

BIPSOC RULES & STANDARDS SUBCOMMITTEE

Meeting of April 11th, 2006

MINUTES

Present: (7) Sisan Smallman, Probation & Parole; Sharon Schwartz-Vanderhoff, Probation & Parole; Kathy Carty, Vantage Point; Laura Jaworski, BIPSOC; Adrienne McGowan, Probation + Parole; Sage Bauer, RICADV; Sandra McLaughlin, Probation & Parole.

Materials Distributed:

- Minutes from March 14th, 2006 meeting.**
- Agenda for April 11th, 2006 meeting.**
- Draft legislation § 12-29-5.**
- Draft of Provisional Certification application.**
- Draft of Comprehensive Certification application.**

Sisan called the meeting to order at 2:40p.m. Minutes from the March 14th, 2006 meeting were adopted without change.

Sisan reviewed some of the changes to the Provisional Certification section of the Rules that had been proposed and discussed at the last

meeting, including wording changes suggested by Kathy Carty regarding supervision (clarifying that a qualified supervisor must be providing supervision as soon as groups are actually operating) and compensation of the programs by clients. Wording changes met with agreement.

With respect to the “Unusual Circumstances” section of Provisional Certification, which was also discussed at the last meeting, Sisan and Laura reviewed these proposals in the interim. Upon review, they seemed overly complicated, and probably misplaced. In order to deal with “unusual circumstances” like a change in business entity (for which Laura found official definitions through some on-line research), Sisan proposed simplifying the response by moving the affected program back one step in the certification process. In other words, if a comprehensively certified program changes business identity, the new entity would revert to provisional certification to enable the Review Subcommittee and Oversight Committee to determine if it still meets all the Standards. If it were provisionally certified at the time of the change, the program would start the documentation process over.

In either case, the new entity would submit its own curriculum, facilitator qualifications, contract, and all other relevant documentation, but it could continue to run groups. In the interests of continuity of service to clients, certification status would not be “lost” and clients could attend groups while the provisional or comprehensive certification process were completed under the new name. This seemed consistent with what the majority of the

Oversight Committee had thought should happen when faced with an actual change in business, and Subcommittee members were in agreement, while recognizing that this proposal could place added time and monitoring requirements on the Review Subcommittee.

Draft applications for provisional and comprehensive certification were briefly reviewed, having been reviewed and approved in principle at the last meeting.

Laura then distributed copies of the proposed legislation § 12-29-5 being considered in both the House and Senate at the RI General Assembly. Sisan was asked by A.T. Wall to testify against the bill at the Senate Judiciary Committee hearing on the bill, and he was present as well. Sage Bauer also testified against the bill. The proposed change, sponsored by Senator Charles Levesque and supported by the RI Public Defender's office, would add a few words to the end of the statute, such that the definition of a batterers intervention program would include a certified program "or a substantially equivalent program implemented by the department of corrections for sentenced inmates." The House version reads the same. Sage Bauer indicated that a Sub A may be submitted, eliminating the word "substantially," but this would have virtually no impact on our concerns. The Senate bill is scheduled for consideration tonight.

The group discussed concerns at length, along with ideas on how the

Oversight Committee might proceed. The Judiciary Committee was quite insistent on looking at certifying batterers intervention offered at the ACI, and following the hearing, Sisan spoke with Senator Levesque. He appeared to be amenable to considering a compromise, which would involve enabling a sentenced offender to begin batterers intervention in prison, and be credited for those hours upon enrollment in a certified program in the community after release. He appeared to understand the importance of having an offender complete at least the majority of program hours in a community setting. Sisan informed Senator Levesque (and Director Wall wrote to Chairman McCaffrey) that the Rules and Standards Subcommittee would add the issue to its next agenda for consideration (this meeting). The Senators were also advised that any changes needed in the Standards would require approval by the voting members of the BIPSOC (next meeting: June 6) and subsequent public hearing.

There was clear and strong consensus in the Subcommittee that allowing a batterer to complete a program while in prison, with no requirement for subsequent time in a community-based program, is simply not an option that we could embrace. A program within a prison setting, no matter how long, does not and cannot address the issues of empathy, communication skills, and practice of new behavior while experiencing relationships and stresses – when it counts. Individuals aren't sentenced to incarceration unless they have either offended repeatedly or very seriously, whether the

offenses are DV related or not, and these are the people who need more intervention, rather than less. Such services need to be provided within a community setting in order to provide the clients the best opportunity to succeed.

Sisan suggested that the issues facing the Subcommittee today might be presented as follows:

- Could the Oversight Committee live with the idea of crediting batterers who complete a certain number of hours of a program while incarcerated, and completing the program in the community after release?**
- If so, what specific measures would we like to see as part of such a proposal?**
- Which of these measures would best be included in proposed changes to the legislative proposal, which would involve changes to existing Standards, and which would involve adopting new Standards and/or Rules?**

The consensus was that we would prefer not to entertain this suggestion because of myriad concerns, but may not have a choice. Concerns include: batterers need to participate in a program while living in the community and subject to daily pressures; the far shorter and (by definition) different program within the prison could be promoted as the only program batterers need to attend, to the exclusion of time in a community program (as suggested in the wording of the bill under consideration); and the DOC, which

contracts for the program currently, might be forced by budget priorities to discontinue contracting and/or have a non-certified program or DOC staff offer the program. Dr. Carty, who is the current contractor for the prison program, indicates that the decrease in client hours for community programs would have a significantly deleterious impact on the viability of the programs, which are already struggling to stay afloat.

Concerns related to the quality and nature of the program that we would want to see addressed:

Consistency with the Standards.

- Curriculum topics and content would have to be consistent with the Standards.**
- Facilitator qualifications, supervisor qualifications, and supervision requirements would have to be consistent with the Standards.**
- Originally, DOC had planned to have its own staff trained to lead the groups. How ensure that facilitators – whether contracted or DOC employees – have the proper training and credentials?**
- The Standards give a lot of weight to the contract with the client – how would this be addressed for inmates? May require change to existing Standards.**
- Need to provide for continuity of content and approach from inside to outside program. Specialized program straddling the 2 venues?**
- Overall, possibly manageable by new Standards requiring that any program provided within the prison or other secure setting that would be intended to meet part of the required hours for batterers**

intervention would have to be provided by or in active collaboration with a certified community BIP, with specific reference to these kinds of requirements.

Logistics Related to Hours.

- Would like to ensure bulk of hours (>30) are completed in community setting and/or limit number of hours credited for prison program attendance. Even if offender completes 40 hours in the prison, this should not preclude the need to participate in a community program after release for a significant period of time.**
- Credit only for hours actually completed in prison, not just checked in (some sessions are terminated prior to completion for security reasons, according to Kathy Carty).**
- Span of time is important, as well as number of hours – limit number of hours credited for any single week?**
- Overall, may be manageable by new Standards governing how hours would be credited.**

Additional Concerns:

- Should there be an effort to limit who is eligible to be credited for hours in an in-house program? One-time only eligibility? Feasible to provide different program for repeat DV offenders?**
- Most of the discussion has been around starting in-house and completing in the community. What if an offender who fails to complete a community BIP is then sentenced – could that person complete the 40 hours inside? Would we want to look at crafting**

Standards that would prevent that, or set certain parameters?

• Is there any way to address program concerns regarding loss of client fees in the community? Programs have been going out of business for lack of profitability, and remaining programs are already forced into (friendly) competition for existing clients.

Laura has already been researching some information through on-line sites, and will continue to do so. Sisan and Laura will work on developing some of these ideas for the next Subcommittee meeting.

Meanwhile, information will be provided as requested to the Judiciary Committee by Sisan and/or Director Wall. Whatever happens with the bills this session, we should try to be prepared to deal with it, and the issue may well remain even if the bills do not pass this year.

Meeting adjourned at 4:10 p.m.

UPCOMING SUBCOMMITTEE MEETINGS:

May 9th, 2006 @2:30-4pm

June 13th, 2006 @ 2:30-4pm

Conference Room, 1st Floor, Bernadette Building

RIDOC

15 Fleming Road

Cranston, RI

Minutes Prepared by Sisan Smallman