

2017 -- S 0006 SUBSTITUTE A

LC000237/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL PROCEDURE - CORRECTIONS - BATTERERS
INTERVENTION PROGRAMS AND PROBATION SUPERVISION

Introduced By: Senators McCaffrey, Goodwin, Nesselbush, Coyne, and Metts

Date Introduced: January 11, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-29-5.2 of the General Laws in Chapter 12-29 entitled "Domestic
2 Violence Prevention Act" is hereby amended to read as follows:

3 **12-29-5.2. Duties and responsibilities of committee.**

4 (a) The committee shall have the duties and responsibilities to:

5 (1) Establish and promulgate minimum standards for batterers intervention programs
6 serving persons mandated pursuant to § 12-29-5, revise the standards as is deemed necessary,
7 ensure the standards comport with evidence-informed practices designed to reduce risk, and make
8 the standards available to the public, provided that the standards shall include, but not be limited
9 to, the following:

10 (i) Batterers intervention programs shall be conducted using evidence-informed
11 programming and dosage levels designed to reduce the risk of future violent behavior ~~in the~~
12 ~~context of psycho-educational groups, i.e., groups of domestic violence perpetrators led by one or~~
13 ~~more professional group leaders trained and experienced in batterers intervention programming~~
14 ~~and conducted for the purposes of learning and enacting non-abusive behaviors through didactic~~
15 ~~instruction, interaction among participants and leaders, and teaching of skills within the groups;~~

16 (ii) The duration of batterers intervention programs shall be a minimum of forty (40)
17 contact hours over the course of twenty (20) weeks;

18 (iii) Batterers intervention programs shall require that all mandated batterers pay fees for

1 the programs in accordance with the provisions of § 12-29-5; provided, that programs shall
2 accommodate varying levels of ability to pay by means of sliding fee scales and may elect to
3 offer alternatives to payment in the form of community restitution and/or deferred payment for a
4 portion of the fees; and

5 (iv) Provisions shall be established defining the circumstances under which defendants
6 who have attended a batterers program while incarcerated, and/or a batterers program in another
7 jurisdiction which is certified under that jurisdiction's standards or not subject to standards in that
8 jurisdiction, may request that their documented participation in such program be accepted in
9 satisfaction of some portion of their obligation to attend forty (40) hours of a certified batterers
10 intervention program as described in subdivision 12-29-5.2(a)(1)(ii).

11 (2) Monitor and review batterers intervention programs seeking certification with respect
12 to compliance with the standards, including periodic on-site review;

13 (3) Certify those batterers intervention programs which are in compliance with the
14 standards established pursuant to subdivision (1) of this subsection; and

15 (4) Investigate and decide appeals, complaints, requests for variances, and post-
16 enrollment certification applications.

17 (b) For purposes of this chapter, "post-enrollment certification applications" means those
18 applications made to the committee by a batterer mandated to attend a certified batterers
19 intervention program in accordance with § 12-29-5 who has, prior to adjudication, enrolled in a
20 program not certified by the committee. The application shall include supporting documentation
21 from the batterers intervention program and a request that participation in the batterers
22 intervention program be accepted in lieu of the equivalent number of hours of a certified batterers
23 intervention program. The committee shall act upon a post-enrollment certification application
24 within thirty (30) days of receipt of the application.

25 (c) The state public safety grant administration office may provide grants to provide for
26 the access to, and expansion and improvement of, community-based batterers intervention
27 programs. The batterers intervention standards oversight committee shall make recommendations
28 to the public safety grant administration policy board regarding the distribution of funds in the
29 form of grants to programs to cover the costs of delivering quality services to indigent offenders,
30 and to assist community providers and their staffs to utilize outcome-based best practices and
31 effective programming methods.

32 SECTION 2. Sections 42-56-1 and 42-56-7 of the General Laws in Chapter 42-56
33 entitled "Corrections Department" are hereby amended to read as follows:

34 **42-56-1. Declaration of policy.**

1 (a) The ~~legislature~~ general assembly finds and declares that:

2 (1) The state has a basic obligation to protect the public by providing institutional
3 confinement and care of offenders and; evidence-based probation and parole supervision and
4 where appropriate, treatment in the community;

5 (2) Efforts to rehabilitate and restore criminal offenders as law-abiding and productive
6 members of society are essential to the reduction of crime;

7 (3) ~~Upgrading of~~ Maintaining the quality and effectiveness of correctional institutions
8 and rehabilitative services, both inside and outside correctional institutions, deserves priority
9 consideration as a means of lowering crime rates and of preventing offenders, particularly youths,
10 first-offenders, and misdemeanants, from becoming trapped in careers of crime; and

11 (4) Correctional institutions, supervision and services should be so diversified in program
12 and personnel as to facilitate individualized treatment.

13 (b) The purpose of this chapter is to establish a department of state government to
14 provide for the supervision, custody, care, discipline, training, and treatment, ~~and study~~ of
15 persons committed to state correctional institutions or on probation or parole, so that those
16 persons may be prepared for release, aftercare, and supervision in the community.

17 **42-56-7. Parole and probation.**

18 (a) Authority. The division of rehabilitative services, subject to the authority of the
19 director, shall perform the functions relating to the parole and probation of adults as prescribed by
20 this chapter and chapters 18 and 19 of title 12, and under those rules and regulations adopted by
21 the director of corrections with the approval of the governor and the parole board in the executive
22 department.

23 (b) Assessments. The division of rehabilitative services shall adopt risk and needs screens
24 and assessments and behavioral health assessments that are validated at least once every five (5)
25 years for the purpose of informing the following decisions:

26 (1) Probation supervision intensity, case management, and treatment objectives, adopted
27 in collaboration with the superior courts;

28 (2) Correctional treatment and classification; and

29 (3) Parole supervision intensity, case management, and treatment objectives, adopted in
30 collaboration with the parole board, and parole release decisions, adopted in collaboration with,
31 and for implementation by, the parole board.

32 (c) Special conditions. The assessment implemented under subsection (b)(1) of this
33 section should be performed prior to placement on probation, whenever possible, to support
34 judicial decisions affecting conditions of supervision under §12-19-8.1.

1 (d) Supervision. The division of rehabilitative services shall:

2 (1) Provide limited supervision for probationers who qualify based on offense level, time
3 under supervision without a violation, and the results from a validated risk and needs assessment;

4 (2) Provide high-intensity supervision and treatment for probationers who, based on
5 screening and assessments, are high risk to re-offend and present high needs for behavioral health
6 services;

7 (3) Collaborate with the executive office of health and human services to implement
8 Medicaid payment incentives designed to ensure timely access to quality behavioral health
9 treatment and cognitive-behavioral programs for probationers; and

10 (4) Require that program providers serving probationers pursuant to a contract with the
11 department use cognitive-behavioral programs to reduce criminal thinking.

12 (e) Behavioral change guidelines. The division of rehabilitative services shall adopt
13 guidelines for probation and parole officers, governing:

14 (1) Incentives for compliance and risk-reducing behavior;

15 (2) Swift, certain and proportionate non-confinement sanctions in response to
16 corresponding violations of probation conditions; and

17 (3) The use of confinement as a sanction after the consideration of all other appropriate
18 non-confinement sanctions in response to corresponding violations of probation conditions.

19 (f) Training. The division of rehabilitative services shall organize and conduct evidence-
20 based training programs for probation and parole officers. The training shall include:

21 (1) Scoring and use of validated risk and needs assessments under subsection (b) of this
22 section;

23 (2) Risk-based supervision strategies;

24 (3) Cognitive behavioral interventions;

25 (4) Targeting criminal risk factors to reduce recidivism;

26 (5) Use of incentives for compliance and risk-reducing behavior;

27 (6) Use of and swift, certain and proportionate sanctions in response to corresponding
28 violations of probation conditions pursuant to subsection (d)(2) of this section;

29 (7) Recognizing symptoms of substance use and mental health needs and making
30 treatment referrals; and

31 (8) De-escalating erratic criminal behavior.

32 (g) All probation and parole officers employed on or after the effective date of this act
33 shall complete the training requirements set forth in this section. Selected probation and parole
34 officers shall become trainers to ensure sustainability of these training requirements.

1 (h) Information. The division of rehabilitative services shall develop or adopt an
2 automated case management and reporting system for probation and parole officers.

3 (i) Implementation. Deadlines for implementation of this section by the department of
4 corrections shall be as follows: subsection (b) (initial assessment validation), subsection (c)
5 (special condition recommendations), subsection (d) (supervision intensity), and subsection (f)
6 (for training of existing probation and parole officers), one year from the effective date of this
7 section; subsection (e) (behavior change guidelines), six (6) months from the effective date of this
8 section; subsections (f) and (g) (for training of new probation and parole officers) and subsection
9 (h) (case management system), two (2) years from the effective date of this section.

10 SECTION 3. Chapter 42-18 of the General Laws entitled "Department of Health," is
11 hereby amended by adding thereto the following section:

12 **42-18-8. Cooperation with the department of corrections.**

13 The director of the department of health shall coordinate and cooperate with the director
14 of the department of corrections to ensure collaboration around existing department of health
15 programs and initiatives, with regard to people under the care of the department of corrections, on
16 probation, during incarceration, and upon release to the community.

17 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE - CORRECTIONS - BATTERERS
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- 1 This act would create a batterers intervention program fund. The act would also adopt
- 2 evidence-based probation and parole supervision systems.
- 3 This act would take effect upon passage.

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