

DEPARTMENT OF JUSTICE

DIVISION 87

BATTERER INTERVENTION PROGRAM RULES

137-087-0000

Purpose and Implementation

(1) ORS 180.700 gives the Attorney General authority, in consultation with an advisory committee, to adopt rules that establish standards for batterers' intervention programs (BIP). OAR 137-087-0000 through 137-087-0100 establish those BIP standards (standards) for intervention services provided to male batterers who engage in battering against women.

Additional rules [or recommendations](#) shall be developed later to address standards for intervention services for women batterers and battering in same sex relationships. Nothing in these rules should be construed to prevent a BIP from providing appropriate batterer intervention services to batterers who are not within the scope of these rules at this time.

(2) The purposes of the standards are:

(a) To help ensure the safety of women, their children and other victims of battering;

(b) To help ensure that BIPs use appropriate intervention strategies to foster a batterer's stopping his violence, accepting personal accountability for battering and personal responsibility for the decision to stop, or not to stop, battering; and to promote changes in the batterer's existing attitudes and beliefs that support the batterer's coercive behavior;

(c) To help ensure that BIPs address all forms of battering;

(d) To help ensure that BIPs are culturally informed and provide culturally appropriate services to all participants;

(e) To help ensure egalitarian and respectful behavior by BIP staff toward women and men of all races and cultures;

(f) To help ensure that BIPs provide services that are affordable and accessible for participants, including participants with disabilities;

(g) To provide a uniform standard for evaluating a BIP's performance;

[\(h\) To encourage practices, based on consensus of research and proven field experience that enhance victim safety.](#)

(i) To foster local and statewide communication and interaction between BIPs and victim advocacy programs, and among BIPs; and

| (j) To help ensure that BIPs operate as an integrated part of the wider community response to battering.

(3) Implementation and transition provisions.

(a) A BIP may only apply these standards to BIP applicants who request or are referred for admission to the BIP after the effective date of these rules.

(b) BIPs in operation on the effective date of these rules shall make reasonable efforts to conform their policies and practices with these standards as soon as practicable but no later than six months after the effective date of these rules.

(c) BIPs commencing operations after the effective date of these rules shall comply with these standards as soon as practicable but no later than six months after commencing operations.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06.

137-087-0005

Definitions

For purposes of OAR 137-087-0000 through 137-087-0100, the following terms have the meanings set forth below.

(1) "Batterer" means:

(a) An adult male 18 years of age or older who engages in "battering" against women; or

(b) A male minor criminally convicted as an adult of conduct against women that constitutes "battering" in whole or in part.

(2) "Battering" includes but is not limited to physical violence, sexual violence, threats, isolation, emotional and psychological intimidation, verbal abuse, stalking, economic abuse, or other controlling behaviors against women in, but not limited to, the following relationships:

(a) A current or former spouse of the batterer;

(b) An unmarried parent of a child fathered by the batterer;

(c) A woman who is cohabiting with or has cohabited with the batterer;

(d) A woman who has been involved in a sexually intimate relationship with the batterer within the past two years;

- (e) A woman who has a dating relationship with the batterer;
- (f) An adult woman related by blood, marriage or adoption to the batterer; or
- (g) A woman who relies on the batterer for ongoing personal care assistance. "Battering" may or may not violate criminal law and in most instances is patterned behavior.
- (3) "Batterer intervention program" (BIP) means a program, whether public or private, profit or non-profit, that is conducted to provide intervention and education services to batterers related to ending their battering.
- (4) "Demonstration Project" means a BIP or subprogram within a BIP that significantly departs from these rules in order to explore an alternative means of addressing battering. Demonstration Projects must be approved by the BIP Advisory Committee.
- (5) "Facilitator" means anyone who provides BIP intervention services, whether in a group or class setting, or individually.
- (6) "Session" means a BIP facilitated group or class with more than one participant, lasting one and one half to two hours.
- (7) "Leave of Absence" means a participant missing two or more session with advance knowledge and approval of the BIP. See 137-087-0070 (7).
- (8) "Local Domestic Violence Coordinating Council" (Council) means a council set up by local entities that works to intervene with or prevent domestic violence, and to foster a coordinated community response to reduce domestic violence. A Council shall include representatives of the criminal justice system (such as law enforcement, prosecution, and judiciary) and victims' advocacy programs. A Council may also include medical professionals, mental health professionals, health agencies, substance abuse programs, culturally specific providers, child protective services, child support enforcement, school personnel, senior services, disability services, self-sufficiency services (public assistance) and other applicable programs of the Oregon Department of Human Services (DHS), representatives from faith communities, other community groups, and BIPs.
- (9) "Local Supervisory Authority" (LSA) means the state or local corrections agency or official designated in each county by that county's board of county commissioners or county court to operate corrections supervision services, or custodial facilities, or both.
- (10) "Mandating Authority" (MA) means the court, district attorney Department of Human Services Child Welfare, or corrections system authority that has ordered or required the batterer to participate in a BIP.
- (11) "Participant" means a batterer who participates in a BIP.

(12) "Partner" means a female-person in a past or present intimate relationship with a batterer, including persons described in subsection (2) of this section. A partner may be under the age of 18 and may or may not be an identified victim of the participant's battering.

(13) "Protection Order" includes but is not limited to a Family Abuse Prevention Act (FAPA) order, Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) order, a no-contact or jail release order, a stalking order or restraining order.

(14) "Victim" means a female, including a past or present partner, subjected to battering. A victim may be under the age of 18. In no event shall the batterer be considered a victim for purposes of these rules.

(15) "Victim advocacy program" (VP) means a nonprofit organization, agency or program that assists domestic violence or sexual assault victims. VPs include, but are not limited to, battered women's shelters, rape crisis centers, and other sexual assault and domestic violence programs assisting victims of battering.

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137-087-0010

Integration With Total Community Response to Domestic Violence

(1) BIP in Wider Community Response. A BIP shall be part of a wider community response to battering and not a "stand alone" form of response. A BIP shall interface with VPs, the Council, the criminal justice system including the LSA, other BIPs, members of the Council, and entities recommended to be part of the Council in OAR 137-087-0005(5), to achieve the following objectives:

- (a) Increase victim safety and batterer accountability and responsibility;
- (b) Increase BIP coordination and communication with the criminal justice system, VPs, other BIPs, and all other entities involved in the total community response to domestic violence;
- (c) Decrease the likelihood that a lack of communication between BIPs and other representatives in the community response to domestic violence will jeopardize victim safety or be used by the batterer to manipulate the response system;
- (d) Increase the likelihood that BIPs are not working at cross-purposes with other agencies serving domestic violence and sexual assault victims and offenders;
- (e) Increase the likelihood that BIPs are providing services representing best practices;
- (f) Promote community beliefs and attitudes that discourage battering; and

(g) Support other programs that work to reduce or prevent battering.

(2) BIP and Council. A BIP shall participate in and seek to join the Council if a Council exists in the BIP's service area.

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137-087-0015

Interface Standards -- Victims and Current Partners

(1) Victim/Current Partner Notification Policies:

(a) A BIP shall have written policies and procedures that govern BIP contact with identified victims and current partners, and that adequately address the safety of victims, including present and past partners. BIP policies relating to victim or partner contacts shall include a policy as to how to document victim or partner contact information that is consistent with OAR 137-087-0060(4)(b), and shall require the segregation and protection of victim or partner contact records. A BIP shall provide a VP with the opportunity to review and comment on the BIP's proposed victim or partner contact policies, procedures, informational materials as described in subsection 2 of this section and any amendments to those policies, procedures, and informational materials before a BIP adopts them.

(b) In all BIP contacts with victims or partners, the primary goal is the safety of the victim or partner. Any BIP victim or partner contact procedure shall consider victim or partner safety, including the risk of identifying victim location, and the risk of any other unauthorized BIP disclosure of information from the victim or partner.

(c) A BIP shall not pressure, coerce or require victims or partners to disclose any information, have any future contact with the BIP or participant, or attend any BIP or other program sessions, meetings or education groups as a condition of the participant's involvement with the BIP.

(d) Victim or partner contact initiated by a BIP normally shall be limited to the following circumstances:

(A) Notifying the victim or partner that the participant has been accepted or denied admission to the BIP; or if BIP participation is not mandatory, that the batterer has elected not to participate in the BIP.

(B) Notifying the victim or partner of any conditions imposed on the participant's admission to the BIP;

(C) Notifying the victim or partner of the participant's attendance record;

(D) Notifying the victim or partner that the participant has been suspended, discharged or terminated from the BIP; and

(E) Giving the victim or partner general information about the BIP, [community resources](#), [and safety planning](#), consistent with section (2) of this rule.

(e) A BIP may adopt a victim or partner contact policy that provides for victim or partner contact using a VP in any of the circumstances described in section (1)(d) of this rule, or other contacts requested by the BIP. This policy may be established by a formal interagency agreement with the VP.

(2) Informational Materials:

(a) A BIP shall prepare for distribution to victims and partners informational materials written in plain language, tailored to the community and responsive to relevant cultural components. The information shall be made available by the BIP upon request to any victim or partner, provided to the VP and LSA, and made available in a form that may be distributed through community resources.

(b) The materials shall include information about the following:

(A) A brief description of the BIP, including program expectations, content and philosophy;

(B) A clear statement that the victim or partner is not expected in any way to help the participant complete any BIP requirements, and that the participant's eligibility for the BIP's services is not contingent in any way on victim or partner participation or on other victim or partner contact with the BIP;

(C) The limitations of BIPs, including a statement that the batterer's participation in a BIP does not ensure the participant will stop any or all battering behaviors;

(D) The [high likelihood risk](#) of participants misusing information they hear in their BIP groups or classes against the victim or partner;

(E) The risk of participants re-offending, or changing their control tactics, or both, while in the BIP or after completion of BIP requirements;

(F) The victim's or partner's right, at her discretion, to contact the BIP, or the facilitators of the group or class the participant is attending, signed up for, or sanctioned into, with any questions or concerns, and the right to have communications kept confidential unless confidentiality is waived by the victim or partner, or unless release of victim information is required by federal or state law or regulation or court order;

(G) A statement that the victim or partner may complain to the BIP, LSA, a VP, or the Council if she has a concern about how the BIP is contacting her;

(H) Contact information related to victim services, such as services offered by VPs in the victim's community, the statewide automated victim notification system (VINE), Oregon crime victims' compensation program, and constitutional and statutory victims' rights;

(I) Encouragement-Information for victims regarding how to make safety plans to protect themselves and their children, including community resources to contact if they believe they are at risk; and

(J) Notification that a VP may be available as a means by which the information set forth in section (1)(d) of this rule may be communicated, thereby allowing the victim to choose to avoid direct contact with the BIP.

(c) Upon request, a BIP shall make a reasonable effort to provide its informational materials in a form suitable for victims or partners with vision impairments or with limited English proficiency.

(3) Imminent Threat to Health or Safety. The BIP shall disclose participant information when, and to the extent, the BIP in good faith believes such disclosure is necessary to prevent or lessen an imminent threat to the health or safety of a person or the public. No authorization to release information is required in such circumstances. The BIP may provide information to a person or persons reasonably able to prevent or lessen the risk of harm, including but not limited to the victim and past or present partners.

(4) Victim-Initiated or Partner-Initiated Contacts. If a victim or partner contacts the BIP, the BIP may provide information and referral as allowed by state and federal confidentiality laws. The BIP shall not inform the batterer about the victim or partner contact. In response to victim-initiated or partner-initiated contacts, any information the BIP wants to request from the victim or partner (e.g., level of concern for her own safety, recent behaviors of her partner) shall only be sought after she has given full consent. The BIP shall make clear that the victim or partner is under no obligation to provide any information, that refusal to do so shall not affect the status of the participant, and that information shared with the BIP may be subject to release if required by federal or state law or regulation or court order. Any information provided to the BIP by the victim or partner shall be kept completely confidential to the extent permitted by law unless the victim or partner expressly authorizes its disclosure, or unless release of information is required by federal or state law or regulation or court order. In considering whether to request such information from the victim or partner, the BIP shall prioritize victim or partner safety over any other concerns.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

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137-087-0020

Confidentiality of Victim and Partner Information

(1) Confidentiality. All information about or from a victim or partner shall be confidential to the extent permitted by law.

(2) Treatment of Information. Any information about a victim or partner, including victim or partner contact information, the BIP receives from any source other than the participant ~~about or from a victim or partner is not a part of the participant's record and~~ shall be kept in a secure location separate from information about any participant.

(3) Restriction of Access to Information. A BIP shall restrict access to and use of victim or partner information to only BIP staff who have a specific need to know the information and who are accountable for their access to and use of that information.

(4) Disclosure of Information. Any disclosure of information about the victim or partner shall be made only with the victim's or partner's authorization, or as otherwise required by federal or state law or regulation, or court order.

(5) Notification of Possible Disclosure of Information. If a BIP is put on notice that federal or state law or regulation or court order may require the disclosure of information provided by a victim or partner, the BIP shall immediately notify the victim or partner or the appropriate VP unless such notification would endanger the safety of the victim or partner.

Stat. Auth.: ORS 180.070 - 180.710

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137-087-0025

Interface Standards -- Victim Advocacy Programs

(1) Liaison. A BIP shall designate a program staff member to serve as a liaison to at least one VP and to the Council in the BIP's service area. Through the liaison, the BIP shall:

(a) Work collaboratively with VPs to help ensure that victims are provided informational materials about, or are referred to, a VP or other advocacy, safety planning, or assistance agencies;

(b) Provide BIP policies, procedures and informational materials, and any amendment to such policies, procedures and informational materials, to the VPs and Council for review and comment as to whether the policies, procedures and materials help ensure the safety of victims and follow best practices related to victim notification;

(c) Work cooperatively with VPs to post, in appropriate locations, information about how victims can contact the BIP, LSA or MA for more information about the BIP;

(d) Work cooperatively with VPs to ~~address~~ discuss and respond to VP concerns or problems related to BIP interventions with batterers, or the BIP's relationship with the LSA or MA, or both; and

(e) Develop a procedure to notify VPs when the BIP believes in good faith that such notification is necessary to prevent or lessen an imminent threat to the health or safety of the victim or the public.

(2) Imminent Threat to Health or Safety. A BIP shall disclose participant information to a VP when, and to the extent, the BIP in good faith believes such disclosure is necessary to prevent or lessen an imminent threat to the health or safety of a person or the public. No authorization to release information is required in such circumstances.

Stat. Auth.: ORS 180.070 - 180.710

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137-087-0030

Interface Standards -- Criminal Justice System

(1) Participation in Judicial or Corrections Response. A BIP's intervention services may be part of a judicial or corrections response to battering, either as a condition of probation or post-prison supervision, through a domestic violence deferred sentencing agreement, or as otherwise authorized by law. A BIP is encouraged to use the power of the criminal justice system to hold batterers accountable for their battering.

(2) Liaison. A BIP shall designate a program staff person to serve as a liaison to the LSA and the MA. The liaison shall:

(a) Request information such as court orders, protective orders, ~~no contact orders~~, and police reports;

(b) Work collaboratively with the LSA and MA to facilitate coordination of BIP services with supervision requirements so the BIP is not working at cross-purposes with criminal justice system requirements applicable to the batterer;

(c) Report to the appropriate LSA or MA, or both, any known violations of the requirements of a court order, any criminal assaults, or threats of harm to the victim, ~~unless doing so would~~ The BIP must make such a report in such a way that does not jeopardize the safety of the victim;

(d) ~~If violations of BIP program requirements create a significant risk of termination from the BIP, report~~ Report any substantial such violations of the programs' rules including but not limited to violations that create a ~~and~~ risk of termination to the appropriate LSA or MA, or both;

(e) Submit monthly status reports to the LSA or MA about participant attendance, content of participation, any known violations of court orders, any known changes in risk factors since intake, and program exit summary.

~~(e) Upon request of the LSA or MA, or both, submit periodic status reports about participant attendance, recommendations for further intervention, and program exit summary; and~~

(f) Report any other information requested by the LSA or MA to the extent permitted by federal or state law, required by court order, or authorized by the participant.

(3) Communications about Participant Release. In communications about participant release for completion of BIP intervention services, a BIP shall note that such release shall not be interpreted as evidence that the participant is presently non-abusive, as descriptive of his present behavior outside the group, or as predictive of his future behavior.

(4) Consistency with Court Orders or DHS Child Welfare Requirements. ~~a~~ BIP shall ensure BIP actions are consistent with all court orders or DHS Child Welfare requirements, including orders affecting batterer contact with the victim(s) or partner(s).

(5) Training. A BIP shall participate in training and cross-training in conjunction with VPs and criminal justice agencies, and shall offer technical assistance to the criminal justice system and VPs relating to batterers and appropriate intervention strategies to eliminate battering of women and abuse of children.

(6) Imminent Threat to Health or Safety. The BIP shall disclose participant information when, and to the extent, the BIP in good faith believes such disclosure is necessary to prevent or lessen an imminent threat to the health or safety of a person or the public. No authorization to release information is required in such circumstances. The BIP may provide information to a person or persons reasonably able to prevent or lessen the risk of harm, including but not limited to the LSA, the MA, and other law enforcement or corrections personnel.

(7) A BIP shall request periodic review with a LSA ~~or~~ LSA or MA, on a biannual basis.

Stat. Auth.: ORS 180.070 - 180.710

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137-087-0035

Interface Standards -- Other BIPs

(1) Purpose. The purpose of sections (2)-(4) of this rule is to promote accountability and completion of BIP program requirements and to deter batterers from changing enrollment from one BIP to another BIP to avoid accountability.

(2) Restrictions on Participant Transfer. A participant may not transfer from one BIP to another BIP without the specific authorization of the LSA or MA, or its agent, with supervisory responsibility for the batterer.

(3) Authorization to Obtain Information. After receiving a referral for a new BIP participant from the LSA or MA, a BIP shall require the participant to authorize any former BIP(s) to send the new BIP information about the participant's attendance, participation and payment record, Accountability Plan, exit summary and transfer plan. The new BIP shall promptly request the authorized information from any former BIP(s).

(4) Credit for Sessions. The new BIP may, but is not required to, extend credit for the number of sessions attended at the former BIP; however, the participant shall be required to complete all of the new BIP's program requirements before program completion.

(5) Participation in BIP Organizations. A BIP shall be active in local and statewide BIP organizations to help:

(a) Provide quality services to enhance the safety of victims;

(b) Participate in peer review that fosters statewide compliance with the standards set out in these rules;

(c) Discourage practices by other BIPs that do not comply with these standards;

(d) Assist in the development of relationships with VPs and others in the coordinated community response to domestic violence;

(e) Share research results and new practices with other BIPs; and

(f) Cooperate, to the extent practicable, in research on domestic violence that is approved by the Council and otherwise consistent with victim or partner safety, and collaborate in the production and dissemination of research findings.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0040

Interface Standards -- Social Service Interfaces

BIP Responsibilities. To the extent reasonably practicable, a BIP shall:

(1) Establish a liaison with the DHS office in the BIP's service area(s);

(2) Participate in and seek to join the Council if a Council exists in the BIP's service area(s);

(3) Coordinate with community members to provide community education and public awareness campaigns related to domestic violence;

(4) Assist in training professionals in the community about batterers, services for batterers and accountability for batterers; and

(5) Collaborate with community representatives on issues of public policy related to safety for battered women and children, and intervention with batterers.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

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137-087-0045

Intervention Strategies

(1) Appropriate Intervention Strategies. A BIP's intervention strategies shall include, but are not limited to, the following:

(a) Using a culturally specific curriculum whenever possible;

(b) Increasing the participant's understanding of the causes, types and effects of his battering behavior;

(c) Identifying beliefs that support battering;

(d) Using respectful confrontation that encourages participants to challenge and change their beliefs and behaviors;

(e) Addressing tactics used to justify battering such as denial, victim blaming, and minimizing; increasing participant recognition of the criminal aspect of his thoughts and behavior; and reinforcing participant identification and acceptance of personal responsibility and accountability for such tactics;

(f) Reinforcing appropriate respectful beliefs and behavioral alternatives;

(g) Promoting participant recognition of and accountability for patterns of controlling and abusive behaviors and their impacts, and participant responsibility for becoming non-controlling and non-abusive; and

(h) Ensuring that the impact of battering on victims, partners and children, including their safety and their right to be treated respectfully as individuals, remains in the forefront of intervention work.

(2) Inappropriate Intervention Strategies. The following intervention strategies are inappropriate and inconsistent with these standards because each compromises victim safety:

- (a) Blaming the participant's decision to batter on the victim's qualities or behaviors;
- (b) Coercing, mandating, requiring or encouraging victim or partner disclosure of information or participation in the intervention with the participant;
- (c) Offering, supporting, recommending or using couples, marriage or family counseling or mediation as appropriate intervention for battering;
- (d) Identifying any of the following as a primary cause of battering or a basis for batterer intervention: poor impulse control, anger, past experience, unconscious motivations, substance use or abuse, low self-esteem, or mental health problems of either participant or victim;
- (e) Using ventilation techniques such as punching pillows or encouraging the expression of rage;
- (f) Viewing battering as a bi-directional process with responsibility shared by the victim;
- (g) Viewing battering as an addiction and the victim as enabling or co-dependent in the battering;
or
- (h) Using actions or attitudes of moral superiority, or controlling or abusive behaviors toward participants.

Stat. Auth.: ORS 180.070 - 180.710

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137-087-0050

Intervention Curriculum

(1) Basic Intervention Curriculum Requirements. Challenging and confronting participant beliefs and behaviors shall be balanced by creating a safe and respectful environment for change. To accord with these standards, a curriculum for batterers shall include, but is not limited to, the following basic requirements:

- (a) Addressing belief systems that legitimize and sustain battering of women and abuse of children;
- (b) Informing participants about the types of battering as defined in OAR 137-087-0005(2);
- (c) Challenging participants to identify the patterns of their battering behaviors and all tactics used to justify battering such as denial, victim blaming, and minimizing; increasing participant recognition of the criminal aspect of his thoughts and behavior; reinforcing participant

identification and acceptance of personal responsibility and accountability for all such tactics; and reinforcing alternatives to non-battering behavior;

(d) Encouraging participants to identify the cultural factors that are used by a batterer to legitimize both individual acts of abuse and control and battering as a whole;

(e) Modeling respectful and egalitarian behaviors and attitudes;

(f) Increasing participants' understanding and acceptance of the adverse legal, interpersonal and social consequences of battering;

(g) Increasing the participants' overall understanding of the effects of battering upon their victims, themselves, and their community, and encouraging participants to go beyond the minimum requirements of the law in providing victims and their children with financial support and restitution for the losses caused by their battering;

(h) Identifying the effects on children of battering directed at their mothers, including but not limited to the incompatibility of the participant's battering with the child's well-being, the damage done to children witnessing battering, and educating participants about the child's need for a close mother-child bond, nurturance, age-appropriate interactions, and safety;

[\(i\) Recognizing the responsibility of being a father including the emotional, physical and financial support necessary to provide an environment to children that encourages growth and stability.](#)

(j) Facilitating participants' examination of values and beliefs that are used to justify and excuse battering;

(k) Requiring participants to speak with respect about their partners and other women, and challenging participants to respect their partner and other women and to recognize their partner and other women as equals who have the right to make their own choices;

(l) Encouraging empathy and awareness of the effect of participants' behavior on others;

(m) Challenging participants to accept personal responsibility and accountability for their actions;

(n) Encouraging participants to challenge and change their own battering beliefs and behaviors; and

(o) Identifying how the participant uses alcohol and other drugs to support battering behaviors.

(2) Accountability Plan. A BIP shall require every participant to develop an Accountability Plan (Plan), and a BIP's curriculum [which](#) shall provide information that a participant can use to develop his Plan. Accountability planning is an ongoing process intended to increase the batterer's self-awareness, honesty and acceptance of responsibility for battering and its

consequences. A participant's Plan shall include specific and concrete steps to be identified and implemented by the participant. A BIP shall always prioritize the safety and best interests of the victim when teaching and reporting on accountability planning. Under no circumstances may the terms of a Plan require, or imply authorization of or permission for, conduct that violates the terms of a court order or other legally binding requirements.

(3) Elements of the Plan. The Plan shall include, but need not be limited to, the following elements.

(a) Description of the conduct to stop and to be accountable for, including:

(A) Description of the specific actions that caused harm, including the entire range of attempts used to control and dominate the victim(s) or partner(s), specific actions that led to the participant being in the BIP, and the participant's intentions or purposes in choosing those actions.

(B) Identification of the beliefs, values, and thinking patterns the participant used:

(i) To prepare himself and plan to batter;

(ii) To justify his battering to himself and to others;

(iii) To blame other persons and circumstances outside his control for his battering; and

(iv) To minimize and deny his battering, its harmful effects, and his personal accountability and responsibility for the battering and its effects.

(C) Identification of the full range of effects and consequences of the battering on the victim(s), partner(s), children, the community and the participant.

(b) Participant's plan for choosing to treat his former, current or future partner(s) and children in a continually respectful and egalitarian manner, including:

(A) Description of the excuses and underlying beliefs used to justify his battering;

(B) Description of the participant's plan for intervening in his battering to prevent himself from continuing his pattern of battering;

(C) Description of battering the participant is currently addressing and how he is utilizing his Plan;

(D) Description of how the participant is intervening in his battering including the excuses, beliefs and behaviors he is addressing;

(E) Description of how the participant ~~will shall~~ choose to act in ways that no longer cause harm to the victim(s), partner(s), children and the community;

(F) Description of how the participant ~~shall~~will take responsibility for choosing to act in ways that no longer cause harm to the victim(s), partner(s), children and the community;

(G) Description of the thoughts, beliefs and actions the participant shall need to change to become non-abusive and non-controlling, and a description of alternative thoughts, beliefs and actions he can use to make non-abusive and non-controlling choices; and

(H) Description of the thoughts, beliefs and actions that the participant uses in other areas of his life that demonstrate that he is already aware and capable of making responsible non-abusive and non-controlling choices.

(c) Acceptance of full responsibility for the participant's choices and their consequences, including:

(A) Acknowledgement that the participant's actions causing harm to the victim(s), partner(s), children and the community were his choice, that he had other options, and that he is fully accountable for his choices and the consequences of those choices for himself and others;

(B) Acceptance of full responsibility for having brought the criminal justice system into his life, if applicable, and for other consequences of his behaviors; and

(C) Participant's plan for beginning and continuing to make reparation and restitution for the harms caused, either directly to the victim(s) if appropriate, approved by the victim(s), and not manipulative, or indirectly by anonymous donation or community service when the victim wants no contact with the participant.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0055

Culturally Informed Interventions

(1) Familiarity with Cultural Demographics. A BIP shall maintain familiarity with the cultural demographics of its service area(s) to help the BIP:

(a) Anticipate the various cultural backgrounds that may be represented by participants; and

(b) Identify factors within a particular cultural background that influence battering, or that can be used by the participant to excuse the battering or by the BIP to assist the participant in ending battering without using such factors as excuses for battering.

(2) Scope. For purposes of these rules, cultural groups shall be construed broadly to include race, religion, and national origin, as well as economic and social groups that are identifiable within the BIP's service area(s).

(3) **Basic Service Requirement.** Culturally-specific services shall be offered to the extent practicable; however, if culturally-specific services are not available, BIPs shall offer culturally informed services.

(4) **Culturally Informed Curriculum.** A BIP's curriculum shall address, in a culturally informed way, the factors within the particular cultural background of a participant that influence battering. The curriculum shall avoid cultural stereotyping. Facilitators shall show videos and provide information from a variety of cultural perspectives to staff and participants.

(5) **Personnel Policies and Procedures.** A BIP's personnel policies and procedures shall require training and other activities that:

(a) Promote recognition and understanding of the factors within a particular cultural background that support battering and hinder batterers from stopping violence. Such training shall promote the recognition and avoidance of cultural stereotype views and beliefs by BIP staff. The BIP shall provide staff with the tools to understand their own biases and preconceptions about people from specific cultures, and how to avoid such biases or preconceptions in the provision of BIP services and activities;

(b) Inform staff about the negative effects of all forms of oppression and about how individuals within each specific cultural background in the BIP's service area(s) may experience oppression within their own culture or within the dominant community;

(c) Inform staff about how the cultural backgrounds of the populations in the BIP's service area(s) view gender roles and family structure, and how those cultures typically respond to domestic violence, sexual assault, and conflict;

(d) Inform staff about specific strengths of the cultural backgrounds in the BIP's service area(s), e.g., strong kinship ties and work ethic, adaptability of family roles, and egalitarianism, high achievement goals, and strong religious orientation; and

(e) Inform staff about specific traditions within the particular cultural backgrounds in the BIP's service area(s) that support battering and hinder batterers from stopping their battering.

(6) **Library of Information and Resources.** A BIP shall develop and maintain a library of information and resources about specific cultural backgrounds and culturally sensitive modes of intervention.

(7) **Diverse Staff and Environment.** To the extent possible, a BIP shall provide a staff and environment that reflect the diversity of cultural backgrounds in the BIP's service area(s).

(8) **Relationship with Other Programs.** BIPs shall develop relationships with appropriate culturally-specific programs to obtain information or training about the culture, and to refer participants for non-BIP culturally-specific services as needed. BIPs shall cooperate with other BIPs in developing culturally specific programs that comply with these standards.

Stat. Auth.: ORS 180.070 - 180.710
Stats. Implemented: ORS 180.070 - 180.710
Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0060

Admission Policies and Procedures

(1) Admission Criteria. A BIP shall have written criteria for accepting or refusing admission requests or referrals. An applicant or referral shall be referred to as a potential participant until the BIP admits the person to the BIP program. The admission criteria shall be available to potential participants, staff, victims, partners and the community, and shall include the following provisions:

(a) A BIP may reject any potential participant the BIP deems to be inappropriate. Inappropriate potential participants may include but are not limited to:

(A) Persons whose conduct causing the referral or application is not battering as defined in OAR 137-087-0005(2); and

(B) Persons whose behavior would be disruptive to meaningful participation in the BIP.

(b) Except for reasons identified in section (1)(a) of this rule, a BIP may not reject a potential participant referred for anger management that is intended to address battering.

(c) After admitting a participant, a BIP may terminate participation on the ground the admission was inappropriate based on the criteria in section (1)(a) of this rule.

(d) If a BIP rejects a referral as inappropriate, or terminates participation of a referral because admission was inappropriate, the BIP shall notify the referral source of the reason for rejection or termination of participation and, when appropriate, may make recommendations for other intervention, treatment services or criminal justice action. The BIP shall notify the referral source within seven working days of the rejection or termination of participation.

(e) A BIP's admission criteria and practices shall not discriminate against any potential participant based on national origin, race, culture, age, disability, religion, educational attainment or sexual orientation. Where there is a substantial barrier to a potential participant's participation in a BIP because of cultural background, language, literacy level, or disability, a BIP shall make reasonable modifications in policies, practices, and procedures to provide BIP services within available resources and in consultation with the referring LSA or MA.

(2) Intake procedures: Any BIP contact to obtain information from a victim or partner shall comply with the victim and partner interface standards in these rules, OAR 137-087-0015.

(a) A BIP shall use an intake procedure that includes an interview with the potential participant and written documentation of the information collected.

(b) The BIP shall request information from the potential participant and other relevant sources that the BIP shall use initially to determine whether the potential participant is appropriate and otherwise meets the BIP's admission criteria. That information includes, but is not limited to, the history of battering or violent criminal conduct; history of BIP participation; existence of ~~restraining~~, protection ~~or no-contact~~ orders; police reports; court orders; involvement with DHS child welfare services; and terms and conditions of probation.

(c) ~~The BIP shall request the following information: In addition to the information requested under subsection (b) of this rule, a BIP may request additional information from the potential participant and other relevant sources. Any BIP contact to obtain information from a victim or partner shall comply with the victim and partner interface standards in these rules, OAR 137-087-0015. Additional information may be requested by a BIP related to the following:~~

(A) Factors that may indicate a risk of future violence against the victim or other intimate partner, including but not limited to: safety concerns expressed by the victim; prior assaults against intimate partner(s), children and pets; criminal history; prior violation of conditional release or restraining order(s) or other court orders; history of stalking; extreme isolation or dependence on the victim or partner; attitudes that condone or support domestic violence; history of weapon possession or use; access to firearms; credible threats of injury, death or suicide; lack of personal accountability; minimization or denial of domestic violence history; and association with peers who condone domestic violence.

(B) Factors that may make participation in the BIP difficult or impossible, including but not limited to: lifestyle instability (e.g., unemployment or lack of housing); substance use, abuse or addiction; information about any mental health diagnosis that would affect ability to appropriately participate in the program; negative response to prior services (dropping out, lack of motivation and resistance to change); and persistent disruptive behavior.

(C) Factors that may indicate risk of future violence toward the BIP provider or other participants, including but not limited to a history of weapon use and violent criminal behavior.

(D) Demographic factors that may be used for statistical reasons or programmatic planning, including but not limited to age at time of offense and length of relationship with current or former victim(s).

~~(d) In addition to the information requested under subsections (b) and (c) of this rule, a BIP may request additional information from the potential participant and other relevant sources. Any BIP contact to obtain information from a victim or partner shall comply with the victim and partner interface standards in these rules, OAR 137-087-0015.~~

(3) Participant Orientation to the BIP:

(a) A BIP shall use an orientation procedure to inform the participant about BIP requirements and expectations. A BIP may combine orientation with intake.

(b) The orientation shall provide the participant with the following BIP materials verbally and in writing:

(A) Statement of the BIP's philosophy consistent with these standards;

(B) Length of program, program attendance policies, and consequences of failure to comply with attendance policies;

(C) Specified fees, methods of payment, and consequences of failure to comply with payment agreements;

(D) Statement of active participation requirement, including personal disclosure and completion of group or class activities and assignments;

(E) Rules for group or class participation and statement of requirement to cooperate with those rules;

(F) Statement of requirement to develop and present an Accountability Plan;

(G) Statement of the BIP's drug and alcohol policy, including but not limited to a prohibition against attending any sessions while under the influence of drugs or alcohol;

(H) Statement of procedure for asserting grievances with the BIP;

(I) Prohibition of weapons possession while on BIP premises or when participating in a BIP function;

(J) Statement of any other BIP rules and conditions for participation in the BIP;

(K) Statement of the BIP's obligation to follow all federal or state laws and regulations, including these standards, relating to required disclosures in the case of: imminent danger to self, victim, current partner or others; or child abuse, elder abuse, abuse of vulnerable adults, or any other circumstances requiring reporting;

(L) Statement of the BIP's confidentiality policy as to participant records, identity of other BIP participants, and information disclosed by other participants in the BIP groups or classes;

(M) Notification that the BIP shall not provide the participant with any information about the victim or partner, either directly or in any judicial or administrative proceeding;

(N) Statement of a requirement that the participant execute all necessary documents to obtain information from, or release of information to, law enforcement, the courts, prior intervention or treatment services, social services, victim(s), partner(s), and others as appropriate; and

(O) Statement of criteria for program completion or release.

(4) Participant Record:

(a) A BIP shall keep the following information in each participant's record:

(A) Participant's name, address and phone number;

(B) Name and telephone number of contact in case of emergency;

(C) Fee agreement;

(D) Intake information obtained under section (2) of this rule, name of staff member completing intake, and participant's signed acknowledgement of receiving orientation materials;

(E) Copy of any signed releases of information;

(F) Records of participant's attendance and other participation;

(G) Information received by the BIP after intake, including court orders, police reports, and restraining-protection orders; and information as to any violations, offenses, new arrests or criminal charges during participation;

(H) Except for victim or partner contact information addressed in subsection (b) of this section, documentation of BIP disclosures, including name(s) of person(s) notified due to imminent danger or mandatory reporting consistent with these rules;

(I) Documentation of the participant's status as to completion of the requirements of the program, and any current obstacles to completion;

(J) Exit summary pursuant to OAR 137-087-0070; and

(K) Documentation of any refusal to provide requested information or to sign authorization forms.

(b) The following information is not a participant record and shall not be documented:

(A) Contact or other information about the whereabouts of a victim or partner, other information about a victim or partner not provided by the participant, and any information received by the BIP from a victim or partner;

(B) Any disclosures to a victim or partner, including any indication that the victim or partner was contacted by the BIP.

(c) Any record of information described in section (4)(b) of this rule shall comply with OAR 137-087-0015.

(5) Participant Access to Records. Subject to denial of access pursuant to subsection (a) of this section, a BIP shall provide the participant an opportunity to review information in the BIP's participant record under section 4(a) of this rule within a reasonable time of receiving a review request, and shall provide a copy of the records upon payment of the cost of duplication.

(a) A BIP may deny or limit a participant's access to the BIP's participant record:

(A) When the BIP determines that disclosure of the records is reasonably likely to endanger the life or safety of the participant or another person;

(B) When the BIP determines that the information was provided to the BIP on the condition that the information not be re-disclosed; or

(C) When the BIP determines that the information was compiled by the BIP in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding involving the BIP.

(b) If a document in the BIP's records contains any information, obtained from a source other than the participant, about a person other than the participant, the BIP shall redact that information.

(c) Except as expressly provided in these rules, nothing in these rules is intended to create any expectation or right of privacy or confidentiality for any records, files or communications relating to potential participants or participants in BIP services. The BIP may use and disclose information unless and to the extent prohibited or restricted by federal or state law or regulation, including these rules. Use or disclosure of otherwise confidential medical, mental health and treatment records shall comply with applicable federal and state law and regulations.

(d) The BIP shall adopt policies that provide for the confidentiality of a participant record, to the greatest extent practicable consistent with these rules, of a participant who is a defendant participating in a domestic violence deferred sentencing agreement.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0065

BIP Program Format

(1) Use ~~of Group or Class~~ Session Format. A BIP shall ordinarily provide intervention sessions in a group or class format. Exceptions to ~~the group~~ this session or class format shall be rare and the reasons clearly documented and provided to the Council.

(2) Gender-specific. BIP ~~groups~~ sessions or classes shall be gender-specific.

(3) ~~Group or Class~~Session Size. To maximize the impact of the program curriculum, ~~groups sessions~~ or classes shall ideally be composed of 7-12 participants, but shall have no more than 15 participants in addition to the co-facilitators unless approved by the Council and the LSA or MA. ~~Group Sessions~~ or class sizes of more than 12 shall be reported to the Council for review and comment.

(4) Co-facilitation. Whenever possible, BIP ~~groups or classes~~essions shall be conducted by at least one male and one female to establish an egalitarian model of intervention, increase accountability, and to model healthy egalitarian relationships. The BIP shall notify the Council and LSA when co-facilitation is not occurring, stating the reasons and justifications. At least one of the co-facilitators shall have already met all training requirements as specified in these rules.

(5) Number of sessions.

~~_____~~(a) ~~No sooner than a participant's completing 32 sessions and before completing 36 sessions, the BIP shall submit a Summary R~~eport, in accord with subsections (b) or (c) of this section, on the participant's program participation to date and a recommendation as to length of continued program participation, if any, after 36 sessions. ~~At a minimum the Summary Report should address, and the and the recommendation be based upon: compliance with all program requirements, reporting of any know violations of court orders and conditions, identification of risk factors (as detailed in 137-087-0060 Admission Policies and Procedures (2)(c)(A)(B)(C)), and level of engagement and participation in program activities. The Summary Report is in addition to the monthly reports required in 137-087-0030 Interface Standards (2)(c) (e).~~

~~_____~~(b) ~~If the participant is on supervised probation, the BIP shall submit the Summary~~ Report and recommendation to the LSA, with a copy to the participant, and request that the LSA promptly provide the BIP with any questions or concerns the LSA has about the ~~Summary~~ Report and recommendation. If no questions or concerns are raised, the BIP shall end program participation after 36 sessions, or continue program participation after 36 sessions, in accord with the BIP's recommendation. If questions or concerns are raised about the ~~Summary~~ Report and recommendation, the BIP shall promptly discuss them with the LSA and shall determine the ending of program participation at 36 sessions, or extending program participation beyond 36 sessions, as approved by the LSA.

~~_____~~(c) If the participant is on bench probation, the BIP shall submit the ~~Summary~~ Report and recommendation to the court, with a copy to the participant, and request that the court notify the BIP if the court will conduct further proceedings, on the court's own motion or the participant's motion, as to the ~~Summary~~ Report and recommendation. If the court does not advise the BIP that further proceedings will be held, the BIP shall end program participation after 36 sessions, or continue program participation after 36 sessions, in accord with the BIP's recommendation.

~~_____~~(d) ~~If the participant, as determined above, continues in the program after completion of 36 sessions, the BIP is encouraged to provide an updated Summary Report to the appropriate authority after completion of each additional 18 sessions. Monthly status reports should continue to be submitted as required in 137-087-0030 Interface Standards (2)(c) (e).~~

(6) Completion of MA-Mandated Program Participation Shorter than BIP Program: Completion of the BIP program may differ from the length of participation mandated by a MA. If a BIP reports to an MA that a participant has complied with the MA-mandated length of participation, the BIP shall also inform the MA if the participant has not completed the BIP program.

(7) Written Attendance and Tardiness Policies. A BIP shall adopt written group or class attendance and tardiness policies. At a minimum, such policies shall address punctuality of attendance, criteria for excused and unexcused absences, criteria for a maximum number of absences allowed, and criteria for obtaining exceptions to the attendance policies.

(8) Written Completion Requirements. A BIP shall adopt written program completion requirements, including consequences for excessive absences and other non-compliance, and provide a copy of the completion requirements to the LSA and Council.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0070

Policies and Procedures as to Termination or Release

(1) Policies and Procedures. A BIP may release a participant based upon program compliance, or terminate participation based on program non-compliance or for other reasons, as provided in sections (3)-(6) of this rule.

(2) Program Exit Summary. No later than 30 days after the last service contact, a BIP shall prepare for the participant's record an exit summary describing the reason for release or termination and the participant's status. A BIP shall provide a copy of the exit summary to the LSA or MA, or both, or their designees within seven business days after its preparation.

(a) In communications about release based on program compliance, a BIP shall note that release is not evidence that the participant is presently non-abusive or non-violent, does not describe current behavior outside the BIP, and does not predict future behavior.

(b) A BIP shall inform the MA if the participant has complied with the MA-mandated length of participation, but not completed the BIP program participation.

(3) Release for Program Compliance. A BIP may release a participant based on program compliance only if a participant has achieved:

(a) Compliance with the BIP's attendance policy for the entire time period established in accordance with the BIP's rules;

(b) Compliance with group or class rules throughout intervention services;

(c) Completion of the Accountability Plan; and

(d) Compliance with other BIP rules and conditions for participation in the BIP.

(4) Terminating Participation for Program Non-Compliance. A BIP may terminate participation based on program non-compliance for any of the following reasons:

(a) Failing to maintain regular attendance, consistent with OAR 137-087-065(5) and (6);

(b) Failing to participate during BIP services, or failing to complete assignments, as required by BIP policies provided during orientation pursuant to OAR 137-087-0060(3)(b)(D);

(c) Creating an unsafe environment or exhibiting disruptive behavior that undermines the achievement of group or class objectives;

(d) Threatening the safety of the facilitator, staff, or other BIP participants;

(e) Failing to comply with other requirements of a BIP, including violation of the group or class rules or other conditions that are a part of the BIP's participation requirements;

(f) Failing to comply with the BIP payment agreement; or

(g) Ongoing battering behavior.

(5) LSA Request for Re-admission. Unless the participant was terminated based on section (4)(d) or section (6) of this rule, the BIP may re-admit the participant upon request of the LSA with an increased number of sessions necessary to achieve BIP program completion requirements and other conditions appropriate to the basis for termination.

(6) Terminating Participation for Other Reasons. A BIP may terminate participation because the admission was inappropriate based on the criteria in OAR 137-087-0060(1)(a).

(7) Leaves of Absence. A BIP may permit, only with approval by the MA, a participant to remain in the BIP while temporarily not attending groups or classes for reasons the BIP and MA determines are justified and after approval by the MA. Leaves of absence shall be rare, specifically time limited and granted only upon proper supporting documentation and when there are no other viable options. ~~The BIP shall immediately inform the LSA or its designee about any leave of absence.~~

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0075

Post-Release Services

(1) Service Eligibility. A BIP may provide post-release services to a participant only after his release for program compliance.

(2) Cost of Services. Whenever possible, a BIP shall offer post-release services at little or no cost for former participants to encourage long-term and on-going participation in such services.

(3) Elements of Services. Post-release services may include but are not limited to:

(a) Occasional attendance of the group or class the former participant has left;

(b) Periodic individual meetings with BIP staff to assess maintenance and to review the Accountability Plan developed pursuant to OAR 137-087-0050;

(c) Periodic group or class meetings of typical or extended length conducted specifically for post-release men; and

(d) Regularly scheduled group or class meetings on an on-going basis.

(4) Limit on Role of Services. Attendance in a post-release group or class shall not substitute for re-enrolling in a BIP or as the primary intervention when there is a new legal charge, court mandate to complete a BIP, or when the participant or partner reports physical violence.

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137-087-0080

Personnel Standards

(1) Personnel Policies. A BIP shall adopt the following written personnel policies and procedures applicable to program facilitators, managers or supervisors, administrative staff, volunteers and interns, board members and owners (collectively referred to as "staff" for purposes of this rule except as otherwise specifically identified):

(a) Rules of conduct and standards for ethical practices of staff involved in BIP services with participants or contact with victims or partners;

(b) Standards for use and abuse of alcohol and other drugs, and procedures for managing incidents of use and abuse that, at a minimum, would be sufficient to comply with Drug Free Workplace Standards, 41 U.S.C. § 701 et seq. as described in 45 CFR Part 76 Appendix C;

(c) Compliance with laws relating to domestic violence, sexual assault, stalking and these rules, and applicable federal and state personnel regulations including the Civil Rights Act of 1964 as amended, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title 1 of

the Americans With Disabilities Act, and Oregon civil rights laws related to employment practices;

(d) Policies and procedures relating to the commission of domestic violence, sexual assault, stalking or abuse by any staff, and providing that the BIP shall terminate employment or volunteer service for such conduct unless the BIP documents reasons for not doing so in the personnel file; and

(e) Policies and procedures relating to discipline of staff for misuse or unauthorized disclosure of information obtained from or about participants, partners or victims.

(2) Background Checks for Facilitators. A BIP shall use an appropriate method to obtain and review a fingerprint-based state and federal criminal record check for facilitators.

(a) A BIP may ask an applicant, as a condition of employment or volunteer service, to certify whether he or she is, or has been, a respondent in any civil enforcement proceeding, including but not limited to a ~~Family Abuse Prevention Act (FAPA) proceeding involving a restraining or no contact order,~~ protection order, ~~stalking order~~ delinquent child support order ~~or if the applicant has been held responsible for battering or child abuse/neglect behavior in a juvenile or family court or held responsible for elder abuse.~~ Failure to disclose the existence ~~of a FAPA or no contact order, protection order, stalking order, or delinquent child support order~~ of any of the ~~above shall~~ constitute grounds for dismissal or grounds not to rehire.

(b) An applicant shall be disqualified if the individual has ever been convicted of any crime or has been subjected to a FAPA restraining or no-contact order, protection order, stalking order ~~or if the applicant has been held responsible for battering or child abuse/neglect behavior in a juvenile or family court or held responsible for elder abuse.~~ The BIP may make an exception to this disqualification if the BIP can document reasons for hiring or retaining the individual consistent with factors in section (5)(d) of this rule. If the facts underlying the conviction were related to domestic violence, the applicant must have completed a BIP with standards similar to these rules, including ~~at least 48 weeks of group classes~~ length of intervention and implementation of an Accountability Plan, and the applicant must have maintained child support and alimony payments, if any. In addition, a period of more than five years shall have passed since the conviction of the crime or expiration of a court ~~order (e.g., restraining order, no contact order, protection order, or stalking order)~~ order including a protection order, the individual shall have complied with all the terms of his or her sentence or court order, and the individual shall be in compliance with all other qualifications as a facilitator. The BIP shall provide this documentation to the Council for review and comment before hire or continuation of employment, document the response of the Council, and place documentation of the reasons for hiring or retention, and of the Council's response, in the applicant's or employee's personnel file for permanent retention.

(c) A facilitator has an ongoing responsibility to inform the BIP within three working days of any changes in his or her history, including new arrests, convictions, ~~restraining protection~~ orders or rehabilitation services.

~~(d) The BIP shall take into account whether the facilitator is in good standing with the MA or LSA.~~

(3) Qualifications of Facilitators. A BIP shall adopt the following minimum qualification standards for facilitators, and as a condition of employment or volunteer services at a BIP, a facilitator shall provide the BIP documentation of compliance with the BIP standards.

(a) Facilitator Experience. A facilitator shall document completion of a minimum of 200 hours of face-to-face contact co-facilitating BIP groups or classes with a facilitator who has met all the facilitator qualification requirements in these rules using a model consistent with these rules. A facilitator shall document that this experience was obtained over a period of at least one year. A maximum total amount of 100 hours of this requirement can also be satisfied in one or more of the following ways:

(A) By up to 50 hours of supervised face-to-face contact facilitating victim or survivor support or education classes, or up to 50 hours of working with a caseload primarily of domestic violence offenders on probation or parole;

(B) By up to 50 hours of facilitating offender-related non-domestic violence groups or classes;

(C) By earning a bachelor's degree (50 hours credit for required experience) or master's degree (100 hours credit for required experience) in women's studies, social work, criminal justice, psychology, sociology or other related field from an accredited institution of higher education. The facilitator shall document receipt of the required degree.

(b) Facilitator Training. ~~A facilitator shall document completion of 40 hours of training provided by a nongovernmental victim advocacy program approved by the local Council. For purposes of this section, "local" refers to a program that is located in or serves victims in the county in which the facilitator is applying to work. When the required training has been or will be provided by a nongovernmental victim advocacy program that is not local, at least 8 of the 40 hours shall (or must) be provided by a local nongovernmental victim advocacy program, if one exists. A facilitator shall document completion of 40 hours of training provided by a nongovernmental (if available) victim advocacy program approved by the Council, and 40 hours of training on batterer intervention that includes~~ The training shall include the following topics

(A) Dynamics of domestic violence, including sexual assault and stalking, and power and control models;

(B) Effects on children of exposure to a battering parent and to battering directed at their mothers, including but not limited to, the incompatibility of the battering with the child's well-being, the damage done to children witnessing battering, the child's need for a close mother-child bond, and how abusers use children to gain and maintain control;

(C) Historical views and social attitudes about male dominance, domestic violence including sexual assault and stalking, and the status of women;

- (D) Risk factors for future or additional battering, aggressive or controlling behavior;
- (E) Cultural competence as it relates to domestic violence, sexual assault, stalking and abuse;
- (F) An overview of current state and federal domestic violence laws, including sexual abuse, sexual assault, stalking, child custody and visitation;
- (G) An overview of battering behavior and tactics, including sexual abuse and stalking;
- (H) Risk of facilitator and system collusion with the BIP participant;
- (I) Appropriate safety guidelines for BIP contact with victims;
- (J) An overview of the criminal justice system;
- (K) State and local requirements for BIPs, including intervention curriculum requirements in OAR 137-087-0050; and
- (L) Importance and elements of a coordinated community response to domestic violence and methods of collaborating with community programs and services.

(c) Culturally Informed Intervention. To satisfy the training requirements in section 3(b)(~~L~~)(E) of this rule, a facilitator shall document completion of seven hours of training in oppression theory, cultural factors and anti-racism as it relates to domestic violence.

(d) Interviewing skills requirement. In addition to the experience and training requirements in sections 3(a) and (b) of this rule, a facilitator shall document completion of at least 18 hours of training in basic interviewing and group facilitation skills.

(e) Additional training requirement. In addition to the training requirements in section 3(b) of this rule, a facilitator shall document completion of at least 18 hours of training in substance abuse identification and screening, and at least 12 hours of training in mental health identification and screening.

(f) Documentation requirements. A facilitator shall provide the BIP with documentation of his or her training for each of the topics required by sections 3(b)-(e) of this rule, and shall include the number of hours and dates of training for each specific topic. If the training in any specific topic was received more than five years before the employment application ~~date or the effective date of these rules, whichever is later, and date, and the applicant has not been continuously engaged in the domestic violence field either as a BIP provider, victim advocate or probation officer supervising domestic violence offenders only for a five year period,~~ the facilitator must also document completion of additional training in the specific topic(s) during the five years prior to the application date, equal to a minimum of 25 percent of the required hours in that topic. Additional training may be needed to ensure sufficient knowledge.

(4) Continuing Education for Facilitators. After a facilitator has met the basic qualification standards in section (3) of this rule, the facilitator shall document a minimum of 32 hours over a two calendar-year period of continuing education or training in topics related to the training requirements under sections 3(b)-(e) of this rule. Not more than eight hours of in-program training, or eight hours of internet or correspondence training, may be used annually to satisfy this biennial requirement.

(5) Background Checks for Staff other than Facilitators. Before employment or volunteer service, a BIP shall use an appropriate method to obtain and review background information for staff and applicants other than facilitators, as follows:

(a) By having the applicant, as a condition of employment or volunteer service, apply for and receive a criminal history check from a local Oregon State Police office and furnish a copy of it to the BIP; or

(b) By having the applicant, as a condition of employment or volunteer service, sign an authorization for the BIP to contact the local Oregon State Police office for an "Oregon only" criminal history check on the individual.

(c) The BIP may ask the applicant to certify whether he or she is, or has been, a respondent in any civil enforcement proceeding, including but not limited to:

(A) A ~~FAPA proceeding involving a restraining or no-contact order~~ protection order as defined in these rules; and

(B) A delinquent child support order; and

~~(C) A protection order or stalking order.~~

~~(CD)~~ Failure to disclose the existence of a ~~FAPA restraining or no-contact order~~, protection order, ~~stalking order~~, or delinquent child support order ~~shall constitute~~ s grounds for dismissal or grounds not to hire or to allow volunteer service.

(d) The BIP shall establish policies to evaluate criminal history, if any, in determining whether an applicant shall be hired. The policies shall consider:

(A) The severity and nature of the crime(s);

(B) The number of criminal offenses;

(C) The time elapsed since commission of the crime(s);

(D) The facts of the crime(s);

(E) The applicant's participation in intervention or rehabilitation programs, counseling, therapy, or education evidencing a sustained change in behavior; and

(F) A review of the police or arrest report confirming the applicant's explanation of the crime(s).

(e) If the applicant has been convicted of a crime, the BIP shall determine whether the person poses a risk to the BIP's staff, participants, victims or partners, and whether the criminal history indicates a propensity to engage in collusion with batterers. If the BIP intends to hire the applicant, the BIP shall confirm in writing the reasons for doing so. These reasons shall address the applicant's suitability to work with the BIP's staff or participants or to have contact with victims or partners in a safe and trustworthy manner. The BIP shall place this information in the staff's personnel file for permanent retention.

(f) BIP staff have an ongoing responsibility to inform the BIP within three working days of any changes in their history, including new arrests, convictions, ~~restraining orders, no contact order,~~ protection order, ~~stalking order,~~ or delinquent child support order, rehabilitation services or if the applicant has been held responsible for battering or child abuse/neglect behavior in a juvenile or family court, or court or held responsible for elder abuse.

(6) Professional Standards for Staff. A BIP shall include the following professional standards in personnel policies to ensure that staff maintain their professional objectivity and to minimize collusion or any appearance of favoritism or impropriety by the BIP or its staff:

(a) Staff shall not be delinquent in paying any required child support or spousal support;

(b) Staff shall not be involved in any criminal activity;

(c) Staff shall not be under the influence of alcohol or controlled substances while providing BIP services;

(d) Staff shall not use their position to secure special privilege or advantage with participants;

(e) Staff shall not in any way collude with participants by implicitly or explicitly acting in a manner that minimizes or excuses the battering or joins into the batterer's system of denial or rationalization for the abuse. Collusion includes but is not limited to: legitimizing participants' use of abuse against partners; sympathizing with their complaints and against; defending their abusive actions for any reason; laughing at jokes about women, wives, girlfriends partners or violence and supporting participants' distortions, disparagement or contempt of their partners by omission (not interrupting) or by commission (actively engageingengaging in supporting or affirming). . . Staff shall not imply that any victim deserves ~~the~~ abuse nor show disrespect of any victim or any woman.

(f) Staff shall not allow personal interest to impair performance of professional duties;

(g) Staff shall not act as a facilitator for a group or class that includes a family member, personal friend, or past or current business associate of the staff member;

(h) Staff shall not accept any gift or favor from current or former participants, or enter into any business contract or association with participants currently enrolled with the BIP. Cultural or traditional values and customs shall at all times be balanced against this principle;

(i) Staff shall report any potential conflict of interest to BIP supervisors; and

(j) Staff shall immediately report to an appropriate licensing authority, or to the MA or LSA, any unethical or illegal behavior by other staff. A BIP shall not take retaliatory action against a staff person making such report.

(7) Prohibition of Sexual Harassment or Sexual Exploitation. A BIP shall adopt a written policy prohibiting sexual harassment and sexual exploitation, and shall document in each staff member's file that he or she has reviewed the policy and agreed to comply with it. The policy shall include disciplinary steps available to the BIP if a staff person violates the policy.

(8) Maintenance of Qualification Records. A BIP shall maintain a record documenting each staff member's compliance with applicable qualification standards. The BIP shall maintain the record for three years after the departure of a staff member.

(9) Mentoring and Internships. A BIP is encouraged to provide mentoring or internship opportunities between its staff and staff of other BIPs or VPs to promote professionalism, to provide experienced role models for less experienced staff, interns or volunteers, and to provide cross-training for the BIP's staff. Interns or those being mentored shall be required to comply with all of the supervising BIP's policies and procedures and instruction of the supervising BIP staff.

(10) Facilitators in Training. Individuals in training who have not met all the training and experience requirements applicable to facilitators under these rules may co-facilitate under the active supervision of a facilitator who meets these standards. Facilitator-trainees can co-facilitate under this status for up to two years from the start of the co-facilitating. The facilitator-trainee is immediately responsible for compliance with all other requirements of these rules applicable to a facilitator.

(11) The BIP program may request and exemption to the co-facilitation requirement if in consultation with the MA and the LSA it is determined that the program is unable to ~~to~~ meet this requirement and unlikely to be able to meet the requirement in the future.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0085

Research Programs

(1) Nothing in this section applies to a BIP's disclosure of its own aggregate or non-personally identifying data, or the conduct of its own quality assurance activities.

(2) Research. A BIP may use and disclose participant information for research purposes consistent with this rule. ~~Nothing in this section applies to a BIP's disclosure of its own aggregate data or the conduct of its own quality assurance activities.~~ Before making use or disclosure of participant information for research purposes, a BIP shall obtain the following in writing from an independent researcher:

(a) Description of specific actions the researcher shall take to ensure the safety, confidentiality, and autonomy of victims;

(b) An adequate plan to protect participant information from improper use or disclosure;

(c) Description of steps to ensure that any victim or partner participation, or access to information about a victim or partner by the researcher, shall be based solely on the victim's or partner's informed consent obtained in a manner consistent with section (1)(d) of this rule;

(d) Description of steps to ensure that any procedure involving any victim, partner, or family member, and other collateral contacts including but not limited to past or present employers of the research participant, victim or partner, and a request for participation in the research, shall be developed in consultation with a VP to address victim or partner safety;

(e) Description of steps taken to ensure the input and involvement of community-based domestic violence VPs in the design and implementation of the project;

(f) Description of steps to ensure that the research product shall:

(A) Report both positive and negative data about BIP effectiveness outcomes and the research participants if applicable and acknowledge alternative hypotheses, modalities and explanations;

(B) Include a statement about the limitations of self-reporting in accurately measuring a participant's progress, behavior, or attitudes/beliefs when the research includes information based on self-reporting by participants, including self-reports of program effectiveness; and

(C) Clarify that release for program compliance does not provide any evidence that the participant is presently non-abusive, describe present behavior outside the BIP, or predict future behavior.

(g) Description of a plan to destroy identifiable information at the earliest opportunity or at the conclusion of the research, and to keep confidential any information about, gathered from, or traceable to the victim or partner;

(h) An agreement by the researcher, and his or her agents, not to use or further disclose the research information other than for purposes directly related to the research, and to use appropriate safeguards to prevent misuse of that information;

(i) An agreement by the researcher, and his or her agents, not to publicly identify the research participant or past or current victims or partners; and

(j) An agreement by the researcher to follow federal guidelines relating to Human Subject Research, 45 CFR Part 46, if applicable.

(2) Complaints about Research Conduct. The BIP or other researcher shall make available a person independent of the BIP or other researcher with whom ethical complaints about the conduct of the research can be filed, and establish a procedure for such filing. The BIP or other researcher shall inform both the participant and the victim or partner, and any other person or entity upon request, about the complaint procedure.

(3) Reporting Research. The BIP shall require a researcher conducting research on a BIP or BIPs to advise the LSA and the Council about the nature, scope and intent of the research.

Stat. Auth.: ORS 180.070 - 180.710 ???

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0090

Demonstration Projects [\(see definition in Section 1\)](#)

(1) Demonstration Projects. BIPs shall continue to evolve and change as best practices are developed. These standards are not intended to discourage innovative demonstration projects as long as victim safety and participant accountability are maintained. A BIP ~~may~~must propose to operate a demonstration project by a written request for project approval by the Attorney General's BIP Advisory Committee (Advisory Committee), established under OAR 137-087-0100, that addresses the following:

(a) Identification of the sections and subsections in these rules that project approval would waive;

(b) Relevant research, professional experience, or other credible data showing that the batterer intervention method proposed for the project is an effective and appropriate means of intervention, and that under no circumstances shall the project require actions that shall jeopardize the safety of women, children or the community, collude with the participant, or require victim participation;

(c) Expertise of the BIP to conduct the proposed project and the BIP's ability to maintain such expertise for the project's duration;

(d) A means, independent of the BIP, for evaluating the effectiveness of the project;

(e) The BIP's record, if any, of conducting and completing other programs or projects for private or public entities, including the BIP's record of cooperation in resolving problems identified by such entities;

(f) The geographic location to be served, the participating persons, agencies and organizations, and their respective roles in the project; the length of time for the proposed project, subject to section (3) of this rule; and expected outcomes;

(g) The involvement, if any, of community-based VPs in the design and implementation of the project;

(h) Position of the LSA, MA and Council in the area to be included in the project as to approval of the project; and

(i) Any additional information the BIP believes is relevant to deciding whether the proposal shall be approved.

(2) Informing Community Partners of the Demonstration Project. After approval of the project by the Advisory Committee and before implementing the project, the BIP shall inform community partners (VPs, LSA, courts, Council, community justice, district attorney's office, alcohol and drug treatment providers and other agencies that come in contact with batterers or with victims or partners) of the demonstration project and changes in the BIP's program design. BIP informational materials shall be revised to state clearly the project's changes so as to avoid any misleading or inaccurate information about the BIP. On a quarterly basis, the BIP shall report to the community partners on the progress of the demonstration project, including concerns about its efficacy. A copy of each report shall also be mailed to the Advisory Committee.

(3) Demonstration Project Time Period. In general, a proposal for a demonstration project shall not exceed ~~aan~~ [18-24](#) month period. While a demonstration project is being conducted, a BIP may petition to extend the demonstration project. The petition shall provide updated information on all the criteria identified in section (1) of this rule.

(4) Discontinuation of Demonstration Project. After a proposed project is approved, evidence of an increase in batterer abuse, or a decrease in batterer accountability, shall lead to immediate discontinuation of the project. The BIP shall immediately inform the community partners specified in section (2) of this rule, and the Advisory Committee, of the discontinuation of the demonstration project.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0095

Program Review

(1) Review of BIP Performance. An LSA and/or MA, in consultation with the Council, shall periodically review the performance of BIPs located within the jurisdiction of the LSA for compliance with these rules. LSA's are strongly encouraged to conduct regular reviews of programs and to only refer to programs that are in compliance with these rules or that are working to achieve compliance.

(2) Availability of Records. Except for victim or partner records a BIP shall not disclose, a BIP shall make records available for, and require its staff to cooperate with, program review described in section (1) of this rule.

(3) Distribution of Review. If a review is completed under section (1) of this rule, a copy of the review shall be provided to the BIP executive director, board of directors and owners, and sent by the LSA to the presiding judge and the district attorney for the county in which the LSA operates.

(4) Action on Recommendations. Within 90 days after receipt of the written copy of the review by the BIP, the BIP shall take any corrective actions recommended by the review or advise the LSA and MA in writing why the BIP does not intend to take a particular corrective action. The BIP shall provide a copy of its written response to the Council.

(5) Grievance Policies and Procedures. Each BIP shall develop, implement, and fully inform participants of grievance policies and procedures that provide for receipt of written grievances from participants. The BIP shall document the receipt, investigation, and any action taken as to the written grievance.

(6) Complaint Procedure. Any person, other than a participant, with a concern about a BIP's service delivery may file a written complaint with the BIP. The BIP shall respond to the complaint in writing within a reasonable period of time. In its written response, the BIP shall inform the person that if he or she is not satisfied with the BIP's response, the person may direct his or her complaint to the LSA or the Council.

(7) The BIP Advisory Committee, established in these rules, shall periodically evaluate survey BIP compliance with these rules.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06

137-087-0100

BIP Advisory Committee

The Attorney General shall appoint an Advisory Committee composed of representatives from LSAs, BIPs and VPs, and of other members the Attorney General deems appropriate. At the request of the Attorney General and consistent with ORS 180.700, the advisory committee shall evaluate the operation of these standards and provide the Attorney General with any amendments

the committee recommends, and shall evaluate requests for demonstration projects that require a waiver of these BIP rules.

Stat. Auth.: ORS 180.070 - 180.710

Stats. Implemented: ORS 180.070 - 180.710

Hist.: DOJ 16-2005, f. 11-23-05, cert. ef. 1-1-06