

Domestic Violence Offender Program Standards

Developed by:
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Sexual Assault Coalition**

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Fundamentals

Men's Program Standards

These standards have been established to insure that men convicted of a crime related to intimate partner abuse and as a result ordered into an intervention program by a Nebraska court are placed in an appropriate program.

These standards apply to men regardless of their sexual orientation. Although there are women in heterosexual or homosexual relationships who also perpetrate intimate partner abuse related crimes, these standards do not apply to intervention programs for such women.

Many of the causes and motivations of abuse of intimate partners are shared by male and female perpetrators. However, enough significant cultural differences exist in the way society is constructed and men and women are socialized in society to require that separate standards for intervention programs for men and intervention programs for women.

Historically, society has sanctioned men's, but not women's, use of abusive tactics, including violence, to maintain dominance in relationships. Men's use of these abusive tactics, including violence, within the context of the family has been normalized and at times even protected as appropriate male privilege. As a result, some men have learned to believe they are entitled to use abusive tactics, including violence, in their relationships.

Intervention programs for men who abuse maintain that the perpetrators of domestic abuse are solely responsible for their actions. They reject notions of provocation or loss of control and assert that perpetrators carefully select the targets of their abuse and choose the circumstances of their violence, including the amount of injury inflicted by their assaults.

Because men who abuse choose violence, they can also choose to stop abusive behaviors, including use of violence, in their intimate relationships. Intervention programs are charged with educating men to consider the options for ceasing abusive behavior and embracing belief systems respectful of women. Intervention programs also must recognize that the decision to not use abusive behaviors, including violence, rests exclusively with the perpetrator.

The safety of the victim(s) supersedes the interests of the perpetrator and the men's intervention program. The intervention program will clearly state that the programs are targeted at changing men's abusive behaviors, not salvaging marriages or relationships.

Definition of Domestic Abuse

For the purpose of these standards, and as a reference for those who provide intervention services to perpetrators of domestic abuse, the definition of domestic abuse shall be understood as follows:

Domestic abuse is an attempt to control the behavior, emotional, and/or intellectual life of another person and to diminish or prevent that person's free choice. Abuse can include physical harm, arousing fear or preventing a victim from doing what he/she wishes. Relationships in which one partner uses assault and coercion can be found among married and unmarried heterosexuals, lesbians and gay males. Not all forms of domestic abuse are criminal.

It is a myth that batterers resort to violence when they lose control. In fact, abuse is deliberate. Offenders are responsible for their behaviors. For men, the most prevalent cause of domestic

violence is his belief that he is entitled to use abusive behaviors against his intimate partner. Commonly, abusers learn this belief system by living in a society which condones or promotes violent behavior, however there are other causes. Abuse may consist of one, or a combination of two or more of the following behavioral elements:

- Physical assault against an intimate partner, children, pets or other people close to the victim
- Threats, including threats:
 - Of bodily harm or to well-being,
 - To privacy such as regarding sexual orientation or immigration status, or
 - To children, pets, or other people close to the victim
- Verbal and emotional abuse such as intimidation, coercion, isolation or degradation.
- Economic forms of control such as withholding or denying access to money or other basic resources, sabotaging employment, housing or educational opportunities.
- Sexual assault or sexual abuse, including coercion
- Social isolation such as possessiveness, jealousy, denying communication with friends and family, inhibiting access to transportation and telephone.
- Stalking, harassing and ongoing monitoring and pursuing of the victim
- Damaging the victim's property

Statutory definitions of Domestic Violence

Nebraska law now defines domestic violence in three places.

Domestic assault is defined as a crime in Nebraska Statute 28-323, which states:

- (1) A person commits the offense of domestic assault in the third degree if he or she:
 - (a) Intentionally and knowingly causes bodily injury to his or her intimate partner; or
 - (b) Places, by physical menace, his or her intimate partner in fear of imminent bodily injury.
- (2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.
- (3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

In the Nebraska civil code, domestic abuse is defined. Nebraska Revised Statutes section 42-903, the Protection From Domestic Abuse Act, defines abuse as the occurrence of one or more of the following acts between household members:

- a) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;
- b) Placing, by means of credible threat, another person in fear of bodily injury. For purposes of this subdivision, credible threat means a verbal or written threat, including a threat performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct that is made by a person with the apparent ability to

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carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat shall not prevent the threat from being deemed a credible threat under this section; or

- c) Engaging in sexual contact or sexual penetration without consent as defined in section 28-318.

“Family or household member” includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

In the Parenting Act. 43-2922 (8) defines “domestic intimate partner abuse” as:

(a) An act of abuse, as defined in section 42-903, and the existence of a pattern or history of such an act without any recency or frequency requirement, including, but not limited to, one or more of the following: Physical assault or sexual assault, threats of physical assault or sexual assault, stalking, harassment, mental cruelty, emotional abuse, intimidation, isolation, economic abuse, or coercion against any current or past intimate partner or an abuser using a child to establish or maintain power and control over any current or past intimate partner. The following acts shall be included within the definition of domestic intimate partner abuse if the acts contributed to coercion or intimidation of the intimate partner: (i) An act of child abuse or neglect or a threat of such act. A finding by a child protection agency shall not be considered res judicata or collateral estoppel regarding such issue and shall not be considered by the court unless each parent is afforded the opportunity to challenge any such determination; (ii) Cruel mistreatment or cruel neglect of an animal, as defined in section 28-1008, or a threat of such act; or (iii) Other acts of abuse, assault, or harassment, or threats of such acts, against other family or household members; or (b) One act of physical violence resulting in serious bodily injury against any current or past intimate partner, excluding any act of self-defense.

In addition, the Parenting Act also establishes definitions for economic and emotional abuse. Here are the definitions in 43-2922:

(9) Economic abuse means causing or attempting to cause an individual to be financially dependent by maintaining total control over the individual's financial resources, including, but not limited to, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding of money or assets, exploiting the victim's resources for personal gain of the abuser, or withholding physical resources such as food, clothing, necessary medications, or shelter;

(10) Emotional abuse means a pattern of acts, threats of acts, or coercive tactics, including, but not limited to, threatening or intimidating to gain compliance, destruction of the victim's personal property or threats to do so, violence to an animal or object in the presence of the victim as a way to instill fear, yelling, screaming, name-calling, shaming, mocking, or criticizing the victim, possessiveness, or isolation from friends and family. Emotional abuse can be verbal or nonverbal.

Purpose of Standards

The purposes of creating these standards are to:

- promote consistency of services statewide and to provide a process to evaluate those services;
- provide a model for intervention which identifies and remediates tactics of power and control;
- challenge beliefs of offenders so they can see they are accountable for their behavior and can change that behavior, especially when given appropriate alternatives;
- establish a minimum level of responsibility, service and accountability expected from providers;
- enhance the public's awareness of domestic violence and encourage a community context that does not tolerate abuse and use of violence; and
- remind providers that intervention services are an important part of community strategies to end violence against women and children.

Purpose of Intervention Programs

The purposes of the programs are to:

- hold offenders accountable, challenge their beliefs, and teach new skills to help offenders change their behavior;
- provide role models while educating offenders about non-controlling behaviors;
- collect data to assist with evaluations of program effectiveness and recidivism;
- confront collusion and victim-blaming by offenders and others;
- challenge myths about domestic violence;
- coordinate services including referrals to other agencies for needed services;
- heighten public awareness by making information available to the community; and
- report compliance and noncompliance to the courts or other referral sources.

Principles of Practice

Programs must recognize and state that:

- Men's domestic abuse cuts across all lines of race, ethnicity, education, social class, sexual preference, age, religion, geography and physical and mental ability.
- Men's domestic abuse is rooted in societal imbalance of power between men and women.
- Abuse is not tolerated under any circumstance. All behavior, whether intentional or unintentional, has consequences and is the sole responsibility of the actor. Offenders must learn that engaging in abusive behavior has serious consequences.
- Domestic abuse is a learned and chosen behavior and therefore can be unlearned. New ways of participating in intimate relationships can be implemented. Domestic abuse is rarely caused by disease, diminished intellect, addiction, mental illness or any external person or event.
- Each individual is totally responsible for his own acts, no matter what the circumstances. The person who chooses to abuse is responsible for the abuse, not the person who is the target of abuse.
- Intervention with men who abuse may give the victim a false sense of security and may serve as a substantial disincentive to separation and other safety planning. Therefore, intervention must be undertaken with particular care to safeguard victims.
- No intervention program for offenders should be initiated in a community unless there is a program for battered women that provides safe housing, advocacy and support services.

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- It is in the best interest of the victim to expand her network of support through involvement at a domestic violence/sexual assault program or other agency offering information, advocacy and support. Therefore, offender intervention services should make timely, informed referrals for victims.
- Victim contact is a valuable support for intervention, but it may endanger the victim's safety. The safety of the battered woman always supersedes the interests of the offender in an offender program.
- Victims are entitled to access information from programs for men who abuse on program philosophy and curriculum content, as well as on the attendance, and termination from the program.
- In intervention with men who abuse, service providers have a special duty to warn victims of threats.
- Offenders should pay all or part of their own program costs to indicate accountability.
- Program plans should allow for individual needs of participants such as physical disabilities or functional illiteracy and attempt to accommodate people with language barriers or physical disabilities either individually or through referrals.
- Providers will maintain individual standards that reflect professionalism. They will maintain a personal demeanor that is consistent with a professional appearance and attitude. Providers will be violent-free in their professional and personal lives.
- Providers must cooperate with other interrelated agencies, including service providers for victims and the criminal justice system. Continued interagency communication and cooperation is essential to assess the lethality of the offender, the potential for harm to the victim, and the effectiveness of the programs.
- The standards may undergo review and revision. The review and revision process will be consistent with experiences of new knowledge, skills and methods.

Collaboration Standards

Safety for victims of domestic violence must always be the primary goal of an intervention program. So, intervention programs must establish cooperative, accountable relationships with local domestic violence/sexual assault programs, the Nebraska Domestic Violence Sexual Assault Coalition (Coalition) and the courts, including probation.

Offender intervention programs shall not exist in isolation. Intervention programs must develop within a community approach. Aspects of collaborations could include referral protocols with courts, client reporting procedures, participation in coordinated response coalitions and victim safety procedure protocols with domestic violence/sexual assault programs.

Offender intervention programs must establish procedures for safeguarding battered women and understand laws on domestic violence and the operation of the justice system.

MOU with Victim Services Program

If a program is not provided by victim services program that is a member of the Nebraska Domestic Violence Sexual Assault Coalition, the program must demonstrate a working relationship with the victim services program in its service area that is a member of the NDVSAC.

An MOU must be signed between the executive director of the NDVSAC program(s) in the program's service area and the person responsible for insuring that the program complies with these standards.

This MOU must be signed by both parties prior to the program initiating service and remain in effect for the program to remain in compliance with state standards. The MOU should outline the specific steps the program will take designed for victim safety, including victim contact procedures, and what role the victim services program will play in the victim safety response. A sample MOU is included in Appendix G.

MOU with Probation/Courts

To work toward an increased level of accountability, programs must communicate with Probation/Courts regarding participants who are court directed/mandated to attend.

An MOU must be signed between the Adult Probation District in the program's service area and the person responsible for insuring that the program complies with these standards. This MOU must be signed by both parties prior to the program initiating service and remain in effect for the program to remain in compliance with state standards. A sample MOU is included in Appendix F.

At a minimum, programs should provide the following information to Adult Probation:

Monthly Contact:

- Each program must complete an individual monthly report on all program participants who are on probation. This report must be submitted to the identified probation officer by a date decided upon by both the program and probation.
- Monthly Reports must be completed using the Standardized form (see appendix E – use revised form)
- Programs must participate in a meeting monthly to staff cases.

Change in Status or Non-Compliance Contact:

- Programs must inform probation/court if the participant is discharged from the program within 48 hours of discharge.

- Each program must contact the individual probation officer within 24 hours of discovery of any new violence on behalf of the participant.

Transfer Policy

- Any individual transferring from one Nebraska program to another Nebraska program as a result of a non-compliant discharge must start over with the second program.
- Any individual in good standing in a Nebraska program who seeks to transfer to another Nebraska program as a result of a lifestyle change that makes it impossible for the program participant to continue in the program may do so without losing time in the program.
- Any individual in good standing in a Nebraska program who seeks to transfer as a matter of preference to another Nebraska program may do so, but the program participant must start over.
- Any individual transferring into a Nebraska program from outside of Nebraska must start over unless the program participant is in good standing in a program that appears to conform to these standards. Program verification must be made by the staff of a Nebraska program contacting staff with the out-of-state program.
- Program participants who want to transfer to a different program must sign a release of information so that the two programs may contact each other to establish the status of the program participant in the new program and share any other relevant information about that program participant.
- A program participant is considered in good standing if:
 - all homework assignments have been completed;
 - group fees are current;
 - group attendance policies have been met; and
 - all group rules are followed.

Advertising/Public Information Policy

Programs will establish a media policy addressing advertising and public information. Elements of this policy will include:

- Advertising for offender programs should indicate they are a part of a community response to domestic abuse and not the sole means for ending domestic abuse.
- Offender programs will clearly state the programs are targeted at changing batterers' violent behaviors, not salvaging marriages or relationships.

Structural Components

Program Content

Length

The preferred length of the intervention program should not be less than 30 weekly group sessions lasting for 120 minutes per session. The minimum length of the intervention program should not be less than 24 weekly group sessions lasting at least 90 minutes per session. This does not include intake and orientation sessions. Length of program standards are based on national best practice standards for men's domestic violence intervention programs.

Appropriate Intervention Approaches

- The preferred model for offender intervention programs are group sessions co-facilitated by one male and one female for the purpose of modeling healthy egalitarian relationships.
- The model is educational. It addresses abuse in both a personal and social context through gender-based expectations, beliefs and attitudes. The model acknowledges that violence is a learned behavior, so perpetrators can learn to behave differently.
- Intervention may also be provided on an individual basis when an individual is unable to participate in a group setting; no qualified group program is available; if the individual's participation would be too disruptive for other group members; or the individual's safety would be compromised by participating in a group program. Individual intervention must be documented by the provider in the individual's case file and must be limited to domestic violence issues.
- Providers may decide whether groups are open (accepting new members on an ongoing basis) or closed.
- Groups must be of same gender.

Also, the following interventions may co-occur during the intervention program period at different times than the intervention program:

- Treatment for mental or substance abuse problems.
- Individual counseling to address other issues the perpetrator may have, such as overcoming childhood trauma.

Inappropriate Intervention Approaches

The following intervention approaches do not meet the standards and are inappropriate:

- Any approach that blames or intimidates the victim or places the victim in any danger. There is no behavior on the part of the victim which causes or excuses abuse. Perpetrators bear sole responsibility for their actions.
- Any approach that coerces, mandates or otherwise requires victim participation. Couples, marriage or family therapy is not recommended during the offender intervention program.
- Any mental health interventions which could be used to excuse the violence, such as childhood abuse experienced by the program participant.
- Communication enhancement or anger management techniques which lay primary causality of violent behavior on anger.
- Systems theory approaches which treat the violence as a mutually circular process, that is, blaming the victim.

- Counseling models that identify the victim and children as enabling or codependent in the violence.
- Any approach that encourages gradual containment and de-escalation of violence.
- Theories or techniques that identify addiction or poor impulse control as the primary cause of the violence.
- Methods that identify psychopathology on the part of either party as a primary excuse of violence.
- Use of fair fighting techniques as a method of reducing violence.
- Couple counseling, couple groups, mediation, marriage enhancement weekends or family therapy. Victims shall not be compelled to participate in any aspect of the batterer intervention.
- Treatment for mental or substance abuse problems can't be substituted for an intervention program.
- Same-sex perpetrators should not be placed in the same group as heterosexual offenders without first discussing whether the program participant's safety would be compromised by participating in the group program and considering alternatives to the group program. The program has the discretion to place an individual in alternative program, individual or group, as long as that program is consistent with state standards.

Fees

- A fee for services, no matter how minimal, will be assessed and paid by the offender. It is recommended that the offenders pay in a regular, consistent basis. Responsibility for the financial cost of the program is an essential element of perpetrator accountability.
- Participant fees may be based on a sliding scale and based on the program's determination of the offender's ability to pay. Programs must accept indigent participants.

Attendance Policy

- The program participant must complete all of the sessions of the intervention program as provided in the contract that program participant signs. However, the offender cannot begin that program until intake and orientation are completed.
- Notice of this policy must be signed by the offender and placed in his file.

Curriculum Content

- Program topics must follow a model that depicts an overall system of physical and sexual abuse where the perpetrator uses methods of power and control over a victim. Those tactics include:
 - Using intimidation;
 - Using emotional abuse;
 - Using isolation;
 - Minimizing, denying and blaming;
 - Using children;
 - Using male privilege;
 - Using economic abuse; and
 - Using coercion and threats.
- Perpetrator intervention providers must provide information on each of the following content areas in the intervention sessions:
 - The perpetrator's responsibility for the violent and abusive behavior;

- The definition of domestic abuse;
 - The myths and beliefs about domestic abuse, including myths about provocation;
 - Listening and communication skills and listening with empathy;
 - Problem solving skills;
 - Stereotypical gender role and societal expectations, including male privilege;
 - The effects of domestic abuse on victim, children, self, and others;
 - Dispelling myths about substance use/abuse causing domestic violence; and
 - The role of ethnicity and culture in domestic abuse.
- Intervention programs will make no differentiation between forms and levels of intensity of violent behaviors.

Intake and Orientation Procedures

The program has authority to accept or reject referrals and therefore, the program will develop and use criteria for acceptance or rejection for intervention services. Some perpetrators are not ready or are not appropriate for an intervention program. If a program does not have the capacity to make an adequate assessment for compounding problems, such as substance abuse or mental illness, assessments should be done by the appropriate agency with follow up to the intervention program. The criteria for accepting/rejecting clients should be included in the program's policies and procedures.

Intake

The following intake standards should be implemented:

- During intake and periodically thereafter, the program will assess for lethality. Appendix D lists a minimum list of information a program should obtain when assessing for lethality. Lethality assessments throughout his involvement in the program are required. Domestic violence offenders have the potential to greatly injure or kill others. While an offender's behavior cannot be predicted or accounted for by program staff, because primary program objectives seek to provide for the safety of the victims and contribute to efforts to hold offenders accountable, lethality assessments are an important part of the program structure. Changes that may occur in the offender's life during the time he is involved in the program, such as increased alcohol use or a breakup with a partner, can increase his potential for lethality.
- The program shall review with the program participant the contract for services that clearly spells out obligations in the program and the nature of an intervention program.
- The program has a policy and procedures on victim contact during intake that is consistent with the Victim Contacts section.
- If the program rejects a court-mandated applicant for intervention services, it must advise the court of the basis for rejection and provide an appropriate referral if possible.
- The program does not discriminate against any applicant based on race, class, age, physical handicap, religion, educational attainment, ethnicity, national origin or sexual preference.

Orientation

All clients should receive an orientation prior to beginning the program. An orientation outline and a statement acknowledging the need to attend must be in each offender's file. Orientation may be provided individually or with a group of program participants. Orientation must include:

- The definition of domestic abuse;

- An introduction of the power and control wheel;
- An introduction of the equality wheel;
- An overview of rules and regulations;
- An overview of effects of domestic abuse on children; and
- An outline of program content showing the dynamics of power and control, the effects of abuse on the victim, children and others, gender roles, socialization and the nature of the abuse.

Notification and Contact of Victims, Current Partners, and Women the Perpetrator Shares a Child in Common With

Safety of women who are impacted by perpetrators' behaviors or may be impacted by perpetrators' behavior is of the utmost importance and is the first priority of any men's domestic violence intervention program. As a result, programs are required to notify victims, current partners or women the perpetrator shares a child in common with about the perpetrators' participation in the program.

(NOTE: In the remainder of this section, the word victim refers to victims, current partners and/or women the participant has had children with.)

This notification is required for the purpose of enhancing the safety of women and children and providing information about the intervention services, the importance of safety planning and the availability of services from local domestic violence and sexual assault programs.

For these reasons, men's domestic violence intervention programs shall have written policies and procedures that govern victim notification and contact. These written policies and procedures must effectively address victim safety. Contact is not for purpose of promoting rehabilitation of men who batter. Contact initiated by a men's domestic violence intervention program shall consist of notifying the victim of the following:

- 1) Notification of completion**
- 2) Notification of termination**
- 3) Notification of imminent threats to health or safety (duty to warn)**
- 4) Notification of "milestone" events during the intervention, such as warning participant he is danger of termination**

Programs are required to notify participants that they will make these victim contacts.

1) Initial Victim Notification:

- The program shall make required victim notifications, in writing, within 5 business days after the participant has signed the program contract. Programs are required to make reasonable efforts to determine a correct address to send the written information to victims. This would include seeking a correct address from at least 2 sources which might have this knowledge, such as the program participant, law enforcement or adult probation. Programs will document efforts to determine a correct address to send information. Batterer Intervention Programs may conduct initial notification by telephone, however, the letters and accompanying information are still required.
- Notifications must include the following information:
 - Information about the Batterer Intervention Program including program structure, program content and program philosophy

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- The limitations of the program, including a statement that participation in a BIP does not ensure the participant will stop any or all abusive behaviors*
- Contact information for the local domestic violence and sexual assault program
- Name and contact information for probation office
- A clear statement that the victim is not expected in any way to help the participant complete any BIP requirements and that the participant's eligibility for the BIP's services is not contingent in any way on victims participating in the intervention.
- Provision for further contacts, such as after 12 weeks.
- Copy of "A Partner's Guide to Batterer Intervention Programs for Men"***

** Victims and the public at large generally believe in the efficacy of intervention programs, therefore; all information disseminated to battered women and the public must clearly set forth the limitations of offender intervention programs. Communications should not represent programs as achieving more than they can actually accomplish. Victim and public information should specifically state that intervention services provide a minor role in the community plan to reduce domestic violence.*

***Sample letters for initial contact and a Copy of "A Partner's Guide to Batterers' Intervention Programs for Men" are included in attachment F.*

- The BIP shall document in writing initial notification. If written notification is returned, the unopened mail shall be filed. If phone contact is initiated, the BIP must also document this for the victim's file. **No victim contact information shall be kept in the participant's file.**

2) Notification of Participant Completion

- The BIP shall notify the victim, in writing, within 5 business days of the participant's contractual discharge from the program. Notification shall include:
 - Notification that the offender has completed the program
 - Contact information for the local domestic violence and sexual assault program
 - Name and contact information for adult probation office
 - A clear statement that completion of the program does not ensure the participant will stop any or all abusive behaviors
- The BIP shall document in writing victim notifications. If written notification is returned, the unopened mail shall be filed. **No victim contact information shall be kept in the participant's file.**

3) Notification of Termination

- The BIP will **immediately** attempt to notify the victim of his termination from the program. The BIP must complete victim notification attempts within the first 24 hours after termination from the program.
- All efforts to notify by phone or in person shall be documented in writing. **No victim contact information shall be kept in the participant's file.**

4) Notification of Imminent Threat to Health or Safety (Duty to Warn)

- The BIP must attempt to immediately notify the victim of any real or perceived threats to the victim's health or safety. Attempts at immediate victim notification must be made by phone or

in person. The BIP must disclose participant information when the BIP, in good faith, believes such disclosure is needed to prevent or lessen an imminent threat to health and/or safety. No authorization to release information is required under these circumstances.

- This duty to notify victims of imminent threat is not limited to situations where the participant has been hostile or made threats. The program has a duty whenever it reasonably believes, for whatever the reason, including simply intuition that a health and safety threat exists.
- The BIP shall immediately contact law enforcement when the BIP, in good faith, believes there is a real or perceived threat to another person or the public. No authorization to release information is required under these circumstances.
- The BIP shall immediately contact the supervising adult probation officer of the participant when the BIP, in good faith, believes there is a real or perceived threat to another person or the public. No authorization to release information is required under these circumstances.
- All efforts, whether successful or not, to notify another person or the public shall be documented in writing. **No victim contact information shall be kept in the participant's file.**
- Any real or perceived threats to the health or safety of another person or the public issued by the offender shall be documented in writing in the offender's file.

5) Victim Initiated Contact

Batterer Intervention Programs should not be the primary resource to victims. Services for these individuals should be provided separately and not as a part of the BIP. Staff providing services to batterers should not engage in direct or on-going advocacy.

Though advocacy is considered an integral aspect of offender programs, referrals to a local domestic violence and sexual assault program that is a member of the Nebraska Domestic Violence Sexual Assault Coalition should be made. Such referrals are essential to avoid conflict of interest and because of the expertise of the advocacy program in safety planning and related issues.

If a victim initiates contact with any BIP staff, **BIP staff shall not inform the program participant about the contact.**

In response to victim initiated contact, BIP programs must clearly state that the individual making contact is under no obligation to provide any information, that refusal to do so won't affect the status of the participant and that any information shared with the BIP will be kept confidential unless the program receives express authorization to disclose the information or unless release of information is required by law or court order.

In considering whether to receive information from victim initiated contact, the BIP shall prioritize safety over any other concern. When a program concludes that victim contact is unsafe, such as when the safety and lethality risks related to victim contacts supersede no victim contact, the program will end all victim contact except to warn about immediate threats, dangers, and risks posed by the program participant. This guideline is true even though use of the information may help improve the intervention with the program participant.

Confidentiality

Victims

Intervention programs shall maintain the confidentiality of victims, unless confidential verbal communications are specifically waived by the victim in writing.

- Intervention programs shall not persuade or coerce victims to waive confidentiality and shall inform victims of the limits to confidentiality. They are:
 - The program has a duty to report child abuse or vulnerable adult abuse according to state law.
 - The program has a duty to warn the intended victim if the client makes an explicit threat to harm someone else. The program also has a duty to warn when the client exhibits characteristics that suggest dangerousness.
- Intervention programs must keep separate records for the program participant and victim. Separate record keeping reduces the risk of inadvertent disclosure. Information about victims, even in separate case records, should be kept to a minimum.

Program Participants

Program participants in intervention programs are accorded and notified in writing the limits to confidentiality. (See Program Participant Contract Components)

Other Persons Attending Men's Domestic Abuse Intervention Groups

No person may observe an intervention program session who does not have a valid purpose to be there. Appropriate notice should be given to the coordinator or facilitator of the intervention program before an outside person attends the group.

Program Participant Contracts and Rules

Contract Components

Program participants should receive a copy of the signed contract and the offender rules. To ensure informed consent, the following issues must be addressed in offender contracts for intervention programs:

- Statement of philosophy consistent with these Standards;
- Length of program;
- Criteria for discharge, including a clause noting that failure to comply with terms of the contract could lead to being discharged;
- A clause noting that failure to follow participant rules or guidelines could lead to being discharged;
- Attendance policies and consequences of inadequate attendance;
- The expectation of active participation, including sharing personal experiences, values and attitudes and completing group activities and assignments;
- An agreement to stop violent and threatening behaviors, to be non-abusive and non-controlling in relationships, to comply with all court orders, and to cooperate with the rules for group participation;

- Other program expectations, such as written exams, concurrent treatment requirements, rules regarding possession of weapons, and any other conditions on participation in the intervention program;
- Fees/methods of payment;
- Drug and alcohol policy, including the requirement that the offender attend sessions free of drugs or alcohol;
- Note that groups may have visitors from time to time who have an appropriate purpose for attending, such as Adult Probation officers; and
- Each program participant must execute written waivers of confidentiality upon entering the program. These waivers are related to:
 - Contact with any victim of the offender for information sharing about acceptance, rejection, change of program participation or discharge of the offender;
 - Duty to warn and protect victims, law enforcement and third parties related to any risk of serious harm posed by the offender;
 - When the offender is mandated to intervention services by the court, the waiver specifies that all information regarding the offender's participation will be revealed to the probation office and the court; and that the appropriate office within the justice system must be apprised of a mandated offender's failure to participate, further acts of violence and discharge. Reports required by the court and probation regarding participation in intervention services;
 - The right to confidentiality within the specified limits, and the requirement that participants safeguard the confidentiality of other group members;
 - When the confidentiality waivers expires. The program should provide a specific date when the waiver expires.
 - Requirement that the program participant provide important, relevant documents such as documents related to prior violence, prior or concurrent treatment services, or execute appropriate releases of information to obtain the privileged information.
 - Allowing current program to obtain information from any prior men's domestic violence program the program participant has attended.

Participant Rules

Every intervention program shall have written participant rules and guidelines. These rules should be distributed to offenders upon completion of intake. The rules may be included in the participant contract or be separate. If the rules are separate, the participant contract must require that the participant conform to the rules as a condition of participation in the program. The rules shall include specific guidelines about:

- | | |
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| ▪ attendance, | ▪ group structure and rules, |
| ▪ fees, | ▪ discharge, |
| ▪ assignments, | ▪ re-admission, and |
| ▪ smoking/food or drink consumption, | ▪ confidentiality. |
| ▪ alcohol/drug use, | |

Discharge

Forced Discharge

The program shall develop guidelines for forced discharge so that discharge decisions are uniform and predictable, and to prevent discrimination against any participant based on race, class, age, physical handicap, religion, educational attainment, ethnicity, national origin or sexual preference, except as the program is not able to provide adequate intervention services based on the state of its current development, personnel or resources.

Programs shall discharge participants who commit a violent crime or violate a protection order.

Evaluation for forced discharge may be undertaken in other circumstances, including but not limited to:

- Continued abuse, particularly physical violence;
- Failure to maintain regular attendance;
- Failure to actively participate;
- Repeated lateness to group meetings;
- Failure to admit any abusive behavior;
- Disruptive behavior in group;
- Failure to make appropriate use of the intervention program;
- Failure to comply with other intervention conditions which are part of the offender's contract;
- Failure to pay fees;
- Violation of any provisions of a court order, particularly when the offender is court-mandated to the program;
- Violation of any of the group rules;
- An inability to function in a group;
- When the offender leaves the state; and
- When the offender is court-mandated to leave the program.

Noncompliance with the contract, with a court order or with group rules shall be documented in writing in the participant's file.

The program shall have an established procedure for written notification about forced discharges. This procedure must include written notification to participants, victims, current partners and/or women the participant had has a child with, and others as needed, such as the court and/or adult probation when the offender is court mandated to participate.

Contractual Discharge

The program shall have established criteria for contractual discharge that may include, but is not limited to the following:

- Consistent attendance;
- Fees paid;
- Cooperation with group rules throughout the intervention program;
- Desistance from other abusive and controlling conduct while a member of the program;

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- Compliance with court orders; and
- Compliance with other conditions and provisions of the contract for intervention services.

Some of the above measures require verification from the victim. If she is unwilling to communicate with the intervention program, contractual discharge shall reflect that the evaluation is based on information that has not or cannot be verified.

Communications with the offender, the victim and the court specify only that the offender has been given a contractual discharge that is based on adequate compliance with the contract and any court order. It is advised that contractual discharge is not predictive of recidivism.

The program shall have an established procedure for notification of victims about contractual discharges.

The program shall have an established procedure that notifies the court of contractual discharges of court-mandated offenders.

The program shall have an established procedure for notifying the local agency overseeing the intervention program of contractual discharges.

The intervention program will not refer to completion of the program as "graduation" or "successfully completing the program."

The program will not express to anyone the prediction of future behaviors of any of the offenders.

Staff/Program Ethics & Accountability

Program

Intervention programs and the paid and volunteer staff of these agencies will meet standards promulgated by the Nebraska Domestic Violence Sexual Assault Coalition as well as those outlined by professional groups with which they are affiliated, for example:

- American Psychological Association,
- National Association of Social Workers,
- American Association of Pastoral Counselors, or
- American Medical Association.

Intervention programs must establish and maintain cooperative working relationships with local domestic violence/sexual assault programs, battered women, the local community response team and the Coalition. This will include written MOUs with the local domestic violence/sexual assault victim services program and adult probation districts that spell out roles and responsibilities for each party.

Intervention programs shall acknowledge in all of their services and professional endeavors that the safety of battered women is the foremost goal of intervention.

Staff and facilitators of intervention programs shall not offer any opinions predicting behaviors.

All program providers shall develop a written policy regarding confidentiality consistent with these guidelines.

At the time of their annual review, programs must complete and submit to the state standards committee a form provided to them that identifies program staff, whether program staff have completed required training or not, and whether program staff have met standards for annual training.

Failure to meet these standards will result in the program not being recommended for use court-referred offenders.

Program Personnel

All program personnel, including staff, facilitators, co-facilitators, supervisors and any other paid or unpaid personnel shall maintain the consistent attitude that the offender is solely accountable for his violence.

Weekly group sessions with five or more enrolled clients should be co-facilitated on a regular basis.

Programs shall develop written employment policies and codes for personnel conduct that reflects the proceeding elements and ethical considerations:

- Program staff must be violence and abuse free in their own lives for the past two years in order to work with men's domestic violence programs. Violent incidents committed by program staff must be disclosed to their program supervisor within 24 hours of the occurrence.
- Programs must complete a criminal background check and a Nebraska child abuse central registry check prior to hiring personnel. Also, prior to hiring programs will ask applicants about abusive and controlling behaviors they have used in their relationships. It is

recommended in making this inquiry that applicants are asked to review a comprehensive list of abusive behaviors.

- Not engage in problematic consumption of legal drugs, alcohol or other substances.
- Not use illegal drugs.
- Not communicate or act in ways that perpetuate attitudes of victim-blaming, sexism or misogyny.
- Continually engage in a process of education and self-reflection on violence against women, particularly in intimate relationships.
- Exhibit behaviors that are consistent with the offender intervention programs.
- Seek divestiture of gender-based institutional privilege both personally and in the intervention program.
- Immediately warn victims of any imminent violence or danger that the provider believes may be inflicted by the offender on the victim or members of her family.
- Immediately report suspected child abuse by an offender pursuant to Neb. Rev. Stat. section 28-711 (Reissue 1998).
- Maintain open communication and seek conflict resolution with personnel in domestic violence/sexual assault programs, other human services agencies and the justice system.
- Will not harass or exploit offenders including the avoidance of any type of sexual intimacies with any offender in the intervention program.

Programs shall have written policies regarding retention and termination of personnel.

Conflicts of Interest

People working for batterer intervention programs – either paid or volunteer – should not have conflicts of interest with the program. Among other things, conflicts of interest are:

- Receiving gifts, compensation or other consideration of value from any participant. Or, receiving gifts, compensation or other consideration of value from any other party that might give the appearance of being designed to influence assessment of a participant.
- Being employed by another agency/organization in a manner that is deemed to be a conflict of interest by the Domestic Violence Offender Standards Review Committee.
- Being employed by another agency/organization where disclosure by the BIP participant of his actions might create confidentiality breaches.
- A facilitator, who is in private practice as a counselor or therapist, shall refrain from recruiting potential clients who are or have been in the batterer's program for which they also work. If a participant requests a referral, facilitators working for the program can provide a list of potential providers or refer the participant to probation, parole or other such court-related monitor of the participant.
- The program shall not receive any financial consideration from a referral organization for making a referral to a participant.

Research

In undertaking research, providers and researchers accept responsibility for the selection of research topics and methods used in investigation, analysis and reporting that will enhance the safety and integrity of battered women and advance the elimination of domestic abuse. Research personnel should work in collaboration with domestic violence/sexual assault programs, local community response teams and advocates. Researchers must protect the confidentiality of victims who are the subjects--or victims whose offenders are subjects--of any research.

Violations

Violations of these ethical/accountability standards should be reported to the local domestic violence/sexual assault program, the local community response team and to the Coalition.

Personnel Qualifications and Training

Staff Training

Program staff, paid or unpaid, who work for a program and have no direct contact with the program participants, must receive domestic abuse training as approved by the Coalition.

Facilitators/Co-Facilitators/Intake Worker Training

Facilitators, Co-Facilitators and Intake Workers must have the following qualifications and training:

- Bachelors degree in a human service-related area OR an equivalent combination of college courses and/or applied experience.
- Completed structured training on the basics of domestic abuse and attend an offenders' education curriculum as approved by the Coalition. One facilitator must have had the approved training before the program begins and the other facilitator must have the approved training within six (6) months of the program beginning. This shall include training on how to conduct a class, the process, what forms are used and group dynamic issues.
- Continuing education is required. All offender program providers must annually complete 12 hours of continuing education training. A variety of topics relevant to improving skills and enhancing the development of the program through workshops, seminars, videos and reading will also be accepted as part of the requirement. The provider must document dates of attendance and relevance of the training to receive certification renewal by the Coalition.

Supervisor Training

Supervisors must have the following qualifications and training:

- Bachelors degree in a human service-related area OR an equivalent combination of college courses and/or applied experience.
- Completed approved training on the basics of domestic abuse.

Supervision

Each program will establish a supervision program to insure that standards are continuously being met.

Program Review

Application Process

Programs wishing to receive approval must:

- Complete the application form;
- Supply needed information as requested;
- Demonstrate the ability to meet these Standards; and
- Create in writing MOUs with Adult Probation districts and local domestic violence/sexual assault victim services programs.

Program Monitoring

Programs receiving approval must agree to periodic monitoring. Monitoring will only be for the purpose of insuring the program is continuing to meet guidelines identified in these standards.

Approval Renewal

Programs must annually reapply for approval with the Coalition.

In the “renewal” years, programs must complete an evaluation form and return it to the DVIPSRC to be kept on file. Programs must also return updated staff information and evidence of staff’s compliance with continuing education requirements. The “renewal” review will also include checks with local victim services program and local Adult Probation office to insure MOUs are being followed. Completion of the renewal process and evaluation does not preclude the DVIPSRC from conducting on-site inspection of any batterer intervention program at any time, with or without prior notice to the program, or requiring the BIP to provide additional information to insure ongoing compliance with the standards.