

Tri-County Batterer Intervention Provider Network meeting minutes 3/17/09

Present: Chris Huffine (Allies in Change), Leonard Larson (ARMS), Shaun Larson (ARMS), Phil Broyles (Teras Interventions), Cassandra Suess, Paula Manley (Manley Interventions), Jennifer Warren (Men's Resource Center/Women's Counseling Center), Paul Lee (Men's Resource Center/Women's Counseling Center), Jacquie Pancoast (ChangePoint), Sara Windsheimer (Choices), Lynda Bridges (Bridges to Safety), Elsie Garland (Multnomah County DCJ/Juvenile Treatment Services), Joan Scott (Allies)

Minutes by Paula Manley, edited by Chris Huffine

Topic: Should probation violations be reported to the PO?

Standards include reporting any violation of court order. That would include what restrictions PO puts on the client, as well as specific court conditions. The point of this discussion is not to define the standards, but to have a philosophical discussion as to what info should be relayed if a client discloses. At this point, we do not have a choice as to whether or not to disclose violations to PO. SB 81 mandates reporting. But it is important to have the discussion.

Informing PO is *not* a violation of confidentiality, when appropriate authorization is given.

There is no legal conflict in giving out info, with appropriate procedures.

One agency does home visits. Another commented that this needs to be clarified at intake, and the client knows the agency will report violations, and signs his agreement.

One person asked if we could discuss what info PO's are to give BIP's. WACO and MULT CO routinely give police reports; Clackamas CO does not. Helpful info from PO would be criminal history. It would also help to know when a client is in jail, when they are re-arrested, when their PO changes, when their level of supervision changes, etc. One obstacle to giving – or getting – info is PO's can be difficult to reach. Deferred sentencing cases in Clack. Co. create a challenge, as there is no PO to report violations to.

REASONS BIP's SHOULD DISCLOSE INFO TO PROBATION:

- Accountability. Integrity of the program – working with them to make changes.

- Coordination- Let clients know up front that this is an opportunity to work together. This helps make sure they understand PO needs to be involved and working together.

Coordinated Community Response – if we don't provide info, we are not coordinating.

- Use the court requirements as a safety plan for him. Go over court orders with them. How can he stay compliant and out of trouble?

- Let clients know PO isn't necessarily going to "come out and get them." Help them understand PO's don't expect them to be perfect.

- Victim safety – the victim is the true client. If he is violating his conditions, there is a safety issue. The PO may have more opportunity to warn her than does the agency. We may not

have victim contact info.

- More resources – PO's have more resources including doing home visits, requiring polygraph, UA's, additional drug testing. PO's can incarcerate if need be, access mental health resources. Also, they may have more information in general than we do.

- Several providers prefer to give the client a chance to inform the PO. BIP's can reinforce that we all need to be honest, and need to follow the rules. "I'm here to work with you" concept.

- With this population we are working with, it is easy to fall into collusion, which BIPS must not do. Open feedback avoids splitting.

- The key element in dealing with client anger over disclosure is, "Don't get mad at me for something YOU did.

- You want them to succeed, to have good relationships at some time, and part of this is holding them accountable.

- Reporting violations – and being up front about this - may prevent the perpetrator from blaming the victim for what you report.

- Reporting violation creates a better relationship between agency and PO. It facilitates coming up with coordination in the response to the violation. Can discuss alternative sanctioning when appropriate.

- The PO's commitment is to community safety. If they aren't getting all the information needed for community safety, they can't do that. BIP's primary job is to educate the men and teach them alternatives that promote safety. But it is not the full-scope community safety issue that PO has. PO is a community safety agent. Withholding info from PO can create a safety issue. It's important to analyze carefully *why* you aren't giving out info, in any case where you are considering not providing certain info.

- There are a few other circumstances that we would have to report violations regardless of whether there is a PO. One is if there is imminent danger, you have to tell the victim yourself (Tarrasoff) as well as anyone else who could help keep the victim safe (e.g., PO, police). The second is mandatory reporting laws in the case of children/elderly being abused. This is only required if you hear of it directly from the victim or the perpetrator. Second hand reports are not reportable.

#### REASONS FOR NOT REPORTING INFORMATION TO PROBATION:

- The more the BIP is perceived as an arm of the law, the less likely it is for the client to disclose information to you, to trust you, etc. If they think you will report to PO, they won't

be honest. An example is one agency when BIP did NOT report, they had discussions about all kinds of probation violations (e.g., contact, abusive behavior, alcohol use). Then, when the requirement changed to report all violations, all of a sudden, the clients “aren’t violating.” Now, 90% of the time, the PO is the one informing the BIP, rather than the reverse. One person said that treatment is more likely to be successful if we are not perceived as an arm of the probation office, in that they won’t disclose as much info.

-A client is less likely to disclose when fears info will be passed on to the court. As a consequence, no one may be aware of the violations or behavior and therefore no one is able to address it. When you don't have to report, you could have discussions about the issue, safety-planning. Now, there is a lot of acting as if everything is fine. One client – after off probation – disclosed how the polygraph had mis-identified his deception (had been having contact, rather than using A&D).

-Shame is a huge issue for clients, and they are less likely to share shameful issues when they know BIP will report to PO. If he feels shame about the abuse and knows he will be sanctioned, he is less likely to share. Shame is not about actually being punished – it’s about the fear of being punished. So reporting makes it less likely they will discuss what they feel ashamed of. We want to move clients from SHAME to experiencing appropriate GUILT. You cannot as effectively deal with shame when you are a mandatory reporter.

-Sense of “us against them” when BIP is seen as part of the system. The clients may disclose among themselves, but they may unite in not telling the counselor, when BIPs are seen as part of the system. If BIPs are not required to report violations they are more likely to be seen as separate from the system and have a different relationship.

-BIPs are not the same as PO’s. By having to disclose, BIPs are becoming de-facto probation officers.

-Voluntary clients have a much higher rate of disclosure. They have the same issues, but they know there won’t be direct legal consequences, such as jail.

-BIP has to discuss issues more in general, than specifically, when clients don’t disclose.

-Victim contact issue – if a client mentions victim contact, and you report it, they will get some kind of sanction. Even if BIP knows the PO won’t put him in jail, the client won’t report it. If you don’t have to report it, BIP can work with the client as to why he is violating the no contact order – is it dependency issues, etc.? The same is true for other violations.

-In society, discussing alcohol and drug use has, over the years, become acceptable. You can’t talk about DV in society. Sometimes the client is very into putting on the “good person” manipulation. If we are trying to get past this false front, it’s made more difficult by the requirement to report to PO.

-What kind of an environment is created in the group? When clients feel safe to disclose more, other men will also disclose. So a culture of nondisclosure may become prevalent in a group. On the other hand, when clients do not feel safe to be fully disclosive, a culture of keeping secrets may develop.

-Clients already may feel a separation from the facilitator. There is a wide range of clients, and no one policy fits all clients. The question here is, which point of view fits the most clients, and overall promotes best safety. Very few programs make it safe for clients to talk about what they did.

-Not disclosing does not necessarily mean collusion. When a client reports, you can give the client a clear message that you are very concerned.

-If you have to report violations, you can get disclosures at the action stage of Motivational Interviewing. If you don't have to report, you are more likely to get disclosure at the contemplation stage, hopefully avoiding the action. Sometimes you can even get it at the precontemplation stage. You can't do the same kind of safety planning when clients are withholding information.

-Voluntary clients get tired of the subculture of non-disclosure, and they seek groups with high accountability.

-Clients that are going to disclose, generally do it early on. Less likely to demonstrate problems later on in violating treatment mandates. If something is a problem, they will more likely get in trouble with probation early on when they are less skilled at hiding it.

-The reporting therapist is viewed as a parent, and they are the child. The non-reporting therapist is seen as an older sibling. The client is still in the role of an adult.

-Reporting probation violations makes much less sense when there is either an unskilled, overworked, or absent probation officer (e.g., bench). The competence of PO/agency varies wide. If you think about victim safety, with an unskilled or overworked PO (or not present/overly-punitive) the client may be dealt with poorly or not even be dealt with. This could compromise victim safety. In some counties there is no – or marginal – probation supervision. What message is given when BIP reports and nothing happens? It is much less of an ethical dilemma as PO competency/training is increased.

-Competency/knowledge of judges – lack of info, power and control issues.

-Differential levels of supervision create confusion. Bench probation, deferred sentencing, casebank vs. full probation. If there is the reporting requirement, but no one to report to, this creates issues. This could contribute to the therapist not wanting to know! (Not good!)

-Therapists are most comfortable in their therapeutic element – not geared toward law enforcement.

-What individual PO's want to know varies.

-PO's may be required to report violations to court, even if it would compromise victim safety.

-Even if NOT REQUIRED to report, BIPs likely would report certain violations anyway.

-Probation has a variety of tools they can use. BIP tools – especially when dealing with shame-based issues – are more limited. Confidentiality is one of these tools, and if BIP loses it, they do not have the other resources.

-Perhaps another issue – how much more should we disclose to PO's besides violations? Accountability statements? Journals? Social history? Then this goes away from batterer intervention and becomes probation. We must consider repercussions.