable sentenced offenders to be credited for sessions of a batterers program begun while incarcerated and completed in the community. Sisan requested that the Oversight Committee have the opportunity to review the proposal and possible compromise. In the interim, the Rules and Standards Subcommittee would begin to identify some of the issues for consideration.

For the Oversight Committee, Sisan reiterated her view of the problems involved in enabling an offender to complete an entire batterers program within the ACI. While it is important to offer all sorts of rehabilitative programs within the ACI, including batterers

groups, it is essential that the bulk of the program occur while living in the community and experiencing the stresses and temptations there. Currently, a batterers intervention program is contracted by DOC to provide groups within the ACI (Vantage Point), but it is only 12 hours. Because of the nature of the prison setting, the format, methodology, and style are much different than the community program. The prison program is primarily educational and didactic, informing participants about the nature of abuse. Program content is abstracted from day-to-day life and individual behavior, and it cannot engage participants in active, ongoing behavior change. The forty (40) hours of batterers intervention received within the community goes beyond general education regarding abuse. Behavior change is addressed in the context of real life problems, situations, and stressors, with the opportunity to practice new behaviors with support. These elements are crucial for victim safety and long-term recidivism.

Michael DiLauro from the Public Defender's Office thanked the Oversight Committee for the invitation to attend the meeting. He stated that the proposal was generated out of frustration his office was hearing from judges, police officers, prosecutors, advocates, and clients in fulfilling court and victim obligations regarding attending and completing a batterers intervention program. He reports that patterns related to financial difficulty [paying for program fees], transportation, and family reunification were emerging. His office began researching this issue last fall through various contacts with

Vantage Point, the RI Coalition Against Domestic Violence, Sisan, and the Policy Unit at the Department of Corrections. Mr. DiLauro stated that he is committed to the idea of a client being able to complete some or all of the batterers intervention program within the ACI, but he is not necessarily wedded to the proposed wording of the bill. He feels that if a client who has not completed a batterers intervention program appears in front of a judge, the judge should have the opportunity to inform the client that the program can be completed either in the community or in the ACI. The bottom line is the client has the choice and option to complete a batterers intervention program.

Micheline Lombardi reported that when Probation Officers meet with probationers, they review all available batterers intervention programs, financial information, and transportation that is available (all programs are on bus lines). In her experience, prison is not an option until a probationer has been dropped numerous times from various programs.

Janice Dubois stated that the Oversight Committee has worked hard with the practical application of the Comprehensive Standards. She feels that making it “easier” for batterers would reduce accountability.

Judge Bucci reported that she has sent numerous individuals to the ACI for 6 months at a time – plenty of time to complete the program – while there is sometimes a question whether individuals can

complete the batterers intervention program while on Probation. As a practical matter, people need to be educated on domestic violence and the impact on the victim. However, the vast majority of individuals cannot afford the programs. If a batterer can attend the program while in the ACI, the financial burden of paying group fees is lessened. She finds that it is often the partners of the batterers who are paying for the group fees. The focus should be on getting people to change their behavior. Judge Bucci supports language that would allow credit for attendance in the ACI program, and have the program structured so that it would coincide with the community program.

From a fiscal perspective, Sisan reminded members that the batterers programs receive no federal or state subsidies, and operate to a large degree on monies collected as group fees. The proposal to credit groups offered in the ACI would result in less potential income for the batterers programs in the community. This is an important factor to consider, especially as the number of certified programs has declined over the past few years. In her view, the monetary matter that should be under review is the possibility of subsidizing programs or participants in the community, and not expecting mandated programs to operate solely on user fees.

Janice stated that some form of commitment is necessary in order to achieve [behavior] change and money is sometimes the first commitment, which is part of the reason batterers pay fees to attend the program. Her concern is that the “package” is softened if an

individual completes part of the program at the ACI. She feels the General Assembly should subsidize the programs in order to continue their community work. David Spencer stated that the ability to pay is a complex issue. Definite financial issues are present in client's lives. As a non-profit, it is difficult to support the program itself without weekly group fees begin paid. Maureen Keough stated the importance of responding proactively on this issue. The Oversight Committee has the opportunity to provide input on the issue, which may also result in placing the Committee in a position to possibly request funding for programs.

Sisan noted that, in anticipation of today's discussion, the Rules and Standards Subcommittee had identified a number of potential issues to be resolved. She distributed a handout listing some of the issues, since the Oversight Committee appeared to be willing to consider the feasibility of enabling sentenced inmates who begin a batterers intervention program in the ACI to be given credit toward their requirement when they enroll in a community-based program after release.

Steve King stated that he felt it was important that batterers complete a significant portion of the required hours in the community-based program. However, he questioned whether an unwitting benefit would be given to those who have merited incarceration, through crediting their participation in a batterers program at the ACI.

Janice asked program representatives if community service is offered to those individuals who cannot afford to pay program fees. David Spencer reported that community service is not offered at Tri-Hab, but the program will reduce the participant's weekly fee with the appropriate documentation.

Sisan reported that most offenders are not sent to prison based on a technical violation, including failure to complete a batterers intervention program. Typically, those sent to prison are violent or repeat offenders, and sentencing is far more frequent on "new charge" violations than on technicals. The DOC is currently working to improve its ability to track violations. In the interim, the Domestic Violence Unit of Probation and Parole has been asked to track all violations, which – while not a formal research protocol -- should give us a picture of the outcomes related to violations for DV offenders.

Mr. DiLauro reported that the leadership in the General Assembly is in support of this legislation, and his office is committed to this issue so that indigent clients can complete batterers intervention. Maureen Keough stated that she feels the treatment of indigent individuals while in the ACI and individuals receiving credit are two separate issues.

Chief LaCross suggested that the wording of the proposed legislation be changed to reflect the authority of the Oversight Committee in certifying a batterers intervention program operating within the ACI.

In summary, Sisan stated that there appeared to be a consensus among members of the Oversight Committee that we should examine the possibility of crediting individuals for some or all of a batterers intervention program completed in the ACI. This consensus would need to be formalized through a motion. The next step would be to determine the feasibility of looking at the issues within the Rules & Standards Subcommittee, or through the creation of a new Subcommittee.

Steve King made a motion that the Oversight Committee formally study this issue at the Subcommittee level with the express intent of formulating findings to be brought to the general Oversight Committee for decision, and concrete proposals to be brought to the General Assembly; the target date is November 1, 2006. Janice Dubois seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Sisan stated that the Oversight Committee needs to decide if this issue will remain in the Rules and Standards Subcommittee or if an Ad Hoc Subcommittee should be created to study the issue. Janice stated that the Rules and Standards Subcommittee has been busy with the revisions to the Comprehensive Standards and Rules of Practice and Procedure, and the addition of this issue may hamper that work.

Janice Dubois made a motion to create an Ad Hoc Legislative Subcommittee to work on this issue. Judge Bucci seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Sisan encouraged voting and non-voting Oversight Committee members to participate at the Subcommittee level. Maureen Keough volunteered to Chair the Ad Hoc Legislative Subcommittee. Interested members should inform Sisan or Laura, who will forward their contact information to Maureen.

Mike DiLauro noted that he would inform Sen. Levesque that the Oversight Committee had agreed to give this matter genuine consideration, and anticipated having some results by November 1. He expected that this would be satisfactory.

Sisan stated that the remaining agenda item for the Rules and Standards Subcommittee will not be addressed as the primary discussion was the legislative proposal.

Member Issues/Announcements

Program Adjuncts

Janice Dubois reported that she recently received a telephone call regarding a study through Brown University on court-ordered

batterers intervention and substance abuse. Janice reported that she did not know that this study was taking place and feels it would be courteous of programs to inform the Oversight Committee if they are participating in related research studies. George Sheehan noted that RIBIP may participate in such a study, but it has not yet been finalized. Sisan reported that agencies are free to work on issues other than batterers intervention, and we encourage research; however, some program adjuncts could impact compliance with the Comprehensive Standards.

Upcoming Meetings

Rules + Standards Subcommittee:

June 13th, 2006, at 2:30pm in Bernadette Building, 15 Fleming Rd., Cranston DOC.

Review Subcommittee:

July 25th 2006, 2:30pm in Bernadette Building, 15 Fleming Rd., Cranston DOC.

[No meeting June 27th]

DV Critical Cases Review Team:

July 18th, 2006, at 2:00pm in Pinel Building, Top Floor/Left Wing, Cranston DOC.

Oversight Committee:

August 7th, 2006 at 2:00 at DOA, Conference Room C.

Meeting Adjourned

Chief LaCross made a motion to adjourn the meeting. Janice Dubois seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Meeting adjourned at 3:45 p.m.

Respectfully Submitted,

Laura Jaworski, Project Services Coordinator

Batterers Intervention Program Standards Oversight Committee