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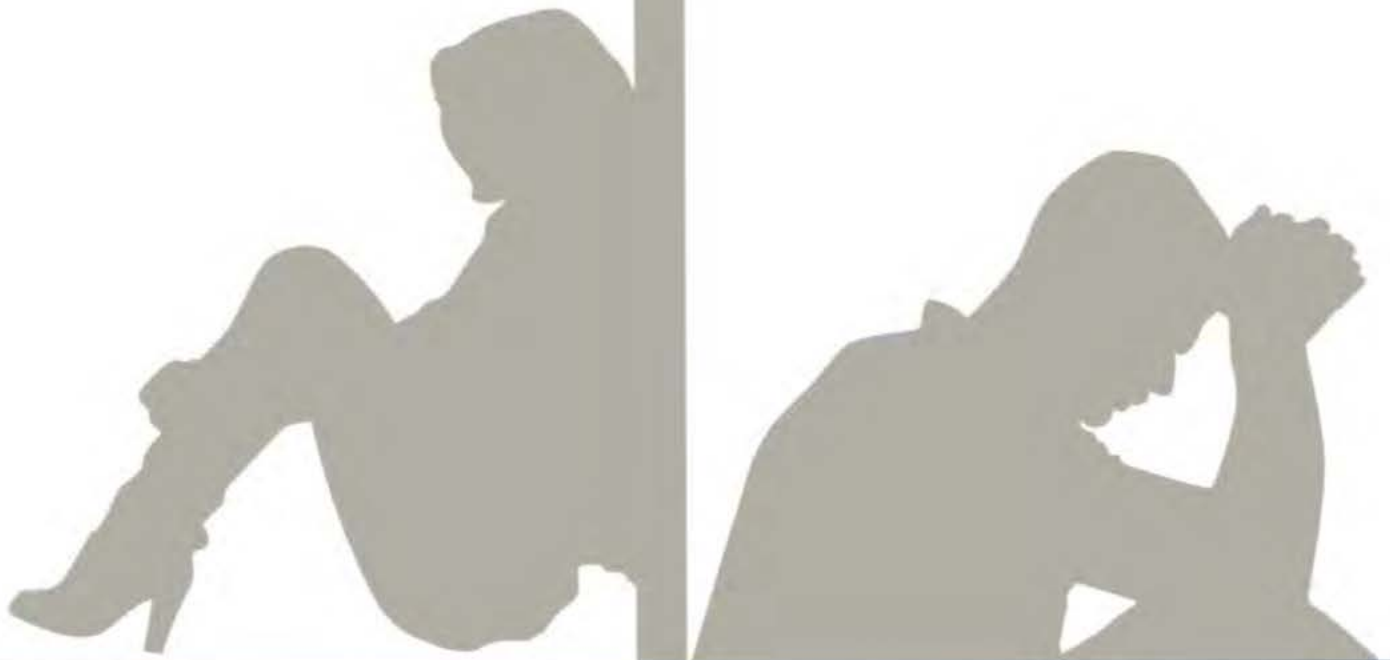
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# Domestic Violence Docket

Process and Recidivism Report



*Produced for*  
Maine Judicial Branch

*Produced by*  
Hornby Zeller Associates, Inc.

September 2015

This study was produced for the Maine Judicial Branch by Hornby Zeller Associates, Inc. The opinions expressed in this document are those of the authors. Hornby Zeller Associates, Inc. is grateful to Anne Jordan, Esq. and Hartwell Dowling, M.S.W. for their guidance and support as well as the judges whose dockets we reviewed and the individuals we interviewed.

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September 22, 2015

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## Executive Summary

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Domestic violence is a significant criminal justice, public safety, and public health challenge both nationally and in Maine. Approaches practiced by the courts and law enforcement have evolved over time to hold perpetrators of domestic violence more accountable, reduce the incidence of domestic violence, and increase the safety of those already victimized. A growing number of criminal courts nationwide handle domestic violence cases on separate calendars. Many of these courts emerged in the context of the broader “problem-solving court” movement and share characteristics with other specialized courts, such as specially trained judges and the incorporation of treatment or services in lieu of incarceration. As of 2013, there were over 200 such domestic violence dockets in the United States.<sup>i</sup>

Domestic violence dockets have been a critical component of these efforts. Since the expiration of federal funding supporting the projects in Maine on June 30, 2011, however, four have ceased operations,<sup>ii</sup> leaving only seven active dockets.

In Maine, domestic violence dockets are scheduled separately from traditional judicial hearings. The model includes a consistent judge focusing on the perpetrators’ compliance with conditions of probation, including participation in a Batterer Intervention Program, fulfilling child support responsibilities, and engaging in ancillary services such as substance abuse treatment. The judge is supported by a team representing probation, victim advocacy services, Batterer Intervention Program facilitators, prosecutors, and defense bar (in some instances). The seven domestic violence dockets which are still active in Maine are located in Portland, Lewiston, West Bath, Augusta, Waterville, Skowhegan, and Rockland.

This study of domestic violence dockets was conducted by Hornby Zeller Associates, Inc., with data collection occurring in 2014 and report writing in 2015 under contract to the State of Maine Judicial Branch. It includes a review of the literature on the effectiveness of domestic violence dockets, Batterer Intervention Programs, and the presence of national standards to guide the conduct of domestic violence dockets; an assessment of current practices within Maine’s seven active dockets; and an analysis of recidivism among those adjudicated in the past in Maine.

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<sup>i</sup> Cissner, Amanda B., Melissa Labriola, and Michael Rempel. “Testing the Effects of New York’s Domestic Violence Courts: A Statewide Impact Evaluation.” *Center for Court Innovation, February* (2013). Accessed 8/12/15 at <<https://www.ncjrs.gov/pdffiles1/nij/grants/242583.pdf>>

<sup>ii</sup> These were located in York, Springvale, Biddeford and Machias.

## Review of Literature

The literature review includes a history and effectiveness of domestic violence dockets and, separately, of Batterer Intervention Programs, an intervention required of most domestic violence docket participants in Maine and elsewhere.

### *Effectiveness of Domestic Violence Dockets*

A number of studies have been conducted on the effectiveness of domestic violence dockets as a whole, separate from the effectiveness of interventions such as Batterer Intervention Programs. Because domestic violence dockets have various purposes, the studies have tested the impact of domestic violence dockets on overlapping outcomes including court efficiency, interagency coordination, informed decision making, offender accountability and recidivism although recidivism reduction is generally viewed as the central goal of these courts.

The results of eleven published evaluations of domestic violence dockets which are both sufficiently rigorous to incorporate a quasi-experimental or randomized design and include a recidivism study as an outcome are mixed at best. Three court studies showed significant reductions in rearrests (Angene, 2000; Gover et al., 2003; Harrell et al., 2007), five produced no reductions or increases in recidivism (Harrell et al., 2007; Henning and Kesges, 1991; Newmark et al., 2001; Peterson, 2004; Quann, 2007), and two studies of Milwaukee courts yielded mixed results (Davis et al., 2001; Harrell et al., 2006)<sup>iii</sup> as did one of multiple courts throughout New York State (Cissner et al., 2013).<sup>iv</sup>

### *Effectiveness of Batterer Intervention Programs*

Most evaluations and reviews of Batterer Intervention Programs (BIPs) conclude that there are no or only modest effects when it comes to keeping batterers from re-abusing; additionally, the extent to which a study is likely to show positive results appears to be dependent on methodology: pre-post-tests tend to overstate the effect of batterer programs (Babcock, Green, & Robie, 2004)<sup>v</sup> while studies that use a quasi-experimental design tend to find small positive outcomes and studies that use the most rigorous designs have findings that are inconsistent (Jackson et al., 2003).<sup>vi</sup>

The two most common Batterer Intervention Program models are the Duluth Model and cognitive behavioral therapy Batterer Intervention Programs. No significant differences were found between the two models when using either police records or victim reports as a

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<sup>iii</sup> Labriola, Melissa, et al. *A national portrait of domestic violence courts*. Center for Court Innovation, 2010.

<sup>iv</sup> Cissner vi.

<sup>v</sup> Babcock, Julia C., Charles E. Green, and Chet Robie. "Does batterers' treatment work? A meta-analytic review of domestic violence treatment." *Clinical psychology review* 23.8 (2004): 1023-1053.

<sup>vi</sup> Jackson, Shelly, et al. *Batterer intervention programs: Where do we go from here?* US Department of Justice, Office of Justice Programs, National Institute of Justice, 2003. Accessed 8/12/15 at [http://www.researchgate.net/profile/Bruce\\_Taylor7/publication/265100951\\_Batterer\\_Intervention\\_Programs\\_Where\\_do\\_we\\_go\\_From\\_Here\\_BATTERER\\_INTERVENTION\\_PROGRAMS\\_WHERE\\_DO\\_WE\\_GO\\_FROM\\_HERE/links/545a54c20cf2c16efbbaa9f1.pdf](http://www.researchgate.net/profile/Bruce_Taylor7/publication/265100951_Batterer_Intervention_Programs_Where_do_we_go_From_Here_BATTERER_INTERVENTION_PROGRAMS_WHERE_DO_WE_GO_FROM_HERE/links/545a54c20cf2c16efbbaa9f1.pdf)

measure of recidivism (Babcock, 2004).<sup>vii</sup> While most studies show Batterer Intervention Programs to be ineffective at best, one study concluded Batterer Intervention Programs have a small but positive impact on ending domestic violence, particularly those that include techniques from motivational interviewing (Edleson, 2012).<sup>viii</sup>

### ***Standards of Practice***

Currently, there are no widely accepted standards for domestic violence dockets; however the Family Violence Prevention Fund<sup>ix</sup> developed a set of guidelines in 2002 in response to a growing interest among jurisdictions to start domestic violence dockets (Sack and Anderson, 2002).<sup>x</sup> The guidelines are intended to provide jurisdictions with the tools to identify the appropriate model and components to develop a successful docket. They are built on a set of nine core principles including: victim and child safety, keeping the victim informed, offender accountability, information sharing and decision-making, institutionalized coordination of procedures and services, training and education, judicial leadership, effective use of justice system, and accountability of courts and programs.

The other important source document stems from a study of the domestic violence dockets in New York State; it led to the development of operational principles covering four main components: victim services, judicial monitoring, accountability, and coordinated community response (Mazur and Aldrich, 2003).<sup>xi</sup> Immediate access to advocates for victims, keeping victims informed, creating safe places in courthouses, and providing victims access to social services is the first key element to the New York Model of domestic violence courts.

The second key principle is judicial monitoring, which entails assigning a permanent judge, supervising defendants continuously on a monthly or bi-monthly basis, exploring new methods of judicial monitoring including dedicating additional staff and resources, and creating a separate compliance docket if the volume warrants it.

The third principle is accountability. Accountability means the domestic violence docket is creating strong relationships with service providers, holding Batterer Intervention Programs accountable, thinking creatively about supervision, and using technology to enhance access to information.

The final principle of the New York Model is a coordinated community response where strong linkages with a wide range of partners is created, regular meetings with criminal

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<sup>vii</sup> Babcock 1042.

<sup>viii</sup> Edleson, Jeffrey L. "Groupwork with men who batter: What the research literature indicates." *National Online Resource Centre on Violence Against Women* (2012): 1-14.

<sup>ix</sup> Affiliated with the National Network to End Domestic Violence, the Family Violence Prevention Fund works to prevent violence within the home, and in the community, to help those whose lives are afflicted by abuse by educating the public and improving institutions' response to domestic violence. FVPF's focuses include children and teens, health, immigrant women, international, judicial, public education, public policy, and the workplace.

<sup>x</sup> Sack, Emily, and Lindsey Anderson. Creating a domestic violence court: Guidelines and best practices. Family Violence Prevention Fund, 2002.

<sup>xi</sup> Mazur, Robyn, and Liberty Aldrich. "What Makes a Domestic Violence Court Work – Lessons from New York." *Judges J.* 42 (2003): 5.



justice and social service partners are convened, and court personnel and partners are provided with education and training.

## **Current Practices in Maine**

While each of the seven domestic violence docket locations has its own procedures, styles, and policies, they all serve the same goal of providing an additional level of oversight for domestic violence offenders who are on probation or deferred disposition. At a minimum, judges are supported by probation, victim advocates, and facilitators in holding domestic violence offenders accountable through monthly docket hearings. An average of 22 offenders report to each docket location as a condition of probation or a deferred disposition each month. Each judge has a different style of interacting with offenders, but at a minimum each judge confirms the offenders are following all conditions, including attending Batterer Intervention Programs regularly, and provides verbal warnings to those who are not meeting minimum requirements.

People interviewed for this study consistently stated the best thing about the domestic violence docket was having all the players in one room because it ensured everyone—including the offender—was “on the same page.” This was identified as the number one factor in increasing accountability for domestic violence offenders over those not required to participate in a domestic violence docket. Interviewees also stated a need for more training, not only specific to operating a domestic violence docket, but on domestic violence in general, particularly for those who do not receive such training as part of their own professional requirements.

On a statewide basis, Maine’s domestic violence dockets do generally follow accepted best practices even though the Domestic Violence field has not adopted practice standards comparable to the Ten Key Components sanctioned by Drug Court professionals. Maine’s current practices were assessed in relation to the four broad standards articulated in New York which formed the initial basis of Maine’s program.

### ***Victim Services***

All seven of Maine’s domestic violence dockets have at least one victim advocate as an active member of the team, however the majority of interviewees stated victims do not play a role in Maine’s domestic violence dockets. In most locations, the only people in the courtroom are members of the team and the offenders themselves. If something comes up during a judicial monitoring session that a victim should know about, the victim advocate will relay this information to the victim.

### ***Judicial Monitoring***

While each of the seven domestic violence docket locations has an assigned judge, the consistency of that judge’s presence at docket sessions each month varies. Only three of the seven dockets (Portland, Lewiston, and Rockland) had a consistent judge for all of the visits performed as part of this study. Some of the inconsistency was due to new judges coming on and taking over the domestic violence docket in their areas, while in other

locations it was due to the unavailability of the assigned judge on a particular docket date when observations occurred. Judges are the heart of domestic violence dockets and the dockets gain leverage with the authority of the judge. The more a judge knows about a case, the better he or she is able to issue consistent and effective rulings. Additionally, the judge will be able to ensure offenders are complying with their probation or deferred disposition conditions.

At the time of this review, only Skowhegan, Portland and Augusta had a dedicated specialized domestic violence probation officer. West Bath, Rockland, Waterville, and Lewiston did not have specialized domestic violence probation officers present at docket sessions, however Lewiston did have a local police representative.

Consistent across all dockets, interactions between judges and offenders consisted of checking in to ensure the offender is attending his or her Batterer Intervention Program as well as any other treatment requirements, including mental health and substance abuse. Judges also ask about family and employment.

### ***Accountability***

The majority of offenders in the domestic violence dockets (85%) are required to participate in Batterer Intervention Programs as a condition of probation or their deferred disposition. Batterer Intervention Programs in Maine are required to be certified in accordance with Maine State law (19-A M.R.S.A. §4014).<sup>xii</sup> The Batterer Intervention Program facilitators present in every domestic violence docket location represented certified Batterer Intervention Programs.

Key informant interviewees said they hoped to see specific probation officers assigned to all offenders at each of the domestic violence dockets. They believe Maine's domestic violence dockets work best when the probation officer who supervises particular offenders are present at the hearing. Interviewees also stated they would like to see Child Support Enforcement officers consistently present.

Three dockets stand out with innovative approaches to interacting with offenders: Lewiston, Waterville, and Rockland. In Lewiston, each offender is provided a green folder containing a calendar at his or her first domestic violence docket hearing. The green folders are intended to hold all domestic violence docket-related paperwork and offenders are expected to bring it to court each session with receipts showing Batterer Intervention Program attendance, as well as any other required treatment or counseling. In Waterville, the judge frequently asks offenders to recite what they did to end up in the docket. The offenders are expected to explain what they did without victim blaming, minimizing, denying, or justifying their actions. Lastly, in Rockland, a small docket, judicial interactions tended to last longer than any of the other dockets and went into greater depth than many others.

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<sup>xii</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/12/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

## ***Coordinated Community Response***

The number of agencies and services that are involved in a domestic violence docket vary from location to location. Lewiston has the highest number of agencies and services attending each month, while other locations such as Rockland and Skowhegan have only probation, Batterer Intervention Program facilitators, victim advocates, and occasionally a representative from the District Attorney's Office present. During the judicial monitoring sessions, judges addressed community team members to provide feedback on the offender's progress as well. For those agencies and services involved in the docket, the coordination appears to be adequate.

Only a few of the team members involved in Maine's domestic violence dockets have participated in any kind of domestic violence training, most of it on the job. The last domestic violence docket-specific training was held in 2008. Almost all key informants indicated they would be interested in and perceived a need for more domestic violence and domestic violence docket trainings.

## **Recidivism in Maine**

The study assessed recidivism, defined as a new domestic violence conviction, among and between the seven domestic violence dockets in Maine as well as between those seven dockets and the rest of the state where a matched comparison group had traditional adjudications for domestic violence offenses.

Among the seven courts, Waterville and West Bath had the lowest recidivism rate (11%) for new domestic violence convictions after two years of entering the docket. Portland had a recidivism rate of 16 percent at two years, followed by Lewiston (23%), Skowhegan (26%) and Augusta (30%).

Using a matched comparison group from the traditional probation caseload, this study was able to demonstrate lower, but, in most analyses, not statistically significant, recidivist outcomes for medium- to high-risk offenders in the domestic violence docket. However, the results were more promising with males, and offenders under the age of 35. In fact, two years after entering probation, offenders under 35 and higher-risk offenders had significantly lower return to incarceration rates for a domestic violence offense than offenders receiving traditional probation supervision.

## **Conclusion**

While the study could not tie particular judicial practices to effective recidivism rates, the lower recidivism results in new arrests and new incarcerations compared to traditional probation for domestic violence cases warrant the continuation of these dockets. Their effectiveness at the two-year mark, a year after Batterer Intervention Programs are completed, offers particular reason for encouragement.

## Background and Purpose

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Maine ranks ninth among U.S. states in the rate of women residents who are killed by men, according to a national study released in September, 2015 by the Violence Policy Center to draw attention to the toll of domestic violence. Maine's rate in the study was based on 2013 data from the FBI and reflects a ratio of the number of individual women killed by an individual man, divided by the state's female population. There were 10 women killed by men in 2013 in Maine, a rate of 1.47 women killed for every 100,000 women living in the state.<sup>1</sup> Some say the numbers are surprising in the context of Maine's low crime rate overall.

Domestic violence is a significant criminal justice, public safety, and public health challenge both throughout the State of Maine and nationally. Approaches practiced by the courts and law enforcement have evolved over time to hold perpetrators of domestic violence more accountable, reduce the incidence of domestic violence, and increase the safety of those already victimized. As of 2013, the most recent year for which national data are available, there were over 200 domestic violence dockets in the United States.<sup>2</sup> The purpose of this evaluation is to assess the operations of the seven dockets operating in Maine, leading to suggestions for enhancing this aspect of the judicial response to domestic violence.

The STOP Violence Against Women Grant Program has supported Maine communities in their efforts to develop and strengthen effective law enforcement and prosecution strategies to respond to violent crimes against women<sup>3</sup> and to develop and strengthen victim's services. The docket system is a critical component of these efforts. Since the expiration of federal funding supporting the projects in Maine on June 30, 2011, a number of these dockets have ceased operations<sup>4</sup>. At present there are seven active dockets located in Portland, Lewiston, West Bath, Augusta, Waterville, Skowhegan, and Rockland.

In Maine, domestic violence dockets meant specifically to address domestic violence crimes are scheduled separately from normal judicial hearings and meet monthly. They are overseen by a dedicated judge focusing on the perpetrators' compliance with conditions of probation, including participation in a Batterer Intervention Program, fulfilling child support responsibilities, and engaging in ancillary services such as substance abuse treatment.

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<sup>1</sup> Hench, David. "Maine ranks 9th nationally in rate of women killed by men." *Portland Press Herald* 15 September 2015: Accessed 9/22/15 at <http://www.pressherald.com/2015/09/15/maine-ranks-9th-in-rate-of-women-killed-by-men/>; Source document: Violence Policy Center, *When Men Murder Women, An Analysis of 2013 Homicide Data*, September, 2015. Note that for homicides in which the victim to offender relationship could be identified, 100 percent of female victims (10 out of 10) were murdered by someone they knew; 60 percent (6 victims) were wives, common-law wives, ex-wives, or girlfriends of the offenders.

<sup>2</sup> Cissner 1.

<sup>3</sup> One of the purpose areas of STOP Violence Against Women grants are to support developing, enlarging, or strengthening programs and projects to provide services and responses targeting both male and female victims of domestic violence, dating violence, sexual assault, or stalking whose ability to access traditional services and responses is affected by their sexual orientation or gender identity. Additional information at <http://www.justice.gov/ovw/open-solicitations>

<sup>4</sup> These include dockets in York, Springvale, Biddeford and Machias.

The judge is supported by a team representing probation, victim advocacy services, Batterer Intervention Program facilitators, prosecutors, and defense bar (in some instances). In Maine, these dockets are often called judicial Monitoring Projects.

The literature on domestic violence courts shows mixed results as to their effectiveness. Washington State Institute for Public Policy identified 11 rigorous evaluations that tested whether domestic violence treatment had an effect on domestic violence recidivism. Six of the 11 evaluations tested treatments that follow the Duluth Model, explained below, and among these evaluations, there was no effect on domestic violence recidivism. The remaining five evaluations examined a variety of non-Duluth based group treatments and were found to reduce recidivism by an average of 33 percent. However the programs were so varied the researchers were unable to identify what was most effective about the programs.

The intent of this study is to provide insights and analysis into the functioning of the domestic violence dockets, both their processes and recidivism outcomes. This report contains three parts. The first section is a literature review encompassing the history and effectiveness of domestic violence courts and Batterer Intervention Programs; it also provides information on models of practice. The second section examines current docket operations in Maine. The third section focuses on recidivism among domestic violence offenders who participate in the domestic violence dockets in Maine.

## Methodology

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The study was conducted in three parts, a literature review, a process evaluation including site observations of Maine's domestic violence dockets and a recidivism analysis using a matched comparison group.

### Literature Review

A literature review was conducted to examine the history and effectiveness of domestic violence dockets as well as the effectiveness of batterer intervention programs, one of the major interventions imposed by the domestic violence dockets. Studies included in the review were required to be of a rigorous quasi-experimental or randomized design. The literature review focused on the structure, operation, and effectiveness of various domestic violence dockets around the country. This review included the principles outlined in *Creating a Domestic Violence Court: Guidelines and Best Practices* and *A National Portrait of Domestic Violence Courts*, two reports that have helped dockets across the country identify the necessary standards consistent with what professionals consider a best practice. Additionally, a study of New York State's domestic violence courts was included in the literature review as Maine's domestic violence dockets were based on New York's model. While there are no nationally accepted or adopted practices the New York model is broadly representative and used here as a best practice reference.

### Process Evaluation

Currently, Maine has seven Judicial Monitoring Projects (referred to hereafter as domestic violence dockets) in Portland, Lewiston, Augusta, West Bath, Rockland, Waterville, and Skowhegan. Each docket meets for approximately two hours each month, but they all operate independently and therefore the representation at the dockets, the docket proceedings, and the operating procedures vary from court to court.

The process evaluation addresses the following questions.

1. Is each of the dockets being implemented in ways that are consistent with best practices?
2. What are the relative strengths of each domestic violence docket?
3. Where are the gaps between best practices and how each docket operates?
4. What can be done to improve each docket's operations?

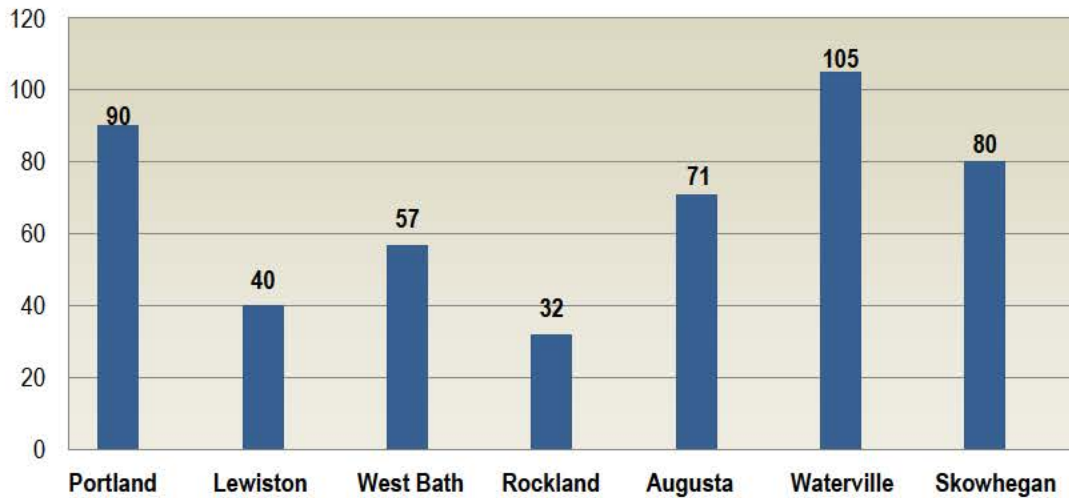
To answer these questions, researchers used two steps: docket observation and key informant interviews.

### Docket Observation

Each docket was observed three times (with the exception of Lewiston which could only be observed twice) over a six-month period (May through October 2014) to observe courtroom atmosphere, judicial practices and judicial demeanor, and other procedures and protocols that may differ from docket to docket. Researchers completed a structured observation form

(see Appendix A). During these observations, 475 conversations between judges and offenders were witnessed to better understand the similarities and differences among the seven dockets. Figure 1 displays the total number of cases observed at each site.

**Figure 1. Number of Cases Observed by Site**



### ***Key Informant Interviews in Maine***

A series of 18 interviews with professionals involved in each of the seven dockets was conducted over a five-month period (May through September 2014). Interviewees included judges, prosecutors, defense attorneys, probation officers, court clerks, victim advocates, victim witness advocates, and Batterer Intervention Program facilitators. The focus of the interviews was the perceived structure, operation, and effectiveness of each of the domestic violence dockets in Maine, and how they aligned to best practices. Additional interview questions examined the community response, the sharing of information among partners, the effectiveness of protocols implemented at their sites, and improvements which could potentially increase victim safety and offender accountability.

### **Outcome Evaluation**

Recidivism data was collected from two sources, one within the Department of Corrections and the other within the Judicial Branch. The Maine Department of Corrections' database, the Correctional Information System (CORIS) contains detailed information on people who have been adjudicated and either incarcerated or placed on probation. In addition to prison management capabilities, CORIS contains offender profile information such as demographics, sentence information, and community-based corrections information, including risk assessments, treatment plans, and case management information. The CORIS system was an important feature in this evaluation because it allowed the researchers to identify a cohort of offenders matched to the domestic violence docket probation participants based on the wide range of factors it contains.

The Judicial Branch’s information system, the Maine Judicial Information System (MEJIS), is the docketing system and repository for information regarding all court cases. The use of MEJIS permitted examination of domestic violence docket deferred disposition participants who are not included in the CORIS data as well as information on convictions for all docket participants.

The first part of the outcome study examines the recidivism rates of 914 offenders who entered a domestic violence docket between 2010 and 2012. For these offenders recidivism was examined across the seven docket locations at six months, one year and two years for a *new conviction* for 1) a domestic violence offense, 2) any new criminal offense (excluding traffic offenses) and 3) all new criminal offenses, including serious traffic offenses with MEJIS as the data source.

A second analysis compared outcomes of domestic violence docket probationers (N= 426) in all locations that were active between 2010 and 2012, including those which are no longer operating,<sup>5</sup> and a matched group of equal size of individuals who entered probation in Maine in 2010 and 2012 but who did not go through the docket. The same analysis was then carried out using only the domestic violence docket locations that are currently active. Recidivism was defined as a *re-arrest* for a domestic violence offense and then as a *return to incarceration* following the conviction for a new domestic violence offense.

For this second analysis, the two groups (domestic violence docket, traditional probation) were matched in such a way that they differed only in the “treatment” received, the domestic violence docket. Other critical factors were held constant. Matching occurred on the following characteristics:

- demographic factors;
- Level of Service Inventory-Revised (LSI-R) score (the LSI-R is a widely used, actuarially-based criminogenic risk and need assessment tool used by probation in Maine and in many other states); and
- The class and type of crime.

The decision to compare domestic violence docket participants who are on probation to those on probation alone reflected the reality that both cohorts live in the community and adhere to certain conditions to maintain their status. Comparing participants with probationers who went through the traditional adjudication and community corrections processes provided a measure of the effectiveness of this intervention in reducing recidivism when compared to the more traditional approach.

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<sup>5</sup> Dockets in York, Springvale, Biddeford, and Machias are no longer operating.





## Literature Review

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All but eighteen states in the country now have specific courts designated to handle criminal cases involving domestic violence.<sup>6</sup> That represents a four-fold increase in the number of domestic violence courts from a decade ago.<sup>7</sup> Cases are heard on a separate calendar or by a dedicated judge either in a specialized domestic violence court or through separate domestic violence dockets (both will be referenced here as “domestic violence dockets”). According to the most recent count, there were 208 domestic violence dockets across the U.S., while more than 150 similar dockets have been established in Canada and Great Britain.<sup>8,9</sup>

The impetus for domestic violence dockets has emerged over the past thirty years as a response to the perceived inability of the traditional court system to stem the tide of domestic violence, and the inability of court-issued protection orders to prevent further abuse.<sup>10</sup> In domestic violence dockets, the judge is supported by a team generally representing probation, victim advocacy services, treatment providers particularly Batterer Intervention Program (BIP) facilitators, prosecutors, and the defense bar. Courts monitor the perpetrators’ compliance with conditions of probation, frequently including participation in a Batterer Intervention Program, fulfilling child support responsibilities, and engaging in ancillary services such as substance abuse treatment.

As a component of the study of domestic violence dockets in Maine, this section provides a review of the history and effectiveness of domestic violence dockets and separately of batterer intervention programs, one of the major interventions imposed by the domestic violence dockets both in Maine and elsewhere.

### Domestic Violence Dockets Nationally

Despite the variations in domestic violence dockets around the nation, two goals have emerged consistently and represent unifying themes: to enhance the safety of victims and to hold offenders accountable. Other goals, though not consistently shared, are to make case processing more efficient, to rehabilitate offenders and to apply state statutes correctly.

When dockets address specific types of offenses or offender characteristics they are often called problem-solving courts. The most prominent examples are drug courts while others include mental health courts and veteran’s treatment courts. There is far greater consensus in the nation about the purpose and processes that should govern drug courts, in particular, than there is on the purposes and processes that should govern domestic violence dockets. Almost twenty years ago, the National Association of Drug Court Professionals defined the

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<sup>6</sup> Labriola 1.

<sup>7</sup> Labriola ix.

<sup>8</sup> Labriola ix.

<sup>9</sup> Labriola 1.

<sup>10</sup> Tsai, Betsy. “The Trend Toward Specialized Domestic Violence Courts: Improvements on an Effective Innovation,” *Fordham L. Rev.* 68 (2000): 1285-2543.

Ten Key Components<sup>11</sup> that guide the operation of drug courts around the country and often form the basis of their evaluation. As of 2015, the Ten Key Components have evolved from a set of principles into a set of best practice standards that not only validate the Ten Key Components but also provide specific guidance on how to operationalize the standards.<sup>12,13</sup> Even mental health treatment courts have ten key components defined.<sup>14</sup> Problem-solving courts possess similar elements, namely combining treatment for what is considered the underlying reason for committing the crime with strong judicial monitoring and sanctions when treatment is stopped or other terms and conditions are violated. Unfortunately, domestic violence dockets do not share this level of clarity as to what should be achieved and how; no principles, components or standards have been promulgated or adopted by the field. What we have instead is descriptive information on how these courts operate throughout the country, site specific research studies about their effectiveness, both of which are reported here, and some frameworks developed by various groups to represent best practice.

### ***Components of Domestic Violence Dockets***

Probably the most extensive descriptive report addressing domestic violence dockets covered 129 criminal courts across the country; they were identified at the time through a national survey<sup>15</sup> plus visits by researchers to three courts in each of five states (California, New York, Florida, Washington and Illinois).<sup>16</sup> The authors discovered a growing use of these dockets, each employing a specialized domestic violence calendar and/or a dedicated judge. The major findings are:

**Goals:** Victim safety and offender accountability are the two most common goals of domestic violence dockets. Others are deterrence, rehabilitation and administration of justice.<sup>17</sup>

**Victim Services and Safety:** There is a high degree of emphasis on advocating for victims and keeping them safe. This is represented by dedicated people working as victim advocates; people helping victims by accompanying them to court, planning for their safety, finding them basic services and facilitating prosecution. As an added measure of safety, courts issue temporary orders of protection or restraining orders at the first hearing.<sup>18</sup>

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<sup>11</sup> National Association of Drug Court Professionals. Drug Court Standards Committee and United States. Drug Courts Program Office. Defining Drug Courts: The Key Components. US Dept. of Justice, Office of Justice Programs, Bureau of Justice Assistance, 1997.

<sup>12</sup> National Association of Drug Court Professionals. *Adult Drug Court Best Practice Standards*. Vol. 1. Alexandria: NADCP, 2013. Print.

<sup>13</sup> National Association of Drug Court Professionals. *Adult Drug Court Best Practice Standards*. Vol. 2. Alexandria: NADCP, 2015. Print.

<sup>14</sup> Thompson, Michael, Fred C. Osher, and Denise Tomasini-Joshi. *Improving responses to people with mental illnesses: The essential elements of a mental health court*. Justice Center, the Council of State Governments, 2008.

<sup>15</sup> Labriola 20.

<sup>16</sup> Labriola iv-v.

<sup>17</sup> Labriola v-vi.

<sup>18</sup> Labriola vi.

**Offender Assessments and Treatment Programs:** Less than half of the dockets conduct assessments of offenders themselves although the most common were for drug and alcohol screening and mental health. Many defendants are referred for other types of assessments, however. About a third of the dockets in the country use batterer intervention programs and those that do, use them in three-quarters to all of their cases. Courts which focus on rehabilitating offenders use these programs more than others. Other types of services such as substance abuse and mental health treatment are ordered across the country as often as batterer intervention programs. Parenting classes are used frequently as well, but not as often as the others.<sup>19</sup>

**Compliance Monitoring:** The majority of the courts, verging on two-thirds, order offenders to probation supervision. Generally the courts in these cases receive compliance reports. Somewhat more than half use the judge him or herself for judicial monitoring or ongoing court review. There is considerable variation in judicial monitoring practices such as reviewing program reports, restating responsibilities, praising compliance, or sanctioning noncompliance. About a quarter of the courts report imposing sanctions any time a person does not comply, and about half often do. The sanctions may be as mild as a verbal reprimand and as severe as revoking probation or returning the person to jail.<sup>20</sup>

**Other Findings:** Most people working in these programs feel positive about them regardless of whether they can demonstrate their effectiveness. While most people talk about the need for collaboration—particularly with prosecutors, advocates, probation officers and law enforcement as well as the judiciary—many people believe they have not yet achieved it. Those without cooperation view this as a significant obstacle to achieving their goals. Having a consistent, dedicated and experienced judge is broadly seen as an important element to success. In addition, while many of the judges had been trained in the dynamics of domestic violence, nearly everyone in the study underscored the need for ongoing training among all the collaborators.

A consistent barrier to the effectiveness of these courts is the desire on the part of the victims to drop charges. This was reported by prosecutors in particular. Finally, people across the country decry the lack of resources to do the job right. These include funds for probation supervision, offender treatment and victim services.<sup>21</sup>

### ***Effectiveness of Domestic Violence Dockets***

Various studies have been conducted on the effectiveness of domestic violence dockets as a whole, separate from the effectiveness of particular interventions such as Batterer Intervention Programs, which we report on separately below, due to their extensive usage in Maine. Because domestic violence dockets have various purposes, these studies have tested the impact of domestic violence courts on overlapping outcomes<sup>22</sup> including court efficiency, interagency coordination, informed decision-making, victim services, offender accountability and recidivism.

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<sup>19</sup> Labriola vii.

<sup>20</sup> Labriola vii-viii.

<sup>21</sup> Labriola viii-ix.

<sup>22</sup> Labriola 6.

Since recidivism reduction is a central goal of these dockets, which is also a component of keeping victims safe, we are focusing this discussion of effectiveness on recidivism. Even within the outcome of recidivism, however, is the problem of how to count it. Studies vary with some using new arrests, some new convictions and others new incarcerations or some combination thereof.

There have been eleven published evaluations of domestic violence dockets which are both sufficiently rigorous to incorporate a quasi-experimental design and which include recidivism as an outcome. The results are mixed at best, however.

Three showed significant reductions in rearrests on most measures (Angene, 2000; Gover et al., 2003; Harrell et al., 2007); five produced no reductions or increases in recidivism (Harrell et al., 2007; Henning and Kesges, 1991; Newmark et al., 2001; Peterson, 2004; Quann, 2007); and two studies of Milwaukee courts yielded mixed results (Davis et al., 2001; Harrell et al., 2006)<sup>23</sup> as did one of multiple courts throughout New York State (Cissner et al., 2013).<sup>24</sup>

In San Diego, for example, Angene (2000) found that the re-arrest rate within one year of the initial arrest dropped from 21 percent prior to implementation to 14 percent after implementation. Because San Diego requires offenders to attend post-dispositional court hearings for compliance monitoring, the author hypothesized that the regimen of judicial monitoring led to reduced recidivism. In Milwaukee, Harrell (2006) found that judicial monitoring of the domestic violence docket led to higher rates of probation revocations but fewer new offenses, in part because many of the high-risk offenders were re-incarcerated for probation violations, getting them off the streets.

One of the most rigorous studies involving randomized assignment of cases to treatment and control groups was conducted in the Bronx by the Center for Court Innovation in 2005 (Labriola et al., 2005).<sup>25</sup> Unlike previous studies, the trial involved assigning offenders randomly to one of four conditions: 1) batterer program plus monthly judicial monitoring; 2) batterer program plus “graduated” monitoring (less frequent court appearances in response to compliance and more frequent appearances in response to noncompliance), 3) monthly monitoring only; or 4) graduated monitoring only. Since all four conditions involved monitoring, the design isolated whether a batterer program requirement (for groups one and two) produced any additional protective value in the form of lower recidivism rates. Further, the trial examined whether the specific approach to monitoring made a difference. The results showed batterer programs did not produce a reduction in re-arrests. There were no significant differences between those assigned and not assigned for any offense (29% and 26%) or for domestic violence (16% and 12%). In addition, neither form of monitoring proved more effective than the other. There were no significant differences between those assigned

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<sup>23</sup> Labriola 9-10.

<sup>24</sup> Cissner 38.

<sup>25</sup> Labriola, Melissa, Michael Rempel, and Robert Carl Davis. *Testing the effectiveness of batterer programs and judicial monitoring: Results from a randomized trial at the Bronx Misdemeanor Domestic Violence Court*. New York: Center for Court Innovation, 2005.

to monthly and graduated monitoring in the probability of re-arrest for any offense (28% and 27%) or for domestic violence (13% and 14%).

One other study of note, also conducted in New York (Cissner et al., 2013), encompassed 24 domestic violence courts throughout the state using a quasi-experimental design. Domestic violence dockets did not reduce re-arrests overall. However, among convicted offenders, domestic violence dockets reduced re-arrests on any charge (46% v. 49%, non-significant) and on domestic violence charges (29% v. 32%, significant). Courts that prioritize deterrence and that both prioritize and implement specific policies to sanction offender noncompliance, while also addressing the needs of victims, are most effective in reducing recidivism. The authors conclude that the differences suggest “the possibility of a small positive impact overall.”<sup>26</sup> In short, the field has not yet been able to demonstrate a particular model or approach that is uniformly effective in reducing recidivism.

## Practice Principles Governing Domestic Violence Dockets

### *National Proposals*

This section addresses the status of the development of standards for domestic violence dockets in the United States, bearing in mind that there is not yet an analogy between the Ten Key Components for adult drug courts and any widely accepted standards for domestic violence dockets. In 2002, the Family Violence Prevention Fund developed a set of guidelines in response to a growing interest among jurisdictions in starting domestic violence dockets.<sup>27</sup> The guidelines were put forth to provide jurisdictions with the tools to identify an appropriate model and the components needed to develop a successful docket. The guidelines are built on a set of nine core principles that all courts handling domestic violence cases are urged to strive to uphold.

**Victim and Child Safety:** Information about history and services should be coordinated so that the judge, attorneys, and victim advocates are all aware of the case history and can better link victims to services

**Keeping the Victim Informed:** The court should make available options clear to victims to help them access services.

**Offender Accountability:** Defendants must be closely monitored to ensure that they are in compliance with all court conditions, and must face swift and certain consequences if they fail to comply with these conditions.

**Information-Sharing and Informed Decision-Making:** Judges and other system partners need up-to-date, accurate information to help them make informed decisions.

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<sup>26</sup> Cissner 36.

<sup>27</sup> Sack 5.

**Institutionalized Coordination of Procedures and Services:** Beyond just sharing information, a formalized system must be in place for partners in the domestic violence court to work together.

**Training and Education:** All players should be educated on the dynamics of abuse and effective interventions in order to improve their operations and response.

**Judicial Leadership:** When judges demonstrate their commitment to a coordinated approach to domestic violence prevention, buy-in from other court and community members is facilitated.

**Effective Use of Justice System:** The court should be the access point to services and assistance and can take advantage of its interactions with perpetrators by monitoring defendants' adherence to mandated counseling, orders of protection, and other requirements, and imposing swift and certain sanctions when defendants fail to comply.

**Accountability of Courts and Programs:** Programs should be held accountable to one another under a domestic violence court framework. Moreover, accountability involves determining how the protocols are working, and producing quantitative analyses of data to measure the project's results against stated goals.

Many of these standards have come out of work conducted in the state of New York where the Unified Court System has worked extensively over the past ten years to plan and implement domestic violence courts. New York has developed a standardized set of planning documents, practice recommendations, and messages that are disseminated to court stakeholders through trainings.<sup>28</sup> They are included here as the early promoters of domestic violence dockets from Cumberland County, Maine visited New York to gather information on how they are done and New York's standards provide a presumptive framework for practice in some of Maine's dockets.

### ***New York Principles***

Domestic violence dockets throughout the State of New York manage misdemeanor, felony and integrated caseloads. The goal of these courts is to improve the safety of victims and enhance the accountability of offenders. According to Mazur and Aldrich (2003) domestic violence cases can account for a fifth of all criminal court cases in New York.<sup>29</sup> A study sponsored by the Office of Justice Programs, Violence Against Women Grant Office, US Department of Justice, led to the articulation of principles guiding effective domestic violence dockets. The building blocks are: victim services; judicial monitoring; accountability; and coordinated community response. Each is elaborated below.

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<sup>28</sup> Labriola 83.

<sup>29</sup> Mazur 6.

## Victim Services

*Provide victims with immediate access to advocates:* the role of the advocate is to help assure the safety of the victim and to stick by the person through post-disposition.

*Frontload social services:* advocates align the victims with housing, food, employment, benefits and whatever else may be needed including legal services.

*Keep victims informed:* instead of having to appear in court to learn more the advocate keeps the victim informed about the progress of the case.

*Schedule cases promptly:* prompt scheduling helps the victim get an order of protection quickly if needed.

*Create “safe places” within the courthouse:* this could be a separate waiting area or private place for the victim to meet with her advocate.

## Judicial Monitoring

*Assign a permanent judge:* the “coercive and symbolic authority of judges” is important in these cases. Assigning a single judge from arraignment to sentencing and post-sentencing compliance is viewed as a necessary component for making consistent, informed decisions.

*Supervise defendants continuously:* courts may require bi-monthly or monthly appearances of defendants for intensive supervision.

*Explore new methods of judicial monitoring:* courts have experimented with curfews, phone check-ins and ankle bracelets as examples. Advances are being made in electronic monitoring techniques, which are found to be effective.<sup>30</sup>

*Dedicate additional staff and resources for monitoring:* judges cannot do effective monitoring alone. Case managers and probation officers are options.

*Create a separate compliance docket if volume warrants it:* this is probably not needed in Maine.

## Accountability

*Build strong relationships with service providers:* when a defendant does not comply with treatment the providers should notify the courts quickly.

*Hold batterers programs accountable:* they should reinforce the courts’ messages and inform the court when there are issues.

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<sup>30</sup> Electronic monitoring has been shown in a Florida study to reduce failure by 31 percent; the study was not limited to domestic violence cases, however. See NCJ234460 *Electronic Monitoring Reduces Recidivism*. U.S. Department of Justice, Office of Justice Programs, 2011. Accessed 8/12/15 at <<https://www.ncjrs.gov/pdffiles1/nij/234460.pdf>>



*Think creatively about supervision:* this means to include people like local probation officers and even representatives of non-profits.

*Use technology to enhance access to information:* some places have developed a database strictly for domestic violence cases that various partners can access.

### Coordinated Community Response

*Create strong linkages with a wide range of partners:* the partners include law enforcement, victim assistance, advocacy and defendant monitoring representatives, all conveying common messages about domestic violence not being tolerated.

*Convene regular meetings with criminal justice and social service partners:* judges can be a catalyst to convening meetings of the partners including, in addition to those above, prosecutors and the defense bar.

*Provide court personnel and partners with education and training:* courts can sponsor trainings that bring everyone together; some can focus on specific issues such as the overlap between child abuse and domestic violence.

What is evident both from the guidelines established by the Family Violence Prevention Fund and the principles established by the New York researchers is that the court itself is only one component of an effective response to domestic violence. Many other partners and services are needed both within law enforcement and from agencies in the community to address the dual goals of protecting and supporting victims and keeping the perpetrators accountable. That implies the need for leadership beyond the level of an individual judge or court.

## Batterer Intervention Programs

Batterer Intervention Programs (BIPs) are a common element of the domestic violence dockets in Maine as well as of similar courts across the United States. As reported above, about a third of the programs in the country use them and those that do, use them fairly consistently. The theories behind Batterer Intervention Programs are, however, independent of their utilization in the dockets, and much of the research about them attempts to isolate the impact of the treatment from the impact of the court's oversight. For that reason, as well as their inclusion in Maine's implementation of domestic violence dockets, it is useful to examine the literature on Batterer Intervention Programs separately.

### Program History

It was only in the late 1970s that specific interventions with male batterers were initiated, with early programs appearing in Boston, St. Louis and Denver.<sup>31</sup> As domestic violence dockets began to be implemented across the nation, batterer intervention programs began to obtain the large majority of their clients from the courts, in part because the programs

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<sup>31</sup> Edleson 1.

were seen as a useful sanction, especially when incarceration was not warranted by the legal facts of the case.<sup>32</sup> The result was both rapid growth in Batterer Intervention Programs and efforts to coordinate these services with other community programs in hopes of achieving greater safety for the victims and greater accountability for the perpetrators.<sup>33</sup>

As early as 1998, Maine's Department of Corrections (DOC) had developed standards for the certification of Batterer Intervention Programs.<sup>34</sup> This was prior to the implementation of the domestic violence dockets, but Batterer Intervention Programs were quickly incorporated into the operations of the early dockets. A study of Maine's initial domestic violence dockets (Monahan, Gout, & St. Onge, 2006) showed that judicial monitoring, along with a change in the statute allowing a longer probation period when participation in a Batterer Intervention Program was a condition of probation, resulted in offenders registering for the programs sooner and completing them at a higher rate than had been the case in the past.<sup>35</sup>

### *National Trends*

While Batterer Intervention Programs are often discussed as if they were a single, standardized program, in fact they represent a variety of approaches and are based on differing theories both of the causes of domestic violence and of the most effective means of combating it. Scholars classify the programs somewhat differently, but perhaps the most useful approach divides them into three groups before noting that the approaches are so often used in combination that it is difficult to separate them cleanly (Babcock, Green, & Robie, 2004).<sup>36</sup> The three types are the feminist psychoeducational model, cognitive behavioral groups, and other modes of therapy (principally conjoint groups).

The feminist psychoeducational model is best (and originally) represented by the so-called Duluth model originated in the Duluth Domestic Abuse Intervention Project. The model avoids formal behavioral health diagnoses, as well as any notion that what it provides is therapy. Instead, it views domestic violence as emanating from patriarchal ideology and social acceptance of men's use of power over women. The goal of the intervention is to help men change from using intimidation, isolation and emotional and economic abuse to control women to behaviors which promote equality between men and women.

In theory at least, the cognitive behavioral model focuses on violence as the source of domestic abuse. This model was developed by psychologists and sees violence as a learned behavior which has proven useful to the men who use it. Those employing the cognitive behavioral approach focus on the advantages and disadvantages of violence and also use skills training and anger management techniques to control it.

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<sup>32</sup> Labriola 2005 1.

<sup>33</sup> Edleson 1.

<sup>34</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/14/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

<sup>35</sup> Monahan, Karen, Diane Gout, and Anita St. Onge. *Final Evaluation Report: Domestic Violence Case Coordination Project*, Catherine E. Cutler Institute for Child and Family Policy, Muskie School of Public Service, 2006.

<sup>36</sup> Babcock 1026.

As Babcock et al. (2004) note,<sup>37</sup> some of the practitioners of the cognitive behavioral model emphasize non-cognitive and non-behavioral elements in their interventions, while some of those using the Duluth model add a focus on violence to the emphasis on patriarchal attitudes. Thus, while the two models are generally different, it is not always easy to identify a program which is purely one or the other.

The third group of programs includes both individual therapy and conjoint groups. The former appears to be rare and has not been subject to any controlled studies, while the latter involves both the perpetrators and the victims in the group work, essentially making it a form of family or couples counseling. Concerns with victim safety have reportedly led several states to deny funding to any Batterer Intervention Programs which use this approach. In Maine no program offering conjoint group work can be certified as a batterer intervention program.<sup>38</sup>

As with the studies of domestic violence dockets, those of Batterer Intervention Programs use varying classifications and research approaches. For example Miller et al. (2013) divided Batterer Intervention Programs into just two groups: the Duluth model (feminist psychoeducational) and “other group-based treatment.”<sup>39</sup> A third study (Zelcer, 2014) divided programs into three categories: first, the psychoeducational models; second, models which combine psychoeducational elements with mental health treatment; and third, individual therapy models.<sup>40</sup>

Despite differing starting points and approaches, there do appear to be some commonalities to Batterer Intervention Programs. A 2009 roundtable conducted by the Family Violence Prevention Fund and the National Institute of Justice identified seven key elements:

1. partnering with other individuals and organizations to enhance accountability and provide a range of services;
2. working closely with court and probation to monitor court-ordered referrals;
3. creating solid program infrastructure, including ongoing training, supervision of staff, and implementation of policies that are consistent with best practices;
4. developing coordinated community responses beyond legal sanctions;
5. including input from adult survivors and children when developing interventions and programs;
6. using risk assessment and risk management to provide more effective interventions; and
7. engaging men in their roles as parents and fathers.<sup>41</sup>

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<sup>37</sup> Babcock 1026-1027.

<sup>38</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/14/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

<sup>39</sup> Miller, Marna, Elizabeth Drake, and M. Nafziger. *What Works to Reduce Recidivism by Domestic Violence Offenders?*, Washington State Institute for Public Policy, 2013.

<sup>40</sup> Zelcer, Amy M. “Battling Domestic Violence: Replacing Mandatory Arrest Laws with a Trifecta of Preferential Arrest, Officer Education, and Batterer Treatment Programs.” *Am. Crim. L. Rev.* 51 (2014): 541.

<sup>41</sup> Carter, Lucy S. “Batterer Intervention: Doing the Work and Measuring the Progress; A report on the December 2009 Experts Roundtable.” *Family Violence Prevention Fund/National Institute of Justice* (2010): 2-21. Accessed 8/3/15

## ***Batterer Intervention Programs in Maine***

Batterer Intervention Programs are located in all 16 of Maine's counties.<sup>42</sup> None of Maine's Batterer Intervention Programs is described as following any particular model, although it does appear as though aspects of the Duluth model and cognitive behavioral therapy are used. All of the programs are certified and monitored by DOC under 19-A M.R.S.A. §4014,<sup>43</sup> and certification requires that they use nationally accepted models or convince DOC that their models are sufficient.

Batterer Intervention Programs in Maine are required to last at least 48 weeks, and offenders who have completed the program may voluntarily continue their participation. All work is done in groups of no fewer than three individuals and no more than 15. The programs are restricted to perpetrators of the same gender and are educationally oriented. Individual therapy and couples/conjoint/family counseling and therapy are prohibited.

Maine's Batterer Intervention Programs are designed for court-referred adults and are one part of a community coordinated response to domestic violence. While the stated goals of the coordinated response are the safety of the victims and an end to domestic abuse, the specific goals articulated in regulation for the Batterer Intervention Programs are to work towards the safety of the victims and to hold abusers accountable. The curriculum must include the teaching of the following five principles:

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.<sup>44</sup>

## ***Evidence of Effectiveness***

Most evaluations and reviews of batterer intervention programs conclude that there are no or modest effects when it comes to keeping batterers from re-abusing.<sup>45</sup> The extent to which a study is likely to show positive results appears to be dependent on the methodology. Pre-post-tests tend to over-state the effect of batterer programs,<sup>46</sup> while studies that use a

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at <[https://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Batterer%20Intervention%20Meeting%20Report.pdf](https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Batterer%20Intervention%20Meeting%20Report.pdf)>

<sup>42</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/5/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

<sup>43</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/12/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

<sup>44</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last replaced 2013. Accessed 8/12/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

<sup>45</sup> Babcock 1024.

<sup>46</sup> Babcock 1025.

quasi-experimental design tend to find small positive outcomes from Batterer Intervention Programs and studies that use the most rigorous designs, principally random assignment of treatment and control cases, have findings that are inconsistent and/or lackluster, as seen in Jackson et al. (2003).<sup>47</sup>

A number of efforts have been made over the past decade to summarize the results of the research on Batterer Intervention Programs. A meta-analysis conducted by Babcock et al. (2004) compared the outcomes by study design (experimental versus quasi-experimental) and treatment type (Duluth, cognitive behavioral therapy, and “other”).<sup>48</sup> No significant differences were found between Duluth and cognitive behavioral therapy Batterer Intervention Programs when using either police records or victim reports as a measure of recidivism. Nor did the evaluation design type make a statistical difference in domestic violence recidivism. Effect sizes for both Duluth Model and cognitive behavioral therapy treatments varied slightly based on the methodologies used by specific studies, but overall the results were very similar. In that both models frequently entail overlapping approaches, the lack of statistical difference regarding outcomes is not surprising.

In 2007 researchers examined six randomized trials which focused on the use of cognitive behavioral therapy as a treatment for men who abuse female partners. This work (Smedslund et al., 2007) included two studies that compared cognitive behavioral therapy to other treatment forms, and four studies which compared it to no treatment.<sup>49</sup> The meta-analysis showed there was no difference in outcomes regarding future violence and recidivism between the therapy and no treatment. The results were inconclusive when cognitive behavioral therapy was compared to other forms of treatment.

A 2009 report from the National Institute of Justice examined the literature available up to that point, identifying studies which indicated that batterers reduced recidivism by between five and 20 percent, studies that found no effect and studies which indicated that Batterer Intervention Programs actually increase the likelihood of recidivism. The report concluded that batterer programs are not likely, by themselves, to protect victims from higher risk abusers.<sup>50</sup>

A more optimistic view emerges from a literature review conducted three years later. Edleson (2012) views the literature as concluding that Batterer Intervention Programs have a small but positive impact on ending violence.<sup>51</sup> Consistent with a more recent review of the literature by Eckhardt et al. (2013),<sup>52</sup> he also notes that adding techniques from motivational interviewing appears to enhance the effectiveness of the interventions. At the same time, Edleson cites other studies which find the impact of Batterer Intervention Programs limited because of their relatively short duration. While most Batterer Intervention

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<sup>47</sup> Jackson 1.

<sup>48</sup> Babcock 1040.

<sup>49</sup> Smedslund, Geir, et al. “Cognitive behavioural therapy for men who physically abuse their female partner.” *The Cochrane Library* (2007)

<sup>50</sup> Klein, Andrew R. *Practical implications of current domestic violence research: For law enforcement, prosecutors and judges*. Office of Justice Programs, US Department of Justice, 2009.

<sup>51</sup> Edleson 3.

<sup>52</sup> Eckhardt, Christopher I., et al. “The effectiveness of intervention programs for perpetrators and victims of intimate partner violence.” *Partner Abuse* 4.2 (2013): 196-231.

Programs last no more than one year, recidivism tends to occur within the first 15 months of enrollment.

A meta-analysis conducted by the Washington State Institute for Public Policy (Miller, 2012) examined 34 evaluations of domestic violence treatment.<sup>53</sup> All the evaluations studied treatments where men were the perpetrators of domestic violence. To be included in the final meta-analysis, the studies were required to use a comparison group similar to the treatment group, preferably where offenders were randomly assigned, not to have compared those who successfully completed treatment against those who dropped out, and to include measures of criminal recidivism. Some quasi-experimental studies were included where appropriate statistical controls were used. Among the 34 evaluations, only 11 were deemed sufficiently rigorous to provide reliable results. Six of the 11 tested Duluth Model treatment, and the remaining five examined other group-based domestic violence treatment.

The six evaluations included for the Duluth Model found no effect on domestic violence recidivism.<sup>54</sup> While too small to achieve statistical significance individually, when the five evaluations researching non-Duluth Model treatment were combined in the meta-analysis, they were found to reduce recidivism by a statistically significant 33 percent.<sup>55</sup> The five group-based models consisted of cognitive behavioral therapy, relationship enhancement (where the focus was on improving intimate relationships), substance abuse treatment, and group couples counseling for domestic violence offenders where the couples wished to stay together (joint couples counseling is not permitted under Maine's Batterer Intervention Program regulations<sup>56</sup>). The treatment methods varied so widely that the researchers were unable to determine a specific effective group-based approach.

Another meta-analysis (Eckhardt, 2013) found that traditional treatment interventions for batterers showed ambiguous results in regard to lowering future domestic violence, and that much of the ambiguity can be traced to methodology.<sup>57</sup> Studies with randomized designs tended to show no effect of Batterer Intervention Programs, while studies with quasi-experimental designs tended to show significant impacts. On the other hand, the authors found that more recent studies focusing on newer approaches which emphasize motivation and readiness to change showed promising results. Nine of the ten studies examined used a randomized design while the last study used a quasi-experimental cohort design. The interventions used motivational enhancement sessions as a pre-Batterer Intervention Program intervention to improve Batterer Intervention Program outcomes including treatments using stages-of-change, motivational interviewing, couples therapy, substance abuse treatment combined with Batterer Intervention Program, and case management-based interventions.

As noted above, pre- post-test designs tend to show stronger impacts from batterer intervention programs. One study too recent to have been captured in any of the meta-analyses (Lila, et al., 2014) discussed above followed 212 court-ordered batterers and

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<sup>53</sup> Miller 3.

<sup>54</sup> Miller 12.

<sup>55</sup> Miller 12.

<sup>56</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2.

<sup>57</sup> Eckhardt 221.

found significant improvement in recidivism risk reduction.<sup>58</sup> In addition, the researchers reported that outcomes become more positive when the intervention is able to increase the offender's anger control. The lack of a control group was noted as a limitation of the study.

An even more recent study (Crockett, et al., 2015) used pre- and post- surveys of offenders enrolled in Batterer Intervention Programs.<sup>59</sup> The results indicated that participation in Batterer Intervention Programs fostered attitudes associated with non-violence, and, by self-report, the levels of violent psychological and physical violence decreased after completion of the intervention.

## Summary

The literature on effectiveness of domestic violence court dockets and Batterer Intervention Programs leaves only small room for encouragement. We are not yet at a point in this field where researchers can isolate specific approaches or factors that fairly consistently lead to positive results.

Because of the absence of any type of comparison group, neither of the most recent Batterer Intervention Program studies cited above would have qualified for inclusion in most of the meta-analyses conducted earlier. As noted, the more rigorous the methodology, the smaller the measured impact of Batterer Intervention Programs tends to be. On the other hand, there may be some promising developments involving motivational interviewing, whether that is done by itself or in conjunction with either the psychoeducational or cognitive behavioral model. Even the relatively small impacts that have been demonstrated for Batterer Intervention Programs to date may suggest that future efforts should focus on how to improve the programs rather than on dismissing them as ineffective.

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<sup>58</sup> Lila, Marisol, et al. "Recidivism risk reduction assessment in batterer intervention programs: A key indicator for program efficacy evaluation." *Psychosocial Intervention* 23.3 (2014): 217-223.

<sup>59</sup> Crockett, Erin E., et al. "Breaking the Mold: Evaluating a Non-Punitive Domestic Violence Intervention Program." *Journal of Family Violence* 30.4 (2015): 489-499. Accessed 8/12/15 at <<http://link.springer.com/article/10.1007/s10896-015-9706-x#page-1>>

## Operation of Domestic Violence Dockets in Maine

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### Goals of Domestic Violence Dockets

While interviewees were unclear whether there were any *official* goals for the domestic violence dockets, they all agreed that its primary goal was to provide extra oversight for offenders. This oversight takes two forms: for those on probation, it is an extra level of supervision; for those on deferred dispositions, the domestic violence docket serves as the primary form of oversight. Another long term goal identified by interviewees was the success of participants in not committing new domestic violence crimes.

The first goal is being achieved by having all the players in one room. Communication among treatment providers, probation and other representatives regarding Batterer Intervention Program attendance, mental health or substance abuse treatment, and other conditions is considered by interviewees to be much better for offenders who are part of the domestic violence docket than for those receiving traditional adjudication. Having regular attendance—something encouraged by domestic violence docket participation—increases accountability on the part of the offender and ensures people who are working with the offender share common goals and approaches. One interviewee stated “It’s another way they are being held accountable for the crime they committed. It’s another different experience where they are having to take responsibility for what they did.”

Additionally, the domestic violence docket judge provides an authority figure capable of holding people accountable. Having an entire team of representatives present at the judicial monitoring sessions that offenders are required to attend each month—from the Batterer Intervention Program facilitators and probation officers to Child Support Enforcement officers and other representatives—increases the level of accountability on the part of the offender even further. It is much more difficult for people to manipulate the account of how they are meeting their requirements; if all parties are present, it is easier to determine if an offender’s story does not add up. Interviewees indicated that the domestic violence docket was particularly important for offenders who are on deferred disposition, because many of these do not have any other oversight until the end of their deferral period. For offenders on deferred dispositions, interviewees stated that the domestic violence docket provides another mechanism to make sure offenders are fulfilling their requirements.

As for the second long term goal of reducing recidivism for participants, team members and judges were generally unsure whether the domestic violence dockets were successful in keeping offenders from re-offending in general and committing new domestic violence crimes in particular. Team members also identified offenders making it through the domestic violence docket without a probation violation as a shorter-term indicator of success on this goal.

### Domestic Violence Docket Process

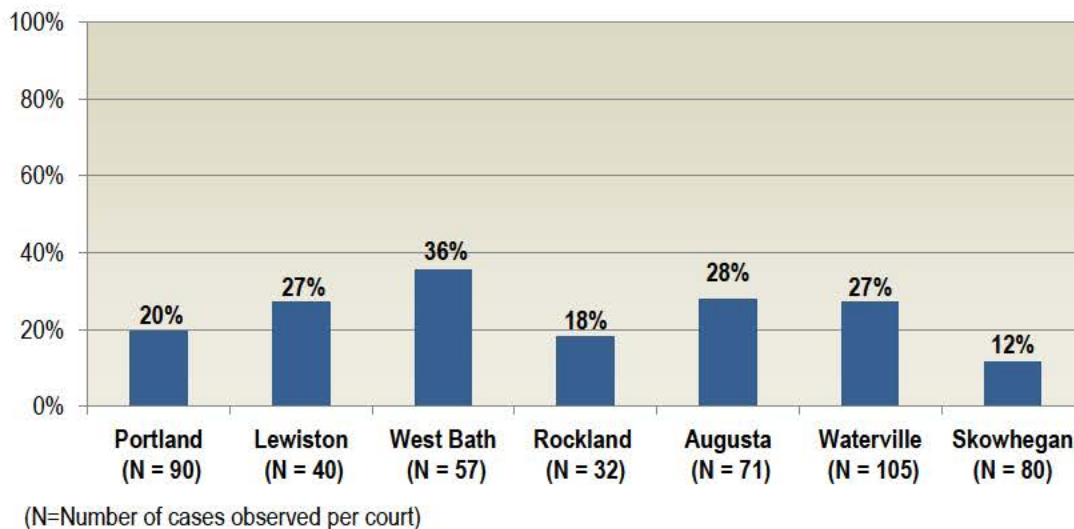
There are no eligibility qualifications for domestic violence dockets in Maine other than the offender must be charged with a domestic violence assault or other domestic violence-



related charge such as criminal threatening, terrorizing, or stalking. Individuals who end up on deferred disposition or probation can be required to participate in the domestic violence docket.

Deferred disposition is a type of plea deal, occurring prior to conviction where a defendant pleads to criminal charges in exchange for meeting certain requirements laid out by the docket within an allotted period of time. Probation, on the other hand, is post-conviction. The majority of offenders in each domestic violence docket were on probation; however there were small numbers of people on deferred dispositions<sup>60</sup> at each location, ranging from about 12 percent in Skowhegan to an average of 36 percent of offenders in West Bath (Figure 2).

**Figure 2. Average Percentage of Offenders on Deferred Disposition at Judicial Monitoring Sessions**

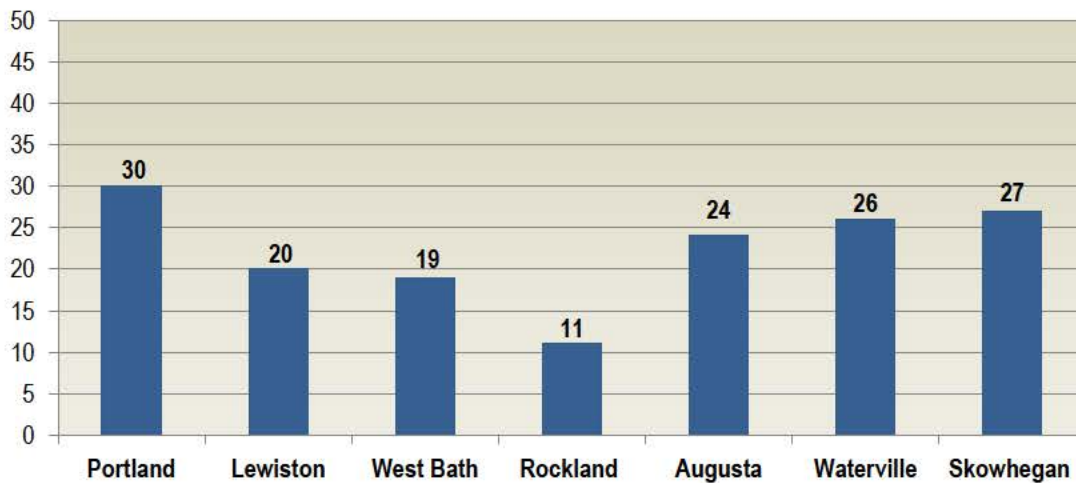


The majority of dockets do not use any formal risk assessment tools to determine whether an offender should be required to participate in judicial monitoring. Participation often ends up being part of plea deal negotiations. Skowhegan is the only docket currently using the Ontario Domestic Assault Risk Assessment (ODARA), conducted by a victim advocate, to determine whether an offender should be required to participate in the domestic violence docket as opposed to standard probation. In that docket, if an offender screens a 5+ on the ODARA he or she is automatically required to participate; if the score is 3-4, participation is at the discretion of the team and a score of less than 3 means the offender does not participate.

<sup>60</sup> Following a guilty plea, the court may order sentencing deferred to a future date and impose specific requirement upon the person. At the conclusion of the deferment, the person returns to court for a hearing on final disposition. If the person demonstrates that he/she has complied with the court-imposed requirements, the court imposes an alternative, lesser sentence authorized for the crime to which the person pled guilty at the time of the initial sentence.

During the period of observations, the dockets had an average of 22 offenders per domestic violence docket session. Figure 3 shows the average number of offenders present at each docket location across the three observation points, ranging from 11 in Rockland to 30 in Portland.

**Figure 3. Average Number of Offenders Observed at Each Judicial Monitoring Location**



The following pages describe how Maine’s domestic violence dockets stand up to the principles set out by the New York Model, the model on which Maine’s dockets is loosely based.

### **Victim Services**

*Principles: Immediate access to advocates for victims, keeping victims informed, creating safe places in courthouses, and providing victims access to social services.*

While all domestic violence dockets had a victim advocate as part of its team, the majority of interviewees stated that victims do not play a role in the domestic violence docket. In fact, docket observations showed that in most cases, the only people in the courtroom (besides domestic violence docket team members) were the offenders themselves. Most offenders in domestic violence docket have “no contact” orders in place with their victims. If something comes up during the judicial monitoring session that the victim should know about, the victim advocate will relay this information to the victim. On the occasion that a victim does show up to the docket hearing, victim advocates will check in to see if they are safe and are there of their own free will. In Waterville, the judge will verbally reprimand any offender who brings a victim to the docket hearing and the victim will be asked to leave. Domestic violence docket team members stated that they cannot be sure if the victim is there due to coercion. Although victims do not play a role in the domestic violence docket, judges and other team members take victim safety very seriously in all docket locations.

While the domestic violence docket hearings are public hearings, unofficially most interviewees said they try to keep it so only offenders, Domestic Violence team members, and those with a professional interest are in the courtroom during domestic violence docket sessions. This is where the domestic violence advocates come strongly into play, reporting information to the victim and keeping the victim informed.

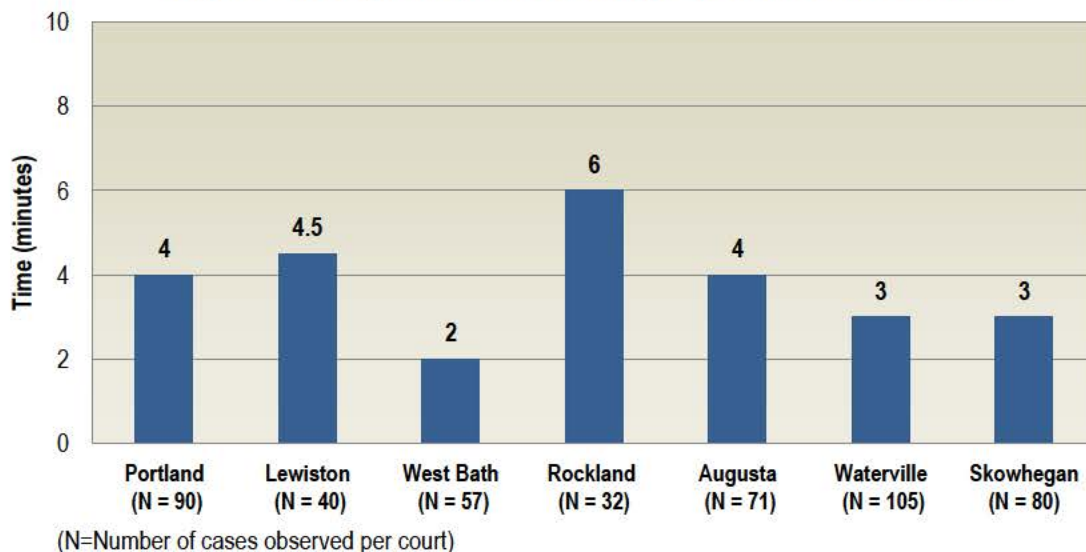
### Judicial Monitoring

*Principles: Assigning a permanent judge, supervising defendants continuously on a monthly or bi-monthly basis, exploring new methods of judicial monitoring including dedicating additional staff and resources, and creating a separate compliance docket if the volume warrants it.*

Three of the seven dockets (Portland, Lewiston, and Rockland) had a consistent judge for all of the visits observed. Some of the inconsistency elsewhere was due to new judges taking over the domestic violence docket in their area, while other inconsistencies were due to the availability of judges. In Skowhegan, the judge officially assigned to the domestic violence docket was never observed over the course of the three visits; however two of the three docket sessions were led by the same judge who filled in.

Interviewees reported that the dockets that had a consistent, regular judge presiding over their domestic violence docket sessions were much stronger dockets. Those judges were familiar with the domestic violence docket model used in New York City, established a rapport with offenders and were familiar with their crimes, meaning they could spot when stories changed or lies were being told much better than judges who were unfamiliar with their domestic violence docket participants. Judges who were filling in were often unfamiliar with the Domestic Violence process (both as a whole and in terms of docket location-specific procedures) and therefore had less of a sense of authority when they had to rely on prosecutors, Batterer Intervention Program facilitators, or probation officers to lead the judicial monitoring proceedings.

**Figure 4. Average Length of Time Judge Spent With Each Offender**



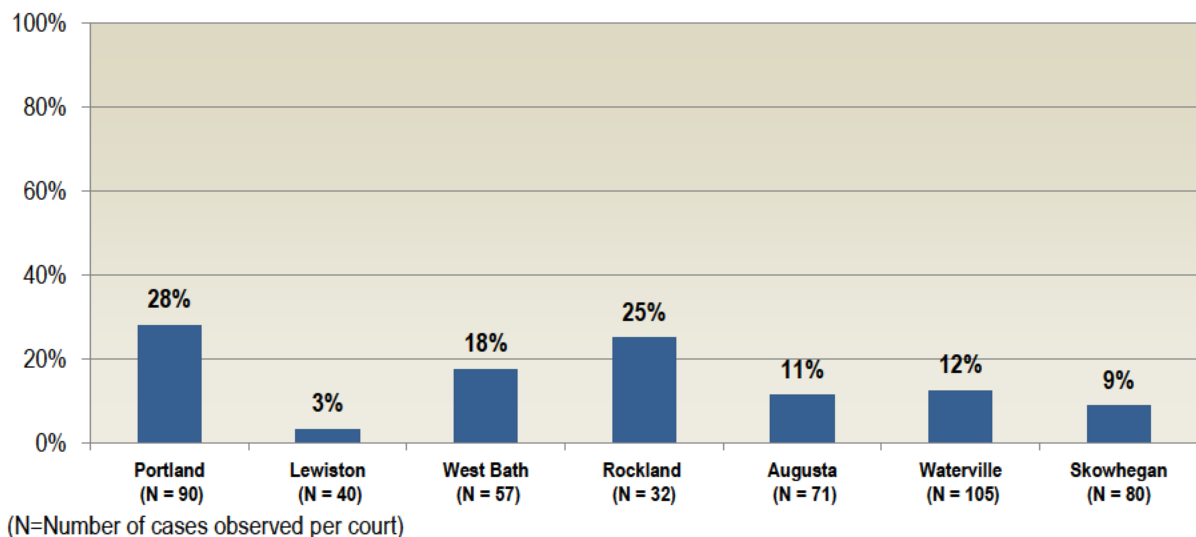
The judge spent an average of four minutes with each person, with a range of one to thirteen minutes depending on the docket (Figure 4). Each docket was scheduled to last approximately two hours.

Two elements were consistently practiced across all dockets. Interactions between judges and offenders consisted of checking in to ensure the offender was attending his or her Batterer Intervention Program as well as any other treatment requirements. Judges asked about what the offender was learning and taking away from the Batterer Intervention Program classes. For example, during a judicial monitoring session in Skowhegan, the judge asked each offender if he or she felt the Batterer Intervention Program was worth it. In all docket locations, if an offender was not signing up for the Batterer Intervention Program, despite it being a probation requirement, the judge would ask what was keeping him or her from beginning the Batterer Intervention Program and gave a verbal warning and a deadline. Batterer Intervention Program facilitators in all locations would provide feedback on how the offender was doing, whether he or she was participating consistently and attending regularly, and how many absences the offender had to date. Other common topics included mental health and substance abuse treatment, family, and employment.

Before the offenders were able to sit down or leave, most judges would ask them if they had anything else to add or say, providing the offender a chance to ask questions of the team and ensure he or she fully understood what was expected over the course of the next month.

The second element was positive reinforcement, given to offenders mainly through verbal praise or in the form of “skips.” Each of the dockets meets once a month throughout the year, with the exception of some of the dockets who skip a month in the summer. Offenders are required to attend all docket sessions unless they are given permission by the judge to skip a session. These skips were typically used as a type of positive reinforcement for meeting expectations such as attending Batterer Intervention Program classes regularly.

**Figure 5. Percentage of Offenders Receiving a Skip**



As noted in Figure 5, the use of skips varied across dockets. Additionally, the length of the skip varied from docket to docket, with some judges giving a skip for only one month at a time and others sometimes giving two- or three-month skips and occasionally even four-month skips.

When offenders were not complying with requirements, the response from the domestic violence docket depended on whether they were on a deferred disposition or probation. Noncompliance was handled in one of three ways: a probation violation (for offenders on probation); a motion to revoke probation or the deferred disposition; or a warrant for their arrest (when offenders did not show up to court). Interviewees stated most of the response to noncompliance was left to the discretion of probation and prosecutors. For example, it is up to the prosecutor or probation officer to file a motion to revoke. Other negative behavior—such as not attending Batterer Intervention Program or otherwise not appearing to take their deferred disposition or probation requirements seriously—resulted in a verbal warning from the judge. Probation officers could take additional action using their graduated sanctions. The domestic violence docket had fewer options when dealing with offenders who did not comply and who were on deferred dispositions than it did with those on probation because those offenders did not often have someone to report to.

### ***Accountability***

*Principles: Creating strong relationships with law enforcement, service providers, holding Batterer Intervention Programs accountable, thinking creatively about supervision, and using technology to enhance access to information.*

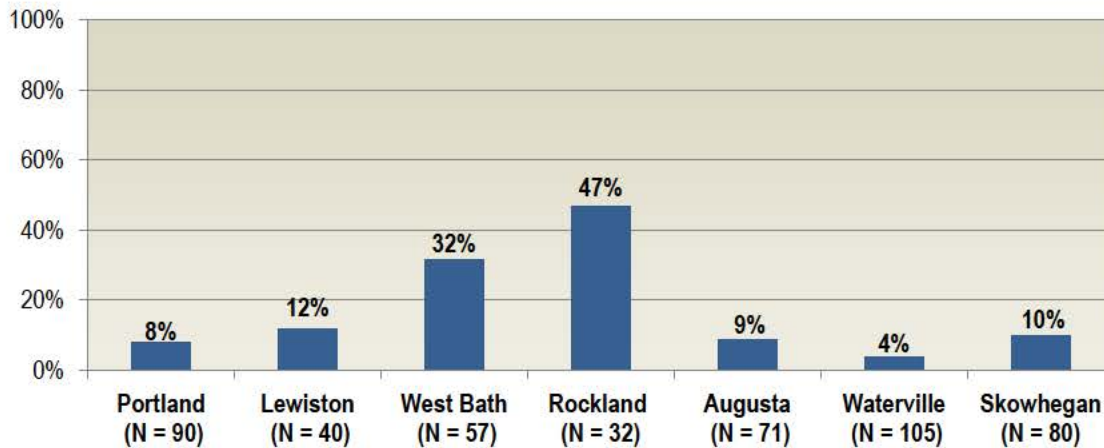
One of the accountability factors is represented by presence at the judicial monitoring sessions. The “docket team” signifies everyone else, in addition to the judge, who may participate. Docket team participants varied considerably from docket to docket. At the majority of hearings observed, dockets had a judge, a probation officer, a prosecutor (or representative from the District Attorney’s office such as an Assistant District Attorney or Domestic Violence Investigator), a victim advocate, and a Batterer Intervention Program coordinator participating as a team member; other dockets included a much more comprehensive team. In one or two observations, attendance was lower due to scheduling conflicts. Three of the dockets had regular Child Support Enforcement officers on the team, while only Skowhegan, Portland and Augusta have a dedicated specialized domestic violence probation officer, which is referenced in the literature as a best practice. Other representatives sitting at the table included defense attorneys and police officers from the local law enforcement agency.

At the macro level, Maine holds Batterer Intervention Programs accountable to the extent that they are required to be certified by the Maine Department of Corrections. All are. At the docket level, it is evident that offenders are receiving services and that the providers report on progress to the court.

However, participation in Batterer Intervention Programs is far from universal, with considerable variation among the courts. Eighty-five percent of participants in domestic violence dockets have Batterer Intervention Programs as a condition of probation and 83

percent were observed to be asked about participation during the court session. Again, the percentage of offenders who were observed reporting to the judge on participation in Batterer Intervention Programs varied greatly among docket locations. Figure 6 shows the observations per court where Batterer Intervention Programs are *not* mentioned. Just over half of all offenders reported on participating in Batterer Intervention Programs in Rockland, while 90 percent or more of the offenders in Portland, Augusta, Waterville, and Skowhegan did so.

**Figure 6. Percentage of Judicial Interactions Where BIPs are NOT Mentioned**



(N=Number of cases observed per court)

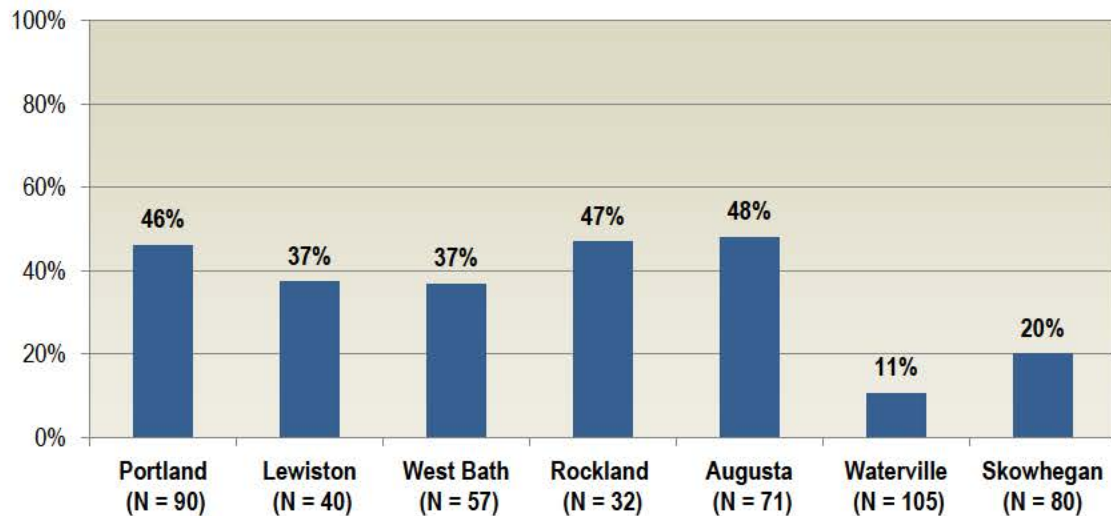
While the literature suggests that anger management programs should not be used in place of Batterer Intervention Programs, six of the seven dockets had at least one person who reported going through anger management who did not mention also attending a Batterers' Intervention Program. Lewiston was the only docket that did not have a single offender mentioned as being involved in anger management as part of their check in with the court. Portland had two out of 90 offenders where anger management was mentioned. All of the others had one case each.

Interviewees also said they hoped to see specific probation officers assigned to all offenders at each of the domestic violence dockets. Interviewees reported that the domestic violence docket process worked better when the probation officer who supervised an offender was present than it did for offenders who did not have their probation officers there to report on them. Respondents also hoped more dockets would have Child Support Enforcement officers consistently present; currently, only domestic violence dockets in Waterville, Augusta and Lewiston have a child support enforcement representative at the table during judicial monitoring sessions.

In most cases, those offenders who did not report on participating in a Batterer Intervention Program did report undergoing substance abuse treatment, mental health counseling, or both. Figure 7 shows the percentage of offenders in each location where substance abuse or mental health treatment was mentioned by the judge. The number of offenders who did not report participating in *any* form of treatment (Batterer Intervention Program, substance

abuse, mental health, or anger management) varied from zero in Skowhegan to four offenders in both West Bath (out of 57 offenders) and Rockland (out of 32 offenders).

**Figure 7. Percentage of Judicial Interactions Where Substance Abuse or Mental Health Treatment Were Mentioned**



(N=Number of cases observed per court)

While the discussion above talks about judicial interactions across all locations, three dockets stood out with innovative approaches to interacting with offenders that might inform judicial practices in the other dockets. Each is described in more detail below.

In Lewiston, each offender was provided a green folder containing a calendar at his or her first domestic violence docket hearing. The green folders are intended to hold all domestic violence docket-related paperwork and offenders are expected to bring it to court each session with receipts showing Batterer Intervention Program attendance, as well as any other required treatment or counseling. These are presented in reverse chronological order so the judge can quickly and easily review the materials. In this domestic violence docket, the offenders who had been participating in the docket longest went first, while those who were new to the docket had to wait until the end of the docket session to stand in front of the judge. During each session, the judge would spend five to ten minutes describing the docket and docket expectations to the new offenders. At this time, the new offenders were able to ask questions to ensure they understood what was expected of them.

In Waterville, the judge frequently asked offenders to recite what they did to end up in the docket. The offenders were expected to explain what they did without victim blaming, minimizing, denying, or justifying their actions. If an offender did one of these things the judge would point it out or ask the other offenders in the docket to explain how the offender could better tell his or her story. The judge would occasionally probe the offender if he felt it was necessary to try to get him or her to see and acknowledge what was driving his or her actions. The judge believes that having the offenders listen to each other and the specific cases provides good learning moments.

Judicial interactions in Rockland, a small docket with an average of eleven offenders in attendance each month, tended to last longer than any of the other dockets and went into greater depth than many others. The judge asked questions covering a wide variety of topics and aspects of the offenders' life, including what happened that led him or her to participation in the domestic violence docket, whether offenders had a history of domestic violence in their family, their history of substance abuse and mental health treatment, how job searches were going, what type of support networks the offenders have, and details about relationships with current partners. These topics may have been covered at the offender's first domestic violence docket session or at any subsequent hearing and could be asked repeatedly or only once depending on circumstances and the judge's discretion. During the judicial monitoring sessions, judges addressed other domestic violence docket team members to provide feedback on the offender's progress as well. Probation officers typically provided feedback regarding probation requirements, Child Support Enforcement officers about whether child support was being paid and was up to date, and law enforcement personnel about whether there had been any new law enforcement involvement (including speeding tickets).

### ***Coordinated Community Response***

*Principles: Creating strong linkages with a wide range of partners, convening regular meeting with criminal justice and social service partners, and providing education and training to court personnel and partners.*

People interviewed recognized the lack of linkages across communities and courts. One interviewee indicated concern that Maine's domestic violence dockets do not represent an evidence-based practice. Several pointed out the lack of consistency in both practice and philosophy among domestic violence dockets throughout the State. While similarities do exist, each docket essentially operates independently and judges reportedly do not communicate with each other about what works and what does not work in their dockets.

Few interviewees have participated in any kind of domestic violence training prior to their participation in the domestic violence docket. Those who had, received it on the job (for example, from victim advocates, or probation officers who supervise domestic violence offenders). The last domestic violence docket-specific training was held in 2008, well before most interviewees had begun participating in their programs. Almost all interviewees indicated they would be interested in and perceived a need for more domestic violence and domestic violence docket trainings. The Judicial Branch has recently secured money for judges to attend domestic violence trainings.

Since the loss of the STOP funding for domestic violence dockets in 2001 there is no evidence of a coordinated community response that involves the judiciary.

### **Summary**

While each of the seven Domestic Violence Docket locations has its own procedures, styles, and policies as exemplified by the skip policies, they all serve the same goal of providing an additional level of oversight for domestic violence offenders who are on probation or



deferred disposition. At a minimum, judges are supported by probation, victim advocates, and facilitators in holding domestic violence offenders accountable to the criminal justice system at monthly docket hearings. Not all domestic violence offenders are required to participate in the domestic violence dockets and the number varies by location and month. An average of 22 offenders report to each docket location as a condition of probation or a deferred disposition each month. Each judge has a different style of interacting with offenders, but at a minimum each judge confirms the offenders are following all conditions, including in most courts attending Batterer Intervention Programs regularly, and provides verbal warnings to those not meeting minimum requirements.

Interviewees consistently stated the best thing about the domestic violence docket was having all the players in one room because it ensured everyone—including the offender—was on the same page. This was identified as the number one factor in increasing accountability for domestic violence offenders over those who were not required to participate in a domestic violence docket. Interviewees also stated a need for more training, not only specific to domestic violence dockets, but on domestic violence in general, particularly for those who do not receive such training as part of their own professional requirements.

Success is viewed by all domestic violence docket team participants as an offender not committing a new domestic violence crime. The next part of this report examines how effective the Dockets are in achieving that success.

On a statewide basis, Maine's domestic violence dockets do generally follow best practices identified by the New York model with the degree to which they do so varying by docket location.

### ***Victim Services***

All seven of Maine's domestic violence dockets have at least one victim advocate as an active member of the team, however the majority of interviewees stated victims do not play a role in Maine's domestic violence dockets. In most locations, the only people in the courtroom are members of the team and the offenders themselves. If something comes up during a judicial monitoring session that a victim should know about, the victim advocate will relay this information to him or her outside the court.

### ***Judicial Monitoring***

While each of the seven domestic violence docket locations have an assigned judge, the consistency of that judge's presence at docket sessions each month varies. Only three of the seven dockets (Portland, Lewiston, and Rockland) had a consistent judge for all of the visits observed. Some of the inconsistency was due to new judges coming on and taking over the domestic violence docket in their areas, while in other locations it was due to the unavailability of the assigned judge on a particular docket date when observations occurred. Judges are the heart of domestic violence dockets and the Dockets gain leverage with the authority of the judge. The more a judge knows about a case, the more he or she is better able to issue consistent and effective rulings. Additionally, the judge will be able to ensure offenders are complying with their probation or deferred disposition conditions.

Consistent across all dockets, interactions between judges and offenders consist of checking in to ensure the offender is attending his or her Batterer Intervention Program as well as any other treatment requirements, including mental health and substance abuse. Judges also ask about family and employment.

### *Accountability*

The majority of offenders in the domestic violence dockets are required to participate in Batterer Intervention Programs as a condition of probation or their deferred disposition. Batterer Intervention Programs in Maine are required to be certified in accordance with Maine State law (19-A M.R.S.A. §4014).<sup>61</sup> The Batterer Intervention Program facilitators present in every domestic violence docket location represented certified Batterer Intervention Programs.

Currently, only Skowhegan, Portland and Augusta have a dedicated specialized domestic violence probation officer. West Bath, Rockland, Waterville, and Lewiston do not have specialized domestic violence probation officers present at docket sessions, however Lewiston does have a local police representative. Key informant interviewees said they hoped to see the specific probation officers assigned to each offender present at the judicial monitoring hearings as well as the assigned Child Support Enforcement officer. They believe accountability is greatly increased under this scenario.

Three dockets stand out with innovative approaches to interacting with offenders: Lewiston, Waterville, and Rockland. In Lewiston, each offender is provided a green folder containing a calendar at his or her first domestic violence docket hearing. The green folders are intended to hold all domestic violence docket-related paperwork and offenders are expected to bring it to court each session with receipts showing Batterer Intervention Program attendance, as well as any other required treatment or counseling. In Waterville, the judge frequently asks offenders to recite what they did to end up in the docket. The offenders are expected to explain what they did without victim blaming, minimizing, denying, or justifying their actions. Finally, in Rockland, a small docket, judicial interactions tended to last longer than any of the other dockets and went into greater depth than many others. The judge asked questions covering a wide variety of topics and aspects of the offenders' life, including what happened that led him or her to participation in the domestic violence docket, whether offenders have a history of domestic violence in their family, their history of substance abuse and mental health treatment, how job searches were going, what type of support networks the offenders have, and details about relationships with current partners.

### *Coordinated Community Response*

The number of agencies and services that are involved in a domestic violence docket vary from location to location. Lewiston has the highest number of agencies and services attending each month, while other locations such as Rockland and Skowhegan have only

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<sup>61</sup> 03-201, Chapter 15, Maine Department of Corrections Batterer Intervention Program Certification, 4.2, A.2, last repealed/replaced 2013. Accessed 8/12/15 at <[www.maine.gov/sos/cec/rules/03/201/201c015.doc](http://www.maine.gov/sos/cec/rules/03/201/201c015.doc)>

probation, Batterer Intervention Program facilitators, victim advocates, and occasionally a representative from the District Attorney's Office present. For those agencies and services involved in the Docket, the coordination appears to be adequate.

Only a few of the team members involved in Maine's domestic violence dockets have participated in any kind of domestic violence training prior to their participation in the Docket. Almost all key informants indicated they would be interested in and perceived a need for more training on domestic violence in general and domestic violence dockets in particular.

## Recidivism in Maine's Domestic Violence Dockets

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This section examines recidivism findings for Maine's domestic violence dockets. First, recidivism is examined by looking at new convictions for all domestic violence docket participants (both those on probation and those on deferred disposition). Next, the effectiveness of the domestic violence dockets is compared to normal probation by looking at matched groups of probationers from all the dockets operating between 2010 and 2012.

### New Convictions in Domestic Violence Docket Cases

Figure 8 shows recidivism for each court over six month, one year, and two year periods for the 914 offenders who participated between 2010 and 2012 in one of the seven domestic violence dockets still operating. Recidivism analysis was conducted for each Domestic Docket location with the exception of Rockland which only had eight participants during the two year period. The Rockland domestic violence docket is a very small docket and during part of the time period of this recidivism study had stopped receiving referrals.

Offenders who are required to take part in the domestic violence docket are in the court for a minimum of forty-eight weeks (the length of a Batterers Intervention Program) so it can be assumed that any new conviction received during the six month or one year periods occurred while the offender was involved in domestic violence docket, where they received increased oversight compared to what they would have on just a deferred disposition or probation alone.

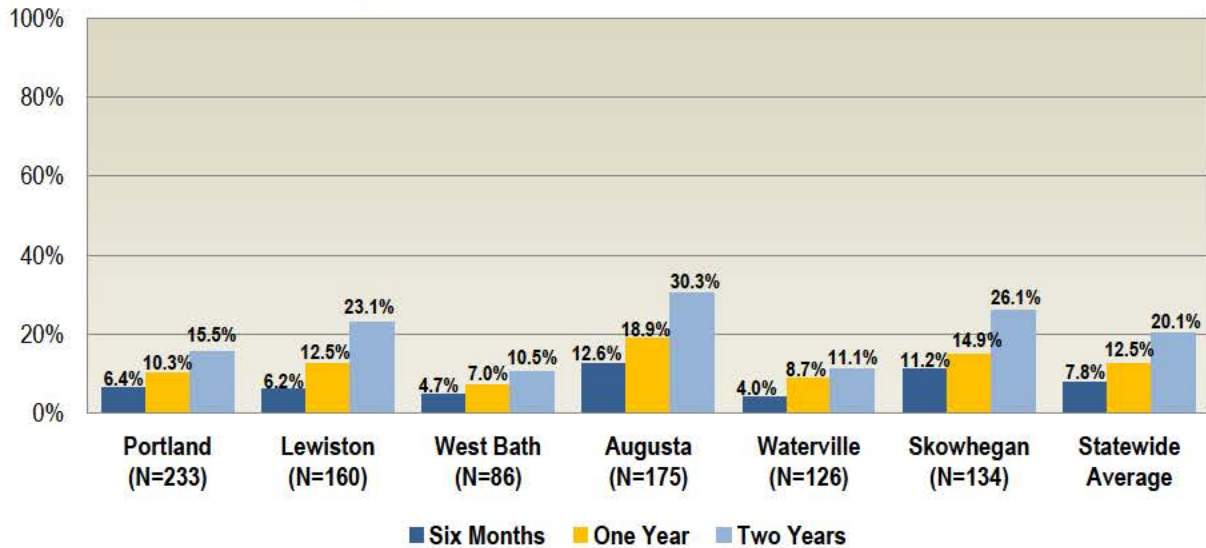
If they do nothing else, domestic violence dockets should be reducing the proportion of offenders who commit new domestic violence crimes leading to convictions. Six month recidivism rates for new domestic violence convictions ranged from four percent in Waterville, five percent in West Bath, and six percent in Portland and Lewiston, up to 11 percent in Skowhegan and 13 percent in Augusta (Figure 8).<sup>62</sup> Recidivism rates for the Augusta domestic violence docket were higher at all points measured than for any other domestic violence docket location.

At one year, West Bath had the lowest recidivism rate for new domestic violence convictions at seven percent, followed by Waterville at nearly nine percent and Portland at 10 percent. With a recidivism rate of 11 percent at the two-year point, Waterville and West Bath had the lowest recidivism rates. Portland had a recidivism rate of 16 percent at two years, followed by Lewiston (23%), Skowhegan (26%) and Augusta (30%). At two years, when offenders are most likely no longer required to appear at the domestic violence docket and therefore no longer supervised or supervised only by probation, recidivism rates almost double in all locations.

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<sup>62</sup> The following charges were counted as new domestic violence convictions: Domestic Violence Terrorizing; Domestic Violence Reckless Conduct; Domestic Violence Assault; Domestic Violence Criminal Threatening; Domestic Violence Stalking; Harassment by Telephone; Tampering with Witness, Informant, Juror, or Victim; Terrorizing; Violating Condition of Release; and Violation of Protective Order.

**Figure 8. New Domestic Violence Convictions**



(Note that Rockland is omitted because it did not receive referrals during part of this period and had only eight cases)

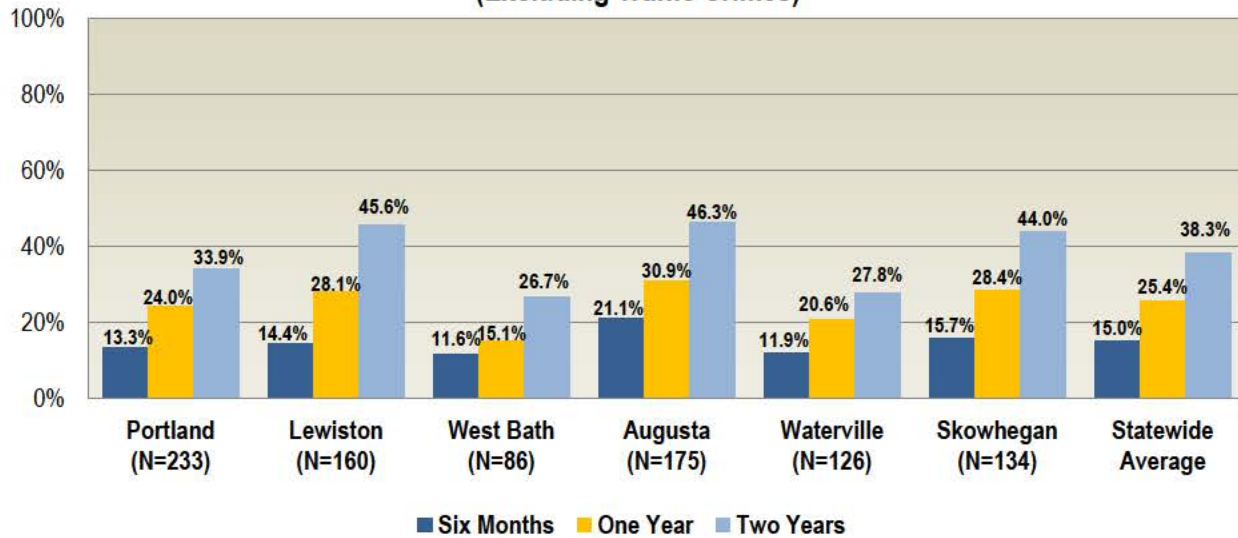
There was no obvious correlation between the rate of recidivism shown here and implementing the good practices discussed in the previous section. One of the methodological issues is that one has to go back several years in time to identify cases to track to achieve the two year span, yet the court observations can occur only in the relative present. Thus, it is possible that the practices were different when this cohort of offenders began.

West Bath had the lowest recidivism at each time period yet was observed to implement four of the six desired practices. Augusta, with the highest recidivism rates at each juncture, implemented three of the six and Lewiston, which was about in the middle, incorporated the most best practices, six out of six.

While the last figure focuses on domestic violence recidivism the next encompasses any new criminal conviction (including drug convictions and probation violations but not including traffic crimes). Six month recidivism rates ranged from 12 percent in West Bath and Waterville, to 21 percent in Augusta (Figure 9). At one year, recidivism increased in all Docket locations, by only three percentage points in West Bath (from 12% to 15%) but doubling in Lewiston (from 14% to 28%). At two years, over a quarter of all domestic violence docket participants in every location had committed a new crime.

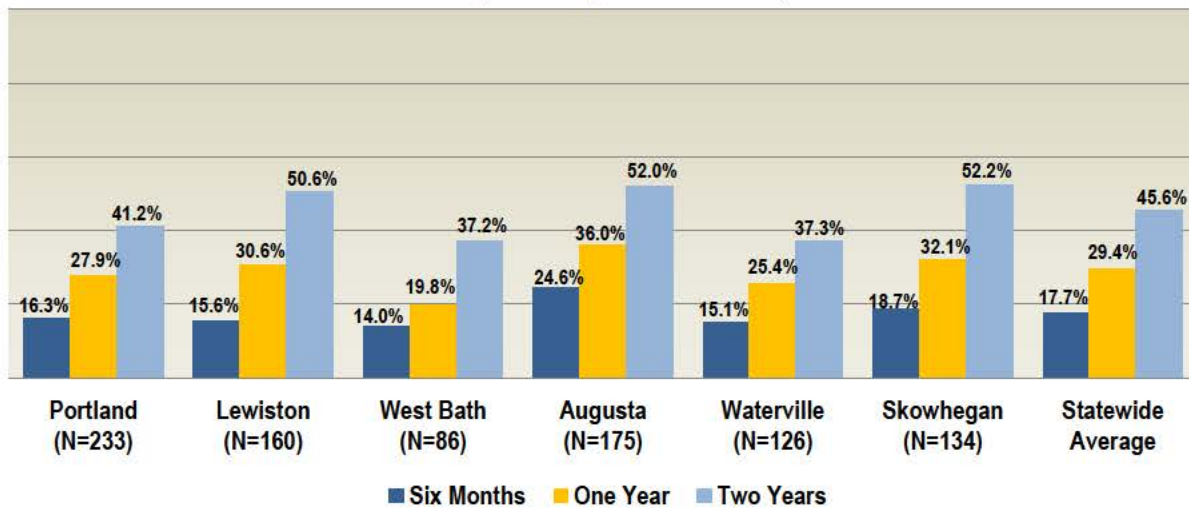
West Bath consistently had the lowest recidivism rate at all three points of measurement, ending with a 27 percent recidivism rate at two years, with Waterville following closely behind (28%). Augusta and Lewiston had the highest recidivism rates at the two-year mark (46%).

**Figure 9. New Convictions for Any Criminal Offense  
(Excluding Traffic Crimes)**



A final cross-court analysis includes serious traffic offenses such as Operating under the Influence and Operating while License Suspended or Revoked. Recidivism rates increased by about four to five percentage points at every point and at every location (Figure 10).<sup>63</sup>

**Figure 10. New Convictions for Any Criminal Offense  
(Including Traffic Crimes)**



<sup>63</sup> The following charges were counted as traffic offenses: OUI, operating while license suspended or revoked; operating after habitual offender revocation; operating after registration suspended; operating vehicle without license; failure to register vehicle, driving to endanger; attaching false plates; failing to stop for officer, yield right of way, notify of motor vehicle accident; failure to stop, remain, provide information or render aid, personal injury.

## New Arrests and Incarcerations in DV and Matched Comparison Cases

To measure whether the domestic violence docket had an impact on reducing recidivism compared to conventional adjudication practices, 426 probationers who had participated in a domestic violence docket between 2010 and 2012 were matched to 426 other domestic violence probationers with similar demographic and risk characteristics who had been traditionally adjudicated. The characteristics used to match the two groups included age of the client at the start of probation, race, gender, overall LSI-R score, number of and previous domestic violence charges, and probation office location.

**Table 1. Characteristics of Treatment and Comparison Group**

Characteristics of Treatment and Control Cohorts			
Variable	DV Docket group (n=426)	Comparison group (n=426)	p-value*
<b>Average age</b>	32.9	32.7	.816
<b>Race</b>			
<i>Asian</i>	0.2%		.859
<i>African American</i>	5.4%	4.5%	
<i>Native American</i>	0.7%	0.9%	
<i>Two or More Races</i>	0.5%	0.7%	
<i>Unknown</i>	2.1%	2.6%	
<i>White</i>	91.1%	91.3%	
<b>Gender</b>			.114
<i>Female</i>	6.1%	3.8%	
<i>Male</i>	93.9%	96.2%	
<b>Overall LSI-R score</b>			.020
<i>Administrative</i>	0.5%	0.5%	
<i>Low</i>	2.1%	6.3%	
<i>Moderate</i>	71.1%	63.8%	
<i>High</i>	23.5%	25.6%	
<i>Maximum</i>	2.8%	3.8%	
<b>Average number of previous DV Charges</b>	1.17	1.18	.912
<b>Probation Office Location</b>			.985
<i>Augusta</i>	12.2%	12.9%	
<i>Lewiston</i>	16.9%	16.4%	
<i>Portland</i>	22.8%	22.5%	
<i>Rockland</i>	1.8%	1.4%	
<i>Skowhegan</i>	17.1%	16.2%	
<i>Waterville</i>	9.9%	9.9%	
<i>West Bath</i>	3.1%	2.6%	
<i>Other Locations</i>	16.2%	18.1%	

\*=A p-value under 0.05 is considered significant

As Table 1 shows, the demographic break down is virtually identical between the treatment (domestic violence docket) and comparison group. LSI-R ratings are statistically different, with a higher share of moderate risk clients in the domestic violence docket. However, when administrative and low risk clients are excluded from the analysis, there is no statistically significant differences between the two groups on LSI-R ( $p=.328$ ). Since the domestic violence docket is intended for higher risk clients, the recidivism outcome data focus on moderate, high- and maximum-risk offenders only (415 offenders in the domestic violence docket and 397 in the comparison group).

In the following analyses, Figures 11 and 12 encompass the seven domestic violence dockets referenced throughout this report as well as those in York, Springvale, Biddeford, and Machias which are no longer operating. As shown in Figure 11, offenders who participated in a domestic violence docket between 2010 and 2012 had lower arrest rates for a new domestic violence offense than the comparison group at all points in time. However, none of the differences are statistically significant.

**Figure 11. New Arrests for Domestic Violence Docket Participants From All Locations and Comparison Group**

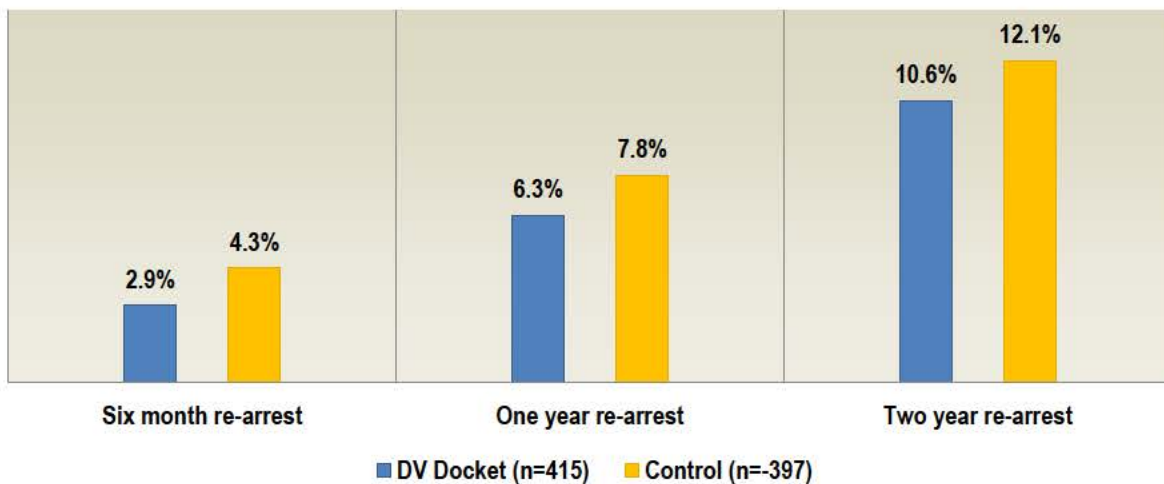


Figure 12 examines the same group on the return to incarceration measure. Note that the control group returns to prison at almost twice the rate as the comparison group and the differences are statistically significant. The two-year marker is important in that judicial monitoring is generally over by then and one might assume the program is having a longer-term impact.



**Figure 12. Return to Incarceration Outcomes for Domestic Violence Docket Participants From All Locations and Comparison Group**

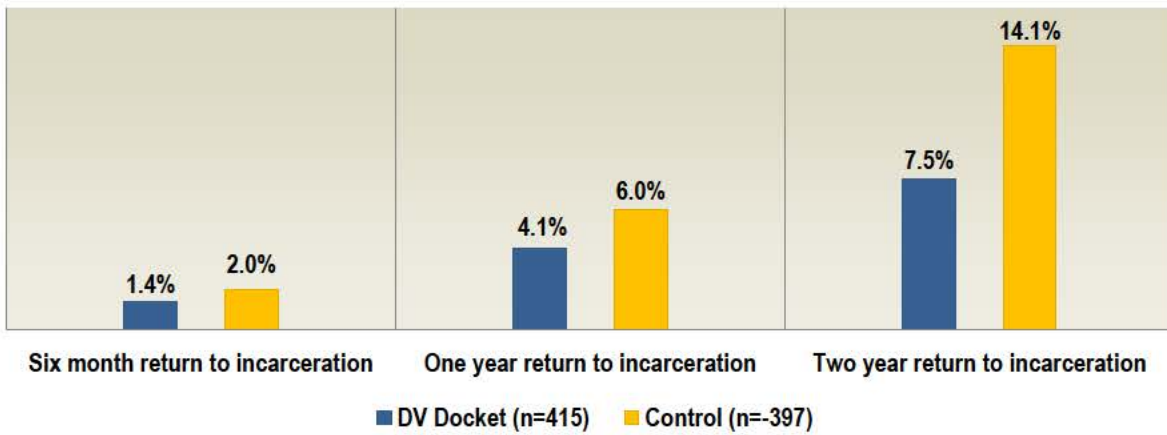


Figure 13 provides comparative rates limiting the treatment (n=347) and comparison groups (n=323) to those from the seven current domestic violence docket locations that continued operating after 2011. Figure 13 shows improved outcomes for the domestic violence docket group in relation to both six month, one- and two-year arrests. In addition, the rates are better for the seven dockets than for the larger group shown in Figure 11.

**Figure 13. New Arrests for Domestic Violence Docket Participants From Seven Current Locations and Comparison Group**

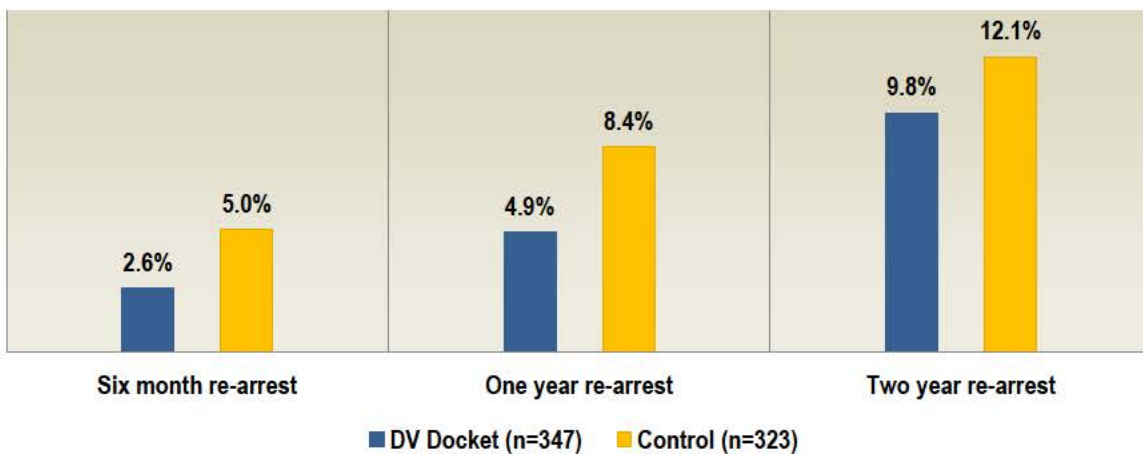
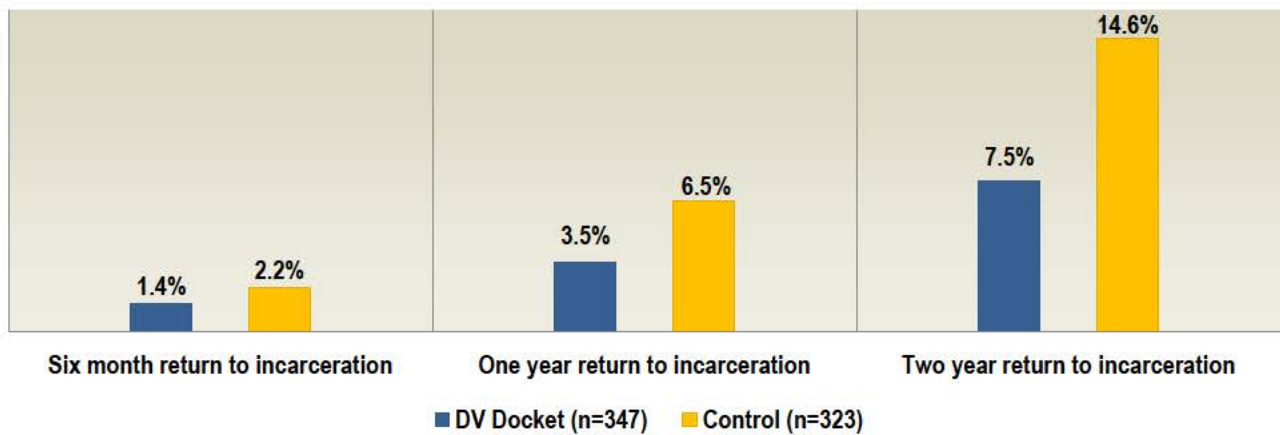


Figure 14 on the following page provides the information on return to incarceration. As with the entire sample, the two year return to incarceration difference between the docket group and the control group in the seven locations was statistically significant. Appendix C shows comparative recidivism rates broken down by court location.

**Figure 14. Return to Incarceration Outcomes for Domestic Violence Docket Participants From Seven Current Locations and Comparison Group**



### Recidivism Outcomes for Specific Populations

Further analysis of the data by sub-categories shows that the outcomes for specific populations served by the domestic violence docket are superior to those of their counterparts in the comparison group. Males who participated in domestic violence docket had lower rates of recidivism, regardless of how it is defined, than the comparison group. The difference was statistically significant at six-month and one-year arrests and at the two-year return to incarceration mark.

Women however, showed no measurable benefit in the domestic violence docket. None of the thirteen women who were in the comparison group were arrested for a new domestic violence crime within two years compared to four out of the 25 domestic violence docket offenders (16%). The female sample is so small that significance cannot be attached. However, in contrast to the males it does suggest potential gender differences in treatment effects.

In contrast, there were no significant differences in outcomes between the domestic violence docket probationers by race compared with probationers from the comparison group, except for the two year return to incarceration rate. White domestic violence docket offenders had lower two year return to incarceration rates than whites from the comparison group.

Younger offenders appear to perform better in the domestic violence docket than on traditional probation, compared to older offenders. Offenders under the age of 35 in the domestic violence docket (n=259) had a significantly lower two-year return to incarceration rate of eight percent, compared to a return to incarceration rate of 17 percent of offenders under the age of 35 on traditional probation (n=251). Offenders older than 35 in the domestic violence docket (n=156) also had a lower two-year return to incarceration rate (six percent) than the comparison group (n=146, 10%), but the difference was not statistically significant.

## Summary

All people who are required to participate in domestic violence dockets have a domestic violence conviction on their record or are taking part as a deferred disposition. The monthly court check-ins along with participation in Batterer Intervention Programs are intended to reduce future domestic violence crimes from being committed by those who participate. The purpose of this component of the study was to examine the effectiveness of Maine's domestic violence dockets in reducing new arrests for new crimes, especially domestic violence crimes, as well as new incarcerations.

At two years, Waterville and West Bath had the lowest recidivism rate (11%) for new domestic violence convictions. Portland had a recidivism rate of 16 percent at two years, followed by Lewiston (23%), Skowhegan (26%) and Augusta (30%).

Using a matched comparison group from the traditional probation caseload, this study was able to demonstrate lower, but, in most analyses, not statistically significant, recidivist outcomes for those in the domestic violence docket. However, the results were more promising with medium- and high-risk offenders, males, and offenders under the age of 35. In fact, two years after entering probation offenders under 35 and higher-risk offenders had significantly lower return to incarceration rates for a domestic violence offense than offenders receiving traditional probation supervision.

## Conclusions and Recommendations

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The literature review revealed that there is no national consensus on how domestic violence dockets should operate; there is no compelling evidence that one particular model or set of practices works better than others; and there is no agreement on the most effective model of batterer programs or even on the extent of those programs' effectiveness. All of this causes concern and a hesitancy to recommend charging forward.

On the other hand Maine's own recidivism outcomes seem clearer. Whether examining new arrests or returns to prison, they are moving in the right direction, particularly for higher-risk clients, and provide room for encouragement. After two years almost twice as many traditional probationers return to incarceration as those in domestic violence dockets.

However, it is difficult to pinpoint what court practices lead to better results. Due to the nature of this study, we could not make a direct correlation between what happened at the domestic violence dockets and the recidivism rates because researchers have to go back two years to track recidivism but can observe court practices only in the present. Even so, we can say that there was not a strong correlation between the Maine dockets' implementation of what are considered best practices and the recidivism of offenders in those same dockets. West Bath had the lowest rate of new domestic violence convictions after two years, 10.5 percent and demonstrated four out of the six best practices. Lewiston had the second highest rate of new domestic violence convictions after two years, 23.1 percent, but had the highest adherence to best practices, six out of six. Augusta had high recidivism, 30.3 percent and relatively low adherence, three out of six. Looking at specific practices, Portland, Lewiston and Rockland were the sites with consistent judges across the observations, one of the most coveted practices in the literature, and their recidivism scores were in the middle. Batterer Intervention Programs were monitored less frequently in Bath than elsewhere (except Rockland where the numbers were too small to track) yet the two year recidivism in Bath was the lowest among the seven courts. In other words, the variations across the seven sites are too great and the connections between best practices and positive outcomes are too weak to draw conclusions about what practices work.

Recidivism outcomes for medium- to high-risk offenders, when compared to those receiving traditional probation, are less ambiguous. One can view these outcomes in two timeframes: one is while the judicial monitoring in general and the batterer intervention programs in particular, are still in play; the second is when they are completed. One would expect better results with increased monitoring and some level of treatment and we do see that both in the re-arrest rates and in incarceration rates. The re-arrest rate is nearly double at six months for traditional probation (5% compared to 2.6%) and the return to incarceration rate is higher as well (2.2% compared to 1.4%). The pattern holds up at one year where new arrests are 4.9 percent for the docket group and 8.4 percent for traditional probationers; similarly 3.5 percent of the domestic violence dock go to prison within a year compared to 6.5 percent of traditional probation. What may be a little more impressive is what happens when the batterer intervention programs are over. The two-year re-arrest rate is 9.8 percent for the participants and 12.1 percent for traditional probation. Returning to prison shows even a greater difference, 7.5 percent compared to 14.6 percent.

When we segmented the population through analysis it was very interesting, although perhaps counter-intuitive, to note that males do better than females in these dockets. While there were only twenty-five females in the domestic violence dockets compared to 13 that we could match among traditional probation, four of the twenty-five had new arrests compared to none of the 13. White offenders in the domestic violence docket did better than white offenders in traditional probation and younger offenders, those under 35, had statistically significantly lower return to incarceration rates at two years (8%) than older offenders (17%). The results suggest that something in these courts is working even though we cannot say precisely what.

The following are recommendations based on interviews with domestic violence docket team participants, docket observations, and the latest research on domestic violence specialty dockets.

1. **Maine should continue operating its Domestic Violence Dockets.** The recidivism outcomes are sufficiently positive to continue operations.
2. **Every Domestic Violence Docket should have one or more identified judge with consistent attendance who is familiar with Domestic Violence Docket procedures.** Specialized staff and judges, trained in the relevant laws as well as the dynamics of abuse, are the heart of a domestic violence docket project. Domestic violence dockets leverage the authority of a judge, in that when a judge knows more about a case, he or she is better able to issue consistent and effective rulings, and more likely to ensure offenders are complying with their probation or deferred disposition conditions.
3. **Each Domestic Violence Docket should have both law enforcement and probation officers who have special training and knowledge about domestic violence.** While this study did not focus on law enforcement, the literature points to the need for trained and designated officers to respond to domestic violence calls as well as trained probation officers who are assigned to monitor these cases. In Maine communities where these practices do exist, people find them effective.
4. **Maine should provide Domestic Violence Docket-specific training for judges and other Domestic Violence Docket team members.** All participants who may be involved in a domestic violence case—including judges, clerks, advocates, prosecutors, defense attorneys, probation officers, and law enforcement—should be educated on the dynamics of abuse and effective interventions in order to improve their operations and response. One aspect of the training should cover the efficacy of Batterer Intervention Programs and anger management programs. Research has shown that anger management alone is not an appropriate sentence in domestic violence cases<sup>64</sup> as they are not geared towards perpetrators of domestic violence. The goals of Batterer Intervention Program involve ending violent, abusive and controlling behavior; increasing victim safety; and holding the batterer accountable,

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<sup>64</sup> Maiuro, Roland D., and Jane A. Eberle. "State standards for domestic violence perpetrator treatment: Current status, trends, and recommendations." *Violence and Victims* 23.2 (2008): 133-155.

the only goal of anger management is to control and express anger appropriately. Moreover, anger management facilitators may not be trained in domestic violence issues. Interviews with stakeholders revealed a lack of domestic violence docket-specific training. These partners in a domestic violence docket would be well served to be educated about each other's roles and responsibilities, in order to work together effectively on these cases.

5. **Domestic Violence Dockets should use risk assessments to ensure that appropriate offenders are part of the Docket.** Everyone involved in a domestic violence docket project should be aware of the high risk of re-abuse and lethality associated with domestic violence cases. Risk assessment and risk management can help increase safety for adult victims and their children, and allow Batterer Intervention Programs to tailor interventions to the specific perpetrator. These programs are more effective with medium and high risk offenders.
6. **In the absence of national standards, members of the domestic violence teams should adopt voluntary principles and practices for Maine.** The domestic violence team should revisit the New York standards and the common practices across the country identified in this report. The purpose of identifying principles and practices is to provide new judges and other team members with guidance. Incontrovertible among them should be a consistent judge who holds offenders accountable through periodic hearings and presence of team members to help hold offenders accountable, two conditions that already largely exist. To support this effort, there should be opportunities for regular communication and coordination across the seven domestic violence docket locations.
7. **The Judicial Branch should develop standard reports to track success in recidivism.** One of New York's principles is to use technology to enhance accountability. This can be achieved at the case level, at the court level or the system level. This report shows some interesting, positive results in reductions in recidivism with certain populations and provides comparisons at the court level. CORIS data can be used quite readily to produce standard reports on new arrests and new incarcerations whereas MEJIS can be used for new convictions. Such reports would help the Judicial Branch track the progress of domestic violence dockets.

To perform a more rigorous study of the effectiveness of these dockets in relation to judicial and team practices it would be necessary to conduct a two-year longitudinal study whereby the practices were observed contemporaneously with the offenders being tracked. Two years are needed because the Batterer Intervention Programs last for 48 weeks and it is important to see the recidivism results not only during the program but for a year after it is completed.



## Appendix A: Research Tools

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### Domestic Violence Court Observation Form and Interview Protocol



**DV Court Observation Form  
Status Hearing**

Date: \_\_\_\_\_

Observer: \_\_\_\_\_

Court: \_\_\_\_\_

Start Time: \_\_\_\_\_

End Time: \_\_\_\_\_

**Attendees:**

- |  |  |
|--|--|
| <input type="checkbox"/> Judge             | <input type="checkbox"/> Law Enforcement |
| <input type="checkbox"/> Case Manager      | <input type="checkbox"/> Probation       |
| <input type="checkbox"/> BIP Facilitator   | <input type="checkbox"/> Prosecutor      |
| <input type="checkbox"/> Defense           | <input type="checkbox"/> Other: _____    |
| <input type="checkbox"/> Victims' Advocate |  |

Are any victims present?     Yes             No

**Order to Cases:**

- Good First                       Bad First                       No Order

Admissions: \_\_\_\_\_

Discharges: \_\_\_\_\_

Complete one for each person.						
	Start	End	Discussion Topics	Rewards/Sanctions		Requirements
<b>1</b>	____:____	____:____			Last Appearance:	<u>Treatment</u>
						BIP <input type="checkbox"/>
						Substance Abuse <input type="checkbox"/>
					Next Appearance:	Mental Health <input type="checkbox"/>
						Anger Management <input type="checkbox"/>
						Other: _____ <input type="checkbox"/>

**DV Court Observation Form  
Status Hearing**

<b>2</b>	_ : _	_ : _			Last Appearance:  Next Appearance:	<u>Treatment</u> BIP <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Mental Health <input type="checkbox"/> Anger Management <input type="checkbox"/> Other: ____ <input type="checkbox"/>
<b>3</b>	_ : _	_ : _			Last Appearance:  Next Appearance:	<u>Treatment</u> BIP <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Mental Health <input type="checkbox"/> Anger Management <input type="checkbox"/> Other: ____ <input type="checkbox"/>
<b>4</b>	_ : _	_ : _			Last Appearance:  Next Appearance:	<u>Treatment</u> BIP <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Mental Health <input type="checkbox"/> Anger Management <input type="checkbox"/> Other: ____ <input type="checkbox"/>
<b>5</b>	_ : _	_ : _			Last Appearance:  Next Appearance:	<u>Treatment</u> BIP <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Mental Health <input type="checkbox"/> Anger Management <input type="checkbox"/> Other: ____ <input type="checkbox"/>

**DV Court Observation Form  
Status Hearing**

**Rewards**

Verbal Praise  
Tangible  
Leave of Absence  
Phase Advancement  
Applause  
Handshake  
Taken Off House Arrest  
Liberty Pass  
Jurisdiction Pass  
Curfew Extension  
Other

**Sanctions**

Detention - Jail  
Community Service  
Electronic Monitoring  
House Arrest  
Increased Reporting  
Apology Letter  
Essay  
Written Assignment  
Speech  
Verbal Reprimand  
Curfew Restriction  
No Contact Order  
Phase Demotion  
Increased Treatment  
Household Chores  
Seek Employment  
New Probation Conditions  
Other

**Positive Behaviors**

Positive Report From School  
Raise/Promotion at Work  
Attended all Appointments  
Utilized Coping Skills Appropriately  
Clean Drug Test  
Completion of DV Court Expectations  
Taking Responsibility for Behavior  
Showing Impulse Control  
Other Positive Behavior

**Negative Behaviors**

Drug Use – Test  
Drug Use – Admit  
New Criminal Behavior  
Missed Appointment  
School Non-Compliance  
Home Behavior  
Violation of No Contact Order  
Curfew Violation  
Probation Violation  
New Domestic Violence Arrest  
Other Negative Behavior

## Domestic Violence Docket Interview Protocol

Interviewee: \_\_\_\_\_

Date: \_\_\_\_\_

Role: \_\_\_\_\_

Interviewer: \_\_\_\_\_

Court Location: \_\_\_\_\_

1. What is your role and how long have you been active in this Domestic Violence court?
2. What is your current case load? How many clients do you believe your court is capable of serving without additional resources?
3. What are the DV court's goals as you see them?
4. Do you have eligibility qualifications for clients entering the court? If so, what are those qualifications?
5. Formally or informally, does any DV court staff member conduct any type of defendant assessment? IF YES, PROBE FOR DETAILS
6. Do you think the level of supervision is adequate?
7. Have you ever been to training specific to DV courts? If so, when / where / what was this opportunity? Are there training needs that you believe your team could benefit from?
8. What do you see as major differences between a DV court and a non-DV court in handling DV cases?
9. Is there ongoing domestic violence training provided to court team members?
10. What services/programs are DV court clients required to participate in? What are the most common service referrals?
11. Are there standard policies related to sentencing that your DV court follows (e.g. all cases must be sentenced to probation, must attend BIP, etc.)?
12. What happens if a client does not comply with requirements? What happens if a client receives new DV charges?
13. How often do offenders return to court?
14. What does court monitoring entail?
15. What role, if any, do victims play in the DV court? Do they have a say in whether someone is admitted to the court? Do they ever come to court? Do they ever provide input?
16. Does the court play a role in connecting victims to services? If so, what type of services? Is there anything you see as an unmet need for victims?
17. What safety measures, if any, are in place to protect victims?
18. What are some things you feel are working well about your DV court?
19. What are some things you'd like to change about your DV court?
20. Do you think your DV court is successful in keeping clients from re-offending? How do you define success for your court?



## Appendix B: Comparison of 2014 Best Practice Implementation as Observed During Three Domestic Violence Docket Observations<sup>1</sup>

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<sup>1</sup> Each Domestic Violence Docket was observed three times, except Lewiston which was visited twice between May and October 2014.

Best Practice	Portland	West Bath	Lewiston	Rockland	Augusta	Waterville	Skowhegan
<b>Victim Services</b>							
1. Presence of victim advocates	Present	Present	Present	Present	Present	Present	Present
<b>Judicial Monitoring</b>							
2. Same judge at all observed hearings	Present	Not Present	Present	Present	Not Present	Not Present	Not Present
<b>Accountability</b>							
3. Specialized law enforcement	Not Present	Present	Present	Not Present	Not Present	Not Present	Not Present
4. Specialized probation officers	Present	Probation present but not specialized	Probation present but not specialized	Probation present but not specialized	Present	Probation present but not specialized	Present
5. Strong coordination between agencies and services.	Not fully <sup>2</sup> present	Not fully present	Present	Not fully present	Not fully present	Not fully present	Not fully present
6. Use of Batterer Intervention Programs, compliance with state certification.	Present	Present	Present	Present	Present	Present	Present
<b>Coordinated Community Response</b>							
<b>Not court-specific</b>							

<sup>2</sup> “Not fully present” = Not all team members were in attendance at the same time.

## Appendix C: Domestic Violence Arrests for Moderate/High/Maximum-Risk Probationers<sup>3</sup>

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<sup>3</sup> West Bath and Rockland, had very small numbers, so any differences in the recidivism rates should not be considered statistically significant.



