

# **BATTERERS INTERVENTION PROGRAM STANDARDS OVERSIGHT COMMITTEE**

**Meeting of April 03, 2007 DRAFT**

**Open Session**

**Minutes**

**Voting Members Present (7): Sisan Smallman, RI Department of Corrections, Chair; Stephen King, RI Supreme Court/Co-Chair; Ed Degnan, Kent House/BIPs Representative; Deb DeBare, RI Coalition Against Domestic Violence; Kristen Meuse, RI Justice Commission; Honorable Elaine Bucci, RI District Court; Joseph Ben, Justice Assistance.**

**Seats Not Represented (6): Governor's Office; Urban League; Department of Health; Attorney General's Office; Law Enforcement; Supreme Court DV Training & Monitoring Unit.**

**Additional Participants (7): Dr. Kathleen Carty, Vantage Point; Sage Bauer, RI Coalition Against Domestic Violence; Sharon Schwartz-Vanderhoff, Probation & Parole; Micheline Lombardi, Probation & Parole; Adrienne McGowan, Probation & Parole; George Sheehan, RI Batterers Intervention Program; Christopher McGee, Community Corrections.**

**Materials Distributed:**

**Meeting Agenda: April 3rd, 2007**

**Meeting Minutes: February 5th, 2007**

**Special Issues – Split Program Completion & Transfers From  
Prison-Based Programs**

**BIP Monitoring Summary on Comprehensive Certification Renewal for  
RIBIP**

**RIGL 12-29-5.2 – Duties and responsibilities of committee**

**Draft Standards Revisions: 5.114, 6.112, & 6.113**

**Sisan Smallman, Committee Chair, called the meeting to order at 2:10  
pm, noting that the required quorum was present.**

### **Review of Minutes**

**Minutes from the meeting of February 5th, 2007 were reviewed and  
adopted.**

**Deb DeBare made a motion to adopt the February 5th, 2007 minutes.  
Judge Elaine Bucci seconded the motion. All votes in favor; none  
opposed; no abstentions. Motion carried.**

**Sisan Smallman informed members that Laura Jaworski would no  
longer be available to the committee, thus, everyone's patience and  
understanding is requested during this time. Sisan also announced  
that a position for a Probation Officer with a split assignment to the**

**Domestic Violence Unit and BIPSOC should be filled shortly.**

**George Sheehan led comments lamenting the unfortunate loss of Laura's participation and the energy she brought to the committee assignments, particularly praising her communication skills.**

### **Review Subcommittee Report**

**Sisan reported that members of the Review Subcommittee (Laura Jaworski, Sage Bauer, Stephen King and Adrienne McGowan) had finished their review of the Rhode Island Batterers Intervention Program (RIBIP). RIBIP, one of the larger programs in the state, was visited by the subcommittee, which observed a total of six sessions. Their comments and observations are reflected in the Review Summary Handout. Briefly, some minor areas of concern were identified and addressed by the subcommittee. The conclusion of the subcommittee was to recommend renewed comprehensive certification for the Rhode Island Batterers Intervention Program (RIBIP) for the next two years.**

**Deb DeBare made a motion to adopt the Review Subcommittee recommendation to renew comprehensive certification for RIBIP for a period of two years. Stephen King seconded the motion. All votes in favor; none opposed; Ed Degnan abstained. Motion carried.**

**Sisan informed the committee that the Galilee Mission to Fishermen is the next program due for renewed comprehensive certification. The application package was mailed at the beginning of February 2007. Current certification is scheduled to expire in August 2007. After that program, Kent House would be next in line for review, and then possibly two additional programs before the end of 2007.**

### **Rules & Standards Subcommittee Report**

**Sisan reported that the Rules and Standards Subcommittee had incorporated revisions of the Comprehensive Standards that came out of discussion at the last Oversight Committee meeting, specifically for sections 5.114, 6.112, and 6.113. The proposed Standards are inserted as follows:**

**5.114 Programs may elect to establish varied attendance schedules to accommodate client circumstances that present significant obstacles to attending weekly group sessions. For example, out-of-state travel for periods of time, medical incapacity for some time period, probation terms of six (6) months or less, or other legitimate scheduling conflicts may lend themselves to programs enabling clients to attend more than one (1) session during given weeks and/or not attending any sessions during some weeks. In these instances, the program in consultation with the referral agency shall make every reasonable effort to maintain the duration of program participation over the course of twenty (20) weeks, as well as**

**to ensure the continuity of program content and the accountability of the participant.**

**6.112 Program staff members may become aware of other client problems and/or may believe that treatment is required for substance abuse, mental health problems, medical needs, or other problems beyond the scope of batterers intervention. Notice shall be provided to the referring source, if such problems and/or treatment could impact the individual's participation in batterers intervention. Clients shall be referred as needed for appropriate services, and a determination made as to how to address the co-occurring problems (for instance, successively or simultaneously). Other forms of treatment or counseling shall not substitute for batterers intervention, except for individuals who are unable to function within any available batterers intervention program [see below].**

**6.113 A client who is considered inappropriate for group participation based upon any pattern of behavior or any apparent medical, psychiatric, psychological, cognitive, language, communication, or physical condition or limitation deemed likely to interfere with the ability to participate meaningfully in group or interfere with the group process shall be referred to court through the referral source for a determination as to how to address the mandate for batterers intervention. The basis for considering the client inappropriate for**

**group shall be provided to the court, along with potential alternatives, if any, such as individual sessions with a treatment provider who is familiar with domestic abuse issues instead of or in addition to participation in a group, treatment for other conditions prior to participation in a batterers group, or other services. The court shall be requested to determine whether alternative(s) might be acceptable in fulfillment of mandated intervention, or whether batterers intervention by necessity should be waived for individuals functionally unable to participate.**

**There was apparent consensus agreement among Oversight Committee members that these changes addressed the concerns.**

### **Ad Hoc Legislative Subcommittee**

**On behalf of Subcommittee Chair Maureen Keough, who was not present, Sisan presented an update for the Ad Hoc group. Sisan distributed the proposed text of RIGL 12-29-5.2 on the duties and responsibilities of the Oversight Committee, which includes a new section that would authorize the Committee to credit time spent at a program while incarcerated or under another jurisdiction toward the obligation of a forty (40) hour batterers intervention program. The bill was heard in the Senate Judiciary Committee two weeks ago, and the sponsor, Senator Charles LeVesque, was pleased that the Public Defender's office, the RICADV, DOC, and the Oversight Committee**

had worked to develop consensus language and were present to testify in support of the bill. However, Senator LeVesque had inadvertently incorporated different language than we had all agreed on, and a “Sub A” is being prepared.

To supplement the general authorizing language in the bill, the Ad Hoc Subcommittee has also been working to draft the Standards that would set the parameters for the crediting procedures. Sisan distributed a three page document entitled “Special Issues” (attached) which contains provision 8.1 Split Program Completion and 8.2 Transfers From Prison-Based Programs. Deb DeBare remarked that the provisions seemed pretty exacting, but Sisan mentioned that they had not been through legal counsel. Sisan noted that the “Special Issues” had been distributed to the BIPs, which elicited little response and no objections. Judge Bucci pointed out that section 8.112 could be interpreted in a manner that would not be consistent with the legislation and thus should be revised to note that certification is only required in other jurisdictions if said jurisdictions do indeed have certification programs. Otherwise, Oversight Committee members offered consensus support for the proposed Standards.

### **Member Issues/Announcements**

Kathleen Carty asked that Probation Officers be reminded that the proposed changes to the Standards are not yet in effect. Ed Degnan

and others present agreed that word of some changes – particularly the credit issue – has spread like wildfire among inmates and probationers, who are already asking to be credited for program time.

Sisan indicated she would ensure that PO's are aware of the status of proposed changes.

## **Upcoming Meetings**

### **Review Subcommittee:**

**TBA/ Awaiting receipt of an application for renewal**

### **Rules + Standards Subcommittee:**

**TBA/ Next month**

### **Ad Hoc Legislative Subcommittee:**

**TBA/**

### **DV Critical Case Review Team:**

**Not currently scheduled**

### **Oversight Committee:**

**MONDAY, June 4th, 2007 at 2:00 in DOA, Conference Room C.**

## **Meeting Adjourned**

**Deb DeBare made a motion to adjourn the meeting. Both Stephen**

**King and Ed Degnan seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.**

**Meeting adjourned at 2:35 p.m.**

**Respectfully Submitted,**

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**Christopher McGee  
Community Corrections**

**Attachment: Special Issues (Proposed Standards)**

## **8.0 SPECIAL ISSUES**

### **8.1 Split Program Completion**

**Circumstances may arise in which an individual seeks to fulfill a court mandate for batterers intervention through attending group sessions in different venues – that is, being credited for some portion of the required attendance in one jurisdiction, location or program and some portion in another jurisdiction, location or program.**

**8.11 Split program crediting shall be permissible under the following circumstances:**

**8.111 Completion of the mandate at the program attended initially is not possible, for reasons including but not limited to the following:**

- Program has closed;**
- Client has moved from another jurisdiction;**
- Relocation of client has resulted in substantial accessibility obstacles; or**
- Client's initial attendance has occurred while incarcerated under sentence. [See Special Issues related to prison-based programs, below.]**

**8.112 Both the sending and receiving program providers have been certified in Rhode Island (or certified in the sending jurisdiction, if applicable);**

**8.113 The referring agency approves of and agrees to the transfer between certified in-state community-based programs, if applicable; and**

**8.114 The sending and receiving programs secure client releases and exchange appropriate information about offense, attendance, participation, topics covered, legal status, and other information needed to ensure a smooth transition.**

**8.12 Split program crediting shall ordinarily not be permissible under the following circumstances:**

**8.121 Transfer has been completed unilaterally by client without consultation with and approval of programs and referring agency;**

**8.122 Prior transfer within the same cycle of 40 credit hours has already occurred (except based on program closings); or**

**8.123 Client has started but not completed a community-based program at the time of being sentenced to incarceration (that is, short of a complete 40-hour program, sessions attended prior to incarceration may not be credited). [See Special Issues related to prison-based programs, below.]**

## **8.2 Transfers From Prison-Based Programs**

**Incarcerated offenders who are subject to a court mandate to complete a batterers intervention program, and who are afforded the opportunity to initiate attendance at such a program while incarcerated under sentence at the Rhode Island Department of Corrections Adult Correctional Institutions, may seek to transfer into a community-based program upon release and may request that their documented participation in such program be accepted in satisfaction of some portion of their obligation to attend forty (40)**

**hours of a certified batterers intervention program, subject to the qualifications below.**

**NOTE: The Batterers Intervention Program Standards Oversight Committee shall ensure that all provisions of the Comprehensive Standards, including the standards specific to transfers from prison-based batterers programs, shall be made available to the Department of Corrections. If requested by the Department of Corrections, the Oversight Committee shall be available to consult on the development, implementation, and/or certification of a prison-based batterers program. Nothing in these provisions shall be construed in any way as a requirement or expectation that the Department of Corrections provide batterers intervention or any other form of programming.**

**8.21 Attendance at a batterers intervention program by offenders while incarcerated is subject to:**

**8.211 The availability of such programming, as determined by the Department of Corrections;**

**8.212 Terms and conditions of any such programming, whether provided by Department of Corrections staff, contracted vendor(s), or volunteers; and/or**

**8.213 Policies and procedures as determined by the Department of**

**Corrections, including but not limited to security requirements, discipline measures, program eligibility and access, scheduling needs, program components, contracting procedures, limitations to confidentiality, and all other internal operations of the Department.**

**8.22 A creditable prison-based program must be consistent with the principles and requirements of the Comprehensive Standards, within the following guidelines:**

**8.221 Facilitator qualifications and supervision requirements shall meet all requirements of the Comprehensive Standards;**

**8.222 The curriculum content and principles shall be consistent with the requirements of the Comprehensive Standards, except that any program elements not consistent with Department of Corrections requirements may be eliminated or modified;**

**8.223 The curriculum safety plan may be modified to assist in the transition from prison to community;**

**8.224 The client contract and rules may be modified to recognize the primacy of prison security and other policy requirements, to require full release of confidential information with staff within the prison and Probation and Parole, and to reflect the absence of program fee payment by offenders during the period of incarceration;**

**8.225 All other Comprehensive Standards shall be in full force and effect, except that any standards not consistent with Department of Corrections requirements may be eliminated or modified; and**

**8.226 Within the guidelines herein enumerated, the prison-based program shall be subject to the same certification procedures as community-based batterers intervention programs.**

### **8.23 Transfers Upon Release**

**Offenders who have attended a prison-based batterers program that meets the qualifications above may seek to be credited for some portion of the 40 credit hours, and to transfer into a community-based batterers program, subject to the following criteria.**

**8.231 The supervising Probation and Parole Officer has verified attendance at the prison-based program, including the certification status of the program, the number of hours satisfactorily completed, and review of any available information from the provider regarding the nature of the offender's participation;**

**8.232 Referral to a suitable community-based certified batterers intervention program is made and/or approved by Probation and Parole;**

**8.233 The community-based program is willing to accept the offender as a transferring client, with credit toward completion of the program;**

**8.234 The number of hours to be credited is to be determined by the referring Probation and Parole Officer in consultation with the receiving program and the sending program;**

**8.235 Credit is awarded at the maximum rate of fifty per cent (50%) of the hours completed in the prison program, up to a maximum number of ten (10) hours credit for completion of twenty (20) hours or more. [Depending on the number of hours credited, no fewer than thirty (30) hours would need to be completed at the community-based program];**

**8.236 Repeat offenders who have previously been credited for batterers program attendance while incarcerated are subject to close scrutiny by the Probation and Parole Officer and the community program when determining credit hours, and additional limitations may apply;**

**8.237 No offender's obligation to attend a batterers intervention program could be completed while incarcerated, regardless of the number of hours attended while in prison or whether the offender has attended some number of hours of a community-based program prior to incarceration;**

**8.238 No credit toward the mandate to complete a batterers**

**intervention program would be given for attendance at any other prison-based or community-based program, such as anger management, substance abuse treatment, or other counseling or therapy; and**

**8.239 Such provisions shall apply only to those offenders who are released from incarceration on or after the date these provisions become effective, pursuant to the requirements of the Administrative Procedures Act and other applicable regulations.**