

**BATTERERS INTERVENTION PROGRAM STANDARDS
OVERSIGHT COMMITTEE**

Meeting of April 7, 2008

Open session

Minutes Draft

Voting Members Present (7): Shelley Cortese, 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; Janice Dubois, Supreme Court Domestic Violence Training & Monitoring Unit; Joseph Ben, Justice Assistance; Judge Elaine Bucci RI District Court

Seats Not Represented (6): Governor's Office; Department of Health; RI Justice Commission; Urban League; RI Police Chiefs Association; Office of the Attorney General.

Additional Participants (10): Emily Daniels, BIPSOC; Jen Rocha, Vantage Point; George Sheehan, RI-BIP; Lionel Fernandez; MAP-BIP; Marie Kunh, Tri-Hab; Sage Bauer, RI Coalition Against Domestic Violence; Elaine Dorazio, Supreme Court Domestic Violence Training & Monitoring Unit; Micheline Lombardi, Probation Supervisor PDC; Bryan Riley, FVI; Adam Houston, Justice Assistance.

Materials Distributed:

Meeting Agenda: April 7,2008

Meeting Minutes: February 4,2008

Summary Comprehensive Re-Certification: Kent Center

Materials Made Available:

Justice Assistance Memo

Kent Center Application for Renewed Comprehensive Certification

***for review only; in accordance with the Rules of Practice & Procedures**

Comprehensive Standards

Rules of Practice & Procedures

Batterers Intervention Program Schedule

Shelley Cortese, Committee Chair, called the meeting to order at 2:10 pm and noted that a voting quorum had been met.

Review of Minutes

Minutes from the meeting of February 4, 2008 were reviewed and adopted.

Deb DeBare made a motion to adopt the February 4, 2008 minutes. Janice Dubois seconded the motion. All votes in favor; none opposed; Judge Bucci and Steve King abstained; motion carried.

Review Subcommittee Report

Emily reported the review for Kent Center's Renewed Comprehensive Certification is complete and a copy of the summary was distributed. Emily stated that the largest topic discussed with Kent Center was the changes in the Comprehensive Standards. Even though Kent Center's expiration of Comprehensive Certification fell before the revised standards took effect on January 27, 2008 Kent Center representatives were apprised of the changes that needed to take place to come into compliance. Emily stated that an outline of major changes, to the standards, effecting renewed certification requirements was sent to all batterers intervention programs with pending applications for Renewed Comprehensive Certification. Ed Degan of Kent House and Judge Bucci of the RI District Court requested a copy of the outline. Emily mentioned that Kent Center's client files did not contain copies of the police report and that some did not have referral forms. Shelley noted that P.O.'s and P.O. Supervisors include these whenever possible. The review subcommittee is asking for a vote granting Kent Center Renewed Comprehensive Certification.

Deb DeBare made a motion to grant Renewed Comprehensive Certification to Kent Center. Steve King seconded the motion. All votes in favor; none opposed; Ed Degnan abstained. Motion carried.

Shelley stated that MBIP does not have running groups for observation and has failed to submit a curriculum for review. This has held up the review process for Comprehensive Certification. Emily reported that Lionel Fernandez submitted a curriculum for MBIP before the start of today's meeting. Shelley asked Lionel to explain why MBIP has had difficulty starting groups. Lionel explained that the agency has not received referrals. Micheline Lombardi stated she would like to be contacted regarding MBIP attending a staff meeting at PDC to answer questions and distribute agency information. Lionel stated that probation and Justice Assistance would be contacted by the newly appointed MBIP court representative.

Shelley asked that an extension of Provisional Certification be granted to MBIP. Steve King asked for clarification on what granting an extension on Provisional Certification would mean. Shelley stated that an extension would grant Provisional Certification for six(6) months until October 6, 2008 meeting of the Oversight Committee. Shelley stated this extension would allow MBIP additional time to

receive referrals for the establishment of groups for review subcommittee observation and also allow the review subcommittee time to review the recently submitted curriculum.

Steve King made a motion to grant an extension of Provisional Certification to MBIP. Janice Dubois seconded the motion. All votes in favor; none opposed; Ed Degnan abstained. Motion carried.

Shelley reported that the renewed comprehensive certification process for FVI has gotten underway with client record review and group observation completed. The renewed comprehensive certification process for Tri-Hab will begin this month. Emily noted that the extension for both FVI and Tri-Hab was granted to the June 2, 2008 meeting of the Oversight Committee and asked that outstanding application documents be submitted for the review process as soon as possible.

Shelley reported that the review subcommittee has received applications for seasoned facilitators and facilitator trainees from several agencies and that in each case the review subcommittee has returned the application to the respective agencies for further clarification. Shelley asked that agencies please note the changes to the qualifications needed for approval of facilitator trainee, seasoned facilitator and facilitator supervisor in the Revised Comprehensive Standards; noting the specific topics and hours of training required. Bryan Riley inquired about why experience did not count toward the

training requirement. Shelley stated that experience could fulfill the training requirements but that the applicant must describe how their experience fulfills the specific areas. Steve stated that the main issue is the lack of detail in the description of job experience and education and training courses leaving the review subcommittee with no clear explanation of how the applicant believes they have met all requirements.

Bryan stated he did not understand why the programs not providing services for victims were required to have facilitators trained in victim issues. Shelley stated a key portion of batterer intervention was the building of empathy for victims so facilitators would need an understanding of this themselves. Shelley also stated that the process of revising the Comprehensive Standards had taken place over several years in open meetings and that a consensus was reached on the importance of all the required training elements. Sage Bauer noted the upcoming RICADV training “In Her Shoes” covers victim issues. Bryan stated the lack of trainings and the duration of existing trainings made it difficult for facilitator applicants to meet the new requirements. Shelley encouraged agencies to have supervising staff provide in house trainings. Sage stated that she had spoken with the training developer at RICADV regarding the need for trainings.

Member Issues/Announcements

Shelley summarized the issue covered in the Justice Assistance memo from the February Oversight Committee meeting. Shelley stated she had emailed the memo to Judge Bucci for review and follow-up since Judge Bucci was unavailable to attend the February meeting. Shelley asked Judge Bucci to please follow-up on her thoughts regarding the memo. Judge Bucci first wanted to clarify that no violation of statute 12-29 has taken place with regard to dismissing cases based on enrolling in BIP because the statute does not take effect until sentencing upon a finding of guilty or a plea of nolo-contendre. She also stated that dismissals were at the discretion of the prosecutor and not the presiding judge and that a prosecutor does not have to bring a dismissal in front of a judge but can file the motion directly with a clerk. Judge Bucci stated that dismissing a domestic violence charge based on enrollment in a BIP is not something she typically sees, she stated it is something she witnesses more often in cases involving substance abuse and mental health referrals. Judge Bucci did say that the practices of town and city solicitors varies greatly. And that prosecutors can make deals at their discretion that may amend a charge and based on the amended

charge recommend anger management counseling which is not as lengthy or costly as BIP. Judge Bucci stated she had discussed the matter with the other district court judges and the consensus was that it was not a common practice. Janice Dubois was concerned that if BIPs were taking clients that were not obligated to complete the program the integrity of the group process would not be maintained. Janice suggested that the programs take a united stand on the matter of accepting these clients. George Sheehan of RIBIP and Bryan Riley of FVI stated they have turned these referrals away and have stopped receiving inquiries. George stated he had received as many as 20 non-sentenced referrals in a week and that it was not just the prosecuting solicitor but the public defenders office that made the calls on behalf of clients. Adam Houston stated that the memo was brought to the Oversight Committee after they had received calls from victims seeking recourse when a defendant had dropped out of the BIP. The PDC case manager had witnessed the practice of dismissal based on enrollment in the courtroom on multiple occasions but that it became a concern when multiple victims had called the agency for assistance in ensuring defendant follow through regarding BIP. Judge Bucci stated that the reason for case dismissals was that witnesses commonly don't appear for court and that she was surprised that they had contacted Justice Assistance. Adam said that the victims had been referred to Justice Assistance by other agencies but that Justice Assistance was unable to account for the case since they had been dismissed. Adam stated that without a sentence the defendant could not be held accountable

for non compliance and that the safety of a victim is in play if the offender believes there to be no legal repercussions for the abuse. Judge Bucci stated that judges do not have control over offender recidivism and that completion of BIP does not guarantee a perpetrator won't reoffend. She reiterated that the dismissals were typically a direct result of lack of victim participation in the prosecutorial phase of the case and that this is a cause of great frustration for herself and other members of the judiciary. Deb DeBare said that a lack of state funding had caused cut backs for victim advocates so that less guidance in the court process was available. Steve King asked if Judge Bucci had gotten an idea from other judges about their perception of the dismissal issue. Judge Bucci said based on her interaction regarding the matter it was not seen as a largely occurring issue. Shelley stated that Maureen Keough of the Attorney General's office, who was unable to attend due to a trial, had drafted a letter to prosecutors regarding the matter and that Shelley expected to receive a copy. Deb asked that the letter be distributed to the Committee members. Shelley also stated that BIPSOC will draft a letter to BIPs stating that Comprehensive Certification grants them the ability to receive court-mandated referrals but they are under no obligation to accept referrals.

Shelley stated that the ATR grant matter raised by Dr. Kathy Carty at the February meeting was addressed in an ATR meeting regarding populations the grant would serve. Batterers intervention is not one of the services covered by the grant. Although; offenders with other

qualifying issues would benefit from the wrap around services provided for in the grant and that could positively affect the offenders ability to pay for BIP. Due to the wording of RI statute 12-29 a domestic violence offender is responsible for the fees of the required batterers intervention therefore this type of counseling will not receive direct funding from ATR.

Upcoming Meetings

Review Subcommittee:

April 29, 2008 at 2:00pm in Bernadette Building

DV Critical Cases Review Team:

TBA

Oversight Committee:

June 2, 2008 at 2:00pm in Bernadette Building, 15 Fleming Rd., Cranston DOC.

Meeting Adjourned

Judge Bucci made a motion to adjourn the meeting. Shelley Cortese seconded the motion. All votes in favor; none opposed; no abstentions. Motion carried.

Meeting adjourned at 3:15 p.m.

Respectfully Submitted,

Emily Daniels, Probation & Parole Officer
Batterers Intervention Program Standards Oversight Committee