

# MAINE STATE LEGISLATURE

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## **BATTERER INTERVENTION PROGRAMS (BIP)**

A Report to the First Regular Session of the

128<sup>th</sup> Maine Legislature

As a result of recommendations made by the Legislative Commission to Study Domestic Violence to the 120<sup>th</sup> Session of the Maine State Legislature, the Maine Department of Corrections (DOC) Office of Victim Services is required to report annually to the legislature on the performance of Batterer Intervention Programs (BIPs) in Maine. This is the fourteenth annual report.

The state standards for BIPs require the DOC to monitor each certified program, which is done on an annual basis. The Domestic Violence Center in each county also monitors the programs as an essential component of a coordinated community response. In 2016 all certified male and female BIPs with active clients were monitored by the DOC. The DOC monitor noted there “is a significant difference in the number of participants in the various BIP’s”. Additionally, it is recommended that each BIP “start evaluating their programs using adult education program models. This can provide quantitative data that can be used for program evaluation”. Currently, the standards do not require programs to provide measurable data. The information provided by the BIPs currently includes only the number of participants.

Program enrollment data was requested and compiled as required by the standards in 2016 from the responses given directly to the DOC from the BIPs. A total of 821 males were reported to have enrolled in the BIPs and 290 males were reported to have completed the program. A total of 49 females were reported to have enrolled in the BIPs and 18 females were reported to have completed the program. The male and female data submitted is reflected in Attachment A.

The current BIP Certification process is outlined under DOC rule (found on the Secretary of State website, section 03-201, Chapter 15). This rule outlines the procedures and standards governing the certification and monitoring of the BIPs, pursuant to 19-A M.R.S.A. § 4014. The statute and rule make the DOC the lead agency responsible for implementation of these standards, through its Victim Services Coordinator. Pursuant to 17-A M.R.S.A. § 1202 (1-B), only a BIP that holds a valid certificate granted by the DOC may be utilized for court referrals. Certification is valid for two years unless suspended or revoked.

The statute and rule also require that the DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, develop and, on a biannual basis, review a certification process for BIPs. The review process may include input from various agencies and organizations listed in the rule and any others deemed appropriate by the DOC. The most recent revisions to the standards were implemented to reflect gender neutrality, approved August 11, 2013. Attachment B reflects the current standards. Attachment C reflects the currently certified and recently expired BIPs across the State.

Since April 2015, the standards review committee has met on average every other month working towards recommended changes. The standards are being reviewed thoroughly, each topic discussed in detail, all voices are heard, and final recommendations will be made through this process. Ample time has been given for each issue to be discussed and the process is likely to be completed by spring 2017. Once the draft document has been developed, the document will be submitted to the Governor's Office and the Attorney General's Office for review in accordance with the rule-making process, as well as being put out for public comment.

In addition to the 2016 standards review mentioned above, as a result of L.D. 150 there was a resolve requiring a review and a report on pretrial and post-conviction use of BIPs. The resolve required the Maine Commission on Domestic and Sexual Abuse, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C, to review pretrial and post-conviction use of BIPs. Attachment D includes a copy of L.D. 150. Attachment E reflects the L.D. 150 Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs. Attachment F reflects the L.D. 150 report Executive Summary and Recommendations.

The L.D. 150 final report on pretrial and post-conviction use of BIPs included recommendations in the executive summary. L.D. 150 final report recommendations regarding program approach included:

1. Retain the gender-based, educational approach currently used in the Maine certified Batterer Intervention Programs as appropriate for the vast majority of batterers.
2. Allow voluntary use of pretrial participation in a certified Batterer Intervention Program.
3. In a domestic violence related case, Deferred Disposition with a Batterer Intervention Program as a condition should only be used if monitored by a Judicial Monitoring program and supervision by a community agency is also ordered (especially if other conditions are included).
4. Retain the current program duration of 48 weeks based on the time required for the educational process and behavior change.
5. Maintain the current model of independent offender funded BIPs, but create a statewide fund to support truly indigent participants identified through meaningful means testing.

The L.D. 150 final report on pretrial and post-conviction use of BIPs included recommendations in the executive summary. L.D. 150 final report recommendations regarding best practices for improving program outcomes included:

6. Create a solid program infrastructure for BIPs in Maine through the coordinated community response structure.
  - a. BIPs are key components of a coordinated community response to domestic violence. More formalized CCR teams should be implemented in all prosecutorial districts.

- b. Identify and support funding for teacher training and for BIP representatives to attend CCR meetings and Judicial Monitoring sessions.
  - c. Continue implementation within the framework of batterer program certification standards.
- 7. Require judges to make findings on the record in a domestic violence related case that justify:
  - 1. A disposition that does not include a BIP; and 2. A disposition requiring Anger Management. A new general sentencing provision should identify BIPs as the appropriate effective community intervention in such cases.
- 8. Oversight of BIP participants through Judicial Monitoring and community supervision with a “swift and certain” sanction for non-compliance is key to positive batterer program outcomes. Judicial Monitoring dockets should be implemented statewide, which will require additional resources for judge time and court clerks.
- 9. High-risk batterers require ongoing risk management and supervision. Referral agencies should provide risk assessment information to BIPs.
- 10. Engage diverse community members in a way that is culturally competent and safe for the participants. Diverse populations must be integrated through training and preparation of BIP facilitators to create an inclusive environment reflecting the populations local to the programs.
- 11. Continue BIP standards accommodation of programming specific for women that acknowledge differences between men’s and women’s use of violence.
- 12. Implement a process to ensure that prosecutors submit the required annual domestic violence report to allow meaningful review by the legislative joint standing committees specified in existing law. In addition, prosecutors should include the use of certified Batterer Intervention Programs in their written policies for handling domestic violence matters.

In 2016 there is already a LR 1726 in which it is proposed to require, in the case of a person convicted of a domestic violence crime against an intimate partner or dating partner, that the judicial officer order completion of a certified BIP as part of the sentence unless specific facts are presented.

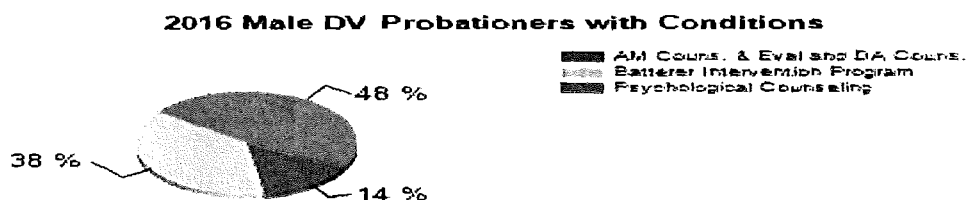
In addition to LR 1726 there is proposed legislation to provide funding for offenders who lack the financial means to pay for the participant fees for BIP, the costs of training personnel, and costs associated with personnel attending court related meetings.

Since September of 2004, the DOC has provided statistics comparing the number of domestic violence offenders serving a term of probation with a condition of anger management counseling, anger management evaluation and/or domestic abuse counseling, compared to psychological counseling, and compared to certified BIPs in the legislative report. The information from the DOC does not track offenders that did not receive a term of probation.

A review of male domestic violence offenders statewide in 2016 revealed over 60% of male offenders are consistently being ordered to attend different types of counseling rather than a BIP. BIP with oversight and monitoring is an essential component of the coordinated community response. BIP is not only appropriate but is the recommended educational program used to address offenders' domestic abuse issues.

The charts below represent the number of current male probationers with conditions of anger management counseling, anger management evaluation and/or domestic abuse counseling, compared to psychological counseling, and compared to certified BIP. This chart reflects 1070 probationers with a total of 1283 conditions. (213 probationers had more than one condition and this is reflected in the percentages.) (Also, there is an unidentified number of domestic violence offenders sentenced to a term of deferred disposition or administrative release; these offenders are not reflected in the charts.)

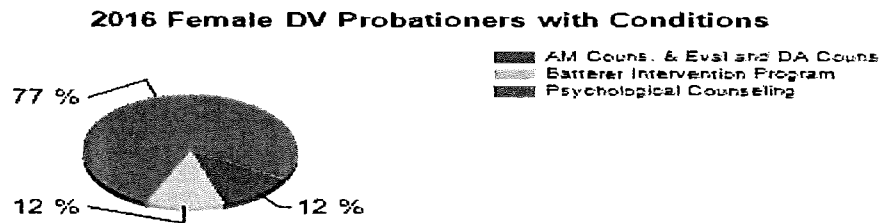
<b>2016 Male DV offenders with conditions</b>		
	<b>Count</b>	<b>Percent</b>
Anger Management Counseling & Evaluation and Domestic Abuse Counseling	180	14%
Batterer Intervention Program	485	38%
Psychological Counseling	618	48%
Total Male Conditions	1283	100%
Total Male Probationers	1070	



A review of female domestic violence offenders statewide in 2016 revealed most were ordered to attend other types of counseling rather than a BIP, perhaps due to the unavailability of certified female BIPs until recently. National research indicates that only a small percentage of female batterers use power and control. Therefore, female BIPs are designed to work with the majority of female DV offenders who use violence.

The charts below represent the number of current female probationers with conditions of anger management counseling, anger management evaluation and/or domestic abuse counseling compared to psychological counseling, and compared to certified BIPs. This chart reflects 174 probationers with a total of 198 conditions. (24 probationers had more than one condition and this is reflected in the percentages.) (Also, there is an unidentified number of domestic violence offenders sentenced to a term of deferred disposition or administrative release; these offenders are not reflected in the charts.)

<b>2016 Female DV offenders with conditions</b>		
	<b>Count</b>	<b>Percent</b>
Anger Management Counseling & Evaluation and Domestic Abuse Counseling	23	12%
Batterer Intervention Program	23	12%
Psychological Counseling	152	77%
Total Female Conditions	198	100%
Total Female Probationers	174	



Attachment G and H are charts reflecting the Maine Counties breakdown of male and female DV probationers with conditions identified by each sentencing county in 2016.

Domestic violence is a significant factor in over half of the homicides committed in Maine, including the vast majority of murder/suicides. Domestic violence also has a devastating effect on children who witness the violence itself or witness the effects of the violence on the victim/parent. BIPs with oversight and monitoring are an essential component of a coordinated community response to domestic violence. The need for BIPs still exists in every county in Maine.

ATTACHMENT

A

## STATEWIDE BATTERER INTERVENTION PROGRAM MALE STATISTICS

January 1, 2016 to December 31, 2016

### 2016 Statewide Totals

Total number of men who were enrolled in the program	821
Number of men who completed the program	290
Number of men who left without completing the program(their choice)	81
Number of men who left without completing the program (expelled)	102
Non-DV Number of men who re-offended and went to jail while attending	38
DV - Number of men who re-offended and went to jail while attending	32
Number of men who completed but were required to attend again	13
Number of referrals from MDOC probation	594
Number of referrals resulting from filings or condition of release	40
Number of referrals from DHHS	62
Number of protection from abuse referrals (PFA)	38
Number of self-referrals	23
Transfers from other Batterer Intervention Programs	22
Number of other referrals	3
Number of deferred dispositions	76
Number of men with special needs	24
Number of men referred to another provider for mental health services	11
Number of men referred to another provides for substance abuse	12
Number of men referred to another provider for literacy services	0
Number of men referred to another provider for parenting services	4
Number of men referred to another provider for vocational services	1
Number of men referred to another provider for employment services	0
Number of men referred to another provider for financial services	0



## **STATEWIDE BATTERER INTERVENTION PROGRAM FEMALE STATISTICS**

**January 1, 2016 to December 31, 2016**

### **2016 Statewide Totals**

Total number of females who were enrolled in the program	49
Number of females who completed the program	18
Number of females who left without completing the program(their choice)	13
Number of females who left without completing the program (expelled)	3
Non-DV Number of females who re-offended and went to jail while attending	8
DV - Number of females who re-offended and went to jail while attending	1
Number of females who completed but were required to attend again	1
Number of referrals from MDOC probation	25
Number of referrals resulting from filings or condition of release	0
Number of referrals from DHHS	14
Number of protection from abuse referrals (PFA)	1
Number of self-referrals	7
Transfers from other Batterer Intervention Programs	1
Number of other referrals	0
Number of deferred dispositions	10
Number of females with special needs	11
Number of females referred to another provider for mental health services	22
Number of females referred to another provides for substance abuse	22
Number of females referred to another provider for literacy services	0
Number of females referred to another provider for parenting services	16
Number of females referred to another provider for vocational services	2
Number of females referred to another provider for employment services	13
Number of females referred to another provider for financial services	10

# ATTACHMENT B

**Chapter 15: BATTERER INTERVENTION PROGRAM CERTIFICATION**

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**Summary:** This chapter outlines the procedures and standards governing the certification and monitoring of Batterer Intervention Programs, pursuant to 19-A M.R.S.A. §4014.

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**1. Procedures and Standards for Batterer Intervention Programs** (relating to psychological, physical, verbal and sexual abuse).

**1.1 Definitions**

**A. Domestic Violence**

In the context of this document, the definition of the term "domestic abuse" refers to 19-A M.R.S.A. §4002.

"Abuse" means the occurrence of the following acts between family or household members or dating partners.

1. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, Chapter 11, except that contact as described in Title 17-A, §106, sub-§1, is excluded from this definition;
2. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing, or tormenting behavior;
3. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;
4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved;
5. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is

communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or

6. Repeatedly and without reasonable cause:
  - a. following the victim; or
  - b. being at or in the vicinity of the victim's home, school, business, or place of employment.

**B. Batterer Intervention Program**

1. The term “batterer intervention program” refers to an educational program which is one component of a coordinated community response to domestic abuse where the main goals are:
  - a. working toward the safety of victims; and
  - b. holding domestic abuse offenders accountable for their actions.
2. The programs for domestic abuse offenders (hereafter called “the BIP programs”) referred to in these standards are designed specifically to intervene with court referred adults who are abusive to their intimate partners.

**C. Family Violence Project**

1. The term “family violence project” or “domestic violence project” refers to a network of programs and services for victims of domestic abuse. The Maine Coalition to End Domestic Violence (MCEDV) is comprised of most of Maine’s domestic violence projects. Each domestic violence project is a private, independent, non profit agency which provides individual crisis intervention, legal information, and advocacy for people affected by domestic abuse, as well as support groups and shelter options for victims of domestic abuse and their children. These services are confidential, free of charge, and based on a self-help model. In addition, domestic violence projects provide training, education, and consultation to community groups, schools, public officials, and services providers to improve the community’s response to domestic abuse.
2. In the case of a family violence project which is not a member of the Maine Coalition to End Domestic Violence (MCEDV), that project which is providing the services described above will serve as the collaborator in that jurisdiction.
3. For the purposes of this document, hereafter “family violence projects” or “domestic violence projects” will be referred to as “FV projects.”

- D. Monitoring** consists of observation of and consultation about the performance/operation of a BIP program in order to promote the safety of victims

of domestic violence. Monitoring will be provided by staff of a family violence project as outlined in section 5.8 A or by a third party monitor as outlined in section 5.8 B. Written documentation of these interactions will be provided to the BIProgram and the Maine Department of Corrections and maintained by the monitoring agency.

- E. **Supervision** is the internal oversight of the process and content of the BIProgram by a qualified primary supervisor as defined in section 4.5 C.
- F. **Staff** means both paid and unpaid staff.

## **2. Requirements for Certification**

### **2.1 Oversight of the Maine Standards for Batterer Intervention Programs**

- A. The Maine Department of Corrections, hereafter called "DOC", shall be the lead agency responsible for implementation of these standards, through its Victim Services Coordinator. Only BIProgram that hold a valid certificate granted by the DOC shall be utilized for court referrals. A certificate shall be valid for two years unless suspended or revoked.
- B. The DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, shall develop and, on a biannual basis, review a certification process for BIPrograms. The review process may include input from representatives of the following agencies and organizations and any others deemed appropriate by the DOC:
  - 1. family violence projects;
  - 2. batterer intervention programs;
  - 3. the judicial system;
  - 4. local law enforcement;
  - 5. victims of domestic violence;
  - 6. health and human service agencies;
  - 7. schools;
  - 8. hospital emergency departments;
  - 9. community corrections;
  - 10. groups working with victims of child abuse;
  - 11. groups working with victims of rape;

12. groups coordinating supervised visitation; and/or
  13. other related services.
- C. BIPPrograms will be assessed a fee for program certification.
  - D. Certification of BIPPrograms will be for a period of two years.
  - E. If anyone has a dispute regarding the certification of a BIPProgram, which appears to be at an impasse, it will be the responsibility of the DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, to attempt to bring such a dispute to resolution.

## **2.2 Application for Certification**

- A. Each BIPProgram requesting certification or renewal of certification shall submit a completed application to the DOC containing all of the information requested, to include, but not be limited to:
  1. demonstration of the BIPProgram's ability to meet the Maine Standards;
  2. an overview of the BIPProgram content;
  3. proof of successful completion for all co-facilitators at a national batterer intervention training or similar training determined to be sufficient by the DOC;
  4. documentation of a working agreement with the local FVProject in each county the BIPProgram may operate in or request for waiver of this requirement providing reasons determined to be sufficient by the DOC;
  5. documentation of a working agreement with the Regional Correctional Administrator;
  6. demonstration of need for a BIPProgram, or another BIPProgram, in the geographic area;
  7. name, address, and telephone number of the BIPProgram and all sites; and
  8. a statement of ownership of the BIPProgram, that discloses the names, address, and telephone numbers of all owners, directors, and officers of the corporation, and any members of any governing or advisory boards.

## **2.3 Denial, Refusal to Renew, Suspension, and/or Revocation of Certification**

### **A. Definitions**

1. **Denial:** action taken by DOC to not certify a BIPProgram.
2. **Refusal to Renew:** action taken by DOC at the end of a two year certification period rejecting a BIPProgram's application for renewal.

3. **Suspension:** action taken by DOC in lieu of revoking or refusing renewal of certification that stipulates the Program may not admit any clients until any deficiencies are corrected or the certification is revoked.
  4. **Revocation:** action taken by DOC removing a BIProgram's certification after the DOC has certified the Program, but before the BIProgram's two year certification has expired. This action makes the affected BIProgram ineligible to receive court referrals.
- B. Each of the following, in and of itself, may constitute full and adequate grounds on which to deny, revoke, or refuse to renew certification to operate a BIProgram:
1. failure to submit information required for certification;
  2. failure to meet any of these Maine Standards for Batterer Intervention Programs;
  3. denial of entry to agents of the DOC to conduct site visits or inspections or any other attempt to impede the work of agents of the DOC;
  4. obtaining or attempting to obtain certification by fraud, misrepresentation, or by the submission of incorrect, false, and/or misleading information;
  5. criminal conduct by the owners, staff, or administrators as evidenced by criminal convictions;
  6. operation of a BIProgram after the expiration of certification;
  7. operation of a BIProgram in a manner which fails to fulfill the terms of the program - client agreement; or
  8. operation of a BIProgram in a manner which endangers the health or safety of clients and/or victims of domestic abuse.

#### 2.4 **Recourse of Programs when Certification has been Denied, Refused Renewal, Suspended and/or Revoked**

- A. A BIProgram whose certification has been denied, refused renewal, suspended and/or revoked by DOC will receive in writing, by certified mail, a program compliance letter outlining the standards that the Program is not in compliance with and the time frames allowed to bring the BIProgram into compliance.
- B. The BIProgram has 60 days from the date of notification of denial, refusal to review, suspension and/or revocation of certification to resubmit the application, clearly indicating remediation for deficiencies. DOC must respond to this information within 60 days of receipt.
- C. The BIProgram may appeal the DOC response to the Commissioner of Corrections within fifteen days of receipt of the response.

### **3. Coordinated Community Response to Domestic Abuse**

#### **3.1 Goals**

- A. A coordinated community response to domestic abuse occurs when diverse segments of a community work together for two common goals:
  - 1. the safety of the victims of domestic abuse; and
  - 2. to end domestic abuse.

#### **3.2 Coordinated Community Response to Domestic Abuse**

- A. During development, implementation, and evaluation of BIP programs, BIP program staff shall consult, cooperate, and coordinate with representatives of the following agencies and organizations:
  - 1. family violence projects;
  - 2. the judicial system;
  - 3. local law enforcement;
  - 4. health and human service agencies;
  - 5. community corrections; and
- B. During development, implementation, and evaluation of BIP programs, BIP program staff are encouraged to consult, cooperate, and coordinate with representatives of the following agencies and organizations:
  - 1. other certified BIP programs;
  - 2. victims of domestic violence;
  - 3. schools, including community adult education programs;
  - 4. hospital emergency departments;
  - 5. groups working with victims of child abuse;
  - 6. groups working with victims of rape;
  - 7. groups coordinating supervised visitation;
  - 8. groups providing services to diverse populations; and/or
  - 9. other related services.



### **3.3 BIPprogram - FVProject Collaboration**

- A. The BIPprogram shall acknowledge the leadership of victims, who are experts on domestic abuse, and the battered women's movement, in ending domestic violence through:
  - 1. consulting with the local FVProject on all written curricula, publications, and public relations materials of the BIPprogram;
  - 2. publicly acknowledging the contributions of the battered women's movement to their efforts and that BIPprograms exist in support of the goals of the FVProjects;
  - 3. consultation with the local FVProject when seeking funds in a way that competes with funding for FVProjects;
  - 4. always encouraging victims to contact their local FVProject;
  - 5. inviting the local FVProject advocates to attend BIPprogram groups;
  - 6. participation in a community response to domestic abuse; and
  - 7. negotiating an ongoing working relationship with the local FVProject and accepting feedback in order to hold themselves accountable to the battered women's movement, acknowledging that a working relationship may go beyond these standards.
- B. A BIPprogram may only accept referrals of persons residing in a county in which the BIPprogram has a working agreement with the local FVProject, unless the program is granted a waiver by DOC.

### **3.4 Partner Contacts**

- A. A partner contact is the verbal and/or written exchange of information between the victim and a designated representative of the local FVProject.
- B. The purpose of the partner contact is to provide the victim with:
  - 1. support and validation;
  - 2. information about the BIPprogram;
  - 3. information about the local resources for victims;
  - 4. assistance in developing a safety plan; and
  - 5. information about the FVProject as an ongoing resource for victims.
- C. Within seven days of enrollment in the BIPprogram, unless the time frame is modified by any working agreement with the local FV Project, the BIPprogram shall provide the local FVProject with the names and addresses of:

1. the domestic abuse offender enrolled in their program;
  2. any adult or child victim identified in available police reports and/or court proceedings; and
  3. current partner of the domestic abuse offender.
- D. The BIPProgram shall never initiate written or verbal contact with victims except in the following situations:
1. when a victim may be in jeopardy (verbal communication only);
  2. notification of the domestic abuse offender's admission into the BIPProgram (written communication only); and
  3. notification of when the domestic abuse offender is discharged from the BIPProgram (written communication only).
- E. In no case is a BIPProgram required to initiate contact with a victim if such contact would jeopardize the safety of the domestic abuse offender or violate federal or state confidentiality laws.
- F. Should a victim initiate contact with a BIPProgram, the victim shall always be referred to the local FVProject for supportive services.

### **3.5 Financial Responsibility for BIPProgram - FVProject Collaboration**

- A. Costs incurred by the FVProjects for providing services to partners in the context of their outreach efforts will be the responsibility of the FVProjects.
- B. Any costs incurred as the result of supervision, training, and/or monitoring by the FVProject or a third party monitor of the BIPProgram shall be reimbursed by the BIPProgram.

## **4. BIPProgram Model**

### **4.1 BIPProgram Format**

- A. The training received by co-facilitators and the curriculum used by BIPPrograms will be based upon, and adhere to, models developed by acceptable nationally recognized programs or similar training and curriculum determined to be sufficient by the DOC and that are consistent with Maine BIPProgram Standards.
- B. BIPPrograms will be:
  1. held in a group format of no more than 15 participants, nor less than 3, unless the program is granted a waiver by DOC;
  2. educationally oriented;

3. restricted to perpetrators of domestic abuse;
  4. comprised of the same gender; and
  5. have rolling or open admission (no waiting lists).
- C. Each group will be co-facilitated by an appropriately trained male and female co-facilitator, except that a group serving female domestic abuse offenders may be co-facilitated by two female co-facilitators. "Co-facilitated" means that each co-facilitator contributes substantially equally in the facilitation process. (See 4.5 for definition of appropriately trained.)

#### **4.2 Inappropriate BIP Program Format**

- A. Theories or methods which in any way make the victim responsible for the domestic abuse offender's behavior, or define a BIP program as treatment, or diminish the domestic abuse offender's responsibility for the violence are inappropriate. The following formats, methods, and treatment modalities will not be used by certified BIP programs working with domestic abuse offenders:
1. individual counseling;
  2. couples or conjoint counseling;
  3. anger management;
  4. systems therapy;
  5. addiction counseling (identifying violence as an addiction);
  6. family therapy; or
  7. medication management.
- B. Unless specifically authorized in these standards, facilitators shall not concurrently provide services to domestic abuse offender and victim, current partner or minor children.

#### **4.3 Target Population**

- A. These standards are specifically designed for adults who abuse their intimate partners. It is important that appropriate models be implemented for men who abuse their female partners, women who use violence against their male partners, and same gendered abusers.

#### **4.4 Length of the BIP Program**

- A. Batterer intervention programs will be a minimum of 48 weeks in duration.

- B. Each weekly session will be at least 90 minutes long, with check-in consuming no more than 30 minutes.
- C. Domestic abuse offenders who have completed a minimum 48 week BIP program should be given the opportunity of voluntarily continuing their participation, or returning to the BIP program at a later date.
- D. The intake screening, initial assessment and admission evaluation shall not be considered one of the 48 weeks.

#### **4.5 BIP program Staff Selection, Supervision, and Training**

- A.
  - 1. Staff must be “violence free,” having had no convictions or protective orders for offenses of violence for the last ten years.
  - 2. Staff may not have a criminal conviction within the last ten years, unless granted a waiver from the Department of Corrections.
  - 3. Staff shall not be on probation, parole or other supervision post-conviction, administrative release, or deferred disposition for any state or federal criminal offense.
  - 4. The program shall develop and maintain hiring criteria.
- B. All BIP program staff having direct contact with domestic abuse offenders shall:
  - 1. provide certification of attendance at a national BIP program training or similar training determined to be sufficient by the DOC or attend such training within 6 months of being hired to co-facilitate groups;
  - 2. be provided with on the job training with an experienced supervisor, to include a minimum of observation of six sessions of group, followed by co-facilitation of an additional six sessions of group with a trained experienced facilitator prior to assuming responsibility for a group; and
  - 3. attend a minimum of 6.25 hours per year continuing education on topics agreed upon by the program and the family violence project. It will be the responsibility of the primary supervisor of the Batterer Intervention Program to maintain training records.
- C. Any individual identified as the Program Director or “primary supervisor” shall have at least two years documented experience in the following areas:
  - 1. direct work with victims;
  - 2. direct work with domestic violence perpetrators;
  - 3. group work; and
  - 4. supervision of employees.

#### **4.6 BIProgram Curriculum**

- A. The BIPrograms must include in their curriculum that:
  - 1. stress, a life crisis, and chemical dependency are not causes of domestic abuse, but ongoing substance abuse increases the risk of re-offense;
  - 2. domestic abuse is one choice a domestic abuse offender makes to gain and then maintain an imbalance of power and control in the domestic abuse offender's relationship with an intimate partner;
  - 3. domestic abuse offenders are solely and exclusively responsible for their controlling and abusive behavior;
  - 4. the effect of abuse on victims, including children who witness abuse, is harmful; and
  - 5. abuse is never justified.

#### **4.7 BIProgram Fee Structure**

- A. A victim shall never be expected to pay for their domestic abuse offender's participation in a BIProgram.
- B. A domestic abuse offender must be charged at least a nominal fee. Programs may charge on a sliding fee scale.

### **5. Administrative Standards**

#### **5.1 BIProgram Intake Process**

- A. The BIProgram shall schedule an intake into the BIProgram within two weeks from the time the domestic abuse offender contacts the Program.
- B. At the intake, the domestic abuse offender must enter into a written agreement with the BIProgram, which includes the following:
  - 1. the responsibilities of the domestic abuse offender;
  - 2. the responsibilities of the BIProgram;
  - 3. an agreement to stop all forms of violence;
  - 4. the minimum length of the BIProgram;
  - 5. waivers of confidentiality (approved by the Department of Corrections);
  - 6. the fee structure; and a payment plan.
  - 7. criteria for discharge.

8. a copy of the complaint procedure.
  9. readmission criteria.
- C. During intake, the BIProgram shall obtain the following information from the domestic abuse offender:
1. full legal name of domestic abuse offender;
  2. current home address and mailing address (if they are different);
  3. current home telephone number, cell phone number, or telephone number of contact if the domestic abuse offender does not have a telephone;
  4. date of birth;
  5. name of employer, and current work address and telephone number of employer;
  6. partner and/or victim name (if they are different);
  7. current driver's license number, or photo ID card;
  8. make, model, year and license plate number of the vehicles used by the domestic abuse offender;
  9. history of any substance abuse;
  10. psychiatric history including homicidal and suicidal ideation;
  11. history of any weapons possession and usage; and
  12. history of abusive behaviors.
- D. Within six weeks after the domestic abuse offender begins the BIProgram, the domestic abuse offender must provide the BIProgram with the following independent descriptions of the domestic abuse offender's abusive behavior, including, but not limited to:
1. police reports (if applicable);
  2. probation, parole or other post conviction supervision or administrative release conditions (if applicable);
  3. legal pleadings, including, but not limited to, deferred dispositions, petitions and complaints (if applicable);

4. court orders, including, but not limited to, protective orders (if applicable); and
  5. previous child protective service reports (if applicable and available).
- E. The following people will be notified in writing of the domestic abuse offender's acceptance into the BIP program within 7 days, unless the time frame is modified by the family violence project's working agreement:
1. the domestic abuse offender;
  2. the victim and/or current partner, unless notification of the victim would jeopardize the safety of the domestic abuse offender or violate federal or state confidentiality laws;
  3. the domestic abuse offender's Probation Officer (if applicable);
  4. the local FVProject; and
  5. referral source, including the prosecuting attorney's office or DHHS caseworker.
- F. At minimum, the information to be contained in the communication referred to in 5.1 E must include:
1. the date the domestic abuse offender begins the BIP program;
  2. limitations of the BIP program;
  3. that victims are not required to have any contact with the FVProject and/or BIP program; and
  4. a copy of participant agreement.

## **5.2 BIP Program Discharge**

- A. Reasons for discharge from a BIP program include that:
1. the domestic abuse offender has completed the 48-week program to the satisfaction of the BIP program staff, based upon criteria contained in the participant agreement;
- B.
1. the domestic abuse offender has three unexcused absences during the 48-week BIP program;
  2. the domestic abuse offender fails to pay the agreed upon amount for group; and/or
  3. the domestic abuse offender does not comply with the rules of the BIP program.

- C. The following people will be notified in writing of the domestic abuse offender's discharge from the BIP program.
1. the domestic abuse offender;
  2. the victim and/or current partner;
  3. the domestic abuse offender's Probation Officer (if applicable);
  4. the local FV Project;
  5. the prosecuting attorney's office if a Probation Officer is not involved; and/or
  6. DHHS caseworker if involved.
- D. At minimum, the information to be contained in the communication referenced in 5.2 C must include:
1. the date the domestic abuse offender was discharged from the BIP program;
  2. the reason for discharge; and
  3. recommendations which may include, but are not limited to, assessment for additional services or further action by community corrections, which may include revocation.

### **5.3 Re-Admission to BIP program after Discharge.**

- A. A domestic abuse offender who has not successfully completed 48 weeks and returns after being discharged must start at intake unless the domestic abuse offender is allowed to start at week 1 at the discretion of the program administrator, except that if the discharge was based upon unexcused absences, the domestic abuse offender begins at the week before the first of the unexcused absences.

### **5.4 Transfer of Credits**

- A. Each Batterer Intervention Program shall accept transfer of credits for weeks satisfactorily completed at another Batterer Intervention Program certified in the State of Maine provided the domestic abuse offender was in good standing with the other program at the time of transfer.
- B. Each participant requesting transfer of credit must obtain a letter of referral from the previous program, setting forth the number of weekly credits that the domestic abuse offender has earned, the number of excused and unexcused absences, and that the participant is in good standing, and present it to the new program prior to receiving any credit(s) for weeks completed.



## **5.5 Participant Complaint Procedure**

- A. Before filing any complaint against a BIP program, the domestic abuse offender shall make an attempt to resolve the complaint in an informal manner by talking with the facilitator(s).
- B. If unable to come to an agreement with the facilitator, the domestic abuse offender shall contact the program director who shall attempt, as soon as possible, to resolve the complaint.
- C. If the complaint remains unresolved, a formal written complaint may be made to the Department of Corrections, 111 Statehouse Station, Augusta, Maine 04333-0111, Attention: Victim Services Coordinator. A copy of the complaint will be provided to the BIP program director and the FV Project as part of the investigation.

## **5.6 Confidentiality**

- A. All written and/or oral communications with victims must be held in confidence by the BIP program, except for mandated reporting requirements.
- B. Notwithstanding the above, the BIP program may provide information to the FV Project so that the Family Violence Project may offer safety planning resources.

## **5.7 Record Keeping**

- A. Domestic abuse offender and victim records (if any) must be maintained in separate files with no record or reference of partner contact beyond the initial letter to the partner about the domestic abuse offender's admission into the BIP program.
- B. There must be at least minimal documentation for each group session attended, which must include:
  - 1. date;
  - 2. topic; and
  - 3. amount of time spent in group.
- C. Monthly status reports must be mailed by the BIP program to the domestic abuse offender's Probation Officer (if applicable). Reports must include information concerning:
  - 1. attendance; and
  - 2. compliance with BIP program rules.

The reports may include information about the existence of a substance abuse problem.

## **5.8 Approval and Monitoring Process**

- A. Any costs incurred as the result of monitoring of the BIP program shall be the responsibility of the BIP program.
  - 1. BIP programs should expect that monitors will attend a BIP program class once a month per facilitator pair. Monitoring may occur more or less frequently upon agreement between the BIP program and the family violence project or third party monitor, as applicable, but no less than quarterly per facilitator pair. Authorization must be obtained from the Department of Corrections for monitoring to occur less frequently than once per month per facilitator pair.
  - 2. BIP programs should expect that monitors will provide written and verbal communication to BIP program regarding the performance/operation of each observed class within 30 days. The BIP is required to provide the documentation of monitoring to the Department of Corrections.
- B. Third Party Monitors shall be utilized when the local family violence project is unable, unwilling or fails to monitor the Batterer Intervention Program or is operating the Batterer Intervention Program.
  - 1. Selection of third party monitors must be made from a pool of names developed by the Maine Association of Batterer Intervention Programs and the Maine Coalition to End Domestic Violence.
  - 2. Documentation of monitoring sessions must be sent to the local family violence project.

## **6. Jail and Correctional Facility Standards**

### **6.1 Jail Standards**

- A. Batterer Intervention Programs offered in county jails shall meet all standards required for certification.
- B. Prisoners will be required to provide victim/partner contact information as part of the intake process.
- C. Victim/partner information will be provided to the family violence project in the area that the victim/partner resides, within seven days of intake.

### **6.2 Department of Corrections Facility Standards**

- A. Batterer Intervention Programs offered in correctional facilities shall meet all standards required for certification.

- B. Prisoners will not be considered eligible for the program until they are within six months of discharge, release to probation or transfer to Supervised Community Confinement.
  - C. Prisoners will be required to provide victim/partner contact information as part of the intake process.
  - D. Victim/partner information will be provided to the family violence project in the area that the victim/partner resides, within seven days of intake.
  - E. Batterer Intervention Programs offered in a correctional facility will be limited to an 8-week introductory standardized curriculum.
- 

STATUTORY AUTHORITY: 19-A M.R.S.A. §4014; Resolve 2013 ch. 3

EFFECTIVE DATE:

April 29, 1998 (major substantive)

STATUTORY AUTHORITY:

19-A M.R.S.A. §4014(1). The Maine Department of Corrections is adopting a proposal to revise the existing standards for the certification of batterer intervention programs pursuant to 19-A M.R.S.A. §4014 (1) to revise the Standards as a result of the 2002 biannual review. The Maine Department of Corrections developed the proposed rules in consultation with the Maine Commission on Domestic and Sexual Abuse in accordance with the provisions of 19-A M.R.S.A. §4014(1). The proposed revisions to the Batterer Intervention standards will result in improved operation of the Batterer Intervention Programs.

EFFECTIVE DATE:

June 26, 2003 - filing 2003-167 (major substantive)

STATUTORY AUTHORITY: 19-A M.R.S.A. §4014(1). The Maine Department of Corrections is adopting a proposal to revise the existing standards for the certification of batterer intervention programs pursuant to 19-A M.R.S.A. §4014 (1) to revise the Standards as a result of the 2004 biannual review. The Maine Department of Corrections developed the proposed rules in consultation with the Maine Commission on Domestic and Sexual Abuse in accordance with the provisions of 19A M.R.S.A. §4014(1). The proposed revisions to the Batterer Intervention standards will result in improved operation of the Batterer Intervention Programs.

EFFECTIVE DATE:

July 23, 2005 - filing 2005-247 (major substantive)

REPEALED AND REPLACED:

June 20, 2008 – filing 2009-211 (major substantive)

April 4, 2013 – filing 2013-074 (EMERGENCY, routine technical)

August 11, 2013 – filing 2013-198 (routine technical)

# ATTACHMENT C

Maine Department of Corrections

# Certified Batterer Intervention Programs

County	Program	Address	Meeting Time/Location
ANDROSCOGGIN, FRANKLIN and OXFORD	Alternatives to Abuse (Safe Voices) (Male Program)	P.O. Box 713 Auburn ME 04212 Tel. (207)795-6744 x21	Saturday 8:30 a.m. - 10:00 a.m.
	Coordinator: Angela Desrochers		Calvary United Methodist Church 59 Sabattus Street Lewiston ME
	Certified until 7/31/2017		Monday & Wednesday - 6:00 p.m. - 7:30 p.m.
			57 Birch St. Lewiston ME
		P.O. Box 713 Auburn, ME 04212 Tel. (207)795-6744 x21	Thursday 6:00 p.m. - 7:00 p.m.
			UMF, Ricker Addition, Rm 205, Farmington, ME
			Monday 10:30 a.m. - 12:00
			First Universalist Church, 169 Pleasant Street, Auburn, ME

Tuesday 6:00  
p.m. - 7:30 p.m.

UU Church, 479  
Main Street,  
Norway, ME

Thursday 10:30  
a.m. - 12:00 p.m.

First  
Universalist  
Church, 169  
Pleasant Street,  
Auburn, ME

**Alternatives to  
Abuse (Female  
Program)**

Certified until  
5/6/2017

- Coordinator:  
Angela  
Desrochers

**AROOSTOOK**

**Northern New  
England  
Community  
Resource Center**  
(Male Program)

P.O. Box 164  
Houlton ME 04730  
(207)694-3066

Certified until  
5/3/2018

- Director:  
Charles Moody

Monday 6:00  
p.m.  
Chamber of  
Commerce,  
Presque Isle

Thursday 6:00  
p.m.  
Cary Medical  
Center, Caribou

Wednesday 6:00  
p.m.  
Houlton  
Regional

			Hospital, Houlton
	<b>Choices</b> (Female Program)		P.O. Box 164 Houlton, ME 04730
	Certified until 3/4/2018		
	• Director: Desiree Chasse		
<b>CUMBERLAND</b>	<b>A Different Choice</b> (Male Program)	adifferentchoicebip@gmail.com	Monday 7:00 p.m.
	Certified until 11/22/2017		St. Anne's Church, Windham ME
	• Director: Ellen Ridley		Tel. (207) 712- 5436
<b>CUMBERLAND</b>	<b>Choices - The</b>	14 Maine St.	Friday
<b>and SAGADAHOC</b>	<b>Men's Group</b> (Male Program)	Brunswick ME 04011	9:00 a.m.
		Tel. (207) 240-4846	All classes are held at Bath Police Dept. Bath ME
	Certified until 1/11/2019	Tel. (207) 373-1140	
	• Director: Mary O'Leary		7:30 - 9:00 p.m. Topsham, ME
<b>CUMBERLAND</b>	<b>Opportunity for Change</b> (Male Program)	Suite 140 222 St. John Street, Portland ME 04102	Mondays 6:00 p.m.
		Tel. (207) 774-4603	222 St. John St., Portland ME
	Certified until 9/23/2017		Tuesday 6:00 p.m.
	• Director: Mary Campbell		Wednesday 7:30 a.m.

Community  
Corrections  
Center  
Wednesday 4:30  
p.m.  
Wednesday 6:00  
p.m.

Thursdays 4:30  
p.m.  
222 St. John  
Street,  
Portland ME

**HANCOCK**

**Choice V** (Male  
Program)

59 Franklin St., B  
Ellsworth ME

Tuesday 5:00  
p.m.

Certified until  
9/3/2017

(207)667-2730

59 Franklin St.,  
B  
Ellsworth ME

- Supervisor:  
Astor Gillis

**Turning Points**  
(Female Program)

Thursday 10 -  
11:30 a.m.

Certified until  
2/19/16

- Director: Astor  
Gillis & Angie  
Butler

**KENNEBEC  
and  
SOMERSET**

**Menswork** (Male  
Program)

Menswork, P.O. Box 304,  
Augusta, ME 04332-0304

Wednesday 9:00  
a.m., 5:00 p.m.  
& 7:00 p.m.,  
Saturday 7:30  
a.m.

Certified until  
7/15/2017

Tel. (207) 620-8494

- Director: Jon  
Heath

Prince of Peace  
Lutheran  
Church, 209  
Eastern Avenue,



Augusta ME  
04330

Thursday 5:00  
p.m. & 7:00 p.m.

United  
Methodist  
Church 61  
Pleasant Street,  
Waterville, ME

Thursday 5:00  
p.m.  
& 7:00 p.m.  
Somerset County  
Jail  
5 Commerce  
Drive  
Madison, ME

**Respect ME**  
(Female Program)

Certified until  
4/23/2017

- Director:  
Robert Rogers

*\*Rolling intakes  
for menswork  
are held weekly,  
30 mins before  
ea class, at the  
respective sight.  
No appt  
necessary.*

**KNOX**  
**LINCOLN**  
**and**  
**WALDO**

**Choices - The**  
**Men's Group** (Male Brunswick ME 04011  
Program)

Certified until  
1/11/2019

- Director: Mary  
O'Leary

14 Maine St.  
Tel. (207) 240-4846  
Tel. (207) 373-1140

93 Park Street, Rockland, ME  
04841  
Tel. (207)594-0270

Wednesdays 6:15  
- 7:45p.m.  
  
108 Limerock  
Street  
Rockland, ME  
04841

Tuesday,  
6:00-7:30 p.m.  
Mid Coast  
Reentry Center,

**Time for Change**  
(Female Program)

Public Safety  
Way, Belfast, ME

Certified until  
6/13/2017

- Director:

**PENOBSCOT**

**Penobscot County Batterers' Intervention Program** (Male Program)  
One Cumberland Place, Suite 104,  
Bangor ME 04402  
phone: (207) 217-6588

Certified until  
9/3/2017

- Director:  
Kathryn  
Maietta

Fax: (207) 217-6587

Monday 2 &  
4:00 p.m.  
  
One Cumberland  
Place  
Bangor ME

**PISCATAQUIS**

**DV Classes for Men** (Male Program)  
572 Bangor Rd.  
Dover-Foxcroft ME 04426

**Charlotte White Counseling Center**  
1-888-564-2499  
Annex-207-564-7106  
Certified until  
1/7/2017  
fax: 207-564-8137

- Betty Carolin

Tues & Thurs  
6:00 p.m. - 7:30  
p.m.  
  
Charlotte White  
Center  
  
Admin Building  
572 Bangor Road  
Dover-Foxcroft  
ME

**WASHINGTON**

**Alternatives to Abuse** (Female Program)

Certified until  
2/19/2016

Tel. (207) 667-0176

Executive Director  
Rebecca Hobbs

## **YORK**

**Violence No More**  
(Male Program)

110 Saco Falls Way, Suite 425  
Biddeford ME 04005

Tuesday 7:30 -  
9:00 p.m.

Certified until  
6/3/2017

Tel. (207)283-8574

Wednesday 5:30  
p.m. and 7:30  
p.m.

- Director: Martin  
Burgess

Thursday 9:30  
a.m.

110 Saco Falls  
Way, Suite 425  
Biddeford ME

Thursday 5:30  
p.m. and 7:30  
p.m.

(800) 239-7298

Sanford  
Unitarian  
Church  
Main Street  
Sanford ME

**Caring Unlimited**  
(Female Program)

Certified until  
5/5/2017

P.O. Box 590  
Sanford, ME  
04073

- Director:  
Cynthia  
Peoples

## **Site Information**

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# ATTACHMENT D



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 150

H.P. 108

House of Representatives, January 27, 2015

### **An Act To Provide Anger Management Courses or Additional Imprisonment for Domestic Violence Offenders**

---

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Rlt B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative HEAD of Bethel.  
Cosponsored by Representatives: BUCKLAND of Farmington, CRAFTS of Lisbon,  
DILLINGHAM of Oxford, MALABY of Hancock, PETERSON of Rumford, TUELL of East  
Machias, WADSWORTH of Hiram, WOOD of Sabattus.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 17-A MRSA §1160 is enacted to read:

3 §1160. Anger management

4 1. In addition to any sentence that the court orders pursuant to this Part, for a person  
5 convicted for the first time of a domestic violence offense under section 207-A, 209-A,  
6 210-B, 210-C or 211-A, the court shall enter the following orders for participation in an  
7 anger management course provided by an anger management program certified by the  
8 Department of Corrections, referred to in this section as "the department," pursuant to  
9 Title 19-A, section 4015:

10 A. An order that the offender must participate in a level one anger management  
11 course; and

12 B. An order that the offender is prohibited from all contact with the victim of the  
13 crime until the offender has completed the anger management course and the  
14 department has received notice of completion of the course from the anger  
15 management program.

16 2. In addition to any sentence that the court orders pursuant to this Part, for a person  
17 convicted for the 2nd domestic violence offense under section 207-A, 209-A, 210-B,  
18 210-C or 211-A, the court shall enter the following orders for participation in an anger  
19 management course provided by an anger management program certified by the  
20 department pursuant to Title 19-A, section 4015:

21 A. An order that the offender must participate in a level 2 anger management course;  
22 and

23 B. An order that the offender is prohibited from all contact with the victim of the  
24 crime until the offender has completed the anger management course and the  
25 department has received notice of completion of the course from the anger  
26 management program.

27 3. In addition to any sentence that the court orders pursuant to this Part, for a person  
28 convicted for a 3rd or subsequent domestic violence offense under section 207-A, 209-A,  
29 210-B, 210-C or 211-A, the court shall enter an order of imprisonment for 2 days per  
30 weekend for 6 consecutive weekends, which must commence upon completion of any  
31 other sentence of imprisonment.

32 4. Waiver of participation in an anger management course ordered under subsection  
33 1 or 2, waiver of completion of a term of imprisonment ordered under subsection 3 and  
34 waiver of a fee under subsection 5 may be ordered by the court on the basis of undue  
35 hardship.

36 5. An offender who has been ordered to participate in an anger management course  
37 under subsection 1 or 2 must pay a fee in an amount to be established by rule of the  
38 Department of Corrections pursuant to Title 19-A, section 4015, which must be credited  
39 to the department and dedicated to cover the cost of the anger management course.

# ATTACHMENT E



STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

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H.P. 108 - L.D. 150

**Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction  
Use of Batterers' Intervention Programs**

**Sec. 1. Review of pretrial and post-conviction use of batterers' intervention programs. Resolved:** That the Maine Commission on Domestic and Sexual Abuse, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C, shall review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation. The review must consider the potential for use of batterers' intervention programs before trial, during a period of deferred disposition and after conviction; and be it further

**Sec. 2. Report on pretrial and post-conviction use of batterers' intervention programs. Resolved:** That, after completing the review required under section 1, the Maine Commission on Domestic and Sexual Abuse shall report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. Following receipt of the report the Joint Standing Committee on Criminal Justice and Public Safety may submit a bill on pretrial and post-conviction use of batterers' intervention programs to the Second Regular Session of the 127th Legislature.

**Sec. 2. 19-A MRSa §4015 is enacted to read:**

**§4015. Certification of anger management programs**

The Department of Corrections, referred to in this section as "the department," shall, in consultation with the Maine Commission on Domestic and Sexual Abuse under section 4013, establish standards and procedures for certification of anger management programs to provide level one and level 2 anger management courses for persons convicted of domestic violence crimes under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and 211-A and ordered to participate in anger management courses pursuant to Title 17-A, section 1160. The level one anger management course must be of a duration of 2 weekends. The level 2 anger management course must be of a duration of 4 weekends. The department, in consultation with the commission, shall review and certify programs that meet the standards. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Effective date.** This Act takes effect January 1, 2016.

## SUMMARY

This bill provides for anger management courses or specified jail time in addition to the sentences for certain domestic violence offenders. The bill directs the Department of Corrections, in consultation with the Maine Commission on Domestic and Sexual Abuse, to develop standards and procedures for certification of anger management programs and to certify those programs. The bill has an effective date of January 1, 2016.

OFFICE OF THE REVISOR OF STATUTES

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ENGROSSER SUMMARY

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LD#: 150	PAPER #: HP 108	CHAPTER:
LR#: 467	ITEM #: 6	TYPE: RSLV
DRAFT TYPE:	SUB TYPE:	INST. TYPE: RESOLV

---

TITLE:

*Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs*

---

INCLUDED ITEMS:

LR#:467	1	TYPE:ACT			
LR#:467	2	TYPE:AMD	SUB TYPE:C	SEQ. #:A	H-54
LR#:467	5	TYPE:AMD	SUB TYPE:S	SEQ. #:A	S-67

DRAFTER: TECH: PROOF: REVIEWER:

DATE/TIME LAST PRINTED: 05/06/15 16:20

ATTACHMENT

F

## **Pretrial and Post-Conviction Use of Batterer Intervention Programs**

Report to Maine's Joint Standing Committee on Criminal Justice and Public Safety  
Pursuant to L.D. 150

Prepared by the Maine Commission on Domestic and Sexual Abuse -- February 2016

### **Executive Summary and Recommendations**

Maine has a serious problem with domestic violence. 13,466 people received services from the member Resource Centers of the Maine Coalition to End Domestic Violence and the member Tribal Advocacy Centers of the Wabanaki Women's Coalition in 2015, including 696 men, and 277 children. Expressed another way, at least 13,189 batterers drove their intimate partners and children to seek refuge out of fear for their wellbeing – many in fear for their lives. And each year, half of Maine's homicides are related to domestic violence.

Citizens concerned about domestic violence in Maine are frustrated and angry when they see the harm batterers cause and demand that something be done to make batterers stop and give survivors both a sense of justice and a chance for life free from abuse.

Since the inception of the battered women's movement, people have been asking what can be done to keep batterers from repeating their controlling and violent behaviors. In addition to providing refuge and support for victims, advocates and their allies have sought ways to make batterers recognize the impact of their behaviors and change the underlying attitudes that they use to justify their violence. While no one has found the perfect answer, 40 years of program development, experience, and research shows that communities can make a significant difference by coordinating efforts across disciplines and systems to hold batterers to account for their actions.

Increasingly, Batterer Intervention Programs (BIPs) are recognized as an important part of a "coordinated community response," but questions persist: Do BIPs work? Who should be sent to a BIP? Should (and if so how) BIPs be integrated with the criminal and civil justice systems? If so, how long should people be required to participate? How should these programs be conducted? How does an offender's participation in a BIP affect their victim(s)? Are BIPs affordable for participants? Who should pay the cost of running BIPs? These questions and more underlay the legislative resolve that framed this report.

### **Legislative Charge**

By order of the legislature, by way of L.D. 150, Chapter 15 Resolves, the Maine Commission on Domestic and Sexual Abuse was asked to "review pretrial and post-conviction use of batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation. The review was to consider the potential to use batterers'

intervention programs before trial, during a period of deferred disposition and after conviction.” The Commission was also asked to provide recommendations and suggested legislation.

### **LD 150 Task Force Observations and Recommendations**

The Task Force explored current batterer programs offered throughout Maine, conducted an extensive literature search regarding effectiveness and best practices, heard input from survivors and used expertise within the Task Force to develop its observations and recommendations:

1. The three-fold motivation for developing Batterer Intervention Programs (BIPs) continues to be valid. A BIP uniquely addresses these objectives:
  - a. To provide a mechanism to address victims’ wish that batterers would recognize the impact of their behavior, stop the violence, and thereby improve the well-being of their partners and children;
  - b. To provide batterers with an opportunity to recognize and change their abusive behavior, improving the quality of their own lives and those around them, and;
  - c. To provide the criminal justice system with an appropriate education mechanism that would both increase public safety and minimize the incarceration of offenders.

Survivors provided important perspective to the task force. One respondent said of her partner’s participation in a BIP, “It is one time during the week when we both know that he is trying to make our relationship better for us.”

When a BIP positively impacts batterers’ behavior, survivors experience relief, including increased respect and appreciation, indicating that when BIPs work well, the programs impact participants’ attitudes as well as behaviors. But when the BIP does not connect well with participants, batterers’ behaviors can worsen, indicating the ongoing need for consistent justice system interventions, robust victim services, and monitored adherence to BIP certification standards.

2. Batterer Intervention Programs are often judged in isolation while their effectiveness is dependent upon a coordinated community response functioning overall to hold individuals to account, providing consistent messages to support respectful, non-violent behavior.

The Hornby Zeller Report to the Judicial Branch in Maine recognized Coordinated Community Response (CCR) – “[c]reating strong linkages with a wide range of partners, convening regular meeting with criminal justice and social service partners, and providing education and training to court personnel and partners”<sup>1</sup> – as one of the core principles of the Domestic Violence or Judicial Monitoring Docket. Maine, however, lacks consistent implementation of CCR teams and practices.

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<sup>1</sup> Domestic Violence Docket, *Process and Recidivism Report*, Hornby Zeller Associates for the Maine Judicial Branch, September, 2015:29 (hereinafter “Hornby Zeller Report”), accessed at [http://www.courts.maine.gov/reports\\_pubs/reports/pdf/Domestic%20Violence%20Docket%20Process%20and%20Recidivism%20Report.pdf](http://www.courts.maine.gov/reports_pubs/reports/pdf/Domestic%20Violence%20Docket%20Process%20and%20Recidivism%20Report.pdf).

A CCR involves all those who interact with batterers providing consistent messages of accountability, including the batterers' families and peers. BIP providers in Duluth, MN asked 16 men participating in their BIP: "When you were arrested, who was the first person you called? What did they say?" Only one of the men said that the person they called said anything negative about what the offender had done. All the others heard messages that minimized the incident, transferred blame to the victim, and supported the offender's anger at having been arrested.<sup>2</sup>

3. Maine's courts are ordering 7 out of 10 (68-72%) batterers to anger management and other programs as a condition of probation instead of to a BIP, while only BIP is certified and contextualized within a system of accountability to the community it serves. Battering is about power and control, not anger.

Fundamentally, batterers believe that they are in a position of ownership of their intimate partners (and children) and are entitled to a special status that provides them with exclusive rights and privileges that do not apply to their partners, enforcing unrealistic rules, and placing their own needs first in all things. Anger management counseling does not focus on changing the underlying beliefs and values that frame batterers' justifications for their anger, lacks evidence of effectiveness, and can increase danger to victims.

4. There is substantial research to support Batterer Intervention Programs as an effective contributor to the individual and social change necessary to reduce the occurrence of domestic violence, improving the lives of Maine's families. Furthermore, "[t]here is no evidence that anger management ... programs effectively prevent court mandated abusers from re-abusing or committing new offenses after treatment."<sup>3</sup>
5. BIPs have minimal resources and are dependent upon participant fees to cover all program costs, which inhibits their ability to sustain and improve programming.

BIPs rely on participant fees and "in-kind" support to sustain them, in part to ensure that no resources intended to assist victims are diverted to supporting batterers. Nevertheless, Task Force members agree with the following 2015 editorial from the Bangor Daily News: "Policymakers need to address the cost of batterers' intervention for those offenders who truly cannot afford the [weekly] charge. Several programs charge on a sliding-fee schedule. ... It would not take a large state investment to increase the availability and use of batterers' intervention programs."<sup>4</sup>

6. There is minimal data tracking what happens to offenders from arrest through final disposition in the criminal justice system. What data exists is fragmented and incomplete, inhibiting efforts to develop a comprehensive picture of Maine's criminal justice system response to domestic violence.

An annual report, required by state law, compiling data from domestic violence prosecutors

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<sup>2</sup> Scaia, Melissa, E.D., Duluth Abuse Intervention Program, training delivered in Augusta, Maine, Dec. 8, 2015.

<sup>3</sup> Klein, Andrew, "Practical Implications of Current Domestic Violence Research, Part III, Judges, Document No.: 222321 (April 2008): 49 (hereinafter "Klein Practical Implications Judges").

<sup>4</sup> Bangor Daily News, Editorial, Jan. 6, 2015, <http://bangordailynews.com/2015/01/06/opinion/editorials/batterers-intervention-works-maine-should-use-it-more/>

statewide has not been submitted to the three specified legislative committees for several years.<sup>5</sup> Recent implementation of a common computer data collection system in all District Attorney's Offices may make it possible to generate reports that would track the specific conditions of probation in domestic violence cases so that we might better assess BIP impact on public safety.

7. When women use violence against a male intimate partner, it tends to differ from men's violence against female partners. Frequently, women who are arrested for domestic violence crimes have been battered, usually by the same men against whom they used violence.

Maine's BIPs for women use models that take into account whether there was a context of battering in which female offenders used criminal violence to resist rather than impose power and control. These programs provide the court with an appropriate avenue for female offenders who are also victims of contemporaneous battering to participate in gender specific programs that both address their use of criminal violence and their needs for protection from batterers and long term support to establish lives free from abuse and violence.

### **Recommendations Regarding Program Approach**

1. Retain the gender-based, educational approach currently used in Maine certified Batterer Intervention Programs as appropriate for the vast majority of batterers.
2. Allow voluntary use of pretrial participation in a certified Batterer Intervention Program.
3. In a domestic violence related case, Deferred Disposition with a Batterer Intervention Program as a condition should *only* be used if monitored by a Judicial Monitoring program and supervision by a community agency is also ordered (especially if other conditions are included).
4. Retain the current program duration of 48 weeks based on the time required for the educational process and behavior change.
5. Maintain the current model of independent offender funded BIPs, but create a statewide fund to support truly indigent participants identified through meaningful means testing.

### **Recommendations Regarding Best Practices for Improving Program Outcomes**

6. Create a solid program infrastructure for BIPs in Maine through the coordinated community response structure.
  - a. BIPs are key components of a coordinated community response to domestic violence. More formalized CCR teams should be implemented in all prosecutorial districts.
  - b. Identify and support funding for teacher training and for BIP representatives to attend CCR meetings and Judicial Monitoring sessions.
  - c. Continue implementation within the framework of batterer program certification standards.

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<sup>5</sup> 5 M.R.S. §204-A requires the Attorney General, working with the district attorneys of the State, to submit an annual report that compiles data from domestic violence prosecutors statewide to the joint standing committees of the legislature with jurisdiction over criminal justice, the judiciary and appropriations.



7. Require judges to make findings on the record in a domestic violence related case that justify: 1) a disposition that does not include a BIP; and 2) a disposition requiring Anger Management. A new general sentencing provision should identify BIPs as the appropriate effective community intervention in such cases.
8. Oversight of BIP participants through Judicial Monitoring and community supervision with a “swift and certain” sanction for non-compliance is key to positive batterer program outcomes. Judicial Monitoring dockets should be implemented statewide, which will require additional resources for judge time and court clerks.
9. High-risk batterers require ongoing risk management and supervision. Referral agencies should provide risk assessment information to BIPs.
10. Engage diverse community members in a way that is culturally competent and safe for the participants. Diverse populations must be integrated through training and preparation of BIP facilitators to create an inclusive environment reflecting the populations local to the programs.
11. Continue BIP standards accommodation of programming specific for women that acknowledge differences between men and women’s use of violence
12. Implement a process to ensure that prosecutors submit the required annual domestic violence report to allow meaningful review by the legislative joint standing committees specified in existing law. In addition, prosecutors should include the use of certified Batterer Intervention Programs in their written policies<sup>6</sup> for handling domestic violence matters.

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<sup>6</sup> 19-A M.R.S. §4012 (8) requires that each prosecutorial office have a written policy regarding prosecution of domestic violence cases.

ATTACHMENT

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County		Count	Percent
Androscoggin	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	43	23%
	Batterer Intervention Program	50	26%
	Psychological Counseling	96	51%
	Total	189	

**2016 Male DV Probationers with Conditions**



Aroostook	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	3%
	Batterer Intervention Program	34	55%
	Psychological Counseling	26	42%
	Total	62	

**2016 Male DV Probationers with Conditions**



Cumberland	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	13	8%
	Batterer Intervention Program	63	39%
	Psychological Counseling	85	53%
	Total	161	

**2016 Male DV Probationers with Conditions**



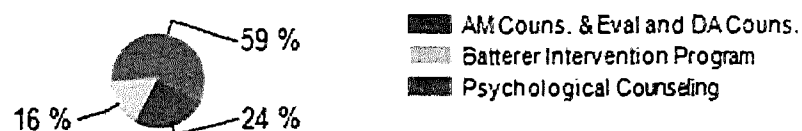
Franklin	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	13	42%
	Batterer Intervention Program	4	13%
	Psychological Counseling	14	45%
	Total	31	

**2016 Male DV Probationers with Conditions**



Hancock	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	9	24%
	Batterer Intervention Program	6	16%
	Psychological Counseling	22	59%
	Total	37	

**2016 Male DV Probationers with Conditions**



Kennebec	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	9	6%
	Batterer Intervention Program	78	53%
	Psychological Counseling	61	41%
	Total	148	

**2016 Male DV Probationers with Conditions**



Knox	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	32	41%
	Batterer Intervention Program	10	13%
	Psychological Counseling	37	47%
	Total	79	

**2016 Male DV Probationers with Conditions**



Lincoln	Batterer Intervention Program	13	32%
	Psychological Counseling	28	68%
	Total	41	

**2016 Male DV Probationers with Conditions**



Oxford	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	4%
	Batterer Intervention Program	11	41%
	Psychological Counseling	15	56%
	Total	27	

**2016 Male DV Probationers with Conditions**



Penobscot	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	10	8%
	Batterer Intervention Program	51	41%
	Psychological Counseling	62	50%
	Total	123	

**2016 Male DV Probationers with Conditions**



Piscataquis	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	8%
	Batterer Intervention Program	12	48%
	Psychological Counseling	11	44%
	Total	25	

**2016 Male DV Probationers with Conditions**



Sagadahoc	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	2%
	Batterer Intervention Program	22	50%
	Psychological Counseling	21	48%
	Total	44	

**2016 Male DV Probationers with Conditions**



Somerset	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	7	13%
	Batterer Intervention Program	34	62%
	Psychological Counseling	14	25%
	Total	55	

**2016 Male DV Probationers with Conditions**



Waldo	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	5	15%
	Batterer Intervention Program	10	29%
	Psychological Counseling	19	56%
	Total	34	

**2016 Male DV Probationers with Conditions**



Washington	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	10	30%
	Batterer Intervention Program	1	3%
	Psychological Counseling	22	67%
	Total	33	

**2016 Male DV Probationers with Conditions**



York	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	6	4%
	Batterer Intervention Program	74	55%
	Psychological Counseling	54	40%
	Total	134	

**2016 Male DV Probationers with Conditions**



ATTACHMENT

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County		Count	Percent
Androscoggin	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	9%
	Batterer Intervention Program	2	9%
	Psychological Counseling	18	82%
	Total	22	
Aroostook	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	11%
	Batterer Intervention Program	3	33%
	Psychological Counseling	5	56%
	Total	9	
Cumberland	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	4%
	Batterer Intervention Program	1	4%
	Psychological Counseling	22	92%
	Total	24	
Hancock	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	22%
	Psychological Counseling	7	78%
	Total	9	
Kennebec	Batterer Intervention Program	4	14%
	Psychological Counseling	25	86%
	Total	29	
Knox	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	5	24%
	Batterer Intervention Program	1	5%
	Psychological Counseling	15	71%
	Total	21	
Lincoln	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	20%
	Psychological Counseling	8	80%
	Total	10	

2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



2016 Female DV Probationers with Conditions



Oxford	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	2	33%
	Psychological Counseling	4	67%
	Total	6	



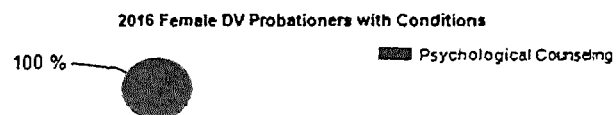
Penobscot	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	5%
	Batterer Intervention Program	3	16%
	Psychological Counseling	15	79%
	Total	19	



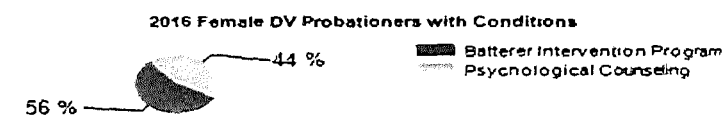
Piscataquis	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	3	75%
	Psychological Counseling	1	25%
	Total	4	



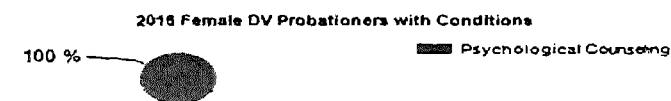
Sagadahoc	Psychological Counseling	8	100%
	Total	8	



Somerset	Batterer Intervention Program	5	56%
	Psychological Counseling	4	44%
	Total	9	



Waldo	Psychological Counseling	5	100%
	Total	5	



Washington	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	1	33%
	Psychological Counseling	2	67%
	Total	3	



York	Anger Management Counseling & Evaluation and Domestic Abuse Counseling	3	20%
	Batterer Intervention Program	3	20%
	Psychological Counseling	9	60%
	Total	15	

