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BATTERER INTERVENTION PROGRAMS (BIP)

A Report to the Second Regular Session of the 127th Maine Legislature

As a result of recommendations made by the Legislative Commission to Study Domestic Violence to the 120th 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 thirteenth annual report.

The state standards for BIPs require the DOC to monitor each certified program, which is done on an annual basis. In 2015 all certified male and female BIPs with active clients were monitored. At the end of 2015 there were eleven certified male BIPs and eight certified female BIPs. Attachment A reflects the findings from the 2015 DOC monitoring.

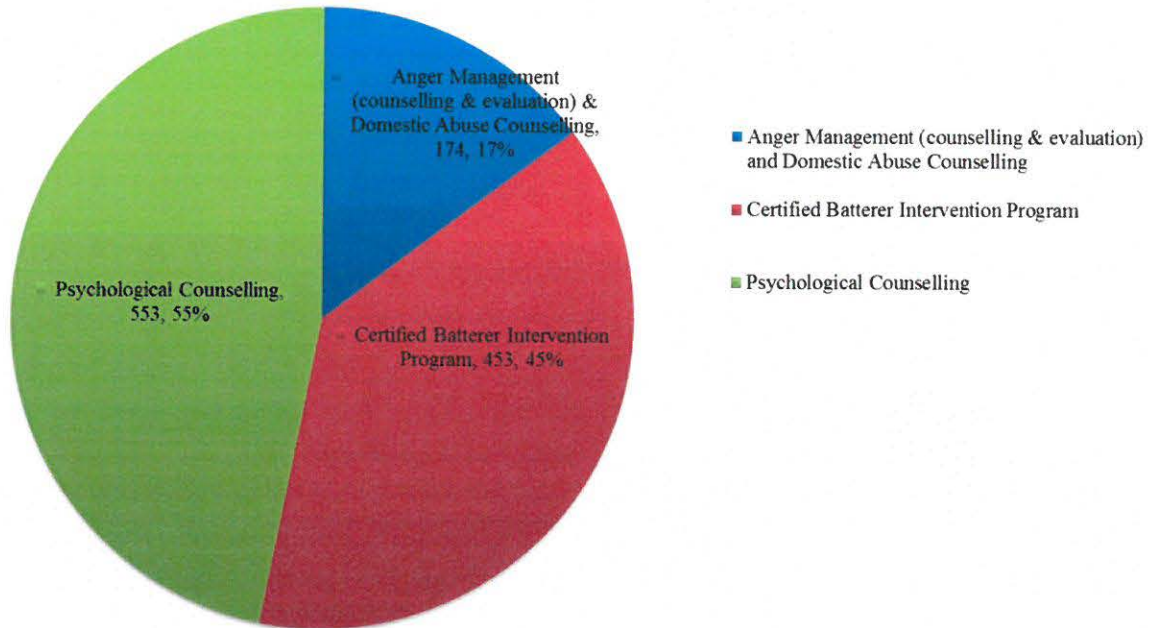
Statistics were requested and compiled from the responses given directly to the DOC from the certified male and female BIPs in the State of Maine. Attachment B reflects male enrollment program data. Attachment C reflects female enrollment program data.

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 counselling, anger management evaluation and/or domestic abuse counselling compared to psychological counselling, and certified BIPs in the legislative report.

A review of male domestic violence offenders statewide in 2015 revealed over half of male offenders were ordered to attend these other types of counselling rather than a BIP. National research indicates that battering by males is typically about power and control and not about anger issues or typical psychological issues.

The chart below represents the number of current male probationers with conditions of anger management counselling, anger management evaluation and/or domestic abuse counselling compared to psychological counselling, and certified BIP. This chart reflects 1009 probationers with a total of 1180 conditions. (171 probationers had more than one condition and is reflected in the percentage) (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 chart.)

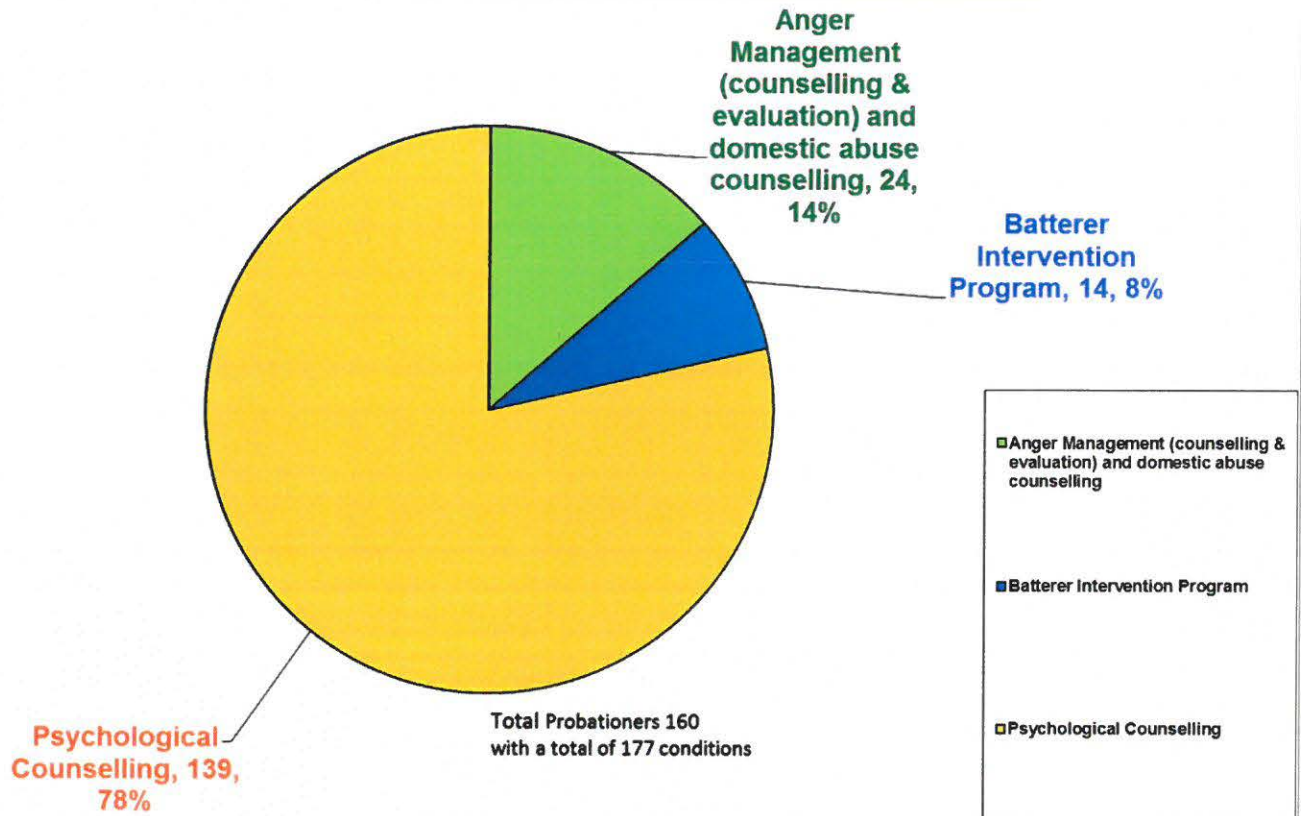
**2015 DV probationers with conditions -
1009 Male probationers with 1180 conditions**



A review of female domestic violence offenders statewide in 2015 revealed over 90% were ordered to attend other types of counselling 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 geared toward the majority of female offenders who use violence, but not power and control.

The chart below represents the number of current female probationers with conditions of anger management counselling, anger management evaluation and/or domestic abuse counselling compared to psychological counselling, and certified BIP. This chart reflects 160 probationers with a total of 177 conditions. (17 probationers had more than one condition and is reflected in the percentage) (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 chart.)

**2015 DV Probationers with Conditions
160 Female Probationers with 177 conditions**



Despite their differences, both female offenders and male offenders would benefit from other types of counselling, like anger management and psychological counselling, IF done in conjunction with BIP as part of a coordinated community response.

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 BIP, 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 program that holds a valid certificate granted by the DOC may be utilized for court referrals. A certificate is valid for two years unless suspended or revoked.

The statute and rule 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.

Currently, the review committee has met every other month since April 2015. It is likely the committee will have several more meetings. Once a 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.

The most recent revisions of the current standards were implemented to reflect gender neutrality, approved on August 11, 2013. Attachment D reflects the current standards.

Some of the recommended changes to date are pertinent in order to properly reflect new terms for the previously known "Family Violence Project" now known as "Domestic Violence Centers" as well as removing the term "groups working with victims of rape" to "groups working with victims of sexual abuse". The Wabanaki Women's Coalition was recommended to be added since there are currently five tribal domestic violence projects or Domestic Violence Centers" in Maine.

This review process is essential to continue discussions and review current trends impacting BIPs in order to promote transparency and overall efficacy.

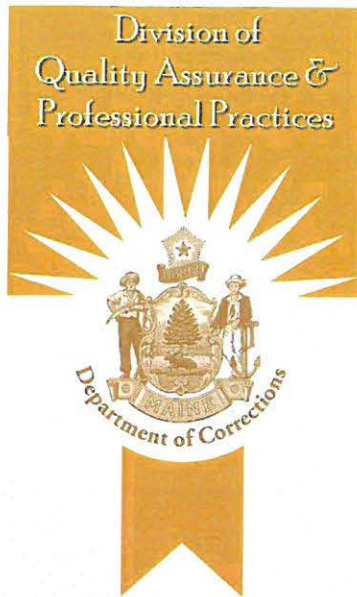
In addition to the 2015 standards review mentioned above, as a result of L.D. 150 there was a resolve requiring a review and a report on pretrial and post-conviction use of BIPs.

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 E includes a copy of the L.D. 150 resolve.

The final report on pretrial and post-conviction use of BIPs has not yet been submitted to the legislature.

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. Appropriate 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



Maine Certified Batterer Intervention Programs (BIP) Monitoring Report 2015

Maine Department of Corrections Division of Quality Assurance & Professional Practices

The Maine Department of Corrections (MDOC), Division of Quality Assurance and Professional Practices working closely with the MDOC Office of Victim Services is responsible to monitor each of the certified Batterer Intervention Programs (BIP) throughout the State on an annual basis. The monitoring process established for the BIP Programs is performed by both the MDOC (Annual Basis) and the

Family Violence Project (Monthly Basis) in the local community. The criteria for the monitoring process is described in MDOC Policy & Procedures Chapter 15 - Batterer Intervention Program Certification.

Currently, there are eleven (11) certified Male Batterer Intervention Programs that, provide services to men who have committed domestic violence offenses, and there are eight (8) certified Female Batterer Intervention Programs that provide services to women who have committed domestic violence offenses. The list of currently operating Batterer Intervention Program for Male and Females Domestic Violence Offenders can be found on the MDOC website under "For Victims of Crimes - Links - Certified Batterer Intervention Programs".

Domestic violence is, historically, a significant factor in over half of the homicides committed in Maine on an annual basis. It is Nationally accepted that a coordinated community response (CCR) is the most effective way to attempt to change this statistic. Appropriate batterer intervention programs with oversight and monitoring is an essential component of the coordinated community response, and is a requirement of the judicial monitoring project. There are not batterer intervention programs available in every community in Maine. In some communities, there is neither criminal justice system nor community support for BIP programs. However, the reason that batterer intervention programs still exist in *every* county in Maine is because it is what battered women tell us they want as part of the criminal justice response.

All of the Male and Female BIP Programs met the requirements established by the MDOC BIP Certification Standards.

Additional Thoughts and Observations Made During the Monitoring Process

(Note: As the MDOC BIP Monitor, this role is unique within the State. This is the only person to visit all of the statewide male and female BIP Programs on an annual basis.

Maine Certified BIP Monitoring Report - 2015

1. There is a significant difference in the number of participants in the various BIPs. Some are at the maximum group size (15) and others struggle with having enough men or women to meet the minimum group size (3). The low referral rate of women DV offenders is an ongoing concern for all of the women BIP programs.
2. Equal participation and input of the male and female facilitators continues to be positive trait of the BIP sessions. This practice exhibits very positive role modeling. It is now a requirement of the MDOC BIP Standards that equality in each of the BIP Facilitator's roles is required.
3. Some of the BIP facilitators use role playing exercises in the sessions and these can be a useful educational tool.
4. The initial check-in process for the BIP sessions is different between BIP programs. The same type of check-in every week gets repetitious and the batterer goes through the process without much thought. Some of the programs use a "reverse" check-in process that requires the batterer to assume the role of the victim for the check-in. This could be expanded to the role of the children (if present) or the police officer who responds to the DV call. A game type spinner or dice could be used to identify the role to be used in check-in. That way the batterer will come to class thinking about and be prepared to speak about each of the roles in the DV situation that brought him to the BIP in the first place.
5. The BIPs that have a dress code (usually not allowing clothes that contain demeaning words, beer or liquor logos, sexual slogans or graphics, drug symbols, violence, and other things that the facilitators may find offensive) or a no-hat rule holds the batterers to a higher standard of accountability and responsibility.
6. Many of the BIP programs establish and use group "ground rules" for the group sessions. (A "Best Practice" is to have the BIP participants who have been in the program for a while explain the rules to the new person as he enters the group)
7. Some of the BIP programs use guest speakers from the community to reinforce the coordinated community response model. The statement that "BIPs do not stop DV - Communities stop DV" is reinforced when the batterers hear this message from others. These speakers could include but not limited to Probation Officers, Police, State Troopers, Family Violence Project staff, Clergy, and employers who have a good DV workplace safety program.
8. Some BIP programs ask the local police to drive by the meeting location a few minutes before your class starts and, perhaps, park in a conspicuous place when the participants leave. This will also support the concept of coordinated community response and give the message to the batterers that each of them are under constant community surveillance.
9. The BIP educational formats use of visual aids adds to the educational part of the class. This may include flipcharts, PowerPoint, videos, etc.

Maine Certified BIP Monitoring Report - 2015

10. Basic educational techniques such as the use of open ended questions, for participants who are not participating in the discussions, helps maintain a high level of involvement and interest.
11. The non-verbal communications that is going on in a BIP session can be very important to the overall effectiveness of the class and the facilitators need to be aware of these messages.

Summary and Recommendations

I encourage the BIP Program Directors to start evaluating their programs using adult education program models. This can provide quantitative data that can be used for program evaluation. This evaluation can include quizzes, tests, class participation, attendance, homework, and other methods. This practice may enable the BIP Program to give quantitative feedback to the questions on how a particular person is doing. This information may be important to the Courts, Probation Officers, or Victims.

I encourage having each participant complete an assessment that identifies his/her particular learning style. This assessment is valuable for both the student and facilitators because it enables the class curriculum to be presented in ways to meet the specific needs of each of the students. This practice is done in many other adult education programs.

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ATTACHMENT B

STATEWIDE BATTERER INTERVENTION PROGRAM MALE STATISTICS

January 1, 2015 to December 31, 2015

Total number of men who were enrolled in the program	655
Number of men who completed the program	224
Number of men who left without completing the program(their choice)	123
Number of men who left without completing the program (expelled)	48
Non-DV Number of men who re-offended and went to jail while attending	16
DV - Number of men who re-offended and went to jail while attending	17
Number of men who completed but were required to attend again	8
Number of referrals from MDOC probation	529
Number of referrals resulting from filings or condition of release	10
Number of referrals from DHHS	49
Number of protection from abuse referrals (PFA)	20
Number of self-referrals	9
Transfers from other Batterer Intervention Programs	13
Number of other referrals	9
Number of deferred dispositions	71
Number of men with special needs	8
Number of men referred to another provider for mental health services	10
Number of men referred to another provides for substance abuse	11
Number of men referred to another provider for literacy services	0
Number of men referred to another provider for parenting services	8
Number of men referred to another provider for vocational services	2
Number of men referred to another provider for employment services	0
Number of men referred to another provider for financial services	0

ATTACHMENT C

STATEWIDE BATTERER INTERVENTION PROGRAM FEMALE STATISTICS

January 1, 2015 to December 31, 2015

Total number of females who were enrolled in the program	46
Number of females who completed the program	16
Number of females who left without completing the program(their choice)	11
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	4
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	17
Number of referrals resulting from filings or condition of release	1
Number of referrals from DHHS	21
Number of protection from abuse referrals (PFA)	0
Number of self-referrals	2
Transfers from other Batterer Intervention Programs	1
Number of other referrals	4
Number of deferred dispositions	10
Number of females with special needs	0
Number of females referred to another provider for mental health services	9
Number of females referred to another provides for substance abuse	6
Number of females referred to another provider for literacy services	3
Number of females referred to another provider for parenting services	14
Number of females referred to another provider for vocational services	0
Number of females referred to another provider for employment services	1
Number of females referred to another provider for financial services	0

ATTACHMENT D

Chapter 15: BATTERER INTERVENTION PROGRAM CERTIFICATION

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.

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 BIPprogram 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 BIPprogram 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 BIPprogram 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 BIPprograms. 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 BIPProgram's certification after the DOC has certified the Program, but before the BIPProgram's two year certification has expired. This action makes the affected BIPProgram 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 BIPProgram:
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 BIPProgram after the expiration of certification;
 7. operation of a BIPProgram in a manner which fails to fulfill the terms of the program - client agreement; or
 8. operation of a BIPProgram 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 BIPProgram 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 BIPProgram into compliance.
- B. The BIPProgram 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 BIPProgram 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 BIPprogram should be given the opportunity of voluntarily continuing their participation, or returning to the BIPprogram at a later date.
- D. The intake screening, initial assessment and admission evaluation shall not be considered one of the 48 weeks.

4.5 BIPprogram 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 BIPprogram staff having direct contact with domestic abuse offenders shall:
 - 1. provide certification of attendance at a national BIPprogram 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 BIPprogram 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 BIPprogram, the domestic abuse offender must provide the BIPprogram 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 BIPProgram.
 - 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 FVProject;
 - 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 BIPProgram;
 - 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 BIPProgram 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)

Chapter 15: BATTERER INTERVENTION PROGRAM CERTIFICATION

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.

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 BIPProgram 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 BIPProgram 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 BIPProgram 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 BIPPrograms. 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 BIPProgram's certification after the DOC has certified the Program, but before the BIPProgram's two year certification has expired. This action makes the affected BIPProgram 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 BIPProgram:
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 BIPProgram after the expiration of certification;
 7. operation of a BIPProgram in a manner which fails to fulfill the terms of the program - client agreement; or
 8. operation of a BIPProgram 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 BIPProgram 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 BIPProgram into compliance.
- B. The BIPProgram 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 BIPProgram 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 BIPProgram 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 BIPProgram, the domestic abuse offender must provide the BIPProgram 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 BIPProgram.
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 FVProject;
 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 BIPProgram;
 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 BIPProgram 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 E

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

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.