

**2023 HOUSE JUDICIARY**

**HB 1269**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1269  
1/23/2023

Relating to a mandated intervention program for domestic violence offenders; and to provide a penalty.
--

Chairman Klemin opened the hearing on HB 1269 at 10:45 A.M. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## **Discussion Topics:**

- Domestic violence treatment program
- Intervention Standards
- Inclusion of additional crimes for treatment
- Definition of family and household member

Rep. Ista: Introduced the bill. Testimony #14972

Seith O'Neil, CAWS ND: Testimony #14946, #14947, #14948, #14949

Michelle Erickson, Executive Director, Abused Adult Resource Center: Testimony #14832

Taylor Sorenson, Director, Community Intervention and Abuse Center, Grand Forks, ND: Testimony #15004

Travis Finck, Executive Director for ND Commission on Legal Counsel for Indigents: Testimony #15687

Jackson Lofgren, Attorney at law: Oral testimony.

## **Additional Written Testimony:**

Jill McDonald, Executive Director of the Domestic Violence Center in Minot #15244

Hearing closed at 11:14 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1269  
2/1/2023

Relating to a mandated intervention program for domestic violence offenders; and to provide a penalty.
--

Chairman Klemin opened the meeting on HB 1269 at 9:21 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

### Discussion Topics:

- Amendment
- No fiscal impact

Rep. Vetter moved an amendment on page 1, line 11 remove 12.1-21-05.  
Seconded by Rep. VanWinkle

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	N
Representative Cole Christensen	N
Representative Claire Cory	N
Representative Donna Henderson	N
Representative SuAnn Olson	N
Representative Nico Rios	N
Representative Shannon Roers Jones	A
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Lori VanWinkle	N
Representative Steve Vetter	N

Roll Call Vote 2 Yes 10 No 1 Absent Failed

Rep. VanWinkle moved a Do Pass;  
Seconded by Rep. Bahl

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	A
Representative Bernie Satrom	N
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Roll Call Vote: 10 Yes 2 No 1 Absent Carrier: Rep. Olson

Meeting closed at 9:31 AM.

Delores Shimek, Committee Clerk

**REPORT OF STANDING COMMITTEE**

**HB 1269: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1269 was placed on the Eleventh order on the calendar.

**2023 SENATE JUDICIARY**

**HB 1269**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1269  
3/28/2023

A bill relating to a mandated intervention program for domestic violence offenders; and to provide a penalty.
---

2:31 PM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger are present.

**Discussion Topics:**

- Court sentencing
- Treatment programs
- Amendments

2:32 PM Representative Ista introduced the bill and provided written testimony #26815, 26816, 26817.

2:48 AM Seth O'Neil, CAWS of North Dakota testified in favor of the bill and provided written testimony #26730.

2:57 Taylor Sorenson, Director of Domestic Violence Intervention, Community Violence Intervention Center, Grand Forks, testified in favor of the bill and provided written testimony #26575.

3:05 PM Travis Finck, Executive Director, North Dakota Commission on Legal Council for Indigents testified neutral on the bill and provided written testimony #26880.

3:26 AM Chairman Larson closed the public meeting.

3:26 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1269  
4/3/2023

A bill relating to a mandated intervention program for domestic violence offenders; and to provide a penalty.
---

9:13 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Estenson, Luick, Sickler, Paulson and Paulson are present.

### Discussion Topics:

- Committee action
- Treatment completion
- District judges

9:14 AM The committee has discussion on the bill and proposed amendments #27214, 27215.

9:16 AM Travis Finck, Executive Director, North Dakota Commission on Legal Counsel for Indigents, provided oral testimony.

9:17 AM Senator Sickler moved to adopt amendment LC 23.0396.02003. Motion seconded by Senator Estenson.

9:17 AM Roll call vote was taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

9:18 AM Senator Sickler moved to Do Pass the bill as amended. Senator Estenson seconded the motion.



9:18 AM Roll call vote is taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

Senator Larson will carry the bill.

This bill does not affect workforce development.

9:18 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

AK  
181  
4-3-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1269

Page 1, after line 8, insert:

"1. As used in this section, "intimate partner" means an offender's spouse, former spouse, current dating partner, recent former dating partner, or another individual with whom the offender has a child in common regardless of whether the offender and the individual are or have been married to each other, are or have been in a dating relationship with each other, or resided together at any time.

2."

Page 1, line 12, overstrike "actor's family or household member, as defined in subsection 4 of section 14-07.1-01" and insert immediately thereafter "intimate partner"

Page 1, after line 18, insert:

"3. If an offender who is ordered to complete a domestic violence offender assessment and intervention program is assessed and determined to be inappropriate for the program by the program provider, a court may find the order to complete a domestic violence offender assessment and intervention program to be satisfied or may order the offender to complete other appropriate programming."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1269: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1269 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, after line 8, insert:

"1. As used in this section, "intimate partner" means an offender's spouse, former spouse, current dating partner, recent former dating partner, or another individual with whom the offender has a child in common regardless of whether the offender and the individual are or have been married to each other, are or have been in a dating relationship with each other, or resided together at any time.

2."

Page 1, line 12, overstrike "actor's family or household member, as defined in subsection 4 of section 14-07.1-01" and insert immediately thereafter "intimate partner"

Page 1, after line 18, insert:

"3. If an offender who is ordered to complete a domestic violence offender assessment and intervention program is assessed and determined to be inappropriate for the program by the program provider, a court may find the order to complete a domestic violence offender assessment and intervention program to be satisfied or may order the offender to complete other appropriate programming.

Renumber accordingly

**TESTIMONY**

**HB 1269**



A B U S E D  
A D U L T  
R E S O U R C E  
C E N T E R

*"Restoring hope. Building futures. Changing lives."*

House Bill No. 1269

House Judiciary Committee

Testimony presented by Michelle Erickson

Email: [michellee@aacnd.com](mailto:michellee@aacnd.com)

January 23, 2022

Chairman Klemin and members of the Judiciary Committee,

Good Morning. My name is Michelle Erickson and I am the Executive Director of the Abused Adult Resource Center (AARC) in Bismarck with 17 years of working with victims of domestic violence and sexual assault crimes. AARC serves a seven-county area in South Central North Dakota including Standing Rock Indian Reservation. We are one of 20 dual domestic violence and sexual assault programs in North Dakota. I am here today to provide testimony in support of HB1269.

You may wonder why as a victim services provider we would feel strongly about supporting this bill. As you know, the crimes of domestic violence and sexual assault are not limited to just those two categories. Those crimes also involve additional crimes such as stalking, harassment, felonious restraint, aggravated assault, interference with 911 calls, and murder just to name a few.

Domestic Violence Intervention Programming consists of 24-26 weeks of classes designed to help men examine their belief system and behaviors that support violence, expand definitions of violence and controlling behaviors, discuss the effects of violence on women, children and themselves and identify and practice non-controlling alternatives.

When Lutheran Social Services (LSS) closed abruptly in 2021, one of the consequences was that the Domestic Violence Intervention Programs were left without a place to call home. AARC felt strongly that by assuming programming for this we would be able to offer yet one more service that could help eliminate the possibility of more violence in our communities. In July of 2021, we were granted funding from the Department of Health in the amount of \$35,602.00 for 2 years. We contracted with former facilitators from LSS to provide the classes and assigned coordination of the project to an existing AARC staff member. In January of 2022, we started our first class. We also contracted with a former LSS facilitator to provide a different curriculum, Turning Points, to women who have used violence in their relationships. Throughout 2022, we had 17 men participate in classes and 9 women.

P O B o x 5 0 0 3 • B i s m a r c k , N D 5 8 5 0 2 - 5 0 0 3

Office: 701-222-8370 • Fax: 701-323-9399  
24-Hr. Crisis: Toll Free: 1-866-341-7009  
[www.abusedadultresourcecenter.com](http://www.abusedadultresourcecenter.com)

AARC believes that by expanding the crimes listed under N.D.C.C. § 12.1-17-13 to include murder, manslaughter, negligent homicide, harassment, stalking, kidnapping, felonious restraint, unlawful imprisonment, criminal mischief, interference with a telephone during an emergency call, and violations of disorderly conduct restraining orders, no contact orders, and domestic violence protection orders, it will hold more offenders accountable for their crimes, refer more participants to classes, and continue to decrease violence in our community.

We also support the language change from evaluation to assessment and treatment to intervention programming. Evaluation and treatment are generally thought of as something related to disease or illness. Domestic violence is a choice made by that person to inflict harm, whether physically or mentally on another person. Intervention is key in reducing violence and challenging the belief systems of offenders.

Thank you for the opportunity to speak to you today and with that, I stand for questions.

*North Dakota*  
***Battering  
Intervention  
Standards***

THIRD EDITION

# EDITION NOTES

The North Dakota Adult Batterers' Treatment Standards were originally written in 1996 as a joint project of the North Dakota Department of Corrections Division of Parole and Probation and the CAWS North Dakota (*previously known as North Dakota Council on Abused Women's Services [NDCAWS] and Coalition Against Sexual Assault in North Dakota [CASAND]*).

The printing and dissemination of the first edition was made possible through a Community Oriented Policing (COPS) grant from the Department of Justice in March 1997.

The second edition of the North Dakota Adult Batterers' Treatment Standards was reviewed and revised by the North Dakota Batterers' Treatment Forum.

This publication was made possible by 2012 G991540 Family Violence Prevention and Services Act (42 USC 10401) grant in October 2012. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

In 2018, the third edition of the North Dakota Battering Intervention Standards was enhanced by the ND Alliance to End Partner Abuse, previously known as the North Dakota Batterers' Treatment Forum. The alliance made enhancements and will be looking into further reconstruction of the standards and explore a few areas in depth including minimum training standards and lethality.



[cawsnorthdakota.org/index.php/nd-alliance-to-end-partner-abuse](http://cawsnorthdakota.org/index.php/nd-alliance-to-end-partner-abuse)



# TABLE OF CONTENTS

## PREFACE

Introduction.....	4
Formation of the Batterers' Treatment Forum.....	5
ND Alliance to End Partner Abuse Membership.....	6
Battering Intervention Standards Review Committee.....	7

## FUNDAMENTALS OF INTERVENTION STANDARDS

Vision and Mission.....	8
Philosophy Statement.....	8
Purposes of Intervention Standards.....	9
Principles of Practice.....	10-11
Ethical Standards.....	11-12
Community Investment.....	13
Victims of Battering.....	14
Justice System.....	15
Domestic Violence Programs.....	16

## COMPONENTS OF INTERVENTION

Process Overview.....	17
Waiting Periods.....	17
Intake: Assessment and Intervention Contract.....	18-20
Intervention Content and Curriculum Outline.....	20
Intervention Approaches.....	22
Group Constitution.....	23
Funding and Fees.....	24
Discharge Criteria.....	24
Qualifications of Group Facilitators.....	25

## APPENDICES

Appendix A: Definition of Terms.....	26-28
Appendix B: Resources.....	29
Appendix C: Domestic Violence Victim Service Programs.....	30

# PREFACE

## INTRODUCTION

In North Dakota as elsewhere, domestic violence is a reality for people of all ethnic, racial, economic, religious, and educational backgrounds, of all ages, abilities, personalities, and lifestyles. Although men are victims of battering, 92% of all domestic violence victims reported in North Dakota are women.

According to the Women's Health Organization, one in three women will experience domestic or sexual violence during their lifetime, which equates to approximately 93,000 women in North Dakota. According to data collected by the North Dakota Council on Abused Women's Services (now CAWS North Dakota), there has been a 29% increase in the number of domestic violence incidents reported during the last decade by domestic violence programs in North Dakota, ranging from 4,496 incidents in 2007 to 5,787 incidents in 2017. Intervention needs for victims continue to increase, further supporting the need to address offender intervention services.

Underreporting is an ongoing concern, particularly for marginalized groups such as Native Americans and people who identify as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ) and victims in rural areas where resources may be less accessible.

Over the course of the past decade, the numbers of perpetrators arrested and prosecuted for crimes involving domestic violence have increased and the courts have increasingly assumed the responsibility of holding those who batter accountable through incarceration and mandated intervention services. The North Dakota Legislature has consistently refined and strengthened domestic violence laws.

Against this backdrop, and in keeping with this broad-based response to domestic violence, the ND Alliance to End Partner Abuse (*previously known as North Dakota Batterers' Treatment Forum*) was established in 1994 to integrate the concerns of victims, the courts, law enforcement, treatment providers, and the community at large in providing yet another means through which to assure safer, more nurturing families.

For the most recent data reported to CAWS North Dakota by the 20 domestic violence programs in our state, please refer to [www.cawsnorthdakota.org](http://www.cawsnorthdakota.org).

# PREFACE

## FORMATION

The rising demand for battering intervention services, as well as the lack of consistency in the provision of services, led to the formation of the North Dakota Batterers' Treatment Forum in the fall of 1994.

The effort was initiated by CAWS North Dakota in conjunction with the North Dakota Department of Corrections Division of Parole and Probation and soon grew to include volunteer representatives from a variety of professional disciplines, each with a significant stake in developing an appropriate response to the need for the intervention of battering behaviors.

After a consultation meeting with Michael Lindsey, founder of the Colorado based "Third Path" treatment program, forum members decided to begin the challenging task of developing consensus on standards that they hoped would one day govern battering intervention services in North Dakota. The group met periodically throughout 1995 to meet this goal.

Stage Two of the forum's work involved broad circulation of the draft standards in order to solicit feedback from as many stakeholders as possible before finalizing the document.

Stage Three involved making the standards accessible by developing succinct resources designed specifically for the courts, treatment providers, victims of domestic violence, and others.

The North Dakota Adult Batterers' Treatment Standards were made accessible to the community in 1997. A subcommittee of forum members convened to develop a compliance application and approval process as well as worked in collaboration statewide to foster the development and maintenance of standards-compliant programs.

In 2010, the North Dakota Batterers' Treatment Forum met to review and update the North Dakota Adult Batterers' Treatment Standards to again provide practice guidelines for providers to ensure the highest quality and most effective methods are consistently employed statewide to promote the safety of abuse victims and work to hold batterers accountable for their violence.

The ND Alliance to End Partner Abuse, (*previously known as the North Dakota Batterers' Treatment Forum*) meets ongoing to collaborate, network, and train battering intervention providers statewide.

At this point, the standards serve as mandatory guidelines to receive state funding and the group has left open the possibility of statutory enforcement. Although the alliance itself has been given no specific authority for promulgating standards, it is hoped that the energy expended toward consensus building and the equally strong commitment to victim safety and batterer accountability will give moral authority and credibility to this document.

# PREFACE

## MEMBERSHIP

The original Batterers' Treatment Forum consisted of the members listed below. In addition, several individuals from the judiciary, human services, law enforcement, and advocacy have served in liaison and advisory capacities to the forum.

### Founding Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Lisa Weisz	Women's Action & Resource Center	Beulah
LaVerne Lee	ND State Health Department	Bismarck
Jo Eastvold	Bureau of Criminal Investigation	Bismarck
Audrey Benno	Consumer Advocates	Bismarck
Bonnie Palecek	ND Council on Abused Women's Services	Bismarck
Rick Hoekstra	ND Parole and Probation	Bismarck
Warren Emmer	ND Parole and Probation	Bismarck
Bob Pfenning	US Probation	Bismarck
Diane Zainhofsky	Abused Adult Resource Center	Bismarck
Cassie Roberdeau	West Central Human Service Center	Bismarck
Linda Zent	Centre, Inc	Bismarck
Darci Jelleberg	Bottineau County Coalition Against DV	Bottineau
Jackie Aronson	Lake Region Human Service Center	Devils Lake
Kathy Waller	Badlands Human Service Center	Dickinson
Roberta Biel	Domestic Violence & Rape Crisis Center	Dickinson
Jane Austinson	Lutheran Social Services	Fargo
Bill Lopez	Centre, Inc	Fargo
Beth Haseltine	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Barb Brieland	ND Parole and Probation	Fargo
Pam Novak	Domestic Violence Program of Walsh Co.	Grafton
Tim Megorden	Pastor/Therapist	Grand Forks
Tara Muhlhauser	University of North Dakota	Grand Forks
Kristi Hall-Jiran	Abuse and Rape Crisis Center	Grand Forks
Wally Klostreich	South Central Human Service Center	Jamestown
Judy Benson Zuyli	MSU Women's Resource Center	Minot
Dena Filler	Domestic Violence Crisis Center	Minot
Colleen Reese	Abuse Resource Network	Stanley
Edward McPeck	Northeast Human Service Center	Williston
Jeri Weiss	Northwest Human Service Center	Williston

# PREFACE

## REVIEW COMMITTEE

### 2nd Edition Standards Review Committee Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Lisa Weisz	Women's Action & Resource Center	Beulah
Janelle Moos	CAWS North Dakota	Bismarck
Linda Isakson	CAWS North Dakota	Bismarck
Dennis Larkin	Lutheran Social Services of ND	Bismarck
Derin Ferderer	ND Parole and Probation	Bismarck
Andrea Martin	Soul Survivor Counseling Services, PC	Bismarck
Shelley M Guida	Rape and Abuse Crisis Center of F-M	FargoMoorhead, MN
Erin Hagen	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Pat Olson	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Staci Jensen	Domestic Violence Abuse Center	Grafton
Lloyd Rath (Forum Coordinator)	Community Violence Intervention Center	Grand Forks
Steve Saum	Solutions	Moorhead, MN
Becky Devries	Three Rivers Crisis Center	Wahpeton
Chris Peterson	Kids Connection	Wahpeton

### 3rd Edition Standards Review Committee Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Janelle Moos	CAWS North Dakota	Bismarck
Linda Isakson	CAWS North Dakota	Bismarck
Dennis Larkin	Lutheran Social Service of ND	Bismarck
Lisa Peterson	Department of Corrections	Bismarck
Staci Jensen	Domestic Violence Abuse Center	Grafton
Stacey Benson	STAND	Fargo
Sandra Bercier	First Nations Women's Alliance	Devils Lake
Andrew Gerde	Community Violence Intervention Center	Grand Forks
Faye Kihne	Alliance Coordinator	Cavalier

For a comprehensive list of agencies involved in the ND Alliance to End Partner Abuse and for a list of standards-compliant battering intervention providers in the state, please refer to [www.cawsnorthdakota.org](http://www.cawsnorthdakota.org).

# FUNDAMENTALS OF INTERVENTION

## VISION AND MISSION

The vision of the ND Alliance to End Partner Abuse is to realize an end to domestic violence in North Dakota.

It is our mission to uphold battering intervention standards in North Dakota that will create a network promoting the safety of victims and assisting those who offend to stop abusive behavior.

## PHILOSOPHY STATEMENT

Domestic violence is an ongoing pattern of dominant behavior used by an offender against a current or former intimate partner, requiring swift and sure consequences for the person offending to ensure victim safety. Necessary deterrents to the abusive behavior require cooperation with and intervention by a coordinated community response including police, courts, and probation services, as well as victim advocates, offender specific intervention programs, schools, and child protection services. As identified by the Duluth Model, a coordinated community response is characterized by having clearly shared assumptions and theories about the source of battering and how to deter it; empirically tested intervention strategies that build safety and accountability; and methods of inter-agency cooperation guided by advocacy programs.

If the battering behavior is found to be illegal, the swift and sure consequences and intervention necessary to end domestic violence includes an arrest of the individual offending, a mandatory assessment, and require battering intervention services in compliance with the ND Battering Intervention Standards ordered by the courts.

Standards-based battering intervention services are intended to engage participants in exploring their beliefs and behaviors connected to the use of their violence, and to realize the benefits to treating their partner with respect and dignity. Whether or not participants choose to change their behavior remains their responsibility.

# FUNDAMENTALS OF INTERVENTION

## PURPOSE OF INTERVENTION STANDARDS

The Battering Intervention Standards provide minimum guidelines for group intervention providers to prioritize the safety of abused partners, hold participants accountable, facilitate change in their behavior, and promote the elimination of domestic violence in North Dakota.

### Providers

- Intervention standards require that providers uphold the highest level of ethics while working with group members.
- Intervention standards offer information about methods that are specific to intimate partner violence and are mindful of partner safety.
- Intervention standards provide a measure against which program performance can be evaluated, while providing a basis for future program development.
- Intervention standards encourage communication and interaction among providers and promote consistency of intervention standards statewide.

### Individuals Who Batter

- Intervention standards supports communities to hold offenders accountable for their behavior, explore their beliefs about violence, and engage in behaviors that are respectful.

### Community

- Intervention standards require investment by the community and must be considered as just one element in a comprehensive community plan to eliminate domestic violence.
- Intervention standards encourage communication among community members and promote a coordinated system response to domestic violence.
- Intervention standards heighten public awareness of domestic violence and encourage a society that will not tolerate domestic violence.
- Battering behavior entails a patterned use of coercion, threats, intimidation, including violence and other forms of abuse, whether legal or illegal (*link to the Power and Control Wheel: <http://www.theduluthmodel.org/wheels>*).
- Violence is a choice. It is not the result of provocation by others, nor is it directly caused by alcohol, drugs, or psychiatric illness.
- Battering is not a disease or an illness, but a learned behavior. There can be a complicated interplay between social learning, chemical abuse, psychiatric disorders, personality and character development and the political realities of sexism (gender-based violence).
- Anger is not the cause of battering. As a result, anger management can never be an effective or a viable treatment alternative to a standards-based long-term domestic violence intervention program.

# FUNDAMENTALS OF INTERVENTION

## PRINCIPLES OF PRACTICE

- Marriage, couples, or family counseling should never be an initial intervention. Such counseling is not precluded forever, but should never occur during battering intervention services. Counseling involving victims may be used only when the abuser has completed the program, the violence has stopped, and those harmed are in agreement.
- Individual counseling should also not be an initial intervention. It is not precluded forever; however, psychotherapy's core methodology does not routinely include specially trained intervention providers, lethality assessments, safety planning, verifying information with partners and criminal justice entities, intervention participation rules, or a structure of accountability. Individual counseling may be used when the group participant has completed the program, the violence has stopped, and the participant demonstrates a consistent ability to describe how they have preserved hierarchy in their relationship and how they will approach an equal relationship.
- Individual counseling may be used as an initial intervention as determined by standards-based intervention providers only in the event the individual is determined inappropriate for the group setting due to special circumstances.
- Although women do use violence against intimate partners, the ways in which they use violence and the context in which this use occurs are "historically, culturally, motivationally, and situationally distinct." Claims that men are battered as often as women do not take into account the fact that in a high percentage of cases, women's use of violence is preceded by severe acts of violence by their partners. Women typically use violence in self-defense to control an immediate conflict situation, while men use violence to establish widespread authority over longer periods. (*Adapted from Shamita Das Dasgupta, Towards an Understanding of Women's Use of Non-lethal violence in Intimate Heterosexual Relationships, 2001*). Battering intervention programs shall work closely with domestic violence centers on establishing policies in regard to working with women who use force, as many of them may be better served by the domestic violence center than through an offender-based intervention group. Women may only be served in women only groups or individually if there are not enough women to make a group.
- The responsibility for the battering behavior lies with the abuser. Battering a family member or intimate partner can be a crime and is never the fault of the victim. Intervention programs must promote the safety of abused partners and children, require accountability for the person offending, and prohibit victim blaming.
- Swift and sure consequences for batterers are critical, particularly those imposed by the criminal justice system. Two years of supervised probation for any level of domestic violence is preferred. Battering intervention assessments should be completed within thirty days of adjudication.

CONTINUED



# FUNDAMENTALS OF INTERVENTION

## PRINCIPLES OF PRACTICE CONTINUED

- A collaborative process is necessary for successful intervention and prevention. Intervening with individuals that batter must be a cooperative coordinated community response effort involving—at a minimum—the police, probation, courts, victim advocates, offender specific intervention groups, and child protection services.
- Intervention for individuals battering is an ongoing process, providing participants with education and groups designed to assist them in stopping their abusive behavior. Intervention groups, however, does not imply cure; whether individuals choose to change their behavior remains their responsibility.
- If appropriate, intervention groups should be accessible on an ongoing basis.
- Abuse victims should not be mandated into any treatment or intervention program.

## ETHICAL STANDARDS

### PROGRAM ETHICS

#### ***Battering intervention programs must comply with the following:***

- Meet standards developed by the ND Alliance to End Partner Abuse, as well as those outlined by professional groups with which the intervention providers are affiliated, such as the American Psychological Association, the National Association of Social Workers, the American Counseling Association, the American Association of Pastoral Counselors, the American Association of Marriage and Family Therapy, and the American Medical Association.
- Establish and maintain cooperative working relationships with local domestic violence programs, domestic violence task forces, victims of violence, and the ND Alliance to End Partner Abuse. Any legislative initiatives for state funding or programming shall be developed in collaboration with the domestic violence coalition.
- Acknowledge in all of their services and professional endeavors that the safety of victims and their children is of primary importance and takes precedence over all other intervention objectives.
- Develop and enforce policies addressing ethical standards for their staff, including sexual harassment, equal opportunity, and best intervention practice.

CONTINUED

# FUNDAMENTALS OF INTERVENTION

## ETHICAL STANDARDS CONTINUED

- Abide by standards regarding human subjects' research and accept responsibility for the selection of research topics and methods that will promote the safety and integrity of victims, protect victim confidentiality, and contribute toward the elimination of domestic violence.

### STAFF ETHICS

***The staff of battering intervention programs must maintain the following standards:***

- Be of good moral character, including remaining violence-free in their own lives, not abusing alcohol or drugs, and being free of criminal convictions involving immoral behavior.
- Model respectful personal and professional relationships with both women and men and communicate respect toward victims of violence.
- Be open to self-examination and receptive to feedback on issues of power and control, victim blaming, sexism, and collusion in their own lives.
- Immediately warn victims of any danger that the provider believes they may be in based on contact with group participant in the program.
- Immediately report suspected child abuse or neglect by a client pursuant to North Dakota Century Code 50-25.1-02.
- Maintain open communication with personnel in domestic violence programs, other human service agencies, and the justice system.

# FUNDAMENTALS OF INTERVENTION

## COMMUNITY INVESTMENT

Individuals that batter live in a community context that has tolerated and supported domestic violence. Community investment is essential to advancing the elimination of domestic violence.

Widespread education at all community levels on the social and cultural causes of and institutional support for domestic violence, as well as information on the interventions that are designed to ensure victim safety and hold those who batter accountable for their behavior, is critical to the success of a community's efforts to effectively respond to domestic violence.

In addition, a coordinated community response is considered the most effective way to respond to domestic violence. These interventions can include a strong safety network for victims, enforced pro-arrest and pro-prosecution policies, trauma-informed victim advocates within the criminal justice system, and the use of probation and incarceration as well as intervention programs for those that batter.

According to expert, Lundy Bancroft, "a short jail sentence, combined with a long post jail period of probation and participation in an abuser program, can provide powerful motivation for an abuser to deal with his problem" (*Why Does He Do That? Inside the Minds of Angry and Controlling Men, 2002*). Bancroft recommends a minimal period of jail time for a first conviction for any domestic abuse offense. Furthermore, he states "an important part of the sentence for any man convicted of domestic abuse should be an extended period—not less than a year of participation in a specialized abuser program" (2002). Bancroft warns that the abuser program cannot be replaced by psychotherapy or anger management.

A special report, published by the National Institute of Justice (NIJ) in June 2009, "Practical Implications of Current Domestic Violence Research," further emphasizes the benefits of a coordinated community response in working with those who batter. The NIJ report indicates that while there are varying results in research on the benefits of arrest to prevent recidivism, it is largely due to the criminal disposition of the batterer in the first place. Batterers who are high risk criminal offenders in general will be less likely to be deterred from future domestic violence offenses if arrested than those who are less criminally minded. However, the report goes on to state that "the single, most appreciated service that officers can deliver to the greatest number of victims is the arrest of their abusers. Specialized domestic violence law enforcement units that focus on arrests can enhance the likelihood of successful prosecution and increase victim satisfaction and safety. (*Research basis: Although specific studies of specialized domestic violence law enforcement units are few, the activities conducted by these units have been more widely studied and supported by extensive research.*)"

Furthermore, NIJ (2009) has implications for the importance of dispositions imposed in that "prosecution deters domestic violence if it adequately addresses abuser risk by imposing

CONTINUED

# FUNDAMENTALS OF INTERVENTION

## COMMUNITY INVESTMENT CONTINUED

appropriately intrusive sentences, including supervised probation and incarceration. *(Research basis: Although studies conflict with each other on the subject of abuse prosecution, those studies that researched prosecutions and the resulting dispositions that addressed defendant risk suggest that domestic violence prosecution can significantly deter re-abuse.)"*

While most studies focus on the deterrent effects of arrest and prosecution, there are additional implications to the benefits of a coordinated community response to domestic violence in that victims are offered resources and validation for their experience of abuse; they are afforded the separation necessary to foster decision-making without harassment or threats; batterers are held accountable and are denied access to their victims; and they as well as the community as a whole are reinforced in the message that domestic violence is a crime against the basic human right to live safely and will be treated as such in the criminal and human service responses afforded by the collaborative efforts of helping professionals.

## VICTIMS OF BATTERING

Battering intervention programs shall establish procedures regarding contact with the partners of group participants in intervention groups. All contacts should promote the safety of the victim and should include a minimum of the following:

- Working collaboratively with domestic violence programs to assure that domestic violence victims are provided advocacy, safety planning, and other assistance while group participants are in the intervention program.
- Informing victims of their right to be free of violence and to access legal protections.
- Requesting domestic violence victim feedback regarding the group participant's history of violence, as well as other issues and concerns believed to be important in assessments. All input from battered partners shall be given voluntarily; programs shall not intimidate or coerce anyone into providing information.
- Explaining to domestic violence victims the procedures on interfacing with the battering intervention program staff.
- Giving victims of domestic violence informed referrals to domestic violence programs, victim-witness assistance, supervised visitation/exchange and legal services.
- Assessing the lethality of battering at intake and periodically throughout the intervention programming.
- Warning domestic violence victims and appropriate law enforcement agencies of potential violence by the group participant.

# FUNDAMENTALS OF INTERVENTION

## JUSTICE SYSTEM

### PROVIDER KNOWLEDGE AND PARTICIPATION

- Battering intervention programs must collaborate with all components of the justice system that come in contact with individuals who batter and their victims in order to improve and coordinate the justice system's response to domestic violence cases. To accomplish this, battering intervention programs should comply with the following minimum standards:
  - Be familiar with state laws that regulate law enforcement response to domestic violence.
  - Be knowledgeable about local law enforcement, probation, prosecution, and court policies regarding domestic violence cases.
  - Understand the history and theory of societal permission of violence and actively support community-based containment of violent offenders.
  - Have contact and be familiar with the services available to victims of domestic violence through local domestic violence service providers.
  - Participate in a domestic violence coordinated community response.

### MANDATED INTERVENTION: INFORMATION EXCHANGE

***Programs providing mandated battering intervention must establish a method of information exchange with the justice system. Intervention programs should undertake the following activities to exchange information:***

- Provide courts, probation/parole, and other referral agencies with information, forms, and procedures for referrals into intervention groups, intake requirements, and releases of information.
- Obtain available court orders (*including copies of protection orders, bail conditions, and probation or parole conditions*) and treatment records.
- Develop a written document describing how the intervention program will be reporting back to the court system. The intervention program shall submit participant status reports to the court when appropriate and/or any other designated agency. Reports may include information on registration, assessment of appropriateness for participation, attendance, dismissal, and justification, and recommendations for further intervention. Intervention programs should never provide the court system with documents or testimony rating the group participant's level of participation as this information can be misused and taken out of context in the court system.
- Document further incidents of violence, including dates, brief descriptions and outcomes, and if appropriate, report the following to the appropriate court personnel: violations of protection orders, bail and probation or parole conditions, or any provision of an order mandating battering intervention programming.

# FUNDAMENTALS OF INTERVENTION

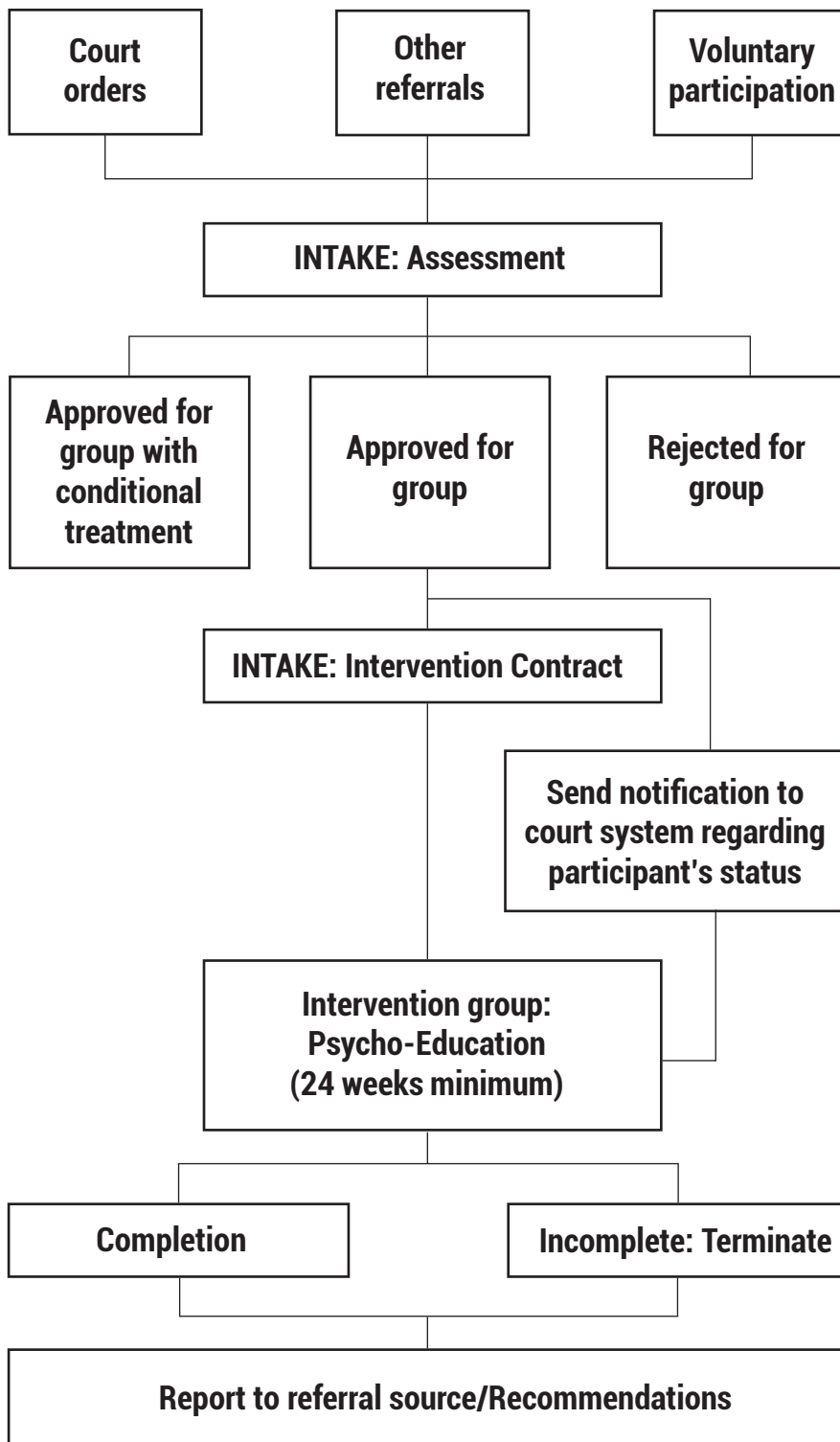
## DOMESTIC VIOLENCE PROGRAMS

Battering intervention programs should not exist in isolation; they must establish cooperative, accountable relationships with local domestic violence programs, visitation and exchange centers, CAWS North Dakota (*formerly the North Dakota Council on Abused Women's Services*), and the ND Alliance to End Partner Abuse. To meet the North Dakota Battering Intervention Standards, this relationship must include the following:

- Collaboration to ensure that domestic violence victims are offered and, if amenable, provided outreach, advocacy, safety planning, and other assistance while their partners are in a battering intervention program.
- Development and distribution of information packets for domestic violence victims about battering intervention programs, including program philosophy and curriculum content, confidentiality and any limitations regarding communications by the partner, confidentiality and its limitations for group participants, mechanisms by which partners are advised of any risks posed by group participants, and supportive services provided by the local domestic violence program to the partner and children of individuals participating in the battering intervention program.
- Establishment and maintenance of a referral process between domestic violence programs, visitation and exchange centers, and battering intervention programs.
- Support of strategies to protect children in the course of participation in the battering intervention program.
- Consultation and collaboration in advertising and public information campaigns relating to battering intervention.
- Consultation and collaboration in the training of professionals in the community about domestic violence, related legal issues, and services for victims and those that batter.
- The battering intervention program shall work with the local domestic violence program to establish the parameters of intervention and to develop a process for the utilization of feedback.
- In order to ensure accountability to victims, any written policies governing battering intervention programs that are established in addition to these standards shall be developed in close consultation with local domestic violence programs.
- Any written or informal agreements and/or memoranda of understanding between battering intervention programs and the justice system concerning group member's participation in intervention programs shall be negotiated in close consultation with local domestic violence programs.
- Cooperation between domestic violence and battering intervention programs on the development or execution of any research pertaining to same; and collaborative production and dissemination of any findings.
- Collaboration on issues of public policy related to the safety of families affected by the individual that uses violence and intervention with those that batter.

# COMPONENTS OF INTERVENTION

## PROCESS OVERVIEW



## WAITING PERIODS

The demand for battering intervention services usually escalates where there is court-ordered intervention. While resources are rarely as abundant as the demand, waiting periods for intervention services should be minimized. Intake assessments should be accessible on an ongoing basis. When the court orders an assessment and intervention programming as recommended, the intake assessment should be completed in a timely fashion (preferably within 30 days). Actual entry into an intervention group, however, may be delayed, for example, if an individual needs preliminary mental health/addiction treatment or if a group is already under way when a batterer is referred into the program, and the program does not have the resources for entry at that time.

In cases where battering intervention programs are in high demand, program expansion must be thoughtfully and carefully considered. New group facilitators require extensive training in order to provide effective and ethical intervention to batterers. Battering intervention programs, while striving to serve individuals quickly and efficiently, should note that the quality of intervention services is critical.

# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

The intake process is a critical element of any battering intervention program, consisting of three primary elements: **1)** Assessment of the participant's history, current situation and condition to determine appropriateness for group. **2)** A group contract that includes an explanation of the participant's rights and program policies and expectations. **3)** Referral to domestic violence program to connect with the participant's partner(s) to inform them about the programming and the participant's status and offer safety and supportive services.

### ASSESSMENT

**The intake assessment must include the following elements:**

- Referral source.
- Use of violence history of the participant, including pertinent independent descriptions from the participant, the justice system, other treatment providers, and the abused partner (*gathered by direct contact with the partner unless anticipated that safety would be jeopardized by contact with battering intervention staff or partner elects not to, or is unavailable to participate in intervention providers' efforts to obtain collateral information. This history should include violence in present and past intimate relationships, violence involving non-intimate others, as well as the participant's own experience as the victim of abuse*).
- The participant's criminal record, including police reports and protection orders or other court orders filed.
- **Lethality assessment.** During the intake and periodically thereafter, battering intervention providers must assess the potential lethality of the participant. Continuous lethality assessments must be built into both the intake and the group process to protect the safety of abuse victims and group providers. Documentation of lethality assessments must incorporate the following:
  - History of threats of homicide or suicide
  - History of ideation of homicide or suicide
  - Acute and chronic lethality and behavior
  - Possession of, access to, or a history of use of weapons

- Degree of obsessiveness and dependency upon the participant's battered partner
- History of episodes of rage
- History of depression
- History of using drugs, alcohol, or other substances
- History of sexual abuse of others, including intimate partner
- Access to past and potential victims
- Demographic social history, including education, legal history, drug and alcohol use, and history of other addictive behavior, sexual history, and loss and trauma history
- Abuse and violence inventory
- Mental status exam
- Drug and alcohol screening
- Any conditions imposed on participation in the battering intervention program, if determined to be appropriate by the group provider.
- Statement of the participant appropriateness for group participation. For additional information on appropriate and inappropriate group membership, please refer to Group Constitution on page 23.

**The intake assessment may include the following elements, as necessary:**

- Psychological evaluation
- Drug and alcohol evaluation
- Medical history



# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

### GROUP CONTRACT

During the initial intake interview, group providers shall also provide each participant an overview of the group process, reviewing basic program policies and expectations and rights of the participant, which shall be documented in a group contract signed by both the provider and the participant. The group contract process must address the following:

- Philosophy statement consistent with the North Dakota Battering Intervention Standards.
- **Confidentiality policy regarding participants.** Participants in battering intervention programs have the right to confidentiality within specific limitations. Participants shall be provided a written copy of the confidentiality limitations and shall sign a written waiver describing the limitations upon entering the program. Providers may not disclose confidential information unless the following limitations and exceptions apply:
  - The group provider determines disclosure is necessary for the efficient and safe operation of the agency or for the protection of a third party, including but not limited to abuse victims, extended family members, providers, victim advocates, or law enforcement agencies.
  - The group provider has reason to suspect a child has been abused or neglected as defined in the North Dakota Century Code 50-25.1-02.
  - A court of competent jurisdiction orders the disclosure. When the participant is court ordered into a battering intervention program, a program must establish what releases need to be in place to share information concerning the participant's application, enrollment, attendance, participation, discharge, or completion, and any threats of violence may be revealed to the court or other office as mandated by the court. *(It should always be noted in communications with the court concerning group participation and completion that compliance with group programming requirements does not guarantee that the participant is no longer abusive or will not continue to be abusive in the future. The group process provides tools for participants to change; whether they choose to change their behavior remains their responsibility.)*
- The group participant consents to the release of information in cases other than listed above.
- Batterer intervention providers shall maintain the confidentiality of domestic violence victims and any information they provide to the program, unless confidential information is specifically waived by victims in writing or there is reasonable cause to believe they may be in imminent danger. Providers shall not persuade nor coerce abuse victims to waive confidentiality and shall inform in writing as to the limits of confidentiality. To avoid unintended disclosure to participants of confidential domestic violence victims' information, it is preferred that workers having contact with victims be staff other than those providing direct services to the participants. Confidential information provided by domestic violence victims should be kept in files separate from those of the group participant.
- **Confidentiality regarding group members.** Participants in battering intervention programs must agree to protect the identities and information provided by other group members. In addition, groups are closed to those other than participants and staff of battering intervention programs.
  - Commitment to stop violent and threatening behaviors, to be non-abusive and non-controlling in relationships, to adhere to the group contract, to comply with all court orders, and to cooperate with the rules for group participation.
  - Length of the program and a clarification of the number of weeks needed to complete the program.

# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

- Statement that attendance and progress will be monitored and that any violations will be reported to the court, along with further recommendations.
- Statement that any violation of the intervention contract will result in the renegotiation of the contract or other consequences.
- Statement requiring abstinence from drug and alcohol use for at least 24 hours prior to the group session and compliance with any other probation or court-ordered recommendations.
- Suspension and termination policies.
- Statement relating to fee payment.

## GROUP CONTENT AND CURRICULUM OUTLINE

The content and curricula of battering intervention groups must be in accordance with the philosophy, purposes, and principles of practice mentioned at the beginning of the North Dakota Battering Intervention Standards. Group consists of using a curriculum designed to provide participants with the psychoeducation and support to stop abusive and violent behavior. Group providers shall also be prepared to assess risk and lethality of offenders and respond to lethality concerns on a timely basis. Group provides the space to reflect about beliefs and behaviors that lead to dominance over one's intimate partner and to realize the benefit and importance of respect and equality in one's intimate relationships; whether they choose to change their behavior remains their responsibility.

### PSYCHO-EDUCATION

***The educational curriculum addresses the belief systems that legitimize and sustain domestic intimate partner violence and includes information that motivates participants to change their abusive behavior. It must include the following minimum curriculum elements:***

- Dynamics of domestic violence, including a definition of physical, emotional, and sexual abuse; intimidation; isolation; economic domination; property destruction; and threats, as well as a review of the root causes of abusive behavior toward intimate partners and children, and the cultural and social context in which domestic violence is used.
- Dynamics of power and control, including discussion that abuse is not a response to provocation but a means of controlling another's actions, thoughts, and feelings in order to have domination over one's intimate partner.
- Intergenerational patterns of violence.
- Victimization dynamics, including an attempt at heightening awareness of and empathy toward the damaging and potentially lethal consequences of the participants' violence and abuse on intimate partners and children.
- Legal intervention, including details regarding the criminality and consequences of specific forms of abuse.
- Skills building, including the participant taking responsibility for his own thoughts and feelings, identifying and articulating feelings respectfully, and improving empathic listening and identifying healthy boundaries.
- Gender role training and its connection to inequality in violent relationships.
- Engage in meaningful dialogues about abusive behaviors and healthy boundaries.

# COMPONENTS OF INTERVENTION

## **OFFENDER RISK MANAGEMENT**

Ongoing lethality assessments must be built into the group process for the protection of partners and participants as well as providers.

If a provider suspects that a group participant may inflict harm upon himself or anyone else, the provider should notify the parties involved as well as the appropriate law enforcement agency. The participant's condition and any threats made must be documented, and if he is a court-ordered participant, the documentation should be forwarded to the appropriate justice system personnel.

At this time, providers may reconsider the group member continued participation in group and may choose to renegotiate the intervention contract or suspend or terminate the individual from the program.

# COMPONENTS OF INTERVENTION

## BATTERING INTERVENTION APPROACHES

### PSYCHOEDUCATION GROUP

The group approach is the intervention approach of choice for individuals that batter. Group providers may decide whether groups will be open (*accepting new members on an ongoing basis*) or closed sessions. After a baseline of accountability, skills, and stability is established, intervention programs are free to creatively develop additional comprehensive services.

### INDIVIDUAL PSYCHOEDUCATION SERVICES

Intervention programming may be provided on an individual basis only under special circumstances that must be documented by the provider in the individual's case file.

### SUBSTANCE ABUSE

When the intake assessment indicates drug or alcohol abuse, referrals to other agencies for specialized treatment may be initiated. Violence cannot be successfully treated without treating substance abuse concerns, but treatment for substance abuse may not be substituted for domestic violence group intervention.

### INAPPROPRIATE INTERVENTION

Any treatment approach that blames or intimidates victims, endangers victims, or coerces victim participation is not appropriate:

- Couples, marriage or family therapy is prohibited during the battering group intervention phase. It may be used only when the group member has completed the program, the violence has stopped, and the group member's partner is in agreement.
- Anger management treatment.
- Addiction counseling that defines violence as an addiction and those abused as enabling or codependent in the violence.
- Online batterers' intervention courses, as it does not address victim safety nor offender accountability.

# COMPONENTS OF INTERVENTION

## GROUP CONSTITUTION

### APPROPRIATE MEMBERSHIP

Battering intervention groups are primarily designed for adult males who are violent toward others in intimate relationships. However, the ND Alliance to End Partner Abuse recognizes the need for other specialized programs to treat female and juvenile individuals that batter and individuals who identify as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ).

Females in need of group intervention services for use of violence will not participate in group with males. The ND Alliance to End Partner Abuse develops its standards around research findings on women's use of violence in intimate relationships. See more on page 10. Individuals who identify as Gay, Bisexual, Transgender, or Queer may enroll in programs for heterosexual males if the provider determines such group intervention to be emotionally/physically safe and appropriate.

### INAPPROPRIATE MEMBERSHIP

- Persons in active psychosis.
- Persons in need of primary treatment for sexual assault, child sexual abuse, or child abuse or neglect.
- Persons with untreated alcohol or drug addictions, unless addiction provider and group provider assess it would be okay for participant to be in both.
- Persons determined to be at high risk for lethality. Such persons shall be referred to other resources at the discretion of the provider.
- Persons for whom group intervention is not appropriate as determined by group staff. However, this does not preclude other types of treatment, such as individual intervention sessions.

### SIZE

- Intervention groups shall not exceed 15 members on the group's roster.
- A minimum of two facilitators, preferably one male and one female, shall be present at each intervention group. A waiver provision is possible upon approval by the ND Battering Intervention Standards Compliance Review Committee.

### LENGTH OF INTERVENTION

Battering intervention groups must include a minimum of 24 weekly sessions, each averaging 1.5 hours. Providers have the option of extending participants' group membership indefinitely based on group outcomes. If the program is using a curriculum based on best practices that is less than 24 weeks, the program should obtain approval from the ND Battering Intervention Standards Compliance Review Committee.

# COMPONENTS OF INTERVENTION

## FUNDING AND FEES

Battering intervention programs can charge a fee for participation, whether or not it is court ordered. Sliding fee scales may be available for indigent clients.

## DISCHARGE CRITERIA

Group participants may be discharged from the program in the following categories:

### Completion

When participants have completed the minimum 24 weeks of group, as well as abiding by the group contract, attending the minimum number of scheduled sessions, maintaining an acceptable level of participation in group discussions, and completing any additional assignments, they are discharged from the program. Completion of the program does not guarantee that batterers will no longer be abusive. The group provides the process for participants to change; whether they choose to change their behavior remains their responsibility. The program will communicate to the court system regarding the status of the group member.

### Punitive Discharge

If participants violate the group contract, fail to attend the minimum number of scheduled sessions, fail to participate at an acceptable level, or do not complete any additional assignments, they may be discharged from the program. Intervention providers must document reasons for discharging participants and, if participants have been ordered to programming by the court or other agency, provide reasons for discharge and any recommendations to the appropriate office.

# COMPONENTS OF INTERVENTION

## QUALIFICATIONS OF GROUP FACILITATORS

Within each intervention group, the two facilitators shall have between them the educational and experiential components listed below. In the case of only one facilitator (*which must be approved by the ND Alliance to End Partner Abuse*), the following requirements must be met:

- A bachelors' degree in a human-related field.
- Prefer experience in working with both victims and offenders of domestic violence, knowledge on client ethics are required (*refer to ethic guidelines provided by CAWS North Dakota*).
- A minimum of one facilitator in each group must complete a formal domestic violence intervention training program (i.e. provided by DAIP, EMERGE, AWARE).

***Facilitators shall also complete training in the following areas prior to facilitating a group:***

- dynamics of domestic violence
- substance abuse and the correlation to domestic violence
- power and control tools
- gender roles and contextual impact on domestic violence
- victim dynamics and impact of trauma
- interviewing & assessment
- lethality risk assessment and management
- legal issues
- group process
- working with resistive clients
- cultural competency
- personality disorders and the correlation to domestic violence
- diversity

All battering intervention staff shall have violence-free personal relationships. No individual may serve as paid or unpaid staff who has been a perpetrator of abuse or battering unless the staff member has successfully completed a battering intervention program that is in accordance with the ND Battering Intervention Standards and has been violence free for no less than two years.

# APPENDIX A

## DEFINITIONS

**ABUSE** (aka Domestic Violence, Intimate Partner Violence, Battering) encompasses all of the following:

- Physical abuse includes a wide range of behaviors, including pushing, restraining, slapping, hitting, kicking, throwing, strangling, stabbing, aggravated assault, and homicide. It also includes such acts as coercing drug consumption or withholding medication.
- Sexual abuse is defined as coerced sex acts, forcible intercourse, insistence on sexual activity after a battering incident, coerced abortion, sexual mutilation, and threats of infidelity.
- Emotional or psychological abuse includes threats, verbal disparagement, intimidation, degrading or contemptuous behavior, withholding communication, yelling, and social isolation.
- Economic abuse occurs through direct or indirect manipulation or domination of family finances, the abdication of financial responsibility, or disposition of the personal property of

family members without consent.

- Destruction of property includes vandalism of the home, car, or other personal assets and may include arson.
- Threats or acts of abuse against children, family members, or pets encompass any of the above.

Abuse is used by one family member in an intimate partnership to maintain dominance over any other family member or intimate partner. Abuse is not a loss of control. Individuals who batter often choose the circumstances of their violence, including the amount of injury inflicted and the targets of their abuse. Victims do not cause abuse to happen to them. Perpetrators bear sole responsibility for their actions.

### **ACCOUNTABILITY** -

Accountability is a process whereby individuals who batter make themselves available for feedback on their efforts to achieve lives free of violence, acts of

domination and coercion, and fear-inducing conduct. This process requires periodic examination of their own conduct, particularly as it relates to any victim, current partner, and children. It also entails the development and periodic evaluation of a plan to assure responsible, non-coercive conduct and to provide restitution to the victim.

Restitution may include paying all costs arising from the abuse, acknowledging to the victim, friends and family the wrongfulness of the abusive behavior, wholly accepting responsibility for abusive conduct and beliefs. No accountability plan should proceed if objected to by the victim or is not in the victim's best interest.

This process may afford participants an opportunity for healing and restoration because it continues to solidify their commitment to life without violence and can offer them hope for the future as they develop the capacity for enduring relationships based on respect, honesty, and partnership.



# APPENDIX A

## DEFINITIONS

Accountability must be initiated by the person who battered. Neither the community nor the victim can impose accountability, although they can support and invite the individual to choose accountability.

**BATTERING INTERVENTION PROGRAM** - Battering intervention program is an individual or organization that provides psychoeducation, while safeguarding victims and supporting offenders to change.

**BATTERING INTERVENTION PROVIDER** - A battering intervention provider is an individual facilitator within an intervention program who provides direct care to individuals that batter. All intervention providers must meet the minimum qualifications specified in the ND Battering Intervention Standards.

**BATTERING** - Battering is patterned abuse in the presence of terrorizing tactics. It is abuse that has at least once been physical, sexual, or involved in the destruction of property and is either repeated or

threatened to be repeated in such a way as to cause fear in the victim. It is the systematic terrorization and/or domination of one person by another. Prior instances of physical, sexual, or property abuse and threats to repeat them create an atmosphere of extreme terror and coerced accommodation of the perpetrator.

While the terrorization is purposeful, it can, in fact, not be fully conscious on the part of the individual offending. The offending individual's intentionality is not a measurement of battering. Battering is measured by the acts and patterns of abuse inflicted by the person and by the repercussions observed and reported by the victim.

**COORDINATED COMMUNITY RESPONSE** - A multiagency domestic abuse intervention strategy originally developed by the Domestic Abuse Intervention Project in Duluth, MN, commonly referred to as the Duluth Model. It involves a system of networks, agreements, and service provision based on collaboration between

the criminal justice system, courts, victim advocacy programs, and human service organizations and is designed to promote victim safety and accountability of the individual that is battering.

**DOMESTIC VIOLENCE** - Domestic violence is the concept that includes the entire spectrum of coercive control, abuse, and battering exercised by one intimate partner over another. It is defined in the North Dakota Century Code 14-07.1-01 as including "physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members."

**DOMESTIC VIOLENCE PROVIDER** - Domestic violence provider is defined in the North Dakota Century Code 14-07.1-01 as a "private, nonprofit organization whose primary purpose is to provide emergency housing, 24-

# APPENDIX A

## DEFINITIONS

hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence."

**ENTITLEMENT** - Entitlement is a person's socialized expectation of certain privileges, powers, rights, regard, or treatment from others. Within the context of domestic violence, the sense of entitlement of a perpetrator is often reinforced by society through negative attitudes toward women and an imbalance of power between men and women. Some men believe they have male privileges that include deferential treatment from women, the right to be taken care of by women, and the right to control all decisions in the family. Some men see male privilege extending to the use of domination and violence in their intimate relationships and feel entitled to use it to gain power and control over their partners.

**FACILITATOR** - Facilitator refers to a battering intervention group leader.

**INTERVENTION** -

Intervention refers to the spectrum of legal actions, family confrontations, employee assistance programs, neighborhood safety strategies, battering intervention services, and community education endeavors seeking to stop the violence of individuals who batter and encourage them to develop an understanding to achieve violence-free lives.

**PERPETRATOR** - Perpetrator means a person who commits an act of domestic violence.

**VICTIM** - Victim refers to the person against whom the perpetrator directs his abuse or battering, normally a family or household member. Family or household member is defined in the North Dakota Century Code 14-07.1-01 as a "spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together

in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under Section 14-07.1-02."

For the purposes of these standards, perpetrators are not referred to as victims of domestic violence even when those they abuse react to them by using violence or abusive acts to defend themselves or stop the abuse.

# APPENDIX B

## RESOURCES

The North Dakota Battering Intervention Standards were adopted from the following state standards:

- "Batterer's Treatment Program Guidelines" developed by the Los Angeles County Domestic Violence Council in June 1988.
- Pennsylvania Coalition Against Domestic Violence "Program Standards for Batterer Intervention Services," 1992, pp. 6-7, 11-14, 19-23.
- "New York State Standards for Batterer Intervention Programs," Draft, 1994, pp. 19-21, pp. 24-25.
- Wisconsin "Male Batterers Treatment Standards," 2007.
- "Florida Batterer Intervention Certification Minimum Standards," 2007.
- Colorado "Standards for the Treatment of Domestic Violence Perpetrators", 2010.
- American Psychological Association's "APA Ethical Principles of Psychologists and Code of Conduct," 2010.
- MN Statute 518B.02 – "Domestic Abuse Counseling Program or Educational Program Required".

# APPENDIX C

## NORTH DAKOTA DOMESTIC VIOLENCE VICTIM SERVICES

### **BISMARCK**

Abused Adult Resource Center  
Crisis Line: 866-341-7009  
(701) 222-8370

### **BOTTINEAU**

Family Crisis Center  
(701) 228-2028  
Crisis Line: 1-800-398-1098  
Toll Free 1-888-755-7595

### **DEVILS LAKE**

SAFE Alternatives for  
Abused Families  
(701) 662-7378  
Crisis Line: (701) 622-7378  
Toll-Free: 1-888-662-7378

### **DICKINSON**

Domestic Violence &  
Rape Crisis Center  
(701) 225-4506  
Crisis Line: (701) 225-4506  
Toll Free: 1-888-225-4506

### **ELLENDALE**

Kedish House  
(701) 349-4729  
Crisis Line: (701) 349-5118  
Toll Free: 1-877-349-4729

### **FARGO**

Rape & Abuse Crisis Center  
(701) 293-7273  
Crisis Line: (701) 293-7273  
Toll Free 1-800-344-7273

### **FORT BERTHOLD**

Coalition Against Violence  
(701) 627-4171  
Crisis Line: (701) 627-3617

### **GRAFTON**

Domestic Violence &  
Abuse Center Inc.  
(701) 352-4242  
Crisis Line: (701) 352-3059

### **GRAND FORKS**

Community Violence  
Intervention Center  
(701) 746-0405  
Crisis Line: (701) 746-8900  
Toll Free: 1-866-746-8900

### **JAMESTOWN**

Safe Shelter  
(701) 251-2300  
Crisis Line: (701) 251-2300  
Toll Free: 1-888-353-7233

### **MCLEAN COUNTY**

McLean Family  
Resource Center  
(701) 462-8643  
Crisis Line: (800) 651-8643

### **MERCER COUNTY**

Women's Action &  
Resource Center  
(701) 873-2274  
Crisis Line: (701) 873-2274

### **MINOT**

Domestic Violence  
Crisis Center  
(701) 852-2258  
Crisis Line: (701) 857-2200  
Toll Free: 1-800-398-1098

### **RANSOM COUNTY**

Abuse Resource Network  
(701) 683-5061  
Crisis Line: (701) 683-5061

### **SPIRIT LAKE**

Spirit Lake Victim Assistance  
(701) 766-1816  
Crisis Line: (701) 766-1816  
Toll Free: 1-866-723-3032

### **STANLEY**

Domestic Violence  
Program NW ND  
(701) 628-3233  
Crisis Line: (701) 628-3233  
Toll Free: 1-800-273-8232

### **TURTLE MOUNTAIN**

Hearts of Hope  
(701) 477-0002  
Crisis Line: (701) 477-0002

### **TRENTON**

Domestic Violence Program  
(701) 774-1026  
Crisis Line: (701) 774-1026

### **VALLEY CITY**

Abused Persons  
Outreach Center  
(701) 845-0078  
Crisis Line: (701) 845-0072  
Toll Free: 1-866-845-0072

### **WAHPETON**

Three Rivers Crisis Center  
(701) 642-2115  
Crisis Line: (701) 642-2115  
Toll Free: 1-800-627-3659

### **WILLISTON**

Family Crisis Shelter  
(701) 572-0757  
Crisis Line: (701) 572-9111

# NORTH DAKOTA BATTERING INTERVENTION PROGRAMS



★ = In Compliance with ND Battering Intervention Standards



NORTH DAKOTA  
**ALLIANCE TO END  
PARTNER ABUSE**

ND AEPA Coordinator • [contact@cawsnorthdakota.org](mailto:contact@cawsnorthdakota.org)  
CAWS North Dakota • 701-255-6240  
[www.cawsnorthdakota.org/ndaepa](http://www.cawsnorthdakota.org/ndaepa)

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Bismarck, ND 58502  
701-319-9329  
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[violencefreebismarck@gmail.com](mailto:violencefreebismarck@gmail.com)

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**Alternatives to Violence**  
Safe Alternatives for Abused Families  
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**Violence Free Program of Dickinson**  
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406-852-5801 • Chase  
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**No Violence**  
Rape & Abuse Crisis Center  
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701-293-7273  
Madison Lucas  
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**GRAFTON/MOUNTAIN\*\***  
**Choice to Change**  
Domestic Violence & Abuse Center  
PO Box 308  
Grafton, ND 58237  
701-352-8266  
Staci Jensen  
[choicetochange@dvacnd.org](mailto:choicetochange@dvacnd.org)

**GRAND FORKS\*\***  
**New Choices**  
Community Violence Intervention Center  
211 S. 4th Street  
Grand Forks, ND 58201  
701-746-0405  
Taylor Sorensen  
[newchoicesgroup@cviconline.org](mailto:newchoicesgroup@cviconline.org)

**MINOT**  
**Balanced Beginnings**  
Domestic Violence Crisis Center  
PO Box 881  
Minot, ND 58702  
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[balancedbeginningsgroup@dvccminot.org](mailto:balancedbeginningsgroup@dvccminot.org)

**WAHPETON**  
**Three Rivers Engaging Change**  
Three Rivers Crisis Center  
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**WILLISTON**  
**Violence Free Program**  
Family Crisis Shelter  
PO Box 1893  
Williston, ND 58802  
701-580-3088  
Rhonda Mundo  
[violencefree.fcs@outlook.com](mailto:violencefree.fcs@outlook.com)

## CORRECTIONAL FACILITIES

**BISMARCK**  
**New Pathways to Healthy Relationships Program**  
ND Department of Corrections and Rehabilitations (Prison)  
3100 Railroad Avenue  
Bismarck, ND 58506

-and-

**JAMESTOWN**  
James River Correctional Center  
2521 Circle Drive  
Jamestown, ND 58401  
701-253-3711  
Amy Veith  
[aveith@nd.gov](mailto:aveith@nd.gov)

\*Services are only available to residents of these correctional facilities

\*\*Services are also available for women



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**House Bill No. 1269**  
**House Judiciary Committee**  
**Testimony Presented by Seth O'Neill, JD, MSW**  
**Email: soneill@cawsnorthdakota.org**  
**January 23, 2023**

Chairman Klemin and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in support of HB 1269.

This bill would add additional criminal offenses to the list that requires an offender complete domestic violence offender programming. This change would include crimes that are similar to the crimes already included in the statute.

Current Criminal Offenses	New Criminal Offenses
Simple Assault (12.1-17-01)	Harassment (12.1-17-07)
Assault (12.1-17-01.1)	Stalking (12.1-17-07.1)
Domestic Violence (12.1-17-01.2)	Kidnapping (12.1-18-01)
Aggravated Assault (12.1-17-02)	Felonious Restraint (12.1-18-02)
Reckless Endangerment (12.1-17-03)	Unlawful Imprisonment (12.1-18-03)
Terrorizing (12.1-17-04)	Criminal Mischief (12.1-21-05)
Menacing (12.1-17-05)	Interference with Telephone During Emergency Call (12.1-21-06.1)
	Disorderly Conduct Restraining Order Violation (12.1-31.2-01)
	Order Prohibiting Contact Violation (12.1-31.2-02)
	Domestic Violence Protection Order Violation (14-07.1-06)

Domestic violence intervention programming is offered throughout North Dakota. Trained professionals complete an initial intake assessment with an individual and then place them in an appropriate group. These groups are intensive and typically require attendees to complete around 24-26 weeks of sessions. The North Dakota Alliance to End Partnership Abuse

has published program standards that promote effectiveness of the programs. As you can see from the map I attached to my testimony, there are programs in nine communities throughout North Dakota. Some of these programs are offered by domestic violence organizations and others are offered by other community organizations. Lutheran Social Services previously offered some of the programs prior to their closer. Since then, different organizations have picked up these programs due to the importance of these services as you will hear from Michelle Erickson from the Abused Adult Resource Center in Bismarck.

From July 2021 – July 2022, these nine programs provided services to 395 individuals. The total cost to administer these programs is \$723,067 per year with \$150,000 per year in funding provided by the DHHS Public Health Division budget. The DHHS has requested a budget increase for the next biennium for these programs (HB1004). Additionally, participants are required to pay for the programs on a sliding scale fee. However, that does not make up for the total cost of the programs. Nonetheless, we believe these programs are a cost effective measure to reduce violence in our communities and are committed to providing them. If all 395 individuals were incarcerated for reoffending that would cost the state \$16,985,000.<sup>1</sup> Accordingly, if we can encourage some of these offenders to change their behavior to avoid future violence it is cost-effective and an important method of making our communities safer.

Including the additional crimes will ensure that more individuals complete these services. By doing so, we are taking a step to ensure that our communities are a safer place for victims and all of us. As such, we encourage the committee to give HB1269 a do pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.

---

<sup>1</sup> Based on a 2019 cost estimate from the National Institute of Corrections. See [North Dakota 2019 Statistics](#).

## NDCC 12.1-17-13. Mandated treatment of domestic violence offenders.

The sentence for an offense under section 12.1-17-01 (Simple Assault), 12.1-17-01.1 (Assault), 12.1-17-01.2 (Domestic Violence), 12.1-17-02 (Aggravated Assault), 12.1-17-03 (Reckless Endangerment), 12.1-17-04 (Terrorizing), or 12.1-17-05 (Menacing) against an actor’s family or household member, as defined in subsection 4 of section 14-071-01, must include an order to complete a domestic violence offender evaluation and treatment program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender treatment program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender treatment program would be inappropriate.

### North Dakota Alliance to End Partner Abuse

*Previously the Batterers’ Treatment Forum*

The Alliance supports the utilization of battering intervention standards and implementation of training and mentoring that upholds best practices towards victim safety and offender accountability.



NORTH DAKOTA  
**ALLIANCE TO END  
PARTNER ABUSE**



### ND Battering Intervention Standards

- Requires follow up communication to courts
- Group must be at least 24 – 1.5 hour sessions
- Attentive to lethality and safety needs of victims
- Anger management is not a best practice, because individuals abuse partners even when anger is not present
- Must work closely with advocacy programs

**Standards are available at:**  
[www.cawsnorthdakota.org/ndaepa](http://www.cawsnorthdakota.org/ndaepa)

All certified programs in the state currently use a curriculum that supports the Duluth model. When criminal justice systems and battering intervention programs work closely together, lives can change.

**Coordinated Community Response Project** conducted a study that tracked 366 male offenders who completed the New Choices Program from 2004-2016.

*Community Violence Intervention Center, Grand Forks, ND*

**Offenders experienced:**

68% decrease in law enforcement involvement

89% decrease in criminal charges

83% decrease in protection orders filed

### Comments from participants:



*“I didn’t think my [abusive] reactions were having such an impact on my children... I don’t want them thinking it’s OK to treat people this way because they’ve seen me set the example.”*



*“Before this class, I was not able to recognize the severity of the abuse; I was not even willing to consider it. I was in complete denial. This class has helped me become more aware and honest with myself.”*





# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Zachary Ista

District 43  
3850 15th Avenue South  
Grand Forks, ND 58201-3727  
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[zmista@ndlegis.gov](mailto:zmista@ndlegis.gov)

**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

January 23, 2023

Mr. Chairman and Members of the Judiciary Committee:

For the record, Zac Ista from District 43 in Grand Forks.

HB 1269 is another bill to expand protections for victims of domestic violence and to provide additional intervention programming for those who engage in domestic violence to help prevent reoccurrences and break the dangerous cycle of domestic abuse.

Under current law, a conviction for certain crimes committed against a person’s family or household member—which again we define in 14-07.1-01(4) to mean “a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time”—triggers an automatic requirement for the court to sentence the offender to a domestic violence treatment program.

This bill would expand the list of crimes that trigger such a requirement and renames “domestic violence offender treatment program” to “domestic violence offender intervention program,” which better reflects the type of programming provided to offenders.

Under current law, sentences following convictions for these crimes against a family or household member must include a mandatory order to complete domestic violence offender programming:

- Simple assault
- Assault
- Aggravated assault
- Domestic violence
- Reckless endangerment
- Terrorizing
- Menacing

HB 1269 proposes to require mandatory intervention programming upon conviction for these additional crimes when the victim is a member of the offender's family or household:

- Harassment
- Stalking
- Felonious restraint
- Unlawful imprisonment
- Criminal mischief
- Interference with an emergency call
- Violation of a disorderly conduct restraining order (DCRO)
- Violation of an order prohibiting contact (OPC)
- Violation of a domestic violence protection order (DVPO)

The reason for adding these additional crimes is to better implement the intent of why we require domestic violence offender intervention programming in the first place, which is to stop the cycle of domestic violence. Each of the proposed additional crimes are substantially similar to those already listed in the statute and are common offenses that may be the ultimate crime of conviction in a domestic incident. By including mandatory intervention programming for this broader swath of crimes, we will better serve our communities by providing rehabilitative services to more offenders and protection for more victims and potential victims. Supporters testifying behind me will elaborate on what exactly this programming does and how important this programming is to changing behaviors of offenders, which in turn means more safety for potential victims.

Of course, though, providing this programming is not without a finance cost, and I recognize there may be questions regarding how much this expansion would cost, how it would be funded, and whether adding additional crimes would result in a sort of unfunded mandate to the local agencies providing these services.

Currently, local domestic violence agencies cover the cost for court-ordered domestic violence programming, with most programs requiring participants to pay for the programming on a sliding scale fee. To help with the cost of this programming, local agencies do receive state funds through the Department of Health and Human Services. For the last few budget cycles, approximately \$300,000 per biennium has been appropriated for these programs. This budget cycle, the Governor's executive budget proposal includes an increase up to \$700,000 per biennium (which you can find in HB 1004), meaning it is reasonable to expect that our local agencies will see a significant increase in funding to use for this very important programming. But beyond that—as they will explain in further testimony—our local agencies are committed to providing this vital service to an expand class of offenders even if the state funding is not increased, because they know it will help alleviate future violence across North Dakota communities.

Therefore, members of the Committee, I urge favorable consideration of HB 1269 because it will help to stop the dangerous—and sometimes deadly—cycle of domestic violence. In doing so, we will rehabilitate more offenders and protect more potential victims.

Thank you for your consideration, and I look forward to your questions.

Chairman Klemin and Members of the Judiciary Committee,

My name is Taylor Sorensen, and I am the Director of Domestic Violence Intervention at the Community Violence Intervention Center in Grand Forks, North Dakota. I am one of (9) program providers in North Dakota and I am also a member of the North Dakota Alliance to End Partner Abuse. This alliance has had many conversations about the language and gaps in domestic violence intervention programming across the state. I am here today (virtually) to share my support for House Bill 1269 regarding the proposed amendment to North Dakota Century Code 12.1-17-13.

I have been providing domestic violence intervention programming since 2017. Currently, North Dakota requires that individuals charged with domestic violence, must complete an evaluation and treatment program. This language assumes that domestic violence is a disease and is treatable. However, domestic violence is a choice and takes purposeful interventions to address the beliefs behind the use of violence.

The current language has medical connotations similar to chemical dependency treatment. This also puts the responsibility on the program providers to “determine appropriateness,” as individuals ordered to complete the evaluation assume that we will diagnose them with being abusive or not.

This is not the purpose of our “evaluations”, or as some of us call them assessments or intakes. The purpose is to gather information regarding the participant’s self-reported history of violence and/or abuse, mental disorders and/or substance usage, behaviors that may or may not have occurred in their relationships, and their beliefs behind power and control. We recognize that many individuals may not self-disclose the violence they have used, so as a program provider, we rely heavily on court findings and orders.

The words “programming” and “assessment” more accurately describe the model used by groups for individuals who have used violence. The interventions are provided by trained individuals who provide evidence-based opportunities for group psychoeducation and dialogue.

There are charges being proposed to be added to the NDCC as well. I am not an attorney, so I cannot speak on behalf of the justice system. I can, however, speak as a provider and share that we have seen missed opportunities for intervention. We do not want people who commit domestic violence to fall through the cracks just because a crime isn’t named specifically in the statute, and the earlier we can intervene and get individuals into programming before these become lifelong patterns, the better.

Addressing domestic violence isn’t just a court issue, it is a community issue. Our local Community Coordinated Response here in Grand Forks, North Dakota, tracks those who complete domestic violence intervention programming and have seen a significant decrease in 911 calls to their homes as well as less protection orders being placed against them.

Our goal as domestic violence intervention providers is to offer an opportunity for the individual who is causing harm to address their behaviors and make new choices in the future. Programming is not only for the participant, but also for the survivor/victim, their families, and their community. We do this work for the hope that they no longer cause harm to those they say

they love. This is only possible if those who are causing harm are mandated to take the opportunity.

From what I have learned in the past 6 years, by the time they are mandated for intervention, this isn't the first time they have harmed those in their lives. If we can provide programming at the first signs of domestic violence, we have the opportunity to prevent serious harm to those in our community and change patterns of behavior before they become deeply embedded.

As one of our clients stated, "This program has changed my life, and made me realize the proper way to love a person is not stemmed in violence but in kindness. Anger, hatred, and all those negative emotions will change a person into something they don't want to be, but changing for the better is not impossible, you just have to be willing to make the effort to change it."

And opportunities for change can only occur if we continue to support (through legislative changes and funding) those who provide this essential work.

I am honored to have shared with you all today and am open to any questions you may have.



Domestic Violence  
Crisis Center

**Domestic Violence Crisis Center, Inc.**

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24 HOUR CRISIS LINE: 857-2200 • RAPE CRISIS LINE: 857-2500



*Providing shelter and service to victims of physical, sexual and emotional abuse in North Central North Dakota.*



HB 1269  
68<sup>th</sup> Legislative Assembly  
House Judiciary Committee  
January 23, 2023  
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, Vice Chair Karls, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for delivery of public defense services in North Dakota. On behalf of the Commission, I offer this testimony in opposition to HB 1269.

The Commission’s concern is twofold: 1) the addition of criminal mischief to the crimes requiring domestic violence offender assessment and intervention; and 2) the inequities in treatment.

First, this bill adds several new charges to the list of offenses requiring domestic violence assessment and intervention. The biggest concern regards the addition to criminal mischief in NDCC 12.1-21-05. Criminal mischief only requires “willfully damaging tangible property of another”. Thus, if you damage the property of a family or household member, which includes persons who are residing together, you could be required to undergo this assessment and treatment. Thus, I am not sure criminal mischief provides the same level of domestic violence concern that the other included offenses do.

Second, the Commission represents indigent individuals. Domestic Violence intervention programs can be incredibly expensive. These programs can be up to 26-27 weeks. Whereas, anger management is often a much shorter treatment.

Chairman Klemin, members of the House Judiciary, for the reasons stated herein, the Commission on Legal Counsel urges a DO NOT PASS recommendation.

Respectfully Submitted:



Travis W. Finck  
Executive Director, NDCLCI



Chair Larson and Members of the Senate Judiciary Committee,

My name is Taylor Sorensen, and I am the Director of Domestic Violence Intervention at the Community Violence Intervention Center in Grand Forks, North Dakota. I am one of (9) program providers in North Dakota and I am also a member of the North Dakota Alliance to End Partner Abuse. This alliance has had many conversations about the language and gaps in domestic violence intervention programming across the state. I am here today (virtually) to share my support for House Bill 1269 regarding the proposed amendment to North Dakota Century Code 12.1-17-13.

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**House Bill No. 1269**  
**Senate Judiciary Committee**  
**Testimony Presented by Seth O’Neill, JD, MSW**  
**Email: soneill@cawsnorthdakota.org**  
**March 28, 2023**

Chairwoman Larson and members of the Committee, my name is Seth O’Neill and I am representing CAWS North Dakota in support of HB 1269.

This bill would add additional criminal offenses to the list that requires an offender complete domestic violence offender programming. This change would include crimes that are similar to the crimes already included in the statute.

<b>Current Criminal Offenses</b>	<b>New Criminal Offenses</b>
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These groups are intensive and typically require attendees to complete around 24-26 weeks of sessions. The North Dakota Alliance to End Partnership Abuse has published program standards that promote effectiveness of the programs. As you can see from the map I attached to my testimony, there are programs in nine communities throughout North Dakota. Some of these programs are offered by domestic violence organizations and others are offered by other community organizations. Lutheran Social Services previously offered some of the programs prior to their closer. Since then, different organizations have picked up these programs due to the importance of these services in the community.

From July 2021 – July 2022, these nine programs provided services to 395 individuals. One study in Grand Forks tracked 366 male offenders who completed the program from 2004 to 2016. The study found that offenders experienced 68% decrease in law enforcement involvement and a 89% decrease in criminal charges.

Including the additional crimes will ensure that more individuals complete these services. By doing so, we are taking a step to ensure that our communities are a safer place for victims and all of us. As such, we encourage the committee to give HB1269 a do pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.

# NORTH DAKOTA BATTERING INTERVENTION PROGRAMS



★ = In Compliance with ND Battering Intervention Standards



NORTH DAKOTA  
**ALLIANCE TO END  
PARTNER ABUSE**

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[www.cawsnorthdakota.org/ndaepa](http://www.cawsnorthdakota.org/ndaepa)

## **BISMARCK\*\***

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## **DICKINSON\*\***

### **Violence Free Program of Dickinson**

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## **FARGO\*\***

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## **GRAFTON/MOUNTAIN\*\***

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Staci Jensen  
[choicetochange@dvacnd.org](mailto:choicetochange@dvacnd.org)

## **GRAND FORKS\*\***

### **New Choices**

Community Violence Intervention Center  
211 S. 4th Street  
Grand Forks, ND 58201  
701-746-0405  
Taylor Sorensen  
[newchoicesgroup@cviconline.org](mailto:newchoicesgroup@cviconline.org)

## **MINOT**

### **Balanced Beginnings**

Domestic Violence Crisis Center  
PO Box 881  
Minot, ND 58702  
701-441-9394  
[balancedbeginningsgroup@dvcminot.org](mailto:balancedbeginningsgroup@dvcminot.org)

## **WAHPETON**

### **Three Rivers Engaging Change**

Three Rivers Crisis Center  
509 Dakota Avenue, Suite B  
Wahpeton, ND 58075  
701-899-9834  
Jayme Burlison  
[EngagingChange@midconetwork.com](mailto:EngagingChange@midconetwork.com)

## **WILLISTON**

### **Violence Free Program**

Family Crisis Shelter  
PO Box 1893  
Williston, ND 58802  
701-580-3088  
Rhonda Mundo  
[violencefree.fcs@outlook.com](mailto:violencefree.fcs@outlook.com)

## **CORRECTIONAL FACILITIES**

### **BISMARCK**

#### **New Pathways to Healthy Relationships Program**

ND Department of Corrections and Rehabilitations (Prison)  
3100 Railroad Avenue  
Bismarck, ND 58506

-and-

### **JAMESTOWN**

James River Correctional Center  
2521 Circle Drive  
Jamestown, ND 58401  
701-253-3711  
Amy Veith  
[aveith@nd.gov](mailto:aveith@nd.gov)

\*Services are only available to residents of these correctional facilities

\*\*Services are also available for women

## NDCC 12.1-17-13. Mandated treatment of domestic violence offenders.

The sentence for an offense under section 12.1-17-01 (Simple Assault), 12.1-17-01.1 (Assault), 12.1-17-01.2 (Domestic Violence), 12.1-17-02 (Aggravated Assault), 12.1-17-03 (Reckless Endangerment), 12.1-17-04 (Terrorizing), or 12.1-17-05 (Menacing) against an actor's family or household member, as defined in subsection 4 of section 14-07.1-01, must include an order to complete a domestic violence offender evaluation and treatment program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender treatment program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender treatment program would be inappropriate.

### North Dakota Alliance to End Partner Abuse

*Previously the Battersers' Treatment Forum*

The Alliance supports the utilization of battering intervention standards and implementation of training and mentoring that upholds best practices towards victim safety and offender accountability.



NORTH DAKOTA  
ALLIANCE TO END  
PARTNER ABUSE



ending sexual and domestic violence

### ND Battering Intervention Standards

- Requires follow up communication to courts
- Group must be at least 24 – 1.5 hour sessions
- Attentive to lethality and safety needs of victims
- Anger management is not a best practice, because individuals abuse partners even when anger is not present
- Must work closely with advocacy programs

**Standards are available at:**

[www.cawsnorthdakota.org/ndaepa](http://www.cawsnorthdakota.org/ndaepa)

All certified programs in the state currently use a curriculum that supports the Duluth model. When criminal justice systems and battering intervention programs work closely together, lives can change.

**Coordinated Community Response Project** conducted a study that tracked 366 male offenders who completed the New Choices Program from 2004-2016.

*Community Violence Intervention Center, Grand Forks, ND*

**Offenders experienced:**

68% decrease in law enforcement involvement

89% decrease in criminal charges

83% decrease in protection orders filed

### Comments from participants:



*"I didn't think my [abusive] reactions were having such an impact on my children... I don't want them thinking it's OK to treat people this way because they've seen me set the example."*



*"Before this class, I was not able to recognize the severity of the abuse; I was not even willing to consider it. I was in complete denial. This class has helped me become more aware and honest with myself."*

*North Dakota*  
***Battering  
Intervention  
Standards***

THIRD EDITION

# EDITION NOTES

The North Dakota Adult Batterers' Treatment Standards were originally written in 1996 as a joint project of the North Dakota Department of Corrections Division of Parole and Probation and the CAWS North Dakota (*previously known as North Dakota Council on Abused Women's Services [NDCAWS] and Coalition Against Sexual Assault in North Dakota [CASAND]*).

The printing and dissemination of the first edition was made possible through a Community Oriented Policing (COPS) grant from the Department of Justice in March 1997.

The second edition of the North Dakota Adult Batterers' Treatment Standards was reviewed and revised by the North Dakota Batterers' Treatment Forum.

This publication was made possible by 2012 G991540 Family Violence Prevention and Services Act (42 USC 10401) grant in October 2012. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

In 2018, the third edition of the North Dakota Battering Intervention Standards was enhanced by the ND Alliance to End Partner Abuse, previously known as the North Dakota Batterers' Treatment Forum. The alliance made enhancements and will be looking into further reconstruction of the standards and explore a few areas in depth including minimum training standards and lethality.



[cawsnorthdakota.org/index.php/nd-alliance-to-end-partner-abuse](http://cawsnorthdakota.org/index.php/nd-alliance-to-end-partner-abuse)

# TABLE OF CONTENTS

## PREFACE

Introduction.....	4
Formation of the Batterers' Treatment Forum.....	5
ND Alliance to End Partner Abuse Membership.....	6
Battering Intervention Standards Review Committee.....	7

## FUNDAMENTALS OF INTERVENTION STANDARDS

Vision and Mission.....	8
Philosophy Statement.....	8
Purposes of Intervention Standards.....	9
Principles of Practice.....	10-11
Ethical Standards.....	11-12
Community Investment.....	13
Victims of Battering.....	14
Justice System.....	15
Domestic Violence Programs.....	16

## COMPONENTS OF INTERVENTION

Process Overview.....	17
Waiting Periods.....	17
Intake: Assessment and Intervention Contract.....	18-20
Intervention Content and Curriculum Outline.....	20
Intervention Approaches.....	22
Group Constitution.....	23
Funding and Fees.....	24
Discharge Criteria.....	24
Qualifications of Group Facilitators.....	25

## APPENDICES

Appendix A: Definition of Terms.....	26-28
Appendix B: Resources.....	29
Appendix C: Domestic Violence Victim Service Programs.....	30



# PREFACE

## INTRODUCTION

In North Dakota as elsewhere, domestic violence is a reality for people of all ethnic, racial, economic, religious, and educational backgrounds, of all ages, abilities, personalities, and lifestyles. Although men are victims of battering, 92% of all domestic violence victims reported in North Dakota are women.

According to the Women's Health Organization, one in three women will experience domestic or sexual violence during their lifetime, which equates to approximately 93,000 women in North Dakota. According to data collected by the North Dakota Council on Abused Women's Services (now CAWS North Dakota), there has been a 29% increase in the number of domestic violence incidents reported during the last decade by domestic violence programs in North Dakota, ranging from 4,496 incidents in 2007 to 5,787 incidents in 2017. Intervention needs for victims continue to increase, further supporting the need to address offender intervention services.

Underreporting is an ongoing concern, particularly for marginalized groups such as Native Americans and people who identify as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ) and victims in rural areas where resources may be less accessible.

Over the course of the past decade, the numbers of perpetrators arrested and prosecuted for crimes involving domestic violence have increased and the courts have increasingly assumed the responsibility of holding those who batter accountable through incarceration and mandated intervention services. The North Dakota Legislature has consistently refined and strengthened domestic violence laws.

Against this backdrop, and in keeping with this broad-based response to domestic violence, the ND Alliance to End Partner Abuse (*previously known as North Dakota Batterers' Treatment Forum*) was established in 1994 to integrate the concerns of victims, the courts, law enforcement, treatment providers, and the community at large in providing yet another means through which to assure safer, more nurturing families.

For the most recent data reported to CAWS North Dakota by the 20 domestic violence programs in our state, please refer to [www.cawsnorthdakota.org](http://www.cawsnorthdakota.org).

# PREFACE

## FORMATION

The rising demand for battering intervention services, as well as the lack of consistency in the provision of services, led to the formation of the North Dakota Batterers' Treatment Forum in the fall of 1994.

The effort was initiated by CAWS North Dakota in conjunction with the North Dakota Department of Corrections Division of Parole and Probation and soon grew to include volunteer representatives from a variety of professional disciplines, each with a significant stake in developing an appropriate response to the need for the intervention of battering behaviors.

After a consultation meeting with Michael Lindsey, founder of the Colorado based "Third Path" treatment program, forum members decided to begin the challenging task of developing consensus on standards that they hoped would one day govern battering intervention services in North Dakota. The group met periodically throughout 1995 to meet this goal.

Stage Two of the forum's work involved broad circulation of the draft standards in order to solicit feedback from as many stakeholders as possible before finalizing the document.

Stage Three involved making the standards accessible by developing succinct resources designed specifically for the courts, treatment providers, victims of domestic violence, and others.

The North Dakota Adult Batterers' Treatment Standards were made accessible to the community in 1997. A subcommittee of forum members convened to develop a compliance application and approval process as well as worked in collaboration statewide to foster the development and maintenance of standards-compliant programs.

In 2010, the North Dakota Batterers' Treatment Forum met to review and update the North Dakota Adult Batterers' Treatment Standards to again provide practice guidelines for providers to ensure the highest quality and most effective methods are consistently employed statewide to promote the safety of abuse victims and work to hold batterers accountable for their violence.

The ND Alliance to End Partner Abuse, (*previously known as the North Dakota Batterers' Treatment Forum*) meets ongoing to collaborate, network, and train battering intervention providers statewide.

At this point, the standards serve as mandatory guidelines to receive state funding and the group has left open the possibility of statutory enforcement. Although the alliance itself has been given no specific authority for promulgating standards, it is hoped that the energy expended toward consensus building and the equally strong commitment to victim safety and batterer accountability will give moral authority and credibility to this document.

# PREFACE

## MEMBERSHIP

The original Batterers' Treatment Forum consisted of the members listed below. In addition, several individuals from the judiciary, human services, law enforcement, and advocacy have served in liaison and advisory capacities to the forum.

### Founding Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Lisa Weisz	Women's Action & Resource Center	Beulah
LaVerne Lee	ND State Health Department	Bismarck
Jo Eastvold	Bureau of Criminal Investigation	Bismarck
Audrey Benno	Consumer Advocates	Bismarck
Bonnie Palecek	ND Council on Abused Women's Services	Bismarck
Rick Hoekstra	ND Parole and Probation	Bismarck
Warren Emmer	ND Parole and Probation	Bismarck
Bob Pfenning	US Probation	Bismarck
Diane Zainhofsky	Abused Adult Resource Center	Bismarck
Cassie Roberdeau	West Central Human Service Center	Bismarck
Linda Zent	Centre, Inc	Bismarck
Darci Jelleberg	Bottineau County Coalition Against DV	Bottineau
Jackie Aronson	Lake Region Human Service Center	Devils Lake
Kathy Waller	Badlands Human Service Center	Dickinson
Roberta Biel	Domestic Violence & Rape Crisis Center	Dickinson
Jane Austinson	Lutheran Social Services	Fargo
Bill Lopez	Centre, Inc	Fargo
Beth Haseltine	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Barb Brieland	ND Parole and Probation	Fargo
Pam Novak	Domestic Violence Program of Walsh Co.	Grafton
Tim Megorden	Pastor/Therapist	Grand Forks
Tara Muhlhauser	University of North Dakota	Grand Forks
Kristi Hall-Jiran	Abuse and Rape Crisis Center	Grand Forks
Wally Klostreich	South Central Human Service Center	Jamestown
Judy Benson Zuyli	MSU Women's Resource Center	Minot
Dena Filler	Domestic Violence Crisis Center	Minot
Colleen Reese	Abuse Resource Network	Stanley
Edward McPeck	Northeast Human Service Center	Williston
Jeri Weiss	Northwest Human Service Center	Williston

# PREFACE

## REVIEW COMMITTEE

### 2nd Edition Standards Review Committee Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Lisa Weisz	Women's Action & Resource Center	Beulah
Janelle Moos	CAWS North Dakota	Bismarck
Linda Isakson	CAWS North Dakota	Bismarck
Dennis Larkin	Lutheran Social Services of ND	Bismarck
Derin Ferderer	ND Parole and Probation	Bismarck
Andrea Martin	Soul Survivor Counseling Services, PC	Bismarck
Shelley M Guida	Rape and Abuse Crisis Center of F-M	FargoMoorhead, MN
Erin Hagen	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Pat Olson	Rape and Abuse Crisis Center of F-M	Fargo-Moorhead, MN
Staci Jensen	Domestic Violence Abuse Center	Grafton
Lloyd Rath (Forum Coordinator)	Community Violence Intervention Center	Grand Forks
Steve Saum	Solutions	Moorhead, MN
Becky Devries	Three Rivers Crisis Center	Wahpeton
Chris Peterson	Kids Connection	Wahpeton

### 3rd Edition Standards Review Committee Members

<i>Name</i>	<i>Affiliation</i>	<i>Location</i>
Janelle Moos	CAWS North Dakota	Bismarck
Linda Isakson	CAWS North Dakota	Bismarck
Dennis Larkin	Lutheran Social Service of ND	Bismarck
Lisa Peterson	Department of Corrections	Bismarck
Staci Jenson	Domestic Violence Abuse Center	Grafton
Stacey Benson	STAND	Fargo
Sandra Bercier	First Nations Women's Alliance	Devils Lake
Andrew Gerde	Community Violence Intervention Center	Grand Forks
Faye Kihne	Alliance Coordinator	Cavalier

For a comprehensive list of agencies involved in the ND Alliance to End Partner Abuse and for a list of standards-compliant battering intervention providers in the state, please refer to [www.cawsnorthdakota.org](http://www.cawsnorthdakota.org).

# FUNDAMENTALS OF INTERVENTION

## VISION AND MISSION

The vision of the ND Alliance to End Partner Abuse is to realize an end to domestic violence in North Dakota.

It is our mission to uphold battering intervention standards in North Dakota that will create a network promoting the safety of victims and assisting those who offend to stop abusive behavior.

## PHILOSOPHY STATEMENT

Domestic violence is an ongoing pattern of dominant behavior used by an offender against a current or former intimate partner, requiring swift and sure consequences for the person offending to ensure victim safety. Necessary deterrents to the abusive behavior require cooperation with and intervention by a coordinated community response including police, courts, and probation services, as well as victim advocates, offender specific intervention programs, schools, and child protection services. As identified by the Duluth Model, a coordinated community response is characterized by having clearly shared assumptions and theories about the source of battering and how to deter it; empirically tested intervention strategies that build safety and accountability; and methods of inter-agency cooperation guided by advocacy programs.

If the battering behavior is found to be illegal, the swift and sure consequences and intervention necessary to end domestic violence includes an arrest of the individual offending, a mandatory assessment, and require battering intervention services in compliance with the ND Battering Intervention Standards ordered by the courts.

Standards-based battering intervention services are intended to engage participants in exploring their beliefs and behaviors connected to the use of their violence, and to realize the benefits to treating their partner with respect and dignity. Whether or not participants choose to change their behavior remains their responsibility.

# FUNDAMENTALS OF INTERVENTION

## PURPOSE OF INTERVENTION STANDARDS

The Battering Intervention Standards provide minimum guidelines for group intervention providers to prioritize the safety of abused partners, hold participants accountable, facilitate change in their behavior, and promote the elimination of domestic violence in North Dakota.

### Providers

- Intervention standards require that providers uphold the highest level of ethics while working with group members.
- Intervention standards offer information about methods that are specific to intimate partner violence and are mindful of partner safety.
- Intervention standards provide a measure against which program performance can be evaluated, while providing a basis for future program development.
- Intervention standards encourage communication and interaction among providers and promote consistency of intervention standards statewide.

### Individuals Who Batter

- Intervention standards supports communities to hold offenders accountable for their behavior, explore their beliefs about violence, and engage in behaviors that are respectful.

### Community

- Intervention standards require investment by the community and must be considered as just one element in a comprehensive community plan to eliminate domestic violence.
- Intervention standards encourage communication among community members and promote a coordinated system response to domestic violence.
- Intervention standards heighten public awareness of domestic violence and encourage a society that will not tolerate domestic violence.
- Battering behavior entails a patterned use of coercion, threats, intimidation, including violence and other forms of abuse, whether legal or illegal (*link to the Power and Control Wheel: <http://www.theduluthmodel.org/wheels>*).
- Violence is a choice. It is not the result of provocation by others, nor is it directly caused by alcohol, drugs, or psychiatric illness.
- Battering is not a disease or an illness, but a learned behavior. There can be a complicated interplay between social learning, chemical abuse, psychiatric disorders, personality and character development and the political realities of sexism (gender-based violence).
- Anger is not the cause of battering. As a result, anger management can never be an effective or a viable treatment alternative to a standards-based long-term domestic violence intervention program.

# FUNDAMENTALS OF INTERVENTION

## PRINCIPLES OF PRACTICE

- Marriage, couples, or family counseling should never be an initial intervention. Such counseling is not precluded forever, but should never occur during battering intervention services. Counseling involving victims may be used only when the abuser has completed the program, the violence has stopped, and those harmed are in agreement.
- Individual counseling should also not be an initial intervention. It is not precluded forever; however, psychotherapy's core methodology does not routinely include specially trained intervention providers, lethality assessments, safety planning, verifying information with partners and criminal justice entities, intervention participation rules, or a structure of accountability. Individual counseling may be used when the group participant has completed the program, the violence has stopped, and the participant demonstrates a consistent ability to describe how they have preserved hierarchy in their relationship and how they will approach an equal relationship.
- Individual counseling may be used as an initial intervention as determined by standards-based intervention providers only in the event the individual is determined inappropriate for the group setting due to special circumstances.
- Although women do use violence against intimate partners, the ways in which they use violence and the context in which this use occurs are "historically, culturally, motivationally, and situationally distinct." Claims that men are battered as often as women do not take into account the fact that in a high percentage of cases, women's use of violence is preceded by severe acts of violence by their partners. Women typically use violence in self-defense to control an immediate conflict situation, while men use violence to establish widespread authority over longer periods. (*Adapted from Shamita Das Dasgupta, Towards an Understanding of Women's Use of Non-lethal violence in Intimate Heterosexual Relationships, 2001*). Battering intervention programs shall work closely with domestic violence centers on establishing policies in regard to working with women who use force, as many of them may be better served by the domestic violence center than through an offender-based intervention group. Women may only be served in women only groups or individually if there are not enough women to make a group.
- The responsibility for the battering behavior lies with the abuser. Battering a family member or intimate partner can be a crime and is never the fault of the victim. Intervention programs must promote the safety of abused partners and children, require accountability for the person offending, and prohibit victim blaming.
- Swift and sure consequences for batterers are critical, particularly those imposed by the criminal justice system. Two years of supervised probation for any level of domestic violence is preferred. Battering intervention assessments should be completed within thirty days of adjudication.

CONTINUED

# FUNDAMENTALS OF INTERVENTION

## PRINCIPLES OF PRACTICE CONTINUED

- A collaborative process is necessary for successful intervention and prevention. Intervening with individuals that batter must be a cooperative coordinated community response effort involving—at a minimum—the police, probation, courts, victim advocates, offender specific intervention groups, and child protection services.
- Intervention for individuals battering is an ongoing process, providing participants with education and groups designed to assist them in stopping their abusive behavior. Intervention groups, however, does not imply cure; whether individuals choose to change their behavior remains their responsibility.
- If appropriate, intervention groups should be accessible on an ongoing basis.
- Abuse victims should not be mandated into any treatment or intervention program.

## ETHICAL STANDARDS

### PROGRAM ETHICS

#### ***Battering intervention programs must comply with the following:***

- Meet standards developed by the ND Alliance to End Partner Abuse, as well as those outlined by professional groups with which the intervention providers are affiliated, such as the American Psychological Association, the National Association of Social Workers, the American Counseling Association, the American Association of Pastoral Counselors, the American Association of Marriage and Family Therapy, and the American Medical Association.
- Establish and maintain cooperative working relationships with local domestic violence programs, domestic violence task forces, victims of violence, and the ND Alliance to End Partner Abuse. Any legislative initiatives for state funding or programming shall be developed in collaboration with the domestic violence coalition.
- Acknowledge in all of their services and professional endeavors that the safety of victims and their children is of primary importance and takes precedence over all other intervention objectives.
- Develop and enforce policies addressing ethical standards for their staff, including sexual harassment, equal opportunity, and best intervention practice.

CONTINUED



# FUNDAMENTALS OF INTERVENTION

## ETHICAL STANDARDS CONTINUED

- Abide by standards regarding human subjects' research and accept responsibility for the selection of research topics and methods that will promote the safety and integrity of victims, protect victim confidentiality, and contribute toward the elimination of domestic violence.

### STAFF ETHICS

***The staff of battering intervention programs must maintain the following standards:***

- Be of good moral character, including remaining violence-free in their own lives, not abusing alcohol or drugs, and being free of criminal convictions involving immoral behavior.
- Model respectful personal and professional relationships with both women and men and communicate respect toward victims of violence.
- Be open to self-examination and receptive to feedback on issues of power and control, victim blaming, sexism, and collusion in their own lives.
- Immediately warn victims of any danger that the provider believes they may be in based on contact with group participant in the program.
- Immediately report suspected child abuse or neglect by a client pursuant to North Dakota Century Code 50-25.1-02.
- Maintain open communication with personnel in domestic violence programs, other human service agencies, and the justice system.

# FUNDAMENTALS OF INTERVENTION

## COMMUNITY INVESTMENT

Individuals that batter live in a community context that has tolerated and supported domestic violence. Community investment is essential to advancing the elimination of domestic violence.

Widespread education at all community levels on the social and cultural causes of and institutional support for domestic violence, as well as information on the interventions that are designed to ensure victim safety and hold those who batter accountable for their behavior, is critical to the success of a community's efforts to effectively respond to domestic violence.

In addition, a coordinated community response is considered the most effective way to respond to domestic violence. These interventions can include a strong safety network for victims, enforced pro-arrest and pro-prosecution policies, trauma-informed victim advocates within the criminal justice system, and the use of probation and incarceration as well as intervention programs for those that batter.

According to expert, Lundy Bancroft, "a short jail sentence, combined with a long post jail period of probation and participation in an abuser program, can provide powerful motivation for an abuser to deal with his problem" (*Why Does He Do That? Inside the Minds of Angry and Controlling Men, 2002*). Bancroft recommends a minimal period of jail time for a first conviction for any domestic abuse offense. Furthermore, he states "an important part of the sentence for any man convicted of domestic abuse should be an extended period—not less than a year of participation in a specialized abuser program" (2002). Bancroft warns that the abuser program cannot be replaced by psychotherapy or anger management.

A special report, published by the National Institute of Justice (NIJ) in June 2009, "Practical Implications of Current Domestic Violence Research," further emphasizes the benefits of a coordinated community response in working with those who batter. The NIJ report indicates that while there are varying results in research on the benefits of arrest to prevent recidivism, it is largely due to the criminal disposition of the batterer in the first place. Batterers who are high risk criminal offenders in general will be less likely to be deterred from future domestic violence offenses if arrested than those who are less criminally minded. However, the report goes on to state that "the single, most appreciated service that officers can deliver to the greatest number of victims is the arrest of their abusers. Specialized domestic violence law enforcement units that focus on arrests can enhance the likelihood of successful prosecution and increase victim satisfaction and safety. (*Research basis: Although specific studies of specialized domestic violence law enforcement units are few, the activities conducted by these units have been more widely studied and supported by extensive research.*)"

Furthermore, NIJ (2009) has implications for the importance of dispositions imposed in that "prosecution deters domestic violence if it adequately addresses abuser risk by imposing

CONTINUED

# FUNDAMENTALS OF INTERVENTION

## COMMUNITY INVESTMENT CONTINUED

appropriately intrusive sentences, including supervised probation and incarceration. *(Research basis: Although studies conflict with each other on the subject of abuse prosecution, those studies that researched prosecutions and the resulting dispositions that addressed defendant risk suggest that domestic violence prosecution can significantly deter re-abuse.)*"

While most studies focus on the deterrent effects of arrest and prosecution, there are additional implications to the benefits of a coordinated community response to domestic violence in that victims are offered resources and validation for their experience of abuse; they are afforded the separation necessary to foster decision-making without harassment or threats; batterers are held accountable and are denied access to their victims; and they as well as the community as a whole are reinforced in the message that domestic violence is a crime against the basic human right to live safely and will be treated as such in the criminal and human service responses afforded by the collaborative efforts of helping professionals.

## VICTIMS OF BATTERING

Battering intervention programs shall establish procedures regarding contact with the partners of group participants in intervention groups. All contacts should promote the safety of the victim and should include a minimum of the following:

- Working collaboratively with domestic violence programs to assure that domestic violence victims are provided advocacy, safety planning, and other assistance while group participants are in the intervention program.
- Informing victims of their right to be free of violence and to access legal protections.
- Requesting domestic violence victim feedback regarding the group participant's history of violence, as well as other issues and concerns believed to be important in assessments. All input from battered partners shall be given voluntarily; programs shall not intimidate or coerce anyone into providing information.
- Explaining to domestic violence victims the procedures on interfacing with the battering intervention program staff.
- Giving victims of domestic violence informed referrals to domestic violence programs, victim-witness assistance, supervised visitation/exchange and legal services.
- Assessing the lethality of battering at intake and periodically throughout the intervention programming.
- Warning domestic violence victims and appropriate law enforcement agencies of potential violence by the group participant.

# FUNDAMENTALS OF INTERVENTION

## JUSTICE SYSTEM

### PROVIDER KNOWLEDGE AND PARTICIPATION

- Battering intervention programs must collaborate with all components of the justice system that come in contact with individuals who batter and their victims in order to improve and coordinate the justice system's response to domestic violence cases. To accomplish this, battering intervention programs should comply with the following minimum standards:
- Be familiar with state laws that regulate law enforcement response to domestic violence.
- Be knowledgeable about local law enforcement, probation, prosecution, and court policies regarding domestic violence cases.
- Understand the history and theory of societal permission of violence and actively support community-based containment of violent offenders.
- Have contact and be familiar with the services available to victims of domestic violence through local domestic violence service providers.
- Participate in a domestic violence coordinated community response.

### MANDATED INTERVENTION: INFORMATION EXCHANGE

***Programs providing mandated battering intervention must establish a method of information exchange with the justice system. Intervention programs should undertake the following activities to exchange information:***

- Provide courts, probation/parole, and other referral agencies with information, forms, and procedures for referrals into intervention groups, intake requirements, and releases of information.
- Obtain available court orders (*including copies of protection orders, bail conditions, and probation or parole conditions*) and treatment records.
- Develop a written document describing how the intervention program will be reporting back to the court system. The intervention program shall submit participant status reports to the court when appropriate and/or any other designated agency. Reports may include information on registration, assessment of appropriateness for participation, attendance, dismissal, and justification, and recommendations for further intervention. Intervention programs should never provide the court system with documents or testimony rating the group participant's level of participation as this information can be misused and taken out of context in the court system.
- Document further incidents of violence, including dates, brief descriptions and outcomes, and if appropriate, report the following to the appropriate court personnel: violations of protection orders, bail and probation or parole conditions, or any provision of an order mandating battering intervention programming.

# FUNDAMENTALS OF INTERVENTION

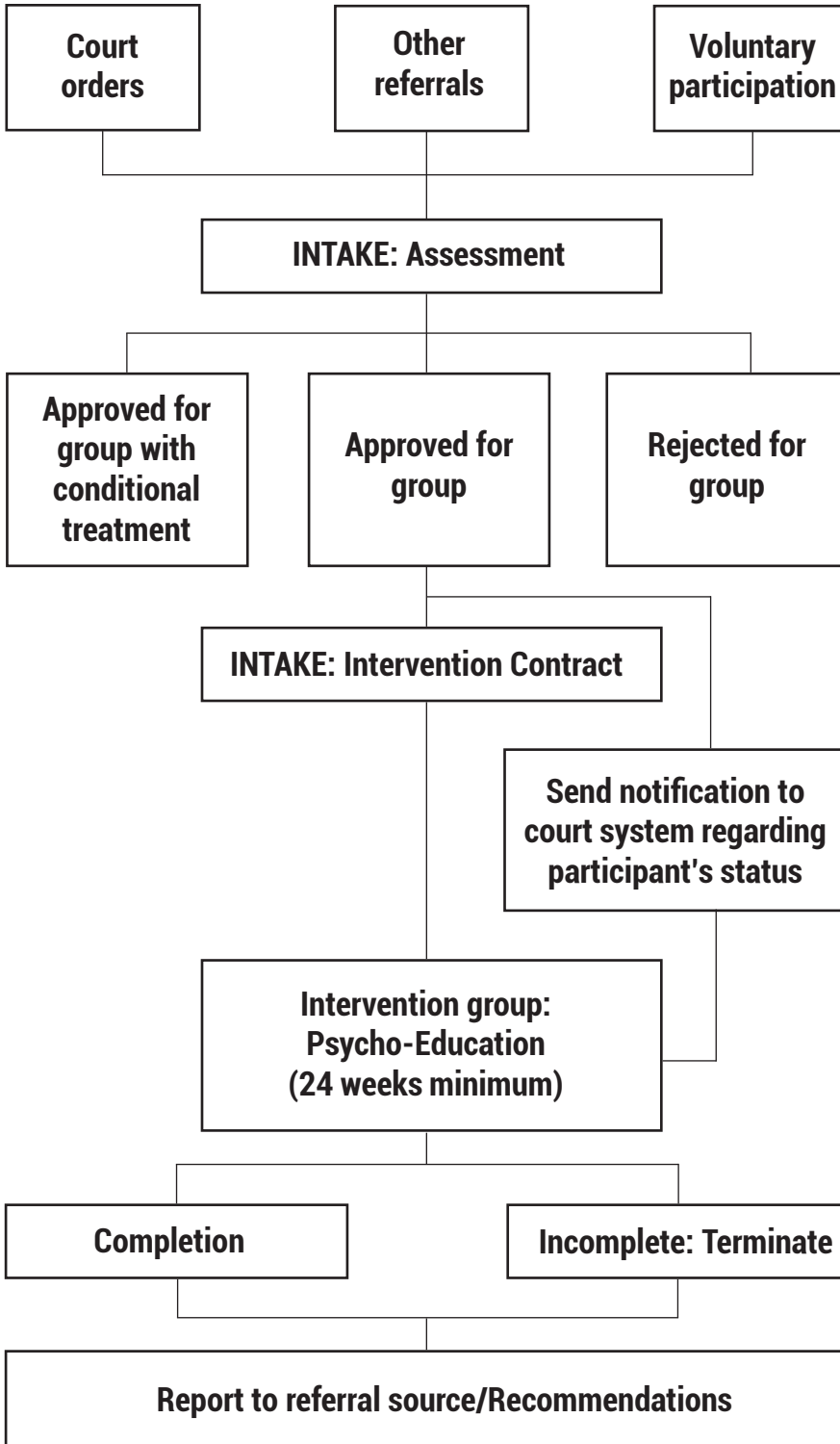
## DOMESTIC VIOLENCE PROGRAMS

Battering intervention programs should not exist in isolation; they must establish cooperative, accountable relationships with local domestic violence programs, visitation and exchange centers, CAWS North Dakota (*formerly the North Dakota Council on Abused Women's Services*), and the ND Alliance to End Partner Abuse. To meet the North Dakota Battering Intervention Standards, this relationship must include the following:

- Collaboration to ensure that domestic violence victims are offered and, if amenable, provided outreach, advocacy, safety planning, and other assistance while their partners are in a battering intervention program.
- Development and distribution of information packets for domestic violence victims about battering intervention programs, including program philosophy and curriculum content, confidentiality and any limitations regarding communications by the partner, confidentiality and its limitations for group participants, mechanisms by which partners are advised of any risks posed by group participants, and supportive services provided by the local domestic violence program to the partner and children of individuals participating in the battering intervention program.
- Establishment and maintenance of a referral process between domestic violence programs, visitation and exchange centers, and battering intervention programs.
- Support of strategies to protect children in the course of participation in the battering intervention program.
- Consultation and collaboration in advertising and public information campaigns relating to battering intervention.
- Consultation and collaboration in the training of professionals in the community about domestic violence, related legal issues, and services for victims and those that batter.
- The battering intervention program shall work with the local domestic violence program to establish the parameters of intervention and to develop a process for the utilization of feedback.
- In order to ensure accountability to victims, any written policies governing battering intervention programs that are established in addition to these standards shall be developed in close consultation with local domestic violence programs.
- Any written or informal agreements and/or memoranda of understanding between battering intervention programs and the justice system concerning group member's participation in intervention programs shall be negotiated in close consultation with local domestic violence programs.
- Cooperation between domestic violence and battering intervention programs on the development or execution of any research pertaining to same; and collaborative production and dissemination of any findings.
- Collaboration on issues of public policy related to the safety of families affected by the individual that uses violence and intervention with those that batter.

# COMPONENTS OF INTERVENTION

## PROCESS OVERVIEW



## WAITING PERIODS

The demand for battering intervention services usually escalates where there is court-ordered intervention. While resources are rarely as abundant as the demand, waiting periods for intervention services should be minimized. Intake assessments should be accessible on an ongoing basis. When the court orders an assessment and intervention programming as recommended, the intake assessment should be completed in a timely fashion (preferably within 30 days). Actual entry into an intervention group, however, may be delayed, for example, if an individual needs preliminary mental health/addiction treatment or if a group is already under way when a batterer is referred into the program, and the program does not have the resources for entry at that time.

In cases where battering intervention programs are in high demand, program expansion must be thoughtfully and carefully considered. New group facilitators require extensive training in order to provide effective and ethical intervention to batterers. Battering intervention programs, while striving to serve individuals quickly and efficiently, should note that the quality of intervention services is critical.

# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

The intake process is a critical element of any battering intervention program, consisting of three primary elements: **1)** Assessment of the participant's history, current situation and condition to determine appropriateness for group. **2)** A group contract that includes an explanation of the participant's rights and program policies and expectations. **3)** Referral to domestic violence program to connect with the participant's partner(s) to inform them about the programming and the participant's status and offer safety and supportive services.

### ASSESSMENT

**The intake assessment must include the following elements:**

- Referral source.
- Use of violence history of the participant, including pertinent independent descriptions from the participant, the justice system, other treatment providers, and the abused partner (*gathered by direct contact with the partner unless anticipated that safety would be jeopardized by contact with battering intervention staff or partner elects not to, or is unavailable to participate in intervention providers' efforts to obtain collateral information. This history should include violence in present and past intimate relationships, violence involving non-intimate others, as well as the participant's own experience as the victim of abuse*).
- The participant's criminal record, including police reports and protection orders or other court orders filed.
- **Lethality assessment.** During the intake and periodically thereafter, battering intervention providers must assess the potential lethality of the participant. Continuous lethality assessments must be built into both the intake and the group process to protect the safety of abuse victims and group providers. Documentation of lethality assessments must incorporate the following:
  - History of threats of homicide or suicide
  - History of ideation of homicide or suicide
  - Acute and chronic lethality and behavior
  - Possession of, access to, or a history of use of weapons

- Degree of obsessiveness and dependency upon the participant's battered partner
- History of episodes of rage
- History of depression
- History of using drugs, alcohol, or other substances
- History of sexual abuse of others, including intimate partner
- Access to past and potential victims
- Demographic social history, including education, legal history, drug and alcohol use, and history of other addictive behavior, sexual history, and loss and trauma history
- Abuse and violence inventory
- Mental status exam
- Drug and alcohol screening
- Any conditions imposed on participation in the battering intervention program, if determined to be appropriate by the group provider.
- Statement of the participant appropriateness for group participation. For additional information on appropriate and inappropriate group membership, please refer to Group Constitution on page 23.

**The intake assessment may include the following elements, as necessary:**

- Psychological evaluation
- Drug and alcohol evaluation
- Medical history

# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

### GROUP CONTRACT

During the initial intake interview, group providers shall also provide each participant an overview of the group process, reviewing basic program policies and expectations and rights of the participant, which shall be documented in a group contract signed by both the provider and the participant. The group contract process must address the following:

- Philosophy statement consistent with the North Dakota Battering Intervention Standards.
- **Confidentiality policy regarding participants.** Participants in battering intervention programs have the right to confidentiality within specific limitations. Participants shall be provided a written copy of the confidentiality limitations and shall sign a written waiver describing the limitations upon entering the program. Providers may not disclose confidential information unless the following limitations and exceptions apply:
  - The group provider determines disclosure is necessary for the efficient and safe operation of the agency or for the protection of a third party, including but not limited to abuse victims, extended family members, providers, victim advocates, or law enforcement agencies.
  - The group provider has reason to suspect a child has been abused or neglected as defined in the North Dakota Century Code 50-25.1-02.
  - A court of competent jurisdiction orders the disclosure. When the participant is court ordered into a battering intervention program, a program must establish what releases need to be in place to share information concerning the participant's application, enrollment, attendance, participation, discharge, or completion, and any threats of violence may be revealed to the court or other office as mandated by the court. *(It should always be noted in communications with the court concerning group participation and completion that compliance with group programming requirements does not guarantee that the participant is no longer abusive or will not continue to be abusive in the future. The group process provides tools for participants to change; whether they choose to change their behavior remains their responsibility.)*
- The group participant consents to the release of information in cases other than listed above.
- Batterer intervention providers shall maintain the confidentiality of domestic violence victims and any information they provide to the program, unless confidential information is specifically waived by victims in writing or there is reasonable cause to believe they may be in imminent danger. Providers shall not persuade nor coerce abuse victims to waive confidentiality and shall inform in writing as to the limits of confidentiality. To avoid unintended disclosure to participants of confidential domestic violence victims' information, it is preferred that workers having contact with victims be staff other than those providing direct services to the participants. Confidential information provided by domestic violence victims should be kept in files separate from those of the group participant.
- **Confidentiality regarding group members.** Participants in battering intervention programs must agree to protect the identities and information provided by other group members. In addition, groups are closed to those other than participants and staff of battering intervention programs.
- Commitment to stop violent and threatening behaviors, to be non-abusive and non-controlling in relationships, to adhere to the group contract, to comply with all court orders, and to cooperate with the rules for group participation.
- Length of the program and a clarification of the number of weeks needed to complete the program.



# COMPONENTS OF INTERVENTION

## INTAKE PROCESS: ASSESSMENT AND GROUP INTERVENTION

- Statement that attendance and progress will be monitored and that any violations will be reported to the court, along with further recommendations.
- Statement that any violation of the intervention contract will result in the renegotiation of the contract or other consequences.
- Statement requiring abstinence from drug and alcohol use for at least 24 hours prior to the group session and compliance with any other probation or court-ordered recommendations.
- Suspension and termination policies.
- Statement relating to fee payment.

## GROUP CONTENT AND CURRICULUM OUTLINE

The content and curricula of battering intervention groups must be in accordance with the philosophy, purposes, and principles of practice mentioned at the beginning of the North Dakota Battering Intervention Standards. Group consists of using a curriculum designed to provide participants with the psychoeducation and support to stop abusive and violent behavior. Group providers shall also be prepared to assess risk and lethality of offenders and respond to lethality concerns on a timely basis. Group provides the space to reflect about beliefs and behaviors that lead to dominance over one's intimate partner and to realize the benefit and importance of respect and equality in one's intimate relationships; whether they choose to change their behavior remains their responsibility.

### PSYCHO-EDUCATION

***The educational curriculum addresses the belief systems that legitimize and sustain domestic intimate partner violence and includes information that motivates participants to change their abusive behavior. It must include the following minimum curriculum elements:***

- Dynamics of domestic violence, including a definition of physical, emotional, and sexual abuse; intimidation; isolation; economic domination; property destruction; and threats, as well as a review of the root causes of abusive behavior toward intimate partners and children, and the cultural and social context in which domestic violence is used.
- Dynamics of power and control, including discussion that abuse is not a response to provocation but a means of controlling another's actions, thoughts, and feelings in order to have domination over one's intimate partner.
- Intergenerational patterns of violence.
- Victimization dynamics, including an attempt at heightening awareness of and empathy toward the damaging and potentially lethal consequences of the participants' violence and abuse on intimate partners and children.
- Legal intervention, including details regarding the criminality and consequences of specific forms of abuse.
- Skills building, including the participant taking responsibility for his own thoughts and feelings, identifying and articulating feelings respectfully, and improving empathic listening and identifying healthy boundaries.
- Gender role training and its connection to inequality in violent relationships.
- Engage in meaningful dialogues about abusive behaviors and healthy boundaries.

# COMPONENTS OF INTERVENTION

## **OFFENDER RISK MANAGEMENT**

Ongoing lethality assessments must be built into the group process for the protection of partners and participants as well as providers.

If a provider suspects that a group participant may inflict harm upon himself or anyone else, the provider should notify the parties involved as well as the appropriate law enforcement agency. The participant's condition and any threats made must be documented, and if he is a court-ordered participant, the documentation should be forwarded to the appropriate justice system personnel.

At this time, providers may reconsider the group member continued participation in group and may choose to renegotiate the intervention contract or suspend or terminate the individual from the program.

# COMPONENTS OF INTERVENTION

## BATTERING INTERVENTION APPROACHES

### PSYCHOEDUCATION GROUP

The group approach is the intervention approach of choice for individuals that batter. Group providers may decide whether groups will be open (*accepting new members on an ongoing basis*) or closed sessions. After a baseline of accountability, skills, and stability is established, intervention programs are free to creatively develop additional comprehensive services.

### INDIVIDUAL PSYCHOEDUCATION SERVICES

Intervention programming may be provided on an individual basis only under special circumstances that must be documented by the provider in the individual's case file.

### SUBSTANCE ABUSE

When the intake assessment indicates drug or alcohol abuse, referrals to other agencies for specialized treatment may be initiated. Violence cannot be successfully treated without treating substance abuse concerns, but treatment for substance abuse may not be substituted for domestic violence group intervention.

### INAPPROPRIATE INTERVENTION

Any treatment approach that blames or intimidates victims, endangers victims, or coerces victim participation is not appropriate:

- Couples, marriage or family therapy is prohibited during the battering group intervention phase. It may be used only when the group member has completed the program, the violence has stopped, and the group member's partner is in agreement.
- Anger management treatment.
- Addiction counseling that defines violence as an addiction and those abused as enabling or codependent in the violence.
- Online batterers' intervention courses, as it does not address victim safety nor offender accountability.

# COMPONENTS OF INTERVENTION

## GROUP CONSTITUTION

### APPROPRIATE MEMBERSHIP

Battering intervention groups are primarily designed for adult males who are violent toward others in intimate relationships. However, the ND Alliance to End Partner Abuse recognizes the need for other specialized programs to treat female and juvenile individuals that batter and individuals who identify as Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ).

Females in need of group intervention services for use of violence will not participate in group with males. The ND Alliance to End Partner Abuse develops its standards around research findings on women's use of violence in intimate relationships. See more on page 10. Individuals who identify as Gay, Bisexual, Transgender, or Queer may enroll in programs for heterosexual males if the provider determines such group intervention to be emotionally/physically safe and appropriate.

### INAPPROPRIATE MEMBERSHIP

- Persons in active psychosis.
- Persons in need of primary treatment for sexual assault, child sexual abuse, or child abuse or neglect.
- Persons with untreated alcohol or drug addictions, unless addiction provider and group provider assess it would be okay for participant to be in both.
- Persons determined to be at high risk for lethality. Such persons shall be referred to other resources at the discretion of the provider.
- Persons for whom group intervention is not appropriate as determined by group staff. However, this does not preclude other types of treatment, such as individual intervention sessions.

### SIZE

- Intervention groups shall not exceed 15 members on the group's roster.
- A minimum of two facilitators, preferably one male and one female, shall be present at each intervention group. A waiver provision is possible upon approval by the ND Battering Intervention Standards Compliance Review Committee.

### LENGTH OF INTERVENTION

Battering intervention groups must include a minimum of 24 weekly sessions, each averaging 1.5 hours. Providers have the option of extending participants' group membership indefinitely based on group outcomes. If the program is using a curriculum based on best practices that is less than 24 weeks, the program should obtain approval from the ND Battering Intervention Standards Compliance Review Committee.

# COMPONENTS OF INTERVENTION

## FUNDING AND FEES

Battering intervention programs can charge a fee for participation, whether or not it is court ordered. Sliding fee scales may be available for indigent clients.

## DISCHARGE CRITERIA

Group participants may be discharged from the program in the following categories:

### Completion

When participants have completed the minimum 24 weeks of group, as well as abiding by the group contract, attending the minimum number of scheduled sessions, maintaining an acceptable level of participation in group discussions, and completing any additional assignments, they are discharged from the program. Completion of the program does not guarantee that batterers will no longer be abusive. The group provides the process for participants to change; whether they choose to change their behavior remains their responsibility. The program will communicate to the court system regarding the status of the group member.

### Punitive Discharge

If participants violate the group contract, fail to attend the minimum number of scheduled sessions, fail to participate at an acceptable level, or do not complete any additional assignments, they may be discharged from the program. Intervention providers must document reasons for discharging participants and, if participants have been ordered to programming by the court or other agency, provide reasons for discharge and any recommendations to the appropriate office.

# COMPONENTS OF INTERVENTION

## QUALIFICATIONS OF GROUP FACILITATORS

Within each intervention group, the two facilitators shall have between them the educational and experiential components listed below. In the case of only one facilitator (*which must be approved by the ND Alliance to End Partner Abuse*), the following requirements must be met:

- A bachelors' degree in a human-related field.
- Prefer experience in working with both victims and offenders of domestic violence, knowledge on client ethics are required (*refer to ethic guidelines provided by CAWS North Dakota*).
- A minimum of one facilitator in each group must complete a formal domestic violence intervention training program (i.e. provided by DAIP, EMERGE, AWARE).

***Facilitators shall also complete training in the following areas prior to facilitating a group:***

- dynamics of domestic violence
- substance abuse and the correlation to domestic violence
- power and control tools
- gender roles and contextual impact on domestic violence
- victim dynamics and impact of trauma
- interviewing & assessment
- lethality risk assessment and management
- legal issues
- group process
- working with resistive clients
- cultural competency
- personality disorders and the correlation to domestic violence
- diversity

All battering intervention staff shall have violence-free personal relationships. No individual may serve as paid or unpaid staff who has been a perpetrator of abuse or battering unless the staff member has successfully completed a battering intervention program that is in accordance with the ND Battering Intervention Standards and has been violence free for no less than two years.

# APPENDIX A

## DEFINITIONS

**ABUSE** (aka Domestic Violence, Intimate Partner Violence, Battering) encompasses all of the following:

- Physical abuse includes a wide range of behaviors, including pushing, restraining, slapping, hitting, kicking, throwing, strangling, stabbing, aggravated assault, and homicide. It also includes such acts as coercing drug consumption or withholding medication.
- Sexual abuse is defined as coerced sex acts, forcible intercourse, insistence on sexual activity after a battering incident, coerced abortion, sexual mutilation, and threats of infidelity.
- Emotional or psychological abuse includes threats, verbal disparagement, intimidation, degrading or contemptuous behavior, withholding communication, yelling, and social isolation.
- Economic abuse occurs through direct or indirect manipulation or domination of family finances, the abdication of financial responsibility, or disposition of the personal property of

family members without consent.

- Destruction of property includes vandalism of the home, car, or other personal assets and may include arson.
- Threats or acts of abuse against children, family members, or pets encompass any of the above.

Abuse is used by one family member in an intimate partnership to maintain dominance over any other family member or intimate partner. Abuse is not a loss of control. Individuals who batter often choose the circumstances of their violence, including the amount of injury inflicted and the targets of their abuse. Victims do not cause abuse to happen to them. Perpetrators bear sole responsibility for their actions.

### **ACCOUNTABILITY -**

Accountability is a process whereby individuals who batter make themselves available for feedback on their efforts to achieve lives free of violence, acts of

domination and coercion, and fear-inducing conduct. This process requires periodic examination of their own conduct, particularly as it relates to any victim, current partner, and children. It also entails the development and periodic evaluation of a plan to assure responsible, non-coercive conduct and to provide restitution to the victim.

Restitution may include paying all costs arising from the abuse, acknowledging to the victim, friends and family the wrongfulness of the abusive behavior, wholly accepting responsibility for abusive conduct and beliefs. No accountability plan should proceed if objected to by the victim or is not in the victim's best interest.

This process may afford participants an opportunity for healing and restoration because it continues to solidify their commitment to life without violence and can offer them hope for the future as they develop the capacity for enduring relationships based on respect, honesty, and partnership.

# APPENDIX A

## DEFINITIONS

Accountability must be initiated by the person who battered. Neither the community nor the victim can impose accountability, although they can support and invite the individual to choose accountability.

**BATTERING INTERVENTION PROGRAM** - Battering intervention program is an individual or organization that provides psychoeducation, while safeguarding victims and supporting offenders to change.

**BATTERING INTERVENTION PROVIDER** - A battering intervention provider is an individual facilitator within an intervention program who provides direct care to individuals that batter. All intervention providers must meet the minimum qualifications specified in the ND Battering Intervention Standards.

**BATTERING** - Battering is patterned abuse in the presence of terrorizing tactics. It is abuse that has at least once been physical, sexual, or involved in the destruction of property and is either repeated or

threatened to be repeated in such a way as to cause fear in the victim. It is the systematic terrorization and/or domination of one person by another. Prior instances of physical, sexual, or property abuse and threats to repeat them create an atmosphere of extreme terror and coerced accommodation of the perpetrator.

While the terrorization is purposeful, it can, in fact, not be fully conscious on the part of the individual offending. The offending individual's intentionality is not a measurement of battering. Battering is measured by the acts and patterns of abuse inflicted by the person and by the repercussions observed and reported by the victim.

**COORDINATED COMMUNITY RESPONSE** - A multiagency domestic abuse intervention strategy originally developed by the Domestic Abuse Intervention Project in Duluth, MN, commonly referred to as the Duluth Model. It involves a system of networks, agreements, and service provision based on collaboration between

the criminal justice system, courts, victim advocacy programs, and human service organizations and is designed to promote victim safety and accountability of the individual that is battering.

**DOMESTIC VIOLENCE** - Domestic violence is the concept that includes the entire spectrum of coercive control, abuse, and battering exercised by one intimate partner over another. It is defined in the North Dakota Century Code 14-07.1-01 as including "physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members."

**DOMESTIC VIOLENCE PROVIDER** - Domestic violence provider is defined in the North Dakota Century Code 14-07.1-01 as a "private, nonprofit organization whose primary purpose is to provide emergency housing, 24-



# APPENDIX A

## DEFINITIONS

hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence."

**ENTITLEMENT** - Entitlement is a person's socialized expectation of certain privileges, powers, rights, regard, or treatment from others. Within the context of domestic violence, the sense of entitlement of a perpetrator is often reinforced by society through negative attitudes toward women and an imbalance of power between men and women. Some men believe they have male privileges that include deferential treatment from women, the right to be taken care of by women, and the right to control all decisions in the family. Some men see male privilege extending to the use of domination and violence in their intimate relationships and feel entitled to use it to gain power and control over their partners.

**FACILITATOR** - Facilitator refers to a battering intervention group leader.

**INTERVENTION** -

Intervention refers to the spectrum of legal actions, family confrontations, employee assistance programs, neighborhood safety strategies, battering intervention services, and community education endeavors seeking to stop the violence of individuals who batter and encourage them to develop an understanding to achieve violence-free lives.

**PERPETRATOR** - Perpetrator means a person who commits an act of domestic violence.

**VICTIM** - Victim refers to the person against whom the perpetrator directs his abuse or battering, normally a family or household member. Family or household member is defined in the North Dakota Century Code 14-07.1-01 as a "spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together

in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under Section 14-07.1-02."

For the purposes of these standards, perpetrators are not referred to as victims of domestic violence even when those they abuse react to them by using violence or abusive acts to defend themselves or stop the abuse.

# APPENDIX B

## RESOURCES

The North Dakota Battering Intervention Standards were adopted from the following state standards:

- "Batterer's Treatment Program Guidelines" developed by the Los Angeles County Domestic Violence Council in June 1988.
- Pennsylvania Coalition Against Domestic Violence "Program Standards for Batterer Intervention Services," 1992, pp. 6-7, 11-14, 19-23.
- "New York State Standards for Batterer Intervention Programs," Draft, 1994, pp. 19-21, pp. 24-25.
- Wisconsin "Male Batterers Treatment Standards," 2007.
- "Florida Batterer Intervention Certification Minimum Standards," 2007.
- Colorado "Standards for the Treatment of Domestic Violence Perpetrators", 2010.
- American Psychological Association's "APA Ethical Principles of Psychologists and Code of Conduct," 2010.
- MN Statute 518B.02 – "Domestic Abuse Counseling Program or Educational Program Required".

# APPENDIX C

## NORTH DAKOTA DOMESTIC VIOLENCE VICTIM SERVICES

### **BISMARCK**

Abused Adult Resource Center  
Crisis Line: 866-341-7009  
(701) 222-8370

### **BOTTINEAU**

Family Crisis Center  
(701) 228-2028  
Crisis Line: 1-800-398-1098  
Toll Free 1-888-755-7595

### **DEVILS LAKE**

SAFE Alternatives for  
Abused Families  
(701) 662-7378  
Crisis Line: (701) 622-7378  
Toll-Free: 1-888-662-7378

### **DICKINSON**

Domestic Violence &  
Rape Crisis Center  
(701) 225-4506  
Crisis Line: (701) 225-4506  
Toll Free: 1-888-225-4506

### **ELLENDALE**

Kedish House  
(701) 349-4729  
Crisis Line: (701) 349-5118  
Toll Free: 1-877-349-4729

### **FARGO**

Rape & Abuse Crisis Center  
(701) 293-7273  
Crisis Line: (701) 293-7273  
Toll Free 1-800-344-7273

### **FORT BERTHOLD**

Coalition Against Violence  
(701) 627-4171  
Crisis Line: (701) 627-3617

### **GRAFTON**

Domestic Violence &  
Abuse Center Inc.  
(701) 352-4242  
Crisis Line: (701) 352-3059

### **GRAND FORKS**

Community Violence  
Intervention Center  
(701) 746-0405  
Crisis Line: (701) 746-8900  
Toll Free: 1-866-746-8900

### **JAMESTOWN**

Safe Shelter  
(701) 251-2300  
Crisis Line: (701) 251-2300  
Toll Free: 1-888-353-7233

### **MCLEAN COUNTY**

McLean Family  
Resource Center  
(701) 462-8643  
Crisis Line: (800) 651-8643

### **MERCER COUNTY**

Women's Action &  
Resource Center  
(701) 873-2274  
Crisis Line: (701) 873-2274

### **MINOT**

Domestic Violence  
Crisis Center  
(701) 852-2258  
Crisis Line: (701) 857-2200  
Toll Free: 1-800-398-1098

### **RANSOM COUNTY**

Abuse Resource Network  
(701) 683-5061  
Crisis Line: (701) 683-5061

### **SPIRIT LAKE**

Spirit Lake Victim Assistance  
(701) 766-1816  
Crisis Line: (701) 766-1816  
Toll Free: 1-866-723-3032

### **STANLEY**

Domestic Violence  
Program NW ND  
(701) 628-3233  
Crisis Line: (701) 628-3233  
Toll Free: 1-800-273-8232

### **TURTLE MOUNTAIN**

Hearts of Hope  
(701) 477-0002  
Crisis Line: (701) 477-0002

### **TRENTON**

Domestic Violence Program  
(701) 774-1026  
Crisis Line: (701) 774-1026

### **VALLEY CITY**

Abused Persons  
Outreach Center  
(701) 845-0078  
Crisis Line: (701) 845-0072  
Toll Free: 1-866-845-0072

### **WAHPETON**

Three Rivers Crisis Center  
(701) 642-2115  
Crisis Line: (701) 642-2115  
Toll Free: 1-800-627-3659

### **WILLISTON**

Family Crisis Shelter  
(701) 572-0757  
Crisis Line: (701) 572-9111

23.0396.02001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1269**

Introduced by

Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider  
Senators Braunberger, Larson, Lee, Sickler

1 | A BILL for an Act to amend and reenact ~~section~~sections 12.1-17-13 and 14-07.1-01 of the North  
2 | Dakota Century Code, relating to a mandated intervention program for domestic violence  
3 | offenders and domestic violence definitions; and to provide a penalty.

4 | **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 | **SECTION 1. AMENDMENT.** Section 12.1-17-13 of the North Dakota Century Code is  
6 | amended and reenacted as follows:

7 | **12.1-17-13. Mandated ~~treatment of~~intervention program for domestic violence**  
8 | **offenders.**

9 | The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,  
10 | 12.1-17-02, 12.1-17-03, 12.1-17-04, ~~or~~ 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02,  
11 | 12.1-18-03, 12.1-21-05, 12.1-21-06.1, 12.1-31.2-01, 12.1-31.2-02, or 14-07.1-06 against an  
12 | actor's family or household member, as defined in subsection 4 of section 14-07.1-01, must  
13 | include an order to complete a domestic violence offender ~~evaluation~~assessment and  
14 | ~~treatment~~intervention program as determined by the court. A court may not order the offender to  
15 | attend anger management classes or individual counseling unless a domestic violence offender  
16 | ~~treatment~~intervention program is not reasonably available to the defendant and the court makes  
17 | findings for the record explaining why an order to complete a domestic violence offender  
18 | ~~treatment~~intervention program would be inappropriate.

19 | **SECTION 2. AMENDMENT.** Section 14-07.1-01 of the North Dakota Century Code is  
20 | amended and reenacted as follows:

21 | **14-07.1-01. Definitions.**

- 22 | 1. "Department" means the department of health and human services.
- 23 | 2. "Domestic violence" includes physical harm, bodily injury, sexual activity compelled by  
24 | physical force, assault, or the infliction of fear of imminent physical harm, bodily injury,

1 sexual activity compelled by physical force, or assault, not committed in self-defense,  
2 on the complaining family or household members.

3 3. "Domestic violence sexual assault organization" means a private, nonprofit  
4 organization whose primary purpose is to provide emergency housing,  
5 twenty-four-hour crisis lines, advocacy, supportive peer counseling, community  
6 education, and referral services for victims of domestic violence and sexual assault.

7 4. "Family or household member" means a spouse, immediate family member, former  
8 spouse, ~~parent, child, persons related by blood or marriage,~~ persons who are in a  
9 dating relationship or were in a recent dating relationship, ~~persons who are presently~~  
10 ~~residing together or who have resided together in the past,~~ persons who have a child  
11 in common regardless of whether they are or have been married or have lived  
12 together at any time, and, for the purpose of the issuance of a domestic violence  
13 protection order, any other person with a sufficient relationship to the abusing person  
14 as determined by the court under section 14-07.1-02.

15 5. "Immediate family member" means a parent, step-parent, grandparent,  
16 step-grandparent, sibling, step-sibling, child, step-child, grandchild, step-grandchild,  
17 father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
18 uncle, aunt, niece, or nephew.

19 6. "Law enforcement officer" means a public servant authorized by law or by a  
20 government agency to enforce the law and to conduct or engage in investigations of  
21 violations of law.

22 ~~6.7.~~ "Predominant aggressor" means an individual who is the most significant, not  
23 necessarily the first, aggressor.

24 ~~7.8.~~ "Willfully" means willfully as defined in section 12.1-02-02.

23.0396.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Ista  
March 9, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1269

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "12.1-17-13" insert "and 14-07.1-01"

Page 1, line 2, after "offenders" insert "and domestic violence definitions"

Page 1, after line 18, insert:

**"SECTION 2. AMENDMENT.** Section 14-07.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**14-07.1-01. Definitions.**

1. "Department" means the department of health and human services.
2. "Domestic violence" includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.
3. "Domestic violence sexual assault organization" means a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four-hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault.
4. "Family or household member" means a spouse, immediate family member, former spouse, ~~parent, child, persons related by blood or marriage,~~ persons who are in a dating relationship or were in a recent dating relationship, ~~persons who are presently residing together or who have resided together in the past,~~ persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.
5. "Immediate family member" means a parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, child, step-child, grandchild, step-grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, niece, or nephew.
6. "Law enforcement officer" means a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigations of violations of law.
- 6-7. "Predominant aggressor" means an individual who is the most significant, not necessarily the first, aggressor.
- 7-8. "Willfully" means willfully as defined in section 12.1-02-02."

Renumber accordingly



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Zachary Ista

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**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

March 28, 2023

Madam Chair and Members of the Senate Judiciary Committee:

For the record, Zac Ista from District 43 (Grand Forks). Like HB 1268 from this morning, HB 1269 is another bill to protect victims of domestic violence by providing additional intervention programming for those who engage in domestic violence. This programming helps prevent reoccurrences of violence and helps to break the dangerous cycle of domestic abuse.

Under current law, a conviction for certain crimes committed against a person's family or household member—which we currently define in 14-07.1-01(4) to mean “a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time”—triggers an automatic requirement for the court to sentence the offender to a domestic violence treatment program.

The first change this bill makes is to rename “domestic violence offender treatment program” to “domestic violence offender intervention program,” which better reflects the type of programming provided to offenders. As those behind me will better explain, using the phrase “treatment program” connotes that committing domestic violence is akin to a medical, mental health, or substance abuse condition. That is not the case, nor does the current programming mirror treatment for such medical conditions. Therefore, renaming it as “intervention programming” more accurately describes the type of programming already being provided (and that programming would not change in light of this renaming).



The second change the bill makes is to add to the list of offenses for which a conviction triggers a required course of intervention programming. Under current law, sentences upon convictions for the following crimes against a family or household member must include a mandatory order to complete domestic violence offender programming:

- Simple assault
- Assault
- Aggravated assault
- Domestic violence
- Reckless endangerment
- Terrorizing
- Menacing

HB 1269 proposes to require mandatory intervention programming upon conviction for the following additional crimes when the victim is a member of the offender's family or household:

- Harassment
- Stalking
- Felonious restraint
- Unlawful imprisonment
- Criminal mischief
- Interference with an emergency call
- Violation of a disorderly conduct restraining order (DCRO)
- Violation of an order prohibiting contact (OPC)
- Violation of a domestic violence protection order (DVPO)

The reason for adding these additional crimes is to better implement the intent of why we require domestic violence offender intervention programming in the first place, which is to stop the cycle of domestic abuse. Each of the proposed additional crimes are substantially similar to those already listed in the statute and are common offenses that may be the ultimate crime of conviction in a domestic incident. By including mandatory intervention programming for this broader swath of crimes, we will better serve our communities by providing rehabilitative services to more offenders and protection for more victims and potential future victims. Supporters testifying behind me will elaborate on what exactly this programming does and how important this programming is to changing behaviors of offenders, which in turn means more safety for potential future victims. But I want to highlight just one data point before deferring to these experts: in a long-term study of male offenders who completed the intervention program in Grand Forks, offenders experienced a 68% decrease in further law enforcement involvement, an 89% decrease in further criminal charges, and an 83% decrease in protection

orders filed. Those impressive statistics show just how effective this intervention programming is and why it's important to extend it to all offenders prone to committing domestic violence

Of course, though, providing this programming is not without a financial cost, and I recognize there may be questions regarding how much this expansion would cost, how it would be funded, and whether adding additional crimes would result in a sort of unfunded mandate to the local agencies providing these services. As the fiscal note shows, there is no direct financial cost to the state for HB 1269. Currently, local domestic violence agencies cover the cost for court-ordered domestic violence programming, with program participants also paying fees for the programming on a sliding scale. To help with the cost of this programming, local agencies do receive state funds through the Department of Health and Human Services. Representatives of domestic violence prevention agencies testifying behind me can better explain the history of that fund, their funding requests for this budget cycle, and the current status of those requests at this point in the session. But beyond that question of appropriations, our local agencies are committed to providing this vital service to an expanded class of offenders even if the state funding is not increased, because they know it will help alleviate future violence across North Dakota communities.

\* \* \*

While the bill before you is a good one that warrants a do pass recommendation in its current form, I also offer one amendment for your consideration. In the House, I made a commitment that, if HB 1269 passed, I would bring to the Senate possible changes to our current definition of "family or household member," which establishes the predicate relationship between offender and victim that gives rise to a domestic violence conviction (or, as relevant to this bill, the imposition of mandatory offender intervention programming). In discussions with both prosecutors and criminal defense attorneys, we identified three general areas of concern with the current definition, which is both underinclusive and overinclusive in certain ways:

1. The definition applies to persons who have ever resided together at any point, regardless of any current relationship or how long ago (or for how long) they resided together in the past. For example, if two men lived together as roommates for a semester in college, they could be liable in perpetuity for a domestic violence charge if one ever assaulted the other at any point in their lives.
2. The definition has no limitation in defining "family member," meaning a relationship as attenuated as third cousin, for instance, theoretically could give rise to a DV charge.
3. The definition omits any application of our DV statutes to persons formerly in a dating relationship if those persons never cohabitated. Thus, if a dating relationship ends on a Monday and one partner assaults the

other the following Wednesday, that would not constitute domestic violence even if the violence was on account of the former romantic relationship that ended just 48 hours earlier.

The proposed amendment before you (23.0396.02001) seeks to address each of those concerns in the following ways:

1. It strikes “persons who are presently residing together or who have resided together in the past.” This would mean our DV statutes no longer applied to persons merely living together who were not family members or in a dating relationship (e.g., roommates, fraternity/sorority housemates, etc.).

There seems to be broad agreement among stakeholders about striking reference to persons formerly residing together. However, the question of whether to retain persons who are presently residing together proved to be a tricky issue on which to find agreement, so you may hear concerns about that particular language from those testifying behind me. In my view, I would consider either option (retaining or striking the application to persons currently living together) to be a “friendly amendment” to HB 1269, as I think application of the DV statutes to roommates who never had a dating relationship (or decline to reveal such a relationship) is already a rare occurrence such that retaining the language does not have a high likelihood of ever being the sole basis upon which a DV charge is prosecuted nor does striking the language risk leaving a large number of persons without appropriate recourse under the criminal code.

2. It limits application to “immediate family members,” which is then separately defined. This change eliminates the risk of charging more attenuated family members with DV where a regular assault charge is more appropriate. Again, there appears to be broad agreement among various stakeholders in supporting this proposed change.
3. It adds in application to persons who “were in a recent dating relationship.” This change makes sure that our DV statutes apply to situations where a relationship may have formally ended but the same type of controlling, abusive behavior leads sometimes present during a relationship leads to a post-relationship act of violence. Again, I believe there is substantial agreement among stakeholders about including application to former intimate partners as proposed in the amendment.

To be sure, there certainly could arise issues as to what, exactly, constitutes a “recent” prior dating relationship. The phrasing in the proposed amendment mirrors a federal DV statute; other states set a durational limit (e.g., relationships ending within the prior 12 months). In my view, whether a former relationship was sufficiently “recent” will be a factual issue to be resolved based on the evidence available in any given case. For instance, relationships that terminated days, weeks, or even months

before the subsequent criminal act likely would fall within the category of “recent,” while relationships that ended years before would not. It will be up to prosecutors and defense attorneys to make arguments to the courts about whether a particular relationship falling between those poles qualifies as “recent.” If this statutory language proves too ambiguous, we could revisit it in future sessions.

In sum, the proposed amendment represents a good compromise between various stakeholders that better balances the concerns highlighted in our current definition. I thank the Committee for being willing to consider whether now is the time to tackle this definition, but I understand if the Committee prefers to review this in a standalone bill next session while spending time in the interim to dig deeper into the issue.

With that, members of the Committee, I urge a do pass recommendation of HB 1269, either as it comes to you or with the proposed amendment. The bill will help to stop the dangerous—and sometimes deadly—cycle of domestic violence. In doing so, we will rehabilitate more offenders and protect more potential victims. I thank you for your consideration, and I look forward to your questions.

HB 1269  
68<sup>th</sup> Legislative Assembly  
Senate Judiciary Committee  
March 28, 2023  
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for delivery of public defense services in North Dakota. On behalf of the Commission, I offer this neutral testimony to HB 1269.

The Commission testified in opposition in the House. The Commission remains concerned about requiring persons who are convicted of criminal mischief against a family member from having to go to domestic violence treatment. However, we have worked with the bill sponsor to address some of the concerns by modifying the definition of “household or family member”. The Commission supports the amendment as proposed by Rep. Ista that would remove “those persons presently residing together”. This is commonly referred to as the roommate provision. If we add criminal mischief, we could end up with crazy results of a college roommate getting mad, breaking the x box controller of their roommate, and being forced to complete Domestic Violence Offender Treatment. Not only would that be an absurd result for the offender, but it would also serve to dilute the importance of the program for those who need the instruction.

Respectfully Submitted:



Travis W. Finck  
Executive Director, NDCLCI

23.0396.02003  
Title.

Prepared by the Legislative Council staff for  
Representative Ista  
March 29, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1269

Page 1, after line 8, insert:

- "1. As used in this section, "intimate partner" means an offender's spouse, former spouse, current dating partner, recent former dating partner, or another individual with whom the offender has a child in common regardless of whether the offender and the individual are or have been married to each other, are or have been in a dating relationship with each other, or resided together at any time.
- 2."

Page 1, line 12, overstrike "actor's family or household member, as defined in subsection 4 of section 14-07.1-01" and insert immediately thereafter "intimate partner"

Page 1, after line 18, insert:

- "3. If an offender who is ordered to complete a domestic violence offender assessment and intervention program is assessed and determined to be inappropriate for the program by the program provider, a court may find the order to complete a domestic violence offender assessment and intervention program to be satisfied or may order the offender to complete other appropriate programming."

Re-number accordingly

23.0396.02003

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1269**

Introduced by

Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider  
Senators Braunberger, Larson, Lee, Sickler

1 A BILL for an Act to amend and reenact section 12.1-17-13 of the North Dakota Century Code,  
2 relating to a mandated intervention program for domestic violence offenders; and to provide a  
3 penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 12.1-17-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12.1-17-13. Mandated ~~treatment of~~intervention program for domestic violence**  
8 **offenders.**

9 1. As used in this section, "intimate partner" means an offender's spouse, former spouse,  
10 current dating partner, recent former dating partner, or another individual with whom  
11 the offender has a child in common regardless of whether the offender and the  
12 individual are or have been married to each other, are or have been in a dating  
13 relationship with each other, or resided together at any time.

14 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,  
15 12.1-17-02, 12.1-17-03, 12.1-17-04, ~~or 12.1-17-05, 12.1-17-07, 12.1-17-07.1,~~  
16 ~~12.1-18-02, 12.1-18-03, 12.1-21-05, 12.1-21-06.1, 12.1-31.2-01, 12.1-31.2-02, or~~  
17 ~~14-07.1-06~~ against an ~~actor's family or household member, as defined in subsection 4-~~  
18 ~~of section 14-07.1-01~~ intimate partner, must include an order to complete a domestic  
19 violence offender ~~evaluation~~assessment and ~~treatment~~intervention program as  
20 determined by the court. A court may not order the offender to attend anger  
21 management classes or individual counseling unless a domestic violence offender  
22 ~~treatment~~intervention program is not reasonably available to the defendant and the  
23 court makes findings for the record explaining why an order to complete a domestic  
24 violence offender ~~treatment~~intervention program would be inappropriate.

1     3. If an offender who is ordered to complete a domestic violence offender assessment  
2     and intervention program is assessed and determined to be inappropriate for the  
3     program by the program provider, a court may find the order to complete a domestic  
4     violence offender assessment and intervention program to be satisfied or may order  
5     the offender to complete other appropriate programming.