



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: E
Section: .2400
Title: **Domestic Violence
Education Program**
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POLICY AND PROCEDURE

References

North Carolina General Statute 7B-301, 143B-704

.2401 GENERAL

The North Carolina Department of Public Safety (NCDPS), Prisons Section, in accordance with G.S. 143B-704(e) and in consultation with the NC Domestic Violence Commission and established best practices, shall establish and make available a domestic violence education program for offenders whose official record includes a finding by the court that the offender committed acts of domestic violence. Offenders who are not court recommended but their records include acts of domestic violence may participate in the program. Prisons will make every effort to ensure that offenders who have committed acts of domestic violence are afforded the opportunity to participate in the program.

.2402 PURPOSE

It is the policy of North Carolina Department of Public Safety, Prisons to provide guidelines and procedures regarding the Domestic Violence Education Program (DVEP). The program provides education and tools to help minimum custody and medium custody offenders recognize the long term impact their actions have on other people as well as themselves and to provide an avenue for change.

.2403 DEFINITIONS

- (a) Domestic Violence – any violence between current or former partners who are in or have had an intimate or personal relationship. The violence may include intentional bodily injury or attempts to cause bodily injury. Domestic violence includes placing members of a family or household in fear of imminent serious bodily injury. Additionally, domestic violence is continued harassment that rises to the level of inflicting substantial emotional/psychological distress for current or former partners or members of the family or household. It also includes rape or sexual offense against current or former partners. According to laws that govern, domestic violence also includes stalking of current or former partners.
- (b) Domestic Violence Education Program (DVEP) – a program designed to orient and educate participants on ways to identify abusive behavior patterns, issues of power and control, and the basic skills to begin the process of breaking the cycle of abuse.

- (c) Peer Counselors – selected **offenders** who have previously completed a Domestic Violence Program offered by Prisons who assist other **offender** participants in understanding the material presented during classroom sessions and helps them with any related activities for the program.

.2404 PROGRAM MANAGEMENT

- (a) Prisons shall designate facilities that will offer the program.
- (b) DVEP is a part-time education program presented in cycles of **four-week** sessions. The program is normally held 4 days per week for two and one-half (2.5) hours in length. **Offenders** participate for a total of 40 classroom hours and are provided a certificate upon completion of the program. There is a maximum of 15 **offenders** per class. Student /Facilitator ratio is 15 to 2.
- (c) NCDPS Rehabilitative Services designates a Program Director as the DVEP Manager to provide management and coordination for the DVEP. The DVEP Manager will monitor the program to ensure compliance with the policy, standards, and G.S. 143B-262 (e), to maintain the programs policy and standards, to assist staff in interpreting and understanding the policy, and to approve placement of **offenders** in the DVEP.
- (d) The DVEP Manager will do quality assurance by conducting frequent direct observation and monitoring of the program operation.
- (e) The DVEP Manager will obtain and use persons skilled in the area of domestic violence to aid in the recruitment, maintenance/development of the curriculum and program standards and audits.
- (f) **A designated Prisons Population Management support staff will coordinate with the Rehabilitative Services DVEP Manager** in tracking, backlogging, and scheduling **offenders** for transfer to be assigned to a DVEP. Based on bed space availability, the Prisons Transfer Coordinator will ensure **offenders** are transferred according to the priority established and transferred to the appropriate facility.
- (g) Prison facilities designated to offer the program will assign a staff member as Coordinator of the Domestic Violence Education Program. The DVEP Prison Facility Coordinator will ensure implementation and maintenance of the program at the facility and that the program quota is met at all times.
- (h) Each facility designated to offer the program will maintain a minimum of (2) staff as the Domestic Violence Education Program (DVEP) Case Manager/Facilitator. The DVEP Case Manager/Facilitator will:
 - (1) Provide case management for a caseload of no more than 20 **offenders** who have been selected to participate in the DVEP, and/or **offenders** currently participating

in the program, unless the prison facility has just cause to increase their caseload, but to no more than 45 offenders.

- (2) Conducts a personal interview with all offender referrals to verify the offenders' suitability for the program. The DVEP Case Manager/Facilitator notifies the Prison Facility Coordinator when offenders have been determined to not be suitable for the program. The Prison Facility Coordinator notifies the Rehabilitative Services DVEP Manager, who should authorize the cancellation of the offender's assignment when the offender is found not suitable for the program.
 - (3) Conducts an orientation session for all offenders who have been assigned to participate in the program to inform them of the program purpose, the purpose of their assignment, and the program rules.
 - (4) Conduct classroom instruction using the approved curriculum.
 - (5) Documents daily class attendance for all participants on the OPUS IJ61 screen.
 - (6) Maintains statistical data for each program cycle that provides information about the number of offender participants, the number of offenders terminated, and the number of offenders who completed the program. The data is submitted to the Division DVEP Manager by the 10th day after the cycle has been completed.
- (i) The DVEP will have 2 (two) Peer Counselors. The DVEP facilitators and the facility DVEP Coordinator select Peer Counselors. Both peer counselors will attend each class and assist the class as needed as determined by the facilitators. The Peer Counselors also provide appropriate support and mentoring to offender participants outside of the classroom structure. The Peer Counselor tasks are to be provided in a manner that is not disruptive to prison operation or violate prison rules. The DVEP Peer Counselor should remain assigned to this position for a minimum of six months.
 - (j) The DVEP Peer Counselor position is a full-time job assignment. The position is assigned gain-time III or earned-time III with an incentive wage rate of \$1.00 per day.
 - (k) An offender's identification, referral, and assignment to the DVEP is mandatory if they are court ordered/sanctioned to attend a domestic violence program. A court ordered/sanctioned offender's refusal to participate after completion of the program orientation may be referred for disciplinary action. As deemed appropriate, the DVEP Manager may notify the sentencing court of a court ordered/sanctioned offender's refusal to participate in the program and documentation is required to be made on the OPUS IP61 by staff at the facility that are authorized to enter these comments. Prisons staff must make efforts to ensure that court ordered/sanctioned offenders participate in the program according to their court order/sanction and to be in compliance with the governing law.

- (l) All **offenders** assigned to the DVEP must participate in the first two weeks of the program to obtain orientation, information, and education. **Offenders** who withdraw from the program are returned to their sending facility.

.2405 PROCEDURE

- (a) **Offender** Eligibility and Priority of Selection – Court ordered/sanctioned **offenders** identified and selected for the DVEP must be given priority for assignment to this program based on the program being mandated for them by NC General Statute. However, legitimate exceptions to this rule may be made if the **offender's** sentence length does not allow **them** to complete the program. Additionally, legitimate exceptions may occur when the **offender** is assigned to ESL, **restrictive housing**, and when the **offender's** acuity level and custody level does not match the DVEP facility. In addition, an **offender's** assignment to a residential substance abuse program is not interrupted in order to assign the **offender** to a DVEP.
 - (1) The **offender** selection priority for the Domestic Violence Education Program is as follows:
 - (A) Priority I – **Offenders** who are court ordered/sanction for domestic violence education;
 - (B) Priority II – MAPP **offenders** who have a history of domestic violence and/or are required to attend a domestic violence program per their MAPP agreement
 - (C) Priority III – **Offenders** with a history of domestic violence who have been evaluated and referred by a reception and diagnostic center;
 - (D) Priority IV – **Offenders** with a history of domestic violence who have been referred by other prison staff;
 - (E) Priority V – **Offenders** with a history of domestic violence who make a request to their Case Manager to participate.
 - (2) **Offenders** should have a minimum of 45 days remaining on their sentence when identified and/or selected for the program. **Offenders** should have a minimum of 30 days remaining on their sentence when assigned and begin participation.
- (b) Identification and Referral for the Domestic Violence Education Program
 - (1) As a part of the Reception and Diagnostic Center process, the Diagnostic Center Director or designee will screen and evaluate the **offender** to determine if the **offender** meets one or more of the criteria for participation in the program.

- (2) When the offender is court ordered/sanctioned for a DVEP, the Diagnostic Center staff will document in the offender's record the court order for participation in the DVEP, the history of domestic violence, and /or other pertinent information relating to the domestic violence acts.
 - (3) Upon completion of the reception and diagnostic process, the Diagnostic Center Director or designee will make a referral of a DVEP eligible offender for participation. The referral will be made in OPUS on the IJ01 screens.
 - (4) The Diagnostic Center Director or designee will enter "AZ" on the OPUS OT24 screen and a "Y" after the DV field on the OPUS OT21 screen, at which time the DVEP Manager and the designated Population Management support staff responsible for transfers will receive an automatic e-mail notification from INTERSTATE@DOC.STATE.NC.US of the admittance of a court order/sanction domestic violence program offender.
 - (5) Case Managers must review their Case Manager Roster List on OPUS on the Web to determine if an offender is court ordered/sanctioned to attend a domestic violence program. From the roster, the offender's demographic section will show "DV Prog Needed", indicating the offender has a domestic violence court order/sanction. The Case Manager should ensure that domestic violence/domestic violence program is indicated in the offender's assessment and correctional plan, and make every effort that the offender completes a domestic violence program prior to release in accordance with the offender's court order/sanction.
- (c) Tracking, Backlogging, Scheduling, and Transferring of Offenders to the Domestic Violence Education Program
- (1) Upon receipt of the DVEP notification e-mail, the designated Prisons Population Management support staff responsible for transfers will automatically place the offender on a tracking log. The log will be used to keep track of the status of all DVEP eligible offenders and will ensure their placement in the program in priority order when space is available.
 - (2) When space becomes available in a DVEP, the DVEP Manager will authorize and approve offenders for placement in the program.
 - (3) The Prisons Population Management support staff responsible for transfers will backlog and schedule the approved offenders, and submit by email the list of approved offenders to the designated DVEP facility and to the Rehabilitative Services DVEP Manager.
- (d) Assignment and Housing

- (1) Facility staff, using the domestic violence part-time code, will assign offenders within 3 days after their arrival to the prison facility.
 - (2) Offenders participating in the DVEP are also assigned to the facility labor service. The assignment must not interfere with and/or take priority over their participation in the DVEP.
 - (3) All offenders participating in the DVEP are assigned to the caseload of a DVEP Case Manager/Facilitator. The DVEP Case Manager/Facilitator will adhere to all Case Management policy and procedures.
 - (4) Upon arrival, the offender will have a personal interview with the DVEP Case Manager/Facilitator with regard to the program.
 - (5) The DVEP Case Manager/Facilitator will ensure that the offender completes the orientation phase of the DVEP within a maximum of fifteen (15) days after the offender has been assigned to the program.
 - (6) Offenders assigned to the DVEP and the DVEP Peer Counselors are housed together in a designated dorm at the facility.
 - (7) Offender participants are expected to adhere to all class rules and standards, be on time, actively participate in class, and complete required class assignments.
 - (8) Offender participants are expected to attend every class. No participant may have more than two (2) excused absences and zero (0) unexcused absences.
 - (9) Offenders are enrolled only once in a DVEP. If the offender's participation is interrupted due to transfer or other reasons beyond the offender's control such as court dates, medical/mental health issues, or for other management reasons, an exception may be made for re-enrollment of the offender in the program.
 - (10) Offenders, with the exception of disciplinary actions, court appearances, medical/mental health issues, and in emergency situations, will not be removed from the DVEP for routine transfers without consultation and approval from the DVEP Manager.
- (e) Program Termination
- (1) Prisons may terminate an offender's participation in the program for any of the following reasons:
 - (A) Fails to abide by the class rules and regulations;
 - (B) Disciplinary infraction and/or restrictive housing;

- (C) Fails to participate, attend sessions, and/or complete required program assignments;
 - (D) Has a documented recurrence of violent conduct or intimidation;
 - (E) Transferred to another local or federal facility to participate in the criminal justice process.
- (2) In accordance with General Statute 143B-704(e), if an **offender** does not complete the program or is terminated during the period of incarceration, documentation must be made in the **offender's** official record giving specific reasons as stated above and in section **.2405** (a) for the non-participation.
 - (3) This documentation will be made in OPUS using the fast path command "IP61 4 **OFFENDER#** DATE TIME". The Case Manager, if they do not have the user profile DOPINSTV, should request a facility staff with the user profile DOPINSTV, to enter the required comment in OPUS IP61 using the "09" (domestic violence) type code and disposition code "002" (documented).
 - (4) When an **offender**, who has a domestic violence court order/sanction, has legitimate reasons that prevent **them** from not completing the program, the Case Manager must ensure that the reason is documented. This must be done to avoid release problems for the **offender** and avoid the need for an override to be done to enable the **offender** to be released.
 - (5) If an email alert is received from **INTERSTATE@DOC.STATE.NC.US** notifying the Case Manager **and the Rehabilitative Services DVEP Manager** that the **offender** has been approved for release but has not completed the domestic violence program, and that the required comment has not been entered which indicates why the **offender** has not completed the program, the Case Manager or facility staff with the user profile DOPINSTV must immediately enter the required comment in OPUS on IP61.
 - (6) When the **offender** has enough time remaining to participate in the DVEP, the Case Manager will immediately contact the DVEP Manager to have the **offender** enrolled in the program.
- (f) Program Completion
- (1) The DVEP Case Manager/Facilitators will provide the DVEP Manager a list of **offenders** who have completed the DVEP within 5 working days after completion of each cycle.
 - (2) **Offenders** who successfully complete the program receive Certificate of Completion and the Case Manager will record in OPUS on the IJ11 screen (**Offender** Activity Assignment) and the IJ20 screen (Award of Certificate).

- (3) The facility conducts a recognition activity for the **offenders** who successfully complete the program.

.2406 CONFIDENTIALITY

- (a) Prisons shall provide notice of the laws, policies and procedures related to confidentiality of **offender** records to all who provide direct services and programs and to those individuals with access to **offender** records.
- (b) Program staff shall not disclose, without an **offender's** consent, any confidential communication made by a participant to the staff during the course of the program with the exception of the following:
- (1) An **offender** makes an overt or covert threat to harm self or others. When this occurs, a referral is made to the appropriate facility staff.
- (2) The **offender** is suspected of child abuse or neglect. Staff shall report such abuse or neglect to the authority of the social services in the county where the juvenile resides, pursuant to G.S. 7B-301.
- (c) Information provided by victims is strictly confidential and is not to be released to **offenders** or the public. Domestic Violence Case Managers/Facilitators who are contacted by a victim of an **offender** participating in the DVEP will immediately notify the facility primary Victim Information Coordinator (VIC) or back-up facility VIC. If the primary or back-up VIC is not available, the **Prisons Rehabilitative Services Victim Services Coordinator and** NCDPS Office of Victim Services is to be notified.



Commissioner of Prisons

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Date

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