



**Minnesota's Standards for Batterer's Programs:  
A Policy Review and Report on Implementation in Hennepin County**

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## **Introduction**

This report was created as a result of work conducted by the Battered Women's Justice Project and Hennepin County Adult Probation in order to begin work to implement MN Statute §518B.02, which sets minimum standards for batterers' programs used for court-mandated offenders. This report begins with a background and context for the standards, followed by an examination of the legislation itself, a report on work done to implement this legislation in Hennepin County, and a discussion of the implementation of this legislation at both the program and county level. The paper concludes with recommendations for policy change and implementation and areas for further exploration.

## **Background**

### **Batterers Treatment Programs**

Batterers' programs began in the 1970's in response to concerns in the battered women's movement over what was being done to change men who batter. As domestic violence became more recognized as a criminal justice issue, numerous programs for batterers emerged in response to the courts and probation departments need to find a way to monitor and rehabilitate men convicted of domestic violence. When an individual is convicted of a domestic assault charge and is placed on probation, that person is often mandated by the court to attend a batterer program.

Batterers' programs have emerged promoting varying lengths, formats, and theoretical approaches. The inconsistencies among all programs and the problematic practices of some programs have led to concern among members of the battered women's movement, criminal justice system, and providers of services to batterers. In recent years, many states have addressed concern over batterers' treatment programs through legislated standards and restrictions. Austin and Dankwort (1999) conducted a review of standards for batterer treatment programs in the United States. As of 1998, 16 states had state-mandated guidelines. An additional 25 states had recommended guidelines or were in the process of developing guidelines or standards.

## Minnesota's Minimum Standards for Batterers' Programs

In 2001, the Minnesota State Legislature adopted legislation setting standards for batterers' programs (MN Statute 518B.02). This piece of legislation has three subdivisions. The first subdivision requests that if the court places an individual on probation for a domestic violence offense, that one condition of probation would be to attend a domestic abuse counseling or educational program. The second subdivision outlines the minimum written policies that programs are required to have and provide to the court, which are summarized later in this report. The third subdivision requests that the Minnesota Center for Crime Victim Services<sup>1</sup> (MCCVS) provide a report to the legislature by the end of 2001 with recommendations for how to handle program accountability. Although there are differing views on whether this legislation is mandating standards or recommending guidelines, the term *standards* is used throughout this report. (See Appendix A for a complete copy of Minnesota Statute 518B.02.)

## Historical Context

The move to create minimum standards for batterers' programs in Minnesota was influenced by many different factors. Key leaders in the domestic violence field in Minnesota were involved in proposing and drafting minimum standards, including members of People Who Work with People Who Batter (PWWWPWB), Minnesota State Representative Michael Paymar, the Minnesota Coalition for Battered Women, and other advocacy organizations.

PWWWPWB is a Twin Cities group of providers of batterers' programs that has been meeting monthly since 1984. Between 1992 and 1997, a subcommittee of PWWWPWB worked toward creating a report which discussed issues surrounding batterers' programs and outlined recommended guidelines.<sup>2</sup>

Representative Michael Paymar, one of the sponsors of this legislation, is well-known in Minnesota for his work in the field of domestic violence. He has worked with men who batter

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<sup>1</sup> In May 2003, MCCVS became part of the Minnesota Office of Justice Programs, as part of a reorganization under Governor Pawlenty. This program is referred to as MCCVS throughout the report.

<sup>2</sup> This paper, Guidelines for Men Who Batter Programs is available online at <http://www.mincava.umn.edu/documents/pwwmwb2/pwwmwb2.shtml>.

and is the author of Violent No More (2000) and the co-author of Education Groups for Men Who Batter (1993). Representative Paymar is a coordinator of the National Training Project of the Duluth Domestic Abuse Intervention Project.

The standards for batterers' programs were introduced as part of the Minnesota Coalition for Battered Women's (MCBW) domestic violence Omnibus Bill in 2000. According to Cyndi Cook,<sup>3</sup> MCBW's legislative coordinator at the time, MCBW legislative staff met with many different groups to discuss creating this bill, including PWWWPWB, statewide community corrections and probation agencies, batterers' programs, Battered Women's Justice Project, Battered Women's Legal Advocacy Project, and a former judge.

### **Why Standards are Important**

The use of standards and guidelines for batterers' programs has been supported by many in the domestic violence field. In their review and analysis of nation-wide standards, Bennett and Piet identify that standards for batterers' programs have been created to protect battered women by regulating programs (1999). The authors state, "Batterer program standards, whatever else they may be and however they may be lacking, must hold men accountable for their actions, hold providers accountable for their interventions, and increase the safety of victims of domestic violence" (1999). Bennett and Piet conclude that batterer program standards have made important gains toward increasing the safety of domestic violence victims.

In a report to the Chicago Metropolitan Battered Women's Network (CMBWN) about the need for standards in abuser services, Dimock, et. al. argue that standards are needed because of the shift from batterers' services being provided by programs established by the battered women's movement to being provided by the private sector of mental health professionals (date unknown). This shift has changed the focus from addressing domestic violence as a power and control issue to the focus on mental health and the diagnosis and treatment of individuals, couples and families. Dimock et. al. argue that many programs with this approach are at risk of providing "convenient excuses for battering rather than confronting the batterer and holding him responsible" (date unknown).

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<sup>3</sup> Personal Communication, 6/16/03.

**Purpose of Standards in Minnesota**

According to Cyndi Cook<sup>4</sup>, the intent of this legislation was to provide the courts and probation departments with a tool for making informed decisions when referring to batterers' programs. In addition, this legislation was meant to raise awareness about the concern over batterers' programs. The guidelines were delivered in the form of legislation in order to have the support and leverage to promote it statewide. Cook argues that this legislation was not intended to mandate courts and corrections agencies to enforce these standards. Instead, this legislation sends a message to batterers' programs, courts and corrections agencies, battered women and their advocates, and the larger community on what to consider when looking at batterers' programs. According to Cook, it was also intended that the courts allow for reasonable variation in the guidelines. For example, if a women's program provided reasoning for why they do not have victim contact, this would be taken into consideration.

Although the initial intent of the legislation was to provide guidelines for courts to consider when referring to batterers' programs, the resulting intent and outcome can be interpreted much differently. The language used in the legislation, including words such as "must" and "shall," indicates for many that this legislation is a mandate.

This legislation does not clearly state the purpose of the standards, but purpose can be implied to a certain extent from the legislation itself. The goals of this legislation are to confront domestic violence through promoting the accountability of offenders and batterers' programs, and the safety of victims. These standards set the role for batterers' programs in the larger system of batterer intervention. Specifically, the standards set expectations for a batterers' program's responsibility to the criminal justice system and to victims. This legislation has three primary objectives. The first one is to allow for courts and probation departments to monitor the programs they used for court-mandated offenders of domestic violence. The second is to influence batterers' programs to be engaged as part of a coordinated intervention system. The third is to require programs to follow procedures to ensure victim safety, offender accountability, and program accountability to the courts and probation.

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<sup>4</sup> Personal Communication, 6/16/03.

According to Representative Paymar<sup>5</sup>, this legislation was meant to be a first step in a longer process. He reasons that the legislation did not include a way for enforcing or monitoring compliance because of the state funding that would be needed to establish a monitoring body. There was fear that if funding was attached to the bill, it would not pass. In order to allow for future improvements, the legislation included a request that MCCVS report to the legislature with recommendations for program accountability.

### **Theories on Domestic Violence**

In order to understand the problematic practices that Minnesota's standards are trying to address, it is important to look at the theories about domestic violence that influence the assumptions, goals, and practices of batterers' programs. The National Institute of Justice overviews three leading theories about the causes of domestic violence in the report, Batterer Intervention: Program Approaches and Criminal Justice Strategies (1998). Society and culture (also known as feminist) model, family systems model, and the individual/psychological model are three very different approaches to the causes of and interventions for domestic violence. The report points out that these theories are not mutually exclusive and that many programs for batterers use a multidimensional approach and draw from more than one of these theories. Listed below are summaries of each model and an explanation of how each model would be played out in programming for batterers.

#### ***Society and Culture (Feminist) Model***

The society and culture model, which is sometimes known as the feminist model, focuses on the idea that men are socialized to view domestic violence as acceptable when used to intimidate, coerce, and control in intimate relationships. In addition, this model examines domestic violence through a gender analysis of power. It holds that domestic violence is reinforced by the historical tolerance of violence against women. Domestic violence is used as a means of maintaining male power in the home, and by extension controlling all women in their homes.

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<sup>5</sup> Personal Communication, 4/9/03.

This model also identifies reasons to view different forms of violence differently, such as women's use of violence against men and violence in same-sex relationships.

Typically, the intervention with batterers that would be used in the society and culture (feminist) model would be to mandate attendance at educational or psycho-educational sessions. This approach would focus on the need for men to be educated about sexism, male privilege, and societal norms. This intervention is considered confrontational, for men are challenged about their use of male entitlement. An emphasis on non-violence and equality in relationships would be a focal point of this approach. In addition, programs that use this model would promote victim safety and offender accountability as priorities.

### ***Family Systems Model***

The family systems model is focused on the structure of the family. This model views domestic violence as being caused by relationship dysfunction. This model also holds both partners responsible for contributing to the escalation of conflict and does not necessarily distinguish a victim and a perpetrator. The family systems approach to batterer services would typically be in the form of couples or family counseling, though it could also be applied in a group setting. The goal is family preservation. The focus is on healthy communication skills and in order to avoid violence, both parties learn how to change behavior.

### ***Individual or Psychological Model***

The individual or psychological model proposes that domestic violence is caused by a personality disorder, childhood experiences, and/or biological dispositions. This model argues that batterers are predisposed to violence, usually due to childhood abuse or neglect. It is strongly focused on theories of psychology and views battering as an individual problem.

Diagnosis and psychological treatment in an individual or group setting is the typical intervention used with this model. The focus would be on the need to identify underlying emotional causes of domestic violence in order to end the violence. This approach would also focus on building cognitive skills to control violent urges, through the use of anger management and relaxation techniques.

One could argue that Minnesota's standards are largely influenced by the society and culture (feminist) model of domestic violence and emphasize victim safety and offender accountability. In addition, these standards also address the problematic practices that can result from the family systems and psychological approaches to domestic violence. Standards in other states also tend to fit best with the feminist model. One reason why the feminist model predominates in standards for batterers' programs is its fit with the goals of the criminal justice system.

According to the National Institute of Justice's report on batterer intervention, the society and culture model is most compatible with the criminal justice system for a variety of reasons (1998). First of all, the feminist model views domestic violence as criminal behavior and that consequences are appropriate. The criminal justice system also expects that offenders are to be held responsible for their behaviors. The feminist approach focuses on this, while the family systems and individual approaches focus blame on relationship interactions, mental illness, or childhood trauma. Finally, NIJ identifies that the feminist educational approach focuses on ending the abusive behavior, not on healing the batterer (individual approach) or improving relationships (family systems approach) (1998).

## **Examination of the Legislation**

### **Overview of Standards**

There are about twenty different standards established in Minnesota's state statute regarding domestic abuse counseling or educational programs (§ 518B.02). These standards only apply to court-mandated offenders. There are five overarching themes that these standards address: victim safety; offender accountability; program accountability; format of the group, including counseling restrictions; and, program response as part of a coordinated system. The themes with corresponding standards are listed below, along with a brief analysis.

#### ***Victim safety***

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<p>Programs are to address victim safety by having policies that cover the following areas:</p>	
<p>Subd.2 (e)</p>	<p>“If the offender or abusing party is reported back to the court or is terminated from the program, the program shall notify the victim of the circumstances unless the victim requests otherwise.”</p>
<p>Subd.2 (f)</p>	<p>“Programs shall require court-ordered offenders and abusing parties to sign a release of information authorizing communication regarding the offender’s or abusing party’s progress in the program to the court, the offender’s probation or corrections officer, other providers, and the victim. The offender or abusing party may not enter the program if the offender does not sign a release.”</p>
<p>Subd.2 (g)</p>	<p>“If a counselor or facilitator contacts the victim, the counselor or facilitator must not elicit any information that the victim does not want to provide.”</p>
<p>Subd.2 (g)</p>	<p>“A counselor or facilitator who contacts a victim shall (1) notify the victim of the right not to provide any information, (2) notify the victim of how any information provided will be used and with whom it will be shared, and (3) obtain the victim’s permission before eliciting information from the victim or sharing information with anyone other than staff of the counseling program. Programs shall have written policies requiring that counselors and facilitators inform victims of the confidentiality of information as provided by this subdivision.”</p>
<p>Subd.2 (g)</p>	<p>“Programs must maintain separate files for information pertaining to the offender or abusing party and to the victim.”</p>
<p>Subd.2 (h)</p>	<p>“Programs shall have written policies forbidding program staff from disclosing any confidential communication made by the offender or abusing party without the consent of the offender or abusing party, <i>except that programs must warn a potential victim of imminent danger based upon information provided by an offender or abusing party.</i>” [emphasis added]</p>

Programs that do not identify victim safety as a priority are problematic because it is believed that victims need to be notified of safety concerns, notified of the offender’s progress in the program, and ultimately choose if they would like to exchange information with the facilitator and how any information would be used. According to the Center for Effective Public

Policy's report to the Violence Against Women's Grants Office of the National Institute of Corrections, batterers' programs need to take part in addressing victim safety by providing victims with information about the batterers' programming in addition to providing victim resources (1997).

***Offender accountability***

<p>Programs are to address offender accountability by having policies that cover the following areas:</p>	
<p>Subd.2 (c)</p>	<p>“Programs must have a written policy requiring that counselors and facilitators report to the court and to the offender’s probation or corrections officer any threats of violence made by the offender or abusing party, acts of violence by the offender or abusing party, violation of court orders by the offender or abusing party, and violation of program rules that result in the offender’s or abusing party’s termination from the program”</p>
<p>Subd.2 (c)</p>	<p>“Programs shall have written policies requiring that counselors and facilitators hold offenders and abusing parties solely responsible for their behavior.”</p>

When a program does not hold an offender responsible for his behavior, this can be problematic because it reinforces the batterer's beliefs that his behaviors are out of his control or that they are justifiable. This allows for batterers to blame their behaviors and violence on childhood victimization, or to view the cause of their violence as a responsibility equally shared by their partners. Programs also need to hold offenders accountable for their behavior by reporting to the court any behaviors that conflict with program rules or court and probation orders. This includes threats and acts of violence, violation of orders to end chemical use, and contact with victim when an order for protection is present.

***Program accountability***

<p>Programs are to address their own accountability to the courts by having policies that cover the following areas:</p>
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Subd.2 (c)	“Programs shall have written policies requiring that counselors or facilitators be violence free in their own lives.”
Subd.2 (d)	“Each program shall conduct an intake process with each offender or abusing party. This intake process shall look for chemical dependency problems and possible risks the offender or abusing party might pose to self or others. The program must have policies regarding referral of a chemically dependent offender or abusing party to a chemical dependency treatment center. If the offender or abusing party poses a risk to self or others, the program shall report this information to the court, the probation or corrections officer, and the victim.”
Subd.2 (k)	“Programs must have written policies requiring that the counselor or facilitator report when the court-ordered offender or abusing party has completed the program to the court and the offender’s probation or corrections officer.”

When batterers’ programs agree to take court-mandated offenders, they need to be treated as an arm of the court. This means that programs are responsible for reporting information to the courts and probation officers with the intent of promoting victim safety and offender accountability. In addition, programs are asked to take responsibility for those providing the programming by asking that staff be violence free in their own lives. Dimock et. al. believe such a standard is needed because “a staff [member] who is violent in his own life cannot identify violence or teach non-violent ways for living” (date unknown).

Conducting an intake that addresses chemical dependency issues and mental health issues also influences a program’s accountability because it allows for precaution to be taken to determine an individual’s appropriateness for the program. Although domestic violence should not be labeled in mental health terms, it is important to identify mental health and chemical health issues that may need to be addressed before and during participation in a batterer’s program.

***Program formats, including counseling restrictions***

Programs are to address the format of their program and counseling restrictions by having policies that cover the following areas:

Subd.2 (b)	“Programs shall require offenders and abusing parties to attend a minimum of 24 sessions or 36 hours of programming, unless a probation agent has recommended fewer sessions. The documentation provided to the probation department or the court must specify the length of the program that offenders are required to complete.”
Subd.2 (i)	“The counseling program or education program must provide services in a group setting, unless the offender or abusing party would be inappropriate in a group setting”
Subd.2 (i)	“Programs must provide separate sessions for male and female offenders and abusing parties.”
Subd.2 (j)	“Programs shall have written policies forbidding program staff from offering or referring marriage or couples counseling until the offender or abusing party has completed a domestic abuse counseling program or education program for the minimum number of court-ordered sessions and the counselor or facilitator reasonably believes that the violence, intimidation, and coercion has ceased and the victim feels safe to participate.”

Program length can be an area for problematic practice. The use of lengthier programs is supported by many in the field of batterers' services. According to David Adams, founder of the EMERGE program, “longer programs permit a lengthier period in which to monitor the abuser's behavior and to judge his commitment to nonviolence” (1994). Lindsey, et al, authors of the AMEND model, argue that programs should be at least twenty-four weeks in length in order to be effective (1993). Although the statute allows for fewer sessions to be approved, it does not define under what conditions this would be appropriate.

Problematic practices can also be exhibited in the format of the intervention. Individual treatment is viewed as problematic because this approach leads to a focus on battering as a psychological problem. According to Healey, K. et al, “Group work is considered important in helping abusers to overcome their denial by hearing other men acknowledge and deal with their behavior, and to break the isolation that is considered part of the syndrome of abuse” (1998).

Treatment that is offered in the context of couples counseling can be dangerous. Gondolf argues “couples counseling diffuses the court's intent for the perpetrator by implying that the

victim is also responsible for the crime and can do something to stop it” (1997). The use of couples counseling for court-mandated offenders is a concern because it also punishes the victim by mandating her to attend couples counseling. Many authors (Healey, K. et al [1998]; Bennet & Piet [1999]; Lindsey, et al [1993]) argue that couples counseling can increase the risk of battering, if the victim confronts the batter in session. Thus the standards ask that program staff not use or refer to couples counseling until specific conditions have been met.

Programs are to respond as part of a coordinated system:	
Subd.2 (1)	“Programs must have written policies to coordinate with the court, probation and corrections officers, battered women's and domestic abuse programs, child protection services, and other providers on promotion of victim safety and offender accountability.”

Edward Gondolf identifies in his book Batterer Intervention Services: Issues, Outcomes, and Recommendations that batterers’ programs are part of a larger batterer intervention system (2002). Because of this, batterers’ programs cannot solely be responsible for change in batterers, but need to coordinate with the criminal justice system and other community programs to address batterer intervention. In 1997, the Center for Effective Public Policy conducted focus groups with batterers’ intervention programs in correctional institutions for the Violence Against Women Grants office and the National Institute of Corrections. One of their final recommendations was the need for coordination between correctional systems and community programs. The report identified that:

Programs that address changing the batterer’s behavior are but one part of a total strategy that aims to protect victims. Whether the batterer is in correctional confinement or in the community, the court, prosecutors, victims’ advocates, intervention programs, law enforcement, and corrections must work together to ensure victim safety (1997).

**Minnesota Center for Crime Victim Services Report to the Legislature**

The third part of the legislation asks that MCCVS consult with domestic abuse treatment programs, the courts, probation departments, and the Interagency Taskforce to Prevent Domestic

Violence and Sexual Assault in order to assess and make recommendations for monitoring program accountability. MCCVS was asked to make recommendations to the Legislature about program accountability measures, including outcome studies, by December 30, 2001 (MN 2002 §518B.02).

MCCVS sent a report to all House and Senate Legislative Committee Chairs in January, 2002 (2002). This report identified that across the state many programs and probation departments did not know about or ignored the legislation. In order to increase awareness, MCCVS sent letters state-wide to probation departments, court administrators, and batterers' programs to educate about the law. In December 2001, MCCVS and Hennepin County Community Corrections hosted a forum for batterers' treatment programs, featuring Representative Michael Paymar to review and discuss the legislation. This forum was attended by probation officers, staff from batterers' programs, domestic violence advocates, and other interested parties from counties across the state. Over fifty people attended.

MCCVS's report had three primary recommendations. The first recommendation was for the statute to be amended to direct probation to require and track these standards. The second recommendation was for grant funds to be made available to batterers' programs, especially in rural areas. The final recommendation was that a system of program evaluation or measurement be established and mandated, in order to promote accountability of batterer programs. As of December, 2003, this report has not been addressed by the legislature.

### **Implementation of Standards in Hennepin County Adult Probation**

Hennepin County Adult Probation is one county agency that is trying to address this legislation. In 2002, as part of a Safety and Accountability Audit funded by MCCVS, the Battered Women's Justice Project (BWJP) partnered with Hennepin County Adult Probation to continue the on-going examination of the criminal justice response to misdemeanor domestic violence in the Fourth Judicial District. The specific focus of this audit began with the court referral of the defendant at time of sentencing to court mandated services and probation. In order to determine how supervising agents make determinations for referrals to these services, it was

necessary to understand exactly what batterers' programs were offering, and to identify their policies for communicating with the court and with victims.

As a part of this data analysis, BWJP first needed to look at the implementation of the legislatively recommended minimum standards for batterers' programs interested in receiving court-mandated referrals from Hennepin County Adult Probation. In addition, Hennepin County Corrections had been in the process of creating an updated resource directory for domestic abuse treatment programs that included both basic information on each program and a review of each program's compliance with the minimum standards set for domestic abuse treatment programs by the Minnesota State Legislature in 2001.

The forum Hennepin County co-hosted with MCCVS was the first attempt to introduce programs used by Hennepin County to the new minimum standards. Those who attended and were interested in Hennepin County referrals were provided with Domestic Abuse Update forms and were asked to complete and return them to Hennepin County Community Corrections. In March 2002, Hennepin County sent letters to all known batterers' programs requesting information about their programs and level of compliance with the standards set by the legislation. Programs were very slow to respond to this request, and as of September 2002, only 12 agencies had returned update forms.

In winter of 2002, BWJP began the process of identifying batterers' programs to request documentation of compliance with the minimum standards set by the legislation. Programs were identified through an old resource list and interviews with probation officers. In January of 2003, letters were sent to over 50 treatment programs. These programs included both programs located within Hennepin County and ones in surrounding counties that were interested in Hennepin County referrals. The letter explained the 2001 legislation and asked programs to complete a domestic abuse program update form and provide documentation of the written policies requested in the legislation. All information was to be sent to BWJP for review. (See Appendix B for a copy of the letter sent to programs.) In addition, BWJP staff interviewed four batterers' treatment programs to gather additional information about their program policies as well as issues with the legislation in general.

A form was created to assist in reviewing the information received about each program that included each required policy listed in the legislation, a space to indicate whether the program had a particular policy, and a space to note the location of the policy. This form was

completed for each program that provided information (see Appendix C). A report form was also created, which listed each standard, whether a program had a particular policy, and included space for notes about the program's compliance with the written policy (see Appendix D).

### **Program Participation**

The programs currently used by Hennepin County vary on many levels. Some programs are purely focused on domestic abuse, while others are focused on anger management, or generally assaultive behavior. Some have a specific client focus, such as a particular cultural group, while others serve a more general population. Programs also vary in the theoretical frameworks that shape the formats and curricula of their programs, the professional and experiential backgrounds of facilitators, and program lengths.

Very few programs returned information after the initial request by BWJP. Follow-up phone calls were made after thirty days. Through this process, some programs were identified as no longer existing. Other programs that receive few or no referrals from Hennepin County were not interested in participating. Due to staff turnover, it was often difficult to identify the contact person for some programs. When phone contact was made, some programs were very opposed to providing information. In some cases, providers questioned the role of BWJP in collecting this information. Frequently, it took three to five phone attempts with the caller leaving messages to get a return call. Ultimately, a few programs made no response to repeated attempts to make contact. The programs most familiar with the standards were more likely to quickly return the requested information. Other programs returned information, but either did not address the standards or only minimally addressed them.

When a program returned information, an initial review was done to check their compliance with minimum standards. Most programs did not initially provide all needed documentation and had to be contacted a second time to gather necessary information. These programs were contacted by phone, email, or mail and explained the missing policies. They were asked to send in additional information. Some programs did not respond to follow-up attempts to gather additional information, which made it difficult to thoroughly assess their compliance. It could not always be determined whether a program did not have a particular policy in place or simply failed to provide the policy.

Because of the limited time BWJP had available to gather information from programs, this work ended as a first step in a longer process to implement these standards in Hennepin County. For varying reasons, complete information was not obtained from all programs. Many programs that didn't provide complete information did express interest in using the standards, but did not have the capacity to fulfill the request for information about their program's policies.

### **Review of Program Compliance**

Twenty-two men's programs and five women's programs provided information about compliance with the legislation. Twelve programs that had been identified from the old resource lists were confirmed to no longer exist. An additional five agencies with currently existing men's programs did not provide any information. There were eight women's programs that did not respond, though it was not possible to confirm that all these programs were applicable to this project. The men's and women's programs were reviewed separately. Again, it should be noted that some programs did not provide complete information; therefore, it was not always possible to determine whether some programs did not provide an existing policy or simply did not have the policy.

### ***Men's Programs***

Of the 22 men's programs, six provided documentation of full compliance with all twenty standards of the legislation. An additional four programs had very strong compliance, meeting at least sixteen of the twenty standards. The remaining twelve programs provided moderate to very low compliance with the legislation. However, as stated earlier, some of these programs may have not provided complete information. For many programs, it became apparent that policies simply do not exist in a written format. In addition, many programs do not have practices, such as contact with victims, which would be consistent with the required standards.

*Policies regarding victim safety and victim contact*

Programs fell under three general categories regarding contact with victims: no contact, limited contact (contact victim if in imminent danger posed by offender), and consistent contact. Below is a summary of the policies each subgroup provided regarding victim contact:

<i>Summary of 22 Men's Programs: Policies Regarding Victim Safety and Victim contact</i>			
Policy	No Contact	Limited Contact	Consistent Contact
Have Policy	(5)	(6)	(11)
Policies for duty to warn	0	6	10
Victim notified if offender terminated from program	0	0	9
Policies for how victim confidentiality and information is handled	0	1	9
Has separate file for victim	0	1	11
Offers referral services	0	1	11

*Policies Regarding Offender Accountability*

<i>Summary of 22 Men's Programs: Policies Regarding Offender Accountability</i>	
Policy	Programs that Provided Written Policy
Program is to hold offender solely responsible for behavior	18
Program is to report to courts or probation: threats of violence, acts of violence, violation of court orders, and violation of program rules that result in termination	12

The ten programs that did not comply with the second policy either had no policies regarding reporting such incidents to the court or had unclear policies that did not address all aspects of this standard

*Policies Regarding Program Accountability*

<i>Summary of 22 Men's Programs: Policies Regarding Program Accountability</i>	
Policy	Programs that Provided Written Policy
Program reports to court when offender completes program	20
Program staff to be violence-free in own lives	13
Program conducts intake with offender	21
Intake addresses chemical dependency issues	20
Intake addresses risk to self or others	12
Programs are to refer chemically dependent offenders to a treatment center	12

Reporting to the courts is a standard that addresses both offender accountability and program accountability. In addition to the behaviors mentioned above, programs are also required to report to the courts when the offender has completed the program. All but two programs provided documentation that their program has this policy. A second policy that addresses program accountability is the standard that program counselors or facilitators are to be violence-free in their own lives. One of the nine programs that did not show documentation for this policy did state that they do not require staff to be violence free.

It is clear that most programs conduct intakes, but not all address risk and chemical dependency in their intakes.

<i>Summary of 22 Men's Programs: Group Format and Counseling Restrictions</i>	
Policy	Programs that Provided Written Policy
Program provides a minimum of 24 sessions or 36 hours	16
Programs are to be offered in group setting	20

Groups for men and women are to be provided separately	17
Couples counseling is not to be used or referred to until specific conditions have been met	11

All but six programs met or exceeded the minimum session requirement. Three programs involved fewer than eight hours of programming during one to three sessions. The other three programs required eight to ten sessions.. All but two programs indicated providing programming in a group setting. One program provided programming in a mixed format, including both group and individual sessions. Another agency did not provide clear evidence that its program was offered in a group setting. Most agencies indicated that their programs were not mixed-gendered. However, five programs, none of whom met the minimum standard for length, did not clarify whether or not they included women and men in the same sessions.

The legislation asks that couples counseling not be used or referred to until the offender has completed a domestic abuse program, the violence and coercion has ceased, and the victim feels safe to participate. Of the eleven programs that did not provide documentation forbidding referral or use of couples counseling, two stated that couples counseling can and is used in conjunction with their men's programs.

### ***Women's Programs***

Five women's programs provided information. Three of these programs identified themselves as anger management or abusive behavior programs. The other two programs identified themselves as domestic abuse victim survivor groups. Both types of programming are used when a woman is convicted of a domestic violence offense. All of these programs are provided by agencies that also provide services for male batterers. These five programs varied widely in compliance with the minimum standards. The women's programs with higher compliance came from agencies where the men's program also tended to be in higher compliance with the legislation. Two of the anger/abuse programs showed compliance with fifteen of the standards. The third program showed compliance with only five of the standards. One victim survivor program showed compliance with eleven standards and the other with five

of the standards. Below is a summary of how these five programs complied with the standards set in the legislation.

<i>Summary of Five Women's Programs</i>		
Women's Programs Batterer Treatment Program Legislative Standard	Anger/Abuse Programs (3)	Victim Programs (2)
Minimum of 24 sessions or 36 hours	1	1
Threats/acts of violence, violation of court orders, violation of program rules that result in termination by offender are reported to the court	1	0
Offender is held solely responsible for behavior	2	0
Counselors/Facilitators violence-free	1	0
Program has an intake process	3	2
Intake process addresses offender's risk to self or others	2	1
Intake addresses CD problems	3	1
Chemically dependant offenders referred to CD treatment center	2	1
Victim notified, unless otherwise requested, if offender terminated from program	0	0
Offender to sign release for communication with courts, PO, other providers and victims	3	2
Victim is informed of right to confidentiality	1	0
Staff are not to elicit information from victim without their permission, victim decides whether to share information and how information will be used	1	0
Program offers referral services for victims	1	0
Any information recorded about victim is kept in separate file from offender	1	0
Staff forbidden from disclosing offender's confidential information without written consent, except if imminent danger is present	2	1
Program offers sessions separately for men and women	3	2
Services are offered in a group setting	3	2
Staff are forbidden from offering or referring for marriage/couples counseling, until specific conditions have been met	1	0
Program reports to court and PO when offender completes the program	2	1

Programs coordinate with courts, probation, battered women's and domestic abuse programs, child protection services, and other providers on promotion of victim safety and offender accountability.	2	1
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The section of legislation that was most difficult for the women's programs to find compliance with was the victim contact section. The one women's anger/abuse program that did have policies regarding contact with the victim identified that female victims are contacted, but male victims are only contacted if the female partner is identified as the primary perpetrator. In the other two programs, victim contact was not part of their women's programming. In an interview, one program identified that they would consider contacting a victim, if it was identified that the woman in their group was the primary perpetrator, which is rarely, if ever, the case.

In victim survivor programs, having victim contact became even more problematic for there was no victim identified outside of the participant in the program. The difficulties these standards set for women's programs are discussed further in the policy analysis section of this report.

### **Emerging Issues**

#### **Issues in Program Compliance**

Batterers' programs' participation in this project and compliance with this legislation were influenced by many factors. A program's knowledge of the legislation and its capacity to fulfill the requirements impacted its ability to comply. In addition, a program's investment in the implementation of this legislation was affected by their views of the process through which the standards were created, the fit between the standards and their own beliefs and program practices, and for some, interpretation of BWJP's role in collecting the information.

Some programs were very aware of the minimum standards, often because of their involvement in People Who Work With People Who Batter or attendance at the aforementioned

forum. Other programs were aware that standards existed, but did not know the details of the legislation. More recently created programs were least likely to be aware of the standards.

Some programs appeared to have limited capacity to fulfill the requirements of the standards. For programs that have not traditionally had many policies in writing, creating policies can be very difficult without assistance. Limited staffing also influences a program's ability to create written policies, implement procedures set by the policies, and to report compliance. Many programs are staffed by one or two individuals where the batterers' program is only a portion of their job responsibilities. Creating policies and reporting on these policies are not always viewed as a priority. In addition, for some, implementing the new standards would create major shifts in their programs and require increased time and expertise. For example, programs that provide fewer than the minimum number of sessions would have to increase their staffing commitment and enhance their curriculum to lengthen their program. For programs that have not traditionally had contact with victims, this added responsibility increases the amount of time staff are responsible to the program.

There has been a mixed response to this legislation among practitioners of batterers' programs. The strongest support has understandably come from the programs that are already inherently in compliance with the legislation. These practitioners often support minimum standards because of a professional concern over their own programs and other programs in the community.

Other practitioners object to the legislation for different reasons. Some practitioners oppose the legislation because they do not believe that the state should influence their professional practice. Some programs have political issues with how the standards came about and do not feel invested in complying with the legislation.

Some providers can accept having minimum standards, but object to parts of the legislation. The following are concerns that were raised during the process of gathering information for this project. Some practitioners believe that the legislation forces practitioners to be put in the role an adversary with the client, particularly in regard to reporting offender behaviors back to the court or probation officer. In their opinion, treatment of the offender is most effective when the facilitator can be seen as an advocate.

Some practitioners have concerns with the requirements regarding contact with victims. They believe that protection of the victim, beyond duty to warn, is the responsibility of courts,

shelters, and police--not the batterer program. In addition, many programs identified the difficulty in accessing victim contact information. If the police report or other public information does not include victim information, the program has to rely on the batterer to provide this information. Often batterers do not find incentive in providing accurate information, or they may not have current contact information. This logistical problem makes it hard for programs to comply with the legislation.

The concern has also been raised that the wording of the legislation is vague. For example, one of the standards requires programs have a written policy that facilitators and counselors are to be "violence-free in their own lives." This concerns some providers because the legislation does not define "violence" and does not set parameters for how past violence should be viewed and how incidents of violence should be handled. Some programs have valued the use of individuals who have previously completed a batterers' program and have met other requirements as co-facilitators or guest facilitators in their programs. Another example is the standard that asks that programs have policies to coordinate with other parts of the system in order to address offender accountability and victim safety. This policy is difficult for some programs to know how to implement.

### **Issues in Policy Implementation**

A number of issues came into play while attempting to implement this legislation in Hennepin County. Although work needs to be done to identify whether and how other counties address this legislation, one could suspect that implementation is a state-wide issue. This legislation does not assign any means to interpret and implement the standards nor to monitor batterer program compliance with the requested policies. As it is now, counties are left with the discretion whether to pay attention to the legislation and how to interpret the standards. Some counties may not even be aware of the legislation.

The legislation asks that MCCVS consult with different parties and make recommendations regarding program accountability and evaluation. This report was created, but it has not been addressed by the Legislature. The legislation only required that MCCVS complete the report that was due in 2001. This is the report discussed earlier in the paper. It is unclear whether it was intended for MCCVS to have any subsequent responsibility or action with regard to this legislation.

There have also been differing interpretations of this legislation. For some stakeholders the standards are guidelines, open to interpretation and variation, and considered a tool for courts and corrections to access. For others, it is easy to interpret this legislation as an edict to the courts to enforce these standards in their programs. The standards are taken literally, and there is no room for variation, except where stated in the legislation. Wording used in the legislation, such as “must” and “shall” sets the tone that the legislation was a mandate.

Implementation of these standards will vary, depending on how this legislation is interpreted. Currently, county agencies have little incentive to implement the legislation. Even for those who interpret the legislation as a mandate, there is no one to enforce courts' and corrections' use of this legislation. For counties that see merit in the legislation, implementation is problematic. The responsibility of enforcing these standards falls on their shoulders, but they do not have the staff time to commit to such an endeavor. In Hennepin County, BWJP was able to contribute time for gathering information from programs. It is estimated that over 200 hours was spent contacting programs, requesting and reviewing information, and meeting with programs in order to assist with understanding the legislation and creating policies. Even this much work left Hennepin County with incomplete information about some programs and no funded way to follow up with programs.

## **Conclusion**

### **Strengths of Legislation**

- Intent and purpose of legislation

As stated previously, the intent of the legislation is to provide a means for courts and county agencies to address concerns over batterers' programs by setting standards that promote victim safety and offender accountability. Although the initial intent for this legislation was to suggest guidelines, the resulting intent has been open to interpretation. Regardless of the interpretation of this legislation as mandate or guideline, the established minimum standards provide a means for batterers' programs, courts, and probation to examine programming for batterers.

- Addresses problematic practices

As discussed throughout this report, this legislation addresses many of the problematic practices that inhibit victim safety and offender accountability. The following problematic practices are addressed by this legislation: not holding offenders accountable, use of and referral to couples counseling, individual counseling, program length that is short, and programs that do not have procedures in place to address victim safety.

### **Limitations of Legislation**

- No means for implementation or monitoring of standards

This legislation asks that MCCVS create a report regarding program accountability, but the legislation does not designate any means for implementation of these standards. In addition, no means were established to monitor county and batterer programs' use of these standards. It is also unclear what is meant by "program accountability." The legislation does not distinguish whether MCCVS was supposed to report on how to hold batterers' programs accountable to the standards, or how to address program accountability as related to evaluating program outcomes. It is also unclear, as a victim services agency, what role MCCVS was meant to play in policies and practices around batterers' program standards. MCCVS is an office of the Minnesota Department of Public Safety and funds programming for victims. Although the link can be made between batterer programs as a service to victims, MCCVS does not address offender services. This raises the larger question of what role victim services organizations should play in creating policies and practices surrounding programming for offenders and what role they should play in implementation of such policies.

- The role of this legislation is not clear

This legislation has had different implications for different stakeholders. Those involved with drafting and supporting this legislation did not intend for this legislation to be an edict to the courts to mandate these standards for all batterers' programs. Instead, these standards are intended to be guidelines, a tool for courts and probation agencies to use when considering batterers' programs. Yet, others involved with implementing these standards have interpreted them as a mandate. The wording of the legislation uses the label "standards" and also uses wording such as "must" and "shall," setting a more authoritative tone. The report requested

from MCCVS by this legislation indicates for some that it was intended for future work to be done to establish a way to monitor the use of these standards. However, if this legislation was intended to only set guidelines, then the purpose of having a monitoring system needs to be questioned.

- Vague language

In addition, to the vagueness of the role of this legislation and the role of MCCVS in batterer program standards, there is also a vagueness of language in parts of the legislation. For example, the term violence is used throughout the legislation, but is not clearly defined. Programs must report to the courts any threats of *violence* and acts of *violence*. The legislation also asks that counselors and facilitators be *violence*-free in their own lives. The term violence can convey different definitions in different settings. The lack of definition makes the legislation's expectation about violence unclear to programs. One option to resolve this lack of definition would be to use the definition of domestic abuse as defined in the Domestic Abuse Act (MN Statute §518B.01).

- Issues with victim contact

The largest concern raised by the programs that participated in this project was regarding victim contact. One reason for this is because the purpose of victim contact is not clear in the legislation. Some programs were resistant to implementing contact with victims because they did not understand the purpose of such contact or had concerns with the safety issues that can result from having contact with victims. The legislation does not account for the difficulty in obtaining current victim contact information. The legislation does not require programs to make contact with victims, except when there is a duty to warn or if the offender is terminated from the program. However, the legislation expects that programs will have policies in place for times when there is victim contact.

The Batterers Intervention Focus Group conducted by the Center for Effective Public Policy addressed issues surrounding contact with victims. The report identifies that victim contact is needed, in order to inform victims about batterers' participation in the program, what the victim should expect from the program, and what services are available to the victim. However, some in the focus group questioned whether batterers' programs should be the direct

source of contact with victims, instead arguing that programs should partner with victim advocates who would be responsible for victim contact (1997).

- Legislation is gender neutral, no consideration for women who are court-mandated to programming

This legislation does not state whether standards are to be expected from both programs for men and women convicted of domestic violence offenses. It is implied that the same standards are expected from both programs for men and women. The gender neutrality of this legislation is problematic. The legislation does not take into account the differences that exist between men who use violence and women who use violence. The legislation can set women's programs up to increase safety concerns for women who use violence but are also victims of domestic violence. For example, if a battered woman uses violence against her abuser and is court-mandated to a program, her abuser could access information about her involvement in the program in order to continue the control and intimidation.

An initial review of standards in other states indicates that many other jurisdictions do not distinguish between male and female domestic violence offenders. However, twelve states or jurisdictions reviewed do address gender issues in their standards. Many of these programs explicitly state that the standards are targeted at men who batter women. Other jurisdictions allow for programs to modify their programming for services for women and same-sex batterers. Through the language used, an additional eight programs implicitly refer to the focus on men who batter women. These programs do not directly address standards for men's and women's programs, but the language used overwhelmingly focuses on the use of male violence against women. See Appendix E for a summary of how the jurisdictions reviewed address standards for programming for women who use violence.

### **Recommendations for Policy Change and Implementation**

- Monitoring body or workgroup with directive from legislation

A funded monitoring body needs to be established to interpret, disseminate, implement, and monitor these standards. It will also be useful both for batterers' programs and court and probation officials to have a key person to contact for direction with implementation

- More clarity in role of this legislation and language used

The use of this legislation as guidelines or as standards needs to be clarified. In addition, the language used in this legislation needs to be more clearly defined, particularly the terms violence and program accountability. As mentioned previously, one option for defining violence is to use the definition of domestic abuse as defined by Minnesota's Domestic Abuse Act (MN Statute §518B.01).

- Means needs to be established to allow for reasonable variation from these standards.

Reasonable variation needs to be considered, specifically when considering the role of these standards in programming for women and the use of victim contact. One option would be to amend the standards to state that programs should make a good faith attempt to contact victims, but also acknowledge the logistical and safety issues that can arise from victim contact. Another option is to allow in variation with who is the contact point for victims, be it the batterers program, the probation officer, or a collaborating victim services agency.

- Technical support is needed for programs in need of policy development

One issue that emerged in Hennepin County was the eagerness of some programs to implement the policies outlined in the legislation, but the need for technical assistance to develop such policies and practices. This could become the responsibility of a monitoring body or a service provided by an advocacy organization.

### **Issues for further exploration**

- In order to resolve the use of this legislation as guidelines or standards, further examination of how other states have established their work is warranted. Some jurisdictions have established recommended guidelines, others have required standards, some states and jurisdictions have even established a formalized credentialing system for batterers' programs.

- This report was limited to the work being done to address this legislation in Hennepin County. More investigation is needed to look at the impact of this legislation in other counties, particularly issues that may be unique to implementation in rural communities.

- Further work needs to be done to look at the impact of this legislation on battered women. Battered women and their advocates should be involved with understanding the implications of this legislation.

- In order for the courts, probation, and batterers' programs to carry out the spirit of this legislation, the intent of each standard needs to be made clear through education. Education is one task that could be assigned to any workgroup or monitoring body assigned to this legislation.

The use of standards or guidelines for batterers' programs continues to grow across many jurisdictions in the United States. Literature from both the fields of domestic violence (Austin & Dankwort, 1999; Bennet & Piet, 1999; Dimnock et al, d.u; Gondolf 1992) and criminal justice (Center for Effective Public Policy, 1997; Healey et al, 1998) support the importance of establishing standards for batterers' programs. Although future work needs to be done in Minnesota at the state, county, and program levels to improve the wording and implementation of this legislation, leaders in this state have taken the right step in addressing victim safety and offender accountability in domestic violence by enacting legislation that addresses standards for batterers' programs.

**List of Appendices**

Appendix A- Minnesota Statute § 518B.02

Appendix B- Letter Sent to Programs

Appendix C- Program Policy Tracking Form

Appendix D- Program Policy Report Form

Appendix E- State to State Review of Use of Gender in Standards

## Appendix A

MN Statute: §518B.02 Domestic abuse counseling program or educational program required.

Subdivision 1. Court-ordered domestic abuse counseling program or educational program. If the court stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation, the court shall order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling program or educational program.

Subd.2. Standards for domestic abuse counseling programs and domestic abuse educational programs. (a) Domestic abuse counseling or educational programs that provide group or class sessions for court-ordered domestic abuse offenders must provide documentation to the probation department or the court on program policies and how the program meets the criteria contained in paragraphs (b) to (l).

(b) Programs shall require offenders and abusing parties to attend a minimum of 24 sessions or 36 hours of programming, unless a probation agent has recommended fewer sessions. The documentation provided to the probation department or the court must specify the length of the program that offenders are required to complete.

(c) Programs must have a written policy requiring that counselors and facilitators report to the court and to the offender's probation or corrections officer any threats of violence made by the offender or abusing party, acts of violence by the offender or abusing party, violation of court orders by the offender or abusing party, and violation of program rules that resulted in the offender's or abusing party's termination from the program. Programs shall have written policies requiring that counselors and facilitators hold offenders and abusing parties solely responsible for their behavior. Programs shall have written policies requiring that counselors and facilitators be violence free in their own lives.

(d) Each program shall conduct an intake process with each offender or abusing party. This intake process shall look for chemical dependency problems and possible risks the offender or abusing party might pose to self or others. The program must have policies regarding referral of a chemically dependent offender or abusing party to a chemical dependency treatment center. If the offender or abusing party poses a risk to self or others, the program shall report this information to the court, the probation or corrections officer, and the victim.

(e) If the offender or abusing party is reported back to the court or is terminated from the program, the program shall notify the victim of the circumstances unless the victim requests otherwise.

(f) Programs shall require court-ordered offenders and abusing parties to sign a release of information authorizing communication regarding the offender's or abusing party's progress in the program to the court, the offender's probation or corrections officer, other providers, and the victim. The offender or abusing party may not enter the program if the offender does not sign a release.

(g) If a counselor or facilitator contacts the victim, the counselor or facilitator must not elicit any information that the victim does not want to provide. A counselor or facilitator who contacts a victim shall (1) notify the victim of the right not to provide any information, (2) notify the victim of how any information provided will be used and with whom it will be shared, and (3) obtain the victim's permission before eliciting information from the victim or sharing information with anyone other than staff of the counseling program.

Programs shall have written policies requiring that counselors and facilitators inform victims of the confidentiality of information as provided by this subdivision. Programs must maintain separate files for information pertaining to the offender or abusing party and to the victim. If a counselor or facilitator contacts a victim, the counselor or facilitator shall provide the victim with referral information for support services.

(h) Programs shall have written policies forbidding program staff from disclosing any confidential communication made by the offender or abusing party without the consent of the offender or abusing party, except that programs must warn a potential victim of imminent danger based upon information provided by an offender or abusing party.

(i) The counseling program or educational program must provide services in a group setting, unless the offender or abusing party would be inappropriate in a group setting. Programs must provide separate sessions for male and female offenders and abusing parties.

(j) Programs shall have written policies forbidding program staff from offering or referring marriage or couples counseling until the offender or abusing party has completed a domestic abuse counseling program or educational program for the minimum number of court-ordered sessions and the counselor or facilitator reasonably believes that the violence, intimidation, and coercion has ceased and the victim feels safe to participate.

(k) Programs must have written policies requiring that the counselor or facilitator report when the court-ordered offender or abusing party has completed the program to the court and the offender's probation or corrections officer.

(l) Programs must have written policies to coordinate with the court, probation and corrections officers, battered women's and domestic abuse programs, child protection services, and other providers on promotion of victim safety and offender accountability.

Subd.3. Program accountability. The Minnesota center for crime victim services will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed upon accountability measures including outcome studies.

## Appendix B

January 9, 2003

Dear (Batterer Program Staff Member),

The Battered Women's Justice Project is collaborating with Hennepin County Department of Corrections to create a domestic abuse treatment provider and referral directory. This directory will help Hennepin County Department of Corrections to make informed and appropriate court-ordered referrals to batterer's intervention treatment programs. We are contacting you in order to include updated information on your domestic abuse treatment program in this directory. *We need two things in order to include your program in this directory: 1) A completed program updated form and 2) Copies of all written policies as explained below.*

You may recall being sent a "Domestic Abuse Program Update" form in February 2002 by Nancy Halverson and John Staloch from the Department of Corrections. We did not receive this information from you. Please take time to provide the information requested using the enclosed copy of this update form.

In addition to the information provided on the program update form, the directory will also include information on your program's compliance with state law. As you may know, in 2001, the Minnesota Legislature enacted legislation setting program standards for agencies and individuals who provide domestic abuse counseling and/or educational programming for court-ordered participants. (Minnesota Statutes §518B.02) We are also collecting documentation of written policies as outlined in the 2001 legislation. **Without this information, we will not be able to determine your compliance with state law and this may impact future court referrals to your agency.**

It is now required that all agencies/individuals who provide domestic abuse programming meet minimum standards and provide written copies of policies that show how the program meets these minimum standards to the probation department. **The Battered Women's Justice Project is collecting this information on behalf of Hennepin County Community Corrections.** I have included copies of

Minnesota Statute §518B.02, Subd.2, which outlines these minimum standards, for your review. The following are summarized points that need to be included in written policy:

- Offenders to attend a minimum of 24 sessions or 36 hours of programming.
- Program staff to report to the court and to offender's probation officer any threats of violence, acts of violence, violation of court orders, or violation of program rules that result in termination.
- Program staff to hold offenders solely responsible for their behavior
- Program staff to be violence free in their own lives
- Intake process with each offender, which will include screening for chemical dependency and/or risk offender might pose to self or others.
- Program to notify victim of offender's return to court or termination from program.
- Court-ordered offenders to sign a release of information authorizing communication regarding offender's progress in the program to other involved parties
- Program staff to inform victims of their rights regarding confidentiality
- Policies requiring maintenance of separate files for offender and victim
- If program staff contact victim, they shall provide victim with referral information for support services
- Disclosure of confidential communication made by offender to be forbidden, unless consent has been granted or when otherwise required
- Counseling program or educational program be provided in a group setting, unless deemed inappropriate for individual
- Program provides separate sessions for male and female offenders
- Program staff are forbidden from offering or referring to marriage or couples counseling, unless specific requirements have been met
- Program staff reports to court and offender's probation officer when the offender has completed the program.
- Promote victim safety and offender accountability when coordinating with other providers

You may send these materials to me at the Minneapolis address on this letterhead or email it to me. After we have received your program's update form and copies of requested written policies, an updated and revised description of your program(s) and will be included in the Hennepin County Department of Corrections Domestic Abuse Provider directory. In addition we will be conducting interviews with

selected providers to obtain more in-depth information. With your help, Correction Officers will be able to make the most appropriate referrals to your agency.

Please contact me if your program no longer exists or if you have additional programs we have not yet identified. Please also contact me if you have questions about how the legislation relates to the program(s) that you offer. I will be following up with all providers who do not submit the requested information within 30 days.

If you have any questions or concerns or if I can be of any assistance, I can be reached at the Battered Women's Justice Project. You may also contact Corrections Unit Supervisors.

Sarah Myott

Battered Women's Justice Project

**Appendix C**

Agency Name:

Program Title:

Legislation Program Standards	Section B	Section C.1	Section C.2	Section D.3	Section D.1	Section D.2	Section D.3	Section E	Section F	Section G.1	Section G.2
Date sent program update form	Program requires a minimum of 24 sessions or 36 hours of programming	Program has written policy that threats/acts of violence, violation of court orders by the offender are reported to the court	Program has written policy that offenders are held responsible for their behavior?	Program has written policy that counselor(s)/ Facilitator(s) be violence free in their own lives	Program has an intake process?	Does intake process address possible risks offender may pose to self or others?	Intake has policies regarding referral to CD treatment? 7.	Program notifies victim, unless otherwise requested, if offender is terminated from the group	Program requires offenders to sign release of information forms to communicate with courts, PO, etc.?	Program has written policy requiring counselors to inform victims of the right or confidentiality?	Program offers referral services for victim?
Updated info sent: 1:							Intake address CD problems?				
	1.	2.	3.	4.	5.	6.	8.	9.	10.	11.	12.
Additional Contacts:		Location of Policy:	Location of Policy:	Location of Policy:		Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:

Section G.3	Section H	Section I	Section I	Section J	Section K	Section L
Program maintains separate file for victim?	Program has written policy that forbids staff from disclosing confidential information, except if imminent danger is present, without written consent?	Program has separate sessions for men and women?	Program services are provided in a group setting?	Program has written policy forbidding staff from offering marriage/couples counseling until program is completed?	Program has written policy that program reports to the courts and PO when offender has completed program?	Program has written policy to coordinate with listed agencies to promote victim safety and offender accountability?
13.	14.	15.	16.	17.	18.	19.
Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:	Location of Policy:

**Appendix D**

Agency Name:

Program Name:

Program Has Written Policy:	Yes, No, or Unclear	Comments
Minimum of 24 sessions or 36 hours		
Threats/acts of violence, violation of court orders, violation of program rules that result in termination by offender are reported to the court		
Offender is held solely responsible for behavior		
Counselors/Facilitators violence-free		
Program has an intake process		
Intake process addresses offender's risk to self or others		
Intake addresses CD problems		
Chemically dependant offenders referred to CD treatment center		
Victim notified, unless otherwise requested, if offender terminated from program		
Offender to sign release for communication with courts, PO, other providers and victims		
Victim is informed of right to confidentiality		
Staff are not to elicit information from victim without their permission, victim decides whether to share information and how information will be used		
Program offers referral services for victims		
Any information recorded about victim is kept in separate file from offender		
Staff forbidden from disclosing offender's confidential information without written consent, except if imminent danger is present		
Program offers sessions separately for men and women		
Services are offered in a group setting		
Staff are forbidden from offering or referring for marriage/couples counseling, until specific conditions have been met		
Program reports to court and PO when offender completes the program		

## Appendix E

### State to State Review of use of Gender in Standards

The following tables summarize a review of batterer program standards in jurisdictions in states beyond Minnesota. This information was gathered from the Batterer Intervention Services Coalition of Michigan's website [http://www.biscmi.org/other\\_resources/state\\_standards.html](http://www.biscmi.org/other_resources/state_standards.html). This website provides updated links to standards across the United States. The purpose of this review is to capture if and how standards set for batterers' programs in other states address women who use violence.

The first table lists jurisdictions whose standards explicitly refer to men who batter women. The second table lists jurisdictions with standards for batterers' programs that use language that is vague, but an assumption of the focus on men as batterers can be drawn. Further, standards in some states have gender neutral wording and do not refer to either male or female terms for perpetrators of domestic violence<sup>6</sup>. Other states currently do not have standards set for batterers' programs or do not have standards easily accessible for review.<sup>7</sup>

#### States that explicitly refer to men who batter women

	Agency Name or Jurisdiction	Available Information
Alabama	Alabama Coalition Against Domestic Violence	"These standards primarily are designed for males who perpetrate violence against women."
Florida	Florida Department of Corrections	States focus of certification standards are on men's programs

<sup>6</sup> States reviewed that had gender-neutral standards: Alaska, Arizona, Delaware, Georgia, Iowa, Kansas, Maryland, Massachusetts, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, Utah, Washington State, Washington DC

<sup>7</sup> States that have no standards or unavailable standards: Arkansas, Connecticut, Hawaii, Idaho, Louisiana, Mississippi, New Jersey, New Mexico, North Carolina, Oregon, South Carolina, South Dakota, Wyoming

Illinois	Illinois Department of Public Aid	Titled "Protocol for male perpetrators of woman abuse"
Kentucky	Kentucky Cabinet for Health Services	States if group services for female offenders are offered, required curriculum may be amended
Maine	Maine Department of Corrections	States programs referred to in standards are designed specifically for men who abuse women
Michigan	State of Michigan	States standards only apply to men
Missouri	Association of Batterer Intervention Providers	Batterer is defined as "male who is abusive in context of intimate relationship with female"
New York	State of New York	Standards titled "Standards for Men Who Batter"
Rhode Island	RI Coalition Against Domestic Violence	Titled "Treatment contract for men who batter"
Tennessee	Domestic Violence State Coordinating Council	States that programs for others than heterosexual males should include in their request documentation of capacity to understand the dynamics of such categories of batterers
Texas	Texas Department of Criminal Justice	"This handbook very specifically addresses male to female violence. Female to Male and same-sex violence will require modification to program curriculum. The mission of programs in Texas is to eliminate male to female battering"
Virginia	Virginians Against Domestic Violence	Titled "responding to male violence against women" In standards acknowledges need for standards for same-sex and female batterers and that standards need to be developed in the future.

<b>States where standards have vague language, but assumption of male-on-female violence can be drawn</b>		
	Agency Name or Jurisdiction	Notes
California	San Diego County Taskforce on Domestic Violence	language focuses on violence against women, male privilege
Colorado	State of Colorado	mentions that looking at adding to standards information about specific groups, including female perpetrators, and same-sex batterers
Indiana	Indiana Coalition Against Domestic Violence	language refers to men who batter and violence against women
Nebraska	Lancaster County, Family Violence Council	language is focused on male power and privilege

Nevada	State of Nevada	some mention of male privilege
Vermont	Vermont Department of Corrections	Refer to battered women, women abuse
Wisconsin	State of Wisconsin	language refers to battered women
West Virginia	WV Coalition Against Domestic Violence	Language refers to men as batterers

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