

Domestic Abuse in Maine



An Empty Place at the Table

Data Project III 2000-2004

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**The Empty Place at the Table, pictured, was set by New Hope for Women in recognition of Kimberly Palmer, who was shot to death in Camden, Maine, in the year 2000.*

Domestic Abuse in Maine

Data Project III
2000-2004

In Memoriam

LEON DAIGLE

BRENDA GRAY-KNOST

ROBERT LEIGHTON

FRANK PERKINS, SR.

LINDA GRINDAL

KIMBERLY PALMER

CHRISTOPHER INGRAHAM

LOGAN MARR

CALVIN HAMILTON

IRENE PLACER

STACY WHEATON

CHASON TREADWELL

BARBARA BASSETT

PEARLE COGSWELL

HEATHER SARGENT

CHERIE ANN ANDREWS

CHRISTINE PEPIN

NATHANIEL ALLEN

BILLIE JO SMITH

LESLIE BULLOCK

LESLIE STASULIS

KATHLEEN LYONS

MICHAEL MACDONALD

LISA DEPREZ

MARK DUGAS

ROSEMARIE DYER

CHEVELLE CALLOWAY

SARAH MURRAY

JAMILLAH SHABAZZ

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Introduction

This is the third edition of the *Domestic Abuse in Maine Data Project*. Since the previous editions were published in 1995 and 1999, the amount of information available to the public has grown exponentially. Data that once had to be ferreted out from diverse sources—if available at all—now can be found by anyone with patience and an Internet connection. (A recent search for “domestic abuse” on the State of Maine website, for example, garnered 920 results.)

The challenge of this volume was in deciding what to include and how to frame it so that it would not be misused or misconstrued.¹ For more information on the research behind the data cited, please consult the sources listed at the end of this volume.

Changes in the political and institutional terrain, both in Maine and nationwide, have had significant effects on our community’s response to domestic violence. In the year 2000, the federal Violence Against Women Act (VAWA) was reauthorized. In 2001, during Governor Angus King’s tenure, the Maine Commission on Domestic

¹ As one researcher put it, “Statistics in the field of domestic violence tend to create a strong backlash both with lay persons and professional groups. Different figures tend to stir controversies about the ‘real’ incidence and whether or not the violence has been exaggerated or minimized. It is important to be aware of personal reactions to these statistics....” (Jaffe, undated).

Abuse was renamed the Commission on Domestic and Sexual Abuse (see Appendix I). In 2004, in response to the murder of Lisa Deprez, Governor John Baldacci created the Governor's Advisory Council on the Prevention of Domestic and Sexual Violence and the Prosecution of Related Crimes in Maine (see Appendix II). Also in 2004, the Maine Department of Human Services, which provides funding to all nine Maine Coalition to End Domestic Violence projects, merged with the Department of Behavioral and Developmental Services and became the Department of Health and Human Services.

Within the Maine Coalition to End Domestic Violence (MCEDV), too, the landscape has altered. In 1997 there were ten member projects. Currently, nine agencies work together to serve the entire state. The Coalition office, which is located in Bangor, has expanded to include four full-time staff: Kim Roberts, Director; Linda Nichols, Office Coordinator; Nicky Blanchard, Community Response and Education Coordinator; and Gretchen Ziemer, Training and Technical Assistance Coordinator. (For more on MCEDV, see Part One.)

The hallmark of Maine's coordinated community response to domestic violence is collaboration. Entities and agencies throughout the state are working together in creative ways to identify, intervene in, and eradicate abuse. Unfortunately, there is not enough space in

this volume to do justice to this work. Therefore, we have chosen to focus primarily on data and resources rather than on specific efforts.

We hope the information herein will be of interest to advocates, policymakers, students, researchers, and anyone else who cares about preventing, intervening in, and eradicating domestic abuse.

PART ONE

Working Together to End Abuse in Maine: The Maine Coalition to End Domestic Violence and its Member Projects

The Maine Coalition to End Domestic Violence

The Maine Coalition to End Domestic Violence (MCEDV), originally incorporated in 1977 as the Maine Coalition for Family Crisis Services, consists of nine member projects and a statewide office. Its mission is to work for the major societal changes necessary to eliminate personal, institutional, and cultural violence.

MCEDV furthers its mission by providing community-based services to people affected by domestic abuse; participating in public policy development and implementation at the state and national levels; offering educational opportunities and trainings to its members and to the community at large; articulating the experience of those who are being or have been abused; and furthering efforts to end victim-blaming and increase abuser accountability.

In her work on safety and accountability audits, Ellen Pence describes “a web of agencies and political entities” or “institutions of social management” that organize day-to-day life in our society (Praxis International, 2003). These include such state agencies as TANF and child protection; educational institutions; mental health service providers; law enforcement; the courts; housing authorities; and the media. Victims of abuse may find themselves entangled in this web with no knowledge of how to navigate it. One of MCEDV’s roles is to

understand those systems and the impact they have on the people they are meant to help.

A participatory membership and governance structure allows MCEdV to have representation on a wide variety of groups and initiatives statewide, with subject matter ranging from bail to child abuse to poverty to housing. In 2004, these affiliations included:

- 2-1-1 Maine, Inc. Provider Advisory Council;
- Bail Commissioners Training Advisory Group;
- Baxter Compensation Authority;
- Child Abuse Action Network;
- Child Protective, Domestic Violence, and the Courts Initiative;
- Coalition of Advocates and Attorneys Network;
- Commission to Improve Sentencing, Supervision, Management, and Incarceration of Prisoners;
- Domestic Violence and Poverty State Team;
- Domestic Violence Court Expansion Steering Committee;
- Domestic Violence/ASPIRE Working Group;
- Elder Justice Project;
- Health Care/Domestic Violence Planning Group;
- Homeless Management Information System Committee;
- Judiciary Performance Council;
- Justice Assistance Council;
- Maine Adult Drug Court Advisory Committee;
- Maine Association of Batterer Intervention Programs;
- Maine Bar Association Women's Law Section Pro Bono Pilot Project;
- Maine Coalition to End Homelessness;
- Maine Commission on Domestic and Sexual Abuse/Governor's Advisory Council (and various subcommittees);
- Maine Council of Churches Criminal Justice Committee;
- Maine Criminal Justice Academy Board of Trustees;
- Maine Criminal Justice Information Systems Committee;

- Maine Criminal Justice Policy Board;
- Maine Department of Corrections Victim Advisory Board;
- Maine Department of Human Services/Bureau of Developmental Services Merger Subcommittees on Children & Families, Point of Entry & Navigation, and Integrated Services for Adults;
- Maine Employers Against Domestic Violence (a project of MCEDV);
- Maine Judicial Branch Advisory Committee for Domestic Violence;
- Maine State Housing Authority Continuum of Care Committees;
- Maine Women's Health Campaign Planning Committee;
- MaineShare;
- Mensrole;
- National Coalition Against Domestic Violence;
- National Institute of Corrections/Maine Department of Corrections Policy Group;
- National Network to End Domestic Violence;
- New England Domestic Violence Coalition Regional Campaign;
- New England Regional Policy Group;
- Prevention Curriculum Development Group;
- Project Safe Neighborhoods/U.S. Attorney's Office;
- Statewide Prevention Plan Group;
- Task Force on Electronic Court Record Access;
- Temporary Assistance to Needy Families (TANF) Reauthorization Committee;
- Think Tank Maine Prevention Plan;
- Tri-State Consortium/Victim Assistance Academy Curriculum Development Working Group; and
- Women's Leadership Action Coalition.

MCEDV's Member Projects

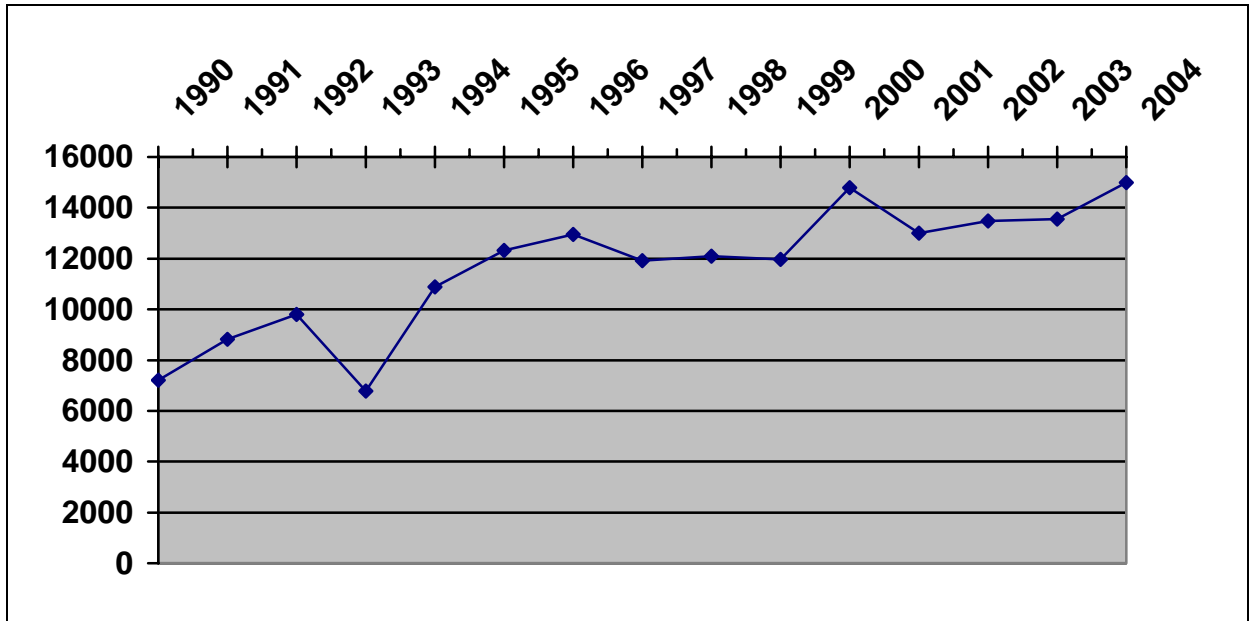
The nine MCEDV member projects provide services to individuals and communities affected by domestic abuse. These services include: a 24-hour hotline system; emergency shelter and safe homes; support and education groups; transitional housing; community education and training; youth advocacy and violence prevention; systems advocacy; monitoring of batterers intervention programs. Three of the projects manage their own certified Batterer Intervention Programs (BIPs). All nine agencies participate in community organizing and policy work, and all rely on trained volunteers to assist with direct service and other tasks.

Founded individually over the past 32 years, these independent, freestanding nonprofit agencies work together to ensure that quality services are offered statewide. They share a core training that is required of all advocates, a peer evaluation process, and shared governance of MCEDV through membership on its Steering Committee.

In fiscal year 2004, MCEDV's member projects provided 79,447 hours of advocacy and 23,413 bed days of emergency shelter.

Individuals Served by Maine Domestic Violence Projects, FY 1990-FY 2004

(Source: Maine Coalition to End Domestic Violence)



Unduplicated Number of Individuals Served, FY 1990-FY 2004

(Source: Maine Coalition to End Domestic Violence)

| Fiscal Year | Total Individuals Served | Fiscal Year | Total Individuals Served |
|-------------|--------------------------|-----------------------|--------------------------|
| 1990 | 7,197 | 1998 | 12,097 |
| 1991 | 8,830 | 1999 | 11,969 |
| 1992 | 9,799 | 2000 | 14,800 |
| 1993 | 6,786 | 2001 | 12,994 |
| 1994 | 10,882 | 2002 | 13,489 |
| 1995 | 12,313 | 2003 | 13,558 |
| 1996 | 12,946 | 2004 | 14,992 |
| 1997 | 11,917 | Total FY 90-04 | 174,569 |

Maine Coalition to End Domestic Violence Member Project Contact Information

Note: 800, 877, and 888 numbers are toll-free. Collect calls are accepted at the other hotline numbers.

ABUSED WOMEN'S ADVOCACY PROJECT (Oxford, Franklin & Androscoggin Counties)
P.O. Box 713, Auburn, ME 04212-0713 • Admin: 207-795-6744
Hotline: 1-800-559-2927 or 207-795-4020 • Fax: 207-795-6814 • e-mail: awap@awap.org • www.awap.org

BATTERED WOMEN'S PROJECT (Aroostook County)
421 Main St., Suite 2, Presque Isle, ME 04769 • Admin.: 207-764-2977 • Hotline: 1-800-439-2323
Fax: 207-764-8631 • e-mail: dbaiettibwp@hotmail.com

CARING UNLIMITED (York County)
P.O. Box 590, Sanford, ME 04073 • Admin.: 207-490-3227 • Hotline: 1-800-239-7298 or 207-324-1802
Fax: 207-490-2186 • e-mail: caring@gwi.net • www.caring-unlimited.org

FAMILY CRISIS SERVICES (Cumberland & Sagadahoc Counties)
P.O. Box 704, Portland, ME 04104 • Admin.: 207-767-4952 • Hotline: 1-800-537-6066 or 207-874-1973
Fax: 207-767-8109 • Bath Fax: 207-442-0557 • Portland Shelter Fax: 207-842-6880
e-mail: familycrisis@familycrisis.org • www.familycrisis.org

FAMILY VIOLENCE PROJECT (Kennebec & Somerset Counties)
P.O. Box 304, Augusta, ME 04332 • Admin.: 207-623-8637 • Hotline: 1-877-890-7788 or 207-623-3569
Fax: 207-621-6372 • Skowhegan Fax: 207-474-6489
e-mail: fvp@familyviolenceproject.org • www.familyviolenceproject.org

NEW HOPE FOR WOMEN (Knox, Lincoln, & Waldo Counties)
P.O. Box A, Rockland, ME 04841-0733
Admin: 207-594-2128 • Hotline: 1-800-522-3304 or 207-594-2128
Belfast area hotline 207-338-6569; Damariscotta area hotline 207-563-2404
Fax: 207-594-0811 • e-mail: newhope@newhopeforwomen.org • www.newhopeforwomen.org

SPRUCE RUN (Penobscot County)
P.O. Box 653, Bangor, ME 04402 • Admin.: 207-945-5102 • Hotline: 1-800-863-9909 or 207-947-0496
Fax: 207-990-4252 • e-mail: sprucerun@sprucerun.net • www.sprucerun.net

THE NEXT STEP (Hancock & Washington Counties)
Hancock County: P.O. Box 1465, Ellsworth, ME 04605 • Admin.: 207-667-0176
Hotline: 1-800-315-5579 or 207-667-4606
Washington County: P.O. Box 303, Machias, ME 04654 • Admin.: 207-255-4934
Hotline: 1-888-604-8692 or 1-207-255-4785
Fax: 207-667-8033 • e-mail: lfogelman@nextstepdvproject.org • www.nextstepdvproject.org

WOMANCARE (Piscataquis County)
P.O. Box 192, Dover-Foxcroft, ME 04426 • Admin. & Hotline: 207-564-8165 • Hotline: 1-888-564-8165
Fax: 207-564-7418 • e-mail: wmncare@wmncare.org • www.wmncare.org

Additional Domestic Violence Services

AROOSTOOK BAND OF MICMACS FAMILY VIOLENCE PREVENTION SERVICES

Office Phone: 207-764-1972 or (Battered Women's Project): 1-800-439-2323

HOULTON BAND OF MALISEET INDIANS DOMESTIC VIOLENCE RESPONSE PROGRAM

207-532-6401 or cell phone: 207-694-1353

PASSAMAQUODDY PEACEFUL RELATIONS DOMESTIC VIOLENCE RESPONSE PROGRAM

Hotline: 207- 853-2613

PENOBSCOT NATION

(Spruce Run) 1-800-863-9909 or 207-947-0496

NATIONAL DOMESTIC VIOLENCE HOTLINE: 1-800-799-7233 • TTY 1-800-787-3224



170 Park Street, Bangor, ME 04401 207-941-1194 (Administrative calls only)

BATTERED WOMEN'S PROJECT
(Aroostook)
421 Main Street, Suite 2
Presque Isle, ME 04769
Hotline: 1-800-439-2323

**24 HOUR DOMESTIC
VIOLENCE HOTLINE
NETWORK**

**THERE'S NO EXCUSE FOR DOMESTIC ABUSE
HELP IS JUST A
PHONE CALL AWAY**
You may call any of the hotline numbers collect.
NATIONAL DOMESTIC VIOLENCE HOTLINE
1-800-799-7233 or TTY 1-800-787-3224

WOMANCARE (Piscataquis)
P.O. Box 192, Dover-Foxcroft, ME 04426
Hotline: 207-564-8165
1-888-564-8165

SPRUCE RUN (Penobscot)
P.O. Box 653, Bangor, ME 04402
Hotline: 207-947-0496
1-800-863-9909

FAMILY VIOLENCE PROJECT
(Kennebec, Somerset)
P.O. Box 304, Augusta, ME 04332
Hotline: 207-623-3569
1-877-890-7788

THE NEXT STEP
(Hancock, Washington)
P.O. Box 1465, Ellsworth, ME 04605
Hancock Hotlines: 207-667-4606 or 1-800-315-5579
Washington Hotline: 207-255-4785 or 1-888-604-8692

**ABUSED WOMEN'S
ADVOCACY PROJECT**
(Oxford, Franklin, Androscoggin)
P.O. Box 713, Auburn, ME 04212-0713
Hotline: 207-795-4020
1-800-559-2927

NEW HOPE FOR WOMEN
(Knox, Lincoln, Waldo)
P.O. Box A, Rockland, ME 04841-0733
Hotline: 207-594-2128
1-800-522-3304

CARING UNLIMITED (York)
P.O.Box 590, Sanford, ME 04073
Hotline: 207-324-1802
1-800-239-7298

FAMILY CRISIS SERVICES
(Cumberland, Sagadahoc)
P.O. Box 704, Portland, ME 04104
Hotline: 207-874-1973
1-800-537-6066

NATIVE AND TRIBAL DOMESTIC VIOLENCE RESOURCES
AROOSTOOK BAND OF MICMACS Family Violence Prevention Services, 7 Northern Road, Presque Isle, ME 04769
Office phone: 207-764-1972
HOULTON BAND OF MALISEET INDIANS Domestic Violence Response Program, 88 Bell Rd., Ste. 2, Littleton, ME 04730
207-532-6401 or cell phone: 207-694-1353
PASSAMAQUODDY PEACEFUL RELATIONS Domestic Violence Response Program, P.O. Box 343, Perry, ME 04667
Hotline: 207-853-2613
PENOBSCOT NATION DHS Community Services Coordinator, 9 Sarah Spring Dr., Indian Island, ME 04468
Spruce Run Hotline: 207-947-0496 or 1-800-863-9909

PART TWO

Naming the Problem

What is Abuse?

The terms “battering,” “domestic abuse,” “domestic violence,” and “violence against women” are often used interchangeably. Listed below are definitions of these and other relevant terms from a variety of sources.

Battering

“... a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence. Battering happens when one person believes they are entitled to control another” (National Coalition Against Domestic Violence, undated).

Domestic Abuse

“... the occurrence of the following acts between family or household members or by a family or household member upon a minor child of a family or household member: attempting to cause or causing bodily injury or offensive physical contact, including sexual assault; attempting to place or placing another in fear of bodily injury or offensive physical contact, including sexual assault; attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing or

tormenting behavior; compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage; knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved; communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; repeatedly and without reasonable cause: following the plaintiff; or being in the vicinity of the plaintiff's home, school, business or place of employment" (Maine Revised Statutes Annotated, Title 19 §762).

"... a system of behaviors used by one person to control another person's actions or feelings. Displays of extreme jealousy, acts of intimidation, threats, forced sex, economic deprivation, and displays of violence against children, pets, and property may all be part of this pattern" (Domestic Abuse in Maine Data Project II, 2000).

"... the establishment of control and fear in a relationship through the use of or the threat of violence and other forms of abuse. The offender may use physical abuse, emotional abuse, sexual abuse, economic oppression, isolation, threats, intimidation and maltreatment of the children to control the other person. Relationships involving domestic abuse/violence may differ in terms of the severity of abuse, but control is the primary goal of all offenders" (Maine Department of Human Service Domestic Abuse Protocol, 1997).

Domestic Violence

"... a pattern of many behaviors directed at achieving and maintaining power and control over an intimate partner, such as physical violence, emotional abuse, isolation of the victim, economic abuse, intimidation, coercion and threats" (American Bar Association, 2001).

Intimate partner violence (IPV)

"... violence committed by a spouse, ex-spouse, or current or former boyfriend or girlfriend. It occurs among both heterosexual and same-sex couples and is often a repeated offense. Both men and women are victims of IPV, but the literature suggests that women are much more likely than men to suffer physical, and probably psychological, injuries from IPV" (National Center for Injury Prevention and Control, 2003).

Stalking

"... repeated visual or physical proximity, non-consensual communication, and/or verbal, written, or implied threats directed at a specific individual that would arouse fear in a reasonable person" (National Center for Injury Prevention and Control, 2003).

Violence Against Women

"... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy. Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection" (Fourth World Conference on Women Platform for Action on Violence Against Women, 1995).

About Gender

Understanding the role of gender in the study of domestic violence is important because gender directly affects the shape of services and community interventions, and because traditional gender roles and gender inequality tend to support the use of power over women by men (Heise et. al., 1995).

Many of the earliest and most influential published writings on the subject, such as *Violence Against Wives: The Case Against Patriarchy* (Dobash & Dobash, 1979) and *Feminist Perspectives on Wife Abuse* (Yllo & Bograd, 1988) focused on violence by husbands against their wives. These authors expressed the view that the cultural traditions of male domination and family secrecy either made such violence socially acceptable or kept it “behind closed doors” (Straus, Gelles & Steinmetz, 1980).

Although domestic violence may be perpetrated by men or women, and exists in both heterosexual and same-sex relationships, crime statistics demonstrate that in most cases the perpetrator is male and the victim female. In 1998, according to the National Crime Victim Survey, approximately 85% of violent intimate partner incidents (which include homicide, rape, sexual assault, robbery, aggravated

assault, and simple assault) were committed by men against their female partners.

Some researchers contest these statistics and claim that there are relatively equal numbers of male and female perpetrators. However, their studies primarily count *incidences* of abuse and do not consider severity. When the degree of harm and motivation are taken into account, (a) male perpetrators tend to cause more severe injuries and (b) women are more likely to use violence in self-defense than they are to employ it as a means of coercion (Johnson, 2000; Kimmel, 2002).

In the extreme case of intimate partner homicide, the asymmetry of victim gender has increased dramatically in recent decades. In 1976, 54 percent of intimate partner violence homicide victims were female, 46 percent male; by 1998, that percentage had changed to 72 and 28 percent, respectively (Rennison & Welchans, 2000). The decrease in male victims may be attributable to the fact that, due to the battered women's movement and its effect on social policy and services, women who might have believed homicide was the only way to protect themselves now have nonlethal options (Jaffe et. al., 1996).

PART THREE

The Scope of the Problem

Domestic Assault

The number of domestic assaults reported to Maine law enforcement averaged 4,714 per year in the five-year period from 1999-2003. The total for 2003 (the most recent year available) was nearly 14 percent higher than the five-year average.

Domestic Assaults Reported to Law Enforcement, by County

(Source: Uniform Crime Reporting Division, Maine Department of Public Safety; U.S. Census Bureau, 2003 estimate)

| County | Population | 1999 | 2000 | 2001 | 2002 | 2003 |
|---------------|------------------|--------------|--------------|--------------|--------------|--------------|
| Androscoggin | 106,115 | 424 | 543 | 640 | 521 | 583 |
| Aroostook | 73,428 | 246 | 268 | 263 | 255 | 302 |
| Cumberland | 270,923 | 899 | 984 | 1039 | 1120 | 1084 |
| Franklin | 29,763 | 108 | 113 | 103 | 113 | 176 |
| Hancock | 52,792 | 105 | 109 | 134 | 110 | 121 |
| Kennebec | 119,683 | 289 | 465 | 507 | 467 | 588 |
| Knox | 40,406 | 122 | 102 | 104 | 103 | 157 |
| Lincoln | 34,729 | 48 | 45 | 55 | 67 | 89 |
| Oxford | 56,151 | 115 | 195 | 191 | 204 | 206 |
| Penobscot | 146,982 | 436 | 432 | 443 | 432 | 441 |
| Piscataquis | 17,394 | 36 | 43 | 55 | 46 | 42 |
| Sagadahoc | 36,455 | 166 | 143 | 174 | 92 | 109 |
| Somerset | 51,154 | 233 | 208 | 215 | 196 | 232 |
| Waldo | 38,248 | 73 | 62 | 107 | 115 | 157 |
| Washington | 33,479 | 110 | 102 | 94 | 101 | 108 |
| York | 198,026 | 576 | 672 | 796 | 871 | 969 |
| Totals | 1,305,728 | 3,986 | 4,486 | 4,922 | 4,813 | 5,364 |

Maine Domestic Violence Assaults: Weapons Used

(Source: Uniform Crime Reporting Division, Maine Department of Public Safety)

| Number of Offenses by Year | | | | | |
|-------------------------------------|--------------|--------------|--------------|--------------|--------------|
| Weapon | 1999 | 2000 | 2001 | 2002 | 2003 |
| Male Assault on Female | | | | | |
| Firearm | 4 | 5 | 6 | 4 | 11 |
| Knife, Cutting Instrument | 11 | 7 | 4 | 11 | 17 |
| Other Dangerous Weapon | 16 | 34 | 27 | 33 | 26 |
| Hands, Aggravated Injury | 48 | 81 | 47 | 45 | 66 |
| Hands, Not Aggravated | 2,257 | 2,529 | 2,845 | 2,735 | 3,053 |
| Total Male Assault on Female | 2,336 | 2,656 | 2,929 | 2,828 | 3,173 |
| Female Assault on Male | | | | | |
| Firearm | - | 1 | 1 | - | - |
| Knife, Cutting Instrument | 9 | 9 | 7 | 13 | 16 |
| Other Dangerous Weapon | 6 | 14 | 14 | 16 | 19 |
| Hands, Aggravated Injury | 7 | 6 | 9 | 11 | 9 |
| Hands, Not Aggravated | 483 | 505 | 625 | 668 | 726 |
| Total Female Assault on Male | 505 | 535 | 656 | 708 | 770 |

| Number of Offenses by Year | | | | | |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|
| Weapon | 1999 | 2000 | 2001 | 2002 | 2003 |
| Parent Assault on Child | | | | | |
| Firearm | - | - | - | - | 1 |
| Knife, Cutting Instrument | 1 | 2 | 2 | 1 | - |
| Other Dangerous Weapon | 2 | 4 | 8 | 4 | 6 |
| Hands, Aggravated Injury | 6 | 6 | 4 | 17 | 13 |
| Hands, Not Aggravated | 252 | 329 | 334 | 370 | 398 |
| Total Parent Assault on Child | 261 | 341 | 348 | 392 | 418 |
| Child Assault on Parent | | | | | |
| Firearm | 1 | 2 | - | - | 1 |
| Knife, Cutting Instrument | 2 | 1 | 3 | 1 | 4 |
| Other Dangerous Weapon | 4 | 10 | 5 | 6 | 6 |
| Hands, Aggravated Injury | 6 | 7 | 9 | 7 | 8 |
| Hands, Not Aggravated | 211 | 290 | 342 | 343 | 439 |
| Total Child Assault on Parent | 224 | 310 | 359 | 357 | 458 |

| Number of Offenses by Year | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|
| Weapon | 1999 | 2000 | 2001 | 2002 | 2003 |
| All Other Domestic Assaults | | | | | |
| Firearm | 3 | 2 | 2 | - | 1 |
| Knife, Cutting Instrument | 3 | 10 | 2 | 6 | 5 |
| Other Dangerous Weapon | 10 | 16 | 9 | 14 | 13 |
| Hands, Aggravated Injury | 29 | 24 | 19 | 15 | 9 |
| Hands, Not Aggravated | 615 | 592 | 598 | 493 | 517 |
| Total All Other Domestic Assaults | 660 | 644 | 630 | 528 | 545 |

| | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|
| Grand Total All Domestic Assaults | 3,986 | 4,486 | 4,922 | 4,813 | 5,364 |
| Total All Reported Assaults | 11,328 | 11,485 | 11,944 | 11,705 | 11,703 |

| Domestic Violence Assaults as Percent of All Assaults | | | | | |
|--|-------|-------|-------|-------|-------|
| Percentage | 35.2% | 30.0% | 41.2% | 41.1% | 45.8% |

Protection from Abuse Orders²

A protection order—known in some states as a “restraining order”—is a legal tool created to assist victims of domestic abuse or harassment in their efforts to keep themselves and their children safe. A protection order proceeding is a civil lawsuit that is conducted in District Court.

The plaintiff in a protection order case may request a temporary emergency order, which can be granted by a judge without a formal hearing. When the plaintiff files the complaint, the court clerk will set a date, within 21 days, for the hearing on the permanent order. At the final hearing, the judge may grant the order for up to two years.

Although the protection order is obtained in a civil process, *violation of the order by the defendant is a crime.*

² For detailed information on Maine’s protection order process, see “A Guide to Protection from Abuse and Harassment Actions,” which is available at all Maine District Courts.

The conditions of a protection from abuse order vary from case to case, but the judge may:

- prohibit the defendant from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and minor children residing with him/her;
- prohibit the defendant from contacting the plaintiff, directly or indirectly;
- prohibit the defendant from entering the plaintiff's residence and from being in the vicinity of the plaintiff's home, school, business, and/or place of employment;
- grant exclusive possession of the family residence to one of the parties;
- prohibit the defendant from possessing or using a firearm;
- award temporary custody and visitation rights;
- order the payment of child support and other costs;
- order a division of personal property; and
- order the defendant to receive counseling and/or attend a batterers intervention program.

Protection from Abuse Orders

The following information was collected by examining 300 Protection from Abuse (PFA) orders filed at six Maine District Courts (50 from each court). The same courts—Augusta, Bangor, Belfast, Portland, Presque Isle, and South Paris—were reviewed in similar studies commissioned by MCEDV and published in the previous two editions of *Domestic Abuse in Maine*.

Gender

| Plaintiff Gender | Number | Percent |
|-------------------------|---------------|----------------|
| Female | 230 | 76.7% |
| Male | 70 | 23.3% |
| Total | 300 | 100.0% |

| Defendant Gender | Number | Percent |
|-------------------------|---------------|----------------|
| Female | 67 | 22.3% |
| Male | 233 | 77.7% |
| Total | 300 | 100.0% |

Relationship of Parties

| Relationship | Number | Percent |
|-----------------------------------|--------|---------|
| Spouses | 87 | 29.0% |
| Ex-spouses | 35 | 11.7% |
| Former or present co-habitants | 19 | 6.3% |
| Former or present sexual partners | 66 | 22.0% |
| Nonspouse co-parents | 77 | 25.7% |
| Other family | 14 | 4.7% |
| Unknown | 2 | 0.6% |
| Total | 300 | 100.0% |

Minor Children

| Number of Reviewed Cases Involving Children | Percent of Cases Involving Children |
|---|-------------------------------------|
| 181 | 60.3% |

Type(s) of Abuse³

| Type of Abuse | Number | Percent |
|---------------|--------|---------|
| Physical | 179 | 59.7% |
| Sexual | 17 | 5.7% |
| Emotional | 258 | 86.0% |
| Verbal | 266 | 88.7% |
| Threats | 135 | 45.0% |
| Stalking | 77 | 25.7% |
| Other/Unknown | 19 | 6.3% |

³ Note: The "Number" column in this table represents how many of the 300 plaintiffs cited each type of abuse. Most plaintiffs cited more than one type. The "Percent" column shows the percent of the 300 cases in which a particular type of abuse occurred.

Temporary Orders

| | Number | Percent |
|----------------------------|--------|---------|
| Temporary Orders Requested | 296 | 98.7% |
| Temporary Orders Granted | 265 | 89.5%* |

*Percent of those requested.

Final Order Disposition

| | Number | Percent of those requested |
|---------------------------------|------------|----------------------------|
| Total Orders Granted | 94 | 31.3% |
| Orders Not Granted | | |
| Dismissed per Plaintiff Request | 115 | 38.4% |
| Plaintiff Failed to Appear | 64 | 21.3% |
| Court Dismissed | 21 | 7.0% |
| Other/Unknown | 6 | 2.0% |
| Total Not Granted | 206 | 68.7% |

Maine's District Courts

Thirty-one district courts serve the state of Maine. They handle civil filings, as detailed in the table on page 43, as well as civil violations, juvenile filings, and adult criminal filings—a statewide total of 129,606 cases in fiscal year 2003.

In her State of the Judiciary report to Maine's 122nd Legislature, Chief Justice Lee Saufley noted the many challenges faced by the district court system. With Protection from Abuse orders (PFAs) representing more than 13 percent of the civil docket each year, victims of domestic abuse are greatly affected by the court system's limitations. These include lack of resources, inconsistent safety measures, too few personnel, and limited access to legal representation.

"We require litigants to come to the courthouse to obtain protection orders," Saufley said. "But we cannot yet assure that those who are threatened with violence, and those who fear for their lives, will be safe inside the halls of justice. For many people who are in danger, this continuing gap makes the Promise of Justice hollow.... We remain the only state on the eastern seaboard that cannot consistently assure people sitting in a courtroom that the person glaring at them from across the room is not carrying a gun. We are only able to

provide entry screening on an average of 10 days each year for each of our 41 courthouses⁴. That is simply not enough.”

Saufley went on to say that 40 percent of Maine District Court litigants represent themselves; that 58 percent of low-income households have unmet legal needs; and that Maine is ranked below all other states in the number of judicial personnel.

The judiciary is addressing these challenges within the limits of available funding. “We are constantly monitoring programs to find those that work best to reduce lethality and recidivism. We have given protection from abuse cases a high priority. Our efforts to post conditions of bail on-line to allow instant access to law enforcement officials are ongoing, and we expect to be up and running by the fall of 2005. We have provided domestic violence training to bail commissioners,” Saufley said.

In addition, the Domestic Violence Coordination Project is working to expand the number of Domestic Violence (DV) Courts in the state. The project began in 2002 with two DV courts, one in Portland and one in York. Three more have been added, in Springvale, Skowhegan, and Waterville. These specialized courts are designed to assist victims of domestic abuse by coordinating information about multiple court cases involving the same parties (such as PFAs, criminal

⁴ Includes Superior and Probate Courts.

cases, divorce proceedings, and other family matters); increasing judicial monitoring of offender compliance; and training and improving practices among judges, clerks, prosecutors, bail commissioners, law enforcement, victim services, and probation officers.

Maine District Court New Civil Filings, by Type

(Source: Maine Statistical Analysis Center)

| | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 |
|--|----------------|----------------|----------------|----------------|----------------|
| General Civil | 8,604 | 8,273 | 8,563 | 9,205 | 9,121 |
| Money Judgments | 3,255 | 3,473 | 3,411 | 3,454 | 3,584 |
| Small Claims | 9,633 | 9,194 | 10,323 | 10,495 | 9,826 |
| Forcible Entry | 3,639 | 3,992 | 4,052 | 4,110 | 4,063 |
| Administrative | -- | -- | 127 | 753 | 366 |
| Mental Health | 739 | 712 | 745 | 811 | 797 |
| Protection from Harassment ⁵ | 3,312 | 3,809 | 3,813 | 4,732 | 5,296 |
| Protection from Abuse (PFA) | 6,162 | 6,545 | 6,210 | 6,415 | 6,502 |
| Child Protective | 818 | 944 | 917 | 882 | 854 |
| Divorce | 6,945 | 7,083 | 7,015 | 7,202 | 6,874 |
| Paternity/Parental Rights & Other Family Matters | 2,197 | 2,322 | 2,135 | 2,344 | 2,219 |
| Total | 45,304 | 46,347 | 47,311 | 50,403 | 49,502 |
| | | | | | |
| PFA's as Percent of Total Filings | 13.6% | 14.1% | 13.1% | 12.7% | 13.1% |

⁵ The increase in number of PFH filings in FY 2002 and thereafter is due, in part, to a change to docketing by defendant rather than plaintiff.

Maine District Court Locations, by County

(Source: State of Maine Judicial Branch 2003 Annual Report)

| |
|---|
| Androscoggin: Lewiston, Livermore Falls |
| Aroostook: Caribou, Fort Kent, Houlton, Madawaska, Presque Isle |
| Cumberland: Bridgton, Portland* |
| Franklin: Farmington |
| Hancock: Bar Harbor, Ellsworth |
| Kennebec: Augusta, Waterville* |
| Knox: Rockland |
| Lincoln: Wiscasset |
| Oxford: Rumford, South Paris |
| Penobscot: Bangor, Newport, Lincoln, Millinocket |
| Piscataquis: Dover-Foxcroft |
| Sagadahoc: West Bath |
| Somerset: Skowhegan* |
| Waldo: Belfast |
| Washington: Calais, Machias |
| York: Biddeford, Springvale*, York* |

* Denotes location of a Domestic Violence court.

Homicide

Over the past 20 years, domestic violence has been a factor in almost half of all homicides committed in Maine. In the 33 domestic violence-related homicides committed between January 1, 2000 and December 31, 2004, nearly 70% of the victims (adult and children) were female, and 82% of the perpetrators or alleged perpetrators were male. (Note that one perpetrator had multiple victims.)

According to a report published by the Violence Policy Center, Maine ranked 39th in a national study of women murdered by men in the year 2002, with a rate of 0.75 victims per 100,000 women. Alaska ranked first, with a rate of 4.84 per 100,000, and South Dakota last, reporting no women murdered by men during that year.

Maine Homicides, 1985 through 2004

(Source: Maine Department of Public Safety)

| Year | Total Number of Homicides | # Domestic Violence-Related | % Domestic Violence-Related |
|--------------|---------------------------|-----------------------------|-----------------------------|
| 1985 | 28 | 11 | 39% |
| 1986 | 22 | 5 | 23% |
| 1987 | 30 | 11 | 37% |
| 1988 | 37 | 14 | 38% |
| 1989 | 40 | 17 | 43% |
| 1990 | 29 | 11 | 38% |
| 1991 | 23 | 12 | 52% |
| 1992 | 25 | 16 | 64% |
| 1993 | 16 | 11 | 69% |
| 1994 | 28 | 12 | 43% |
| 1995 | 20 | 10 | 50% |
| 1996 | 25 | 13 | 52% |
| 1997 | 19 | 6 | 32% |
| 1998 | 26 | 16 | 61% |
| 1999 | 25 | 15 | 60% |
| 2000 | 11 | 6 | 55% |
| 2001 | 19 | 5 | 26% |
| 2002 | 14 | 3 | 21% |
| 2003 | 17 | 8 | 47% |
| 2004 | 19 | 11 | 58% |
| TOTAL | 473 | 213 | 45% |

Maine Domestic Violence Homicides 2000-2004

(Source: Maine Department of Public Safety; news reports)

| Date | Victim | Age | Town | Cause of Death | [Alleged] Perpetrator/Relationship | Details/Disposition |
|-------------|----------------------|-----|---------------|----------------|---|---|
| 2000 | | | | | | |
| 4/5/00 | Leonard Daigle | 59 | St. Agatha | Gunshot | Marc Bard, friend's husband | Bard shot and killed himself |
| 7/1/00 | Brenda Gray-Knost | 37 | Swanville | Gunshot | John Johnston, former dating partner | Johnston shot and killed himself |
| 7/6/00 | Robert Leighton | 26 | Twp. 10 | Gunshot | Malia Lowry, girlfriend | Lowry found guilty of manslaughter |
| 8/16/00 | Frank Perkins, Sr. | 58 | Winthrop | Gunshot | Frank Perkins, Jr., son | Perkins Jr. shot and killed himself |
| 9/3/00 | Linda Grindal | 39 | Greenbush | Gunshot | Robert Grindal, husband | Robert Grindal shot and killed himself |
| 12/15/00 | Kimberly Palmer | 29 | Camden | Gunshot | Paul Turnbull, boyfriend | Turnbull shot and killed himself |
| 2001 | | | | | | |
| 1/3/01 | Christopher Ingraham | 23 | Jonesboro | Gunshot | Katrina Bridges, girlfriend | Bridges found guilty of murder |
| 1/12/01 | Logan Marr | 5 | Chelsea | Suffocation | Sally Ann Scholfield, foster mother | Scholfield found guilty of manslaughter |
| 3/25/01 | Calvin Hamilton | 48 | Carmel | Gunshot | Donald Robichaud, girlfriend's ex-boyfriend | Robichaud found guilty of murder |
| 5/17/01 | Irene Placer | 33 | Tremont | Gunshot | Forrest Placer, husband | Placer killed himself |
| 7/22/01 | Stacy Wheaton | 18 | Swan's Island | Stabbing | Jamie Wheaton, husband | Wheaton shot and killed himself |

| Date | Victim | Age | Town | Cause of Death | [Alleged] Perpetrator/ Relationship | Details/ Disposition |
|-------------|--------------------|--------|---------------|-----------------|---------------------------------------|---|
| 2002 | | | | | | |
| 6/2/02 | Chason Treadwell | 11 mo. | Biddeford | Shaken to death | Shawn Small, mother's boyfriend | Small charged with aggravated assault |
| 8/1/02 | Barbara Bassett | 52 | Sweden | Gunshot | James Nadeau, former boyfriend | Nadeau charged with murder |
| 8/9/02 | Pearle Cogswell | 66 | Milo | Gunshot | Eugene Cogswell, husband | Eugene Cogswell shot and killed himself |
| 2003 | | | | | | |
| 1/6/03 | Heather Sargent | 20 | Bangor | Stabbing | Roscoe Sargent, husband | Roscoe Sargent charged with murder |
| 1/25/03 | Cherie Ann Andrews | 43 | Lewiston | Strangulation | Frank Gallant, live-in boyfriend | Gallant charged with murder |
| 2/4/03 | Christine Pepin | 39 | Casco | Gunshot | Gary Sweeney, live-in boyfriend | Sweeney convicted of murder |
| 2/15/03 | Nathaniel Allen | 22 mo. | Lisbon Falls | Shaken to death | Sarah Allen, mother | Sarah Allen charged with manslaughter |
| 4/26/03 | Billie Jo Smith | 22 | Lewiston | Stabbing | Raymond Tripp, Jr., live-in boyfriend | Tripp stabbed and killed himself |
| 5/2/03 | Leslie Bullock | 46 | Fairfield | Gunshot | Gregory Warmke, ex-husband | Warmke charged with murder |
| 9/21/03 | Leslie Stasulis | 42 | Sabattus | Head injuries | Roger Keene, boyfriend | Keene indicted for manslaughter/ kidnapping/ attempted murder |
| 11/21/03 | Kathleen Lyons | 42 | South Berwick | Head injuries | Jeffrey Merrifield, live-in boyfriend | Merrifield indicted for assault/ manslaughter |

| Date | Victim | Age | Town | Cause of Death | [Alleged] Perpetrator/ Relationship | Details/ Disposition |
|-------------|---------------------|-----|-----------------|--|---|---|
| 2004 | | | | | | |
| 4/21/04 | Michael Mac-Donald | 57 | Masardis | Gunshot, stabbing, beating | Michael MacDonald, son | Son charged with murder |
| 5/14/04 | Lisa Deprez | 42 | Portland | Beating | Gregory Erskine, estranged boyfriend | Erskine charged with murder |
| 6/4/04 | Mark Dugas | 39 | Waldoboro | Stabbing | Amy Dugas, wife | Amy Dugas indicted for murder and later acquitted |
| 7/4/04 | Rosemarie Dyer | 51 | Lee | Gunshot to leg; died of her injuries two days later. | Carl Dyer, husband | Carl Dyer charged with manslaughter |
| 8/21/04 | Chevelle Calloway | 41 | Boothbay Harbor | Gunshot | Jon Dilley, husband | Dilley charged with murder in both cases |
| 8/21/04 | Sarah Murray | 71 | Boothbay Harbor | Gunshot | Jon Dilley, son | |
| 9/5/04 | Jamilah Shabazz | 32 | Lewiston | Stabbed | Tarino Botelho | Botelho charged with murder |
| 9/8/04 | Stephen Vance Ketel | 2 | Fort Kent | Blunt force internal injuries | Scott Saucier, mother's boyfriend | Saucier charged with manslaughter |
| 9/29/04 | Janet Bacon | 60 | Brooks | Gunshot | Jerome Reynolds II, son of Bacon's domestic companion | Reynolds II charged with murder |
| 11/3/04 | Nancy Smith | 47 | Dixfield | Gunshot | Melvin "Rocky" Bishop, long-time companion | Bishop shot and killed himself |
| 11/30/04 | Janet Hagerthy | 74 | Farmingdale | Beating | David Grant, son-in-law | Grant charged with murder |

Domestic Violence in Maine Workplaces

In her introduction to a joint study by the Maine Department of Labor and Family Crisis Services (Ridley, 2004), DOL Commissioner Laura Fortman wrote, "Studies have shown that nearly one in three women will be a victim of domestic violence in the course of her lifetime, and national research indicates the abuse doesn't end when a victim reports to work. The resulting costs in absenteeism, increased healthcare premiums, reduced productivity, and potential safety risks have a significant impact on Maine's business community...."

"Employers are often reluctant to involve themselves in the lives of their employees.... Addressing the issue is not only a matter of doing the right thing for employees—it is a responsible step for employers to take in order to protect their business."

The study, "Impact of Domestic Offenders on Occupational Safety and Health," surveyed 152 men who were participating in Maine batterers intervention programs. Among the findings:

- 78% of offenders used workplace resources at least once to express remorse or anger or to check up on, pressure, or threaten the victim.
- 73% of supervisors were aware of the offender's arrest, but only 15% reminded the employee that domestic abuse is a crime.
- 74% of offenders had easy access to their intimate partner's workplace.
- 21% of offenders reported that they contacted their partner at work in violation of a no contact order.
- 70% of domestic abuse offenders lost work time—a total of 15,221 hours combined—due to their domestic abuse arrests. At Maine's average hourly wage, this equals approximately \$200,000.
- 48% of offenders had difficulty concentrating at work.
- 19% of offenders reported having a workplace accident or near miss from inattentiveness due to pre-occupation with their relationship.
- 42% of offenders were late to work for reasons relating to the abusive relationship.
- 68% of offenders said that domestic abuse posters and brochures in the workplace would help prevent domestic abuse from impacting the business.

Some Costs of Intimate Partner Violence

According to a study by the Centers for Disease Control and Prevention (National Center for Injury Prevention and Control, 2003):

- There are 5.3 million incidents of intimate partner violence (physical assault, rape, and stalking) against women age 18 and older in the United States each year.
- These incidents result in 1,300 deaths and 2 million injuries, 555,000 of which require medical attention.
- Victims of intimate partner violence lose a total of nearly 8 million days of paid work (the equivalent of over 32,000 full-time jobs) and 5.6 million days of “household productivity” each year.
- The costs of these victimizations exceed \$5.8 billion annually, with about \$4.1 billion attributable to direct medical and mental health care expenses. An additional \$0.9 billion represents homicide victims’ aggregated lost lifetime earnings and the value of household work.
- Intimate partner violence leads to 18.5 million visits to medical and mental health care providers each year.
- Victims pay approximately one-third of these medical and mental healthcare costs themselves. Private insurers and public funds cover the rest.
- The mean cost-per-incident of these treatments is:

| | Physical Assault | Rape | Stalking |
|----------------------|-------------------------|-------------|-----------------|
| Medical | \$548 | \$516 | N/A |
| Mental Health | \$269 | \$323 | \$294 |

Elder Abuse

Elder abuse takes all the forms of domestic abuse in general, including physical, sexual, emotional, psychological, and financial maltreatment, isolation, and neglect. It may be perpetrated by strangers and paid caregivers as well as by family members.

One study found that in 58 percent of reported incidents of elder abuse by a relative, the perpetrator was the victim's spouse (Wolf, 2000). However, abuse of elders by their domestic partners is often ignored or misinterpreted, in part due to its relative invisibility (Wolf, 2000).

Older people make up the smallest percentage of those reporting intimate partner violence. In the bulk of "domestic" crimes, the victims are between ages 16 and 34, with a combined incident rate of about 71 per thousand males and females. For those age 50 and above, the incident rate is about two per thousand. However, elderly victims of domestic abuse are about as likely to be injured as their younger counterparts (Klaus, 2000).

Nationwide, reports of domestic abuse against elders increased fourfold between 1996 and 2000 (American Bar Association, 2000). This number likely reflects only a portion of the incidents that actually

occur; according to the National Center on Elder Abuse, only about 20% of all cases are reported (Wolf, 2000).

When domestic abuse is perpetrated on the elderly, the signs are often missed, blamed on self-neglect, or mistaken for medical conditions. Healthcare providers may identify abusive behavior as evidence of caregiver stress, an assessment that will be validated by the abuser, increasing the victim's isolation.

There is also a misperception that the abuse stops as the perpetrator ages. However even if the abuser ceases to cause physical harm, emotional abuse, neglect, and other expressions of power and control can be expected to continue.

Furthermore, for older women, the effects of domestic abuse may be exacerbated by isolation, frailty, health issues, limited mobility, lack of financial resources, and dependence on the abuser for satisfaction of basic needs. They may also feel obligated to care for the abuser as he ages, regardless of his behavior.

Elderly women may have more barriers to seeking help than do their younger counterparts. They may lack the knowledge that services are available to them, fear retaliation by the abuser or believe they have an obligation to stay with him, worry about having to leave their homes, be unwilling to upset other family members, particularly their children, and feel that it is too late to "start over."

When they do access services, the elderly have concerns that are distinct from those of younger battered women. Services and referrals that focus on the needs of those under 50, such as job training, childcare, parental rights and responsibilities, and welfare, may not be relevant at a later stage of life.

Providing Domestic Violence Services to Elders

A recent study by a University of Maine graduate student (Chocensky, 2004) cataloged interventions being used by a cross-section of domestic violence projects in six rural states⁶, including Maine. It describes barriers to provision of specialized services to the elder⁷ population and looks at how such services are financed.

The first question to be answered when defining services for an older population is, "How old is elderly?" Perhaps the most telling finding of this study is that there is no consensus on what the word means. Some agencies include those 50 and older. One considers 70 to be the threshold. The discrepancy is significant, because defining the age range broadly has the potential to dilute specialization of

6 The U.S Department of Justice defines a rural State as "a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the decennial census of 1990 through fiscal year 1997." There are 19 such states: Alaska, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming. Note that states defined as rural do contain urban communities.

7 This study used age 50 as a starting point, because that is the youngest age to which the term was applied in any of the literature. However, one of the goals of this research was to determine how domestic violence advocates define the term.

services, while defining it narrowly can greatly restrict the use of designated funds.

Twelve of the survey respondents said they always attempt to ascertain the age of their clients. Among these 12, the rate of elderly compared to all individuals served varied from a high of 25 percent (for a project that defines elderly as 55 and above) to a low of 0.4 percent (defined at age 62 and above). The mean was four percent.

Given these low numbers, it is unsurprising that most of the service providers do not express a need for elder-specific services. The one exception is based on the observation of a respondent who writes, "Not everyone can be around young mothers and children in crisis, with the kind of frenetic energy that creates. Elderly residents usually have short [shelter] stays or are 'parentified' and act as caregivers to the house. . . . Unfortunately, there is no elder-specific shelter facility in the state of Maine for abuse victims. . . . A great need with no funding."

Generally, the respondents report that they are satisfied with serving the older population using their existing resources and procedures. Some representative comments: "Our hotline works for all ages—we do not need one for elderly only." "Elderly battered women that have participated in support groups have contributed their experiences to younger battered women and been very helpful in

sharing their stories. Additionally, younger battered women are more knowledgeable about resources and assistance that might be available that elderly women might not know [about]."

Sexual Assault

The Maine Coalition Against Sexual Assault (MECASA) was organized in the 1970s with the goal of ending sexual assault and sexual abuse in Maine and ensuring ongoing support and services for victims and survivors.

The coalition works to raise public awareness, effect public policy change, advocate for the rights of victim/survivors, share information, encourage organizational development, and coordinate services among the centers and other agencies and service providers. It offers resources to increase awareness of sexual assault and to improve programs with regard to these issues in schools, colleges, universities, workplaces, and other arenas. MECASA also offers referrals to support services for survivors of sexual assault and their families, friends, and others.

MECASA represents and serves Maine's ten sexual assault support centers, which work to help alleviate the suffering of survivors of sexual assault and incest. They also strive to eradicate these crimes. These centers provide services including a 24-hour statewide sexual assault crisis/support line, support groups, advocacy in the medical and legal systems, referrals, community education, school-

based education, interdisciplinary program development, and community activism. In addition to the Executive Directors, each of the ten centers has full and part-time staff including Education Coordinators, School Based Educators, Client Services Coordinators, and Sexual Assault Response Team (SART) Coordinators. The centers rely on the large number of well-trained, committed volunteers who provide frontline service to victims of sexual assault.

MECASA and its Member Projects

MAINE COALITION AGAINST SEXUAL ASSAULT (MECASA)

83 Western Ave, Suite 2, Augusta, ME 04330; Phone: 207.626.0034; www.mecasa.org

AMHC Sexual Assault Services (SAS)

Area Served: Aroostook County

162 Main Street, Presque Isle, ME 04769; Hotline: 1.800.871.7741 / 1.800.550.3304; www.amhc.org

Downeast Sexual Assault Services (DSAS)

Area Served: Hancock & Washington Counties

PO Box 1087, Ellsworth, ME 04605; Hotline: 1.800.871.7741 / 1.800.228.2470; www.downeasthealth.org

Rape Crisis Assistance & Prevention (RCA&P)

Area Served: Northern Kennebec & Somerset Counties

179 Main Street, #303, Waterville, ME 04901; Hotline: 1.800.871.7741 / 1.800.525.4441;
www.rape-crisis.com

Rape Education and Crisis Hotline (REACH)

Area Served: Oxford County

PO Box 300, South Paris, ME 04281; Hotline: 1.800.871.7741; www.reachmaine.org

Rape Response Services (RRS)

Area served: Penobscot & Piscataquis Counties

PO Box 2516, Bangor, ME 04402; Hotline: 1.800.871.7741 / 207.989.5678;
www.raperesponseservices.com

Sexual Assault Crisis Center (SACC)

Area Served: Androscoggin County

PO Box 6, Auburn, ME 04212; Hotline: 1.800.871.7741 / 207.795.2211; www.sacc1984.com

Sexual Assault Crisis & Support Center (SAC&SC)

Area served: Southern Kennebec, Knox & Waldo Counties

3 Mulliken Court, Augusta, ME 04330; Hotline: 1.800.871.7741 / 207.626.0660; www.silentnomore.org

Sexual Assault Response Services of Southern Maine (SARSSM)

Area Served: Cumberland & York Counties

PO Box 1371, Portland, ME 04104; Hotline: 1.800.871.7741 / 1.800.313.9900; www.sarsonline.org

Sexual Assault Support Services of Midcoast Maine (SASSMM)

Area served: Eastern Cumberland, Sagadahoc & Lincoln Counties

PO Box 990, Brunswick, ME 04011; Hotline: 1.800.871.7741 / 1.800.822.5999; www.sassmm.org

Sexual Assault Victim's Emergency Services (SAVES)

Area Served: Franklin County

PO Box 349, Farmington, ME 04938; Hotline: 1.800.871.7741 / 207.778.0110; www.savesrapecrisis.org

STATEWIDE HOTLINE: 1.800.871.7741 / TTY: 1.888.458.5599

Rapes Reported to Law Enforcement, by County, 1999-2003⁸

(Source: Uniform Crime Reporting Division, Maine Department of Public Safety; U.S. Census Bureau)

| County | Population (2003 estimate) | 1999 | 2000 | 2001 | 2002 | 2003 |
|---------------|----------------------------------|------------|------------|------------|------------|------------|
| Androscoggin | 106,115 | 49 | 43 | 51 | 49 | 48 |
| Aroostook | 73,428 | 7 | 18 | 18 | 27 | 11 |
| Cumberland | 270,923 | 51 | 99 | 89 | 104 | 93 |
| Franklin | 29,763 | 4 | 5 | 8 | 6 | 23 |
| Hancock | 52,792 | 7 | 4 | 4 | 9 | 5 |
| Kennebec | 119,683 | 31 | 28 | 35 | 42 | 32 |
| Knox | 40,406 | 11 | 13 | 1 | 3 | 2 |
| Lincoln | 34,729 | 7 | 3 | 9 | 9 | 3 |
| Oxford | 56,151 | 5 | 11 | 20 | 25 | 20 |
| Penobscot | 146,982 | 21 | 29 | 38 | 28 | 15 |
| Piscataquis | 17,394 | 1 | 5 | 5 | 4 | 2 |
| Sagadahoc | 36,455 | 9 | 7 | 4 | 13 | 5 |
| Somerset | 51,154 | 9 | 6 | 7 | 11 | 15 |
| Waldo | 38,248 | 4 | 1 | 4 | 5 | 10 |
| Washington | 33,479 | 10 | 3 | 4 | 8 | 4 |
| York | 198,026 | 47 | 43 | 25 | 48 | 63 |
| Totals | 1,305,728 | 273 | 318 | 322 | 391 | 351 |

⁸ The Department of Public Safety's "Crime in Maine" reports, from which the above figures were taken, notes that "Forcible rape is the carnal knowledge of a female forcibly and against her will." This includes "Rape by force, and Attempted Forcible Rape. Carnal abuse without force (statutory rape) and other sex offenses are not included."

Sexual Assault on Maine College Campuses

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, U.S. colleges and universities are required to document and report certain crimes, including sexual assault, that occur on or adjacent to campus property. This includes “any criminal offenses that occur (a) on campus; (b) in or on a noncampus building or property; (c) on a public property; and (d) in dormitories or other residential facilities for students on campus” (20 U.S.C. §1092(f)). The data includes crimes that occur on contiguous properties, as reported to each institution by its local municipal, county, and state law enforcement agencies.

The Maine Coalition Against Sexual Assault offers the following cautionary note: “Educational institutions are required to report these crimes only in limited circumstances. Victim/survivors usually know their perpetrators, and may even have a casual or serious relationship with them. Particularly at the small colleges, the community is very close-knit. This likely prevents many victim/survivors from coming forward and telling someone about their assault. It is important to note, therefore, that these numbers are likely to grossly under-represent the true extent of sexual victimization of Maine college students. And, as noted in *Acquaintance Rape on Campus: A Literature Review*, ‘low reporting ... ensures that few victims receive adequate

help, most offenders are neither confronted nor prosecuted, and colleges are left in the dark about the extent of the problem' (Benson et al, 1992)."

Reported Sexual Assaults⁹, by Campus, 2001-2003

(Source: Information gathered from Jeanne Clery Disclosure reports posted on the websites of the listed institutions.)

| Institution | Approximate student enrollment (2003) | 2001 | 2002 | 2003 |
|---|---------------------------------------|------|------------------|------|
| Bates College (Lewiston) | 1,700 | 0 | 2 | 2 |
| Bowdoin College (Brunswick) | 1,625 | 0 | 1 | 2 |
| Colby College (Waterville) | 1,820 | 7 | 16 | 6 |
| <i>Husson College</i> | 2,100 | | | |
| Bangor Campus | | 2 | NA ¹⁰ | NA |
| Caribou Campus | | 0 | NA | NA |
| Lewiston Campus | | 0 | NA | NA |
| So. Portland Campus | | 0 | NA | NA |
| Maine Maritime Academy (Castine) | 800 | 0 | NA | NA |
| St. Joseph's College (Standish) | 1,000 | 1 | 4 | 0 |
| Thomas College (Waterville) ¹¹ | 1,075 | 6 | 9 | NA |
| Unity College (Unity) | 495 | 0 | 0 | 1 |
| University of Maine (Orono) | 11,220 | 12 | 11 | 13 |

⁹ Includes forcible and nonforcible sexual assaults.

¹⁰ Not available.

¹¹ The Thomas College campus crime report contains a note stating that 5 of the 2001 and 8 of the 2002 incidents were reported by the Waterville Police Department, occurred on public property, and were not associated with Thomas College.

| Institution | Approximate student enrollment (2003) | 2001 | 2002 | 2003 |
|---------------------------------------|--|-----------------|-------------|-------------|
| <i>University of Maine at Augusta</i> | 6,000 | | | |
| Augusta Campus | | 0 | 0 | 1 |
| University College Bangor | | 0 | 0 | 0 |
| Lewiston-Auburn Campus | | 0 | 0 | 0 |
| University of Maine at Farmington | 2,000 | 0 | 0 | NA |
| University of Maine at Fort Kent | 925 | 0 | 0 | 0 |
| University of Maine at Machias | 1,000 | 5 ¹² | 1 | 3 |
| University of Maine at Presque Isle | 1,400 | 1 | 0 | 0 |
| <i>University of New England</i> | 2,364 | | | |
| Biddeford Campus | | 0 | 0 | 1 |
| Westbrook College Campus, Portland | | 0 | 0 | 1 |
| <i>University of Southern Maine</i> | 11,380 | | | |
| Gorham Campus | | 13 | 5 | 9 |
| Lewiston/Auburn College | | 0 | 0 | 0 |
| Portland Campus | | 1 | 0 | 3 |
| Totals | 46,904 | 48 | 49 | 42 |

¹² The UMM campus crime report contains a note stating that four of the 2001 reported sex offenses were "unfounded and did not occur."

Federal Data on Violence Against College Students

(Source: MECASA; U.S. Bureau of Justice Statistics, Violent Victimization of College Students)

- 90% of college women who are victims of rape or attempted rape know their assailant. The attacker is usually a classmate, friend, boyfriend, ex-boyfriend, or other acquaintance (Fisher et al, 2000).
- In a survey of more than 6,000 students at 32 colleges and universities in the U.S., it was found that 57% of the rapes happened on dates (Warshaw, 1994).
- 90% of sexual assault victims who knew their attacker did not report the attack to police (Bohmer and Parrot, 1993).
- 75% of male college students and 55% of female college students involved in date rape had been drinking or using drugs at the time (Koss, 1998).
- 48.8% of college women who were victims of attacks that met the study's definition of rape did not consider what happened to them rape (Fisher et al, 2000).
- Over 40% of college women who were raped said they did not report the incident because they feared reprisal by the assailant or others (Fisher et al, 2000).

Batterers Intervention

Batterers intervention programs (BIPs) are a tool in Maine's coordinated community response to domestic violence. They are intended to promote the safety of victims of abuse by educating batterers and holding them accountable for their violence. BIP participation is usually court-ordered, but may be voluntary.

There are currently 16 certified BIPs in Maine. BIPs certification is overseen by the Maine Department of Corrections. Certified programs must:

- be monitored by and maintain a working relationship with their local domestic violence project(s),
- be 48 weeks in duration,
- charge participants a fee, and
- be co-facilitated by a trained male-female team.

It is difficult to measure the effectiveness of batterers intervention. There is no central source of information on how many Maine men are referred to BIPs or sign up voluntarily, how many attend all the required sessions, and whether or not the participants reoffend. Nationwide studies contradict each other.

Robert Moyer, author of the paper "To BIP or Not to BIP?," concluded that, "although experiments on BIP's effectiveness are inconclusive," there are several reasons for mandating that offenders

complete these programs. These include the potential for reduced reoffending, improved risk management of domestic violence offenders, and demonstration of offenders' commitment to change (Moyer, 2004).

CERTIFIED BATTERERS INTERVENTION PROGRAMS

A DIFFERENT CHOICE
(Cumberland County)
175 Lancaster St., Suite 305
Portland, ME 04101
207-818-4960 (pager)

ABUSER EDUCATION PROGRAM
(Cumberland County)
Greater Portland Counseling Center
430 Gray Rd., Falmouth, ME 04105
207-878-8781

ALTERNATIVES TO ABUSE
(Abused Women's Advocacy Project)
(Androscoggin, Franklin & Oxford Counties)
P.O. Box 713, Auburn, ME 04212
207-795-6744

ANOTHER WAY (Oxford County)
Tri-County Mental Health
143 Pottle Rd., Oxford, ME 04270
207-743-7911

BATTERERS' INTERVENTION PROGRAM
(Penobscot County)
Acadia Hospital
P.O. Box 422, Bangor, ME 04402
207-973-6100 or 207-973-6125

BEYOND ABUSE
(Cumberland & Sagadahoc Counties)
Sweetser Family Institute
76 Pleasant St., Brunswick, ME 04011
207-373-4337 (voicemail)

CHOICE V (Penobscot & Hancock Counties)
Outpatient Chemical Dependency Agency
P.O. Box 6330, Hermon, ME 04402
207-990-1941

COMMUNITY VIOLENCE ALTERNATIVES
(Somerset County)
13 Fairview Avenue, Suite 1
Skowhegan, ME 04976
207-474-2654

DOMESTIC VIOLENCE CLASSES FOR MEN
(Piscataquis County)
Charlotte White Counseling Center
P.O. Box 380, Dover-Foxcroft, ME 04426
207-564-7106 or 207-564-2464 (Admin.)
or 1-800-260-9765

**DOMESTIC ABUSE PREVENTION
EDUCATION PROGRAM**
(Franklin & Northern Oxford County)
Maine Abuse Prevention
P.O. Box 261
Skowhegan, ME 04976
207-474-2654

**DOWNEAST BATTERER INTERVENTION
PROJECT (Washington County)**

MENSWORK (Family Violence Project)
(Kennebec County & Somerset)
283 Water Street, Augusta, ME 04330
207-623-7252

OPPORTUNITY FOR CHANGE
(Cumberland County)
98 Chestnut Street, Portland, ME 04101
207-774-4603

RESOURCE FOR CHANGE
(Aroostook County)
293 Main Street, Madawaska, ME 04756
207-728-4160

TIME FOR CHANGE (New Hope For Women)
(Knox, Lincoln & Waldo Counties)
P.O. Box 1465, Rockland, ME 04841-1465
207-594-0270

VIOLENCE NO MORE (York County)
26 South Street, Biddeford, ME 04005
207-283-8574

PART FOUR

Conclusions and Recommendations

What Next?

Over the past three decades, our communities have taken great strides in their mutual efforts to create safety for victims of domestic abuse, to raise awareness of the problem, and to hold offenders accountable. Still, much remains to be done.

The following recommendations were gleaned from a variety of sources, including the Governor's Advisory Council on the Prevention of Domestic and Sexual Violence and the Prosecution of Related Crimes in Maine; the Homicide Review Panel of the Maine Commission on Domestic and Sexual Abuse; researchers; and MCEDV advocates and personnel. The list is, of necessity, greatly abbreviated; countless items could be added, and volumes could be written about each one.

Recommendations

Legislation

- Amend the bail code to require mandatory domestic violence training for bail commissioners.
- Expand eligibility to obtain protection from abuse orders to include: dating (non-sexual) partners; victims of stalking or sexual assault; elderly or disabled victims of family caregivers,

- whether or not they live in the same household; and minors or next friends on behalf of minors.
- Enact state legislation to create an exception from federal regulations that require the collection of confidential victim information (i.e. the Homeless Management Information System).

Prosecution and Corrections

- Develop a specialized prosecutorial bar with at least one domestic violence prosecutor in each district, as well as a domestic violence investigator working out of the District Attorney's Office. This would promote consistency in sentencing and help achieve the dual goals of holding offenders accountable and keeping victims safe.
- Ensure, through prosecution-based victim-witness advocates, that people whose abusers are incarcerated complete notification forms so that they can be informed about work-release, furlough, projected date of release, and discharge of the offender.
- Expand bail monitoring services throughout the state, which would increase victim safety and save taxpayers money by avoiding unnecessary pre-trial detention.

Education and Training

- Provide training and information to teachers, staff, and parents about bullying, harassment, dating violence, domestic violence, and sexual assault.
- Add domestic violence, sexual assault, and dating violence to school prevention curricula.
- Encourage the involvement of men in school-based and community education efforts directed at youth.
- Train prosecutors, judges, and probation officers to mandate and

- enforce compliance with certified Batterers' Intervention Programs rather than anger management or general counseling.
- Train the media in the dynamics of domestic violence and the impact news reports have on our region's coordinated community response.
 - Challenge victim-blaming myths about abuse.

Information and Data Collection

- Improve information sharing between criminal justice agencies so that the best possible decisions can be made about defendants. Connect the criminal justice database so that common data can be transmitted electronically instead of manually.
- Ensure that the presence of domestic violence is clearly noted on all reports transmitted between criminal justice agencies.
- Make bail conditions and parole information available to all criminal justice agencies.
- Make information on prior protection from abuse orders available to criminal justice agencies.
- Enable law enforcement to access criminal history records on the laptops in their cruisers.

Victim and Community Safety

- Increase resources to the courts to allow the use of metal detectors on a regular basis.
- Consider and plan for the potential dangers faced by victims and their children during visitation exchanges.
- Consider stalking to be an indicator of potential lethality.

Funding

- Continue to maintain funding of core services for victims and survivors of domestic and sexual violence.
- Secure long-term funding for civil legal assistance for victims who use the courts to enhance their safety.
- Fund research on the effectiveness of Batterers Intervention Programs.

Appendix I

The Maine Commission on Domestic and Sexual Abuse (Maine Revised Statutes Annotated, Title 19-A §4013)¹³

There is created the Maine Commission on Domestic and Sexual Abuse, as established by Title 5, section 12004-I, subsection 74-C, referred to in this section as the "commission." [2001, c. 240, §2 (amd).]

1. Composition; chair. The commission is composed as follows. [2001, c. 240, §2 (amd); c. 354, §3 (amd).]

1. Composition; chair.

A. The Governor shall name the chair from among the following members: [2001, c. 240, §2 (amd); c. 354, §3 (amd).]

(1) Two members, appointed by the Governor, who are representatives of the statewide coalition of domestic violence projects;

(1-A) Two members, appointed by the Governor, who are representatives of the statewide coalition of sexual assault centers;

(2) One member, appointed by the Governor, who is a representative of the mental health profession;

(3) One member, appointed by the Governor, who is a representative of victims of domestic violence;

¹³ "All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the First Special Session of the 121st Legislature, which adjourned August 23, 2003, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text."

(3-A) One member, appointed by the Governor, who is a representative of victims of sexual assault;

(4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;

(5) One member, appointed by the Governor, who was a victim of domestic abuse and used the court system;

(5-A) One member, appointed by the Governor, who was a victim of sexual assault and used the court system;

(6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;

(7) One member, appointed by the Governor, who is chief of a municipal police department;

(8) One member, appointed by the Governor, who is a county sheriff;

(8-A) One member, appointed by the Governor, who is the statewide coordinator of a statewide coalition to end domestic violence;

(8-B) One member, appointed by the Governor, who is the executive director of a statewide coalition against sexual assault;

(8-C) The Attorney General or the Attorney General's designee;

(8-D) The Chief of the Maine State Police or the chief's designee;

(9) The Commissioner of Public Safety or the commissioner's designee;

(9-A) The Commissioner of Human Services or the commissioner's designee;

(9-B) The Commissioner of Behavioral and Developmental Services or the commissioner's designee;

(9-C) The Commissioner of Education or the commissioner's designee;

(9-D) The Commissioner of Labor or the commissioner's designee;

(9-E) The Commissioner of Corrections or the commissioner's designee;

(9-F) One member, appointed by the Governor, who has experience working in batterers' intervention programs; and

(10) Up to 8 members-at-large, appointed by the Governor.

[2001, c. 240, §2 (amd); c. 354, §3 (amd).] [2001, c. 240, §2 (amd); c. 354, §3 (amd).]

B. The Chief Justice of the Supreme Judicial Court is requested to appoint one person to serve the commission in an advisory capacity. [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

[1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).] [2001, c. 240, §2 (amd); c. 354, §3 (amd).]

2. Terms of office. The members serve 3-year terms. [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

3. Powers and duties. The commission shall advise and assist the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse. The commission may make recommendations on legislative and policy actions, including

training of the various law enforcement officers, prosecutors and judicial officers responsible for enforcing and carrying out the provisions of this chapter, and may undertake research development and program initiatives consistent with this section. The entire commission shall meet at least 2 times a year. Subcommittees of the commission may meet as necessary. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection. [2001, c. 240, §2 (amd).]

4. Domestic Abuse Homicide Review Panel. The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as the "panel," to review the deaths of persons who are killed by family or household members as defined by section 4002. [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

4. Domestic Abuse Homicide Review Panel.

A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic and sexual abuse and shall include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Health and Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of the Maine Prosecutors Association, an assistant attorney general

responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified batterers' intervention program under section 4014 and 3 persons designated by a statewide coalition for family crisis services. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term. [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

[2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).] [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic and sexual abuse, including modifications of laws, rules, policies and procedures following completion of adjudication. [2001, c. 240, §2 (amd).]

[2001, c. 240, §2 (amd).] [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

C. The panel shall collect and compile data related to domestic and sexual abuse. [2001, c. 240, §2 (amd).]

[2001, c. 240, §2 (amd).] [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as

soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph. [1997, c. 507, §3 (new); §4 (aff).]

[1997, c. 507, §3 (new); §4 (aff).] [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

E. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions of the review panel upon request, but may not disclose information, records or data that are otherwise classified as confidential. [1997, c. 507, §3 (new); §4 (aff).]

[1997, c. 507, §3 (new); §4 (aff).] [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 30, 2002 and biennially thereafter. [2001, c. 240, §2 (amd); 2003, c. 689, Pt. B, §7 (rev).]

PL 1995, Ch. 694, §B2 (NEW).

PL 1995, Ch. 694, §E2 (AFF).

PL 1997, Ch. 507, §2,3 (AMD).

PL 1997, Ch. 507, §4 (AFF).

PL 2001, Ch. 240, §2 (AMD).

PL 2003, Ch. 689, §B7 (REV).

Appendix II

An Order to Establish the Governor's Advisory Council on the Prevention of Domestic and Sexual Violence and the Prosecution of Related Crimes in Maine

WHEREAS, domestic and sexual violence are widespread community problems, affecting Maine families regardless of geography, income or education;

WHEREAS, the effects of domestic and sexual violence are suffered not only by victims, who are robbed of their dignity and sense of security, but also by their children, families, those that care about them and the community as a whole;

WHEREAS, because domestic and sexual violence are not only crimes, but violations of a person's basic rights as a human being, all victims deserve our support and protection, and all offenders must be held accountable;

WHEREAS, over many years, groups on the community, municipal and state levels have contributed invaluablely to the prevention of domestic and sexual violence and the prosecution of related crimes in Maine and to raising public awareness of these critical issues;

WHEREAS, domestic violence may incorporate violence of a sexual nature;

WHEREAS, the number of repeat offenses by known domestic violence

perpetrators comprises a significant portion of the total number of offenses committed across the state;

WHEREAS, victims of domestic violence, particularly those who have sought assistance from the state's law enforcement, judicial and social services systems, are entitled to protection from future abuse at the hands of known domestic violence offenders;

WHEREAS, victims of sexual violence, particularly those who have sought assistance from the state's law enforcement, judicial and social services systems, are entitled to recognition and protection;

WHEREAS, improvements can be made to the depth and scope of protection provided to victims of both domestic and sexual violence;

WHEREAS, comprehensive information pertaining to domestic and sexual violence perpetrators and instances of abuse is integral to the prevention of violence, particularly the prevention of repeat attacks by known offenders;

WHEREAS, the compilation, availability and effective use of such information depends upon coordination among law enforcement agencies, prosecutors, the Office of the Attorney General, courts, advocacy programs, social service agencies, schools, health care providers, and employers;

WHEREAS, Title 19-A M.R.S.A. § 4013 created the Maine Commission on Domestic and Sexual Abuse (the "Commission") to advise and assist the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse;

WHEREAS, since 1990 the Commission has demonstrated knowledge and expertise in the issues surrounding domestic and sexual violence and has produced numerous reports and made recommendations relevant to the

prevention of domestic and sexual violence and the prosecution of related crimes; and

WHEREAS, State agencies, the courts, academic institutions and the Commission have much to gain from a comprehensive reassessment of the State's approach to the prevention and prosecution of domestic and sexual violence.

NOW, THEREFORE, I, John E. Baldacci, under the power vested in me as Governor of the State of Maine, do hereby create the Governor's Advisory Council on the Prevention of Domestic and Sexual Violence and the Prosecution of Related Crimes in Maine (the "Council"). The Council shall be comprised of the Chair of the Commission; the Commissioner of the Department of Public Safety, or his designee; the Commissioner of the Department of Administrative and Financial Services, or her designee; the State Court Administrator, as made available by the Chief Justice of the Supreme Judicial Court; and, a member of the faculty of the University of Maine School of Law. The chair of the Council shall be the chair of the Commission. The Council shall:

Survey the status of the prevention of domestic and sexual violence and the prosecution of related crimes in Maine.

Study the use of information technology infrastructure to facilitate the compilation, availability and flow of information necessary to the prevention of domestic and sexual violence and the prosecution of related crimes.

Examine the impact that state law, court rules, and sentencing and bail laws have on the effectiveness of the prevention of domestic and sexual violence and the prosecution of related crimes.

Recommend improvements to the prevention of domestic and sexual

violence and the prosecution of related crimes based upon the results of the Commission's survey and its study of the use of information technology infrastructures and the impact of state law, court rules and sentencing and bail policies.

Recommend educational mechanisms to enhance institutional understanding of the significance of information pertaining to domestic and sexual violence perpetrators and instances and patterns of abuse.

Develop community empowerment strategies and community-based responses to enhance and supplement traditional criminal legal approaches to combating domestic and sexual violence.

Issue to the Governor no later than February 14, 2005, a comprehensive report containing the Council's findings and recommendations on the above issues.

The Council, as it carries out its mandate under this Executive Order, will be given administrative support out of existing resources by the Department of Public Safety, the Office of the Governor, and the Department of Administrative and Financial Services. The members of the Council shall serve without pay, except as otherwise provided in law.

The effective date of this Executive Order is June 23, 2004.

John E. Baldacci, Governor

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