

**BATTERERS INTERVENTION PROGRAM STANDARDS
OVERSIGHT COMMITTEE**

Meeting of October 3rd, 2006

Open session

Minutes

Voting Members Present (6): Sisan Smallman, RI Department of Corrections, Chair; Maureen Keough, Domestic Violence Unit/Office of the Attorney General; Ed Degnan, Kent House/BIPs Representative;

Deb DeBare, RI Coalition Against Domestic Violence; Kristen Meuse, RI Justice Commission; Toni Roderick, Urban League.

Seats Not Represented (7): RI Supreme Court; Governor's Office; Supreme Court Domestic Violence Training & Monitoring Unit; RI District Court; RI Police Chiefs Association; Department of Health; Justice Assistance.

Additional Participants (6): Laura Jaworski, BIPSOC; Sharon Schwartz-Vanderhoff, Probation & Parole; Jennifer Fiore, Vantage Point; Sage Bauer, RI Coalition Against Domestic Violence; George Sheehan, RIBIP.

Materials Distributed:

Meeting Agenda: October 3rd, 2006

Meeting Minutes: August 7th, 2006

Schedule of Meetings: 2007

Sisan Smallman, Committee Chair, called the meeting to order at 2:10 pm. Attendees were asked to introduce themselves.

Review of Minutes

Minutes from the meeting of August 7th, 2006 were reviewed and adopted.

Deb Debare made a motion to adopt the August 7th, 2006 minutes. Maureen Keough seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Sisan informed members that Laura Jaworski, Project Services Coordinator for the BIPSOC, has a short period of time remaining under the current grant that funds her position. Sisan thanked Laura for all her work for the BIPSOC and its Subcommittees.

Review Subcommittee Report

Laura reported that RIBIP is the next program due for renewed comprehensive certification. The application package has been mailed to the program already. Current certification is scheduled to

expire in April 2007. Laura will update members as more programs are due for renewed certification.

Rules & Standards Subcommittee Report

Sisan reported that due to the recent creation of the Ad Hoc Legislative Subcommittee, this Subcommittee has been on hold. The next meeting is scheduled for next week.

Ad Hoc Legislative Subcommittee

Sisan reminded members that this Subcommittee was created to address the feasibility of enabling sentenced inmates who begin a batterers intervention program in the ACI to be given credit toward their BIP requirement when they enroll in a community-based BIP after release. Maureen Keough volunteered to chair the Subcommittee.

Maureen updated members on the details of the last Subcommittee meeting, which began with some proposed drafts written by Mike DiLauro from the Public Defender's Office. The primary thrust would have been to give discretion to the judiciary to determine whether the defendant had satisfied the requirement to complete a batterers program, either in part or in whole. Maureen believes that such discretion would be contrary to law.

Maureen reported that Sisan proposed an alternative during the Subcommittee meeting that would give the discretion to the Oversight Committee to establish parameters for allowing credit for attendance in a prison batterers intervention program. After the roughed out proposal met with a positive reception by the Subcommittee, Sisan was to develop language and ask DOC Chief Legal Counsel to review it. The proposed legislative language (handout) was sent out to Oversight Committee members in advance of this meeting, and was available for review.

Maureen turned the discussion over to Sisan. The proposed statutory language was considered, and it was mentioned that the language includes reference to programs from other jurisdictions, as well authorizing the Oversight Committee to establish provisions for crediting participation in a prison program toward the 40-hour obligation.

Sisan went on to point out that there are several related but distinct areas in connection with these issues: first, proposed legislative language; second, revisions to the Comprehensive Standards to set parameters for crediting hours; and third, the nature and length of the program – if any – offered at the ACI. The Oversight Committee can hope to influence the outcome of legislative proposals; has full authority to set standards, subject to procedural rules and regulations; and has no authority to regulate any prison program or

procedures. However, Sisan stated unequivocally that she would ensure that any and all matters relating to a prison program would be clearly articulated to DOC, and consultation would be provided as needed.

Deb DeBare questioned what would be a realistic timeframe for implementation of these proposals. Legislation requiring new regulations generally allows a window of time for developing and implementing them. Sisan reminded members that the BIPSOC would have to follow the Administrative Procedures Act for adoption of new standards, which is a lengthy process. Maureen indicated that no credit for program time in the prison should be available until after the legislation has been modified and standards implemented, and the new system would be effective on a go-forward basis for offenders sentenced on or after a certain date. Sisan stated that she has heard reports that the Public Defender's Office may already have proposed that judges give credit for attendance in the prison BIP.

With respect to the Comprehensive Standards, Sisan identified certain decision points for the Oversight Committee to consider. After discussion, there was consensus on the following points to be addressed in the Standards in order for time in a prison program to be credited toward the required 40 hours:

- **Certification:** Credit would be considered for inmates participating in a prison program only if it were provided by an agency that is

currently certified in RI by the Oversight Committee.

o Facilitators qualifications and supervision requirements must be consistent with the Comprehensive Standards.

o The curriculum of the prison program may need to be adapted to a shorter format and/or modified for the prison setting, but must be consistent with the principles of the Comprehensive Standards.

o The curriculum should include development of a safety plan, which could also assist in the transition from prison to community.

o A modified client contract/ rules would need to be developed to recognize prison security issues, require signed release of confidentiality to allow full exchange of information with Probation and community batterers intervention program, and address non-payment of fees during the period of incarceration.

• Number of hours to be credited:

o In order to provide maximum incentive and substantial community-based program time following release from incarceration, 50% of the hours completed in the prison program could be considered for credit toward the 40-hour requirement, up to a maximum of 10 hours credit. (With the current 12-hour program, a maximum of 6 hours would be credited, with 34 hours to be completed in a community-based program upon release. If prison program hours were to be increased, as many as 10 hours credit would be available for completion of 20 or more program hours; 30 hours would need to be completed after release.

o Only sessions during which the inmate was in full attendance would

be eligible for consideration (i.e., if sessions were cancelled or cut short, they would not count).

o A maximum of 2 hours per week would be eligible for consideration so the inmate is exposed to the program over a span of time (comparable to community BIP).

• Restrictions:

o No offender's obligation to attend a batterers intervention program could be completed while incarcerated, regardless of the number of hours attended in prison.

o No offender who is incarcerated after having completed part of a community-based batterers program could be considered to complete the obligation by subsequently attending the prison-based program.

o No credit toward the obligation to attend a batterers intervention program is available for any other program completed in prison, such as anger management, substance abuse treatment, or other.

• Standards for curriculum topics for community batterers intervention program should be modified as follows:

o Rework section on safety plan to address transition issues for those being released from prison (whether or not they attended the batterers program while incarcerated); and to emphasize that every client must have an updated, individualized safety plan in place by the time the full program is completed.

o Add section that recognizes the common themes forming the

foundation of the curriculum, and addresses integration among overlapping topics.

- **Effective date:**

- o **Would apply only after revised Comprehensive Standards were approved, submitted to public hearing, filed with the Secretary of State, and implemented by the Oversight Committee.**

- o **Would apply prospectively to offenders released from incarceration on or after some date (such as January 2008).**

- o **Would not apply to former inmates still completing batterers programs after having been incarcerated, unless released on or after the effective date.**

- **Information exchange:**

- o **PO's who are responsible for referrals to community program and for monitoring special conditions would serve as liaisons between prison program and community program; PO's would secure full information about prison program attendance and participation, and convey to community program.**

- o **Sisan will ensure DOC fully aware of Standards and related issues, including informing inmates about potential crediting; Sisan will provide consultation and assistance as needed.**

Toni Roderick inquired about inmates receiving “good time” for participation in a prison batterers intervention program, and Sage Bauer voiced opposition to the concept. Jennifer Fiore stated that

inmates are not currently awarded “good time” for attending the Vantage Point program in the ACI. Sisan noted that “good time” is governed by a combination of statute and DOC policy, and the issue is not within the purview of the Oversight Committee to determine.

Member Issues/Announcements

Deb DeBare reminded members that October is Domestic Violence Awareness Month. She described this year’s theme, and distributed literature and posters for display.

Upcoming Meetings

Review Subcommittee:

TBA

Rules + Standards Subcommittee:

October 10, 2006, at 2:30 pm in Bernadette Building, 15 Fleming Rd., RIDOC, Cranston.

Ad Hoc Legislative Subcommittee:

November 17, 2006 at 1:00 pm at the RI Coalition Against Domestic Violence, 422 Post Road, Warwick.

DV Critical Cases Review Team:

January 16, 2007 at 2:00 pm in Pinel Building, Top Floor/Left Wing, Cranston DOC.

Oversight Committee:

December 4, 2006 at 2:00 at DOA, Conference Room C.

Meeting Adjourned

Sage Bauer made a motion to adjourn the meeting. Beatriz Perez seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Meeting adjourned at 3:15 p.m.

Respectfully Submitted,

Laura Jaworski, Project Services Coordinator

Batterers Intervention Program Standards Oversight Committee