

Court Ordered Anger Management Classes

Summary

The Ventura County 2004-2005 Grand Jury received a citizen's complaint about an anger management class provider. The complaint alleged certain behavior on the part of the provider relevant to the class members that seemed unethical and coercive.

The complaint raised questions about the Ventura County Probation Agency's (VCPA) authority and responsibility in such cases; therefore an investigation into those issues was initiated.

The Grand Jury concluded that the monitoring of providers by VCPA is insufficient and could allow the alleged actions to have taken place. The Grand Jury also discovered that probation files were being destroyed immediately upon a defendant's death without taking into account any possible need for information contained therein. VCPA is currently developing a new policy for the purging of client files to ensure that records are retained for a period of time before being destroyed.

Background

The Grand Jury received a citizen's complaint about the behavior of an anger management class provider. In the complaint it was alleged that the defendant was court-ordered to go for group therapy in anger management after a domestic violence conviction. It alleged that the therapy provider engaged in conduct that seemed unethical and coercive.

While domestic violence takes many forms, for purposes of this report reference is to batterers' anger management treatment groups. The term "defendant," as used in this report, refers to a person who has been convicted and sentenced to probation supervision, and is synonymous with the term "probationer."

The Grand Jury's investigation did not extend to the individual provider but questions raised by the complainant about the authority, responsibility and accountability of government led the Grand Jury to look into VCPA's policies and procedures in the approval and monitoring of treatment providers.

When the Grand Jury attempted to review VCPA's records relative to the complaint it discovered that they had been destroyed upon the probationer's death. The Grand Jury also decided to look into VCPA's file-purging practices.

Methodology

The Grand Jury's investigation took the following steps:

- Interviewed the complainant
- Studied Ventura County Superior Court documents relevant to the case

- Conducted three interviews with personnel from the Adult Services Division of VCPA
- Studied the Domestic Violence Batterers' Intervention Programs Standards and Guidelines (Standards and Guidelines), a manual published by VCPA
- Reviewed those portions of the probationer's file that had not been destroyed

Findings

Sentencing Procedure

- F-01.** VCPA prepares a report for the court's information in domestic violence cases that is used after a conviction to provide the judge with sentencing recommendations.
- F-02.** This report is prepared by VCPA after a preliminary risk assessment of the defendant as to the appropriateness of a probation sentence. As part of the assessment the defendant's substance abuse history, prior criminal and prison history, and results of an interview with the defendant are considered.
- F-03.** If probation is indicated, the report recommends certain terms and conditions. These typically include one year of domestic violence counseling, certain fees, community service work and protective terms for the victim. If substance abuse was indicated in the crime, recommendations for drug testing, alcohol testing and abstinence from drugs and alcohol are also included.

Probation Supervision

- F-04.** After sentencing, the defendant is instructed to go to the VCPA office to sign up for the various ordered programs, including the domestic violence group therapy.
- F-05.** A list of approved providers of domestic violence classes is given to the defendant, from which he or she chooses the one he or she wishes to attend. There are four approved providers in Ventura County with treatment locations in Camarillo, Newbury Park, Ojai, Oxnard, Santa Paula, Simi Valley, Thousand Oaks and Ventura.
- F-06.** VCPA's general handling of cases is described as setting up an initial visit in order to go over the terms and conditions of probation, seeing the client monthly to check compliance, visiting the client's home, possible search of the home and the collection of proof of compliance with the terms and conditions of probation.
- F-07.** VCPA's description of the anger management counseling is that it consists of a 52 week course in 55 weeks (up to 3 absences allowed). The group sessions last 1-1/2 to 2 hours, once a week.
- F-08.** Probation officers never attend any of the sessions as the treatment providers find it disruptive.

F-09. VCPA views defendants as being capable of making a complaint to their probation officer if there is a problem with a treatment provider.

Approval Process for Treatment Providers and Programs

F-10. California state law governs treatment provider criteria and protocol and is contained in Penal Code sections 1203.097 and 1203.098. Examples of the criteria are that classes must be group settings, two hours long, limited to 15 per group, have a specified curriculum and no victim is to be part of the counseling program.

F-11. VCPA has sole authority to approve a treatment provider and approval must be renewed annually.

F-12. Provider approval is sought by the completion of a written application describing the treatment program, demonstrating the ability to administer and operate a batterer’s program, and documenting at least one year’s experience. The application process also includes an on-site review of the program and the payment of approval fees.

F-13. VCPA has sole authority to deny, suspend or revoke approval for reasons such as violation of the penal code or misrepresenting any material fact alleged in the approval process.

F-14. Approval is an accreditation process and does not result in a contract between the county and the provider.

F-15. Each program must reapply yearly for approval by submitting an approval application, paying the fee and providing documentary support.

F-16. Standards and Guidelines directs VCPA as follows in the monitoring of group sessions:

VCPA shall conduct a site monitoring of at least one batterer’s group session, per program. The selection of the group and date shall be within the discretion of VCPA and may be unannounced.

At the determination of VCPA, additional sessions of the same group may be monitored, all groups offered by the program may be monitored, or only selected sessions may be monitored. This determination shall be within the discretion of VCPA.

VCPA shall record the observations in a written report on a uniform document and shall determine program compliance with these standards based upon observations and report.

Program Content

F-17. The California Penal Code directs that the anger management program content focus on education about gender roles, socialization, the nature of violence, the dynamics of power and control, and the effects of abuse on victims and children.

- F-18.** Program content *challenges* attitudes that promote the use of violence, i.e., the belief that one is entitled to control the activities of another, rigid sex role stereotypes, gender superiority and privilege, attitudes which restrict the show of emotions, or the belief that aggression can be used to enforce privilege and authority.
- F-19.** Program content *promotes* the following ideas: respect for the equal rights of partners in a relationship, the belief in human equality in society, an awareness of the costs of abusive behavior and empathy for the victim's experiences.

VCPA's Authority and Responsibility

- F-20.** VCPA investigates every complaint it receives about providers. The investigations include interviewing the complaining party and other clients.
- F-21.** VCPA would have investigated this complaint if they had received it. They rely on clients to make such a complaint to their supervising probation officer.
- F-22.** Senior deputy probation officers make provider site visits. The visits are usually only during the approval process and are scheduled. Visits could be made at other times but due to time constraints they probably are not made.
- F-23.** VCPA is developing a different policy regarding the purging of client files to ensure that records will be retained for an appropriate period of time before being destroyed.

Conclusions

- C-01.** It is unreasonable to expect that a defendant, court-ordered into a program and dependent on the provider to report compliance, would complain to the VCPA about unethical behavior on the part of the provider. (F-09, F-21)
- C-02.** Unethical or coercive behavior on the part of a provider could undermine the potential benefits of the treatment for the defendants. (F-17 thru F-19)
- C-03.** Program providers are accountable to VCPA. (F-11, F-13 thru F-16)
- C-04.** Random unannounced site visits to groups would serve to preserve the integrity of the programs. (F-08, F-16)
- C-05.** In the interest of preserving important information, the VCPA has begun to develop new purge criteria for deceased client files. (F-23)

Recommendations

- R-01.** VCPA should develop a tighter policy of monitoring providers with random unannounced site visits at times other than during the approval process. (C-01 thru C-04)
- R-02.** VCPA should provide the Grand Jury a copy of the revised purge policy upon its approval by its executive staff. (C-05)

Response Requested

Ventura County Probation Agency (R-01, R-02)

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