

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

**DOMESTIC VIOLENCE
PROSECUTIONS IN MAINE**

**ANNUAL REPORT
DECEMBER, 2003
SUBMITTED
JULY, 2004**

G. STEVEN ROWE
ATTORNEY GENERAL



Telephone: (207) 626-8800
TDD: (207) 626-8865

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE 04101-3014
TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

128 SWEDEN ST., STE. 2
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

July 20, 2004

Joint Standing Committee on Appropriations
and Financial Affairs
121st Maine Legislature
State House Station 100
Augusta ME 04333

Joint Standing Committee on Criminal Justice
121st Maine Legislature
State House Station 100
Augusta ME 04333

Joint Standing Committee on Judiciary
121st Maine Legislature
State House Station 100
Augusta ME 04333

Dear Committee Members:

In accordance with 5 M.R.S.A. § 204-A, I am submitting the Third Annual Report compiling information and data from the Domestic Violence Prosecutors throughout the State of Maine. As required by statute, the information assembled in this report has been produced in cooperation with the eight District Attorneys. The Passamaquoddy Tribe at Pleasant Point has also contributed data for this report.

During 2003, Maine had a total of 17 homicides. Eight of those homicides were domestic violence related. Over the past 18 years, 47% of all homicides in the State of Maine have been domestic violence related.

As evidenced by the information compiled in this report, domestic violence prosecutions continue to be a significant part of the caseload of the eight District Attorneys throughout the State of Maine. Indeed, according to recent State crime data released by the Department of Public Safety, domestic violence assaults in Maine increased by more than 11% in 2003. Specifically, there were 5,364 domestic violence assaults in 2003 as compared to 4,813 reported in 2002.

Joint Standing Committee on Appropriations and Financial Affairs
Joint Standing Committee on Criminal Justice
Joint Standing Committee on Judiciary
July 20, 2004
Page 2

This year, we have streamlined the presentation of the data and developed a more uniform system of identifying and reporting domestic violence prosecutions. We have also been able to compile figures on a calendar year basis for better comparison on a year-to-year basis. I hope you find the report useful.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Steven Rowe", with a long horizontal flourish extending to the right.

G. STEVEN ROWE
ATTORNEY GENERAL

GSR/nh
Encs.

G. Steven Rowe, Attorney General
6 State House Station
Augusta, Maine 04333-0006
(207) 626-8800

DISTRICT ATTORNEYS

Prosecutorial District I

Mark Lawrence, District Attorney
York County Courthouse
45 Kennebunk Road
P.O. Box 399
Alfred, Maine 04002
(207) 324-8001

Prosecutorial District II

Stephanie P. Anderson, District Attorney
Cumberland County Courthouse
142 Federal Street
Portland, Maine 04101
(207) 871-8384

Prosecutorial District III

Norman R. Croteau, District Attorney
Androscoggin County Courthouse
2 Turner Street
Auburn, Maine 04210
(207) 784-1397

Prosecutorial District IV

Evert N. Fowle, District Attorney
Kennebec County Courthouse
95 State Street
Augusta, Maine 04330
(207) 623-1156

Kennebec County Courthouse
95 State Street
Augusta, Maine 04330
(207) 623-1156

Prosecutorial District V

R. Christopher Almy, District Attorney
Penobscot County Courthouse
97 Hammond Street
Bangor, Maine 04401
1 (800) 696-8552

Prosecutorial District VI

Geoffrey A. Rushlau, District Attorney
Knox County Courthouse
62 Union Street
Rockland, Maine 04841
(207) 594-0424

Prosecutorial District VII

Michael E. Povich, District Attorney
70 State Street
P.O. Box 722
Ellsworth, Maine 04605
(207) 667-4621

Prosecutorial District VIII

Neale T. Adams, District Attorney
Aroostook County Courthouse
144 Sweden Street
Caribou, Maine 04736
(207) 498-2557

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Department of the Attorney General Domestic Violence Homicides 2003-----	1
York County Prosecutorial District I-----	3
Cumberland County Prosecutorial District II-----	6
Androscoggin, Franklin and Oxford Counties Prosecutorial District III-----	9
Kennebec and Somerset Counties Prosecutorial District IV-----	15
Penobscot and Piscataquis Counties Prosecutorial District -----	25
Sagadahoc, Lincoln, Knox and Waldo Counties Prosecutorial District VI-----	32
Hancock and Washington Counties Prosecutorial District VII-----	35
Aroostook County Prosecutorial District VII-----	38
Passamaquoddy Tribe at Pleasant Point-----	47

**OFFICE OF THE ATTORNEY GENERAL
2003 DOMESTIC VIOLENCE HOMICIDES**

The Attorney General is responsible for the investigation and prosecution of homicide cases. For more than a decade, half of Maine's homicides have been related to domestic violence. The Office of the Attorney General is working to reverse this trend through outreach, education and prosecution.

In 2003, there were seventeen homicides in Maine, eight which were domestic violence related. Seven of the victims were women who were killed by their male partners. The number of individuals victimized by these homicides reaches far beyond the eight people who lost their lives. Several minor children were left without parents. Families lost caring relatives, employers lost valuable employees and communities lost active citizens.

To shed light on the problem of domestic violence and the terrible toll it has on our families and communities, the Attorney General is enlisting the help of employers throughout Maine by calling on them to develop and implement domestic violence workplace policies that support and help victims of abuse. The Office of the Attorney General is also working with the Project Safe Neighborhoods Task Force to educate the public about domestic violence via public service announcements that will air in 2004.

In addition to the prosecution of homicide cases, the Attorney General oversees the Domestic Abuse Homicide Review Panel. The Panel reviews all cases of domestic violence homicide in Maine and generates a biennial report recommending methods of improvements in the systems involved in domestic violence. In 2003, the Domestic Abuse Homicide Review Panel generated its fifth report to the Maine Legislature.

The Office of the Attorney General hopes that a greater understanding of the issues related to domestic violence will lead to changes that save lives. The ultimate goal is to make sure that all Maine citizens see their home as a place of safety and comfort, not a source of danger and fear.

The statistics related to the 2003 domestic violence homicides follow.

Maine Office of the Attorney General

2003 Domestic Violence Homicide report Issued July, 2004

Homicides in 2003	17
Domestic Violence Homicides	8
Relationship with victim	
Spouse	1
Live-in boyfriend	6
Parent	1
Weapon/Manner of death	
Firearm	2
Knives	2
Strangulation	1
Blunt head Injury	2
Shaken Baby Syndrome	1
Protection from Abuse Orders	
Protection from Abuse Orders in effect	0
Ages and Genders of victims/perpetrators	
Age range for victims	22 months to 46 years old
Age range for perpetrators	28 years old to 53 years old
Victims	
Males	1
Females	7
Perpetrators	
Males	7
Females	1
Resolutions	
2002 cases resolved in 2003	
Resolved by Conviction	4
Not guilty by reason of insanity	1
2003 Cases	
Defendants Charged	6
Murder/Suicides	1
Found guilty of murder	3
Plead guilty to murder	1
Pending trial	3

YORK COUNTY PROSECUTORIAL DISTRICT I

Prosecutorial District I

Domestic Violence Prosecutions: Status and Dispositions

9/1/2002 to 8/31/2003

<u>Disposition or Case Status Description</u>	<u>Number</u>	<u>Percent Of Completed Cases</u>
Prosecutions That Are: In process		
Active	162	
Additional Information	9	
Arrest Warrant	35	
Awaiting Sentence	1	
Bail Review	5	
Logged In	1	
Pending Grand Jury	13	
Pre-Screen	3	
Referral	84	
Total Cases That Are In process	313	
Prosecutions That Are: Completed		
Declined	7	0.72%
Dismissed	298	30.69%
Filed	124	12.77%
Found Not Guilty	4	0.41%
Guilty	433	44.59%
No Complaint	34	3.50%
Other	9	0.93%
Probation Revocation	1	0.10%
Probation Violation Def Admitted	40	4.12%
Prosecution Declined	21	2.16%
Total Cases That Are Completed	971	
Total Cases :	1284	100.00%

This report summarizes the judicial disposition of prosecutions of crimes involving domestic violence that came to a conclusion during the stated time period and the status of prosecutions of crimes involving domestic violence that are still ongoing. This report includes prosecutions that were commenced prior to the time period and either were completed or remained active at the end of the time period.

A domestic violence prosecution is the prosecution of one individual for one or more crimes involving domestic violence that arose out of the same incident. For example, an alleged incident of domestic violence may result an individual being charged with multiple crimes involving domestic violence: assault, terrorizing, interfering with the report of a crime, violation of a protection order, violation of a probation or bail condition, or witness tampering. Each domestic violence prosecution listed above may involve one or more criminal charges, or “counts”, against a defendant. Subsequent prosecutions of the same defendant for alleged crimes arising out of a separate incident are listed as separate prosecutions.

The disposition of a domestic violence prosecution that involves multiple counts, or alleged crimes, is reported the disposition of the count which resulted in the most punitive outcome. For example, in a domestic violence prosecution involving counts of assault and terrorizing that went to trial and the defendant was found guilty of assault but not guilty of terrorizing, the disposition of that prosecution for crimes involving domestic violence is reported as guilty. Similarly, if a plea agreement was reached prior to trial whereby the defendant plead guilty to counts of assault and violation of a protection order but a count of terrorizing was dismissed, that disposition of that domestic violence prosecution would be reported as guilty. Those prosecutions reported as dismissed, denied, declined, found not guilty or no complaint involve prosecutions where the judicial disposition on each count has been one of those outcomes.

CUMBERLAND COUNTY PROSECUTORIAL DISTRICT II

**DOMESTIC VIOLENCE REPORT FOR 2003
PROSECUTORIAL DISTRICT 2
CUMBERLAND COUNTY**

Cases initiated in 2003	987
Approved	465
Requested Information	67
Prosecution Declined	455
Cases resolved in 2003	720 cases involving 469 defendants
Found Guilty	413 cases involving 299 defendants
Acquitted	2
Filed	131 cases involving 103 defendants
Dismissed	174 cases involving 66 defendants
Resolution of cases in 2003	
Jail (straight time sentence)	50 defendants
Probation	242 cases involving 190 defendants
Fine	59 defendants
Batterer's Intervention Program	132 cases involving 105 defendants
Incidents involving a firearm	unknown

Narrative:

The Cumberland County District Attorney's Office (CCDA) does not use Justware, but uses Crimes instead. We are not able to generate the above figures above through Crimes, and the data is tracked by a trial assistant, and hand-counted in order to prepare this report. Records are kept in 2 different formats: one using the number of cases, and the other using the number of defendants. Many defendants have multiple charges, giving rise to a greater number of cases than defendants in all categories. Both figures have been included above where available.

The role of the domestic violence prosecutors in Cumberland County

From July 1999 through December, 2003, CCDA had 2 domestic violence prosecutors, one of whom resigned in December, 2003. We have been unable to fill the vacancy, leading to a significant change in the role and activities of the remaining prosecutor. Although in the past we have regularly provided law enforcement training on domestic violence issues, we will be unable to perform this function for as long as we are down one position. In addition, we have had to, and will continue to, decline speaking engagements and involvement in task forces. We are no longer able to provide vertical prosecution (which was an important function of the DV Unit) in all cases. Other ADAs

are called upon as necessary to review cases and cover court appearances in cases that they are unfamiliar with. Most of the other ADAs lack specialized training in DV issues.

Resources available to DV prosecutors

CCDA has an investigator assigned to its DV Unit through the Cumberland County Sheriff's Office. There is one probation officer assigned to handle DV cases only, with a reduced maximum caseload that enables him to more closely monitor his probationers.

The greatest impediment to convictions

The greatest impediment to convictions is victims who are unwilling to testify, can not be located, do not show up in court under subpoena, and/or who recant. Although we aggressively prosecute without victims when possible, often there is insufficient evidence to proceed without the victim's participation. We were able to obtain guilty pleas in 225 cases in which victims were uncooperative with prosecution. Defendants in 150 cases pled guilty in situations where victims were cooperative.

**ANDROSCOGGIN, FRANKLIN AND OXFORD COUNTIES
PROSECUTORIAL DISTRICT III**



PROSECUTORIAL DISTRICT III

DOMESTIC VIOLENCE REPORT

2003

Norman Croteau
District Attorney

Nicholas S. Worden
Assistant District Attorney

Introduction

Now recognized as an extremely serious and complex community problem, domestic violence has become a major concern for legislators, courts, law enforcement, and prosecutors. The commitment to stop domestic violence is evident in several ways: law enforcement protocols for arrest and detention of alleged abusers, the creation of victim-witness advocate positions in District Attorney's Offices dedicated specifically to domestic violence cases, the increased availability of domestic violence counseling, the intervention and support services provided by numerous advocacy groups and agencies, and the advent of domestic violence prosecutors who focus specifically on these cases. This attention to domestic violence has resulted in increased public awareness of this insidious problem and has contributed significantly to more thorough investigations and ultimately more successful criminal prosecutions. As a matter of public policy, the State's commitment to end domestic violence will, with enough time and dedicated resources, benefit all citizens of this State.

I. The Role of the Domestic Violence Prosecutor

With a significant increase in cases transferred to the Androscoggin County Superior Court as a result of the changes to Rule 22 of the Maine Rules of Criminal Procedure, the domestic violence prosecutor has spent an increasing amount of time preparing for and trying domestic violence cases in the Androscoggin County Superior Court. The volume of cases in the District Court is steady but, since jury trials demand more time and preparation, back up from other prosecutors is often needed in the District Court.

A. What resources are available?

District Three does not have a dedicated Probation Officer for domestic violence cases. Franklin County has a domestic violence investigator through the Sheriff's Department, and the Lewiston Police Department has a domestic violence coordinator to assist in preparing cases for

prosecution and promotion of victim safety. The District Attorney's Office employs a victim-witness advocate for domestic violence cases and a victim-witness coordinator for domestic and sexual assault cases.

B. What are the greatest impediments to conviction?

Domestic violence cases are complex and difficult for a number of reasons. The facts of any given case are generally not complicated, and proof of the alleged conduct rarely requires expert, scientific, or technical testimony. However, the surrounding circumstances, particularly the relationship of the defendant and the victim, often affect the willingness or ability of a victim to initially cooperate with law enforcement or to ultimately testify at trial. Fear, lack of self esteem, financial pressures, and the existence of children caught in the middle of a dysfunctional relationship complicates what is, generally speaking, a straight forward case. In addition, law enforcement agencies generally do not have adequate resources to dedicate specifically to the investigation of the domestic violence cases. Sexual assault and other felony investigations are routinely assigned to a specific detective or other investigator. Domestic violence investigations are usually handled by patrol officers who are generally extremely busy responding to numerous complaints and calls for service in the course of a regular shift. Lack of both time and resources specifically dedicated to the investigation of domestic violence cases is a significant impediment to successful prosecution of domestic violence cases.

II. Statistics

The statistical information provided in Appendix A is incomplete. It provides information only for domestic violence cases resolved in 2003 whose dispositions were entered into our Justware data base. We know that a significant number of 2003 domestic violence cases were not entered into that data base due to operational delays.

It should also be noted that this data represents the disposition of cases based on charges not defendants. This analytical difference must be taken into consideration when comparing the number of convictions and dismissals. Using this data base to determine conviction rates does not necessarily reflect the number of defendants convicted. For example, a defendant may be charged by complaint with one (1) count of assault and one (1) count of criminal threatening. Because both charges arise out of the same incident, a plea or conviction of both charges would likely result in a concurrent sentence. Pursuant to a plea agreement, a defendant might plead guilty to the assault charge in return for the State's dismissal of the criminal threatening charge. The result would be a conviction rate of 50%. If our data was collected and analyzed based on defendants instead of charges, our conviction rate for this case would then be 100%. In short, the manner in which data is collected and analyzed must be considered in evaluating the quality and success of domestic violence prosecutions. We anticipate that our 2004 report will contain statistics on all domestic violence case dispositions for all domestic violence cases in this prosecutorial district.

We wish to stress that these numbers, while an impressive and dramatic improvement over prior years, do not adequately describe the efforts of those involved in the prosecution of domestic violence in this prosecutorial district. Successful prosecution of a domestic violence case does not always or necessarily involve a conviction for a criminal charge. If we pay attention only to conviction rates, we ignore the defendant whose case was filed with the condition that he complete the Certified Batterer's Intervention Program or the victim who, after meeting with the Domestic Violence Victim's Advocate, leaves the marital home to avoid further abuse. The measures for successful prosecution are too numerous to list. It is important therefore to realize that numbers are only one measure.

Appendix A

Cases Resolved 2003

*Cases closed during calendar year 2003

Convictions: 458

Acquittals: 2

Dismissed: 213

Filed: 43

Prosecution Declined: 64

Total Cases Resolved: 780

**KENNEBEC AND SOMERSET COUNTIES PROSECUTORIAL
DISTRICT IV**

DOMESTIC VIOLENCE STATISTICS
2003

KENNEBEC AND SOMERSET COUNTIES
PROSECUTORIAL DISTRICT IV
EVERT FOWLE, DISTRICT ATTORNEY
BRAD C. GRANT
DOMESTIC VIOLENCE PROSECUTOR

April 28, 2003

RE: 2003 Domestic Violence Report

Dear Members of the Maine Legislature:

Prosecutorial District IV continues to prioritize the fight against domestic violence. Having a unified and comprehensive approach to identifying, investigating and prosecuting domestic violence cases has made progress. As you are aware, this office has been fortunate in having the support of the county commissioners of Kennebec and Somerset Counties. Each county has continued its support in the fight against domestic violence by funding a domestic violence investigator that works in our office. Our office has also had the continued support from the federal government through a federal grant for another domestic violence investigator.

The domestic violence investigators are the front line in identifying domestic violence, taking steps in protecting victims, and ensuring the integrity of court bail orders by investigating violations. They have also been extremely helpful in assisting law enforcement agencies in the area with intelligence and support in subpoenaing crucial witnesses to family violence.

Critical to the enforcement of family violence is support for dedicated domestic violence prosecutors. Unlike other prosecutors, dedicated domestic violence prosecutors are specially trained in the patterns of domestic violence, the common response by victims to place blame upon themselves instead of the abuser and how best to approach each situation on a case by case basis. Dedicated domestic violence prosecutors continue to emphasize and prioritize domestic violence.

The following report illustrates the growth and advancement in the prosecution of domestic violence while also recognizing the need and necessity for continued support of everyone in the community in order for there to be continued success.

Sincerely,



Evert Fowle
District Attorney

**Prosecutorial District IV 2003
Domestic Violence Statistics:**

Total Number of 2003 Cases:

Pending:	122
Closed:	561
Under investigation	7
Declined	88
TOTAL:	778

Cases Resolved:

Convicted	615
Declined	29
Dismissed	85
Filed	22
Acquitted	8
TOTAL:	759

Sentences:

Probated Sentence:	157
Split Sentence:	196
Straight Jail Sentence:	174
Fine:	86
Filing:	14
Unconditional Discharge	1
Community Service Work	3
TOTAL:	631

615 of 730 closed cases were convictions: = 84% conviction rate

**Batterer Intervention ordered
As part of the sentence: 216**

SOUTHERN KENNEBEC DISTRICT COURT

Domestic Violence 2003

Month	Tot Cases	Decline	PG/Tot	PCT	CBIP	Pending
January	16	1	13/13	1.000	6	2
February	21	1	19/20	0.950	8	0
March	31	1	21/28	0.750	15	2
April	21	1	14/19	0.722	7	1
May	34	4	27/30	0.736	14	0
June	25	1	21/22	0.954	5	2
July	19	2	12/16	0.714	4	1
August	18	1	15/15	1.000	4	2
September	23	1	14/16	0.875	5	6
October	26	4	13/18	0.722	5	4
November	24	4	11/11	1.000	5	9
December	22	4	13/13	1.000	5	5
	280	25	188/221	0.851	83	34
2002 Totals	216	27	144/176	0.820	46	

DOMESTIC VIOLENCE STATISTICS

2003

KENNEBEC AND SOMERSET COUNTIES
PROSECUTORIAL DISTRICT IV
EVERT FOWLE, DISTRICT ATTORNEY
BRAD C. GRANT
DOMESTIC VIOLENCE PROSECUTOR

2003 DOMESTIC VIOLENCE VITAL STATISTICS

Prosecutorial District IV has submitted four previous domestic violence reports. These reports were the annual reports for 1999, 2000, 2001, and 2002.

- **568 % Increase in Defendant's Required to Participate in Certified Batterers' Intervention Programs from 1999 to 2003.**
 - ❖ In 1999, 38 Defendants Were Required to Participate in the Certified Batterers' Intervention Programs, a 31% Increase Over 1998.
 - ❖ In 2000, 110 Defendant's Were Required to participate in the Certified Batterers' Intervention Programs, a 189% Increase Over 1999.
 - ❖ In 2001, 154 Defendant's Were Required to participate in the Certified Batterers' Intervention Programs, a 40% Increase Over 2000.
 - ❖ In 2002, 188 Defendant's Were Required to participate in the Certified Batterers' Intervention Programs, a 22% Increase Over 2001.
 - ❖ In 2003, 216 Defendant's Were Required to participate in the Certified Batterer's Intervention Program, a 13% Increase Over 2002¹.

- **216% Increase in the Identification and Prosecution of domestic Violence Crimes Between 1999 – 2003.**
 - ❖ 316 Persons Were Charged With Domestic Violence Crimes in 1999.
 - ❖ 572 Persons Were Charged With Domestic Violence Crimes in 2000.
 - ❖ 596 Persons Were Charged With Domestic Violence Crimes in 2001.
 - ❖ 663 Persons Were Charged With Domestic Violence Crimes in 2002.
 - ❖ 683 Persons Were Charged With Domestic Violence Crimes in 2003

- **The Average Conviction Rate for 2003 is 84%².**

¹ This figure does not include the amount of people ordered to participate in certified batterer's as part of a Court ordered bail condition requested by the State of Maine.

² Cases that were filed were treated as dismissed in determining conviction rate; a filing of a case is a postponement of prosecution for a period of time. Prosecutors often use a filing as an informal probation.

2003 Domestic Violence Statistics for Kennebec and Somerset Counties

There were six hundred and eighty-three (683) Defendant's prosecuted for crimes involving domestic violence in Kennebec and Somerset Counties in 2002. Of the seven hundred thirty (730) cases prosecuted, six hundred fifteen were closed with convictions obtained against the Defendant. This represents an eighty-six (84%) percent conviction rate.

The 2003 statistics for Kennebec and Somerset County are maintained by the Defendant and the number of convictions per Defendant, rather than by charge and the number of convictions per charge. For statistical purposes, the current method more accurately reflects the conviction rate. Maintaining the statistics by charge rather than by Defendant, improperly exaggerates the dismissal rate and did not accurately count how many domestic violence offenders were convicted.

The primary reason for this is that one Defendant could be charged within the discretion of the prosecutor with more than one crime. For example, one Defendant could be charged for the same conduct with felony assault and misdemeanor assault pled in the alternative. Although the prosecutor may dismiss the misdemeanor assault charge upon the Defendant plea to the felony assault charge, the Defendant would still have been convicted of a felony assault charge and would have received an appropriate sentence. If statistics were based upon the number of charges, a completely successful prosecution would statistically show a fifty (50) percent conviction rate. It is our opinion that statistics based upon charges prohibit an accurate assessment of the situation. Statistics kept on charges only measure the charging policy of the prosecutor.

Summary of Sentences Imposed

For example, a condition of no contact with the victim and/or completion of the certified batterers' intervention program may be imposed as a condition of the filing. If the Defendant complies with all of the conditions and does not commit new criminal conduct, the case will be dismissed at the end of the filing period without prejudice. See M.R.Crim.P. 48. **If filed cases are considered pending case, the conviction rate increases to 91 percent (573 of 633). When the filed cases are treated as dismissals, the conviction rate is 86 percent.** The conviction rate of 86 percent is expected to change as more cases are completed throughout the 2002-year. The conviction rate may increase. Cases that have been filed may be returned to the docket if the filing conditions are not successfully completed and a conviction is obtained.

The six hundred fifteen (615) Defendants convicted in Kennebec and Somerset Counties received the following sentences: Three hundred seventy (370) Defendants, or fifty-two (60%) were sentenced to a period of incarceration. Three hundred fifty-three (353), or fifty-eight percent (57%), of the Defendants were placed on probation. Two hundred sixteen (216) of the six hundred fifteen (615) were ordered to complete the Certified Batterers' Intervention Program, a thirty-three percent (35%) rate³. Eighty-six (86) Defendants' were ordered to pay fines, or fourteen percent (14%).

Twenty-two (22) Defendants had their cases filed for a period of time with conditions. This represents five percent (3.5%) of closed cases for 2003. Cases were filed for several reasons, including: (1) completion of the certified batterers' intervention program; or (2) an assessment by the Assistant District Attorney that a conviction could not be obtained, frequently because the victim had changed her testimony, refused to cooperate or failed to honor a subpoena to appear in court.

Of the seven hundred thirty cases that were closed, eighty five (85) were dismissed by the court when victims or officers failed to appear to testify. This accounts for eight percent (11.6%). Eight (8) Defendants were found not guilty after trial, or 0.1%.

The District Attorney's Office reviewed a total of 778 cases. The Domestic Violence Prosecutor declined to prosecute sixty-five (88), or eight percent (11.3%) of the cases submitted. The decision not to prosecute was based upon the Domestic Violence Prosecutor's decision that a crime had not been committed or the Domestic Violence Prosecutor's inability to determine culpability.

³ The percentage of Defendant's that were required to complete the certified batterers' intervention program is actually **higher**. This is because currently there is no certified batterers intervention program for female domestic violence Defendants.

2003 Domestic Violence Investigator Statistics

Summary of Assistance

The Domestic Violence Investigators reviewed police reports, requested national and state criminal background checks for each of the seven hundred thirty charged Defendants. An estimated 40%⁴ were repeat offenders or multi-state offenders with prior convictions. The investigators requested the criminal history immediately upon receiving the police report in order to have the record available as soon as possible. This information is important to determine whether the Defendant is a repeat offender who should be charged by the Domestic Violence Prosecutor with a felony based upon priors. A criminal history is also very influential in the amount of bail and the conditions placed upon a Defendant pending trial. Additionally, the Defendants prior record also is instrumental in that Defendant receiving an appropriate sentence from the court when a conviction is obtained.

The Investigators assist the Domestic Violence Prosecutor in building a solid, evidentiary-based case without relying on a victim. This is because many victims become reluctant over time and refuse to cooperate due to family, economic and other pressures. The Investigators conduct further investigations to collect evidence as requested by the Domestic Violence Prosecutor. Additional evidence often includes 911 tape recordings, additional witness statements, photographing of injuries, collecting medical records, and getting additional victim statements concerning violations of bail. The Domestic Violence Investigators work to close gaps in the criminal justice system that puts victims at increase risk and decrease the likelihood of obtaining convictions.

The Investigators also work with local law enforcement to coordinate efforts to enforce bail conditions and protection from abuse orders issued by the court.

⁴ This figure was obtained from the 2001 Domestic Violence Report.

**PENOBSCOT AND PISCATAQUIS COUNTIES PROSECUTORIAL
DISTRICT V**

Cases Initiated for District 5

Between	9/1/2002 and	8/31/2003 for ALL	Counties
WRR	WRR - Warrant Issued		15
REQW	REQW - Request for Warrant		14
REQ	REQ - Request for More Inform		2
PR	PR - Probation Revocation		8
PGJ	PGJ - Pending Grand Jury		3
MEPR	MEPR - Motion Enforce Restitut		1
DRUG	DRUG - Drug Court Participant		1
DEC	DEC - Prosecution Declined		48
CLO	CLO - Closed Out		715
ACT	ACT - Active		32
	Total Cases		839

Cases Resolved for District 5

Between 9/1/2002 and	8/31/2003 for ALL	Counties
Not Prosecuted	14	
Dismissed	180	
Conviction	566	
Acquittal	24	
Total Cases Resolved:	784	

Sentencing for Cases Closed for District 5

Between	9/1/2002 and	8/31/2003 for	ALL	Counties
		SPLIT	73	
		PROB	4	
		INC	351	
		FINE	142	
		Total all Sentences:	570	

Disposition of Offenses

Office of the Prosecutorial Attorney - District 5 - Bangor

Domestic Violence Cases Closed from 1/1/03 and 12/31/03

Case dismissed after complaint being issued

	0
Continued 6 months	36
Defendant pled guilty to other charges	264
Does Not Warrant Prosecution	7
Insufficient Evidence	46
Victim/Witness Unavailable/Uncooperative	185

Complaint denied before issuance

Assault	1
Defendant pled guilty to other charges	2
Does Not Warrant Prosecution	2
Insufficient Evidence	44
Mutual Incident	4
Victim/Witness Unavailable/Uncooperative	8

Pled guilty or nolo

At arraignment in District Court	133
At trial in District Court	421
In Superior Court	187

Trial

Found guilty	33
Found not guilty	34

1/12/04
1008
1/12/04

Total Offenses this period

1407

DOMESTIC VIOLENCE CASES
DOVER-FOXCROFT DISTRICT COURT
2003

<u>JANUARY - MARCH</u>	16
<u>APRIL - JUNE</u>	20
<u>JULY - SEPTEMBER</u>	19
<u>OCTOBER - DECEMBER</u>	14
TOTAL	69

TOTAL P.02

**SAGADAHOC, LINCOLN, KNOX AND WALDO COUNTIES
PROSECUTORIAL DISTRICT VI**

DOMESTIC VIOLENCE REPORT FOR 2003 DISTRICT VI

Cases initiated in 2003

Approved	272
Prosecution Declined	7
Active or Pending action	125
Closed	140

Cases Resolved in 2003

Convicted	138
Acquitted	3
Filed	2
Dismissed	41

Resolution of Cases in 2003

Jail	60
Probation	31
Fine	24
Batterer's Intervention Program	not reported

Narrative:

Basis of the Statistics

The above statistics come from a Domestic Violence report generated by the Just Ware database program used in all four counties of District Six. A simpler report generated by the data base shows 431 Domestic Violence cases initiated in 2003. The relationship between initiated cases and the other statistics in the Domestic Violence data report may or may not be the same with respect to the 159 cases initiated in 2003 that the Domestic Violence report did not pick up. The prosecutors and Just Ware experts are working to correct the problem and we expect future reports to be more accurate.

Notes on Statistics

Cases initiated and case dispositions will not match. The time between case initiation and disposition can be considerable, sometimes more than a year. Cases initiated in 2002 are included in the 2003 disposition statistics. Likewise, cases initiated in 2003 are going to be included in the 2004 disposition statistics.

The statistics generated for this report are a "snap shot" of the procedural position of Domestic Violence cases at a moment in time. Hopefully the statistics will be of some use even though at this time they are seriously incomplete.

Characteristics of District VI

Four counties make up District VI. Waldo and Sagadahoc counties each have active Domestic Violence Investigators working closely with the District Attorney's office. Knox County has a Domestic Violence Coordinator assigned to the Sheriff's department but the position was unfilled from the summer of 2003 until early 2004. Lincoln County received grant funding for a Domestic Violence Investigator within the last few months. The Lincoln County investigator began work on April 12, 2004.

Investigators provide invaluable service to their counties both in improving the strength of prosecution cases and in coordinating law enforcement efforts and community victim services. Investigator case-follow up and continuing contact with victims and witness increases success at trial. Victims feel safer and victims' needs for services are more fully met through the efforts of investigators.

District VI has seven assistant district attorneys, plus a grant-funded juvenile prosecutor. For most of the last two years this district has had an unfilled assistant district attorney position. One vacancy is significant because there are eight courts in this district. Even at full strength it is very difficult to cover all courts. Moreover, one vacancy is a fourteen percent reduction in assistant district attorney resources that disproportionately affects prosecution of complex cases. Domestic Violence cases are often complex because of the relationships among defendants, victims and witnesses and the struggle to keep victims committed to the case. Domestic violence prosecutions suffer when prosecution offices are under-staffed.

The geographic size and shape of District VI make it impossible to have a single attorney responsible for all domestic violence cases in the district. Rather each county's attorney or attorneys, working with the investigator, prosecute the cases in their respective county. One attorney in the district has the responsibility of preparing this report and attending periodic state wide domestic violence prosecutor meetings.

Impediments to Prosecution in District VI

Lack of attorney time is the greatest impediment to prosecuting Domestic Violence. Domestic violence victims' fear is a major impediment to prosecution. Victims fear retaliation by defendants and often have a devastating fear of life without a home or any way to shelter, feed and clothe themselves and their children. Direct contact with prosecuting attorneys goes a long way to encourage victims to stick with the case through trial and move on into a life without violence. Lack of person to person contact leads to many failed prosecutions. We recognize that continued violence in homes, and the resulting psychological harm to children, leads all too often to criminal behavior among affected children..

**HANCOCK AND WASHINGTON COUNTIES PROSECUTORIAL
DISTRICT VII**

DOMESTIC VIOLENCE REPORT FOR 2003

PROSECUTORIAL DISTRICT VII

Cases initiated in 2003	301
Approved	255
Requested Information	3
Prosecution Declined	43
Cases resolved in 2003	260
Found Guilty	196
Acquitted	6
Filed*	0
Dismissed	58
Resolution of cases in 2003 (Total: 196**)	
Jail	111
Probation	30
Fine	4
Batterer's Intervention Program***	

Incidents involving a firearm****

Note: Seven out of the eight prosecutorial districts use a common computer program, Justware. Our computer consultant developed a domestic violence report that would tabulate the data shown above for each of the participating districts. That report is still a work in progress. The primary difficulty at this time is that it is underreporting the number of domestic violence cases. For example, a hand count of domestic violence cases initiated in Hancock County in 2003 identified 182 cases while the computer-generated report identified only 143 cases.

* District VII has a policy of no filings.

** The resolution of 51 cases was not tabulated. This may be an error in the report or the result of inconsistent data entry. During 2003 the support staff were trained in a standard method of closing out cases. This process is being evaluated.

*** The report is currently unable to tabulate the number of defendants sentenced to attend the Batterer's Intervention Program as part of their probation. This is being addressed.

**** The report is currently not tabulating the number of domestic violence cases in which a firearm is used. This is being addressed.

Narrative:

Prosecutorial District VII includes Hancock and Washington Counties. There are District Courts in Ellsworth, Bar Harbor, Machias and Calais and Superior Courts in Ellsworth and Machias. Because of the distances involved, two prosecutors are assigned to

domestic violence cases, one in each county. Each prosecutor has a non-domestic violence caseload as well. District VII has two victim/witness advocates designated to domestic violence, one in each county. These positions are grant-funded. District VII also has two domestic violence investigators. The Hancock County position is a detective/liaison officer who works out of the District Attorney's office on domestic violence and sexual assault cases. The Washington County position operates out of the Sheriff's Department.

District VII is allotted six assistant district attorneys. One of our positions was open from November, 2002, through September, 2003, due to the statewide hiring freeze and then the decision of the Legislature not to fund four prosecutor positions. This funding reduction has impacted domestic violence prosecution. There has been a reduction in law enforcement and community outreach. All of our energy has had to go into maintaining the current level of services rather than into trying to improve them.

AROOSTOOK COUNTY PROSECUTORIAL DISTRICT VIII

Cases Initiated for District 8

Between	1/1/2003 and	12/31/2003 for	ALL	Counties
WO	Warrant Outstanding			2
REV	Probation Revocation			6
LOG	Logged In			2
GLE	Grand Jury Eligible			1
DEC	Prosecution Declined			21
CLO	Closed			129
ASEN	Awaiting Sentence			4
ACT	Active			49
			Total Cases	214

Cases Resolved for District 8

Between	1/1/2003 and	12/31/2003 for ALL	Counties
NotProsecuted		5	
Filed		26	
Dismissed		21	
Conviction		143	
Acquittal		2	
Total Cases Resolved:		197	

Sentencing for Cases Closed for District 8

Between	1/1/2003 and	12/31/2003 for	ALL	Counties
			SPLIT	11
			PROB	8
			INC	31
			FINE	15
			FIL	1
			Total all Sentences:	66

Cases in which CBI was a condition of Probation for

	Between 9/1/2002 and	8/31/2003 for ALL	Counties
CDC		2	
CSC		5	
HDC		5	
HSC		2	
PIDC		8	

Cases in which CBI was a condition of Probation for District 1

	Between 1/1/2003 and 12/31/2003 for ALL Counties
CSC	6
HDC	2
HSC	3
PIDC	9

Cases Initiated for District 8

Between	9/1/2002 and	8/31/2003 for	ALL	Counties
WO	Warrant Outstanding			2
REV	Probation Revocation			8
LOG	Logged In			2
DEC	Prosecution Declined			23
CLO	Closed			170
ASEN	Awaiting Sentence			3
ACT	Active			27
			Total Cases	235

Cases Resolved for District 8

Between 9/1/2002 and	8/31/2003 for ALL	Counties
Not Prosecuted	8	
Filed	24	
Dismissed	24	
Conviction	147	
Acquittal	3	
Total Cases Resolved:	206	

Sentencing for Cases Closed for District 8

Between	9/1/2002 and	8/31/2003 for	ALL	Counties
		SPLIT	14	
		PROB	9	
		INC	41	
		FINE	16	
		FIL	3	
		Total all Sentences:	83	

PASSAMAQUODDY TRIBE AT PLEASANT POINT



Passamaquoddy Peaceful Relations Program
 Passamaquoddy Tribe at Pleasant Point
 P.O.B. 343
 Perry, ME 04667

Tel. 207.853-2600, x 250
 FAX 207.853.9512
 email nancy@wabanaki.com

February 23, 2004

William R. Stokes, Deputy Attorney General
 Office of the Attorney General
 6 State House Station
 Augusta, ME 04333-0006

RE: Prosecutions for Assaults Related to Domestic Violence Pleasant Point

Dear Mr. Stokes,

We are pleased to provide you with data for inclusion in your report to the Legislature for 2003. The data provided below represents the activity at the Passamaquoddy Tribal Court located at Pleasant Point Reservation and does not include Indian Township, Princeton.

Disposition of Class D Assaults Related to Domestic Violence at Pleasant Point Tribal Court

CALENDAR YEAR	ARRAIGNMENTS IN PP TRIBAL COURT	CASE DISMISSED	NOLO PLEAS	GUILTY PLEAS	FOUND NOT GUILTY	FILED
2003	3(2M/1F)*	1F	0	2M	0	0

Sincerely,

Nancy J. Lewey
 Coordinator/Advocate

note: *M-male, F-female