

# Title 75 Attorney General

## CHAPTER 25. STANDARDS AND CRITERIA FOR BATTERERS INTERVENTION PROGRAMS

DISCLAIMER: This is an unofficial version of the rules.

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### SUBCHAPTER 1. GENERAL PROVISIONS

#### **75:25-1-1. Purpose**

The purpose of this chapter is to set forth the standards and criteria governing services provided by certified batterers intervention programs. The rules regarding factors relating to the certification processes including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

#### **75:25-1-2. Mission**

The mission of the standards and criteria for batterers intervention programs is to eliminate domestic violence, sexual assault and stalking in the State of Oklahoma.

#### **75:25-1-2.1. Underlying Philosophy**

The philosophy underlying the standards and criteria for batterers intervention programs is that:

- (1) battering is instrumental, strategic and purposeful behavior designed to bring about a particular outcome;
- (2) traditional therapeutic techniques are not appropriate for those who choose to batter;
- (3) battering is primarily a sociocultural issue that is criminal in nature;
- (4) battering is never justified;
- (5) battering is not caused by disease, diminished intellect, alcoholism/addiction, intoxication, mental illness or any external person or event;
- (6) batterers are solely responsible for their actions and must be held accountable for their abusive behavior;
- (7) the use of violence and coercion is a choice, decision or a tactic;
- (8) no behavior of the victim causes or excuses domestic violence;
- (9) because batterers choose to use violence, they can also choose to stop violence and eliminate coercive controlling tactics from their intimate relationships; and
- (10) safety for the victims/survivors and their dependents is the primary focus of intervention and services.

#### **75:25-1-3. Definitions**

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

**"Admission"** means to accept a client for services.

**"Americans with Disabilities Act of 1990"** including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, and

persons with mental illness. See "Americans with Disabilities Handbook", published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

**"Assessment"** means the process of evaluating an individual to determine needs for services and appropriateness of admission to the program.

**"Batterer"** means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

**"Batterers Intervention Program" (BIP)** means a status which is granted to an entity by the Oklahoma Office of the Attorney General. These services hold a batterer accountable for abusive behavior, provide consequences for engaging in ongoing violent or abusive behavior, provide monitoring of a batterer's behavior, and require the batterer to change battering behavior and attitudes. BIP's shall keep victim's safety in the forefront. Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither of these interventions, alone nor in combination with each other, be utilized as the primary means of facilitating the required changes in behavior and attitudes.

**"Battering"** means a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence.

**"Business day"** shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 o'clock p.m. of the next business day.

**"Certified batterers intervention program"** Indicates approval to provide batterers intervention programs pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

**"Child"** or **"Children"** means any individual from birth to eighteen years of age.

**"Client"** means an individual who has applied for, is receiving or has received assistance or services of a batterer's intervention program.

**"Client record"** includes, but is not limited to, all communication, records and information on an individual client.

**"Community"** means the people, groups, agencies or other facilities within the locality served by the program.

**"Coordinated Community Response Team"** means a multi-disciplinary group of individuals from agencies and programs in the community whose purpose is to keep victims safe and hold batterers accountable.

**"Counseling"** means a method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

**"Critical incident"** means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

**"DVSA"** means domestic violence and sexual assault.

**"Documentation"** means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

**"Domestic violence"** means a pattern of abusive behavior in any relationship that is used by a batterer to gain or maintain power and control over a current or former partner or family member.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**"Education"** means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

**"Executive Director"** means the person hired by the governing authority to direct all the activities of the organization. May be referred to as "Chief Executive Officer".

**"Facility"** means the physical location(s) of a certified program governed by this chapter of Title 75.

**"Family"** means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

**"Intake"** means the process of obtaining written information about a client for entry into services, obtained by the program at time of admission.

**"Lethality risk indicators"** means evidence-based risk factors commonly associated with lethal intimate partner violence such as those listed in 21 O.S. § 142A-3:

- (A) Has the person ever used a weapon against the victim or threatened the victim with a weapon
- (B) Has the person threatened to kill the victim or children of the victim?
- (C) Does the victim think the person will try to kill the victim?
- (D) Has the person ever tried to choke the victim?
- (E) Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?
- (F) Has the victim left or separated from the person after living together or being married?
- (G) Is the person unemployed?
- (H) Has the person ever tried to kill himself or herself?
- (I) Does the victim have a child that the person knows is not his or her own child?
- (J) Does the person follow or spy on the victim or leave the victim threatening messages?
- (K) Is there anything else that worries the victim about his or her safety and if so, what worries the victim?

**"Licensure"** means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

**"Mental health services"** means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

**"Neglect"** means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

**"Non-abusive behavior"** means behavior that is absent of violence, coercion, control or abuse.

**"OAG"** means the Oklahoma Office of the Attorney General.

**"Objectives"** means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

**"Oklahoma Administrative Code"** or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A) (1) (a) and maintained in the Office of Administrative Rules.

**"Operation"** means that clients are receiving services provided by the program.

**"Personnel record"** means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

**"Persons with special needs"** means persons with a condition which is considered a disability or impairment under the

**"Policies"** means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

**"Procedures"** means the standard methods by which policies are implemented.

**"Program"** means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

**"Program evaluation"** means the documented assessment activities, performed internally or externally, of a program or a service and its staff, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any, a program or service has on the problem which it was created to address or on the population which it was created to serve.

**"Program goals"** means broad general statements of purpose or intent.

**"Screening"** means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

**"Service Agreement"** means a written agreement between service agencies and/or individual service providers defining the roles and responsibilities of each party to promote coordination and integration of service.

**"Service note"** means the documentation of the time, date, location and description of services provided, and signature, including electronic signature, of staff or volunteer providing the services.

**"Staff"** means personnel that function with a defined role within the program whether full-time, part-time or contracted.

**"Victim"** is an individual against whom the batterer perpetrates domestic violence. Individuals may include partners, former partners, children and other family or household members.

**"Volunteer"** means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

#### **75:25-1-4. Meaning of verbs in rules**

The attention of the facility is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:

(1) **"Shall"** is the term used to indicate a mandatory statement, the only acceptable method under the present standards.

(2) **"Should"** is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives.

(3) **"May"** is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

#### **75:25-1-5. Annual review of standards and criteria**

This chapter shall be reviewed annually by the OAG.

### **SUBCHAPTER 3. BATTERERS INTERVENTION**

#### **75:25-3-1. Batterers intervention program**

(a) Each certified batterer intervention program shall have the policy, procedures, staffing, training, operational methods and facilities to meet the following requirements:

(1) Batterers intervention programs are educational programs based on a model of power and control designed to encourage batterers to end violent and coercive behaviors in their

relationships by challenging their belief systems and holding them accountable for their behavior.

- (2) Program focus shall be victim safety and batterer accountability. The service shall be based on non-victim blaming strategies.
- (3) Batterers intervention shall not be confused with anger control or management, substance abuse treatment and/or mental health treatment.
- (4) Services shall be provided in a facility with offices available for private individual and group sessions.
- (5) Services shall be provided to self-referred, court-referred, or Department of Human Services referred batterers. Group services shall be the primary modality.
- (6) Groups shall not provide substance abuse treatment and batterers intervention in the same program; batterers who have substance abuse issues need to be referred for separate substance abuse services.
- (7) The majority of group session time should be focused on the subject abuse itself, and not on peripheral problems, past victimization experienced by the batterer, self-actualization, sensitivity training, or any other theme not directly related to abuse.
- (8) Facilitators shall challenge minimization, denial and blame. These are tactics used by the batterer to justify the use of violence.
- (9) Batterers shall be held accountable for their behavior; BIP facilitators shall report new offenses to the court.

(b) The goal of the batterer's intervention program is to end the batterer's abusive behavior. This shall be achieved by confronting and dispelling the individual batterer's justifications for the use of violence within the relationship. Particular attention shall be paid to the belief systems that promote the use of intimidation, violence and coercion against intimate partners and children. Theories or methods which attribute to the victim any responsibility for the batterer's behavior or diminish the batterer's responsibility for the violence are inappropriate. Education shall be provided to the batterer utilizing written curriculum specifically developed for batterers intervention that comprehensively addresses, at a minimum:

- (1) abuse and violence as a form of control, and an explanation of the need to give up all forms of controlling and coercive behavior;
- (2) a detailed explanation of the range of abusive power and control behaviors, including coercive behavior, chronic verbal abuse, economic abuse, sexual abuse/mistreatment, psychological/mental abuse, physical abuse, abuse of animals, and use of the children as weapons;
- (3) support for and perpetuation of abuse are based on traditional gender roles and privilege.
- (4) non-abusive communication techniques;
- (5) effective coping strategies;
- (6) the impact of battering on children and the incompatibility of violence and abuse with responsible parenting;
- (7) the batterer must be able to identify all abusive conduct, the pattern of that conduct, and the culture which legitimizes or excuses both individual acts and the larger pattern of battering. This may include but not be limited to accepting personal as well as financial responsibility for child support, court costs, restitution, and BIP related costs;
- (8) developing healthy relationships; including techniques for achieving non-abusive, non-controlling attitudes and behavior.
- (9) non-abusive behavior planning for the prevention of violent, controlling and abusive behavior;
- (10) effects of domestic violence on victims from a victim perspective, and
- (11) the potential consequences of domestic violence to the batterer.

(c) Inappropriate Methods of Intervention. The following methods have been determined to be inadequate and/or inappropriate, and shall not be the focus of intervention:

- (1) therapy, whether psycho-dynamic, individual or group;

- (2) communication enhancement, anger management or stress management techniques that blame anger as the root cause of domestic violence;
  - (3) systems theory approaches that treat domestic violence as a result of mutual actions of the victim and batterer, thereby attributing some responsibility to the victim;
  - (4) addiction counseling models that identify domestic violence as an addiction;
  - (5) gradual containment and de-escalation of domestic violence;
  - (6) theories that identify poor impulse control as the primary cause of domestic violence;
  - (7) methods that identify psychopathology on either parties' part as a primary cause of domestic violence; and
- (d) Services shall be provided during hours which make them available for clients whose work hours are between 8:00 A.M. and 5:00 P.M. Monday through Friday.
- (e) The program shall maintain admission criteria for batterers intervention services.
- (f) The program shall provide individual assessment sessions and group sessions.
- (g) Service policy shall not permit the substitution of individual sessions/counseling appointments for group participation except in a situation where only one batterer of a gender has been accepted into the program.
- (h) Group sizes shall be limited to not less than two (2) and not more than sixteen (16) clients.
- (i) Exit criteria shall be contingent on the satisfactory meeting of specific criteria by the participant, and not merely upon the end of a specified period of time or a specified number of sessions.
- (j) Joint participation shall not be allowed of the victim as part of batterers intervention.
- (k) Male and female batterers shall not be served in the same group or session.
- (l) The program shall maintain an annually renewed service agreement with appropriate referral sources such as, but not limited to:
- (1) substance abuse;
  - (2) mental health services; and
  - (3) local OAG-certified domestic violence victim services.
- (m) In the case of court referred clients, the program shall develop a written policy for coordinating with and reporting to the court, judge, probation officer, child welfare worker and/or district attorney.
- (n) In the case of non-court referred clients, the program shall develop a written policy for reporting client information, including but not limited to, assessment results, participation in services, reason for exit and concerns related to the safety of the victims or children.
- (o) If other services for the batterer are necessary, appropriate referrals shall be made for such issues, including but not limited to mental health and/or substance abuse issues.
- (p) Certified batterer intervention programs shall not be less than 52 weeks in duration. The 52 weekly group sessions shall be no less than ninety (90) minutes in length. Completion of a batterer's intervention program requires at a minimum 52 weekly attended sessions as well as a favorable evaluation from the program.
- (q) The batterer's intervention program shall not allow three (3) absences in succession or a total of seven (7) absences in a period of fifty-two (52) weeks. The batterer shall be terminated from the program as per 21 O.S. § 644 and the court or other referring party shall be notified of the termination. Exceptions are:
- (1) Hospitalization or medical restriction from attending program session(s) (verified by proper medical documentation).
  - (2) Military Duty (verified by proper military documentation).
- (r) If the batterer is terminated for any reason as set forth herein, the batterer shall be required to obtain a new assessment and commence a new fifty-two (52) week program. No credit for prior program attendance shall be allowed. Termination from a program terminates any and all credits accumulated by said batterer.
- (s) Compliance with 75:25-3-1 shall be determined by a review of program policy and procedures; client records; service agreements, and other program documentation.

**75:25-3-3. Client records**

- (a) A certified program that uses hand written records shall have written policy and procedures for correcting errors on hand written record material by lining through, initialing the error, and inserting the

correct material either above the error or at the end of the entry. Further, the policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(b) Each client record entry shall be legible, dated, and signed by the staff member or volunteer making the entry.

(c) Copies of all service documentation including assessments, exit interviews and reports shall be kept in the batterer's file.

(d) Compliance with 75:25-3-3 shall be determined by on-site observation, client records, policy and procedures and any other supporting program documentation.

#### **75:25-3-4. Assessment**

An assessment shall be completed prior to service recommendations or acceptance into the program. Before the assessment begins, the individual shall sign acknowledgment that they are participating in a batterer's intervention program assessment which is an educational program, not a therapeutic program, and will not have the same level of confidentiality afforded by mental health services. The program will not assure confidentiality of the assessment results with respect to the Judge, District Attorney, referring agency, or victim(s). The assessment shall at a minimum contain:

- (1) client's name;
- (2) date of assessment;
- (3) address;
- (4) phone number;
- (5) current and past history of violence;
- (6) lethality risk indicators using an evidence-based instrument specifically for batterers intervention;
- (7) drug and alcohol use/abuse history and screening;
- (8) mental health history and screening;
- (9) criminal history, including a report of the incident that generated the referral;
- (10) current or past history with Child Protective Services or Adult Protective Services. If currently involved with Child Protective Services, the assessment shall include a review of the Individualized Service Plan;
- (11) family and social history;
- (12) access to weapons;
- (13) history of animal abuse or cruelty;
- (14) history of sexual abuse victimization;
- (15) history of petitions for protective orders filed and disposition;
- (16) pertinent medical information, including substance abuse and incidence of traumatic brain injuries;
- (17) copies of the court documents, including but not limited to: relevant court documents in divorce cases, divorce decrees, petitions for protective orders, protective orders, any and all court orders ordering the batterer to complete a BIP;
- (18) copies of the Probable Cause Affidavit or police report and criminal information if applicable;
- (19) copies of the Department of Human Services Individual Service Plan, if applicable;
- (20) a report shall be written as outlined in 75:25-3-4.1 (4) through (6); and
- (21) initial victim and current partner (if different from the victim) notification shall be attempted as outlined in 75:25-3-4.2.

#### **75:25-3-4.1. Record Content**

(a) Client records shall contain, at a minimum, the following information:

(1) Intake information:

- (A) assessment information;
- (B) date of intake if different than date of assessment;
- (C) emergency contact information (not the victim or abused partner); and
- (D) current employer, if applicable.

(2) Service notes for each batterer shall be completed by staff or volunteer after individual contact and every weekly session which shall minimally include:

- (A) The time, date, location and description of services provided;
  - (B) The signature of staff or volunteer providing the services; and
  - (C) A service note shall be completed by the staff or volunteer providing the service for each weekly group contact, and shall include:
    - (i) personal responsibility and accountability;
    - (ii) level of participation in services;
    - (iii) change(s) in family, social, personal, legal or work environment(s);
    - (iv) inference of use or increased use of drugs/alcohol;
    - (v) whether or not facilitator observed sufficient indications of risk requiring notification of victim or others, and
    - (vi) Referrals for supplemental services.
  - (D) Staff or volunteer service notes shall document the ongoing provision of educational components addressing the risk of battering and other violence as set forth in 75:25-3-1(b).
- (3) An individualized written contract shall be completed upon acceptance into the program prior to the first (1st) group session; signed by the batterer; and shall include, but not be limited to:
- (A) Notice that the batterer is joining an educational program, not a therapeutic program, and will not have the same level of confidentiality afforded by mental health services. The program will not assure confidentiality with respect to:
    - (i) Judge, District Attorney or referring agency
    - (ii) current partner
    - (iii) past or current victim(s) and/or a representative designated by the victim to receive information on behalf of the victim
    - (iv) parent(s) or guardians of any of the batterers children
    - (v) probation and parole
    - (vi) law enforcement
    - (vii) individuals toward whom there is a risk of imminent harm by the batterer
    - (viii) Coordinated Community Response Team
    - (ix) the domestic violence victim services program serving the area where the batterer lives or where the current or ex-partner lives, where guardians of the batterers' children live or with the domestic violence program where the batterer is currently residing
    - (x) Guardian Ad Litem
    - (xi) the program will promise confidentiality with respect to: the general public, news media and anyone else not covered in the expectations set forth above
  - (B) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions.
  - (C) The criteria for suspension and termination, including notice that involuntary termination from a program terminates any and all attendance credits accumulated.
  - (D) The program's rules.
  - (E) A written notice in bold type which specifies "Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities."
  - (F) A list of provider program expectations, such as participation, and that the batterer will be held accountable for all abusive and violent behavior or threats of harm or expressions of intent to do harm. This includes harm to current or past victims or partners. Such acts include but are not limited to child abduction, court actions for divorce or custody, underhanded economic maneuvers, substance use, and intentionally exposing the victim(s) or partner(s) to risk of sexually transmitted diseases.



- (4) Reports. The program shall develop a written policy for coordinating and complying with required reports to the court, judge, probation officer, child welfare worker and/or district attorney. In the case of court-ordered or otherwise referred batterers, a written report to the court or referring agency shall be submitted within seven (7) business days of the following events:
- (A) Acceptance into the program including, but not limited to, a summary of the results of the initial assessment. Rejection or denied admission to the program including, but not limited to, a summary of the results of the initial assessment, reason for rejection or denial, and any alternative service recommendations; and
  - (B) Reasonable knowledge or suspicion of illegal activities or bodily harm, abuse or a threat of such, to the victim, children or to third persons; and
  - (C) Exit from the program including, but not limited to, the service termination report which shall summarize the type of termination and reason for termination.
    - (i) Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring completion of an inpatient or residential treatment program; inability to function in a group due to limited mental cognitive abilities; or needs that do not match services provided by this program;
    - (ii) Reasons for involuntary termination shall be documented and include, but are not limited to: recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in group sessions attended; attending a group session when under the influence of alcohol or drugs; violation of any rules of the program or violation of the BIP contract. Termination from a program terminates any and all credits accumulated by said batterer.
    - (iii) Upon completion of the program, an exit interview and service termination report shall be completed and documented in the client record. It shall be documented that the client participated in planning for the client's exit from the program. The client and staff shall sign and date acknowledgment of this service or an explanation shall be documented if staff is unable to obtain the client's signature. The service termination report shall include a disclosure stating that completion of the batterer's intervention program does not indicate that the client will not re-offend; it is a report that the person has completed the necessary requirements of the certified program without any other known or reported re-offending during the time of enrollment in the program.
- (5) All reports shall include specific lethality risk indicators that the court may want to seriously consider and any concerns for the safety of victims, children and/or others.
- (6) All reports shall include any perceived areas of concern which may include, but are not limited to, substance abuse or mental health issues.
- (7) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.
- (8) Compliance with this 75:25-3-4 shall be determined by a review of client records for content, review of program policy and procedures, or other supporting program documentation.

#### **75:25-3-4.2. Victim safety and confidentiality**

- (a) **Victim Safety.** Whereas confidentiality is a fundamental underpinning of services for victims of domestic violence, limited confidentiality is critical in batterer's intervention services. Victim safety shall supersede all consideration of batterer confidentiality for court referred and non-court referred clients.
- (b) There shall be a written, cooperative, accountable working relationship between the batterers intervention program and the local OAG certified DVSA victim service provider(s) so potential victims and others are warned of imminent danger.

(c) Initial victim and current partner (if different from the victim) notification shall be attempted via telephone when the batterer has been accepted or denied admission to the program. Efforts to locate and notify the victim, current partner or the victim's advocate shall be attempted at least three (3) times within 7 business days of acceptance or rejection to the program. Upon making contact with the victim and current partner, the victim and current partner shall be informed of OAG certified victim services, notified of the assessment results, reason for rejection if applicable, perceived areas of concern which may include, but are not limited to substance abuse and/or mental health concerns, and specific lethality risk indicators. Efforts shall be documented in a separate file, which may include an electronic file. All victim and partner information shall be confidential and shall not be disclosed to the batterer or documented in the batterer's client file.

(d) After the initial victim and current partner notification, the batterer's intervention program shall maintain contact with the victim or partner at the victim or partner's discretion. If the victim or partner elects not to receive and/or provide information, the program is still required to notify the individual in the case of imminent threat or danger to the victim or partner's safety, or that of any other persons.

(e) If the victim and partner (if different than the victim) elects to receive information after initial notification by the program, at a minimum, notification is required when:

(1) the batterer begins attending the intervention program;

(2) the batterer terminates the intervention program for completion or other reasons, such as noncompliance; and

(3) there is an imminent threat or danger to the safety of persons or animals.

(f) The efforts to locate and notify the victim and current partner (if different than the victim) shall be documented.

(g) Compliance with 75:25-3-4.2 shall be determined by a review of program policy and procedures; client records; service agreements; and /or other program documentation.

#### **75:25-3-5. Physical safety and integrity of client records**

(a) Client records shall be maintained in a secure manner. The program shall have written policies and procedures to safeguard the record and information contained in the record against loss, theft, defacement, tampering, or unauthorized access or use.

(b) Compliance with 75:25-3-5 shall be determined by a review of the program policy and procedures; on-site review of locking mechanisms and procedures to assure security; and onsite observation of the handling of client records.

#### **75:25-3-6. Client record, handling, retention, and disposal**

(a) A program shall have written policy and procedures addressing the storage, retention period, and method of disposal of BIP records.

(b) Client records shall not be maintained and/or stored at a location other than the certified locations without the prior written authorization of the Office of the Attorney General.

(c) Client records shall be easily retrieved by staff as needed for providing and documenting services.

(d) Compliance with 75:25-3-6 shall be determined by a review of the program's policy and procedures, and a review of office and files.

#### **75:25-3-7. Fire and safety codes and inspections**

(a) The physical environments of all office space shall meet safety, zoning, and building code regulations required by local, state, and federal authorities; and shall obtain and maintain an annual fire and safety inspection from local or state authorities.

(b) Compliance with 75:25-3-7 shall be determined by a review of the annual fire and safety inspection report.

#### **75:25-3-8. Fire fighting and first aid equipment**

(a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.

(b) Compliance with 75:25-3-8 shall be determined by on-site observation and by interviewing staff.

### **75:25-3-9. Disaster procedures**

- (a) There shall be written procedures describing the emergency plans in case of a disaster, whether internal or external, or in case of threat to the safety of any client or staff person. Evacuation routes, inside sheltering sites, and fire extinguisher locations shall be posted.
- (b) Fire, tornado, bomb threat and intruder drills shall be conducted annually. The date, time, and type of the drill shall be documented.
- (c) Compliance with 75:25-3-9 shall be determined by on-site observation, a review of written procedures, staff interviews, and documentation of drills.

### **75:25-3-10. Persons with special needs**

- (a) The program shall ensure that persons with disabilities are not excluded from services. Referrals must be provided when necessary, and the program shall have written procedures referrals for disabled persons who can not be served on-site. (Americans with Disabilities Act of 1990) Resource: Americans with Disabilities Handbook, published by (U.S.) Equal Employment Opportunities Commission, and the (U.S.) Department of Justice.
- (b) Compliance with 75:25-3-10 shall be determined by a review of program policy and procedures.

### **75:25-3-11. Program environment**

- (a) The certified program environment shall meet the following conditions:
  - (1) The facility shall be accessible by an all-weather road.
  - (2) The facility shall have adequate space in which to carry out the program's goals and objectives, including outdoor areas and equipment when appropriate.
  - (3) The facility shall have heating and air conditioning equipment adequate to maintain the temperature in areas utilized by clients at between 65°F and 85°F.
  - (4) The facility shall have adequate ventilation and air circulation provided in the facility to assure an environment that will be comfortable for the clients.
  - (5) The facility shall have water from an approved tested potable source.
  - (6) The facility shall have, at minimum, a commode and, lavatory facility. The privacy of individuals shall be assured while using these facilities.
  - (7) Smoking shall not be allowed in any indoor portion of any program.
  - (8) Facility sanitation shall be maintained to prevent offensive odors and insect infestation.
  - (9) All facilities shall have emergency back up lighting.
- (b) Compliance with 75:25-3-11 shall be determined by a review of program policy and procedures; staff interviews, and on-site observation.

### **75:25-3-12. Program management, policy and procedures**

- (a) The agency shall maintain written policy and procedures which describe the rules clients are expected to follow.
- (b) Clients shall be given a copy of program rules and the provision of such shall be documented in the client record.
- (c) The program shall have a written policy of the intent to comply with the Americans with Disabilities Act of 1990.
- (d) Compliance with 75:25-3-12 shall be determined by a review of the program's written policy and procedures and a review of client records.

### **75:25-3-13. Annual program evaluation**

- (a) On or before December 31 each year, the agency shall submit an annual outcomes-based evaluation of the program's services, facilities and policy and procedures, covering the period between July 1 - June 30. This evaluation shall be carried out according to a written plan established in policy and procedures to include the plan of evaluation, quantitative data to be reviewed, and the persons to conduct the evaluation. The evaluation shall include, but not be limited to:
  - (1) Outcomes management specific to each program component which minimally measures:
    - (A) efficiency;

- (B) effectiveness; and
- (C) client satisfaction.
- (2) A quarterly quality batterer record review to evaluate and ensure, at a minimum:
  - (A) batterers are provided an individualized written contract;
  - (B) assessments are thorough, timely and complete; and
  - (C) service notes are documented as prescribed by standards.
- (3) A review of critical incidents and client grievances and complaints.
- (b) Upon completion, this evaluation shall be made available to the OAG, local district attorney, court, personnel and volunteers.
- (c) Compliance with 75:25-3-13 shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes, and/or any other supporting documentation provided by the program.

**75:25-3-13.1. Statistical reports**

- (a) The agency shall maintain quarterly statistical reports on a form designated by the OAG, which shall be submitted annually along with the agency's annual program evaluation.
- (b) Statistical reports shall include at a minimum screened, admitted, rejected, terminated, and completed clients, source of referral, and demographic information. Additional data may be requested by the OAG and shall be identified on the designated form.

**75:25-3-14. Critical incidents**

- (a) The program shall have policy and procedures requiring documentation and reporting of critical incidents.
- (b) Each critical incident shall be recorded and monitored as follows:
  - (1) agency name and name and signature of the person(s) reporting the critical incident;
  - (2) Client name, staff member(s), and/or property, involved in the critical incident;
  - (3) the date, time and physical location of the critical incident, if known, and the name of the staff person the incident was reported to;
  - (4) a description of the incident;
  - (5) severity of each injury, if applicable. Severity shall be indicated as follows:
    - (A) no off-site medical care required or first aid care administered on-site;
    - (B) medical care by a physician or nurse or follow-up attention required; or
    - (C) hospitalization or immediate off-site medical attention was required;
  - (6) resolution or action taken, date action taken and signature of the agency Executive Director or authorized designee.
- (c) Critical incidents that shall be reported to the OAG are reported as follows:
  - (1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented.
  - (2) Critical incidents involving disaster at a facility, death or client abuse shall be reported to the Safeline at 1-800-522-7233 immediately via telephone. The notification shall be followed with a written report from the reporting agency within twenty-four (24) hours of the incident and delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit.
- (d) Compliance with 75:25-3-14 shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to the Office of the Attorney General Victims Services Unit.

**75:25-3-15. Client rights**

- (a) Each client shall be afforded all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

- (1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity.
  - (2) Each client has the right to receive services without regard to his or her race, sex, color, age, national origin, genetic information, religion, disability, or legal status.
  - (3) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client.
  - (4) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights.
  - (5) No client shall ever be retaliated against, or subject to, any adverse conditions or services solely or partially because of having asserted the rights as stated in this section.
  - (6) Each client has the right to know why services are refused and can expect an explanation concerning the reason he or she was refused certain services.
- (b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.
  - (c) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff.
  - (d) Compliance with 75:25-3-15 shall be determined by review of client files and client areas of the program.

**75:25-3-16. Client grievance policy and procedures**

(a) Each program shall have a written client grievance policy providing for, but not limited to, the following:

- (1) Written notice of the grievance and appeal procedure provided to the client;
  - (2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;
  - (3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;
  - (4) Provide for notice to the client that he has a right to make a complaint to the OAG Victims Services Unit;
  - (5) Clients shall be given a copy of the grievance policy including the right to make a complaint to the OAG and the provision of such shall be documented in the client record;
  - (6) Mechanism to monitor the grievance process and improve performance based on outcomes; and
  - (7) Annual review of the grievance policy and procedures, with revisions as needed.
- (b) Compliance with 75-3-16 shall be determined by review of client files.

**SUBCHAPTER 5. PERSONNEL AND VOLUNTEERS PART 1. PERSONNEL**

**75:25-5-1. Personnel policies and procedures**

(a) The program shall have written policies and procedures governing the conditions of agency employment to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to employment, all certified programs are required to obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of employees to also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act. At least annually thereafter, all certified programs are required to conduct a name search of employees against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act.

(b) The agency's policy and procedures shall be accessible to all personnel and each shall be informed of personnel policies and procedures, and any other materials regulating or governing the conditions of their employment.

(c) Written policies and procedures shall ensure personnel are informed of any changes to these a fore stated materials.

(d) Compliance with 75:25-5-1 shall be determined by a review of the program's personnel policies and procedures, interviews with staff, review of staff meeting minutes and/or other supporting documentation.

#### **75:25-5-2. Non-discrimination**

(a) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with personnel in accordance with applicable state and federal laws.

(b) Compliance with 75:25-5-2 shall be determined by a review of the program's written policy and procedure, and staff interviews.

#### **75:25-5-3. Selection of personnel**

(a) The methods for selecting personnel shall be described in policy and procedures and shall include, but not be limited to:

(1) The processes for recruitment, selection and appointment;

(2) Written criteria demonstrably related to the position being filled; and

(3) Completion of a name search against the Mary Rippy and Violence Crime Offender registries. Said searches shall be conducted annually for program personnel and volunteers. Documentation of the same shall be maintained in each personnel or volunteer record.

(b) The BIP shall have a written policy that prohibits anyone with a prior history of domestic violence perpetration from conducting assessments and/or leading any group.

(c) Compliance with 75:25-5-3 shall be determined by:

(1) A review of the policies and procedures.

(2) A review of job descriptions for personnel.

(3) A review of any other supporting documentation.

#### **75:25-5-4. Job descriptions, personnel**

(a) The agency shall have written job descriptions for personnel defining the duties of, and minimum qualifications for, each position.

(b) Compliance with 75:25-5-4 shall be determined by:

(1) a review of the program's policies and procedures, and

(2) a review of the program's job descriptions.

#### **75:25-5-5. Personnel records**

(a) The agency shall maintain record(s) for each staff member selected and utilized; documentation shall minimally include:

(1) job description;

(2) employment application or resume;

(3) documentation of current qualifications and training as required and defined in the job description;

(4) duty or work assignment;

(5) record of hours worked or hours of service performed;

(6) record of participation in training;

(7) staff performance evaluation(s); and

(8) emergency notification information.

(b) Compliance with 75:25-5-5 shall be determined by a review of personnel records.

**75:25-5-6. Supervision of personnel**

(a) A certified program shall establish in writing lines of supervision for all personnel.

(b) Compliance with 75:25-5-6 shall be determined through a review of the program's policy and procedures, or any other supporting documentation provided, including but not limited to, personnel manuals, organizational charts, job descriptions, and personnel files.

**75:25-5-7. Performance evaluation of personnel**

(a) The agency shall have policies and procedures mandating the evaluation of personnel employment and service performance. These policies and procedures shall minimally include:

- (1) performance evaluations shall be completed at least annually, to include an evaluation for all staff working in the BIP;
- (2) define the reason(s) for any evaluation other than annual;
- (3) performance evaluations shall be in writing and based on the staff's job description;
- (4) each evaluation shall be individually discussed with the staff;
- (5) personnel shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations; and
- (6) both staff and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the staff's signature does not necessarily constitute agreement with the evaluation content.

(b) Compliance with 75:25-5-7 shall be determined by a review of:

- (1) program policies and procedures, governing authority meeting minutes where applicable; and
- (2) review of personnel files.

**PART 3. VOLUNTEERS**

**75:25-5-12. Volunteer policies and procedures**

(a) The program shall have written policies and procedures governing volunteer utilization to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to direct services volunteering, all certified programs are required to obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of volunteers to also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act. At least annually thereafter, all certified programs are required to conduct a name search of direct services volunteers against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act.

(b) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with volunteers in accordance with applicable state and federal laws.

(c) Compliance with 75:25-5-12 shall be determined by a review of the program's written policy and procedure, and volunteer interviews.

**75:25-5-13. Supervision of volunteers**

(a) A certified program shall establish in writing lines of supervision for all volunteers.

(b) A certified program shall ensure each volunteer has the knowledge appropriate to his or her job duties and are supervised by personnel.

(c) Compliance with 75:25-5-13 shall be determined through a review of the program's policy and procedures, and any other supporting documentation provided, including but not limited to, volunteer manuals, and organizational charts.

#### **75:25-5-14. Volunteer records**

(a) The agency shall maintain record(s) for each volunteer selected and utilized; documentation shall minimally include:

- (1) duty or work assignment;
- (2) record of hours worked or hours of service performed;
- (3) record of participation in training; and
- (4) emergency notification information.

(b) Compliance with 75:25-5-14 shall be determined by a review of personnel records.

### **PART 5. TRAINING**

#### **75:25-5-19. Orientation - general, personnel and volunteers**

(a) A certified program shall provide a minimum of 8 hours orientation training to familiarize new personnel and volunteers providing direct services with the BIP which includes, but is not limited to:

- (1) standards for the BIP;
- (2) program policy and procedures;
- (3) confidentiality, in relation to the BIP;
- (4) facility safety and disaster plans;
- (5) first aid kits and fire extinguishers, their location, contents and use;
- (6) universal precautions; and
- (7) client rights;

(b) Orientation for personnel must take place within 30 days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within 6 months or prior to unsupervised, direct client contact and services.

(c) Compliance with 75:25-5-19 shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

#### **75:25-5-20. In-service and ongoing training for personnel and volunteers**

(a) A certified program shall have policy and procedures mandating, at the minimum, twelve (12) hours of annual training of all staff which shall include:

- (1) confidentiality;
- (2) facility safety and disaster plans;
- (3) first aid kits and fire extinguishers, their location, contents and use;
- (4) universal precautions, and
- (5) legal and ethical issues.

(b) The remaining hours of annual training shall be related to domestic violence, sexual assault, stalking, and batterers intervention as prescribed and approved by the Executive Director as appropriate for the assigned staff duties.

(c) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to domestic violence, sexual assault, and stalking as prescribed and approved by the Executive Director.

(d) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:25-1-3 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(e) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.

(f) All staff and volunteers shall, within six (6) months of enactment, complete training on amended standards in 75:25-5-21.

(g) Compliance with 75:25-5-20 shall be determined by a review of policy and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or



volunteer records.

**75:25-5-21. Personnel training, batterers intervention services**

(a) Personnel facilitating batterers intervention groups shall minimally have a graduate degree in a behavioral health or criminal justice related field and one-year related work experience, have a Bachelor's degree in a behavioral health or criminal justice related field and two years related work experience, or have been employed as a facilitator in a certified batterers intervention program prior to July 1, 2008.

(b) A certified batterers intervention program shall contract with or employ a qualified licensed professional as defined in 75:25-1-3 under "Counseling" for purposes of providing case consultation to personnel facilitating batterers intervention groups for client mental health and substance abuse issues. All BIP staff, BIP volunteers, BIP contractors, and BIP program supervisors shall complete batterers intervention facilitator orientation training sponsored by the Oklahoma Office of the Attorney General within six months of employment or volunteer service.

(c) Prior to providing any direct services, personnel facilitating batterers intervention services shall observe a minimum of 12 batterers intervention group sessions from an OAG certified program, and must complete 20 hours of training that includes, but is not limited to:

- (1) causes and dynamics of domestic violence;
- (2) identification of cultural and social influences that contribute to violence;
- (3) identification of coercive behavior;
- (4) coercive sexual behavior;
- (5) impact of domestic violence on children and the dynamics of the batterer as a parent;
- (6) basic defense mechanisms of batterers that promote deception, distortion and misrepresentation of the facts of the domestic abuse and the experience of the victim; and
- (7) Lethality indicators and assessment procedures such as:
  - (A) perceived loss of control over the victim through separation, divorce, victim fleeing,
  - (B) extreme jealousy,
  - (C) escalation of abuse,
  - (D) acts of abuse,
  - (E) suicide/homicide threats, plan to carry out either of above,
  - (F) use of, or threat to use weapon (especially a gun),
  - (G) strangulation,
  - (H) stalking,
  - (I) history of mental health problems, substance abuse,
  - (J) history of sexual abuse of victim or children,
  - (K) kidnapping of partner,
  - (L) unemployment; and
  - (M) abuse or cruelty to animals
- (8) the effects of alcohol and drug use/abuse and domestic violence;
- (9) exploring myths and beliefs about domestic violence, including myths about provocation;
- (10) impact of domestic violence on victims;
- (11) batterers who re-offend;
- (12) group dynamics and group structure;
- (13) planning for non-violence and victim and dependent safety;
- (14) power and control;
- (15) facilitator boundaries and collusion with the batterer;
- (16) providing safe victim and/or partner contact; and

(d) Personnel who provide batterers intervention service may not provide services for the victim that may result in a conflict of interest.

(e) Personnel who provide batterers intervention must declare in writing that they are:

- (1) violence free in their own lives,
- (2) not abusing drugs or alcohol, and
- (3) seeking to rid themselves of sexist attitudes.

- (f) Compliance with 75:25-3-21 shall be determined by:
- (1) Review of program's policy and procedures.
  - (2) Review of program's training records and other provided documentation of staff training.
  - (3) Review of personnel records.

## **SUBCHAPTER 7. CONSULTATION**

### **75:25-7-1. Consultation and Coordination**

(a) All Batterers Intervention Programs shall participate on the local Coordinated Community Response Team (CCRT), if one exists, for each city or county in which they are certified to operate. If a CCRT does not exist in the city or county in which they are certified to operate, the program shall demonstrate monthly consultation with a domestic violence advocate(s) from the Certified Domestic Violence and Sexual Assault Victim Service Program that provides services in the city or county in which the batterer's intervention program is certified to operate.

(b) Compliance with 75:25-7-1 shall be determined by documentation of meeting notes or minutes that shall include, but are not limited to, recording of:

- (1) the date, time and place of the meeting;
- (2) names of those attending, and
- (3) topics and issues discussed and decisions reached.

## **SUBCHAPTER 9. TECHNOLOGY**

### **75:25-9-1. Technology and system plan**

(a) The agency shall have a written plan regarding the use of technology to support and advance effective and efficient service and business practices. The plan shall include, but not be limited to:

- (1) Hardware and software.
- (2) Security.
- (3) Confidentiality.
- (4) Backup policies.
- (5) Assistive technology.
- (6) Disaster recovery preparedness.
- (7) Virus protection.

(b) Compliance with 75:25-9-1 shall be determined by a review of the facility policies, performance improvement plans and technology system plan.