

BIPSOC: AD HOC LEGISLATIVE SUBCOMMITTEE

Meeting of August 24th, 2006

MINUTES

Present: (8) Maureen Keough, Attorney General's Office/Chair; Laura Jaworski, BIPSOC; Ed Degnan, Kent House; Sage Bauer, RICADV; Michael DiLauro, Public Defender's Office; Micheline Lombardi, Probation & Parole; Dr. Kathleen Carty, Vantage Point; Sisan Smallman, BIPSOC/Probation & Parole.

Materials Distributed:

- Agenda for August 24th, 2006 meeting.**
- Minutes from July 13th, 2006 meeting.**

Maureen called the meeting to order at 2:15pm and welcomed all Subcommittee members.

Subcommittee members reviewed proposed revisions that were drafted by Michael DiLauro to various sections of RIGL 12-29-5, as well as to the Comprehensive Standards and Rules of Practice & Procedure. Maureen stated she feels the proposed subsection "c" language would allow too much discretion to the judiciary and the application would be inconsistent. Mr. DiLauro believes that judges do have discretionary authority with regards to minimum sanctions. He has also proposed some language changes to RIGL 12-29-5.2,

related to post-enrollment certification, which would remove the clause “prior to adjudication”.

Mr. DiLauro questioned whether the proposed subsection “c” would repeal subsection “a” and “b”. Sage Bauer stated that she believes that it does, particularly in the situation where an individual may discuss domestic violence with a therapist, and later request that the judge accept this in fulfillment of the batterers intervention program attendance requirement. Sisan Smallman stated that with respect to post-enrollment certification, the intent of the original legislation was to address the period of time before the Comprehensive Standards and certification process were implemented. Sisan proposed the addition of language which addresses attendance at a batterers intervention program while incarcerated to read as follows:

“Court-mandated domestic violence offenders who attend a program for batterers while incarcerated may be determined to have satisfied the obligation under the law, in whole or in part, in accordance with the Comprehensive Standards and Rules of Practice and Procedure of the Batterers Intervention Program Standards Oversight Committee.”

Micheline Lombardi stated that her understanding of the role of this Subcommittee was in part to set parameters for programs in the ACI so that they can dovetail with the community programs. Kathy Carty reported that she is concerned that individuals may receive either the

same information or none at all if the program in the ACI and community are not coordinated. She suggested that the proposed wording include a specific reference to the number of hours needed to meet the “in whole or in part” requirements. Sisan proposed this statement be included in place of Mr. DiLauro’s proposed subsection “c”, as it would place the discretion with the Oversight Committee.

Mr. DiLauro reported that programs should be required to provide documentation regarding attendance at non-certified programs. Kathy Carty stated that in her experience, she feels the burden is on the individual to produce documentation if they have completed a program elsewhere.

Sisan reported that there has been previous discussion on the content of the “Request for Proposal” (RFP) issued by the Department of Corrections (“DOC”). She stated that while the Subcommittee cannot require the DOC to have a certain program, the Oversight Committee can set parameters around requiring certified programs be considered in the process. Sisan has been in contact with the appropriate personnel at DOC regarding the RFP, including the DOC Legal Counsel. Mr. DiLauro questioned what could be included in the RFP. Sisan responded that the question cannot be answered without establishing new Rules [of Practice & Procedure], however it can be as general as “within the expectations of the BIPSOC”. She has been in contact with the appropriate DOC employee that oversees the RFPs so that he can be aware of the

situation, and noted that the RFP is a public document available for review through the Department of Administration. She is most concerned with ensuring that the programs maintain facilitator qualifications consistent with the qualifications outlined as part of the certification process, and that the curriculum is consistent with the principles of the Comprehensive Standards and Rules of Practice and Procedure. Sisan added that previous to the establishment of this Subcommittee, the Rules and Standards Subcommittee had begun to identify key topic areas to be included in the curriculum for a program in the ACI.

Kathy Carty stated that programs in the future could present a core group of information where duplicity in the community would not be harmful, however at the same time ensure that community programs identify which topic areas the individuals did not receive while incarcerated. Ed Degnan questioned the process for other programs in the ACI whereby incarcerated individuals receive “credit”. Sisan stated that while inmates are encouraged to attend programs in the ACI, attendance and participation is voluntary. Credit is not determined by number of hours completed-- the program itself determines when the individual has actually “completed” successfully.

Sisan stated that she will work to refine the language in the statement she proposed to the Subcommittee, as well as work with DOC Legal Counsel around this issue. She will distribute a draft Subcommittee

members before the next Subcommittee meeting.

Meeting adjourned at 3:30 p.m.

UPCOMING SUBCOMMITTEE MEETING:

Thursday, October 5th, 2006 at 2pm

Rhode Island Coalition Against Domestic Violence

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Minutes Prepared by Laura Jaworski