

Council on Domestic Violence and Sexual Assault BIP Regulations

Title 22 Department of Corrections

Chapter 25 Programs for Rehabilitation of Perpetrators of Domestic Violence

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[22 AAC 25.010. Standards and approval of programs](#)

(a) An individual or agency offering a program for the rehabilitation of perpetrators of domestic violence that will be imposed as a condition of probation under [AS 12.55.101](#) (a), as a condition of a protective order under [AS 18.66.100](#) (c), or as a condition of parole under [AS 33.16.150](#) (f), must, before providing the counseling or education, receive approval for the program from the department under this chapter. The individual or agency may apply to the department for approval by submitting an application on a form provided by the department to the council for its review and comments. The department will review the recommendations made by the council regarding the approval or denial of the application. The department will provide the applicant with written notification of the approval or denial of the application within 120 days of receipt of the application by the council.

(b) The department will approve a program for the rehabilitation of perpetrators of domestic violence if the program

(1) proves to the satisfaction of the department that it complies with the provisions of this chapter; and

(2) agrees to periodic audits and unannounced on-site inspections by the department or by an agency designated by the department to ensure compliance with the provisions of this chapter; the audits and inspections may include interviews of staff, a review of records related to program policies and procedures and a review of records of program participants on probation or otherwise in the custody of the department; records reviewed by the department or by an agency

designated by the department in the course of an audit or inspection do not become public records by virtue of the audit or inspection.

(c) Unannounced on-site inspections described in (b) of this section will be conducted in a manner designed to minimize disruption to regularly-scheduled program activities.

(d) Except as provided in (e) of this section, the department will withdraw its approval of a program for the rehabilitation of perpetrators of domestic violence, and will notify the local court, prosecutor, law enforcement agency, and other criminal justice and social service agencies, if the department determines that

(1) the program no longer complies with one or more of the provisions of this chapter; or

(2) the program knowingly submitted false or materially misleading information in the process of applying for or maintaining approval under this chapter.

(e) Notwithstanding (d) of this section, the department will place an approved program on probationary status for a specified period not to exceed 90 days if the program fails to comply with one or more of the provisions of this chapter and the department determines that the violation is not significant and probation can rectify the non-compliance with this chapter. Failure of the program to achieve compliance within the specified probationary period will result in the application being denied or withdrawal of approval for the program.

(f) Upon application of a program, the department will waive one or more standards set out in this chapter and approve the program if the department determines that

(1) there is good cause for the waiver;

(2) the safety of victims and children is not compromised by the waiver; and

(3) an acceptable alternative to the standard being requested to be waived is provided by the program.

(g) An applicant or an individual or agency operating an approved program may appeal an adverse decision under this section by submitting a written notice of appeal to the deputy commissioner of the Department of Corrections within 30 days of receipt of notification of the decision. The notice of appeal must contain a statement of the reasons for the appeal and must cite any legal authority upon which the appeal is based. Notice of an adverse decision will be sent by certified mail, return receipt requested, to the last address on file in the records of the department for the applicant or individual or agency. The deputy commissioner will review a written notice of appeal that is received timely and issue a decision to the applicant or individual or agency. The deputy commissioner's decision is the final administrative action.

History: Eff. 7/1/96, Register 139; am 11/13/98, Register 148; am 11/29/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.020. Administration, organization, and management](#)

(a) An approved program must develop and implement written policies and procedures in accordance with the provisions of this chapter that

(1) express a primary commitment to the safety of domestic violence victims, including children;

(2) recognize that the goal of intervention is to stop domestic violence;

(3) express an intent to operate a program that holds perpetrators of domestic violence solely responsible for their behavior regardless of the presence of psychological problems, interpersonal skills deficits, or substance abuse;

(4) recognize that participation in a program cannot guarantee violence-free behavior;

(5) recognize that a perpetrator of domestic violence is a violent offender who requires a specialized form of intervention;

(6) recognize that the program is part of a larger criminal justice system comprised of law enforcement officers, prosecutors, victim advocates, correctional agencies, and judges who work together to hold perpetrators of domestic violence accountable for their violence and to prevent further domestic violence;

(7) recognize that it is inappropriate and dangerous for a victim and the perpetrator of domestic violence against the victim to participate in counseling in which both the victim and perpetrator are present;

(8) identify program participants who have not been the principal physical aggressor in instances of domestic violence and provide separate program services for those participants;

(9) provide for the dissemination of

(A) new or revised policies and procedures to all staff and volunteers;

(B) a summary of the policies and procedures to local victim advocacy agencies, criminal justice agencies, the department, and the council; and

(C) a complete set of policies and procedures to an agency specified in (B) of this paragraph, upon the written request of the agency;

(10) provide a written description of each service that the program offers;

(11) provide a personnel management system that includes minimum training and qualifications for staff and volunteers as required by 22 AAC [25.060](#), written job descriptions, and lines of authority within the program;

(12) provide a code of ethics for the conduct of staff and volunteers;

(13) impose a duty to warn potential victims of the threat of violence by a program participant, including guidelines for identifying situations that involve a duty to warn, and make that policy and procedures available for review and input by local victim advocacy agencies;

(14) require program staff to advise program participants of the program's obligation to warn potential victims of threats of violence by program participants; and

(15) establish a process for the prompt notification of law enforcement agencies and the victim of threats of violence by the program participant.

(b) In developing and implementing its policies and procedures, and in delivering services, an approved program must

(1) communicate on an ongoing and regular basis with a local victim advocacy agency, if there is one that serves the community, and document the communication;

(2) communicate on an ongoing and regular basis with local criminal justice agencies, and document the communication;

(3) identify the resources within the area serviced by the program that provide the same, or similar, or supplementary services to perpetrators and victims of domestic violence; and

(4) consider the characteristics, concerns, and distribution of the populations to be served, including the population's culture, heritage, traditions, and language.

History: Eff. 11/13/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.030. Program services](#)

(a) In the delivery of services, an approved program

(1) must:

(A) establish and implement a gender-specific written curriculum that incorporates the requirements set out in this chapter;

(B) require a program participant to attend and participate in a minimum of 24 weeks of weekly gender-specific group counseling sessions;

(C) make a written intake assessment and a written service plan for each program participant that contains a profile of the participant's current and past domestic violence, screening for substance

abuse and mental health indicators, descriptions of past and current behavior, lethality assessment, safety checks, and a strategy for case management of the participant;

(D) require the program participant to enter into a written contract and sign releases of information as described in (b) and (c) of this section;

(E) require the program participant to complete homework assignments;

(F) use confrontation as an educational tool;

(G) conduct regular, formal case reviews of the progress of program participants and maintain written records of the participants' attendance, payment of fees assessed by the program, group participation, updated lethality assessments, and regularly conducted safety check information;

(H) establish a mechanism to ensure that

(i) regular victim safety checks are made;

(ii) victim safety checks are reviewed; and

(iii) victims are referred to a local victim advocacy agency;

(I) coordinate services provided under the approved program with those provided by substance abuse and mental health service providers serving the community;

(J) require all staff to report any known or suspected child abuse or neglect to the division of family and youth services in the Department of Health and Social Services as required by [AS 47.17.020](#) ;

(K) require all staff who have reasonable cause to believe that a vulnerable adult has suffered harm to report the harm of the Department of Administration as required by [AS 47.24.010](#) ;

(L) develop and implement written discharge criteria as required by (e) of this section;

(M) develop and implement a standardized record-keeping system for program participants, including a procedure for the periodic review of program participants' records, the protection of information that is confidential by law, and the closure and storage of files;

(N) monitor program participants' recidivism; and

(O) evaluate the program as required by 22 AAC [25.040](#);

(2) may not suggest, encourage, or facilitate a program participant's participation in counseling in which both the program participant and the participant's victim are present.

(b) An approved program shall develop a contract to be signed by the program participant, that includes at least the following:

(1) a description of the confidentiality requirements and releases of information signed by the program participant, including notification of the limitations of confidentiality set out in [22 AAC 25.030\(c\)](#) (1) and (2);

(2) the program participant's agreement to remain free of violence;

(3) the program participant's agreement to

(A) advise the program of all biological and adoptive children;

(B) provide the program with a copy of any court or administrative order that requires the program participant to pay child support;

(C) comply with the requirements of [AS 25.27.265](#) (b), if applicable, and comply with requests for information or cooperation from any child support enforcement agency enforcing a court or administrative order that requires the program participant to pay child support;

(D) provide documentation of child support payments if ordered to pay directly to the custodian of the child; and

(E) sign a release of information to allow the program to obtain the program participant's payment record if ordered to pay through a child support enforcement agency;

(4) the program participant's agreement to pay all fees assessed under (d) of this section fees and court ordered costs related to domestic violence incidents, and to comply with child support and court orders;

(5) the program participant's agreement to comply with the program's standards and requirements, including substance abuse and mental health treatment, if a referral is made;

(6) the program participant's agreement to disclose to the program any violations of the contract with the program throughout the duration of participation in the program;

(7) the program participant's agreement not to participate, while in the program, in any kind of counseling directly involving both the participant and the participant's victim; and

(8) the program participant's understanding of the compliance requirements of the program, and the actions that the program will take in the event of the participant's non-compliance.

(c) An approved program must

(1) immediately disclose the following information to the program participant's victim, the program participant's current domestic partner, the sentencing court, the program participant's

probation or parole officer, a local law enforcement agency, the local victim advocacy agency and the prosecutor:

(A) threatened or actual destruction of property by the program participant;

(B) threats to violate, attempts to violate or actual violation of child custody or child visitation orders by the program participant; and

(C) threats of physical harm or actual physical harm to any person or pet by the program participant; information listed under this subparagraph must also be disclosed to the person who is the intended victim of the program participant's threats;

(2) release the following information to the program participant's victim, the program participant's current domestic partner, the sentencing court, the program participant's probation or parole officer, a local law enforcement agency, and the prosecutor:

(A) the program participant's attendance records in the program;

(B) the program participant's compliance with or termination from the program; and

(C) disruptive group behavior in the program by the program participant; and

(3) provide to the program participant's victim and current domestic partner

(A) the merits and limitations of the program;

(B) information on domestic violence and options for victims; and

(C) a referral to local victim advocacy agencies.

(d) An approved program shall require a payment of fees for services of the program. The fees may be determined on a sliding scale based on a program participant's ability to pay, and may include community work service in lieu of monetary fees. Failure to pay these fees shall be treated as a failure to comply with program requirements.

(e) An approved program must develop written discharge criteria for

(1) termination from the program when a program participant fails to comply with program requirements; and

(2) compliance with the program, based upon at least the following:

(A) no incidents of physical or sexual violence by the program participant for at least six months;

(B) compliance by the program participant with attendance requirements, which may permit no more than two unexcused absences from program activities;

(C) appropriate participation in the program by the participant as reflected in formal case reviews;

(D) compliance by the program participant with all the conditions and provisions of the contract entered into under (b) of this section; and

(E) payment by the program participant of all applicable fees under (d) of this section.

History: Eff. 11/13/98, Register 148; am 11/29/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.040. Program participant monitoring and program accountability](#)

(a) An approved program shall monitor the recidivism of all program participants for a period of not less than 12 months following their compliance with the discharge from the program or non-compliance and termination from the program. This procedure must include, whenever possible:

(1) interviews of the victim and the program participant's current domestic partner;

(2) review of the former program participant's criminal justice records;

(3) interviews with the former program participant; and

(4) contact with the local victim advocacy agency and other appropriate agencies.

(b) An approved program must submit, no later than February 1 a written report evaluating its services for the previous calendar year in a format specified by the department. The approved program must provide a copy of the report to the department. The report must include

(1) an assessment of the effectiveness of the program;

(2) a description of the types of data collected;

(3) an identification of program elements that have proven effective and the factors impacting the elements; and

(4) an assessment of how the program affects the community that the program serves, including the program participants and victims of domestic violence.

History: Eff. 11/13/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.050. Confidentiality of personal program participants' records](#)

(a) Except as provided in 22 AAC [25.030\(c\)](#) , personal program participant records are confidential to the extent allowed by state or federal law and are not public records. Nothing in this section, however, limits the use of personal program participant records in a criminal investigation or a legal proceeding.

(b) Information pertaining to victim safety checks must be maintained in a manner that protects the confidentiality of the victim.

History: Eff. 11/13/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.060. Personnel, training, and educational requirements](#)

(a) An approved program must assign a sufficient number of trained staff or volunteers to operate the program in accordance with this chapter.

(b) An approved program shall establish minimum qualifications for staff and volunteers that include:

(1) no history of domestic violence or crimes against a person for at least three years before application;

(2) no felony convictions for crimes against a person;

(3) no convictions for three years before application is made involving

(A) a controlled substance as defined in [AS 11.71.900](#) , under federal law or under any other state's law;

(B) misdemeanor assault;

(C) a crime involving domestic violence; or

(D) the violation of a municipal ordinance or law from another jurisdiction having elements similar to the offenses specified in this paragraph;

(4) a demonstrated ability to work in a multi-cultural environment; and

(5) for a supervisor, training and at least one year experience in working with both victims and perpetrators of domestic violence.

(c) An approved program shall screen and monitor staff and volunteers to minimize the possibility of violence to persons who come into contact with staff or volunteers.

(d) An approved program must develop individual training plans for each staff or volunteer position. All staff or volunteer training must be recorded in each staff member's or volunteer's personnel file. The staff or volunteers at each program must receive training that include

(1) for staff or volunteers having contact with program participants or victims, a minimum of 40 hours of training related to domestic violence, based on a curriculum that is approved by the department after consideration of any recommendations of the council; the training must include the following:

(A) standards for conducting lethality assessments and safety checks and developing safety plans;

(B) education on available community resources; and

(C) education on domestic violence and sexual assault;

(2) training on the impact of sexism and racism on domestic violence;

(3) annual training with a staff member of a local victim advocacy agency, if one exists, on victims' needs and issues and intervention with perpetrators of domestic violence; and

(4) training on topics relating to the delivery of the program's services.

History: Eff. 11/13/98, Register 148

Authority: [AS 44.28.020](#)

[22 AAC 25.090. Definitions](#)

In this chapter,

(1) "approved program" means a program approved by the department under this chapter;

(2) "child support services agency" means the agency established in AS 25.27;

(3) "council" means the Alaska Council on Domestic Violence and Sexual Assault;

(4) "department" means the Department of Corrections;

(5) "domestic violence" has the meaning given in [AS 18.66.990](#) ;

(6) "lethality assessment" means an evaluation of the program participant's potential for causing physical injury to another person, considering the participant's domestic violence or psychological abuse toward the participant's most recent domestic partner, the frequency and severity of the domestic violence or psychological abuse, the participant's domestic violence or psychological abuse toward previous domestic partners, the participant's access to weapons, suicidal or homicidal thoughts or ideation, suicide attempts, access to a potential victim, and the status of the participant's relationship with the potential victim;

(7) "victim advocacy agency" has the meaning given the term "victim counseling center" in [AS 18.66.250](#) ;

(8) "personal program participants' records" means records maintained by the approved program for a program participant, including an intake assessment, dates and summary of contacts with the program participant, lethality assessments, records of the participant's compliance and non-compliance with program requirements, and a summary of victim safety checks;

(9) "program" means an individual or an agency operating a community-based intervention program that is designed to prevent the recurrence of domestic violence; "program" includes a program that addresses issues of power and control, the beliefs and values that lead to domestic violence in our society, and a participant's responsibility for domestic violence, but does not include a program solely addressing alcoholism or use of controlled substances;

(10) "program participant" means a person who is a perpetrator of a crime involving domestic violence and who has been ordered to participate in and complete a program for the rehabilitation of perpetrators of domestic violence as a condition of probation, a condition of parole, or a condition of a protective order or domestic violence;

(11) "recidivism" means the verifiable recurrence of domestic violence or a crime against a person under AS 11.41;

(12) "substance abuse" includes abuse of alcoholic beverages and controlled substances;

(13) "victim safety check" means a process by which an assessment is made of a victim's risk of danger of domestic violence or psychological abuse from a program participant;

(14) "vulnerable adult" has the meaning given in [AS 47.24.900](#) .

History: Eff. 11/13/98, Register 148

Authority: [AS 44.28.020](#)

Editor's note: As of Register 171 (October 2004), and acting under [AS 44.62.125](#) (b)(6) and sec. 12, ch. 107, SLA 2004, the regulations attorney made technical changes to reflect the name change of the child support enforcement agency to the child support services agency made by sec. 1, ch. 107, SLA 2004.