



# COUNTY OF SACRAMENTO

## Probation Department

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July 23, 2025

The Honorable Bunmi Awoniyi  
Presiding Judge  
Sacramento County Superior Court  
720 9th Street  
Sacramento, CA. 95814

Subject: Response to Sacramento Grand Jury Report Adding Insult to Injury: The Systematic Failure of the Sacramento County Batterer's Treatment Program.

### I. INTRODUCTION

The Sacramento County Probation Department respectfully submits the following formal response to the 2024-2025 Grand Jury findings and recommendations related to the Batterer's Program (BP) 1203.097.

### II. RESPONSE TO FINDINGS

#### **Finding 1 (F1)**

*The Grand Jury finds that as of December 2024, the Probation Department has failed to keep complete and accurate records resulting in an inability to track and evaluate data in the areas of offender recidivism, attendance, and completion/failure rates.*

#### **Response: Agree**

In early 2025, a comprehensive review of our current data management system and reporting practices was initiated. As a result, the Department is implementing upgrades to our case management system, enhancing staff training, improving its data collection, and working with our contract providers to assist with data entry protocols.

## **Finding 2 (F2)**

*The Grand Jury finds the BTP in Sacramento County uses an antiquated, ineffective, one-size-fits-all approach, resulting in a high failure rate.*

### **Response:** Disagrees Partially

The Batterer's Program (BP) in Sacramento County does not use an antiquated, ineffective one-size-fits-all approach for treatment. The Program is implemented in consideration of individual needs to the extent possible within the framework of the law; however, the time-period mandated in the penal code is antiquated. Penal Code 1203.097(a)(6) mandates the defendant shall complete a batter's program. The program shall be for a minimum of one year, with weekly sessions for a minimum of two hours class time duration each week.

In accordance with the penal code, Probation conducts an initial assessment of the client, including the social, economical, and family background, education, vocational achievements, criminal history, medical history, substance abuse history, prior incidents of violence, police report, treatment history, if any, demonstrable motivation, and other mitigating factors in determining which batter's program would be appropriate for the client. Participants undergo a formal risk and needs assessment at intake, and probation officers work closely with certified BP providers to match participants with appropriate programming, monitor progress, and respond to violations or non-compliance. Providers are required to be certified and follow the state-mandated curriculum while also incorporating trauma-informed practices and culturally responsive approaches where appropriate.

The curriculum is grounded in evidence-based practices and includes the use of validated assessment tools to determine risk, need, and appropriate intervention strategies for participants convicted of domestic violence offenses. Although not a participant in AB 372's pilot program, the Department is reviewing alternatives to the 52-week BP curriculum which provides flexibility to counties to tailor the length and intensity of BP programs.

## **Finding 3 (F3)**

*The Grand Jury finds Probation's failure to perform a risk assessment at the conclusion of the BTP prevents an accurate determination of the offender's potential to reoffend.*

### **Response:** Disagrees Partially

No single risk assessment tool can accurately predict an individual's potential to reoffend. While Probation does not perform a risk assessment at the conclusion of the program, a risk assessment is conducted at intake and through regular monitoring during the program to aid in treatment and intervention.

The Department uses a validated risk and needs assessment tool, referred to as the Level of Service / Case Management Inventory (LS/CMI) to evaluate participants' criminogenic risks and needs. The tool identifies criminogenic needs across various domains, including education, employment, alcohol and drug use, pro-criminal attitude and orientations, and

antisocial patterns to name a few. It is intended for risk classification, as well as a structured framework for case management planning. These tools inform supervision strategies and treatment planning throughout the client's engagement with probation services.

While a formal post assessment upon program completion is not mandated by Penal Code section 1203.098, probation officers continuously monitor compliance, behavior, and treatment progress, and reassess risk in response to new information. This approach ensures supervision and case planning remains dynamic and responsive rather than relying solely on the initial assessment. The Department is evaluating opportunities to strengthen its post-program review process and may incorporate additional re-assessment protocols at the conclusion of BP programs to further enhance our commitment to public safety and evidence-based supervision.

#### **Finding 4 (F4)**

*The Grand Jury finds Probation has failed to require that providers implement one type of an evidence-based program which has resulted in inconsistent counseling methods.*

#### **Response: Disagree**

The Department has established clear requirements and quality assurance measures to ensure every contracted service provider delivers an approved evidence-based intervention model. All providers that use counseling or general cognitive behavior services must select from a Department approved evidence-based curricula. While providers may tailor certain components (e.g. integrating culturally responsive materials, or adjusting pace for clients with cognitive limitations), those adaptations occur with strict framework of a single approved evidence-based practice. A facilitator may employ supplemental case-management techniques to address certain needs; however, the core curriculum remains intact and delivered as mandated. This balanced approach allows client-centered flexibility without sacrificing the program's fidelity.

The Department will continue to refine its oversight protocols and ensure all programs deliver uniformly high-quality evidence-based interventions.

#### **Finding 5 (F5)**

*The Grand Jury finds Probation's inadequate oversight of the certification of providers has resulted in providers being re-approved year after year without an assessment of their competency.*

#### **Response: Disagree**

The Department maintains a rigorous, multi-step reapproval process which evaluates both provider qualifications and performance as documented in the Department's Batterer's Program Standards and Procedures, as well as the Batterer's Provider Program Certification policy. As a result of these layered safeguards such as annual licensing reviews, outcome driven performance reviews, on-site fidelity audits, and formal corrective action framework, our oversight ensures every certified provider continues to meet statutory requirements and evidence-based standards. Accordingly, provider

certifications have not been renewed due to non-compliance with program standards and failure to meet contractual obligations during oversight reviews.

The Department remains committed to continuous quality improvement and will refine our audit tools, expand professional development opportunities for contracted staff, and use data analytics to identify and address any emerging performance gaps.

#### **Finding 6 (F6)**

*The Grand Jury finds reliance on the Offenders-Pay-Model creates a financial barrier, thereby inhibiting the offender's ability to enroll and complete the program and creating a financial burden for some providers.*

#### **Response: Agree**

The current model, which places the financial responsibility for program costs on the offender, is widely used across California. For many participants, particularly those who are low income, unemployed, or experiencing homelessness, the cost of required services can create a significant obstacle to BP access and completion. This not only affects the individual's progress toward rehabilitation but also has implications for public safety and long-term behavior change.

Some fees may be reduced or deferred, depending on the offender's ability to pay and the provider's willingness and ability to absorb the cost. In accordance with Penal Code section 1203.097(P), an indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee, if the defendant has the ability to pay the nominal fee. Upon a hearing and a finding by the court that the defendant does not have the financial ability to pay the nominal fee, the court shall waive this fee. The Department encourages all providers, consistent with requirements of Penal Code section 1203.097(P), to maintain a sliding scale fee structure, and probation officers routinely assess each client's financial circumstances. While these measures provide some relief, they do not fully address the limitations of the current funding model. The Department is committed to exploring alternative and supplemental funding strategies including state and federal grants, county partnerships, and other collaborative initiatives to reduce financial burden on clients.

#### **Finding 7 (F7)**

*The Grand Jury finds Probation's refusal to allow online meetings under any circumstances serves as a barrier to BTP completion by offenders and presents financial hardships for some providers.*

#### **Response: Disagree**

The Department's policy prioritizing in-person participation in BP is grounded in domestic violence offenses and aligned with state-mandated standards including California Penal Code section 1203.097 and the requirements of the California Department of Justice for BP providers. These guidelines emphasize the need for structured, face-to-face interventions where trained facilitators can closely observe

participants' attitudes, behaviors, and group interactions which are all key components in addressing accountability.

Virtual formats may limit a facilitator's ability to detect subtle signs of manipulation, denial, or minimization, in addition to confirming the individual on probation is the one actively logging in. These behaviors, common among domestic violence offenders, can make it more difficult to maintain a safe and confidential group environment. In-person delivery of BP is not only more effective, but also necessary to uphold the program's integrity and protect victim safety. The evolving technological landscape may offer new opportunities to enhance access without comprising program quality.

### **Finding 8 (F8)**

*The Grand Jury finds Probation lacks an in-house BTP that would enable indigent offenders to avoid weekly fees and receive their certification of completion in a timely manner.*

#### **Response: Disagree**

The Department does not operate an in-house BP because of significant staffing and resource constraints. The Department is not positioned to develop, implement, or sustain a fully operational in-house program without major impact on our existing service delivery responsibilities. Establishing an in-house BP requires additional funding, clinical staff, program administrators, training, certification, infrastructure, and oversight to meet the rigorous standards required under California Penal Code section 1203.097.

The Department partners with a network of state-certified community-based providers who offer a range of culturally competent, geographically accessible, and evidence-based BP services. The Department is exploring strategic partnerships with current providers to identify opportunities to combine locations and resources to further reduce financial barriers.

## **III. RESPONSE TO RECOMMENDATIONS**

The Sacramento Probation Department has reviewed the Grand Jury's recommendations and provides the following responses to each recommendation pursuant to Penal Code section 933.05.

### **Recommendation 1 (R1)**

*The Grand Jury recommends Probation and providers collect and record all data regarding offender's recidivism, attendance, participation, and completion and input it in the BTP portal on a weekly basis starting January 1, 2026.*

**Response:** The recommendation has not yet been implemented but will be implemented within a year of submission of this report.

Reliable data is essential for supporting accountability, improving services, and reducing reoffending. The lack of standardized data collection practices and inconsistent reporting from contracted services providers have contributed to these gaps. This recommendation is being implemented and corrective actions beginning January 2025 are underway including:

- Updated Reporting Requirements for Providers – All service contracts are being revised including clear, enforceable data reporting standards. Providers are required to submit monthly reports with verified attendance, participation, and completion statistics and failures to comply may result in contract penalties or termination.
- Improving the centralized data system (DV Portal) – This will provide real-time tracking of offender progress, attendance, and outcomes across all programs.
- Staff Training and Oversight – Probation staff will receive updated training on accurate documentation practice and the need for data integrity. This will also be shared with providers to train their staff to ensure compliance with new protocols.
- State law (PC 1203.097) does not require the counties or any state entity to track the data the State needs to evaluate offenders' completion or programs and the program's effectiveness at stopping domestic violence. To ensure all program providers and probation Departments require offenders to attend programs consistently, the Courts should define "unexcused absences, failure, termination, successfully completing, attendance, and participation" to ensure all program providers use a consistent approach to identifying successfulness in the programs.
- The Department is strengthening its record retention policies to ensure compliance with local and state regulations including all case files, attendance logs, progress reports, and outcomes to be retained for a minimum of 5 years from the date of case closure or program completion, unless otherwise stated by law. Providers will be contractually obligated to follow the same standards and make records available for audit or review upon request.

## **Recommendation 2 (R2)**

*The Grand Jury recommends Probation initiate a risk assessment evaluation for appropriate placement of offenders in a BTP tailored to meet individual needs by January 1, 2026.*

**Response:** The recommendation has been implemented.

Once the court places an offender on formal probation, state law requires the Probation Department to conduct an initial assessment of that individual, including social and economic background, education, criminal history, medical history, and substance abuse history. Currently, the Department, at the client's initial intake, screens participants using the validated, dynamic Level of Service/Case Management Inventory (LS/CMI) assessment tool to determine their criminogenic risks and areas of need. During the interview, officers review general and special terms and conditions of supervision and make appropriate referrals as necessary. As part of the intake process, a Human Services Specialist, a Registered Nurse, and a Senior Mental Health Clinician see the clients. These resources are critical in linking clients to services such as Medi-Cal, General Assistance,

CalFresh, mental health, medical, and drug and alcohol treatment. In addition, clients receive information about employment, vocational training, construction pre-apprenticeship programs, and education opportunities (GED or enrollment in community colleges). Once the screening and intake process is complete, clients are transferred to the appropriate level of supervision. In addition to having the offender referred to a BTP provider, the program providers must also assess offenders to ensure they are suited to a program and communicate to the Probation Department if they are not.

### **Recommendation 3 (R3)**

*The Grand Jury recommends Probation add a risk assessment at the conclusion of the BTP by January 1, 2026, to determine the effectiveness of the program and increase support and treatment opportunities for those likely to reoffend.*

**Response:** The recommendation has not yet been implemented but will be within a year of submission of this report.

Post treatment evaluation is critical to understanding the program's effectiveness and continued support and monitoring of clients who remain at risk of offending.

Currently, clients are assessed at intake using validated tools such as the LS/CMI, which informs case plans and treatment referrals. It is recommended batterer's program providers should be conducting standardized discharge reviews and/or risk assessments at the conclusion of treatment including:

- An assessment of behavioral progress and program participation.
- A clinical evaluation of remaining risk factors.
- Recommendations for continued services and support.

The Department will work to enhance our collaboration with our BP providers to ensure the goals of treatment are thoroughly evaluated and supported at the conclusion of programming.

### **Recommendation 4 (R4)**

*The Grand Jury recommends Probation require all providers follow an evidence-based model that addresses individual needs by January 1, 2026.*

**Response:** The recommendation has not yet been implemented but will be implemented within a year of submission of this report.

The Department is working with all certified BTP providers to ensure they follow evidence-based treatment models which are rooted in established domestic violence intervention practices. These models emphasize accountability, behavior change, and the reduction of future harm while also allowing for the flexibility to address individual risk and responsivity factors. Under California Penal Code sections 1203.097 and 1203.098, all

batterers' treatment programs must be approved and monitored by the designated local oversight agency which in most counties is the Probation Department. These laws also require that providers assess the individual needs of each participant through intake procedures, progress monitoring, and case coordination with probation officers. These assessments inform tailored interventions, including referrals to additional services such as mental health counseling, substance abuse treatment, parenting classes, or trauma informed care when appropriate. While the legal framework and current practices already support individualized, evidence-based programming, the Department remains committed to continuous improvement.

Effective this fiscal year (2025/2026), Probation will require all providers to formally document their use of an approved evidence-based curriculum and demonstrate how their programming aligns with individual client assessments. This requirement will be monitored through the provider approval and renewal process, as well as program audits and data collection efforts.

### **Recommendation 5 (R5)**

*The Grand Jury recommends that Probation implement a provider application and approval process, including a formal Request for Qualifications (RFQ), for the certification and re-certification of providers by January 1, 2026.*

**Response:** The recommendation has been implemented.

The Department's comprehensive application, evaluation, and approval process for all BTP contracts and service providers is documented in our Department's Batterer's Program Standards and Procedures, as well as our Batterer's Provider Program Certification Policy. The Department requires all prospective providers to:

- Respond to a Request for Qualifications during the open application period.
- Demonstrate alignment with evidence-based practices, including use of validated curriculum, culturally competent service delivery, and measurable outcomes.
- Provide documentation of staff credentials, organizational qualifications, and programming methodologies.

A Batterer's Program Evaluation Committee composed of Department staff and subject matter experts review all applicants to ensure an impartial and thorough evaluation. In addition to initial approval, the Department maintains protocols for:

- Annual performance reviews and site visits to assess service quality, participant engagement, and outcomes.
- Recertification requirements for programs operating under legislative mandates (Ca. Penal Code section 1203.097).
- Corrective action procedures for providers found out of compliance with program standards, reporting requirements, or contractual obligations.

Although the Department already maintains a formal application and oversight process, reviewing and updating our evaluation tools to enhance clarity, promote equity, and ensure consistency across BTP service providers is a standard practice for improvements to support quality service delivery and successful outcomes for the participants we serve.



**Recommendation 6 (R6)**

*The Grand Jury recommends Probation solicit input from criminal justice agencies and domestic violence victim advocacy programs as required by statute for the development of the RFQ by January 1, 2026.*

**Response:** The recommendation has been implemented.

In accordance with California Penal Code section 1203.098 and other applicable laws, the Department consults with local criminal justice partners including the District Attorney's Office, Public Defender, Court representatives, and law enforcement agencies in determining the planning and development of the RFQ's and service standards. In addition, the Department engages with domestic violence victim advocacy organizations such as the Sacramento Family Justice Center to gather input on program needs, victim safety concerns, and culturally appropriate service delivery. While the Department is already meeting statutory consultation requirements, we remain committed to strengthening our partnerships and expanding opportunities for stakeholder input. The Department values and incorporates the expertise of our criminal justice and advocacy partners in all phases of provider oversight and development and will continue to foster these essential collaborations.

**Recommendation 7 (R7)**

*The Grand Jury recommends Probation collaborate with neighboring counties, especially those taking part in the pilot program such as Yolo County for shared knowledge and training of providers in the use of CBT by January 1, 2026.*

**Response:** The recommendation has not yet been implemented but will be implemented within a year of submission of this report.

The value of regional collaboration in advancing effective, evidence-based practices is supported by Probation. AB 372, in conjunction with AB 479, allows pilot counties to have flexibility to tailor the length and intensity of batterer's treatment programs using the principles of Cognitive Behavioral Therapy (CBT) and a new assessment tool (Risk Needs Responsivity) which can be used both before, and after completion of treatment to evaluate the risk of reoffending, identify factors that contribute to criminal behavior, and determine the most appropriate and effective interventions based on the offender's characteristics.

The Department will initiate outreach to Yolo County Probation Department to explore the development of a pilot program offering a shortened batterer's treatment program model. This model will be informed by evidence-based practices, including CBT, and will align with AB 1950, which authorizes counties to implement shorter treatment durations in certain cases where justified. Importantly, the shortened program structure will be designed to align with shorter probation terms while maintaining core goals of accountability, education, and behavior change. The Department looks forward to developing a pilot model that reflects this legislative direction and enhances our capacity to supervise, support, and rehabilitate participants under our care.

## **Recommendation 8 (R8)**

*The Grand Jury recommends Probation request funding from the Community Corrections Act (SB 678) and the Community Corrections Partnership (CCP) and any state, federal, or other grant issuing entities to help subsidize payment of BTP fees for indigent offenders by June 30, 2026.*

**Response:** The recommendation has not yet been implemented but will be implemented within a year of submission of this report.

Access to mandated treatment should not be limited by an individual's financial means, especially when successful participation plays a critical role in their court ordered conditions of probation, victim safety, behavior change, and reduced reoffending. The cost of a 52-week Batterer's Treatment Program can present a major barrier for participants with limited income.

However, in accordance with Penal Code section 1203.097(P), an indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee, if the defendant has the ability to pay the nominal fee. Upon a hearing and a finding by the court that the defendant does not have the financial ability to pay the nominal fee, the court shall waive this fee.

When fees are unaffordable, participants may face program non-compliance resulting in probation violations and missed opportunities for rehabilitation. The Probation Department will pursue available funding streams to help subsidize payment of BP fees for indigent offenders by doing the following.

- Explore existing county funding options to subsidize payment for BP fees for indigent offenders, including funding through CCP (Assembly Bill 109).
- Work collaboratively with BP providers to standardize financial hardship assessments and improve consistency in sliding scale determinations, supporting that subsidy resources are allocated fairly and transparently.
- Identify and apply for additional grant opportunities including victim services, behavioral health, and domestic violence related funding streams that may support full or partial subsidy of treatment costs.

The Department cannot request additional SB 678 funding as it is an allocation based on a formula to reward performance. SB 678 funds are intended to support programs and services that reduce prison commitment and improve probation outcomes. The state determines each county's share by reviewing performance indicators. While BP Program funding is consistent with the intended use, the Department cannot request additional funds for specific programs. The Department remains committed to ensuring that participants can access critical rehabilitative services regardless of their financial situation.

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## **Recommendation 9 (R9)**

*The Grand Jury recommends Probation initiate hybrid video conference BTP meetings for offenders by January 1, 2026.*

**Response:** The recommendation will not be implemented because it is not warranted or reasonable.

Multiple peer-reviewed studies and evaluations nationally conducted, including findings referenced by the California Judicial Council and domestic violence research institutions conclude virtual or hybrid delivery of batterers' treatment programs are inconsistent with best practices. In-person group settings are essential for:

- Holding participants accountable through structured peer interaction and facilitator observation.
- Facilitating behavior change through dynamic group engagement, confrontation, and modeling.
- Ensuring victims' safety, by reducing opportunities for deception or misrepresentation of compliance.
- Maintains program integrity and compliance with state-mandated curricula and oversight requirements.

The Sacramento County Superior Court does not currently allow virtual or hybrid BP formats for compliance with court-ordered conditions and programming. Until the court policy changes, the Department cannot approve or support virtual BP models as compliant with mandated conditions of probation. We remain committed, however, to improving access to in-person participation through working with our BP providers in seeking innovative ideas for transportation support, financial assistance, and expanded geographical availability.

## **Recommendation 10 (R10)**

*The Grand Jury recommends Probation initiate an in-house BTP for offenders that meets all the conditions set forth in Penal Code Section 1203.099(a) by January 1, 2026.*

**Response:** The recommendation will not be implemented because it is not reasonable.

An in-house BTP program could offer potential benefits, including increased oversight, consistency in delivery, and improved access for participants; however, due to staffing limitations and resource constraints, this recommendation is not possible. The intensive requirements for program development, facilitation, documentation, compliance with state mandates, training instructors, and conflict with our current providers would require dedicated personnel and infrastructure that we are unable to allocate. However, we are exploring alternative strategies to support this recommendation, including:

- Providing access to Probation Department facilities for our certified BTP providers to conduct on-site sessions.
- Partnering with external partners to deliver services within probation buildings under close coordination and supervision.
- Reviewing options for co-location models, which allow provider-led programs within the Department space while maintaining fidelity to independent certification and statutory compliance.

These approaches would allow participants more convenient and accessible services while supporting program integrity and alignment with Penal Code sections 1203.097 and 1203.099. Our current approach emphasizes collaboration, accountability, and sustainability through external provider partnerships.

#### **IV. CONCLUSION**

The Sacramento Probation Department appreciates the time and effort the Grand Jury dedicated to its investigation and the preparation of this report. We share the grand jury's commitment to improving accountability, victim safety, and rehabilitation outcomes for participants under supervision. The Department remains dedicated to collaborative solutions, evidence-based approaches, and continuous improvement to meet the needs of justice-involved participants and the community.