

# **Sacramento County Probation Department**



## **Batterer's Program Standards and Procedures 2023**

## **Domestic Violence Intervention Program Standards**

### **I. Purpose**

The Probation Department has the sole authority to approve the issuance, denial, suspension or revocation of approval and to cease enrollments or referrals to a batterer's program pursuant to the Penal Code<sup>1</sup>. Due to the limited resources for the certification of Domestic Violence Batterer's Program Providers, at the Probation Department's discretion, new certifications will only be conducted when it is determined there is staffing to adequately certify and monitor providers.

Probation Department's Program Standards for domestic violence perpetrators were created to ensure the following:

- A. The purpose of intervention standards is to eliminate all forms of domestic violence and to provide means of reducing or eliminating violence.
- B. Intervention standards provide recognition of current appropriate treatment methods that provide the public with expectations of service.
- C. Intervention standards establish a minimum level of responsibilities and service expected from treatment providers, which allows the County Probation Department to evaluate programs and provide a basis for future program development.
- D. Intervention standards help ensure that defendants will receive appropriate interventions that are compassionate, humane, consistent, and based on individual need.
- E. Intervention standards mandate that only the highest level of professionalism will be accepted and require individual and program responsibility in maintaining these standards.
- F. Intervention standards will enhance the public's awareness of issues involved in domestic violence, give victims and perpetrators increased access to resources, and reinforce the concept that violent behavior is unacceptable.
- G. Intervention standards strongly encourage countywide communication and interaction among providers to reach common objectives to end domestic violence while prioritizing victim safety and batterer accountability.
- H. Intervention standards promote compliance with the requirements of the Penal Code.

---

<sup>1</sup> California Penal Code (PC) Section 1203.097

## **II. Overview of the Applicable Law: Penal Code Section 1203.097**

- A. The court shall require batterers' intervention as a condition of probation for any offense in which the victim is a person defined in Section 6211 of the Family Code. The intervention will consist of 52 weekly consecutive sessions in not less than one year in gender specific groups<sup>2</sup>.
- B. The Batterer's program shall include the following<sup>3</sup>:
1. Strategies to hold the defendant accountable for the violence in a relationship, including, but not limited to, providing the defendant with a written statement that the defendant shall be held accountable for acts or threats of domestic violence;
  2. A requirement that the defendant participate in ongoing same-gender group sessions;
  3. An initial intake that provides written definitions to the defendant of physical, emotional, sexual, economic, and verbal abuse, and the techniques for stopping these types of abuse;
  4. Procedures to inform the victim regarding the requirements for the defendant's participation in the intervention program as well as regarding available victim resources. The victim shall also be informed that attendance in any program does not guarantee that an abuser will not be violent;
  5. A requirement that the defendant attend group sessions free of chemical influence;
  6. Educational programming that examines, at a minimum, gender roles, socialization, the nature of violence, the dynamics of power and control, and the effects of abuse on children and others;
  7. A requirement that excludes any couple counseling or family counseling, or both;
  8. Procedures that give the program the right to assess whether or not the defendant would benefit from the program and refuse to enroll the defendant if it is determined the defendant would not benefit from the program, so long as the refusal is not because of the defendant's inability to pay. If possible, the program shall suggest an appropriate alternative program;
  9. Program staff who, to the extent possible, have specific knowledge regarding, but not limited to, spousal abuse, the dynamics of violence and abuse, the law and procedures of the legal system; and
  10. Program staff are encouraged to utilize the expertise, training, and assistance of local domestic violence centers.
  11. A requirement that the defendant enter into written agreement with the program, which shall include and outline of the contents of the program, the attendance requirements, the requirement to attend group sessions free of chemical influence, and a statement that the defendant may be removed from the program if it is determined the defendant is not

---

<sup>2</sup> PC §1203.097(a)

<sup>3</sup> PC §1203.097(c)(1)(A) – PC §1203.097(c)(1)(J)

- benefiting from the program or is disruptive of the program.
12. A requirement that the defendant sign a confidentiality statement prohibiting disclosure of any information obtained through participating in the program or during group session regarding other participants in the program.
  13. Program content that provides cultural and ethnic sensitivity.
  14. A requirement of a written referral from the court or probation department prior to permitting the defendant to enroll in the program. The written referral shall state the number of minimum sessions required by the court.
- C. The batterer shall be placed on a minimum of 36 months of probation, which may include the supervision by a probation officer<sup>4</sup>.
- D. The Court shall order appropriate community service<sup>5</sup>.
- E. Upon the request of the program, the Court shall provide the defendant's arrest report, prior incidences of violence, and treatment history to the program<sup>6</sup>.
- F. If the program finds the defendant unsuitable for the intervention, the program shall immediately contact the Probation Department. Probation or the Court shall either re-calendar the case for hearing or refer the client to an alternative batterers program<sup>7</sup>. Note: Refusal shall not be based on the client's inability to pay<sup>8</sup>.
- G. The Probation Department or the Court may make provisions for a defendant to use his or her resources to enroll in a State Certified chemical dependency program or to enter voluntarily a licensed chemical dependency recovery hospital or residential treatment intervention program that has a valid license issued by the State to provide alcohol or drug service<sup>9</sup>.
- H. If the Probation Department determines a program or a program provider is not in compliance with standards set by the Department, and the requirements outlined in Penal Code section 1203.097, the Department shall provide a verbal notice of noncompliance areas within 72 hours of the finding and a written notice of noncompliance areas to the program within 14 calendar days. Discretion as to whether compliance has been met rests solely with the Probation Department. The program shall submit a written plan of corrections within 14 days from the date of the written notice on action and timeframe for implementation. The Department's Batterer's Program Evaluation Committee shall review the plan of correction. The

---

<sup>4</sup> PC §1203.097(a)(1)

<sup>5</sup> PC §1203.097(a)(8)

<sup>6</sup> PC §1203.097(a)(7)(B)

<sup>7</sup> PC §1203.097(a)(9)

<sup>8</sup> PC §1203.097(c)(1)(H)

<sup>9</sup> PC §1203.097(a)(10)(c)

Committee shall review and approve all or any part of the plan and notify the program of approval or disapproval in writing within 30 calendar days. The Department may conduct a site visit within 30 calendar days after the provider implements their approved corrective action. Failure to submit or implement a plan of correction shall be sufficient grounds for the Probation Department to suspend, revoke, deny recertification and/or cease making referrals to the program.

### **III. Principles/Philosophy of Service Providers/Facilitators**

Batterer's program policies shall not conflict with the philosophy contained in the standards herein. Any policies established in addition to these Standards shall be developed with the assistance of the local domestic violence advocates and shall be reviewed and approved by the Probation Department.

- A. Service providers will work cooperatively and communicate with interrelated agencies, i.e. law enforcement, the Courts, battered women's shelters, probation departments, district attorney's office, victim's advocates, etc.
- B. The primary focus must be on stopping the violence, not saving the relationship.
- C. Domestic violence is a serious crime and can never be condoned. The philosophy of each batterer's program must advance the premise that domestic violence is criminal activity and is learned behavior, and is therefore changeable.
- D. Domestic violence is the responsibility of the batterer and has consequences. Domestic Violence is defined as part of a pattern of coercive control that includes physical, verbal, sexual, emotional, and economic abuse. This pattern has a learned set of behaviors.
- E. Service providers must be culturally sensitive and should strive to reflect the community's cultural diversity<sup>10</sup>.
- F. Service providers can contribute to heightened public awareness of the seriousness of domestic violence.
- G. The rights and safety of the victims shall be respected. The interest of the victim safety and autonomy supersede the rehabilitative interests of the batterer and the batterer's program.
- H. Service providers shall design and implement appropriate intervention plans for individuals.
- I. The aim of program providers shall be to establish client accountability,

---

<sup>10</sup> PC §1203.097(C)(1)(m)

increase awareness of the social context of battering, and build new skills. The program holds offenders accountable for the violence. The program recognizes that denying, minimizing, blaming and colluding are characteristic ways to avoid being held accountable for one's violence.

- J. Program providers shall acknowledge that the reporting of abusive behavior to the Probation Department is a valuable part of holding offenders accountable for their behavior.
- K. 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 batterer's programs. The written curriculum must eliminate the possibility that groups may become support groups to justify violence.

#### **IV. Ethical Standards for Service Providers**

- A. For the purpose of these standards, a service provider shall be defined as a group facilitator, therapist, or administrator/director within an approved Batterer's Intervention Program who provides direct services to offenders who fall within Section 1203.097 of the California Penal Code. All service providers and their administrator must meet minimum qualifications outlined within Section 1203.098 of the California Penal Code and the County Standards for the Intervention and Treatment of Court Ordered Domestic Violence Offenders.
- B. Service Providers and agencies working with offenders convicted of domestic violence must maintain the ethical standards of their profession and have a written code of conduct, included in the application. Agency staff working within the Batterer's Treatment Programs will adhere to the same rules and regulations.
- C. A provider shall not disclose, without the consent of the client, any confidential communications made by the client to the provider during the course of providing service; nor shall a program employee or associate, whether clerical or professional, disclose any confidential information acquired through that individual's work capacity; nor shall any person who has participated in any intervention conducted under the supervision of a provider, including, but not limited to, group sessions, disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates. Intervention providers have a duty to warn potential victims of imminent danger if the provider believes that the victim may be at risk from the client because of threats made or behavior exhibited. However, Probation is always to be notified at once.
- D. All program providers, as defined above, and all other program employees shall maintain the following standards:
  - 1. Be violence-free in their lives and not be on any form of active

- probation or parole. Be free of criminal convictions for any serious crime, such as those listed in Penal Code<sup>11</sup>, or criminal convictions for other offenses as determined on a case-by-case basis by the Probation Department;
2. Not perpetrate attitudes of sexism, victim blaming or blaming the legal system;
  3. Have no personal relationships with program participants or their spouses during the defendant's probation period. Additionally, treatment providers and defendants are prohibited from having personal relationships two years following the termination of last professional contact;
  4. Not abuse drugs or alcohol. Not use alcohol prior to or during work hours. Not use any drugs illegally, including prescription drugs;
  5. Immediately report a client's threats to do harm or kill another person as guided by Tarasoff<sup>12</sup> and related rulings. In addition to the expected actions under Tarasoff, the providers or their designated representative must report these threats to the monitoring agency i.e., probation officer, district attorney, or judge;
  6. Maintain the ethical standards within the framework of the rules and regulations of the Board of Behavioral Science Examiners (BBSE) or the Board of Psychology's Laws and Regulations Relating to the Practice of Psychology, and the Business and Professions Code Sections 4996-4997;
  7. Maintain accurate client and financial records, and report clients' progress to the monitoring agencies as required by statutes and standards;
  8. Demonstrate respect toward program clients while modeling appropriate behavior;
  9. Immediately report child abuse or neglect, dependent adult and elder abuse as required by law; and
  10. Maintain a cooperative and reciprocal relationship with the Probation Department and other referring and monitoring agencies.

## **V. Staffing, Education and Training Requirements**

- A. Any licensed Program Directors or Clinical Directors must show current license documentation for the State of California on an annual basis. All facilitators will be under the direct supervision of the Program Director. Current state licensing, registration certificates, or proof of completion is required as described in Section 1203.098 of the Penal Code. Completion of 1203.098 requirements will be provided on all facilitators. A list of program staff/group facilitators is to be provided to the County Probation

---

<sup>11</sup> PC §1192.7(c)

<sup>12</sup> Tarasoff v. Board of Regents: The case deals with the conflict between physician/patient confidentiality and the duty that a doctor may have to warn a third party of a risk a patient poses. After telling a psychiatrist of his intentions, Prosenjit Poddar killed Tatiana Tarasoff. The Court found the psychiatrist liable for failing to warn the victim. [17 Cal 324, 425, 551p 2d 334, 131 Cal 14 (1976)]

Department's Domestic Violence Unit.

- B. Group facilitators shall have specific knowledge regarding, but not limited to, spousal abuse, child abuse, sexual abuse and substance abuse issues; the dynamics of violence and abuse; the law and procedures of the legal system; gender roles and the effect of abuse on children and others.
- C. Group facilitators shall comply with requirements described in Section 1203.098 of the California Penal Code, which include 40-hours of core-basic facilitator training and 104 hours as a supervised trainee/co-facilitator in an approved batterer's treatment program to be completed within a 6 month period. (Exceptions will be approved by the County Probation Department.)
- D. Group facilitators shall receive a minimum of 16 hours of continuing education yearly, in either domestic violence or a related field with a minimum of eight (8) hours in domestic violence.
- E. Group facilitators shall be evaluated by the Probation Department. Evaluations include observation of a group for an entire session, unannounced and at random throughout the year.

## **VI. Program Administrator Responsibilities**

- A. Apply to the Probation Department for approval, and renew that application annually.
- B. Pay an annual application fee to the Probation Department, not to exceed \$250. This fee is non-refundable.
- C. The program administrator shall complete a written application containing the necessary and pertinent information and the applicant's program curriculum.
- D. Demonstrate that the program possesses adequate administrative and operational capability to operate a batterer's treatment program. Operational capabilities include providing a setting that can comfortably accommodate the number of clients being served, is conducive to learning, and promotes and protects confidentiality.
- E. Provide proof of any applicable business licenses for each location used.
- F. Provide proof of professional and property liability insurance and lease agreements.
- G. Provide documentation to prove that the Program Administrator and/or Clinical Supervisor have conducted batterers' programs for at least one year prior to the application as an approved provider.



- H. Allow on-site reviews of the program by probation staff, including unannounced monitoring of sessions and auditing of client's files and supporting records to determine that the program adheres to applicable statutes and regulations. Client files shall contain documents as identified in the case file audit form.
- I. Follow educational guidelines as approved by the Probation Department. Any proposed mid-year program changes are to be reviewed and approved by the Probation Department prior to implementation.
- J. Respond to cited areas of non-compliance, in writing within 14 days, pursuant to Penal Code<sup>13</sup>.
- K. Provide copies of State licensing/registrations certificate for staff, updating the Probation Department files with current information as they expire.
- L. Utilize the sliding scale fee schedule set by the Sacramento County Superior Court.
- M. Reserve space for indigent and low-paying clients.
- N. Accurately record all financial transactions and provide each client with a weekly accounting of balances if requested.
- O. Assure that group facilitators are in compliance with Section 1203.098 of the California Penal Code and training requirements of the Probation Department's standards (Section V, page 6).
- P. Obtain advanced approval by written request to the Probation Department for any new group facilitators and comply with Section 1203.098 California Penal Code and any licensing requirements. This includes "substitute" group facilitators.
- Q. Attend and participate in all quarterly meetings scheduled by the Probation Department.
- R. Substitute facilitators must speak the same language, be aware of the class format and class dynamics.

## **VII. Standardized Fee Policy**

Developed by the Sacramento County Superior Court, the standardized fee policy provides uniformity and ensures all providers are conducting fee assessments within the same specified parameters. **The fee policy has four basic components:**

### **1. Standardized Fee Guidelines**

---

<sup>13</sup> PC §1203.097(c)(2)(B)

- a. Each program may authorize and implement a \$35.00 intake fee;
- b. Group session cap fees shall be determined by the sliding scale fee schedule;
- c. There will be no fee for re-enrollment/reinstatement unless the client has been away from treatment for a significant period of time. Exceptions are to be approved by the Probation Department;
- d. There will be no fees for letters, progress reports, or course materials, unless approved in advance by Probation;
- e. Clients that fall 2-4 sessions behind in program fees, based on sliding scale fees, can be returned to court for further action provided the program demonstrated that a written financial analysis has been completed. The program may return a defendant back to Probation for failure to pay agreed upon fees but it cannot deny admittance to class;
- f. All programs shall provide the client with a receipt to include date; class number, amount paid and breakdown of all fees credited to this receipt;
- g. It is the client's responsibility to provide proof of income and number of dependents. Clients who fail to provide the requested financial information may be charged a negotiated allowable fee. The Program can maintain this fee until the client provides reasonable income documentation;
- h. There will be no absence, late or "no-show" fees. A client must pay for all 52-sessions before receiving a certificate of completion. No fees will be charged for exit interviews, per 1203.97 PC;
- i. Each provider will utilize a Fee Assessment Acknowledgement Form (CR 320 Form) and a Fee Assessment Worksheet; and
- j. Probation Department shall be notified anytime fees are re-assessed.

**2. Standardized Sliding Fee Scale** (see addendum for fee related forms)

- a. All providers shall use the standard sliding scale fee. A sliding scale ensures fairness and consistency to all court-ordered defendants and treatment providers.

Gross Monthly Household Income	Weekly Counseling Fee	Gross Monthly Household Income	Weekly Counseling Fee
\$00-\$250	\$0	\$750-\$799	\$17
\$251-\$449	\$10	\$800-\$999	\$20
\$450-\$499	\$11	\$1000-\$1199	\$25
\$500-\$549	\$12	\$1200-\$1399	\$30
\$550-\$599	\$13	\$1400-\$1599	\$35
\$600-\$649	\$14	\$1600-\$1799	\$40
\$650-\$699	\$15	\$1800-\$2000	\$45
\$700-\$749	\$16		

Sliding Fee Scale

- b. Any exceptions from the scale will require written approval by the

Probation Department, or by Court order.

**3. Standardization Fee Assessment Worksheet**

The worksheet contains two sections. It is suggested that the designated intake person complete the worksheet with the client providing the requested information/documentation.

**Section One:** Contains two sub-sections:1) Income Sources and, 2) Sliding Fee Scale:

- 1) Income Sources:** This section is designed to identify the client's total income. It is expected that the client will provide sufficient income information to determine their income. Should a client fail to provide necessary income documentation, the program has the option of assessing the client the maximum negotiated (signed by client) fee. The program may maintain this fee until the client provides income documentation. (Use forms approved by the Probation Department.)
- 2) Sliding Fee Scale:** Once the client's personal income is determined, a session fee can be established utilizing the sliding fee scale.

**Section Two:** Should the client disagree with the initial assessed fee and desires an in-depth fee assessment or a full fee assessment, he/she **must provide proof** of all claimed expenses. This assessment will take into consideration personal, necessary, and discretionary expenses. Should a client continue to be dissatisfied with the assessed fee, they may seek further order from the Court via their attorney of record.

**4. Fee Assessment Acknowledgement Form (CR320 Form)**

- a. Following a fee assessment, each client is to sign and receive a copy of the Fee Assessment Acknowledgement Form and a copy of the form is to be placed in the client's file (mandatory).
- b. The Fee Assessment Acknowledgment Form clearly explains the client's financial obligations to pay for program services and specifies projected program costs. In addition, it provides the client with an avenue of recourse should he/she disagree with the assessed fee.
- c. A signed copy of the completed form must be sent to the Court and Probation.

**Note: Fee for Batterers' Treatment should be paid at time of service.**

**VIII. Criteria for "Special Fee" Consideration**

The following policy and criteria were established to ensure that clients "in need" would be eligible for "Special Fee" consideration when entering or participating in treatment in an approved treatment program.

- A. To be eligible for the reduced fee for participation in a Court ordered domestic violence program, a participant must meet one of the following five (5) criteria:
1. Homeless;
  2. Residing in a halfway house or treatment facility with no income;
  3. Receiving General Assistance;
  4. Family household is receiving public assistance; or
  5. Unable to meet current financial obligations.
- B. In addition to at least one of the above criteria, the participant must **also** have income below the poverty level<sup>14</sup>, as shown in the chart below:

Size of Family	Gross Annual Household Income	Size of Family	Gross Annual Household Income
1	\$9,570	5	\$22,610
2	\$12,830	6	\$25,870
3	\$16,090	7	\$29,130
4	\$19,350	8 <sup>15</sup>	\$32,390

- C. Documentation shall be REQUIRED. The “burden of proof” resides with the client. Each agency will require that every client requesting consideration for a reduced fee will provide documentation that supports his/her current financial status. The recommendation documentation requested will include:
1. Last year’s state and federal income tax forms (if filed);
  2. Two recent paycheck stubs;
  3. Unemployment payment or worker’s compensation;
  4. Public assistance, emergency assistance, general assistance, or welfare payments;
  5. Social security benefits or disability payments;
  6. Alimony or child support payments;
  7. Veterans’ payments or survivor benefits;
  8. Retirement or pensions;
  9. Insurance or annuity payments, interest or dividends
  10. Scholarships or grants;
  11. Any other proof of your current income;
  12. Household bills (i.e. PG&E, rent receipts, etc.).

<sup>14</sup> As defined by current Income Poverty Guidelines in the Federal Registry.

<sup>15</sup> Family units with more than 8 members, add \$3,260 for each additional person.

**D. Definition of Income<sup>16</sup>**

*For statistical purposes to determine official income and poverty statistics the Bureau of the Census defines income to include total annual cash receipts before taxes from all sources, with the exceptions noted below. Income includes money wages and salaries before any deduction; net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and non-Federally Funded General Assistance or General Relief money payments), and training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions; government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.*

*For official statistical purposes, income does not include the following types of money received: capital gains, any assets drawn as withdrawals from a bank, the sale of property, a house, or a car: tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payment, or compensation for injury. Also excluded are non-cash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food or fuel produced and consumed on farms, the imported value of rent from owner occupied non-farm housing, and such federal non-cash benefit programs as Medicaid, food stamps, school lunches, and housing assistance.*

**IX. Intervention Approaches**

- A. Group intervention will be provided for domestic violence clients in same gender groups. Couples counseling and/or family counseling is prohibited per the California Penal Code. Rooms should be comfortable and conducive to learning (classroom type setting). Groups may be open or closed and range from a minimum of 3 to a maximum of 15 participants at any given session, unless otherwise approved by the Probation Department.

---

<sup>16</sup> Federal Register, Vol. 61, #43, March 04, 1996

- B. Any intervention approach or practice that blames or intimidates the victim or places the victim in a position of danger is not appropriate.
- C. Support groups should be utilized when available and if appropriate; i.e., Batterers Anonymous, Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous.

**X. Length of Intervention**

- A. The client is required by law to complete a minimum of 52 sessions in not less than 52 weeks and within a period of 18 months. The length of each session is to be 2 hours. The two-hour treatment sessions shall not include administrative procedures or duties, such as monitoring attendance, collection, and Court reports or breaks. Pursuant to Penal Code<sup>17</sup>, participants are allowed a total of three absences during the entire program; upon the fourth absence, the client will be referred back to the referring agency. The client may be terminated from the program, but in any event he/she shall be referred back to the referring agency for further action due to excessive absences. Excused absences must be approved by Probation.
- B. Any absence must be made up by the client as a requirement of program completion. Clients should attend consecutive weekly sessions; any exceptions will require Probation approval.

**XI. Content of Intervention**

- A. The 52-week program *must* include, but is not limited to, the following topics.
  - 1. Gender roles;
  - 2. Socialization;
  - 3. The nature of violence;
  - 4. The dynamics of power and control; and
  - 5. The effects of abuse on children and others.
- B. Topics, tools and techniques to address anger and control behavior *should* include, but are not limited to, the following:
  - 1. Time-outs;
  - 2. Reflective listening;
  - 3. Mirroring techniques;
  - 4. The use of “I” statements;
  - 5. Problem solving steps/positive conflict resolution;
  - 6. Assertiveness vs. aggressiveness;
  - 7. Anger as a “cover feeling”;
  - 8. Identification and appropriate expression of feelings;

---

<sup>17</sup> PC Section1203.097

9. Empathy;
10. Non-physical forms of abuse;
11. Isolation;
12. Jealousy;
13. Recognizing warning signs of rage and high-risk situation;
14. Escalation and de-escalation;
15. Beliefs system presumptuous and changing attitudes;
16. Stress reduction techniques;
17. Taking responsibility for one's acts of violence;
18. Communication skills training;
19. Substance abuse and its impact on the abuser and family systems; and
20. Restraining orders.

## **Batterers' Intervention Program Procedures**

### **I. Intake Procedure**

- A. The client will be interviewed within 10 days of the initial client contact. If this cannot be done, the service provider will refer the client back to the referring agency. In addition, intervention must begin within 10 days of the intake interview. At that interview the client must be given written definitions of physical, sexual, emotional, economic, and verbal abuse and techniques for stopping these types of abuse.
1. The intake assessment shall be completed in one session with a one-time fee; it shall take place prior to the beginning of group sessions, and will not count toward the required 52 weekly group sessions.
  2. A maximum of \$35.00 may be charged for the intake assessment.
  3. A lethality assessment shall be completed on all cases by an approved facilitator.
  4. No client will be refused service based on inability to pay.
  5. A fee assessment is to be completed on all clients. In any case where a dispute exists, a fee assessment must be conducted with a copy placed in the client's file. In cases that are returned to court regarding fees as recommended by the treatment provider a copy of the client fee assessment worksheet will be forwarded to the court with the progress report. A sliding scale will be used.
  6. If appropriate, a referral will be made to a State certified and/or licensed substance abuse program and/or AA or NA. If the client does not agree to go to treatment voluntarily, then the program shall notify the Probation Officer or monitoring agency.
- B. Each defendant shall be evaluated individually, to assess at a minimum, the following areas:
1. Profile of the client's violent behavior history.
  2. Assessment of the client's potential for harm to self and others (lethality scale).
  3. Medical history, if deemed appropriate.
  4. Alcohol/drug abuse evaluation and its impact on the abuser and the family system and, if indicated, referral to appropriate substance abuse counseling.
  5. Social/psychological/cultural history.
- C. As specified in Penal Code<sup>18</sup>, prior to attending their first group session, the client must be given an Intake and Assessment interview by program staff who have specific knowledge regarding, but not limited to, spousal abuse, child abuse, and the law and procedures of the legal system<sup>19</sup>.

---

<sup>18</sup> PC §1203.097(c)(1)(C)

<sup>19</sup> PC §1203.097(c)(1)(I).



Program staff that have met the facilitator requirements of Penal Code<sup>20</sup> are qualified to conduct the Intake and Assessment interview. Other staff, not meeting those requirements may perform the Intake and Assessment interview if they are able to satisfactorily demonstrate their knowledge in these issues via documented training, education and/or years of experience to the Probation Department. The Intake and Assessment interview does not count towards the minimum number of sessions required for completion.

- D. If it is determined the client would not benefit from treatment or is not group appropriate, provided that it is not because of the client's inability to pay, the program may refuse to enroll the client and refer him/her back to the referring agency and provide a written report to that agency, citing the reason(s) for the rejection.
- E. The treatment plan shall be developed by the provider that addresses domestic violence and any other treatment issues identified by the treatment provider, Probation Officer, referral agency, or the court.
- F. A client contract must include an agreement to be non-violent and identify the responsibilities of the provider and the client. It will spell out attendance expectations, weekly group fees, and behavior standards in the program. In addition, it shall include the following:
  - 1. An agreement to be free of all forms of violence during the program;
  - 2. An agreement specifying the number of sessions of the intervention program and the program's attendance policy. Client shall receive a description or outline of the contents of the program;
  - 3. An agreement not to use sexist, racist, bigoted, demeaning, abusive, derogatory and discriminating language in the group;
  - 4. An agreement to meet financial responsibilities of the program, as required;
  - 5. An agreement that clients shall not attend group under the influence of alcohol or other non-prescribed drugs;
  - 6. Signed releases of information by the perpetrator allowing the service provider to share information with the Court, Probation Department, Social Services, and other agencies and professionals as determined relevant;
  - 7. A signed release authorizing representatives from the County Probation Department and Victim Advocates to attend and observe any group session without prior announcement;
  - 8. A confidentiality agreement delineating the exceptions to client-therapist confidentiality. These exceptions would include, but are not limited to, reasonable suspicion of, or admission of, child abuse or neglect, elder abuse, threats to do bodily harm, or to kill, another person

---

<sup>20</sup> PC Section 1203.098

(potential victims will be warned per Tarasoff), or suicide threats;

9. A statement indicating that following intake evaluation, and during the client's time in the intervention programs, threats to harm the victim or others (per the Tarasoff ruling) and/or acts of child abuse or neglect or elder abuse will be reported to the appropriate legal agencies, and by written report to the Probation Officer;
  10. An agreement to maintain confidentiality regarding other members of the group;
  11. An agreement not to violate restraining orders or other orders of the Court, such as conditions of probation;
  12. An agreement to meet Court-ordered obligations;
  13. A statement indicating violations of any of the terms of the client contract may lead to termination from the program and notification to the referring agency. A client's failure to participate toward intervention goals and objectives or disruption to the group process may be grounds for termination from the program. Termination would result in an immediate progress report to the referring agency; and
  14. Client's signature, with dates, and provider's signature as witness.
- G. The client must provide a copy of the referral form from the Probation Department. The program may request a copy of the police report, if available, from the appropriate agency.
- H. It is the responsibility of the program staff to advise the batterer of any specific program expectations or group rules. Any failures of a participant to meet program expectations or group rules must be recorded in writing.

## **II. Monitoring Requirements**

The Probation Department will be responsible for monitoring and evaluating approved Batterers' Intervention Programs which will consist of the following:

- A. The Probation Department will monitor each facilitator. Monitoring may include Probation Department employees observing facilities, classrooms and teaching methods, with or without notice. Should an issue or potential issue of non-compliance be identified, informal discussion shall be a means to rectify a change. If an informal discussion does not satisfy the Probation Department; the program shall receive a corrective action notice. The program shall provide a written response within 14 calendar days.
- B. The Probation Department's monitor(s) will use the following protocol as a guide in monitoring group sessions:
  1. The monitor will agree to maintain and keep confidential information regarding specific group members as heard and known from the monitoring of the group session.
  2. Providers are aware and must advise employees and group participants the Probation Department may with or without notice observe classroom and class teaching sessions and visits by

Probation Department employees will not alter this confidentiality provision. The group facilitator will advise the group that the purpose of the visit and monitoring is to evaluate the facilitator's work as it relates to applicable statutes and regulations<sup>21</sup>. California Penal Code Section The monitor will observe the group and will not interfere with the batterers' or interject during the group session discussion.

3. The monitor may take notes while observing the group session.
  4. The monitor will note the degree to which the facilitator follows and adheres to the program's curriculum as required in these standards.
  5. Should a situation arise fitting the parameters of the Tarasoff rulings be observed, the manner in which the facilitator handles the situation will be noted.
  6. Should the situation be observed whereby an incident of child abuse or neglect is revealed that meets the law's requirement of reasonable suspicion, the facilitator's handling of this will be noted.
  7. The matter of a group member's referring to a partner in a degrading, derogatory; depersonalizing language and how the facilitator addresses this will be noted.
  8. The facilitator's work with the batterers will be observed from an overall framework of collusion vs. confrontation and accountability.
- C. If the Probation Department determines a program or a program provider is not in compliance with standards set by the Department, and the requirements outlined in Penal Code section 1203.097, the Department shall provide a verbal notice of noncompliance areas within 72 hours of the finding and a written notice of noncompliance areas to the program within 14 calendar days. Discretion as to whether compliance has been met rests solely with the Probation Department. The program shall submit a written plan of corrections within 14 days from the date of the written notice on action and timeframe for implementation. The Department's Batterer's Program Evaluation Committee shall review the plan of correction. The Committee shall review and approve all or any part of the plan and notify the program of approval or disapproval in writing within 30 calendar days. The Department may conduct a site visit within 30 calendar days after the provider implements their approved corrective action. Failure to submit or implement a plan of correction shall be sufficient grounds for the Probation Department to suspend, revoke, deny recertification and/or cease making referrals to the program. 1203.097(c)(2)(B) PC.
- D. The program will maintain an individual case file on every client. All files must be bound to prevent document loss and all entries must be legibly written. The case file must contain the following information:

---

<sup>21</sup> PC §1203.097(c)(5)(A).

1. A copy of the Referral Form.
  2. Copies of the following signed and dated forms:
    - a. Client contract;
    - b. Release of Information;
    - c. Confidentiality Acknowledgement;
    - d. Lethality Assessment;
    - e. Fee Assessment;
    - f. Payment Schedule/Log w/ attendance dates;
    - g. Definitions of abuse and the techniques to deal with abuse;
    - h. Victim Contact Letter / or Penalty of Perjury Statement; and
    - i. Right to file a grievance.
  3. An initial intake evaluation must be scheduled on each case within 10 days of the first program contact.
  4. A case plan must be developed if substance abuse was an identified problem.
  5. Weekly group notes, dated and signed by the facilitator.
  6. Recording of attendance and payment of fees. All absences from the program must be documented and entered into the database on a weekly basis.
  7. A contact letter to each victim within 30 days of enrollment. This letter must be dated and must list the victim's name and address. The letter will contain a statement informing the victim that the defendant is participating in the program but his/her participation does not guarantee his/her safety or that the violence will stop.
  8. Information as to the whereabouts of the victim, specifically the victim's address. If the victim's whereabouts are unknown, the file must contain a copy of the Batterers' Statement Under Penalty of Perjury signed by the defendant/program staff.
  9. All completed case files must contain a copy of the exit conference and a copy of the exit conference must be sent to the Probation Department.
  10. Required progress reports, dated and completely filled out.
  11. Documentation that violations of the client contract are being reported to the referring agency.
  12. Clients on formal probation/parole need documentation regarding the name of the probation officer/parole officer and notes regarding any conversations with the probation officer/parole officer.
  13. The name of the group facilitator.
  14. All documents in the file must be dated and signed by appropriate parties.
- E. The Probation Department will monitor programs periodically with appropriate follow-ups as necessary.
1. A Case File Audit Report will be provided following file reviews to the Program Director, within a specific time period.
  2. If areas of non-compliance are identified, it will require a written plan of correction from the Program Director.

- F. At the request of the client, the group facilitator or the program director shall provide the client with the opportunity to review his case file. The client shall sign a document indicating he was given the opportunity to review his case file. Any information regarding victim or victim whereabouts shall be removed from the file prior to the review, along with any documents received from other agencies.
- G. Each program will be required to submit weekly statistics to the Probation Department, which consist of a list of the new referrals, the terminated cases with the reasons for termination.
- H. Programs will cooperate with the Probation Department regarding the random, unannounced group case file audits.

### **III. Complaint Procedure**

- A. Upon request, the client *shall* have the right to review his case file with the program director.
- B. All clients will be assured access to due process, which provides an opportunity for review and resolution of complaints.
- C. A client may appeal any action, which he/she believes to be inappropriate, or a violation of his/her rights, or any decision made by program staff to the Court or the Probation Department at any time.
- D. Staff are expected to give lawful and reasonable treatment to all clients. If the client feels he has been mistreated, he must be advised he has the right to file a written complaint and/or meet with the program director to air his complaint.
- E. A defendant will be notified in writing of the right to file a complaint. This form must be given to the client at the time of the intake assessment. Forms will be available from the facilitator upon request.
- F. No client will suffer reprisals from program staff or other participants as a result of his complaint. Staff will ensure the client is safe from *any* form of harassment as a result of filing a complaint.
- G. The following procedure is to be followed when a batterer requests to file a written complaint:
  - 1. All written complaints must first go to the county Probation Department, as the responsible agency for approval and oversight of Batterer's Treatment Programs.
  - 2. Once received by assigned probation staff, the complaint will then be investigated by probation staff or the Treatment Program's Administration, if the Probation Department deems it appropriate. The Treatment Program Complaint Disposition Report format follows the

complaint form; it is to be the format used in a complaint investigation/review.

3. The written complaint form, itself, will be provided at intake to all clients with signed acknowledgement of receipt, within their file. Copies of the complaint form should also be available in the waiting room area of a treatment provider, where possible.

#### **IV. Communication with Referring Agencies**

- A. The program shall use the standardized forms approved by the Probation Department.
- B. A verification of enrollment form will be submitted to the referring agency as ordered or within 30 days of the referral for treatment. The form will include the assessed weekly group fee. Progress reports shall include attendance, fee payment history, and program compliance.
- C. A progress report will be entered into the Sacramento County database every 90 days, unless requested on specific dates by the Court or Probation Department. If exigent circumstances exist, an immediate report will be sent to the Probation Department.
- D. A copy of every progress report will be sent to the referring agencies, which addresses his/her compliance or lack thereof, in the program. The progress report should be withheld from the client if it is assessed it would further endanger the victim. Providers will make sure that progress reports are received by the referring agency at the required time intervals.
- E. Every progress report submitted to Probation will be signed by the group facilitator and reviewed and signed by the clinical director and/or Program Administrator.
- F. A final evaluation will be submitted to the probation officer that includes the program's evaluation of the batterer's progress and a recommendation for either successful or unsuccessful termination, or continuation in the program.

**Copies of the final progress report and, if requested, the exit conference, are to be forwarded to the monitoring agency within 14 days of the completion of the program.**

- G. In periodic progress reports, the program shall make recommendations to the monitoring agency for concurrent substance abuse counseling for clients who are chronic users or serious abusers of drugs or alcohol when clients have failed to address these issues in their treatment program.

#### **V. Program Extensions**

- A. Upon recommendation of the program and by submission of a petition by the probation officer, the Court shall require the batterer to participate in

additional sessions throughout the probationary period unless it finds that it is not in the interest of justice to do so and states its reasons on the record. In so doing, the Court must consider whether the following reasons exist regarding the client<sup>22</sup>:

1. Violence free for minimum of 6 month.
  2. Cooperation in treatment program.
  3. Practices conflict resolution skills.
  4. Blames, degrades, or committed acts that dehumanize the victims or places the victim at risk.
  5. Understands violence is unacceptable in an intimate relationship.
  6. Has made threats.
  7. Complied with drug/alcohol abuse counseling as required.
  8. Accepts responsibility for the abusive behavior.
- B. The program has the responsibility to document and persuade the referring agency that the batterer has not benefited from the program. Adequate documentation should be present in the preceding progress reports.
- C. If the batterer is in need of an extension, all documentation will be forwarded to the Probation Department in a sufficient amount of time to review it prior to submitting the request to the Court. The assigned probation officer will submit a Modification Petition or Probation Violation Petition to the Court requesting an extension if deemed appropriate.
- D. If the Court grants an extension, the batterer will be required to attend additional treatment services for a time specified by the Court.

## **VI. Transfer & Termination**

- A. A transfer between program providers may be granted by the program when appropriate. Examples of appropriate reasons for transfer include a client who is unable to continue in the current program due to a relocation of residence or employment, where transportation creates a significant hardship, or when a program provider has discontinued services.
- B. When clients move from one Batterers Intervention Program to another, a cooperative effort shall be made on the part of both program providers to assist in effecting the client's transfer. An updated explanatory Progress Report should be completed as soon as the pending transfer is known. It should be forwarded to the receiving Provider and the referring agency.
- C. Clients changing programs will receive credit for classes attended.

---

<sup>22</sup> PC §1203.097(a)(10)(A) PC:

- D. Termination from the program may occur if the client contract is violated. Conditions leading to termination may include:
  - 1. When the program provider determines that the client is not benefiting from or cooperating with the program and can clearly document this.
  - 2. When there are additional threats of violence.
  - 3. When the client has a fourth absence, as required by California law.
- E. When a client enrolls in a program within a six (6) month period of termination, the client shall get credit for classes attended.
- F. During the course of the program, the client may be identified as psychologically inappropriate for group sessions. When this occurs, the program providers should refer the client to the Probation Officer.
- G. Upon the fourth absence, the client may be terminated from the program provider. The client should then appear before the Court as required by Penal Code<sup>23</sup>. At a Court Hearing, the Court may on record subtract the number of sessions already completed from the number initially required, or may order the client to begin the number of sessions previously ordered anew. If the Court does not address this issue, the client shall get credit for classes attended when the client enrolls in a program within a six (6) month period of termination.

## **VII. Victims' Services**

- A. The defendant shall be required to provide the victim's address, if known.
- B. According to Section 6211 of the Family Code, a victim is described as:
  - 1. Spouse or ex-spouse.
  - 2. Cohabitant or ex-cohabitant.
  - 3. Dating or engagement relationship.
  - 4. Person with whom batterer has had a dating relationship.
  - 5. Any blood relative.
  - 6. Parent of child.
  - 7. Child of party.
- C. In cases where the victim's address is unknown, reasonable efforts to contact the victim shall be documented. The Penalty of Perjury form shall be signed by defendant and placed in the file.
- D. The program shall provide information in writing to the victim regarding available victim resources.
- E. Victims should be encouraged to report to local law enforcement any

---

<sup>23</sup> PC §1203.097(a)(6)



additional threats or acts of violence.

- F. No victims should be compelled to participate in a program or counseling and no program may condition a client's enrollment on participation by the victim. Victims should be informed of their rights and the providers should be able to link them with other agencies providing victim services. Penal Code<sup>24</sup> prohibits the use of couples counseling or family counseling in the Batterers Intervention Program.
- G. All victim information will be removed prior to client reviewing his/her file.
- H. Victims must be informed of any threats of violence the batterer may make in the course of the intervention (if whereabouts is known by the program).
- I. The program is to inform the victim in writing regarding the requirements for the defendant's participation in the intervention program and that attendance in any program does not guarantee that an abuser will not be violent.
- J. Each provider will maintain a contact log, which will document all collateral contacts including any contacts with the victim.
- K. Any confidential information regarding a victim and victim's whereabouts should not be released to the abuser.

### **VIII. Evaluation**

Programs shall evaluate the effectiveness of their services and staff. Each provider will provide quarterly statistics to the Probation Department as required or upon request.

### **IX. Approval and Renewal Process**

- A. The Probation Department is required to conduct an approval and annual renewal process each calendar year pursuant to Penal Code Section 1203.097.
- B. The Probation Department will set a fee for approval not to exceed \$250.00 and for approval renewal not to exceed \$250.00 every year in an amount sufficient to cover its cost in administering the approval process. No fees shall be charged for the approval of local government entities. All fees are non-refundable.
- C. The approval will include the specific steps listed below:
  - 1. Submission of an initial application or renewal packet;
  - 2. On-site visit(s);

---

<sup>24</sup> PC §1203.097(c)(1)(G)

3. Signed Statement of Assurances;
4. All appropriate documents are made available to the Probation Department at the time of application;
5. The Probation Department will make the final decision regarding the approval/renewal. A change of new ownership application must be submitted to the Probation Department whenever a change of ownership and/or operation is desired. A re-application must be submitted prior to a change of ownership or change in administration. Written approval of the Probation Department is needed;
6. Service providers are approved to offer batterers' intervention services at specific sites. No provider shall move service sites or replace scheduled facilitators without a written request, and prior permission in writing, from the Probation Department. A violation of this procedure may result in the revocation of the approval of the provider.
7. The Probation Department will issue certificates of approval to approved providers on an annual basis;
8. The Probation Department can withdraw approval status from providers found to be out of compliance.