

Santa Clara County Probation Department

**STANDARDS
FOR
BATTERERS
PROGRAMS
AND
CERTIFICATION**

Adopted March 1997

Modified 2012

~Acknowledgements~

The Domestic Violence Standards were adapted in large part from the

*California Partnership to End Domestic Violence Model Guidelines for Batterer
Intervention Programs*
<http://www.cpedv.org/>

and the

*Pennsylvania Coalition Against Domestic Violence
Program Standards for Batterer Intervention Services.*
<http://www.pcadv.org/>

The Probation Department acknowledges the assistance from:

The Honorable Kurt E. Kumli (Superior Court Judge)
The Honorable Julie Emede (Superior Court Judge)
The Honorable Michele McKay-McCoy (Superior Court Judge)
Mike Clarke (Probation Manager)
Rolanda Pierre-Dixon (Assistant District Attorney)
Marla Johanning (Department of Family and Children Services)
Barbara Krzyczowska (AAA Approach)
Mica Fuller (AAA Approach)
Lisa Banks (A Caring Place)
Melissa Garner (A Caring Place)
Nancy Marshall (Executive Director, Domestic Violence
Intervention Collaborative)
David Duran, Ph.D., (Family and Children Services)
Sallie Danenberg (A Balanced Approach)

The Probation Department acknowledges the assistance rendered by reviews, observations and suggestions from Rolanda Pierre-Dixon, Assistant District Attorney, County of Santa Clara. In 1994 she was instrumental in the creation of the Santa Clara County District Attorney's Domestic Violence Unit which now prosecutes approximately 4,000 cases a year, and the creation of the Death Review Committee. Her 30+ years of leadership in the District Attorney's Office and in the community have inspired many that have followed her.

Table Of Contents

Introduction.....	1
Statement of Philosophy & Goals.....	2
Definitions.....	9
Program Format.....	10
Group Requirements (size, length, duration).....	10
Absences/ Leave of Absence Policy.....	12
Program Content.....	12
Program Staff Requirements.....	17
Administrative Operations.....	20
Reporting Requirements & Record keeping (Files/content).....	21
Fee Policies.....	23
Acceptance/ Rejection Policy.....	24
Intake Procedures.....	25
Confidentiality.....	30
Enrollment (Client Contract).....	30
Victim Notification & Contact.....	31
<u>Reports:</u>	
Progress.....	33
Completion.....	34
Termination.....	36
Readmission.....	37
Transfers.....	37
Program Closure Procedures.....	38
Probation Department Certification Procedures.....	39

INTRODUCTION

The California State Legislature designated sole authority to County Probation Departments to design and implement an approval and renewal process for batterer's programs and shall solicit input from criminal justice agencies and domestic violence victim advocacy programs (1203.097(c) PC). The Probation Department shall have the sole authority to approve a batterer's intervention program to accept referrals from the Superior Court of Santa Clara County (Criminal, Family, Dependency). The program shall be required to obtain only one approval but shall renew that approval annually (1203.097(5) PC). The probation department has the sole authority to approve the issuance, denial, suspension, or revocation of approval and to cease new enrollments or referrals to a batterer's program under this section. The Probation Department shall review information relative to a program's performance or failure to adhere to the standards, or both. The Probation Department may suspend or revoke any approval issued under this subdivision or deny an application to renew an approval or to modify the terms and conditions of approval, based on grounds established by probation, including, but not limited to, either of the following: (i) Violation of this section by any person holding approval or by a program employee in a program under this section (ii) Misrepresentation of any material fact in obtaining the approval (1203.097(5)(C) PC).

In order to accomplish this mandate, the Santa Clara County Probation Department has revised the Standards for Batterers Programs to emphasize the intent and purpose of the law and to reflect this agency's mission to protect the community and offer rehabilitative services. The purposes of the revised standards are to document procedures for the approval of a new or existing program (1203.097(5)(A) PC):

- Provide guidelines for intervention programs to protect battered victims and children and eliminate domestic violence
- Mandate the highest level of ethical and informed practice and encourage program responsibility in reaching these standards
- Recognize that intervention services are only a part of a well-organized coordinated community response and strategy to end domestic violence
- Establish the minimum level of responsibility, service and accountability expected from programs
- Provide services which do not promote abuse, that support change, and that hold batterers accountable for their behavior
- Provide a measure against which program performance and efficacy is evaluated
- Provide a basis for future program development based upon best practices in the field of batterers intervention that are grounded in empirical research and evidence-based models.

- Strongly encourage collaboration, communication, and interaction among programs and other partners in the Collaborative Community Response to eliminate domestic violence in Santa Clara County.
- Offer stimulation and direction referencing empirical scientific research and consider evidence based outcomes which result in improving intervention strategies
- Examine and provide current empirical research and outcomes about which intervention methods are appropriate and performance based to all Batterers Intervention Programs in Santa Clara County.
- Serve as guidelines from which a program can develop its philosophy, procedures, curriculum content and practices in accordance with Sections 1203.097 PC, 1203.098 PC, empirical research from scientific journals coupled with evidence based outcomes.

STATEMENT OF PHILOSOPHY

The Santa Clara County Probation Department mandates Batterers Intervention Programs (BIP) primary focus and concern to be victim safety and the safety of their children. Victim safety, wellbeing, and autonomy must supersede the batterer's rehabilitative interests and that of the batterers' program. Domestic Violence is a serious criminal offense punishable by sentences to the California Department of Correction and Rehabilitation (Prison) or the County Jail. Victim safety and the safety of their children are best served when batterers are held equally accountable by all stakeholders (Superior Court, Social Services, District Attorney, Probation, Sheriff, Police, BIPs, Victim Advocates, et. al.)

The success rates of Batterer Intervention Programs are comparable to other programs such as drug and alcohol programs, sex offender programs, and drunk driving programs. There is no conclusive evidence that intervention programs for batterers are effective in ending violence and abuse; however, evidence does suggest that batterers that completed domestic violence programs had lower rates of recidivism and fewer domestic violence arrests than those that did not complete the domestic violence program even when differences in criminal history was a controlled variable (Babock & Steiner, 1999) . Therefore, the requirement of a program's adherence to these Standards coupled with a well coordinated government and community response to domestic violence not only safeguards victims and their children, but assures, at the very least, batterers gain no further power to abuse (Julia C. Babcock and Ramalina Steiner, "The Relationship between Treatment, Incarceration, and Recidivism of Battering: A Program Evaluation of Seattle's Coordinated Community Response to Domestic Violence" (*Journal of Family Psychology*, vol. 13, no. 1, March 1999).

Services for batterers shall not exist in isolation. A BIP is one element of a well coordinated community response to ending domestic violence in Santa Clara County. The coordinated community response must include integrated criminal justice agency agreements and protocols, close collaborations with victim services and safety organizations, local community involvement, and a commitment to provide adequate community resources for victims and batterers which address cultural and language diversity, housing, mental illness and substance abuse programs. For batterers who are chronic users or serious abusers of drugs and/or alcohol, and who have been ordered by the Court to address these issues, standard components in the program shall include concurrent counseling for substance abuse and violent behavior, and in appropriate cases, detoxification and abstinence from the abused substance (1203.097(6) PC).

Victim services shall be offered at the discretion of and direct requests from the victim, and service providers shall act as navigators to empower the victim to make well informed decisions. A BIP shall maintain cooperative working relationships with all government and community stakeholders and shall strongly consider their feedback and input in programming decisions. All certified BIPs are required to participate in and have knowledge of the activities of the Santa Clara County Domestic Violence Council and attend all subcommittee meetings.

All BIPs shall develop collaborative relationships with domestic violence victim advocacy agencies that offer victims and/or partners information that empowers them to make well informed decisions regarding their safety and the safety of their children. All Batterers Intervention Programs shall be informed by, and be accountable to, the experience of victims. Victim's experiences and responses to abuse are not universal; therefore, the program must respect the rights and individual differences of victims at all times. Following the model presented by the National Family Justice Center, BIPs shall promote the following principles in collaborating with victim advocacy agencies.

Guiding Principles of the National Family Justice Center Alliance

- Increase safety, promote healing, and foster empowerment through services for victims and their children
- Provide victim-centered services that promote victim autonomy
- Commitment to the utilization of culturally competent services approaches that are measurable and behavior based
- Engage all communities through outreach and community education
- Shape services to clients by asking them what they need
- Evaluate and adjust services by including survivor input
- Maintain close working relationships among all collaborators/agencies (law enforcement, prosecution, community- based domestic violence programs, shelters and other social services)

- Offer survivors a place to belong even after crisis intervention services are no longer necessary
- Integrate primary, secondary and tertiary prevention approaches into all initiatives, programs, and projects
- Develop a Family Justice Center Community that values, affirms, recognizes and supports staff, volunteers, and clients (<http://familyjusticecenter.com/>)

The safety and rights of domestic violence victims must be the highest priority in the implementation of these standards by a BIP. It is the Batterer Intervention Programs responsibility that the activity of the program does not increase the level of danger to the batterer's victim or current partner. The goal for all BIPs shall be to end the offender's abusive, intimidating and violent behavior. The primary focus shall not be the preservation of the relationship or an analysis of the individual relationship issues and shall not support the abuser's justification for the use of violence. The batterers program must ensure the interests of potential victims of violence are sufficiently addressed . All procedures and practices must be evaluated from the perspective of whether they advance or jeopardize the safety of domestic violence victims and children.

Batterers group sessions are potentially sympathetic environments for batterers to reinforce attitudes, behaviors, and actions promoting violence against intimate partners. A program must acknowledge that this is a dangerous side effect commonly occurring in batterers programs. The written curriculum must eliminate the possibility that groups may become support groups to justify violence.

The content of a BIP shall recognize and identify the potential for the support and perpetuation of abuse based upon gender roles, privilege and victim blaming. Violence is not the responsibility of the victim. The use of language suggesting provocation, codependency, or mutual responsibility is to indicate otherwise. Victims are endangered by those who promote the view of victims as participants in violence.

The concept of provocation fosters an assumption that batterers abuse in response to a victim's behavior and serves to permit batterers to see themselves as victims. Some in our society excuse batterers when the victim's behavior is labeled as provocative; so called provocation is actually a victim announcing through selective behaviors an unwillingness to accept the abuser's power and control. Abuse is not caused by provocation or anger. Rather, it is the means batterers use to gain, maintain or demonstrate control over their partner and children and to get what they want. Batterers do not "lose control" but carefully select the targets of their abuse. The decision to control and the choice to violently enforce control is independent of the behavior of the victim.

The philosophy of each batterers program must advance the premise that domestic violence is criminal activity and is learned behavior, and is therefore changeable. Violence, other than for self-defense, can't be justified by the victim's behavior and can

never be condoned. Batterers are to be held accountable for all acts of abusive and intimidating behavior, as they are solely responsible for their actions.

BIP Directors, staff, and victim advocates are encouraged to be vigilant to the effects of vicarious trauma that has been shown to occur with professionals who work in the field and that leads to “burn out”. Occupational stress with batterers and/or victims services can create an environment; whereby, agency, staff, and an individual stakeholder’s relationships can be strained to “burn out” if staff evaluations, prevention and support measures are not put into place. Occupational stress can also lead to lapses in service delivery by all community and government stakeholders placing victim safety and batterer accountability into question, and cause strains to the Collaborative Community Response to Domestic Violence (Bell, Kulkami & Dalton, 2003)

“Working with clients who have experienced traumatic events challenges many of the beliefs held in the dominant culture about justice and human cruelty. Being personally exposed to these realities can take a toll on social workers’ emotional resources and may effect their perceptions and worldviews in fundamental ways. Personal knowledge of oppression, abuse, violence, and injustice can be a difficult and isolating aspect of work for many social workers. As a result, some may become overwhelmed, cynical, and emotionally numb. Some may even leave the profession”
(Bell, Kulkarmi and Dalton, 2003, Pg.469).

Batterers Intervention Programs shall not conflict with the philosophy contained in these standards; however, they are encouraged to add to the body of knowledge in the field of Intimate Partner Violence through empirical scientific research. Any policies established in addition to these Standards shall be developed by the Santa Clara County Coordinated Community Response to Domestic Violence Team and shall pass a peer review process before implementation. Empirical Research and evidence based outcomes used for policy formation and decision making holds batterers accountable for their actions and empowers victims to make well informed decisions.

“Evidence-based policy is an approach that helps people make well-informed decisions about policies and programs by putting the best available evidence from research at the heart of policy development and implementation. This approach stands in contrast to opinion-based policy, which relies heavily on either the selective use of evidence (e.g., on single studies irrespective of quality) or on the untested views of individuals or groups, often inspired by ideological views and speculative conjecture”

(<http://ucicorrections.seweb.uci.edu/>)

The Santa Clara County Probation Department remains the sole authority for changes, additions, and deletions to the Santa Clara County Domestic Violence Standards.

DEFINITIONS

Section 6211 of the Family Code:

"Domestic Violence" is abuse perpetrated against any of the following persons:(a) A spouse or former spouse.(b) A cohabitant or former cohabitant, as defined in Section 6209.(c) A person with whom the respondent is having or has had a dating or engagement relationship.(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.(f) Any other person related by consanguinity or affinity (relationship by marriage or a close relationship) within the second degree.

Abuse means intentionally or recklessly causing or attempting to cause bodily injury, or sexual assault, or to place a person in reasonable apprehension of imminent serious bodily injury to that person or another.

Abuse as defined by the California Alliance Against Domestic Violence Model Guidelines for Batterers Programs includes:

1. A pattern of coercive control directed toward the victim.
2. Behavior that physically harms, arouses fear or prevents the victim from doing what she/he wishes. Relationships in which one partner uses assault and coercion can be found among married and unmarried heterosexuals, lesbians and gay men.
3. Intentional behavior to undermine the will of the victim and to substitute the will of the perpetrator for the will of the victim. Perpetrators batter victims to achieve and maintain power over their victims.
4. Deliberate behavior, not the loss of control. Perpetrators select the targets of their abuse. They often choose the circumstances of their violence including the amount of injury inflicted by their assaults.
5. All forms of deliberate attempts to control and restrict the behavior and activities of another including:
 - A. Physical assaults including pushing, slapping, physically prohibiting escape, beatings with fists and weapons, shootings, stabbings, and homicide;
 - B. Verbal and emotional forms of assault and control such as intimidation, coercion, threats, isolation or degradation;
 - C. Economic forms of control such as withholding or denying access to money or other basic resources, and/or sabotaging employment, housing or educational opportunities;

- D. Sexual assault or coercion;
- E. Social isolation such as possessiveness, denying communication with friends, family and other support systems, prohibiting access to transportation, telephone and the mail;
- F. Failure to comply with immigration requirements, making the immigrant partner unable to work and vulnerable to deportation and loss of child custody.

Battering is patterned abuse in the presence of terrorizing tactics. This is abuse that, at least once, has been physical, sexual or involved the destruction of property and is either repeated or threatened to be repeated in such a way as to engender fear in the mind of the victim. It is the systematic domination and/or terrorization of one person by another.

Victims are persons against whom the perpetrator directs abuse or battering. This may include partners, children and other family or household members. The perpetrator is never a victim even if those abused direct violence against the perpetrator to defend themselves or to stop the perpetrator's abuse.

Victim advocacy agencies are agencies which have as their primary purpose advocacy for domestic violence victims, as defined in their agency mission statement.

PROGRAM FORMAT

The Court and the Probation Department will only refer offenders to certified batterers programs providing education services which include, but are not limited to, lectures, classes, group discussions, and counseling.

The primary method of program intervention shall be group discussions, led by trained co-facilitators, within an established curriculum which shall include strategies to hold the offender accountable for the violence in the relationship. The discussion of violent and coercive incidents during a group session is used as a means to identify and confront the specific controlling behaviors in order to achieve an end to those behaviors. The batterers program shall offer ongoing, same gender group sessions, which demonstrate cultural and ethnic sensitivity.

GROUP RATIOS

The group size may vary from meeting to meeting, depending on attendance, but the minimum number of participants shall be 4 per group, unless same gender, geographic, or language restrictions apply.

A Batterer Intervention Program that is fully certified may use 1 (one) facilitator with no less than 3 (three) years program experience with up to 12 participants upon application via the BIP Director and upon the approval of the Supervising Probation Officer of the Domestic Violence Unit. A group greater than 12 participants shall have a co-facilitator.

A Batterer Intervention Program that is NOT fully certified (Conditionally, Suspended, Revoked, and Provisionally Certified) may use 1 (one) facilitator up to 8 participants. A group greater than 8 participants shall have a co-facilitator.

Group size shall not exceed 16 participants with 2 facilitators. *All programs shall maintain a list of facilitators available to substitute in case of the absence of a program facilitator.*

All groups shall be led by trained co-facilitators, except when contraindicated by group size, language or gender. The facilitators shall maintain a strong leadership role in order to confront problematic behavior, victim blaming, minimization and rationalization for the use of violence and control.

Programs may use an open format, but must provide at least 52 consecutive weekly sessions. Each session shall be, at minimum, 2 hours duration, and at maximum, 3 hours per day, excluding breaks, limit 1 session per week.

ATTENDANCE REQUIREMENTS

- A. Programs may allow up to 3 absences during the 52 weekly sessions. Each absence must be made up and be of the same program content as the missed session. Thus, a second session may be attended during the week only if it is a make up session. Make up sessions do not erase absences. The fourth absence automatically results in immediate termination from the program. An absence cannot be excused, except by order of the Court. Any absence deemed excused by the Court must also be made up and be of the same program content as the excused session(s).
- B. A fourth absence may be excused under extraordinary circumstance, such as a death in the family, childbirth or an otherwise unforeseeable occurrence. A batterer may request exception from automatic termination from the program by immediately contacting the Program Director who will then contact the Supervisor of the Domestic Violence Unit. The batterer shall provide proof of the reason for the absence with written documentation presented to the Program Director who will forward this information to the Supervisor of the Domestic Violence Unit. The Program Director will make a recommendation based on the batterer's current progress in the program and the reason for the absence. The Domestic Violence Unit Supervisor will respond in writing after the Program Director and the assigned deputy probation officer have discussed the request. The Program Director will document the excused absence in the domestic violence report submitted to the Superior Court, and approval or denial of the fourth absence will be determined by the Superior Court at the domestic violence review hearing.

LEAVE OF ABSENCE POLICY

A batterer may request a Leave of Absence from participation in the batterers program under the following circumstances:

- a: Serious illness of the batterer which requires hospitalization or medical treatment which would cause inability to attend program sessions for more than two weeks and without which the batterer's health would be seriously jeopardized. (Requires documentation from the batterer's physician detailing the medical diagnosis, the type and duration of necessary treatment and recuperation.)
- b: Obligation of employment which would cause the defendant to be out of the state/country in excess of two weeks or for which the batterer would lose employment if not granted leave. (Requires written verification from the batterer's employer detailing nature and duration of business trip and statement of necessity for continued employment.)
- c: Family emergency which requires the batterer to miss more than two sessions due illness of family member for whom the defendant is a primary caretaker or other extreme family emergency for which the presence of the batterer is absolutely necessary. (Requires written documentation)
- d: Military Leave (Requires copy of Military Orders)

Upon the request of the batterer for a Leave of Absence under these or other extreme circumstances, the Program Director will contact the Supervisor of the Probation Department Domestic Violence Unit for permission to grant a Leave of Absence. Permission to grant a Leave of Absence will then be made in writing upon receipt of all required documentation and following a discussion with the program director and the batterer's assigned probation officer.

The batterer will provide the necessary written documentation to substantiate the need for such a leave. The request shall be made at least two weeks prior to the requested leave period whenever possible. If advance permission is not requested and it is determined that sufficient time for notice did exist, the request will be denied and sessions missed will count as absences. If a leave of absence is granted, the number of sessions missed will not count as absences, but must be made up in accordance with these standards. The Program Director will document the excused absence in the domestic violence report submitted to the Superior Court, and approval or denial of the absence will be determined by the Superior Court at the domestic violence review hearing.

PROGRAM CONTENT

The goal of the batterers program is to end the offender's abusive behavior. This shall be achieved by confronting and dispelling the individual batterer's justifications for the use of violence within the relationship. Particular attention shall be paid to the belief systems that promote the use of intimidation, violence and coercion against intimate partners and children. Theories or methods which in any way bring the victim into the circle of

responsibility for the batterer's behavior or diminish the batterer's responsibility for the violence are inappropriate.

Programs wishing to conduct groups for specialized populations, including women convicted of domestic violence offenses; shall seek approval of the curriculum from the Probation Department prior to establishing the group.

The program shall not conduct couples counseling or family counseling or both while the defendant is attending the program. Victims shall not be compelled to participate in a program or counseling and no program may condition a defendant's enrollment on participation by the victim. The program shall not require or encourage psychological tests for domestic violence victims and/or their children or mandate partners to participate in any way in any intervention program.

All program curricula shall include the following themes, as specified in Penal Code Section 1203.097 (c)(1)(F), with cultural, ethnic, sexual orientation and class sensitivity. Programs are encouraged to augment these themes in a creative way, as appropriate to the special needs of the group. Once approved, curricula shall not be modified without prior approval of the Probation Department.

- Gender roles
- Socialization
- The nature of violence
- The dynamics of power and control
- The effects of abuse on children and others

These themes shall be presented through education and group interaction for a thorough exploration and understanding of the following:

1. The specific elements of a violent incident and the forms of abuse including physical, emotional and sexual abuse, economic manipulation or domination, property destruction, terrorist threats, and acts jeopardizing the well-being and safety of children and other family members or friends.
2. Abuse, battering, and domestic violence as defined in this document.
3. Techniques for achieving non-abusive, non-controlling attitudes and behavior.
4. The batterer's intent to obtain power over and control of an intimate partner and how the use of violence and coercion achieves that intention.
5. The willful decision, not "the loss of control", to act violently.
6. Victim blaming, denial, minimizing, and other techniques for justifying the use of violence.

7. Beliefs that facilitate, legitimize and sustain abuse and inhibit resistance including misogyny and entitlement/ownership of intimate partners.
8. Societal approval and support for control through violence and the designation of intimate partners and children as safe targets for this violence.
9. The support and perpetuation of abuse based on traditional gender roles and privilege.
10. The unacceptable excuse of violence as a cultural norm.
11. The rationales of both majority and minority ethnic cultures, which provide support for denying and minimizing domestic violence, and which prevent widespread community condemnation of the violence.
12. The connections and similarities between domestic violence and racist oppression imposed by the dominant culture.
13. The batterer's identification of all abusive conduct, the pattern of that conduct, and the cultural supports that legitimize or excuse both individual acts and the larger pattern of battering.
14. How heterosexist and homophobic beliefs, attitudes, and behavior contribute to oppression, dominance and control.
15. The destructive impact the use of violence creates upon self esteem, affection, and upon the perceptions of adult and child victims and witnesses of domestic violence.
16. The impact of battering on children and the incompatibility of violence and abuse with responsible parenting.
17. The adverse legal and social consequences imposed for abuse and battering including any violation of the terms of a criminal or civil restraining order.
18. How substance abuse does not cause violence but may substantially increase the risk of injury to victims. The risk of lethality is increased both during intoxication and withdrawal from substances.
19. How childhood events cannot be used to explain, excuse, or condone a batterer's present use of violence.
20. The erroneous concept of inter-generational inevitability of violence without denying the significance and pain of childhood experiences of violence.

Program content shall challenge the following attitudes, which promote the use of abusive behavior:

1. Entitlement to control the activities of another.
2. Rigid sex role stereotypes.
3. Superiority and privilege based on gender.
4. Restriction of a full emotional range based on gender.
5. Aggression as a legitimate tool of enforcement of authority and privilege.

Program content shall promote within the batterer the following awareness, attitudes and behavior:

1. Accountability as demonstrated by divestiture of all power and control over the victim/partner.
2. Elimination and reshaping of all behaviors, language, values and beliefs used to maintain power over intimate partners and support abusive conduct.
3. Respect for the equal rights of partners in a relationship.
4. Empathy for victims' experiences
5. The financial, personal and social costs of abusive behavior to victims and their families.
6. Accountability, as demonstrated by acting promptly and comprehensively in meeting legal and financial obligations and paying restitution for losses to the victim of the battering and abuse.
7. The importance of the batterer demonstrating what has been learned and what commitment to change has been made.
8. The importance of and responsibility to become involved in community efforts to decrease domestic violence by:
 - a. Confronting other abusers in everyday situations.
 - b. Bringing other abusers into the program.
 - c. Encouraging non-violent attitudes and behaviors in the community by participation in educational functions and activities which promote non-violence in relationships.

Stress/anger management techniques may be presented in the educational program. Program content shall emphasize that anger or other emotions are not at the root of battering. Abuse is not the result of a loss of emotional control and is not necessarily accompanied by anger. The content shall explain how anger is used as a controlling technique which, if ineffective, escalates into violence. However, program content which focuses on anger and the development of anger management skills is inappropriate since it does not challenge or explain the value system supporting domination and violence and creates the erroneous assumption that loss of emotional control is the cause of domestic abuse. Programs based on an anger management model fail to explain or confront the batterer's selective targeting of abuse and may serve to increase the batterer's skills in non-physical control over others.

Program content may include the enhancement of communication skills within an intimate relationship as an alternative for non-violent expression and a method for creating equality within the relationship. However, the content must reflect the understanding that the enhancement of communication skills may actually enable the defendant to create other means of abuse and control.

Program content shall recognize that the premature introduction of the topic of social isolation of the batterer, as opposed to the use of isolation as a controlling technique by the batterer, encourages buddy systems. Such relationships between batterers may actually facilitate and reinforce controlling and violent behavior. Developing intimacy and support cannot be achieved in any relationship if the batterer is still invested in using power and control.

INNAPPROPRIATE METHODS OF INTERVENTION:

The following methods, determined to be inadequate and/or inappropriate, shall **not** be the focus of intervention:

1. Psycho-dynamic, individual or group therapy.
2. Communication enhancement, anger or stress management techniques which lay primary causality on anger.
3. Systems theory approaches which treat the violence as a mutually circular process, blaming the victim.
4. Addiction counseling models which identify the violence as an addiction and the children as enabling or codependent to the violent drama.
5. Family therapy or counseling which places the responsibility for adult behavior on the children.
6. Gradual containment and de-escalation of violence.
7. Theories or techniques which identify poor impulse control as the primary cause of the violence.
8. Methods which identify psychopathology on either parties' part as a primary cause of violence.
9. Fair fighting techniques, getting in touch with emotions, or alternatives to violence.

Punching pillows, batakas, and other "ventilation devices" shall not be used as suggested methods for reducing stress or anger since these devices actually condone the violent expression of emotions.

Under no circumstances shall any violence or rehearsed acts of violence be replicated in the group setting.

Individual counseling sessions are not permitted in place of group sessions. Individual sessions serve only to support the defendant's belief of uniquely different reasons for employing violence in a relationship and prevent the beneficial interaction of direct confrontation and education, which occurs in group sessions. Individual sessions shall not be credited toward the minimum attendance requirement mandated by the program or the Court.

The exceptions for allowing individual sessions will include unique languages not provided by the domestic violence programs and mental health batterers assigned to the STOP DV Calendar as assessed by the Program Director. Mental Health Batterers will be placed back into group sessions after they have been stabilized and can re-enter group sessions without disruptions.

Each program activity should be evaluated by asking two questions:

Does it further assure the safety of domestic violence victims?

Does it empower victims of domestic violence?

**PROGRAM/STAFF REQUIREMENTS:
Education and Qualifications, Training, and Ethical Standards**

PROGRAM QUALIFICATIONS:

A program shall provide documentation to prove it has conducted batterers groups for at least one year prior to application for certification. This requirement may be waived if there is no existing batterers program and/or an urgent need in the community exists. A batterers program may be administrated by either an individual or an agency. The program shall also demonstrate it possesses adequate administrative operational capabilities to operate a batterers program. (Please see Administrative Operations section)

STAFF EDUCATION AND QUALIFICATIONS:

The following education and qualification requirements shall be met in order to conduct a batterers program.

- Program staff shall have specific knowledge regarding, but not limited to, partner abuse, child abuse, sexual abuse, substance abuse, and the dynamics of violence and abuse.
- Program staff shall understand applicable criminal statutes and policies and procedures of local law enforcement, prosecution, courts, probation, and parole.

- Program staff shall be familiar with the relief available to victims of domestic violence afforded by the Domestic Violence Protection Act and criminal protective orders.
- Facilitators must be able to articulate an analysis of domestic violence as relates to gender roles, socialization, the nature of violence, the dynamics of power and control, and the effects of abuse on children and others.
- Facilitators must demonstrate an understanding of violence as one of the many tools used by batterers to subordinate and control their intimate partners.
- Facilitators must demonstrate empathy with domestic violence victims.
- Facilitators shall demonstrate knowledge and sensitivity to issues of socioeconomic class. An unstated expectation that a more educated, higher income, more articulate batterer is a better candidate for change creates a hierarchy of batterers based upon class and undermines the goal of ending domestic violence. Each program must develop a plan to address these issues so as to not endanger victims of any class.
- Facilitators must demonstrate knowledge and sensitivity to issues of racism and ethnocentrism. A batterers group session that focuses on the experiences of the dominant culture may be of little use to batterers of color. Each program must develop a plan to confront racism within group sessions.
- Facilitators must demonstrate knowledge and sensitivity to issues of heterosexism and homophobia. A batterers group session which supports or articulates homophobic and heterosexist views will serve to perpetuate the oppression of lesbians and gays and stereotypical gender roles. Each program must develop a plan to confront heterosexism and homophobia within group sessions.

The nature of any prior criminal history of potential staff members shall be considered in hiring. *Responsibility/liability for behavior of any program staff person lies with the program.*

Agencies providing a batterers program shall have licensed personnel in the field of human behavior available to staff for consultation and direction as needed.

EXPERIENCE AND TRAINING:

Each program shall have a minimum of one person in a supervisory position who has a minimum of three years experience working with both perpetrators and victims of domestic violence. All program facilitators are required to present documentation of observation of at least 4 batterers group sessions and completion of a minimum of 40 hours of initial training, as defined below, prior to facilitation of a group. Deferment of this training may be requested if a facilitator does not meet the above qualifications and/

or a special need exists in the community. Thereafter, 16 hours of continuing education, specific to batterers intervention programs as defined in these standards, is required annually.

The content of the training shall include such topic areas as:

- Gender analysis of domestic violence
- Gender role socialization as related to domestic violence
- Current domestic violence law
- Diversity issues and unlearning oppressions
- Experiences of victims of domestic violence and victim advocacy
- Themes of program content as defined in these Standards

Program staff are required to utilize the expertise, training, and assistance of local domestic violence advocacy agencies. Program staff shall work cooperatively with local domestic violence advocacy organizations and local battered women shelters to implement their suggestions for program improvement, including program philosophy, content, administration and group presentation. It is recommended that compensation be provided to all domestic violence advocacy agencies for all assistance provided to the batterers program. Cooperative agreements are encouraged between the batterers program and the domestic violence advocacy agency to ensure clarity of functions. All cooperative efforts shall maintain the victim's safety as the primary focus of the agreement.

All batterers programs shall serve culturally diverse populations. Staff composition should reflect the cultural diversity of the community served by having facilitators with bicultural experience and bilingual ability.

Documentation of required training of program facilitators shall be submitted to the Probation Department with the program application, renewal and upon addition of new staff.

ETHICAL STANDARDS:

The program director and all program staff shall maintain the consistent attitude that the offender is solely accountable for the violence, that violence is intolerable in a relationship, and that use of violence or intimidation while enrolled in the program shall be grounds for immediate termination.

A program shall develop a written code of staff conduct which reflects the following ethical considerations:

1. Be violence free for a minimum of five years prior to facilitation of group sessions (unless under special circumstances pre-approved by the Probation Department) and remain violence free as a facilitator.
2. Consistently act and communicate so as not to perpetuate attitudes of racism, sexism, homophobia, economic discrimination, and victim blaming.
3. Not engage in problematic consumption of drugs, alcohol or other substances.
4. Not engage in or condone acts of sexual harassment or exploitation according to the law.
5. Be open to self-examination and be receptive to feedback on issues of power and control, dominance and gender role conditioning. Continually engage in a process of education and self reflection on domestic violence.
6. Seek divestiture of gender based institutional privilege both personally and in the intervention program.
7. No personal relationships with the program participants or victims, including sexual conduct.
8. Commitment to the principle of equal opportunity in intervention programs and working in such a way that is culturally sensitive and does not discriminate against people because of race, color, religious creed, ancestry, national origin, age, gender, disability, marital status, sexual orientation, political affiliation or socioeconomic class.
9. Not engage in any activity which presents a conflict of interest
10. Immediately report to the referring agency any incidents of child abuse and a batterer's threats to do harm or kill another person as guided by Tarasoff vs. Board of Regents and related rulings.
11. No program may employ as a facilitator any person who is on probation or parole.

ADMINISTRATIVE OPERATIONS

The provider of the batterers program shall demonstrate it possesses adequate administrative and operational capabilities to conduct a batterers program. The provider shall develop written policies and procedures which direct the operation of the batterers program and which do not conflict with these Standards. These policies and procedures shall include, but are not limited to, the following:

- Facility operations
- Recordkeeping
- Program fee policy

- Acceptance/rejection policies
- Intake procedures
- Enrollment procedures including documentation
- Victim notification and contact procedures
- Progress/completion/termination/readmission policies and procedures

FACILITY OPERATIONS:

When determining meeting location, group session time schedule and fees, the program shall facilitate accessibility to batterers based upon ethnic, economic, and geographic considerations. The safety of victims shall override these considerations.

Batterer group sessions shall be held in a facility with disabled accessibility and in a room which fosters the confidentiality of the group. The facility shall be covered by appropriate insurance and meet Health and Safety Code standards. A copy of the lease/deed, along with a description of the facility, shall be included in the application for certification.

A request by a program for an additional site or annex shall be made in writing to the Probation Department and shall include a copy of any lease/contract documents. Written approval and a site visit must be requested prior to commencement of any group sessions.

The program shall designate by name, title, address, phone number and working hours, the program director who will conduct the coordination between the program and the Probation Department. The program shall also identify the telephone number of the staff member having knowledge of the program who is available during normal working hours to provide current information to the Probation Department. Program facilitators shall respond within 24 hours to inquiries by the Probation Department.

RECORDKEEPING:

A program shall maintain complete and accurate records regarding the batterer. All records shall be maintained in locked files which shall be made available upon request to the Probation Department, the Court or the District Attorney. All records maintained on computer database shall be appropriately secured. All records shall be easily accessible and maintained in a manner to ensure uniformity of information and ease of data retrieval. Forms used must be approved during the application process.

All victim/partner information shall be maintained in a separate and confidential file from that of the batterer and this information shall be maintained in the strictest security and for each of the batterer's victims and/or partners.

A program shall establish procedures for submitting to the Probation Department, or any other referring party, all of the following reports: enrollment, progress, completion, and termination. Programs providing intervention for batterers who are required to enroll as a

condition of summary/court probation shall follow these standards, but shall submit reports directly to the sentencing court.

All program staff shall diligently prevent clients from having any access to other client files, victim files and their contents, written materials and progress reports regarding other clients/victims.

The batterer's file shall contain the following legibly written, signed and dated information:

- Documents establishing proof of the batterer's identity
- The batterer's residence, phone number and place of employment
- Address and phone number of the batterer's nearest relative
- Court and/or probation referral, police report, court order *and criminal protective order* and restraining orders, if available.
- Financial assessment
- Intake assessment document, including lethality assessment
- Intervention plan and referrals for concurrent programs (Drug/Alcohol Treatment, Mental Health, et. al.)
- All documents received by and signed by the batterer including:
 - a. contract/program rules
 - b. waiver of confidentiality
 - c. group confidentiality agreement
 - d. definitions of abuse and techniques for stopping abuse
- Victim notification and contact verification
- Enrollment, progress, and completion/termination reports
- Weekly progress notes
- Information received of violations of restraining orders
- Threats, acts of intimidation, assaults or other possible criminal offenses
- Compliance with or violations of terms of the program contract
- Exit conference

The above information shall be retained for a minimum of 5 years from the date of completion or failure.

The following shall be submitted in all appropriate languages with the application, and thereafter be available for on-site review:

1. Brochures and informational advertisements
2. Contract and group confidentiality agreement
3. Waiver of confidentiality
4. Victim letter and any information provided to victims
5. Program curriculum
6. Description of the record keeping system
7. Financial assessment and sliding fee scale
8. Enrollment, progress, completion/termination reports

9. Procedures for maintaining confidentiality for victim and/or partner contact
10. On-site directory of referrals for victims and batterers
11. Any other documents used by the program

The following shall be submitted with the application and renewal and upon addition and/or deletion of groups or staff:

1. Complete list of all program facilitators
2. Complete list of group sessions including: meeting day, time, language, location and facilitator
3. Resumes and training of program facilitators

PROGRAM FEE POLICY:

Programs shall be self supporting, especially those which receive third party payments such as community mental health agencies. No program shall compete with domestic violence advocacy agencies for limited public and private resources. Any external funding sources should be advised of the agreement not to compete with domestic violence advocacy agencies for funding.

Batterers are expected to pay a fee for services provided. The batterers program shall:

1. Develop and utilize a sliding fee scale that recognizes both the batterer's ability to pay and the necessity of programs to meet overhead expenses. The sliding scale shall be applied to all fees charged by the batterers program, including intake/assessment and orientation sessions (1203.097(P) PC).
2. Require the batterer to provide proof of income as documented by pay stubs, tax returns and other income receipts. No batterer shall be eligible for reduced fees unless documentation is provided. In order to obtain complete information, the program may contact the victim or the partner to verify the batterer's income.
3. Determine the batterer's fee, using a sliding scale, after completing a financial assessment of the batterer's ability to pay and submit this information to the Court or Probation on the enrollment form. The financial assessment shall include the batterer's income, reasonable living expenses, number of dependents and court ordered payments or garnishments including child support and restitution.
4. Negotiate a deferred payment schedule or payment of a nominal fee for batterers of indigent means.
5. All programs shall allow up to 20% of the total probation/court referrals per group as indigent, but no program shall be required to maintain more than 20% indigent participants, unless specifically stipulated by the program
6. Maintain a list of reduced fee cases in a retrievable data system which shall be available to the Probation Department and shall be identified by the batterer's name and case number.

7. All programs shall maintain records of any payments received from the batterer's victim and/or partner and this information shall be reported to the referring agency.
8. Fees shall be paid as specified in the program contract. All fees shall be paid in full during the term of probation unless the program sets other conditions.
9. Develop a procedure to address how accommodations are made if changes occur in the batterer's financial status.
10. No program shall accept or negotiate work/services in lieu of payment of program fees.
11. Programs must provide receipts for all payments; receipts should reflect amount of payment, date and purpose.

ACCEPTANCE/REJECTION POLICIES:

The program shall not accept "voluntary" clients or defendants who are in the pre-trial stage of court proceedings, as program enrollment by such individuals is viewed as attempted manipulation of the judicial system.

In the process of assessment of court-ordered batterers, the program shall have the ultimate authority in the selection of program participants and, therefore, shall develop and utilize criteria for acceptance and rejection.

The program is responsible for notifying the victim of the batterer's acceptance or rejection for intervention. The program shall notify the victim of any conditions imposed on the acceptance into the program.

The program shall not discriminate against any batterer based on race, gender, class, age, physical disability, religion, educational attainment, ethnicity, national origin, or sexual orientation.

ACCEPTANCE:

The program shall consider, but is not limited to, the following criteria for suitability/acceptance:

1. Demonstrated motivation to change the violent and coercive behavior
2. Willingness to agree to the terms and conditions of participation in the program
3. Ability to benefit from and effectively participate in the program

The program has the responsibility and authority to impose any conditions on participation in the intervention program deemed appropriate, but these shall be in alignment with the requirements of the court or probation. Appropriate conditions may include, but are not limited to, the following:

- Abstinence from alcohol and/or drugs as directed by the Superior Court.
- Drug and alcohol treatment
- Mental health treatment

- Sexual abuse treatment
- Parenting without violence program

Recommendations for collateral programs shall be documented on the standard enrollment form. When referrals to drug/alcohol, parenting, and mental health programs are recommended, the batterer's program is encouraged to communicate and exchange information with the collateral programs and the Superior Court (Criminal, Family, Dependency) about progress, new offenses, and other relevant information, so as to cooperate in the efforts to protect the victim's safety.

REJECTION:

The batterer may be deemed unsuitable/rejected based upon, but not limited to, the following criteria:

1. Psychological pathology which is deemed to significantly limit batterer's ability to benefit from program or which is deemed to present significant safety issues within context of program.
2. Severe substance abuse problem which is not yet addressed
3. High risk for lethality, unless participation can secure the victim's safety (Contact may be made with the victim in making this determination.)
4. Rejection cannot be based upon an inability to pay.

REFERRALS TO ALTERNATIVE PROGRAMS:

When the program finds a batterer unsuitable, the program shall immediately notify the Probation Department on the standard enrollment form. If possible, the program will recommend an appropriate alternative program.

If a convicted batterer is referred to a program, and through the assessment process, or in the course of group discussion, it is revealed that there is a history of victimization, the participant may be referred to Probation with such information, indicating the defendant is unsuitable for the program. The Probation Department then may bring this information to the court's attention, along with appropriate documentation, and request a modification of the court order to allow the defendant to attend an alternative counseling program.

INTAKE PROCEDURES:

The program shall conduct an initial face to face intake *assessment and financial assessment*. Program fees shall not be quoted to potential clients prior to completion of intake assessment and financial assessment. Each batterer shall be evaluated individually. The evaluation process shall include a profile of the batterer's behavior including independent descriptions from probation, police reports, victims and other intervention programs.

No program shall accept a batterer *who has been placed on court or formal probation* for enrollment into the program unless the batterer has provided the program with a completed referral form, a copy of the arrest report, the court order, a copy of any *criminal or civil* no contact/protective order, and results of any psychological evaluation(s), which have been completed.

An intake appointment shall be scheduled within two weeks of contact by the batterer.

REFERRAL:

The written referral shall include:

- The number of minimum sessions required by the court
- A signed agreement by the batterer to attend the program under all program conditions and allow complete exchange of information
- Any other programs/treatment ordered by the court or recommended by probation
- The date of return to court, if applicable
- The crime(s) of which the batterer was charged/convicted
- The court case number and/or the agency case number
- The complete name, address and telephone number of the referring party
- The victim's name and any restrictions of contact
- Other agencies/programs providing services to the batterer
- Previous participation in a batterers program
- Prior incidents of violence (including domestic violence, child and/or sexual abuse)
- Conditions of no contact/protective orders

The batterer shall be required to provide proof of identity at time of presentation of the referral documents. Proper identification requires a photo identification such as a driver's license, state identification card, or passport.

WAIVER OF CONFIDENTIALITY:

The participants in batterers programs are accorded only limited confidentiality. Each victim shall be privy to significant information about the batterer during the program, if requested, as such knowledge is crucial to the victim's safety. All HIPPA laws regarding a batterer's right to confidentiality should be referenced prior to the dissemination of information.

The batterer shall be verbally informed of and be required to sign a waiver of confidentiality authorizing the release and exchange of information at the time of intake. The signed waiver, *which shall be valid for five years*, authorizes the program to obtain information from:

1. The victim and/or current partner.
2. Victim advocacy or support agencies acting on behalf of a victim and/or partner.

3. All prior batterers programs and concurrent treatment programs.
4. All relevant legal entities including: criminal, juvenile and civil courts, police departments, Parole, Probation, District Attorney's Office, Department of Family and Children Services, Adult Protective Services, Family Court Services, Office of Pre-Trial Services and any other entity that the court may specifically direct.

The program shall provide information upon request to:

1. The victim and/or current partner.
2. Victim advocacy or support agencies acting on behalf of a victim and/or partner.
3. Concurrent treatment programs
4. All relevant legal entities including: criminal, juvenile and civil courts, police departments, Parole, Probation, District Attorney's Office, Department of Family and Children Services, Adult Protective Services, Family Court Services, Office of Pre-Trial Services and any other entity that the court may specifically direct.

The program shall provide the authorized information to the referring agency as indicated in these Standards, without a formal request; however, HIPPA laws regarding a batterer's right to confidentiality should be referenced prior to the dissemination of information.

This waiver authorizes the release and exchange of information including, but not limited to:

- Financial assessment and intake forms
- Enrollment, fee schedule and payment schedule
- Compliance with program contract
- Attendance/nonattendance
- Termination/completion
- Any threats of violence regarding the victim, children, or significant others/family members
- Progress evaluations
- Information regarding changes in the batterer's circumstances (i.e. alcohol/drug abuse, suicidal ideation) which effect the participant's ability to benefit from the program and/or negatively impacts the safety of the victim
- Risk/lethality assessment and changes therein
- Re-offense or violation of no contact/protective orders

INTERVENTION PLAN:

The Batterer Intervention Programs shall complete a face to face lethality risk assessment and develop a unique intervention plan for each batterer which shall consider the following issues:

1. lethality risk assessment which must incorporate the following:
 - History of threats of homicide and suicide
 - History of ideation of homicide and suicide
 - History of episodes of rage
 - History of depression
 - Possession of, access to, or a history of use of weapons
 - Degree of obsession with and dependency on his/her partner
 - History of drug and/or alcohol use
 - History of sexual abuse of the battered partner and others
 - Access to the battered partner
2. Information contained in the referral documents (police report, referral form, court order)
3. Verbal consultation with the victim, only if the victim desires to participate
4. Criminal history
5. History of abuse as a child and/or exposure to domestic violence
6. Substance abuse history and current use
7. Medical health history and status
8. Mental health status and history
9. Previous batterers program adjustment
10. Social, economic and family background
11. Educational and vocational achievements
12. Literacy and learning disabilities
13. Consultation with probation officer

For batterers who are chronic users or serious abusers of drugs or alcohol, a standard condition of the intervention plan shall include concurrent counseling for substance abuse, and in appropriate cases, detoxification and abstinence from the abused substance.

At initial intake, the batterer shall be provided written definitions of physical, emotional, sexual, economic, and verbal abuse, and the techniques for stopping these types of abuse.

ENROLLMENT:

In order to enroll in a program, the batterer shall be required to sign all necessary documents. Failure to sign these agreements will disqualify the batterer from enrollment in the program and the case shall be returned to the referring agency within three days.

All documents shall be provided in the batterer's language or shall be translated by an interpreter who includes his or her name and address on the translated document.

The batterer shall be required to enter into a written agreement (contract) which shall include:

1. A complete and current description of the program topic curriculum
2. The program contract including program rules
3. A group confidentiality agreement
4. Statement of program philosophy

CONTRACT:

To ensure informed consent, a batterer shall enter into a written agreement (contract) at enrollment and prior to participation in any group session. The contract shall minimally include:

1. A written statement that the batterer shall be held accountable for acts or threats of domestic violence
2. An agreement to stop violent and threatening behaviors
3. A requirement that the batterer attend group sessions free of chemical substances/influences
4. A statement the batterer shall be removed from the program if it is determined the batterer is not benefiting from the program or is disruptive to the program
5. The length of program/sessions
6. Attendance requirements specifying the absence policy and consequences of inadequate attendance
7. A group confidentiality agreement
8. A confidentiality waiver
9. Notification that a copy of the contract and program guidelines shall be provided to the victim and/or partner
10. A requirement to provide the program the correct address and phone number of the victim and current partner, and immediately notify the program of any changes therein
11. A requirement the batterer provide documents related to prior violence, prior or concurrent programs, or execute appropriate releases to authorize document provision by others with whom the batterer has had privileged communication
12. The fee policy and all fees charged
13. A requirement for compliance with protective orders
14. A requirement for compliance with weapon prohibitions
15. Notification that periodic reports shall be provided to the referring party
16. An agreement to actively participate, including sharing personal experiences, values and attitudes, and completing group activities and assignments
17. Program expectations such as written exams or individual sessions
18. An agreement to comply with recommendations for concurrent programs if deemed a condition of participation in the program
19. An outline of the contents of the program
20. An agreement to notify the program of changes of address, phone number, income status, employment, marital/relationship status, and probation officer

21. An agreement to comply with court orders and conditions of probation
22. An agreement to comply with program rules
23. A statement of program philosophy
24. The criteria for termination which specifies the consequences for contract or program violations

GROUP CONFIDENTIALITY AGREEMENT:

All batterers programs are confidential and normally closed to anyone other than court ordered batterers, staff of the batterers program and the designated monitor(s) from the Probation Department.

Other than these approved participants anyone allowed to attend any group session shall be thoroughly apprised of the confidentiality policy and execute an agreement not to disclose identities of participants or participant-specific information except as written permission is received to do so.

If the program uses video or audio tapes of group sessions for internal program purposes (such as staff supervision and training, participant education or monitoring), the program shall ask participants to give informed written consent to the taping.

The batterer shall be required to sign a confidentiality agreement prohibiting the disclosure of any information obtained through participation in the program or during group sessions regarding other participants in the program. The confidentiality agreement shall include all conversations, events, and the identity of any other participant in the program. A violation of the terms of the confidentiality agreement shall require the removal of the batterer from the program.

ENROLLMENT REPORT:

Confirmation of enrollment shall be submitted to Probation or another referring agency on the standard enrollment form within 5 business days from the completion of intake. Signed copies of the contract, waiver of confidentiality, group confidentiality agreement and any other pertinent documents shall be attached to the enrollment form.

As the batterer is required to by law to provide proof of enrollment in a batterers program to the court within 30 days of conviction, the enrollment form shall be made available to the batterer upon request.

The enrollment form shall indicate:

1. The batterer's name, court case number, agency case number, referring party's name, phone number and agency, the batterers program name, phone number and contact person, and the date

2. Date of the intake assessment, if the batterer is an appropriate candidate for the program, and if not appropriate, recommendations for alternative programs
3. Any conditions imposed on the batterer for participation in the program
4. The amount of fee per session.
5. Enrollment date, group session assignment including the day, time, language, and facilitator and group start date
6. Concurrent programs recommended for the batterer.
7. Confirmation that the victim has been contacted, or a request from the program to obtain the necessary information from the referring party to contact the victim .

A batterer shall be assigned and begin group sessions within 4 weeks of enrollment or be referred back to the referring agency.

The program shall immediately inform the Probation Department if the program has a waiting list.

VICTIM NOTIFICATION AND CONTRACT:

Each program shall develop procedures to inform the victim and/or partner of the requirements of the batterer's participation in the intervention program. Notification shall not be limited to the batterer's victim; information shall also be made available to the batterer's current partner. All information and warnings shall be made separately to both the victim and the current partner.

NOTIFICATON LETTER:

The program shall provide the following written information to the victim/partner:

- The batterer's attendance in or completion of the program does not guarantee that the batterer will not be violent or abusive
- The victim and/or partner is not responsible in any way for the batterer's success or failure in the program; responsibility for change lies solely with the batterer
- Referrals to local domestic violence advocacy agencies, victim witness services, local restraining order clinics, and availability of support groups with reduced fee accessibility
- The importance of assessing, on an ongoing basis, the options for safety whether remaining in or leaving the relationship and resources for assistance in developing a safety plan

- Program staff availability to explain any of the terms or conditions of the contract
- The case number, the name, address and phone number of the batterer's probation officer or the department number, address and phone number of the referring court
- Prohibition of victim participation in the batterers program
- Communications with the victim/partner shall be held in confidence from the batterer, unless the victim/partner specifically permits the program advocate to request the facilitator to confront the batterer with the information
- Confidentiality shall be waived for information received from the victim or partner which arises to the need for a Tarasoff Warning or requires the reporting as child or elder abuse
- A request for the victim to voluntarily provide the following information to facilitate contact for safety purposes: address and telephone of the victim, partner's residence, address and telephone of victim/partner's employment, and address and telephone of victim/partner's nearest relative, address and telephone numbers of children's school
- Phone numbers for local law enforcement agencies, the probation department, the court, and the district attorney's office
- The right to inform the program of contract violations by the batterer
- The right to inform the probation department of threats, intimidation, acts of violence, or violations of a no contact/protective order
- The right to request the information listed in the batterer's waiver of confidentiality
- The batterer's time out procedure and an explanation of how it is not to be used against the victim/partner

A copy of the outline of the program content, the program philosophy, the batterer's program contract and general information about domestic violence shall be included with the victim notification letter.

OTHER CONTRACT

Program victim advocates, not the group facilitators, shall contact victim/partners. Staff making victim contacts shall complete victim advocacy training, similar to training required of volunteers at domestic violence advocacy agencies. The program shall

develop procedures for victim contact which optimize victim safety. All communication with the victim/partner shall be held in strictest confidence unless the victim/partner specifically requests the information to be disclosed, and under what conditions.

TARASOFF WARNING:

Duty to warn refers to the responsibility of a counselor or therapist to breach confidentiality if a client or other identifiable person is in clear or imminent danger. In situations where there is clear evidence of danger to the client or other persons, the counselor must determine the degree of seriousness of the threat and notify the person in danger and others who are in a position to protect that person from harm (*Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976), and (*Jablonski by Pahls v. United States*, 712 F.2d 391 (9th Cir. 1983)).

The victim/partner, et. al., shall be advised of any circumstance where the batterer is dangerous to others and has identified targeted individual(s). The standard used to determine the type of circumstance requiring notification to the victim/partner shall include considerations broader than threats or threatening behavior.

If a batterers program develops support programs for victims and/or partners, the focus of the program must be the development of empowerment and recognition of safety issues, survival strategies, and a resource network. Programs are required to consult with local domestic violence advocacy agencies in the development of any support program.

All victim/partner information shall be maintained in a separate and confidential file from that of the batterer and this information shall be maintained in the strictest security. The information shall be maintained for each of the batterer's victims and/or partners.

PROGRESS, COMPLETION, TERMINATION and READMISSION Policies and Procedures:

PROGRESS:

A program shall develop written criteria to assess a batterer's progress in the program. Progress shall be measured, in part, by the batterer's ability to demonstrate a change in awareness, attitude and behavior reflected in the twenty items listed in the program content requirements (See Program Content pages 7- 9). The program shall evaluate the batterer's progress and compliance with program requirements on a weekly basis.

The program shall provide the referring party with periodic, written progress reports every 90 days or upon the request of the Superior Court or referring party.

The progress report shall include:

- The batterer's name, court case number, agency case number, referring party's name, phone number and agency, the batterers program name, phone number and contact person, and the date
- Attendance including the number of sessions attended, missed and made up
- Assessment criteria per Section 1203.097 (a)(10)(A) PC

- An evaluation of victim safety
- Progress as indicated by:
 1. Compliance with all conditions of the program contract including requirements for concurrent programs
 2. Actively working toward the program goal of an end to the use of violence and intimidation
 3. Demonstrates awareness of using abusive behavior
 4. Accepts responsibility and accountability for abusive behavior, including presenting offense(s)
 5. Behavior shows commitment to constructive personal change
 6. Participates appropriately in group sessions, showing respect for facilitators and group members
 7. Demonstrates empathy for victim's experience
 8. Demonstrates awareness of the effects of violence on children and others
 9. Demonstrates constructive change in beliefs
 10. Developing strategies to prevent reoccurrence of violent and abusive behavior
 11. Overall benefit from the program
 12. Any changes in potential for further violence
 13. Any changes in level of victim safety.

Benefit should be assessed from the standpoint of :

- 1) The length of the batterer's involvement in the program,
- 2) The context of the program content presented, and
- 3) A measure of change of attitude, awareness, and belief as demonstrated at intake.

In all cases, the program must consider changes in the factors affecting potential for further violence in comparison to each risk/lethality assessment completed. *In order to increase victim safety, statements made by a victim to program staff should never be included in the progress report. Concerns which develop as a result of communication by the victim shall be immediately reported to the probation officer.*

COMPLETION:

The program shall conduct a final evaluation within one week of the final group session to determine if the batterer is suitable for program completion or requires continuation in the program. The final evaluation shall include:

- An individual exit conference with the batterer to assess the batterer's progress in the program, obtain feedback from the batterer about the program, and to discuss and identify the need for other types of program involvement
- An evaluation of the batterer's progress using the 60 day progress report criteria, including compliance with the program contract and changes in the batterer's awareness, attitude and behavior as reflected in the twenty items listed in the program content requirements (See Program Content pages 7- 9)

- An evaluation of the batterer's progress using the criteria set forth in Section 1203.097(a)(10)(A) PC as follows:
 - (i) The batterer has been violence free.
 - (ii) The batterer has cooperated and participated in the batterer's program.
 - (iii) The batterer demonstrates an understanding of and practices positive conflict resolution skills.
 - (iv) The batterer blames, degrades, or has committed acts that dehumanize the victim or puts at risk the victim's safety, including, but not limited to, molesting, stalking, striking, attacking, threatening, sexually assaulting, or battering the victim.
 - (v) The batterer demonstrates an understanding that the use of coercion or violent behavior to maintain dominance is unacceptable in an intimate relationship.
 - (vi) The batterer has made threats to harm anyone in any manner.
 - (vii) The batterer has complied with applicable requirements under paragraph (6) of subdivision (c) or subparagraph (C) to receive alcohol counseling, drug counseling, or both.
 - (viii) The batterer demonstrates acceptance of responsibility for the abusive behavior perpetrated against the victim.

Program completion shall be granted only if the batterer has fully complied with *all* terms of the contract and has *fully* benefited from the program. The batterer must demonstrate change to the satisfaction of the program in accordance with the program goals, the program contract, and the criteria set forth in this section. Simply attending the mandated number of sessions of the program and/or minimally complying with the program goals are not sufficient for program completion.

If the batterer has failed to comply with any term of the contract and/or fully benefit from the program, a recommendation shall be made to the referring party for the batterer to complete a specified number of additional sessions.

The program shall submit a report indicating a court discharge if a batterer is relieved by the Superior Court of the responsibility to attend all of the statutorily mandated sessions. The batterer is deemed as not having completed the program, and this status shall be documented in the batterer's file.

The program shall provide notification to the victim and the Probation Department, or the referring party, of the batterer's completion of the program within 7 working days of the final evaluation.

The completion report shall include:

- The batterer's name, court case number, agency case number, referring party's name, phone number and agency, the batterers program name, phone number and contact person, and the date
- Attendance including the number of sessions attended, missed and made up
- Payment of fees including any outstanding balance
- Assessment criteria per Section 1203.097 (a)(10)(A) PC
- Recommendations, if indicated, for additional programs such as substance abuse, parenting without violence, or individual/couples counseling

TERMINATION:

The program shall establish criteria for a batterer's termination from the program including, but not limited to the following:

The program shall immediately terminate a batterer from the program for the following circumstances and provide immediate notification of the termination to the victim and the referring party:

- A violation of the terms of a no contact/protective order issued by the criminal or civil court
- A report of any child physical or sexual abuse or elder abuse
- A report of threats, intimidation or violence, or sexual assault
- The batterer is abusive or violent in group
- Information resulting in the need for a Tarasoff Warning
- A batterer who has attended group while under the influence of alcohol and/or drugs shall be instructed to leave the group for that week's class, and the assigned probation officer shall be informed of the program violation within one day. Program Staff and assigned probation officers shall confer about appropriate sanctions; sanctions may include additional classes, violation of probation, or termination from program. The court shall be informed of program violations.

The program shall notify the referring party and/or the probation department within five (5) business days of the batterer's termination based on the failure to adhere to the following program requirements:

- The batterer has failed to meaningfully participate in group discussions, has been disruptive in group and/or has failed to benefit from the program.
- The batterer has failed to pay program fees as established by the program, **and the program has ample documentation with the help of the assigned deputy probation officer to determine the batterer has the financial ability to pay said fees.**

- The batterer has failed to adhere to the attendance requirements.
- The batterer has failed to comply with the program contract or rules.
- The batterer has failed to comply with any of the mandates set forth in these standards

THE TERMINATION REPORT SHALL INCLUDE:

- The batterer's name, court case number, agency case number, referring party's name, phone number and agency, the batterers program name, phone number and contact person, and the date
- A clear description of the reason(s) for termination, documentation of the notification to the victim of the batterer's termination and a final evaluation of the batterer's participation and attendance in the program.
- Documentation of any threats, intimidation or acts of violence by the batterer which have come to the attention of the program.

READMISSION:

The program shall establish criteria for the readmission of batterers following termination from the program.

The program shall establish procedures for readmission including, but not limited to, the following criteria:

- A batterer shall submit a new referral form from the referring agency upon request for readmission.
- If determined acceptable for readmission, the batterer shall sign a new contract with the program which addresses the reason(s) for termination and identifies the conditions for readmission.
- The batterer shall not receive credit for prior attendance unless by order of the Superior Court.
- The revised plan of intervention shall reflect the reason(s) for termination and the conditions for readmission.
- The program shall submit the notification of readmission to the referring agency on the standard enrollment form within 5 business days from the completion of intake. Signed copies of the revised contract, waiver of confidentiality, group confidentiality agreement and any other pertinent documents shall be attached to the enrollment form.
-

TRANSFERS (NON-CLOSURE):

- The program coupled with the Probation Department's Domestic Violence Supervisor shall establish criteria for the transfer of batterers to other batterer intervention programs.

- The batterer must notify Probation and request a new referral.
- The batterer must notify the transferring/sending agency and request a Permit to Transfer.
- The batterer is required to pay all program fees to the transferring/sending agency prior to transfer.
- The transferring/sending agency shall send a Permit to Transfer form, progress and/or transfer reports to the receiving agency and Probation (or Court if on Court Probation) within 48 hours.
- Defendant must enroll in the receiving program within 14 days and commence receiving services within 21 days of the group session attended. **Caveat:** If the batterer is transferring to a program within Santa Clara County, the batterer must enroll in the receiving program within 7 days and commence receiving services within 14 days. The batterer must remain in the transferring agency until they begin group sessions in the receiving agency.
- Receiving agency must send confirmation of transfer to the sending agency, Probation (referring agency) within 48 hours of enrollment.
- Receiving and transferring agencies shall send the victim(s) notification within (5) business days. Victim notification shall not be limited to the batterer's victim; information shall also be made available to the batterer's current partner. All information and warnings shall be made separately to both the victim and the current partner.

PROGRAM CLOSURE PROCEDURES

- The program shall notify the Probation Department at least 60 days prior to the closure of the batterer intervention program.
- Probation shall provide the batterers with a new referral and list of certified programs at least 30 days prior to closure.
- Batterers are required to enroll in a new program immediately, but no later than 30 days.
- Closing/transferring agency shall send a transfer and/or progress report to receiving program within five (5) business days upon notification of proof of enrollment.
- Receiving agency shall provide proof of enrollment to the batterer, Probation, and transferring agency within 48 hours of enrollment.
- Receiving agency shall request the probationer's file from the transferring/closing agency when proof of enrollment is established.

- Receiving agency and transferring agency shall notify victim(s) of transfer within five (5) business days.

PROBATION DEPARTMENT CERTIFICATION PROCEDURES

The Probation Department's certification evaluation process focuses on the program's compliance with the law and whether the program procedures and practices advance the safety of domestic violence victims and their children, and hold batterers accountable for all acts of abusive behavior.

Pursuant to [Penal Code Section 1203.097](#), the Probation Department shall design and implement a process for approval and renewal of batterers programs and shall solicit input from domestic violence victim advocacy programs and other criminal justice agencies. Each program shall be required to obtain only one approval but shall renew that approval annually.

The procedure for the evaluation of a new or existing program shall include all of the following:

- The completion of a written application containing necessary and pertinent information describing the applicant program.
- The program shall provide documentation to prove that the program has conducted batterer's programs for at least one year prior to application. This requirement may be waived 1203.097(A)(2) PC, if there is no existing batterers program in the city, county, or city and county.
- The demonstration by the program that it possesses adequate administrative and operational capability to operate a batterers program.
- An onsite review of the program, including monitoring of a session to determine that the program adheres to applicable statutes and regulations.
- The payment of a two hundred fifty dollar (\$250) application or yearly renewal fee to cover costs in administering the certification process. No fee shall be charged for the certification of a program offered by a local governmental entity.
- Review of the results of the Probation Department's evaluation by the Certification Committee which shall make recommendations to the Probation Department regarding certification status. Any program under review may submit a one-page response to the Probation Department's evaluation, limited to information contained in the evaluation, and will be submitted to the Certification Committee for review.

The Certification statuses include: **fully certified, conditionally certified, suspended, revoked and provisionally certified.**

Fully Certified Programs:

A program may be certified when, upon completion of the program evaluation process, it is determined to be in **full compliance** with all applicable statutes and the Standards for Batterers Programs. A certified program is eligible to receive criminal court and probation referrals. It is the responsibility of the program to submit, on an ongoing basis, information regarding any program changes including staff information and group meetings.

Conditionally Certified Programs:

A program may be conditionally certified when, upon completion of the program evaluation process, it is determined to be in **substantial compliance** with the applicable laws and the Standards. Although a conditionally certified program has met a majority of the certification requirements, this status reflects a program's need to make immediate changes in the application, administrative operations and/or group sessions. Conditionally certified programs are eligible to receive criminal court and probation referrals. The program will be subject to review by the Certification Committee for recommendation regarding future certification status, and the BIP Director or designated representative will be invited to address the Certification Committee on their findings.

Suspended Programs:

A program may be suspended when, upon completion of the program evaluation process, it is determined to be **substantially inadequate or in substantial noncompliance** with the applicable laws and the Standards. Suspended programs are prohibited from accepting criminal court or probation referrals until otherwise notified. The program will be subject to review by the Certification Committee for recommendation regarding future certification status, and the BIP Director or designated representative will be invited to address the Certification Committee on their findings.

Revoked Programs:

A program may be revoked when, upon completion of the program evaluation process, it is determined to be **inadequate and in substantial noncompliance** with the applicable laws and the Standards. Revoked programs are prohibited from accepting criminal court or probation referrals. A new application which reflects compliance with applicable laws, the Standards and the recommended corrections identified by Probation and application fee may be submitted for consideration.

Provisionally Certified Programs:

A new program may be provisionally certified, *for a period determined by the Probation Dept.*, provided the program is determined to be in **substantial compliance** with applicable laws and the Standards, has completed the program evaluation process with the exception of the review by the Certification Committee, and an urgent need for approval exists. The program will be subject to review by the Certification Committee for recommendation regarding future certification status. A provisional approval shall be

considered an authorization to provide services and receive criminal court and probation referrals, but shall not be considered a vested right.

A program in Provisional, Conditionally Certified, Suspended or Revoked status shall retain that status *until it is re-evaluated by the Probation Department, based on staff availability, and the Certification Committee.* The Probation Department will provide support and training to all programs in an effort to obtain certified status based on staff availability and the needs of the community.

Submission of a Batterers Program Application for Certification does not guarantee certification. The Probation Department will prioritize and schedule its work in evaluating new applications, monitoring and supporting applicant and existing programs in accordance with its stated mission to protect the community and provide services to victims. Functions mandated by law and supervision of probationers under the jurisdiction of the court will not be neglected in order to provide supportive services to batterers programs seeking certification.

Based on Probation Department staff availability for program support and evaluation, and an identified need within the community for resources for underserved populations, the Probation Department may confer Conditionally Certified status to a previously Suspended or Revoked program prior to review by the Certification Committee when:

a: the Probation Department is reasonably satisfied that the program is working diligently to comply with the law and the Probation Department Standards, has cooperated fully in ongoing training and evaluation, and has corrected major deficiencies identified in the evaluation process;

and

b: an underserved population exists within the community, as defined by geographic location, gender, language other than English, disability (such as hearing impairment), indigence or other special characteristics,

or

c: all other conditionally certified and certified programs are unable to admit referred batterers within four weeks of intake.

Programs which are Conditionally Certified prior to review by the Certification Committee are subject to ongoing evaluation by the Probation Department and subject to full program evaluation at *any* scheduled meeting of the Certification Committee. Status of a program conferred under these circumstances is not guaranteed to be continued for any specific length of time.

PROGRAM EVALUATION PROCESS:

Application by Programs:

Any program seeking criminal court mandated referrals shall apply using the "Batterers Program Application for Certification" to the Probation Department for approval.

All applications submitted to the Probation Department must be organized by topics and sequentially numbered to correspond precisely with the order presented in the application instructions. Any application that is submitted and found to be incorrectly ordered and numbered will be rejected without further review.

The program shall submit all required documentation including:

- a complete list of groups offered by the program
- a complete list of all program facilitators and applicable training
- one year's documentation of conducting a batterers program
- all forms, brochures, informational advertisements, contracts, fee policies, waivers, information provided to victims, program curriculum, confidentiality agreements, security systems for victim and/or partner contact and information, any other documents produced by the program and in all languages which they are provided.

REVIEW OF APPLICATION:

All new applications will be date stamped upon receipt by the Probation Department. The Probation Department shall examine the application and all documents submitted for an initial determination of compliance with the requirements of the law and the Standards. *Priority will be given to applicant programs which Probation determines will best serve the needs of the community.*

The evaluators shall determine the program's eligibility for approval for receiving court referred batterers based upon the program's compliance with each component contained in the Standards.

The application shall be examined for compliance with all requirements of the Standards including:

- program philosophy
- program format
- program content
- program/staff training and qualifications
- facility operations
- record keeping
- fee policy *including financial assessment documentation*
- acceptance/rejection policy
- intake procedures
- enrollment procedures
- victim notification
- reports to probation and the court
- and all documents used by the program
- contracts, deeds and licenses*

The examination of the application shall be recorded in a written report on a uniform document and shall evaluate program compliance with the Standards. This report will be presented to the Certification Committee.

NEW APPLICATIONS:

After initial review of the application, the application evaluator will provide feedback to the applicant program by reviewing the application evaluation with the program director and discussing areas of non-compliance with the requirements of the Standards. The applicant program will be allowed to make corrections to the application within a mutually agreed upon period of time. The applicant will also be allowed to review applications of certified programs maintained by the Probation Department prior to submitting a corrected application.

If the Probation Department determines from the information contained in the application and the program documents that the applicant program fails to substantially comply with the requirements of the Standards, the program shall be rejected for further consideration under the approval process.

The Probation Department shall notify the program in writing of its rejection and describe the areas of non-compliance.

The program may re-submit its application after 90 days from the date of notification of rejection. *Once modified, the re-submitted application will be reviewed based on staff availability.*

ADMINISTRATIVE OPERATIONS REVIEW:

The Probation Department shall conduct a site visit of all programs which are determined to be eligible for approval based upon the review of the application.

The program's compliance with record keeping and facility operations and reporting requirements shall be examined during this review. The observations of the review shall be recorded in a written report on a uniform document and shall evaluate program compliance with the Standards. This report will be presented to the Certification Committee and the BIP Director. Failure to comply with record keeping standards shall, in itself, be sufficient grounds for a denial of approval, or if approved, for suspension or revocation of approval.

GROUP SESSIONS REVIEW:

The Probation Department shall conduct a site review of at least one batterers' group session of each program. The selection of the group and date shall be within the discretion of the probation department and may be unannounced.

The Probation Department shall have the discretion to determine if additional sessions of the same group may be monitored, all groups offered by the program may be monitored, or only selected sessions may be monitored.

All information obtained through the monitoring of the group session with exceptions of violations of the law or the terms of the conditions of a restraining order or information regarding possible acts of child or elder abuse, shall be confidential.

The observations of the review shall be recorded in a written report on a uniform document and shall evaluate program compliance with the Standards. This report will be presented to the Certification Committee, and the BIP Director.

The Probation Department has the discretion in the selection of the evaluator of the group session. Local domestic violence advocates may be invited to participate in the monitoring of sessions. All confidentiality requirements, with the exception of mandated reporting of child or elder abuse, shall apply to domestic violence advocates.

VIDEOTAPING SESSIONS:

All programs are encouraged to videotape several sessions by each of its facilitators for the purpose of self-evaluation and training within the individual program and for review and feedback by the Probation Department evaluators or designees. All information obtained through the monitoring of videotapes of group sessions, with the exceptions of violations of the law or the terms of the conditions of a restraining order or information regarding possible acts of child or elder abuse, shall be confidential.

The Program Director should thoroughly review each videotape prior to submission for certification evaluation. All videotapes will remain the property of the individual program and will not be duplicated or disseminated by any person without the written permission of the Program Director.

The Probation Department reserves the right to conduct on site evaluation of group sessions even if videotapes of group sessions are submitted for evaluation.

The Probation Department will conduct at least one annual on-site visit to all program providers. These visits are to ensure program integrity and compliance with the program stated content and curriculum. On site visits may include meeting with the program *staff* for monitoring and evaluation. Proposed changes by the probation officer must be made within sixty (60) days. Those programs failing to comply will no longer receive domestic violence referrals from the Probation Department until the discrepancies are corrected , and the program is re-evaluated by the Probation Department.

The Probation Department shall review information relative to a program's performance or failure to adhere to standards, or both. The Probation Department shall do the following in regards to approving batterers programs: Approval of a program, regardless of its source of funding, will be contingent on the program meeting the following standards:

- a. The establishment of guidelines and criteria for education services, including standards of service that may include lectures, classes, and group discussion.
- b. Supervision of the batterer for the purpose of evaluating the person's progress in the program.
- c. Adequate reporting standards to ensure that all persons who, after being ordered to attend and complete a program, may be identified for either failure to enroll in, or failure to successfully complete, the program or for the successful completion of the program as ordered. The program shall notify the court and the Probation Department in writing within the period of time and in the manner specified by the court of any person who fails to complete the program. Notification shall be given if the program determines that the batterer is performing unsatisfactorily or if the batterer is not benefiting from the education, treatment or counseling.

PROGRAM NONCOMPLIANCE:

The Probation Department may suspend or revoke any approval issued under this subdivision or deny an application to renew an approval or to modify the terms and conditions of approval, based on grounds established by probation, including, but not limited to, any of the following:

1. Violation of this section by any person holding approval or by a program employee in a program under this section.
2. Misrepresentation of any material fact in obtaining approval.

If the Probation Department determines that a program is not in compliance with standards set by the department, the department shall provide written notice of the non compliant areas to the program. The program shall submit a written plan of corrections within 14 days from the date of the written notice on noncompliance. A plan of correction shall include, but is not limited to, a description of each corrective action and time frame for implementation. The department shall review and approve all or any part of the plan of correction and notify the program of approval or disapproval in writing. If the program fails to submit a plan of correction, the department shall consider whether to revoke or suspend approval and, upon revoking or suspending approval, shall have the option to cease referrals of batterers under this section.

PLAN OF CORRECTION:

1. Verbal feedback will be provided within 5 working days from receipt of the plan of corrections.
2. Programs must submit an amended plan of correction within 5 working days of notice from Probation

CERTIFICATION COMMITTEE:

In keeping with the mandates of [Penal Code Section 1203.097](#), The Probation Department shall design and implement a process for approval and renewal of batterers programs and shall solicit input from domestic violence victim advocacy programs and other criminal justice agencies. The Santa Clara County Probation Department has formalized this process with the creation of the Certification Committee.

The committee members will serve upon annual invitation of the Chief Probation Officer and will act in an advisory capacity, providing recommendations for the approval, denial, suspension or revocation of batterers program certification and annual renewal. The Probation Department has sole authority to make final decisions regarding certification status of any applicant or existing batterers intervention program.

GUIDELINES FOR SELECTION OF MEMBERS:

1. Each invitee shall demonstrate integrity, confidence and objectivity in their area of expertise as well as knowledge of and sensitivity to the needs of the community.
2. Gender balance and cultural competence will be essential to the makeup of the committee.
3. County-wide representation will be important.
4. Each member must agree to honor confidentiality regarding any issues discussed.

RECOMMENDED MEMBERSHIP OF THE CERTIFICATION COMMITTEE:

1. One member from the staff of Shelters for Battered Women.
2. A Judicial Officer/Court Commissioner (Presiding Judge of the Domestic Violence Criminal Court).
3. Deputy District Attorney (Domestic Violence Unit)
4. Deputy Public Defender
5. Probation Manager (Supervision Services Section)
6. Supervising Probation Officer (Domestic Violence Unit)
7. An educator from San Jose State University (Sociology, Social-Psychology, et. al.).
8. Department of Family and Children Services, County of Santa Clara, DV Unit Supervisor
9. Domestic Violence Council Member

SELECTION OF MEMBERS:

The committee members will serve upon annual invitation of the Chief Probation Officer and will act in an advisory capacity, providing recommendations for the approval, denial, suspension or revocation of batterers' program certification and annual renewal. Members will be nominated through the Batterer Intervention Sub-Committee.

Nominees will be presented to the Certification Committee. The Certification Committee will vote to complete the final selection of the Committee.

THE FOLLOWING ARE GUIDELINES FOR NOMINATION AND SELECTION OF MEMBERS:

1. Nominees will be known amongst their peers and have demonstrated competent, ethical actions in their area of work.
2. Gender balance will be essential to the COMMITTEE.
3. People of color will be represented on the COMMITTEE.
4. A coordinated community response to end domestic violence will be important.

County standards should undergo continuous review and revision consistent with intervention programs experiences, new knowledge garnered from research on effectiveness, and new theoretical understanding of the causes and the intervention.

The Probation Department has sole authority over the selection of Certification Members and make final decisions regarding certification status of any applicant or existing batterers' intervention program.

COMPLAINT PROCESS:

Disagreements over evaluation findings (revocation or suspension) by the Probation Department shall be approached through written appeal to the Supervisor of the Domestic Violence Unit. The appeal will be submitted to the Certification Committee for review, and the director or assigned representative will have the opportunity to present her/his disagreement to the Certification Committee in a face to face meeting. The Director or assigned representative will be given the Certification Committee's ruling to their appeal in writing within 5 business days by the Supervisor of the Domestic Violence Unit.

Meetings between Probation and providers may be held in order to exchange information regarding program content, referral process, and other pertinent issues. Periodic meetings are held with program directors, facilitators and domestic violence victim advocates to discuss problems, monitoring, influencing the criminal justice system, safety issues, and program changes at the Batterer Intervention Programs Sub-Committee Meetings.

NEW INTERNATIONAL APPROACHES TO DOMESTIC VIOLENCE INTERVENTION

New research and intervention approaches are beginning to show signs of promise, and it is understood a Coordinated Community Response to Domestic Violence should have the flexibility to evaluate the scientific research to hold batterers more accountable for their actions, empower victims to make well informed decisions, and offer evidence based outcomes.

It is the hope that open-mindedness and flexibility coupled with scientific research will add to the body of knowledge currently used to end domestic violence. The State Legislature has mandated in Sections 1203.097 PC and 1203.098 PC specific requirements; however, it doesn't prevent local domestic violence committees to evaluate current intervention practices with scientific research and evidence based outcomes.

As an example of new approaches to Domestic Violence Intervention, probation staff from the New South Wales Department of Corrective Services is entering on what may be considered a radical approach to batterer intervention services.

<http://www.correctiveservices.nsw.gov.au/>

The article below is attached as an example of interventions being used abroad.

<http://www.hma.co.nz/Programme-Design-And-Development/New-Approach-to-DV-Intervention.asp>

New Approach to Domestic Violence Intervention

Probation staff from the New South Wales Department of Corrective Services are currently running a modular domestic violence programme. It consists of seven core modules: 1. Engagement / Safety Planning; 2. Patterning of Abusive Behaviour – Pathways; 3. Working with Cognitions & Schema; 4. High Risk Mood States; 5. Victim Impact & Empathy; 6. Key Relationship Skills; and 7. Safety Planning.

For each session there is a discussion of the theory that supports the key session tasks and also details of the purpose and objectives of each session, the time allocated for session tasks, a session summary, facilitator resources required, workbook resources provided, and the learning outcomes for each session.

The programme has an underlying emphasis of inviting participants to take personal responsibility for their behaviour and encouraging them to increase their levels of accountability to the wider community. The programme is situated within a structural model that views violence by men towards women as an outcome of patriarchy which has a long history of subjugation of women. It is ultimately about abuse of power within the relationship so the premise of the programme is on inviting respectful and non-violent interactions.

The programme could best be described as a second generation domestic violence programme, in that it includes current evidence about what is effective in terms of reducing offending behaviour, includes a synthesis of psychological models found to be effective in programmes run in the criminal justice system, and builds upon existing models of practice within the domestic violence arena, i.e. Duluth. The core skills utilised include strength-based / solution focused questioning, cost-benefit analyses, relapse prevention planning, and the use of cognitive-behavioural theory as it relates to the development of alternative pathway maps.

The programme builds upon a psycho-educational framework and is more therapeutic in its delivery. This means that the programme requires that the work is undertaken at suffi-

cient depth to ensure that changes are embedded properly in order to promote long-term maintenance.

The programme design is such that it is possible to run the programme as either an open group or closed group format. It is modular in design allowing for the best match between the different presenting needs (criminogenic) of the participants and the programme content areas.

The programme is based on the following four principles:

Family violence is a crime and violation of the rights of those victimised

- Good assessment is fundamental to successful interventions
- Reducing re-offending requires raising client self-awareness of their offence process and also skill enhancement
- Best practice will be enhanced through programme facilitators regularly reflecting on their own professional practice.

It is considered important that anyone expecting to work professionally with domestic violent offenders to enhance self efficacy, be familiar with motivational interviewing approaches in their ongoing work. Therefore this programme assumes that facilitators will utilise motivational interviewing skills when presenting programme material. Motivational enhancement is the process of continually working to ensure that participants are open to new ideas and able to integrate these ideas into their behaviour. Motivational enhancement will be integrated into the design of the session materials.

The programme integrates the principles of adult learning and therefore includes a range of teaching mediums and styles to enhance desirable programme outcomes for participants.

What works in terms of intervention

Programmes have generally developed along the lines of a 'one size fits all' model, being based upon psycho-educational approaches. A number of researchers have explored in some depth the question of 'Are men who are violent the same' and increasingly attention has been given to the question of differing pathways into violence (see Gondolf, 2002). While the final result (abusive practices directed towards another person) may appear the same behaviourally, understanding the different pathways will assist workers to tailor the programme to individual group members. Effective matching as indicated earlier is one of the key outcomes of effective practice.

There has long been a distinction within the field between instrumental and expressive violence. Instrumental violence refers to violence carried out in the execution of meeting some alternative need, as opposed to expressive violence which has its basis in the regulation of emotion. It is our view that the definitions have been too narrowly defined. It can be argued that the majority of violence is instrumental in that its aim is generally to stop certain behaviour or encourage others. For example, within a family context abusive practices are often used to control a person's action or stop some form of behaviour. While the person may be reactive (expressively) to a heightened state of arousal, the outcome sought is to regain control (instrumental). Holtzworth-Munroe & Stuart (1994) in reviewing the literature, proposed a model for predicting violence severity and whether

men will be violent inside or outside the home or both. They argue that three main types of men present in programmes;

- men who are only abusive within a family setting and do not exhibit significant pathology (e.g. depression, anti-social attitudes etc.)
- passive aggressive-dependent men who are very clingy and extremely controlling in close relationships (dysphoric/borderline)
- men who exhibit a number of antisocial characteristics and are engaged in antisocial behaviours such as criminal lifestyles (antisocial).

What is clear from meta-analysis is that non-pathological family-only abusive men had the lowest levels of violence behaviour along with less frequency. Violence tends to be restricted to intimate relationships and overall these men are likely to have had few police contacts. This is not surprising and is backed up by Morris' research (1996) that indicated that women who were victimized did not tend to access help from formal systems (Courts and/or Police) until they had exhausted their social support systems.

Men with antisocial characteristics were more likely to be violent and abusive both inside and outside the home, had most police contacts and were likely to have alcohol related problems. 'More generally violent' refers to violence in public (street, hotels, etc) whereas 'private violence' refers to that which occurs within the home or with family members.

Passive aggressive-dependent men had higher frequencies of violent acts and were also extremely abusive. They had moderate alcohol problems but generally few police charges. This may reflect that public violence is more visible than violence that occurs within the home. While not tested in research, it is our contention that men who constantly breach protection orders, harass partners post separation, and are at risk of murder/suicide, would be more likely to fit into this group of men.

There is little doubt that childhood family experiences establish the template for our behaviour in adult life. Early childhood family experiences (i.e., witnessing parental violence, experiencing child abuse in methods of child discipline) has a significant impact on behaviour in adult life. Social learning theory maintains that behaviours such as violence and abuse are reinforced vicariously because it provides short-term effectiveness in managing situations of conflict and recalibrates the maintenance of power and control within intimate relationships. Also this vicarious reinforcement occurs within the wider social context such as school, media, neighbourhood and may predispose men to utilise violence more often than females.

A second factor comprises peer experiences and the level of involvement with delinquent and deviant peers. Bowker (1983) found that men who engaged in frequent and severe marital violence were less likely to make efforts to end their marital violence and spent more time with male peers (i.e., daily contact). Bowker (1983) suggested that these men may be immersed in a subculture of violence with peers who encourage their use of violence.

A number of other factors have been identified. Attachment to other individuals (including dependency on others and empathy for others) is generally viewed as resulting from childhood experiences with caregivers. Secure or insecure cognitive representations of

relationships or working models of attachment that one takes into later life are based on these experiences (see Dutton, 1995). It is interesting that men who are ambivalently attached to and preoccupied with their wives (e.g., experiencing pathological levels of dependency, jealousy and fear of rejection) are at risk of engaging in marital violence when threatened with the loss of their relationship. These men are consistently found to be more volatile, experience higher levels of anger and may over-react during interpersonal disputes.

It is most often the case that men who are generally violent and have antisocial personalities feel little remorse and are most likely to externalise blame for abusive behaviour. This is in contrast to family only violent men who feel remorse and are more likely to engage in help-seeking behaviour. Anti-social subtypes score higher on scales of substance abuse, criminal behaviour, alcohol abuse and contact with police.

So what does this mean for practice? Clearly programmes that are based on empathy building are not likely to be as effective for men with anti-social characteristics, whereas programmes that operate from strong cognitive-behavioural approaches are. These men also need to grapple more with their relationship to their peer group who are likely to condone abusive practices as a solution to problem behaviour.

Men who are dysphoric/borderline need careful monitoring and support post separation and may require more individual time outside of the programme hours to manage increased risk. They also require extensive work on managing heightened arousal and safety strategies. Also these men require a strong support team to monitor risk behaviour.