

the fifth report of the  
Maine Domestic Abuse Homicide Review Panel  
*January 2004*

*“’71 il Death Do  
Us Part...”*

Domestic  
Violence  
Homicides  
in Maine

This report is dedicated  
to the memory of the women, children, and men of Maine  
who were killed at the hands of domestic abusers.



## Hope

After you once raised your voice to me,  
Then your hand,  
Then your fist.  
I lost respect for you,  
For myself,  
For us...what we once were and never will be again.

I live in hope that you will change,  
That I hope I wouldn't feel guilty  
That we will be happy,  
That you would stop drinking...  
That you would die...  
My hope is a pipe-dream...  
I live in "Hope."

Cherie Andrews

*Written two months before her murder on January 25, 2003*

*Printed with the permission of her family*

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

I am deeply saddened by the senseless deaths of Maine citizens at the hands of their intimate partners and family members. I offer my sympathies to the families and children who are torn apart by abuse. I also offer my personal promise to work to make systemic changes that will help victims and hold abusers accountable.

The Office of the Attorney General has a strong commitment to those who suffer in life and who are killed in domestic violence situations. The Office has a talented group of homicide prosecutors who work tirelessly to see that justice is done in the aftermath of these tragedies. The victim-witness advocates in the Office offer compassionate support for families, friends, and others who survive and are left to pick up the pieces after an abuser commits the ultimate act of power and control.

The Office also has a broader commitment to ending domestic violence. In November 2002, the Office hosted a statewide conference on domestic violence and sexual assault. We were pleased that over 600 people from all over Maine attended the daylong event that included several thoughtful keynote addresses and a broad selection of workshops. It was heartening that many of the day's participants included judges, legislators, law enforcement officers, and health care providers – all key players in the fight to end domestic violence and sexual assault.

Recognizing that any change must come from within and that domestic violence is an important workplace issue, the Office collaborated with staff from Maine's domestic violence projects to develop and implement a domestic violence workplace policy. As part of implementation of the policy, we provided training that empowered every staff person to respond to signs of abuse affecting anyone within the Office. In support of the policy, the Office also created an ongoing Education Committee, which provides resources and continuous informational opportunities for the staff.

I also had the privilege of collaborating with many groups around Maine on a bill that passed in the last Legislative session. This bill gave judges the discretion to prohibit the possession of firearms as a condition of a temporary protection from abuse order. During debate on this bill, it was inspiring to hear so many diverse voices in our community take a united stand against domestic violence. Judges have already used the new law to protect victims of abuse who are at the greatest risk of harm.

One more way that the Office makes clear its priority to ending domestic violence is by providing coordination for the Domestic Abuse Homicide Review Panel. The Panel brings together many talented and dedicated individuals who work diligently to honor those victims who have lost their lives to domestic violence. The important work of the Panel will not only result in institutional changes but also the long-term social changes necessary to keep people safe. I offer my thanks to those who serve on the Panel and my continuing commitment to its mission. Our goal must be: no one dies in Maine from domestic violence.

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

As we close in on our sixth year as a Panel and embark on our fifth report, I want to take a moment to reflect on the past six years and discuss where we are headed. Over the past six years, we have reviewed a total of 33 cases. Those reviews have, I suspect, provided all of us with a renewed appreciation for the complexity of the issues surrounding domestic violence. The most important lesson for me is the appreciation I have gained as to why domestic violence must be considered a societal problem, not an individual problem. As we continue to investigate the most private aspects of people's lives, we must never forget our purpose of preventing future domestic violence homicides across Maine.

As the Chair of the Panel, I am hopeful regarding our ability to reduce domestic violence deaths in the State of Maine. The members of the Panel, some of whom have faithfully attended the monthly meetings since the Panel's inception in 1997, are a dedicated group of individuals who volunteer their time and are committed to making a difference. The State of Maine is fortunate to have this group of people with complementary skills dedicated to working toward the common goal of saving lives. All members are encouraged to come to the meetings and freely exchange ideas, thoughts and feelings. As a Panel, we are not looking to place blame or shame on any one person or entity when we review a case. We believe, however, that accountability ultimately is where a difference can be made. As we continue to review our mission and our legislative mandate, we will also be reviewing our scope to be sure that we understand and address the many ways domestic violence can result in death.

In addition to its tradition of making recommendations, the Panel has begun making observations in domestic violence homicides. One of those observations gave rise to the title of this report – “‘Til Death Do Us Part...” The Panel has become increasingly concerned that marriage vows are used to intimidate spouses in abusive relationships. In that vein, the Panel has recommended that clergy involved in pastoral counseling be mindful of this issue. This is but one example of how a case review can potentially lead to changes which will result in increased safety for victims.

As you review this report, you will see we have placed check marks in the left margin indicating which recommendations have been implemented. We have used this method to bring to your attention positive advances in the efforts to stem domestic violence. However, we recognize that many victims are still unsafe. As we increase our knowledge and understanding of this very complex issue, we continue to hope that our work will make a difference in the lives of domestic abuse victims.

Finally, on behalf of the entire Panel, I would like to thank Kate Faragher for her dedication and hard work as staff to the Panel. Kate has worked tirelessly to produce a report that accurately reflects the many thoughts and opinions of the Panel members.

## Homicide Review Panel Membership 2003

### Panel Chair:

#### **Lisa Marchese**

Assistant Attorney General - Homicide  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333  
Telephone: (207)626-8800  
E-mail: [lisa.j.marchese@maine.gov](mailto:lisa.j.marchese@maine.gov)

### Panel Staffer:

#### **Kate Faragher**

Community Educator  
Family Violence Project  
P.O. Box 304  
Augusta, ME 04332-0304  
Telephone: (207)623-8637  
E-mail: [kate.faragher@maine.gov](mailto:kate.faragher@maine.gov)  
[katef@familyviolenceproject.org](mailto:katef@familyviolenceproject.org)

**Bobbi Ames**, Assistant Program Administrator, Maine Department of Human Services\*

**Eric Brown**, MD, Associate Clinical Professor, Tufts University, Eastern Maine Medical Center,  
Family Practice Residency\*

**Alice Clifford**, Assistant District Attorney, Penobscot County Office of the District Attorney\*

**Mary Farrar**, Victim-Witness Advocate, Office of the Attorney General\*

**Jim Ferland**, Administrator, Office of the Medical Examiner\*

**Denise Giles**, Victim Services Coordinator, Maine Department of Corrections\*

**Chief Ed Googins**, South Portland Police Department\*

**Margaret Groban**, Assistant United States Attorney, Office of the United States Attorney

**David Hathaway**, Division Chief – Child Protective Division, Office of the Attorney General\*

**Ann Leblanc**, PhD, Director, Maine State Forensic Service\*

**Kathryn Maietta Harrington**, LCSW, Acadia Hospital Batterer Intervention Program\*

**Melissa Peakes-Stevens**, Social Worker/Positive Action Coordinator, Dexter Primary School

**Carol Perkins**, Domestic Violence Advocate, Abused Women's Advocacy Project\*

**Kim Roberts**, Director, Maine Coalition to End Domestic Violence\*

**Lt. Anne Schaad**, Maine State Police\*

**Laurie Sokoloski**, Domestic Violence Advocate, Womancare\*

**Col. Michael Sperry**, Maine State Police/Maine Department of Public Safety\*

**Anita St. Onge**, Esquire, Muskie School

**Jacky Vaniotis**, RN, Central Maine Medical Center Emergency Room\*

**Judiciary** – Vacant\*

*\*required by enabling legislation*

## **Mission Statement**

*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**

By law effective October 1, 1997, the Maine Legislature charged the Maine Domestic and Sexual Abuse Commission 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.*

Recently, the Panel has benefited from the assistance of a Panel Staffer. In 2002, the Office of the Attorney General wrote a proposal to receive Byrne Grant funding through the Maine Department of Public Safety, requesting funds to support a part-time staff position for the Panel. The grant was awarded and the Office of the Attorney General hired an individual. The Panel Staffer assists the Chair and Panel members in many ways, including: gathering and distributing materials; collecting and compiling data about domestic abuse; and creating archival documents for the Panel’s work. Two such documents prepared by the Panel Staffer for each new case are attached at the end of this report. The first is a Case Cover Sheet that provides a summary overview of the case for Panel members prior to the meeting, and the other is an Executive Case Summary that is prepared as a product of each case review and



includes a narrative of the circumstances and list of resulting Observations and Recommendations. See *Appendix B and Appendix C for blank copies of these forms.*

Enhancements to the Panel's process since the addition of the Staffer include:

- The creation of 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, to be housed at the Office of the Attorney General.
- The development and administration of a Panel membership survey to determine Panel effectiveness, membership needs, and new directions for the Panel.
- The expansion of its membership to include someone working in a local school system. This came as a result of the Panel observing issues affecting children in several cases. We are pleased to welcome a primary school social worker to the group.
- The participation in specialized training by the Panel Chair and Panel Staffer. This two-day training was offered to members of fatality review teams nationwide. The Panel is currently incorporating several teachings into its case reviews.
- Reconnection with national groups offering technical assistance to fatality review teams. The Panel Staffer has also initiated discussions with the Maine Child Death and Serious Injury Panel and Maine Elder Death Analysis Review Team about sharing best practices.

## Case Summary Information

### Number and Nature of Cases Reviewed

In the last two years, the Panel reviewed twelve domestic violence homicide cases involving thirteen victims. Five of these cases also involved suicide by the perpetrator of the homicide. The cases reviewed included one homicide occurring in 1998, two in 1999, one in 2000, five in 2001, one in 2002, and two in 2003. The Panel also spent one meeting in 2003 interviewing two survivors of abuse to heighten members' understanding of the barriers facing victims of domestic and sexual abuse.

### Ages and Genders of the Parties

The twelve perpetrators of homicide cases reviewed in 2002-2003 ranged in age from 19 years old to 75 years old, and included ten males and two females.

The thirteen victims of these cases ranged in age from two years old to 66 years old, and included eight adult females, four adult males (two of whom were intimate partners of the perpetrators' ex-wives), and one male child.

### Relationships of the Parties

All of the homicides involved relationships between adult heterosexual couples. In some cases, however, perpetrators killed other parties as well. Two perpetrators were married to their victims at the time of the murders, four were live-in boy/girlfriends at the time of the murders, and four were separated from their victims, who were former intimate partners. Two perpetrators killed men who were involved with the perpetrators' former girlfriends. One perpetrator killed the child of a friend who testified on behalf of the victim and whom the victim was babysitting when she was killed. *Figure 1 below summarizes the relationship information.*

| RELATIONSHIPS<br>TABLE | Married | Live-<br>In | Separated/<br>Divorced/<br>Estranged | 3 <sup>rd</sup> Party Involved<br>with Perpetrator's Ex | Child of Ex's<br>Friend |
|------------------------|---------|-------------|--------------------------------------|---|-------------------------|
| Homicides              | 2       | 4           | 4                                    | 2   | 1                       |
| Homicide-Suicides      | 2       | 1           | 2                                    |   |                         |

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

The most common weapons perpetrators use to kill domestic abuse victims continue to be firearms. Of the twelve perpetrators involved in the cases reviewed, nine killed their victims with firearms. Two perpetrators strangled their victims, and one of these perpetrators also struck his victim in the head with a board. Two perpetrators stabbed their victims with knives. For the five perpetrators who went on to commit suicide, four did so with a firearm and one stabbed himself to death. It is noteworthy that all homicide-suicide cases reviewed involved male perpetrators. In the past year, the Panel has reviewed national research indicating that suicidal males are much more likely than suicidal females to commit domestic violence homicides. *Figure 2 below summarizes the weapons information.*

| <b>WEAPONS<br/>TABLE</b> | <i>Firearm</i> | <i>Strangulation and/or<br/>Blunt Trauma</i> | <i>Stabbed<br/>with Knife</i> |
|--------------------------|----------------|--|-------------------------------|
| <b>Homicides</b>         | 9              | 2  | 2                             |
| <b>Suicides</b>          | 4              |  | 1                             |

## **Existence of Protection From Abuse Orders**

In the twelve cases reviewed, one of the thirteen victims had a Protection From Abuse Order in effect against the perpetrator at the time of the homicide.

## **Status of Perpetrators**

Of the twelve perpetrators involved in the cases reviewed, five of them (all male) committed suicide at the time of the homicide. Of the remaining seven perpetrators, one was convicted of double murder and sentenced to two consecutive life sentences, five were convicted of murder with sentences ranging from 38 to 47 years, and one was convicted of manslaughter with a sentence of 20 years.

## **Community Interventions and Use of Services**

The Panel continues to observe in most domestic violence homicide cases that individuals, systems, and service providers came into contact with the victims and perpetrators. These people and entities include friends, family members, co-workers

and employers, healthcare providers, mental health service providers, substance abuse service providers, domestic violence projects, batterer intervention programs, law enforcement, the courts, clergy members and faith communities, and others. The observations and recommendations of the Panel embody our expectation that these individuals, systems, and service providers – those who make up our Maine community – are responsible for enhancing the safety of victims and the accountability of those who perpetrate violence and abuse.

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

The Panel has continued its tradition of making observations and recommendations to various systems and organizations as an outcome of the case reviews. In the last two years, the Panel reiterated some previously promulgated recommendations, and developed and implemented many new ones. This section notes in italics progress on implementation made to date. *See Appendix D for a reproduced list of the Panel’s prior recommendations. Progress made to date is noted in italics.*

### **The Impact on Children**

#### *Observations:*

1. For cases reviewed in 2002-2003, seven of the twelve adult victims were parents

**The victim told her employer that she left her abusive spouse because “He had started beating her up in front of the kids.” The abusive spouse killed the victim within months of this statement.**

of minor children. In one case, the abuser killed a toddler (unrelated to either party) who was in the presence of his adult victim. In several other cases, children were profoundly impacted by the murder of their parent. Whether directly

victimized or exposed to domestic violence, children are pervasively impacted by domestic violence homicides.

2. The Panel has observed from its reviews that exchanging children between parents with shared custody can be a dangerous time when there is a history of

domestic violence between the parties. Anyone coming into contact with separated parties with a known history of domestic violence should be aware that direct exchange of children creates ongoing contact and may put a victim at further risk, and should provide support and assistance to the victim accordingly.

*Recommendations:*

3. 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.
4. The Panel recommends that information be provided via a pamphlet distributed through the courts to emancipated juveniles at the time of emancipation hearings to make them aware of services to which they are entitled upon emancipation, *i.e.* food stamps, Medicaid, and education. Emancipated juveniles should also be told of services to which they are not entitled. This could be done by modifying the Maine State Bar Association publication “On Your Own” to include this information. The Panel will initiate contact with the Community and Public Relations Committee of the Maine State Bar Association on this matter.
5. The Panel encourages the development of crisis response programs for children who are exposed to domestic violence homicides similar to the Maine Rapid Response Program in Hancock County. The Panel commends Program Director David Burns for his leadership of this program.

6. The Panel encourages schools to utilize teachers, guidance counselors, and school resource officers to help identify youths who are engaging in unacceptable behavior, such as exploitation, aggression, violence, and dishonesty. Schools should then ensure that there is documented information about any known incidents, and provide a forum to address such behaviors.
7. 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.
8. 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.

## **Maine Department of Human Services**

### *Recommendations:*

9. The Panel observes a need to address the safety of a litigant if a child support letter is sent to the other party. The Panel intends to work with the Maine Department of Human Services to develop a process by which pro se litigants will receive clear notification about what information will be sent to their spouses or ex-spouses about child support. This notification should offer information about potential safety concerns of the litigant subsequent to a child support letter being sent to the other party. The notification

**The defendant told a friend that if “[his ex-wife] contacts DHS or DHS got involved with the child support of their divorce, that he would kill her.” The victim was dead within a month.**

could also include a general caution about the potential for violence to escalate during separation, and contact information for domestic violence projects law enforcement, and legal resources.

10. The Panel notes the lack of supervised visitation options for families in Maine. Currently, only a few programs exist that provide supervision services to DHS in child abuse cases, and a few other programs and individuals provide supervision services in some Maine communities. Many times, supervision is provided by a family member of the abuser or other less neutral parties. At times, even the abuser's new partner may play this role. We recommend that DHS partner with the Maine Department of Public Safety and the Maine Coalition to End Domestic Violence to research the effectiveness of, the need for, and the ability to meet the need for supervised visitation centers. *A working group recently met for over a year to work on an application for a federal "Safe Havens" grant specifically offered to create supervised visitation centers. However, this year the federal government indicated that it would accept no new applications, only renewal applications.*

## **Criminal and Civil Justice**

### *Observations:*

11. The Panel has observed that lengthy response times by law enforcement in remote areas can be a barrier for some victims, who may opt not to call the police and instead remain in "survival" mode. We recognize that resource issues are a large concern for law enforcement agencies in Maine, and support all efforts by law enforcement to provide adequate coverage to rural areas in Maine.
12. The Panel reviewed cases in which the perpetrators stalked their victims in the time leading up to the homicides. The Panel reviewed national research that reflected the prevalence of stalking behaviors in the year prior to domestic violence homicides. Stalking behavior is an indicator of a perpetrator's continued desire to maintain control over an estranged intimate partner, and should be taken seriously by everyone who is aware of such behavior.

13. The Panel recognizes that there are instances in which law enforcement and other helping professionals may be powerless to stop a determined offender. Nevertheless, victims of domestic violence can still benefit from hearing the experience of those working with them. This information may be conveyed in the form of lethality assessments, and information about the victims' options, the limitations on law enforcement, or the abuser's potential for violence.



14. Currently in Maine, victim notification of an abuser's release from jail is inconsistent. Lack of notification leaves a victim vulnerable. *The Panel supported the recent legislation altering 25 M.R.S.A. §2803-B to require that all law enforcement agencies adopt a written policy that outlines a process to ensure that a victim receives notification of the defendant's release from jail.*

15. The Panel has observed that currently, conditional threats (Offender: "If you report this to the police, you'll never be able to pick up a phone again.") may be prosecuted as terrorizing in violation of 17-A M.R.S.A. §210. While the Panel recognizes that prosecutors have charging discretion, the decision not to charge based on conditional threats may leave some victims in the position of being threatened with no recourse.

**"I'm going to kill him if he doesn't stay away from you." Spoken by an ex-husband about the boyfriend of his ex-wife. Four months later the ex-husband shot and killed the boyfriend.**

*Recommendations:*

16. The Panel recommends that the Family Law section of the Maine State Bar Association encourage attorneys to address clients' safety issues during initial screenings in divorce cases, potentially by using a domestic violence screening form or a set of standard assessment questions. The Panel encourages attorneys to partner with Maine's domestic violence projects, which can offer training on these topics to attorneys practicing family law.



17. The Panel renews a prior recommendation to create legislation to authorize judges awarding temporary Protection From Abuse orders to address the defendant's use and possession of firearms. *In 2003 the Panel supported successful landmark legislation championed by the Attorney General that granted*



*judges the discretion to prohibit possession of firearms and other dangerous weapons as a condition of a temporary protection from abuse orders.*

18. The Panel notes that in District Courts, final Protection From Abuse hearings are currently not recorded. Through case reviews, the Panel has recognized the benefit in subsequent legal proceedings to having a record of those hearings. We therefore recommend that the courts arrange recording at final Protection From Abuse order hearings.



19. Law enforcement agencies should require an internal policy review after a domestic violence homicide, where the police department has responded to prior domestic violence calls between those parties. *In 2003 the Panel approached the Maine Criminal Justice Academy, which responded by promulgating a new minimum standard for law enforcement agencies. The standard requires that a responding law enforcement agency undertake a review of its compliance with domestic violence standard operating procedures in the event that a victim of domestic violence who resided in the agency's jurisdiction is seriously injured or killed during the time that any temporary or permanent Protection From Abuse order is in effect. A report of such review must be kept on file by the agency and made available to the public under the Freedom of Access law.*



20. Law enforcement officers often make the first contact with victims of domestic violence. The Panel notes that initial impressions may be lasting impressions. The Maine Criminal Justice Academy should emphasize in its domestic violence training for cadets that officers have a unique opportunity to positively impact victims of domestic violence by exhibiting a positive attitude and compassionate demeanor at the scene, and by providing detailed resource information to victims. This information is crucial for victims to make informed decisions about their safety. The Panel recognizes that the leadership at law enforcement agencies greatly impacts the actions of individual officers in domestic violence cases. *As of this year, domestic violence instruction includes the concepts discussed here.*



21. The Panel supports all efforts by law enforcement and the courts to strengthen and integrate their record management systems. *At the time of this report, the*

*Maine State Police has completed and rolled out the online Protection From Abuse Order file, the online sex offender registry, and the online criminal histories file.*

22. Until information is available to all agencies, the Panel recommends that criminal justice agencies within adjoining jurisdictions meet regularly to identify those serious repeat offenders who should be given special attention. Ultimately such a coordinated effort may result in longer sentences.

**After an estranged husband shoots and kills his wife's friend, he calls his wife and states: "I did it, I killed him, you made me do it."**

23. The Panel observes that emergency communications officers have an important role to play when victims of domestic violence call 911 for help. We recommend the development and delivery by the Maine Department of Public Safety and the Maine Criminal Justice Academy more widespread domestic violence dispatcher training and continuing education opportunities, to include teaching about the importance of keeping callers on the line until officers arrive at the scene. This training should emphasize victim and officer safety.

24. 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.

25. Out of concern for the effectiveness of law enforcement response, the Panel intends to write a letter to an individual police department, asking for a copy of the domestic violence policy that was in place at the time of the homicide.



26. Bail commissioners need to be trained to consistently include no contact conditions in cases of domestic violence. *Currently, a statewide bail*

*commissioner training project is underway and does include this information. Additionally, over a year ago the Chief Judge of the District Court sent a memo to all bail commissioners on bail conditions in domestic violence cases, which includes an emphasis on the no contact provision. Finally, the new model policy for law enforcement from the Maine Criminal Justice Academy will also assist; this policy requires that officers provide additional information on domestic violence cases to bail commissioners before they can set bail.*

27. 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.
28. The Panel observed in two cases that the homicide defendants had multiple prior no-charge cases and/or dismissals where there might have been arrests for domestic violence offenses. The Panel recommends that the Maine Prosecutors Association arrange internal reviews for homicide cases in which the defendant (or deceased in a murder-suicide case) had prior involvement with the criminal justice system.
29. Cases reviewed revealed that District Attorneys' Offices are sometimes inconsistent in charging violations of conditions of release, even within the same district. The Panel recognizes that not prosecuting these violations sends the message to abusers that that they are permitted to stalk and harass their victims. Consistency is important for both the batterer and victim. The Panel encourages the Maine Prosecutors Association to examine its charging practices in this area with an eye to this concern.
30. The Panel recognizes that holding domestic violence perpetrators accountable for abuse becomes difficult when the perpetrator is a long-term substance abuser. Batterers Intervention Programs, DHS, and law enforcement frequently work with people who have dual issues. The Panel encourages these groups and other service providers to find effective ways to hold substance-abusing

perpetrators accountable while supporting them in addressing their substance abuse.

31. The Panel also recognizes the complicated nature of providing services to victims who have substance abuse issues, trauma issues, issues with their children, and domestic violence. We recognize that victims of domestic violence may self-medicate intermittently or develop long-term substance abuse problems. If someone is a domestic violence victim and a substance user or abuser, there can be a lack of services. If services do not integrate these issues, victims may get reinforcement to keep one or the other issue quiet. We encourage substance abuse programs to actively screen their clients for domestic violence and make appropriate referrals, and likewise for domestic violence projects to actively find ways to support victims in addressing their substance abuse issues.
32. The Panel recognizes that when abusers are released from jail, they frequently attempt to return to their victims' residences. The Panel recommends that the Maine Department of Corrections include in probationers' conditions of release a positive focus on an alternate plan for residence, and that probation officers monitor compliance with that plan.

### **Batterers Intervention Programs (BIPs)**

#### *Recommendations:*

33. 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 Maine Department of Corrections has applied for several grants to support such a research project, but to date has not received any funds for this work.*

## **Clergy/Faith Communities**

### *Recommendations:*

34. 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.
- In a note addressed to his children and found at the scene, a man who killed his wife then himself wrote: “I love your mother [the victim] more than life itself. I made a promise on [wedding date] to God in church and I can’t break that promise. I truly care about you children and your better well being.”
35. 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.

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

36. The Panel continues to review cases in which the homicide occurred during or after a separation by the parties. The Panel recognizes that at this critical time, domestic violence advocates should help victims form safety plans and should provide cautions to victims about lethality factors, as well as information about verbal de-escalation skills.
37. 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.

## Healthcare

### *Observations:*

38. The Panel reviewed the educational requirements of and options for healthcare providers and social workers and observed that there presently exists no required domestic violence education.

The Panel expressed concern about this, as social workers, mental health providers, and medical providers frequently come into contact with victims and perpetrators of domestic violence.

**When asked by her medical provider why she didn't leave, the victim replied: "He'll find me and kill me. Even if he doesn't find me, he'll have his druggie friends find me, they have connections, and they'd kill me. Either way, I'd be dead." The victim was dead within six months.**

We encourage all healthcare providers to seek out continuing education in this area, recognizing that healthcare conferences often feature domestic violence education and that training for healthcare professionals is available through the domestic violence projects.

### *Recommendations:*

39. As noted in the Panel's previous reports, we have observed in several cases that

**In response to why a Nurse Practitioner called the police department, she replied: "I wanted them to know that I felt [the victim] was in grave physical danger."**

healthcare professionals were in contact with homicide victims prior to their deaths.

We see an opportunity for the healthcare community to help victims by training all providers and office staff, screening all

patients for domestic violence, documenting results in patient files, and referring clients to helpful community organizations. The Panel recommends that healthcare associations in Maine address these awareness issues within various sectors of the healthcare community.

## Media

### *Recommendations:*



40. In cases of domestic violence homicide, law enforcement officials should characterize the cases as such to the media. The Panel also recommends that law enforcement refer media representatives to staff at local domestic violence projects to answer any general questions about domestic violence. *The homicide prosecutors at the Office of the Attorney General have been working with all investigative agencies to ensure that domestic violence homicides are characterized appropriately.*
41. The Office of the Attorney General, other investigative agencies, and the Maine Coalition to End Domestic Violence should collaborate to organize meetings with editorial boards of news media groups statewide. The meetings should encourage reporting of domestic violence homicides in a manner that will raise awareness and reflect the dynamics of domestic violence. The meetings should involve the copy editors and copy desk chiefs who are directly responsible for headlines, and encourage them to characterize domestic violence homicides as such.

## Public Awareness

### *Observations:*

42. In most cases reviewed by the Panel, many community members, including family, friends, co-workers, hospital personnel, and others, knew about the violence and felt helpless to assist. Bystanders, while needing to measure any risks to their own safety, have a role to play in addressing domestic violence. Many local and regional campaigns currently exist to offer practical tools to bystanders wanting to help. The Abused Women’s Advocacy Project (AWAP), for example, recently developed a media campaign to address this issue. The Panel commends AWAP for their efforts to convince the community to continue looking out for victims of domestic violence by calling 911, and we

**The mother of a victim wrote in her journal: “This behavior has been going on for years. A few weeks ago he blackened her eye, smashed the phone, a picture and other things. I fear for her life as he threatened to do her in.” The victim was killed by her abuser two and a half years later.**

support all efforts to raise community awareness about the issue of domestic violence.

43. Firearms are frequently the weapon of choice in a domestic violence homicide and/or suicide. Accessibility to guns may contribute to the likelihood of death.

**Upon finding his estranged wife with another man, the defendant said he would blow her head off. Within an hour, the defendant killed the other man.**

Family, friends, and other bystanders should be alert to this fact and encourage victims to take seriously all threats to kill or commit suicide.

44. The Panel continues to review cases in which the perpetrator killed the victim as the parties were separating. Everyone should be aware that ending a relationship is the most dangerous time for a victim of domestic violence.

45. The Panel recognizes that gender stereotypes abound in domestic violence, and more information, education, and awareness is needed about women who use violence. We observe that more work needs to happen to support male victims in coming forward and obtaining assistance.

46. Panel case reviews and national research reveal that there may be an elevated risk of homicide when the abuser is suicidal. This understanding is an educational issue for everyone doing this work.

47. The Panel has observed in many cases that community members or victims themselves did not recognize the serious level of dangerousness of abusers. We support and encourage all efforts to raise community awareness of domestic violence. The Panel recommends that the Maine Coalition to End Domestic Violence partner with the Education and Awareness Committee of the Maine Commission on Domestic and Sexual Abuse to develop a “red flags” public education campaign to raise awareness that:

- a. stalking is an indicator for escalating violence;
- b. extreme jealousy that is acted upon is a sign of control and abuse in a relationship;
- c. emotional and verbal abuse is serious and can end in homicide; threats to kill must be taken seriously;
- d. increased isolation of a victim signals increased control by an abuser;
- e. firearms are frequently the weapon of choice in a homicide and/or suicide so access to firearms may increase the likelihood of a death occurring;



- f. while substance abusers may also commit domestic violence, it is important to realize that alcohol and drugs do not cause domestic violence, and it is important for everyone involved to follow-up with an abuser once the party is sober;
- g. leaving is a dangerous time so it is important to increase awareness on how to end a relationship safely.

## **Conclusion**

The Homicide Review Panel continues to refine its process of looking at cases with a broad perspective offered by a multi-disciplinary group. We direct our observations and recommendations to particular organizations that work with victims and perpetrators of domestic violence. In addition, we strive to implement the recommendations ourselves, through the membership on the Panel. The work of the Panel has been enhanced considerably by the assistance of a Panel Staffer. 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. As we enter our seventh year of reviewing cases, we continue to be committed to our purpose of preventing domestic violence homicides.

## **Appendix A: Enabling Legislation**

### **§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.

[2001, c. 240, §2 (amd).]

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).

## Appendix B: Case Cover Sheet

### 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

\_\_\_ 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: Executive Case Summary

MAINE DOMESTIC ABUSE HOMICIDE REVIEW PANEL

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## EXECUTIVE CASE SUMMARY

**Case Number:**

**Review Date:**

### CIRCUMSTANCES OF THE CASE

### PANEL OBSERVATIONS & RECOMMENDATIONS

- 1.
- 2.
- 3.
- 4.

## **Appendix D: Past Recommendations and Progress**

### **Labor**



1. Information on domestic violence awareness, prevention and intervention needs to be available as a resource for small businesses. Many times employers and co-workers see the symptoms of domestic violence, but do not how to intervene. This may be due to lack of resources or just a lack of information on how to address the problem. The recent initiative of the Governor's Office and the Maine Coalition to End Domestic Violence, Maine Employers Against Domestic Violence, has played a role in addressing this gap by encouraging both small and large employers in the State of Maine to create policies and to disseminate information to employees about domestic violence prevention and intervention strategies. The panel recommends that this initiative continue. *Maine Employers Against Domestic Violence (MEADV) is now a project of the Maine Coalition to End Domestic Violence, and continues to offer regular trainings to employers through the Maine Department of Labor SafetyWorks! Program as well as to employers on a statewide and local level in collaboration with staff from the domestic violence projects.*

### **Health**

2. The four recommendations for the medical/health field are:
  - a. Communication among medical personnel regarding medication to avoid over-medication that may mask signs of domestic violence;
  - b. Discharge planning follow-up;
  - c. Domestic violence screening as a part of patient in-take; and,
  - d. Training for medical personnel on forensic reporting.
3. Information on teen dating violence needs to be available where teens are likely to go for other information, especially at health care clinics where teens go for information on health issues and birth control. The Panel recommends that the Bureau of Health – Division of Maternal & Child Health coordinate efforts to provide information on teen dating violence at these places.

## Corrections


4. Programs for women in correctional facilities should focus on domestic violence issues including:
  - a. Domestic violence screening for women who are admitted to state correctional facilities.
  - b. Integration of domestic violence education into parental training programs that are offered in correctional facilities.

*Currently in Maine, there continues to be very little official domestic violence programming for women in correctional facilities. A few domestic violence projects have conducted research and/or built relationships with correctional facilities and offer educational and support groups or one-on-one advocacy for female inmates. Occasionally, some projects are contacted by correctional facilities and asked to individually meet with women who have been identified by the facility as abused. At the time of this report, the Maine Sheriffs Association has been funded with a S\*T\*O\*P Violence Against Women grant to conduct screening for prisoners and sensitivity training for corrections officers in three county jails in Maine.*

5. Probation with intensive supervision to ensure offender accountability. *Probation officers in general continue to be burdened with heavy caseloads, which largely precludes intensive supervision in*
6. Specialized domestic violence probation officers who have a reasonable caseload should be available in every region of the state to ensure offender accountability. *Currently at least two regions have specialized domestic violence probation officers.*
7. 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. Due to the structure of one of the program models currently being used in Maine, no changes were made to the standards.*




## Legislative

8. Modification of existing laws to ensure forfeiture of guns used in the commission of a domestic violence related crime. This recommendation was partially accomplished with the passage of 17-A M.R.S.A. § 1158, which requires forfeiture of a firearm used in a homicide.
9. Support legislation to require Pre-Sentence Investigations (PSIs) for the third domestic violence conviction.
-  10. Legislation to allow the court to remove any weapon from the defendant as part of interim or emergency relief under the Protection From Abuse Act. *Such legislation was passed in the spring of 2003. For details see Recommendation #14 in the full report.*
11. Reconcile state and federal laws regarding gun issues, especially black powder guns.

## Judicial & Prosecutorial

12. The next Sentencing Institute should address the issue of domestic violence particularly as it relates to the issue of sentences imposed for violations of probation, crimes of violence, and Protection From Abuse Orders.
13. Prosecutors should recommend that a PSI for domestic violence convictions include a dangerousness assessment.
14. The State Forensic Service should work in conjunction with Batterers Intervention Programs and the Maine Coalition to End Domestic Violence to develop and train forensic examiners on domestic violence dangerousness assessments to ensure that domestic violence is incorporated as one of the standards.

## Public Safety

-  15. Examine the issue of guns used in domestic violence and other gun related crimes. *Much of this work is currently being accomplished by the Project Safe Neighborhoods initiative out of the Office of the United States Attorney. One*

*aspect of this initiative involves gathering statistics and research on the levels of firearm related crime in Maine, including domestic violence. Goals include gathering existing data, as well as creating new ways to gather better data in the future.*

16. Research and develop model policies on the following:



a. Removal of guns in circumstances of domestic violence, particularly when a Protection From Abuse order has been ordered. *With the passage of the legislation noted in the full report in Recommendation #14, a new form was created by the courts to document the surrender of firearms and other dangerous weapons upon service of a temporary Protection From Abuse order.*



b. Having two officers present when the victim's belongings are being retrieved, to the extent possible.



c. Not having the victim and the perpetrator present at the same location when personal property is being retrieved.

*The most recent domestic violence model policy promulgated by the Maine Criminal Justice Academy includes standards for the latter two pieces of this recommendation, as required by legislation passed in the last session.*

17. Police departments should establish a mechanism to have cases reviewed by a Domestic Violence Coordinator to assess whether the case was handled appropriately.

18. The issue of safety of children in domestic abuse cases should be addressed in policy.

19. There should be domestic violence training for correctional officers.

20. Police departments should establish a process that encourages the understanding of the dynamics involved in domestic violence particularly with regard to cases involving multiple contacts with the Department. The Maine State Police has recently enacted the following policy which could be a model for other departments: "The nature and seriousness of crimes committed between 'family or household members' should not be minimized because of relationships or living arrangements of those involved, their socioeconomic status or repeated

calls for service of a similar nature. Due to the volatility and risk of violence inherent in domestic abuse cases, each of them demands law enforcement response and intervention. The predominant aggressor should be identified and arrested pursuant to and as required by Maine law.”

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

21. Resources for existing programs should be explored and training for domestic violence advocates should be developed for improved communication with law enforcement and the courts.
22. Identify barriers and explore cultural sensitivity that prevents victims of domestic abuse from utilizing services.
23. A handbook for the media on the reporting of domestic and sexual abuse crimes needs to be developed. The Rhode Island handbook can be used as a model.

## **Human Services**

24. The Department of Human Services should coordinate or fund public awareness and education, to include:
  - a. Cross-disciplinary training with homeless, medical and mental health providers. *The Cross-Disciplinary Training created by DHS and the Muskie School in collaboration with others has been expanded to include education on mental health issues. Audiences for this training now include mental health providers.*
  - b. Public education including a media campaign to address the issue of awareness of domestic violence, the resources available and the importance of safety planning.
  - c. Training for the clergy, which is currently being planned. Working with the Council of Churches to include domestic violence as an issue to be discussed in pre-marital counseling programs. *The Cross-Disciplinary Training created by DHS and the Muskie School in collaboration with others now includes a curriculum for a clergy audience. This curriculum has been delivered at least twice regionally in Maine in the last two years.*



## **Maine State Housing**

25. Continue to address the need for housing options for domestic violence victims and their families including transitional housing and shelters.

This project was supported by Grant #2001-DB-BX-0023 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the U.S. Department of Justice.