

2006

# It's Everybody's Business: The 6th Report of the Maine Domestic Abuse Homicide Review Panel, 2006

Office of the Maine Attorney General

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*This report is dedicated to the surviving children of  
parents killed by domestic abusers.*



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## ***Foreword by the Attorney General Steven Rowe***

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In the two years since our last report, 38 Maine citizens have died as a result of domestic violence. I am personally saddened by these losses and the impact upon those left behind. The 6<sup>th</sup> report of the Maine Domestic Abuse Homicide Review Panel is dedicated to the children left behind by these murders. I wish to extend my deepest sympathies to those children as well as to the other family members and friends who have felt the devastating affects of domestic violence on their lives.

The Office of the Attorney General honors those affected by domestic violence by maintaining its commitment to seek justice in the aftermath of a domestic violence homicide. I am proud of the talented prosecutors and victim-witness advocates in the office who have dedicated their careers to holding perpetrators responsible and offering compassionate support for the families and friends of the victims following these senseless deaths.

Recognizing that domestic violence is a societal issue, I am pleased to have had the opportunity to work with Maine's Governor and the Maine Coalition to End Domestic Violence (MCEDV) in creating and implementing an executive order requiring each state agency to develop and put into practice a domestic violence workplace policy. In addition to aiding in this work, our Office continues to provide training to empower employees to respond to signs of abuse. In support of our office's workplace policy, the Office also created an ongoing Education Committee, which provides resources and continuous informational opportunities for the staff.

The Office of the Attorney General is honored to again partner with MCEDV in presenting the "Cut Out Domestic Violence" campaign which will be launched in the spring of 2006. This public awareness movement will train hair salon professionals to identify issues of domestic violence among their clients and make appropriate referrals. Also, in response to requests from MCEDV and the Maine Coalition Against Sexual Assault (MECASA), I have established an Anti-Stalking Task Force for the purpose of improving the response to stalking in Maine. The Task Force will review state laws and procedures related to the enforcement of stalking laws, identify gaps in services and resources, and make recommendations on how laws, procedures, services and resources can be improved. Finally, we are working with MCEDV and MECASA on "A Call to Men" which will examine how men can become more involved in the domestic violence and sexual assault movements at both the statewide and local levels.

Maine's Domestic Abuse Homicide Review Panel is also fundamental in creating long lasting social change that will reduce homicides in our state. By providing coordination for the Panel, the Office has the opportunity to utilize the member's diverse talents to make statewide recommendations that we hope will ultimately save lives. I offer my thanks to those who serve on the Panel and my personal promise to work with them in making systemic changes that will assist victims and hold perpetrators accountable in an effort to reduce the number of domestic violence homicides.

## ***Introduction by the Panel Chair Assistant Attorney General Lisa Marchese***

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In 1997, the Domestic Abuse Homicide Review Panel reviewed its first domestic violence homicide case. Since that time, there have been eighty (80) Maine citizen's killed by perpetrators of domestic violence. In fact, more than half (53%) of all of Maine's homicide victims during that time period were murdered as a result of domestic violence. The victims of these homicides are mothers, fathers, daughters, sons, grandmothers, sisters, aunts, friends, patients, clients, employees and neighbors. While each case has its own unique features, a common thread that weaves itself intricately throughout is the fact that there was some awareness of the abuse by someone acquainted with the victim. In some cases, peers, coworkers, family members or others witnessed signs of abuse and did not recognize them as such. The more subtle signs of emotional abuse and control, such as extreme jealousy or isolation, can be harder to identify as abusive. In other instances, professionals, friends, or employers witnessed these signs and did not understand the lethality of the situation. Most commonly, however, the Panel repeatedly heard of the frustration expressed by those who knew the victim and knew abuse was occurring: "What could I have done? I knew he would kill her. I wanted to help but I didn't know what to do." People want to help but all too often simply do not know how.

It is for this reason that the 6<sup>th</sup> report of the Domestic Abuse Homicide Review Panel is entitled "It's Everybody's Business." Domestic violence is a societal issue that requires a coordinated community response. By familiarizing ourselves with potential warning signs of domestic violence and educating ourselves on the resources available, we increase our society's ability to help victims.

Resources available for victims and those who suspect they know a victim are offered by multiple domestic violence agencies (also known as domestic violence projects) throughout the state. A list of those projects as well as the guide "What You Can Do" can be found in the back of this report. Domestic violence projects provide victims and those who wish to support them with 24- hour hotlines, assistance with safety planning, emergency shelter, court advocacy, support groups and children's services.

In closing, I would like to thank Kate Faragher Houghton, Janice Stuver, Kim Roberts and especially Kelley Hughes, panel staffer for their hard work on this report. I would also like to extend my gratitude to the members of the Panel. I am grateful to work with these professionals as we move forward with the goal of Maine being a safer place by making domestic violence ***everybody's business***.

## ***Homicide Review Panel Membership 2006***

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**Kim Roberts**, Director, Maine Coalition to End Domestic Violence  
**Janice S. Stuver**, Division Chief, Child Protection Division, Office of the Attorney General  
**Hon. Vendean Vafiades**, District Court Judge  
**Jacky Vaniotis, RN**, Central Maine Medical Center Emergency Room

### ***Acknowledgments***

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*The Panel would like to thank the following former members for their contributions.*

**Mary Farrar**, Victim-Witness Advocate, Office of the Attorney General  
**David Hathaway**, Division Chief, Child Protective Division, Office of the Attorney General  
**Ann Leblanc, PhD**, Director, Maine State Forensic Service  
**Susan Pate**, Muskie School of Public Service  
**Lt. Anne Schaad**, Maine State Police  
**Laurie Sokoloski**, Domestic Violence Advocate, Womancare

## ***Mission Statement***

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The mission of the Homicide Review Panel is to engage in collaborative multidisciplinary case review of domestic abuse-related homicides for the purpose of developing recommendations for state and local government and other public and private entities to improve the coordinated community response that will protect persons from domestic abuse.

## *Panel Description*

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Domestic abuse homicide reviews can reveal trends and lead to changes in systems that could prevent future deaths. The Panel has the opportunity to enhance prevention and intervention programs aimed at further reducing the death toll from acts of domestic violence.

By law effective October 1, 1997, the Maine Legislature charged the Maine Commission on Domestic and Sexual Abuse with the task of establishing a Domestic Abuse Homicide Review Panel to “review the deaths of persons who are killed by family or household members.” The legislation mandated that the Panel “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.” The Panel was further mandated “to collect and compile data related to domestic and sexual abuse.” 19-A M.R.S.A. §4013(4). See Appendix A for the complete language of the Panel’s enabling legislation.

In 2002, a research assistant position was added to the Office of the Attorney General in order to staff the Domestic Abuse Homicide Review Panel. This part time position has assisted the Panel in many ways including: gathering and distributing materials; collecting and compiling data about domestic abuse; and creating archival documents for the Panel’s work. Due to a recent increase in hours allotted to the Panel Staffer, the future work of this position will include supporting the implementation of the recommendations in this report. In addition, the Panel:

- ❖ Reviews every domestic violence homicide in the state of Maine at monthly meetings.
- ❖ Maintains a membership representing over 20 disciplines that interact with victims and/or perpetrators of domestic violence.
- ❖ Continues to build and preserve a library of resources regarding domestic violence.
- ❖ Supports ongoing education about domestic violence within the Office of the Attorney General.
- ❖ Maintains a centralized file of all cases reviewed by the Panel since the Panel’s inception in 1997, as well as centralized informational files for use by the Panel Chair and Panel members.
- ❖ Makes system recommendations aimed at enhancing intervention services and the prevention of domestic violence.
- ❖ Publishes a biennial report to promote its findings and recommendations.
- ❖ Presents a summary of the report to the Judiciary Committee of the Maine State Legislature.
- ❖ Supports implementation of the recommendations created for its biennial report.



## ***Case Summary Information***

### ***Number and Nature of Cases Reviewed***

In the last two years the Panel reviewed thirteen domestic violence homicide cases involving fourteen victims and fourteen perpetrators. Two of these cases also involved suicide by the perpetrator of the homicide. In one case the parties killed each other; this dual homicide will be reflected in the statistics as two victims and two perpetrators. The Panel also reviewed one case of suicide-only. This case was reviewed by the Panel because it occurred during a domestic violence incident.

With the exception of homicide-suicide cases that are reviewed at the end of the investigation, the Panel reviews cases after sentencing or acquittal. The cases reviewed for this report include one case occurring in 1999, one in 2001, three in 2002, three in 2003, three in 2004 and two in 2005. The suicide-only occurred in 2003.

### ***Age and Sex of the Parties***

The fourteen perpetrators in the homicide cases reviewed in 2004-2005 ranged in age from 29 years old to 86 years old, and included thirteen males and one female. The fourteen victims in these cases ranged in age from 20 to 98 years old and included nine females and five males.

### ***Relationships of the Parties***

Nine of the homicides reviewed involved relationships between heterosexual couples. Three perpetrators were married to their victims at the time of the murders; one was a boyfriend and one was a live-in boyfriend. Three of the perpetrators were former boyfriends/husbands and one relationship involved cohabiting friends. Three cases involved an adult child killing a parent. In the case of the dual homicide the two parties were parent and adult child. One perpetrator was a neighbor who interceded in a domestic violence incident. Figure 1 summarizes the relationship of the perpetrator to victim information.

### **Relationship Table**

	Wife	Husband	Live-in Boyfriend	Boyfriend	Ex- Husband	Ex- Boyfriend	Male Friend	Adult Male Child	Father	Male Neighbor
Homicides	1	1	1	1	1	1	1	2		1
Homicide- Suicide		1				1				
Suicide- only						1				
Dual Homicide								1	1	

### ***Weapons Used to Kill and Commit Suicide***

The most common weapon perpetrators use to kill domestic abuse victims continues to be firearms. Of the fourteen perpetrators involved in the cases reviewed, eight killed the victims with firearms. Five perpetrators killed the victims with knives; one of these perpetrators also beat, strangled and suffocated the victim. One perpetrator used a hammer and also smothered the victim with his hands. The two perpetrators who went on to commit suicide did so with firearms. The dual homicide was committed with knives and the suicide-only was committed using a firearm. The suicide-only was committed with a firearm. Figure 2 below summarizes the weapons information.

### **Weapons Table**

	Firearms	Knives	Blunt Trauma
Homicides	5	4	1
Homicide-Suicide	2		
Suicide-only	1		
Dual Homicide		1	

### ***Existence of Protection from Abuse Orders***

In the cases reviewed by the Panel, none of the victims had a Protection from Abuse Order in effect against the perpetrator at the time of the homicide.

### ***Status of the Homicide Perpetrators***

Of the fourteen perpetrators involved in the cases reviewed, two of them committed suicide at the time of the homicide. Two others killed each other. One was acquitted of murder. One pled no contest to reckless conduct with a dangerous weapon and received two years incarceration. Two perpetrators pled guilty to murder and received sentences of 25 and 60 years incarcerated respectively. Six were tried and convicted of murder and received sentences between 25 and 50 years incarcerated.

## ***Panel Observations, Recommendations, and Progress to Date***

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The Panel continues its tradition of making observations and recommendations to various systems and organizations as an outcome of the case reviews. In this report, the Panel reiterated some previously promulgated recommendations, and developed and implemented many new ones. Recommendations that have been recognized and acted upon indicated with a checkmark. Details of the progress made to date are noted in italics after the recommendation.

### ***The Impact on Children***

*Children who are exposed to domestic violence are adversely affected. Adults may believe that children are safe because they are unaware of the violence in the family. Children living in homes where domestic violence exists, however, report differently. Research suggests that between 80 and 90 percent of children in these homes are aware of the violence.<sup>1</sup> Nationally, all states are challenged to develop collaborative services and community action strategies that will work to provide safety and security for all family members.*


### ***The Panel has made the following observations regarding the impact of domestic abuse on children:***

- Intervention and service provision doesn't happen early enough for youth who are exposed to domestic violence.
- Children in families where domestic violence exists need integrated multi-systemic interventions that provide coordination and case management.
- Teachers and school administrators are often aware of children's emotional and behavioral problems, excessive absenteeism from school or personal care issues, which may accompany violence in the home.
- Any community member or organization who perceives problematic areas regarding the Department of Health and Human Services (DHHS) involvement may contact the Maine Children's Alliance Ombudsman program. The Ombudsman program is an independent agency that receives complaints about DHHS involvement with families and children and reports directly to the governor.
- In child protective cases in which a guardian ad litem is appointed, guardians are required by law (Title 22, M.R.S.A. § 4005-A) to visit the home within seven days of appointment, visit again once a quarter at a minimum, and report to the court in writing every six months. This does not always happen.


*"His father often dry fired weapons into the air to get his attention", said a responding police officer after interviewing the victim's child.*

- Homeless youth are especially vulnerable and at risk of being targeted by perpetrators of domestic violence. The Panel commends the Shaw House in Penobscot County and the Lighthouse Program in Cumberland County for working to provide early intervention programs and supports for homeless youth.

***The Panel makes the following recommendations regarding the impact of domestic abuse on children:***

1. The Panel has recognized Washington County’s Rapid Response program in the past and continues to encourage those counties who do not benefit from this collaborative intervention program to increase efforts to bring services to children who are exposed to domestic violence.
2. All service providers (DHHS, law enforcement, community intervention programs, code enforcement, and public health nurses) involved with families should consistently refer to other services of all kinds. As service providers communicate better, families may be more likely to seek and accept services.
3.  The Panel recommends that the Children’s Cabinet, Maine Department of Education, Maine schools and the Maine Coalition to End Domestic Violence formulate a statewide plan to intervene in middle schools in order to educate students about healthy relationships, teen dating violence and domestic violence. The Panel encourages all schools to take advantage of the services provided by local domestic violence projects in educating youth about these issues as part of health education curricula. The Panel further recommends that information about healthy relationships, teen dating violence, and domestic violence become part of the No Child Left Behind initiative and the Maine Learning Results. *In January 2006, Maine’s Governor and Attorney General, in coordination with domestic violence and sexual assault school based educators, promoted National Teen Dating Violence Awareness Week by participating in student forums and supporting 11 high schools throughout Maine in using a new toolkit developed by the American Bar Association to address issues of teen dating violence.*
4. Teachers and school administrators are in a position to make appropriate referrals if signs of abuse and/or neglect are present. The Panel recognizes that communication gaps may exist between school administrators and frontline staff regarding reports to DHHS. The Panel recommends that school personnel share warning signs with one another. Warning signs for abuse and/or neglect should be consistently documented and reported to DHHS.

*“You have been ruining my life ever since you and mom met...you always say sorry but it never works” writes a victim’s child to the perpetrator.*

5.  The Panel recommends that the Maine Children's Alliance promote the Ombudsman program to the community in broader ways. The Panel observes that school personnel may experience frustration or misunderstandings with DHHS staff due to lack of information and follow-up once a referral is made to DHHS. DHHS infrastructure and process should include some mechanism for dialogue with school personnel about how cases are resolved. (Title 22, M.R.S.A. § 4008 (2) (J) describes what DHHS can disclose to an individual making a report.) Schools could be supported by receiving mandated reporting/domestic violence/Ombudsman program training for all personnel. *The Court system offered this type of education in the fall of 2004.*
6. The Panel recommends that the Judiciary develop and implement protocols for supervision and accountability for guardians ad litem (GALs). The Panel observes that GALs are only rostered in District Court, but not in Probate Court, and encourages that GALs be required to be licensed/certified to serve in all courts.



### **Maine Department of Health and Human Services**

#### ***The Panel has made the following observations regarding the Department of Health and Human Services:***



- Not all DHHS caseworkers are aware that an individual may be prohibited from possessing firearms for the following reasons: The person is a subject of a protection from abuse order, is a felon or has a misdemeanor domestic violence conviction.
- Effective supervision of DHHS caseworkers is crucial to the safety of children.
- The safety assessment process requires caseworkers to gather information on a variety of factors affecting the safety of children. These include alcohol and guns in the home, violence and suicidal thoughts by the perpetrator. The Panel recognizes oversight of the safety assessment process as another crucial component of supervision.
- Families are sometimes beneficiaries of multiple service providers including DHHS, law enforcement, community intervention programs, code enforcement, public health nurses and others who frequently provide in-home services.
- When adult victims of domestic violence are substantiated by DHHS for failure to protect because of domestic violence in the home, it further hinders their ability to achieve safety for themselves and their children.

- Employees of DHHS who experience domestic violence in their lives may have additional barriers to seeking assistance.

***The Panel makes the following recommendations regarding the Department of Health and Human Services:***

1. Caseworkers who observe firearms in the home should contact law enforcement in order to determine if a party in the home is prohibited from possessing firearms. In addition, safety concerns with regard to these firearms should be discussed with the household members, especially if the firearms are kept in the residence in an unsafe manner.
2.  The Panel recommends that DHHS consistently prepare its supervisors for their role in providing case related oversight to case workers as well as skillful counsel and support. *DHHS is currently addressing this issue by developing a supervisory academy to build supervisory skills in personnel.*
3. DHHS policy requires at least one face to face visit and one home visit as a part of the assessment process. The Panel recommends that when this is not possible, DHHS policy require caseworkers to document a compelling reason why they were unable to have a face-to-face visit during the assessment process. This documentation, according to the recommended policy, should be approved by their supervisors.
4. The Panel recommends that the Department of Public Safety/ Fire Marshal's Office develop and deliver statewide training for service providers (DHHS, law enforcement, community intervention programs, code enforcement, public health nurses) regarding home safety, warning signs of domestic violence and how and when to make appropriate referrals to DHHS or local law enforcement.
5. The Panel recommends that DHHS create clearer definitions for determining the severity of a report concerning child abuse and neglect. It appears to the Panel that category descriptions are subjective, which allows for variation between DHHS offices in determining severity.
6. The Panel recommends that DHHS policy limit the number of reports that can be sent to a community intervention program before DHHS assigns the case to a caseworker for its own assessment. Protocol should require that supervisors pay particular attention to those cases with multiple reports.
7.  The Panel recommends that DHHS reexamine how it substantiates adult victims of domestic violence for failure to protect their children and instead offer the adult victims services while focusing on accountability for the

offending parents. *The policy regarding substantiating victims in these circumstances has been rewritten by DHHS to address these concerns.*

8.  The Panel encourages DHHS to develop training on domestic violence protocol for all caseworkers, with an additional component that merges domestic violence, child abuse and substance abuse, similar to existing cross disciplinary training offered by the Muskie School and others. *The Maine Coalition to End Domestic Violence and DHHS have jointly applied for a grant to create and expand partnerships between DHHS and domestic violence projects statewide and to create stability for those partnerships. This collaboration is an appropriate first step toward the training recommended by the Panel.*
9.  The Panel recommends that all state agencies develop and implement a domestic violence and the workplace policy. For agencies such as DHHS with a mission that includes prevention of abuse and violence, the Panel urges agencies to offer outside resources to their employees. *In October 2004, Maine's Governor signed an executive order requiring all state agencies to develop and implement such a workplace policy.*


### **Adult Protection**

*Within domestic violence there is a category of victims namely- parents of adult children who murder them- with some similar needs and issues as victims who are intimate partners with the perpetrators.*

### ***The Panel has made the following observations regarding intergenerational homicides:***

- The most dangerous time for a parent financially assisting an abusive adult child is when the parent ends or attempts to end the monetary support. Cutting off financial support should trigger safety planning with social service agencies.
- Parents of adult abusive children who attempt to take legal action (i.e. protection from abuse order) may struggle with their responsibility in part because of guilt regarding their own parenting of that child.
- Communities at large may also struggle with the issues of responsibility and appropriate accountability regarding adult children who are abusive. Systems and society must hold these adult perpetrators accountable.

***The Panel makes the following recommendations regarding intergenerational homicides:***

1.  The Panel recommends that support and services for parents who are victims of abuse by their adult children be developed. *An elder abuse project being funded by federal grant has been in place since 2002. This grant provides services for parents who are victims of their abusive adult children in Southern Maine. Additionally, the Elder Abuse Project has published a manual regarding potential legal remedies to elder abuse.*

**The Legal System**

***The Panel has made the following observations regarding the legal system:***




- In some cases a perpetrator is prohibited from possessing firearms, but various systems intervening do not uncover this information. The public needs to be aware that felons, those convicted of DV misdemeanors and those subject to a PFA order are prohibited from possessing firearms. It is always appropriate to call law enforcement with concerns regarding illegal possession of firearms.
- Communication between law enforcement, DHHS and community intervention programs is crucial, especially in rural areas, to support families.
- Courtroom security is a concern in some of Maine’s courthouses. There are some court houses in which the security is tight and others in which it is inadequate.
- The Panel observes that domestic violence offenders may have had previous contact with the criminal justice system before committing the homicide under review. When a domestic abuser is on federal probation for non-domestic violence offenses, federal probation offices have yet to received the specialized training necessary to identify potentially dangerous domestic violence offenders.
- In cases where domestic violence victims repeatedly access services, professional responses can sometimes change and have a negative impact. Professionals can develop antagonistic attitudes toward victims. Frustrated, their subsequent verbal and nonverbal responses may demean victims by minimizing the victim’s experience. This process is called “countertransference” and is often subtle, gradual, and in large part inadvertent.

*“ I look forward to seeing the look in your eyes as I fire a shot into your body to wound you and bring you pain prior to the final shot that takes your life....” A perpetrator writes in a letter to the victim just weeks before he killed her.*




- The Panel renews its observation that dispatchers play a crucial role in law enforcement response to domestic violence. The Panel further observes that perpetrators of abuse will often attempt to reduce the victims' credibility by contacting dispatch and portraying *themselves* as the victims.
- The Panel continues to review cases in which a perpetrator of domestic violence has multiple victims or multiple offenses against the same victim.
- The Panel observes the mobility of victims and perpetrators and the additional barriers this presents to effective law enforcement. Initiating frequent moves is a tactic of batterers used to keep victims from developing a supportive network in any one location

***The Panel makes the following recommendations regarding the legal system:***

1. Due to an inherent conflict, spouses/significant others should not be considered appropriate to supervise sex offenders who are also batterers.
2.  Criteria need to be developed for sex offender treatment programs. The Panel further recommends that the Department of Corrections examine the possibility of program certification. *Currently the Department of Corrections requires that sex offender treatment providers comply with the Association for the Treatment of Sexual Abusers standards in order to receive referrals from the Department of Corrections.*
3.  Prosecutors need to educate judges regarding narcissistic and antisocial personality disorders. These disorders should be considered aggravating factors in the sentencing analysis because they indicate increased dangerousness. The Panel notes that this is best achieved by the homicide prosecutor on a case-by-case basis. *This is now the practice of prosecutors in the Office of the Attorney General.*
4. Due to the presence of surviving victims' families and friends, court officers and other court personnel should be respectful and cautious when interacting with defendants during homicide trials and other related court proceedings.
5. Domestic violence workplace policies should include information about victims' rights, under Maine law, to request a change of venue in order to access a final protection from abuse order in another court.
6.  The U.S. Attorney's Office and the Maine Coalition to End Domestic Violence should offer domestic violence training to federal probation officers.

*"The only fact I see is all is fair in love and war! You won the battle but I will make sure you lose the war!" A perpetrator writes in a letter to the victim.*

*The U.S. Attorney's Office has conducted limited domestic violence training of federal probation officers.*


7.  Professionals who are in frequent contact with victims should receive training on the issue of countertransference. Training should emphasize the need to maintain a professional stance and to learn how to not act out negative feelings toward the individual asking for service. *This training is now available on a limited basis from State Forensic Services.*
8. The Panel recommends a process be developed that would offer victims the opportunity to grant law enforcement permission to have domestic violence projects contact them. This would allow projects to offer services to more victims.
9. Law enforcement agencies and prosecutorial districts should focus on perpetrators in their own areas who are repeat domestic violence offenders, and work toward building longer term accountability through the criminal process for these perpetrators.
10. The Panel observes that the statutory definition of imperfect self-defense as found in 17-A M.R.S.A. sec. 101(3), second sentence, is confusing and virtually impossible to comprehend this may affect the jury's ability to hold defendants accountable. The Panel recommends that the Attorney General's Office submit legislation to eliminate the burdensome and confusing language contained within 17-A M.R.S.A. 101(3).
11. The Panel encourages prosecutors to utilize conviction and non-conviction data regarding criminal histories. In addition, the Panel recommends that prosecutors contact DHHS for any additional data regarding the defendants.
12. The Panel recommends that the Attorney General's office increase outreach to communities regarding its prosecution of serial batterers under civil rights laws.
13. The Panel observed that often those who access the civil legal system to request a Protection from Abuse order may also have recourse in the criminal justice legal system. The Panel recognizes that victims of abuse will choose the legal options that are safest for them. The Panel encourages the courts to formally make victims aware of a pathway to pursue criminal charges when they appear in court to request information on civil protection orders. The Panel recommends that the following language be added to the Protection From Abuse Order pamphlets distributed by the courts: "If you have been the victim of a crime, you may contact the Victim Witness Advocate in the Office of the District Attorney to discuss your rights and the options available to you. Communication between a victim and a victim witness advocate is confidential. (16 M.R.S.A. § 53-C)".

## **Maine Coalition to End Domestic Violence (MCEDV)**

### ***The Panel has made the following observations regarding MCEDV:***

- When there are dual issues of domestic violence and alcohol, alcohol consumption is often a shared activity between the victim and the perpetrator. This may increase the risk of homicide. The Panel recognizes that batterers will often play up the role of substance abuse as a causal factor in their abusive behavior. Batterers who have issues with substance abuse are generally controlling and abusive whether they are under the influence or not.
- There are very few resources for those victims of domestic violence who also have issues regarding substance abuse.
- Individuals who work at domestic violence organizations are not immune from abusive relationships and, if victims, may have additional stigma/barriers in coming forward to access assistance with their safety.

### ***The Panel makes the following recommendations to MCEDV:***

1.  Training for domestic violence advocates regarding substance abuse should be offered regularly. Recognizing that substance abuse does not *cause* domestic violence, it is important for domestic violence advocates to understand more deeply the dynamics of substance abuse and its effect on victims in order to more effectively provide advocacy services. *MCEDV offered internal training on this issue on June 16th 2004.*
2. MCEDV should coordinate a plan that would better support victims with substance abuse issues and research alternative methods of shelter for intoxicated victims.
3. The Panel recommends that all domestic violence projects have domestic violence workplace policies that include clearly delineated confidential resources for staff members; potentially including access to another project's services outside the catchment area, or an equivalent of employee assistance program (EAP) services. Further, the Panel recommends that MCEDV create a library of model policies as a resource for its member agencies.

## **Healthcare**

*Domestic violence is a healthcare issue. Most victims visit healthcare providers for routine medical care, and victims of domestic violence also see healthcare providers for treatment of their injuries. The U.S. Department of Justice reports that 37 percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend or girlfriend.<sup>2</sup>*

### ***The Panel has made the following observations regarding the healthcare system:***

- Victims of domestic violence may be accompanied by their abusive partner to medical appointments.
- Healthcare screening tools, when used, often ask about abuse by an intimate partner only, and do not include other family or household members.

### ***The Panel makes the following recommendations regarding healthcare systems:***

1. At any medical appointment a patient should meet alone with medical staff. The Panel recommends that medical staff document when this is not done out of concern that seeing the patient alone would be more dangerous or otherwise adversely affect the patient.
2. The Panel recommends that healthcare screening tools include questions addressing violence and safety between all family members as opposed to intimate partners exclusively.
3. Healthcare personnel should be trained as to the appropriate use of screening tools i.e. asking screening questions when a patient is alone rather than when a partner is in the room.
4. The Panel recommends that all Employee Assistance Programs (EAPs) and their member providers receive training in domestic violence because EAPS are implicated by domestic violence workplace policies.


## **Homicide Review Panel**

### ***The Panel makes the following internal recommendations:***

1. The Panel should support the implementation of its media campaign recommendations by publishing press releases or editorials from its members.
2. The Panel should research indicators for batterers who kill, batterers who kill and then commit suicide and those batterers who solely commit suicide.

## **Employers**

### ***The Panel makes the following recommendations to employers:***

1.  Employers throughout the state should develop and implement domestic violence workplace policies. Co-workers should be positive sources of support and referrals for victims of domestic violence. They also have a role to play in abuser accountability. *In October 2004, the Governor signed an executive order requiring all state agencies to develop and implement such workplace policies. The Maine Department of Labor also regularly offers free training to Maine employers regarding how to develop a comprehensive workplace response to domestic violence. MCEDV provides the trainers for these sessions.*

*“He hung around so much that she was asked by security to tell her husband he could no longer hang around. She told me they told her to do this and then she went on break. She never came back to work.”* said a coworker of a victim. Six weeks after this conversation the victim was killed by her husband.

## **Public Awareness**

*The Panel recognizes the importance of generating social change using awareness campaigns. Upon review of recent cases in Maine, the Panel recommends that awareness campaigns be created to address the following areas of concern:*

1. The Panel has previously recommended public awareness campaigns to inform the public that the time of leaving and intimate relationship is a dangerous time. The Panel recommends an enhancement to that campaign to include a message to those who don't recognize themselves as victims of abuse in their relationship. Any relationship may become dangerous when leaving, and public awareness materials should include general safety information about breaking up.
2. Bystanders often observe abusive and controlling behavior but do not talk to the victim about the unacceptable things going on. In many cases that were reviewed, those who had contact with the family later

*“I'm going to get a protection order because the only other way I'll get rid of my boyfriend is to be dead.”* A victim said to her hairdresser two weeks before her murder.

stated that they knew violence was occurring, but didn't know how to respond.

3. Children who are exposed to domestic violence may act out in ways that, if recognized as warning signs, could trigger intervention. Targeted education regarding these signs and appropriate action directed to those who come in frequent contact with children (schools, churches, child care providers, healthcare providers etc.) may increase service to victims and accountability of batterers
4. Some victims believe that a lack of physical violence in a relationship indicates that the abuser is not lethal. However, abusers may commit murder with no prior known history of physical violence.
5. Threats of suicide by an abuser may indicate a lethal situation for the victim. Signs that a suicide may be attempted can be clear (i.e. verbal statements) or subtle (such as divesting oneself of assets).
6. Victims can often feel shame and embarrassment as a result of abusers' behaviors. Those who come in contact with victims must recognize this barrier to seeking assistance.
7. The public needs to be aware of domestic violence services throughout the state and what happens when they access those services. More general awareness of this may alleviate some people's fear of reaching out.
8. Maine has multiple cases of intergenerational domestic violence homicides, thus a public awareness campaign educating the public about its existence is in order.
9. The Panel observes that cultural barriers to seeking assistance may exist for male victims of domestic violence. All nine projects in Maine offer services to male victims and the Panel encourages male victims to utilize those resources.

*"Every time I try to break up with him he says he's going to kill himself." A victim said to her friend one month before her boyfriend killed her.*

## ***Conclusion:***

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The victims referenced in this report walked through our communities, courtrooms, schools, and workplaces. Both the victims and their murderers interacted with judges, teachers, case workers, neighbors, police officers, friends, co-workers, attorneys and family members for years before they were killed.

The Homicide Review Panel examines each domestic violence related homicide in Maine in order to review public policies and procedures and try to eliminate future homicides. The Panel continues to refine the process of looking at each case with a broad perspective offered by a multi-disciplinary group. Building a community with a strong systems response to domestic violence is a goal within our reach. It is with that goal in mind that the Panel directs its observations and recommendations to specific organizations that work with victims and with perpetrators of domestic violence. We also strive to implement the recommendations within this report ourselves by utilizing the membership of the Panel and the support of the Panel Staffer.

Between January 2004 and December of 2005, 38 Maine citizens lost their lives in domestic violence homicides. These deaths represent 52% of those murdered in those two years. The Maine Commission on Domestic and Sexual Abuse, along with the Office of the Attorney General and other organizations involved with the Panel will continue to encourage implementation of the policy issues addressed by the Panel in hopes of creating social change that will support victims and hold perpetrators accountable.

## ***Appendix A: Enabling Legislation***

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### **Title 22 M.R.S.A. §4013. Maine Commission on Domestic and Sexual Abuse**

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.

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 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).]

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).]

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

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).]

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).]

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.



## Appendix B: Case Cover Sheet

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### MAINE DOMESTIC ABUSE HOMICIDE REVIEW PANEL

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## CASE COVER SHEET

Case Number:

Review Date:

**Victim:**

**DOB:**

**Relationship to Offender:**

**Offender:**

**DOB:**

**Date of Homicide**

**Method:**

**Disposition:**

**Circumstances of death:**

### Types of prior abuse?

\_\_\_ physical abuse: \_\_\_\_\_

\_\_\_ sexual abuse: \_\_\_\_\_

\_\_\_ emotional/verbal abuse: \_\_\_\_\_

\_\_\_ financial abuse: \_\_\_\_\_

\_\_\_ abuse of children: \_\_\_\_\_

\_\_\_ children exposed: \_\_\_\_\_

\_\_\_ isolation: \_\_\_\_\_

\_\_\_ other tactics of power and control: \_\_\_\_\_

**Previous crim./civil justice involvement?**

- Law Enforcement
- District Attorney's Office
- Judges
- Bail conditions
- Convictions
- Jail sentences
- Probation conditions
- Protection From Abuse order(s)

**Social service involvement?**

- Domestic violence project
- Batterer intervention program
- DHS
- Mental health
- Substance abuse
- Other

Medical system involvement?

- Mental health w/in medical facility
- Emergency room
- Primary care physician

Public awareness?

- Neighbor
- Friend
- Family
- Co-worker/employer
- Media


**Overall:**


- Coordination of services:
- Victim's perception of danger:
- Dangerousness indicators:


## ***Appendix C: Past Recommendations and Accomplishments***

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### ***The Impact on Children***


 As part of its review process, the Panel identified the absence of a clear protocol or process for responding to the needs of a child left “parentless” by a domestic violence homicide. When a child’s parents are unavailable (whether as the result of the homicide, incarceration, absence from the child’s life, or other cause) following a domestic violence homicide, the Panel encourages the responding law enforcement agencies to report the case to the Department of Human Services Central Intake. Jeopardy to a child may result from, among other things, the “absence of any person responsible for the child” if that circumstance presents a risk of serious harm to the child. 22 M.R.S.A. §4002(1-B)(6). The Panel encourages the Department of Human Services to assess the safety of the child and to take appropriate steps according to Maine law and Department policy. *In 2003 two pieces of legislation passed that addresses this recommendation. See Title 22 M.R.S.A. § 4023(E-2) (8)*

 The Panel has reviewed a number of homicides committed in front of young children, which has resulted in the child(ren) effectively being left parentless because of the homicide. The Panel recommends that courts and prosecutors take into account in Step One (the basic sentence under 17-A M.R.S.A. §1252-C(1)) of the sentencing analysis the objective fact that the child(ren) witnessed the homicide. The Panel also recommends that courts and prosecutors take into account in Step Two (as an aggravating factor under 17-A M.R.S.A. §1252-C(2)) the emotional injuries suffered by the child(ren) as a result of witnessing the homicide and/or being left parentless. *Prosecutors of the Maine Attorney General’s Office received training regarding this issue.*


 The Panel encourages law enforcement officers to make referrals to Child Protective Services when they respond to domestic violence incidents and children are present or have been exposed to domestic violence between their parents or caregivers. This would be the gateway for intervention by not only the Department of Human Services but also other service providers working in the field of domestic violence. *Given the unintended consequences of this recommendation, best practice thinking has shifted. Alternatively, the Maine Coalition to End Domestic Violence and DHHS have jointly applied for a grant to create and expand partnerships between DHHS and domestic violence projects statewide and to create stability for those partnerships.*


### **Criminal and Civil Justice**

 The Panel reviewed several cases in which the defendant exhibited stalking behaviors in the year prior to the homicide. The Panel obtained current stalking research from the National Stalking Research Center, which reflects that the majority of domestic violence homicides involve at least one incident of stalking in the preceding year. We recommend that the Maine Criminal Justice Academy facilitate the development of specialized stalking training for law enforcement, prosecutors, and domestic violence advocates, to bring attention to the dangerousness of stalking and to encourage vigilant investigation and prosecution of those repeat offenders who commit regular and ongoing domestic violence crimes. *The state has, starting in 2005, begun to take a closer look at the issue of stalking. Representatives from both MCEDV and the Maine Coalition Against Sexual Assault attended a national conference on victim services, law enforcement and community action regarding stalking. In addition the Maine's Attorney General has developed an Anti-Stalking Task Force for the purpose of improving the response to stalking in Maine. This task force will convene monthly beginning in April of 2006.*


 The Panel observed that in Protection from Abuse order hearings where the defendant is represented by an attorney and the plaintiff is not, the plaintiff is seriously disadvantaged. The Panel recommends that the Civil-Legal Committee of the Maine Commission on Domestic and Sexual Abuse explore issues of access to civil-legal representation for victims of abuse, especially in rural or remote areas. *A pro-bono legal project in the Portland area has been successful in bringing more legal services to victims and has expanded to include Androscoggin area. In 2005, the Maine Coalition to End Domestic Violence received a two-year Legal Assistance for Victims grant through the Office on Violence Against Women. This federal grant provides funds for attorneys to assist six domestic violence projects in Maine.*

### **Clergy/Faith Communities**


 The Panel reviewed several cases in which marriage vows, including the phrase “til death do us part,” were used by abusers to intimidate their spouses. The Panel intends to alert the Maine Council of Churches to this issue, and also to contact the Bangor Theological Seminary to inquire about their curriculum concerning counseling regarding vows and domestic violence. *This was completed by the Panel. In addition, the Bangor Theological Seminary now offers a domestic violence class co-taught by a professor of the seminary and a domestic violence advocate.*


 Clergy can benefit from continuing education about the dynamics and effects of domestic violence. We recommend that all clergy make an effort to seek out domestic violence education, and we recognize that domestic violence training is available to clergy through Maine’s domestic violence projects and the Cross-Disciplinary Training offered periodically by the Muskie School. *Cross-Disciplinary Training to include clergy has been funded and is slated to begin in 2006.*


## **Maine Coalition to End Domestic Violence**


 The Panel notes the challenges to service providers in assisting victims of domestic violence who also are struggling with substance abuse or mental health issues. The Panel recommends that domestic violence advocates seek out and receive additional training and assistance on supporting victims with these multiple barriers. *MCEDV offered internal training on working with victims with substance abuse issues in June of 2004.*

## **Corrections**

 Standards for Batterer Intervention Programs should be reviewed to address the issue of accountability of batterers. The issue of participants attending versus participating should be specifically addressed. *Batterer Intervention Program standards are reviewed every two years, and in the last cycle the review committee discussed this recommendation.*

 The Panel reviewed cases in which the perpetrators were enrolled or had attended BIPs. The members of the Panel question the effectiveness of BIPs, because men have committed homicides after enrolling in or completing a BIP. The Panel encourages the Maine Department of Corrections to develop outcome measures for BIPS in Maine, and we support any research efforts geared towards determining effectiveness. *The Department of Corrections (DOC) is implementing evidence based practices. All programs which receive referrals from the DOC will have to be research based using current best practices.*

 The Panel recommends probation with intensive supervision to ensure offender accountability. *Probation caseloads in some areas have decreased which allows for closer supervision. Additionally, offenders are supervised based on risk level.*

 Specialized domestic violence probation officers who have a reasonable caseload should be available in every region of the state to ensure offender accountability. *Currently three regions have specialized domestic violence probation officers.*

## ***Appendix D:***

### ***Maine Coalition to End Domestic Violence: Member Projects***

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#### **ABUSED WOMEN'S ADVOCACY PROJECT**

Androscoggin, Franklin & Oxford Counties

P.O. Box 713, Auburn, ME 04212-0713

Admin.: 207-795-6744

Hotline: 1-800-559-2927 or 207- 795-4020

Send E-mail to: [awap@awap.org](mailto:awap@awap.org) or look on the web at: [www.awap.org](http://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

Send E-mail to: [BatteredWomensProject@hotmail.com](mailto:BatteredWomensProject@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

Send E-mail to: [caring@gwi.net](mailto:caring@gwi.net) or look on the web at: [www.caring-unlimited.org](http://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; 207-874-1973

All numbers TTY accessible

Send E-mail to: [familycrisis@familycrisis.org](mailto:familycrisis@familycrisis.org) or look on the web at: [www.familycrisis.org](http://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; 207-623-3569

Send E-mail to: [fvp@familyviolenceproject.org](mailto:fvp@familyviolenceproject.org) or look on the web at:  
[www.familyviolenceproject.org](http://www.familyviolenceproject.org)



**NEW HOPE FOR WOMEN**

Knox, Lincoln & Waldo Counties

P.O. Box A, Rockland, ME 04841-0733

Admin. & Hotline: 207-594-2128 or 1-800-522-3304

Belfast area hotline 207-338-6569

Damariscotta area hotline 207-563-2404

Send E-mail to: [newhope@newhopeforwomen.org](mailto:newhope@newhopeforwomen.org) or look on the web at:  
[www.newhopeforwomen.org](http://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

TTY: 207-955-3777

Send E-mail to: [sprucerun@sprucerun.net](mailto:sprucerun@sprucerun.net) or look on the web at: [www.sprucerun.net](http://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

Send E-mail to: [nextstep@midmaine.com](mailto:nextstep@midmaine.com)

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

Send E-mail to: [lfogelman@nextstepdvproject.org](mailto:lfogelman@nextstepdvproject.org) or look on the web at:  
[www.nextstepdvproject.org](http://www.nextstepdvproject.org)

**WOMANCARE**

Piscataquis County

P.O. Box 192, Dover-Foxcroft, ME 04426

Admin & Hotline: 207-564-8165

Hotline: 1-888-564-8165

Send E-mail to: [wmncare@wmncare.org](mailto:wmncare@wmncare.org) or look on the web at: [www.wmncare.org](http://www.wmncare.org)

## ***Appendix E: What You Can Do***

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***The following is an excerpt from MCEDV's website. For more information please visit them at [mcedv.org](http://mcedv.org).***

### **Learn More**

- Contact your local domestic violence project for more information and materials.
- Educate yourself by attending conferences about domestic violence.  
Speak Out About Domestic Violence And Abuse  
Display information about your local domestic violence project and domestic abuse in your workplace, church, library, or other community meeting places.
- If you see or hear a battering incident occurring, call 911 to involve law enforcement.
- When you see or hear signs of domestic abuse, sexism, racism, homophobia, ageism, talk to the person exhibiting the behaviors, if it is safe for you to do so. If you hear a comment or observe a behavior that concerns you, say "I don't appreciate that."
- Challenge the media. Write to music producers, movie companies, Internet businesses, video game producers, and TV stations to speak out about violence against women.
- Write a letter to the editor of your local paper describing the problem of domestic violence in your community and offer suggestion for how people can become part of the solution.
- Call or e-mail your local representatives. Encourage them to vote for domestic violence funding or special issues

### **Tell Others About Domestic Violence Project's Services.**

- Invite domestic violence prevention educators to speak to your school, church, community group or business.  
Donate Money or Items To Your Local Domestic Violence Project...
- Many domestic violence projects have wish lists. Contact your local project.  
Contribute Services and Talents to Your Local Domestic Violence Project
- Encourage your workplace to "adopt" the local domestic violence project by donating money and allowing employees time off to volunteer.
- Victims/ Survivors benefit from the donation of professional services such as haircuts.
- Volunteer for your local domestic violence project.
- Become a member of a local domestic abuse task force, domestic violence project board or steering committee.  
Attend Events to Raise Awareness about Domestic Violence
- Recognize October as Domestic Violence Awareness Month.
- Attend an awareness event that has already been planned, or organize your own event.

## **Teach Children**

- Educate children about positive ways to resolve conflict and healthy relationships.  
Reach Out To Someone You Are Concerned About...
- If you have a friend, family member, or co-worker whom you think may be experiencing domestic violence or abuse. Approach that person in a non-judgmental way and let them know that you are concerned. Offer information about your local Domestic Violence Project. The most important thing is to listen, believe, and support a victim.

## **Seek Support For Yourself**

- If you become frightened or frustrated by someone else's situation, consider calling your local Domestic Violence Project yourself. Advocates are trained and prepared to speak to anyone concerned about their own situation, or the situation of another.  
Examine Your Own Life.
- Look at your behaviors and determine whether or not you are living a violence-free life.

## **Be an Example**

- Make a commitment to the cause and let others know of your beliefs. Talk to your friends and neighbors when they belittle women or make a joke about violence.

## ***Funding***

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## ***Citations***

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<sup>1</sup> “ The Effects of Domestic Violence on Children.” Family Violence Prevention Fund. January 31, 2006.

<http://endabuse.org/programs/display.php3?DocID=150>

<sup>2</sup>“ Health Care.” Family Violence Prevention Fund. February 22, 2006.

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