

Chapter 15: BATTERER INTERVENTION PROGRAM CERTIFICATION (Revised 1/15/21)

Summary: This chapter outlines the procedures and standards governing the certification and monitoring of Batterer Intervention Programs, pursuant to 19-A M.R.S.A. §4014.

1. Procedures and Standards for Batterer Intervention Programs (relating to psychological, physical, verbal and sexual abuse)

1.1 Definitions

A. Domestic Abuse

In the context of this document, the definition of the term “domestic abuse” refers to the definition of “abuse” in 19-A M.R.S.A. §4002.

"Abuse" means the occurrence of the following acts between family or household members or dating partners.

1. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, Chapter 11, except that contact as described in Title 17-A, §106, sub-§1, is excluded from this definition;
2. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing, or tormenting behavior;
3. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;
4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved;
5. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is

communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or

6. Repeatedly and without reasonable cause:
 - a. following the victim; or
 - b. being at or in the vicinity of the victim's home, school, business, or place of employment.

B. Batterer Intervention Program

1. The term “batterer intervention program” refers to a community-based educational program which is one component of a coordinated community response to domestic abuse where the main goals are:
 - a. working toward the safety of victims; and
 - b. holding domestic abuse offenders accountable for their actions.
2. The community-based educational programs for domestic abuse offenders (hereafter called “BIPprogram”) referred to in these standards are designed specifically to intervene with court referred adults, but are not limited to court referrals.

C. Domestic Violence Center

1. The term “domestic violence center” refers to a network of programs and services for victims of domestic abuse. There are two coalitions of domestic violence centers in Maine. The Maine Coalition to End Domestic Violence (MCEDV) is comprised of eight of Maine’s domestic violence centers. Each domestic violence center is a private, independent, non profit agency which provides individual crisis intervention, legal information, and advocacy for people affected by domestic abuse, as well as support groups and shelter options for victims of domestic abuse and their children. These services are confidential, free of charge, and based on a self-help model. In addition, domestic violence centers provide training, education, and consultation to community groups, schools, public officials, and services providers to improve the community’s response to domestic abuse. The Wabanaki Women’s Coalition (WWC) is comprised of the five tribal domestic violence centers in Maine. Each of these tribal domestic violence centers provides individual crisis intervention, legal information, and advocacy for predominately Native Americans affected by domestic abuse, as well as support groups and shelter options for victims of domestic abuse and their children. These services are confidential, free of charge, and based on a self-help model. In addition, they provide training, education, and consultation to community groups, schools, public officials, and service providers to improve the tribal community’s response to domestic abuse.

2. In the case of a domestic violence center which is not a member of the MCEDV or WWC, that center which is providing the services described above will serve as the collaborator in that jurisdiction.
 3. For the purposes of this document, hereafter “domestic violence center” will be referred to as “DVC.”
- D. **Monitoring** consists of observation of and consultation about the performance/operation of a BIP program in order to promote the safety of victims of domestic abuse. Monitoring must be provided by staff of a DVC as outlined in section 5.8 A or by a third party monitor as outlined in section 5.8 B.
- E. **Supervision** is the internal oversight of the process and content of the BIP program by a qualified primary supervisor as defined in section 4.5 C.
- F. **Staff** means both paid and unpaid staff.

2. Certification

2.1 Oversight of the Maine Standards for Batterer Intervention Programs

- A. The Maine Department of Corrections, hereafter called “DOC”, shall be the lead agency responsible for implementation of these standards, through its Victim Services Coordinator. Only BIP programs that hold a valid certificate granted by the DOC shall be utilized for court referrals. A certificate shall be valid for two years unless suspended or revoked.
- B. The DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, shall develop and, on a biannual basis, review a certification process for BIP programs. The review process may include input from representatives of the following agencies and organizations and any others deemed appropriate by the DOC:
1. domestic violence centers;
 2. batterer intervention programs;
 3. the judicial system;
 4. local law enforcement;
 5. victims of domestic violence;
 6. health and human service agencies;
 7. schools;
 8. hospital emergency departments;
 9. community corrections;

10. groups working with victims of child abuse;
 11. groups working with victims of sexual abuse;
 12. groups coordinating supervised visitation; and/or
 13. other stakeholders.
- C. BIPPrograms will be assessed a fee for program certification.
- D. Certification of BIPPrograms will be for a period of two years as referenced in section 2.1 A.
- E. If anyone has a dispute regarding the certification of a BIPProgram, which appears to be at an impasse, it will be the responsibility of the DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, to attempt to bring such a dispute to resolution.

2.2 Application for Certification

- A. Each BIPProgram requesting certification or renewal of certification shall submit a completed application to the DOC containing all of the information requested, to include, but not be limited to:
1. demonstration of the BIPProgram's ability to meet these standards;
 2. an overview of the BIPProgram content;
 3. proof of successful completion for all co-educators at a national batterer intervention training or similar training determined to be sufficient by the DOC;
 4. documentation of a working agreement with the local DVC in each county the BIPProgram may operate in or request for waiver of this requirement providing specific reasons for the request;
 5. documentation of a working agreement with the DOC Regional Correctional Administrator;
 6. demonstration of need for a BIPProgram, or another BIPProgram, in the geographic area (initial certification only);
 7. name, address, and telephone number of the BIPProgram and all sites; and
 8. a statement of ownership of the BIPProgram, that discloses the names, address, and telephone numbers of all owners, directors, and officers of the corporation, and any members of any governing or advisory boards.

2.3 Denial, Refusal to Renew, Suspension, and/or Revocation of Certification

A. Definitions

1. **Denial:** action taken by DOC to not certify a BIProgram.
2. **Refusal to Renew:** action taken by DOC at the end of a two year certification period rejecting a BIProgram's application for renewal.
3. **Suspension:** action taken by DOC in lieu of revoking or refusing renewal of certification that stipulates the Program must correct the noted deficiencies within the time specified.
4. **Revocation:** action taken by DOC removing a BIProgram's certification after the DOC has certified the Program, but before the BIProgram's two year certification has expired.

Any of these actions make the affected BIProgram ineligible to receive any referrals unless and until the program is certified, its certification is renewed, or the suspension is lifted.

B. Each of the following, in and of itself, may constitute full and adequate grounds on which to deny, suspend, revoke, or refuse to renew certification to operate a BIProgram:

1. failure to submit information required for certification;
2. failure to meet any of these standards for BIPrograms;
3. denial of entry to agents of the DOC to conduct site visits or inspections or any other attempt to impede the work of agents of the DOC;
4. obtaining or attempting to obtain certification by fraud, misrepresentation, or by the submission of incorrect, false, and/or misleading information;
5. criminal conduct by the owners, staff, or administrators as evidenced by criminal convictions;
6. operation of a BIProgram after the expiration of certification;
7. operation of a BIProgram in a manner which fails to fulfill the terms of the program - client agreement; or
8. operation of a BIProgram in a manner which endangers the health or safety of clients and/or victims of domestic abuse.

2.4 Recourse of Programs when Certification has been Denied, Refused Renewal, Suspended and/or Revoked

- A. A BIP program whose certification has been denied, refused renewal, suspended and/or revoked by DOC will receive in writing, by certified mail, a program compliance letter outlining the standards that the Program is not in compliance with and the time frames allowed to bring the BIP program into compliance.
- B. The BIP program has 60 days from the date of notification of denial, refused renewal, suspension and/or revocation of certification to resubmit the application, clearly indicating remediation for deficiencies. DOC must respond to this information within 60 days of receipt.
- C. The BIP program may appeal the DOC response to the Commissioner of Corrections within fifteen days of receipt of the response.

3. Coordinated Community Response to Domestic Abuse

3.1 Goals

- A. A coordinated community response to domestic abuse occurs when diverse segments of a community work together for two common goals:
 - 1. the safety of the victims of domestic abuse; and
 - 2. to end domestic abuse.

3.2 Coordinated Community Response to Domestic Abuse

- A. During development, implementation, and evaluation of BIP programs, BIP program staff must consult, cooperate, and coordinate with representatives of the following agencies and organizations:
 - 1. domestic violence centers;
 - 2. the judicial system;
 - 3. local law enforcement;
 - 4. health and human service agencies; and
 - 5. community corrections.
- B. During development, implementation, and evaluation of BIP programs, BIP program staff are encouraged to consult, cooperate, and coordinate with representatives of the following agencies and organizations:
 - 1. other certified BIP programs;
 - 2. victims of domestic violence;

3. schools, including community adult education programs;
4. hospital emergency departments;
5. groups working with victims of child abuse;
6. groups working with victims of sexual violence;
7. groups coordinating supervised visitation;
8. groups providing services to diverse populations; and/or
9. other related services.

3.3 BIProgram - DVC Collaboration

- A. The BIProgram shall acknowledge the experience of victims, who are experts on their own safety, and the important role of the DVC in responding to domestic abuse through:
 1. consulting with the local DVC on all written curricula, publications, and public relations materials of the BIProgram;
 2. publicly acknowledging the contributions of the battered women's movement to their efforts and that BIPrograms exist in support of the goals of the DVC;
 3. consultation with the local DVC when seeking funds in a way that competes with funding for DVC;
 4. always encouraging victims to contact their local DVC;
 5. inviting the local DVC advocates to attend BIProgram groups;
 6. participation in a community response to domestic abuse; and
 7. negotiating an ongoing working relationship with the local DVC and accepting feedback in order to hold themselves accountable to the battered women's movement, acknowledging that a working relationship may go beyond these standards.

3.4 Partner Contacts

- A. A partner contact is the verbal and/or written exchange of information between a victim and a designated representative of the local DVC.
- B. The purpose of the partner contact is to provide the victim with:
 1. support and validation;
 2. information about the BIProgram;

3. information about the local resources for victims;
 4. assistance in developing a safety plan; and
 5. information about the DVC as an ongoing resource for victims.
- C. Within seven days of enrollment in the BIProgram, unless the time frame is modified by any working agreement with the local DVC, the BIProgram shall provide the local DVC with the names and addresses of:
1. the domestic abuse offender enrolled in its program;
 2. any adult or child victim identified in available police reports and/or court proceedings; and
 3. current partner of the domestic abuse offender.
- D. The BIProgram must never initiate written or verbal contact with victims except in the following situations:
1. when a victim may be in jeopardy (verbal communication only);
 2. notification of the domestic abuse offender's admission into the BIProgram (written communication only);
 3. notification of when the domestic abuse offender is discharged from the BIProgram (written communication only); and
 4. when a change in the format of BIProgram classes is required as outlined in section 11.
- E. In no case is a BIProgram to initiate contact with a victim if such contact would jeopardize the safety of the victim or domestic abuse offender or violate federal or state confidentiality laws.
- F. Should a victim initiate contact with a BIProgram, the victim must always be referred to the local DVC for supportive services.

3.5 Financial Responsibility for BIProgram - DVC Collaboration

- A. Costs incurred by the DVC for providing services to partners in the context of their outreach efforts will be the responsibility of the DVC.
- B. Any costs incurred as the result of supervision, training, and/or monitoring by the DVC or a third party monitor of the BIProgram shall be reimbursed by the BIProgram.

4. **BIProgram Model**

4.1 **BIProgram Format**

- A. BIPrograms must be:
1. held in an in-person group format with no more than 15 participants nor less than 3 participants registered, unless the program is granted a waiver by DOC;
 2. educationally oriented;
 3. restricted to perpetrators of domestic abuse;
 4. comprised of the same gender; and
 5. have rolling or open admission (no waiting lists).
- B. The group must be co-educated by appropriately trained male and female co-educators, except that a group serving female domestic abuse offenders may be co-educated by two female co-educators. “Co-educated” means that each co-educator contributes substantially equally in the facilitation process. (See section 4.5 for definition of appropriately trained.) At the discretion of the program director, exceptions may be made for individual classes to accommodate special circumstances, including, but not limited to, illness, vacation, weather, etc.
- C. There shall be no recording of an in-person class except for quality assurance purposes by educators and/or monitors only. Recordings must not be disseminated. Each BIProgram shall have a protocol in place to ensure that any recording is destroyed within 30 days after the recording is made.

4.2 **Inappropriate BIProgram Format**

- A. The following formats, methods, and treatment modalities must not be used by certified BIPrograms working with domestic abuse offenders:
1. individual counseling;
 2. couples or conjoint counseling;
 3. anger management;
 4. systems therapy;
 5. addiction counseling (identifying violence as an addiction);
 6. family therapy; or
 7. medication management.

- B. Unless specifically authorized in these standards, educators must not concurrently provide services to a domestic abuse offender and the offender's victim, current partner or minor children.

4.3 Target Population

- A. These standards are specifically designed for adults who abuse their intimate partners, although other domestic abuse offenders may participate in BIPrograms. It is important that appropriate models be implemented for men who abuse their female partners, for women who use violence against their male partners, and for same sex or transgender abusers.

4.4 Length of the BIProgram

- A. BIPrograms must be a minimum of 48 classes over a minimum of 48 weeks in duration.
- B. Each weekly session must be at least 90 minutes long, with check-in consuming no more than 30 minutes.
- C. Each participant's attendance must occur at a rate of one class per week counted towards the 48 class requirement.
- D. The BIProgram intake must not be considered one of the 48 weeks.
- E. Domestic abuse offenders who have completed a minimum 48 week BIProgram should be given the opportunity of voluntarily continuing their participation or returning to the BIProgram at a later date.

4.5 BIProgram Staff Selection, Supervision, and Training

- A.
 - 1. Staff must have had no convictions or protective court orders or court-approved consent agreements for offenses involving violence during the last ten years.
 - 2. Staff must not have had any criminal conviction within the last ten years, unless granted a waiver to work for the BIProgram from the DOC.
 - 3. Staff shall not be on administrative release, probation, parole, supervised release for sex offenders, or other supervision post-conviction, or deferred disposition for any state or federal criminal offense.
 - 4. The BIProgram shall develop and maintain hiring criteria.
- B. All BIProgram staff having direct contact with domestic abuse offenders must:
 - 1. receive training in a curriculum used by the BIProgram that is based upon, and adheres to, models developed by acceptable nationally

recognized programs or similar training in a curriculum determined to be sufficient by the DOC and that is consistent with these standards;

2. provide certification of completion of this training prior to or within 6 months of being hired to co-educate groups;
 3. be provided with on the job training with an experienced supervisor, to include a minimum of observation of six sessions of group, followed by co-educating an additional six sessions of group with a trained experienced educator prior to assuming responsibility for a group; and
 4. attend a minimum of 6.25 hours per year continuing education on topics agreed upon by MCEDV, WWC, and the Maine Association of Batterer Intervention Programs (MABIPS). It will be the responsibility of the primary supervisor of the BIPprogram to maintain training records.
- C. Any individual identified as the Program Director or a “primary supervisor” must have at least two years documented experience in the following areas:
1. direct work with victims;
 2. direct work with domestic violence perpetrators;
 3. group work; and
 4. supervision of employees.

4.6 BIPprogram Curriculum

- A. The BIPprograms must include at a minimum in their curriculum that:
1. stress, a life crisis, and chemical dependency are not causes of domestic abuse, but ongoing substance abuse increases the risk of re-offense;
 2. domestic abuse is a choice a domestic abuse offender makes to use power and control over an intimate partner;
 3. domestic abuse offenders are solely and exclusively responsible for their controlling and abusive behavior;
 4. the effect of abuse on victims, including children who witness abuse, is harmful; and
 5. abuse is never justified.

4.7 BIPprogram Fee Structure

- A. Except for federal, state, or charitable organization funding (which must not include insurance), a domestic abuse offender is solely responsible for paying for participation in a BIPprogram.

- B. A domestic abuse offender must be charged at least a nominal fee. Programs may charge on a sliding fee scale.

5. Administrative Standards

5.1 BIProgram Intake Process

- A. The BIProgram shall schedule an intake into the BIProgram within two weeks, absent good cause, from the time the domestic abuse offender contacts the BIProgram.
- B. At the intake, the domestic abuse offender must enter into a written agreement with the BIProgram, which must include the following:
 - 1. the responsibilities of the domestic abuse offender;
 - 2. the responsibilities of the BIProgram;
 - 3. an agreement to stop all forms of violence;
 - 4. the minimum length of the BIProgram;
 - 5. signed waivers of confidentiality and/or appropriate releases;
 - 6. the fee structure and the weekly fee due from the offender;
 - 7. criteria for discharge;
 - 8. a copy of the complaint procedure; and
 - 9. readmission criteria.
- C. During intake, the BIProgram must obtain the following information from the domestic abuse offender:
 - 1. full legal name of domestic abuse offender;
 - 2. current home address and mailing address (if they are different);
 - 3. current home telephone number, cell phone number, or telephone number of contact if the domestic abuse offender does not have a telephone;
 - 4. date of birth;
 - 5. name of employer, and current work address and telephone number of employer;
 - 6. partner and/or victim name (if they are different);
 - 7. current driver's license number, or photo ID card;

8. make, model, year and license plate number of the vehicles used by the domestic abuse offender;
 9. history of any substance abuse;
 10. psychiatric history including homicidal and suicidal ideation;
 11. history of any weapons possession and usage; and
 12. history of abusive behaviors.
- D. Within six weeks after the domestic abuse offender begins the BIProgram, the domestic abuse offender must provide the BIProgram with the following independent descriptions of the domestic abuse offender's abusive behavior, including, but not limited to:
1. police reports (if applicable);
 2. administrative release, probation, parole, supervised release for sex offenders, or other post-conviction supervision or deferred disposition conditions (if applicable);
 3. legal pleadings, including, but not limited to, civil petitions and civil and criminal complaints (if applicable);
 4. court orders, including, but not limited to, protective orders, and court-approved consent agreements (if applicable); and
 5. previous child protective service reports (if applicable and available).
- E. The following must be notified in writing of the domestic abuse offender's acceptance into the BIProgram within 7 days, unless the time frame is modified by the DVC working agreement:
1. the domestic abuse offender;
 2. the victim and/or current partner, unless notification of the victim would jeopardize the safety of the domestic abuse offender or violate federal or state confidentiality laws;
 3. the domestic abuse offender's Probation Officer (if applicable);
 4. the local DVC; and
 5. the referral source, including, but not limited to, the prosecuting attorney's office, pre-trial agency, or Department of Health and Human Services (DHHS).

- F. At minimum, the information to be contained in the communication referred to in section 5.1 E must include:
1. the date the domestic abuse offender begins the BIProgram;
 2. limitations of the BIProgram; and
 3. that victims are not required to have any contact with the DVC and/or BIProgram.
- G. A copy of the participant agreement must be provided to the referral source and pre-trial agency (if applicable). A copy of the agreement must be made available upon request from the victim or DVC.
- H. A BIProgram may only accept referrals of persons residing in a county in which the BIProgram has a working agreement with the local DVC, unless the program is granted a waiver by DOC.

5.2 BIProgram Discharge or Leave

- A. Reasons for discharge from a BIProgram include that:
1. the domestic abuse offender has completed the 48 week program to the satisfaction of the BIProgram staff, based upon criteria contained in the participant agreement;
 2. the domestic abuse offender has five absences during the 48-week BIProgram;
 3. the domestic abuse offender fails to pay the weekly fee determined by the BIProgram (the offender must be discharged if the offender fails to pay the fee for 4 sessions); and/or
 4. the domestic abuse offender does not comply with the rules of the BIProgram.
- B. A domestic abuse offender may request medical or other leave of absence for good cause with approval of the Program Director, who must consult with the referral source. If approved, the offender is allowed to continue the BIProgram from the last class prior to the approved leave.
- C. The following must be notified in writing within 7 days of the domestic abuse offender's discharge or leave from the BIProgram:
1. the domestic abuse offender;
 2. the victim and/or current partner, unless notification of the victim would jeopardize the safety of the domestic abuse offender or violate federal or state confidentiality laws;

3. the domestic abuse offender's Probation Officer (if applicable) (the Probation Officer must also be immediately notified verbally of a discharge, unless the discharge was due to the offender's completion of the program);
 4. the local DVC;
 5. the prosecuting attorney's office if a Probation Officer is not involved; and
 6. DHHS if involved; and
 7. the presiding judge of a Domestic Violence Monitoring Docket, if the domestic abuse offender is enrolled in a Domestic Violence Monitoring Docket.
- D. At minimum, the information to be contained in the communication referenced in section 5.2 C must include:
1. the date the domestic abuse offender was discharged or given leave from the BIProgram;
 2. the reason for discharge or leave; and
 3. recommendations, which may include, but are not limited to, assessment for additional services or further action by the Probation Officer, which may include revocation.

5.3 Re-Admission to BIProgram after Discharge

- A. Except as set out below, a domestic abuse offender who has not successfully completed 48 weeks and returns after being discharged must start at intake unless the domestic abuse offender is allowed to start at week 1 by the Program Director.
- B. If the discharge was based upon absences, the offender is allowed to start at five classes before the last class prior to discharge.
- C. If the discharge was for non-payment of fees, after consultation with the referral source, the Program Director may allow the offender to receive credit for all classes attended and paid in full as long as the offender continues to pay the fee on schedule after the offender's return.
- D. Notwithstanding the above, any domestic abuse offender who has not successfully completed 48 weeks and returns after being discharged and who was discharged due to committing another domestic abuse offense or who committed another domestic violence offense after discharge must start at intake.

5.4 Transfer of Credits

- A. Each certified BIProgram must accept transfer of credits for weeks satisfactorily completed at another BIProgram certified in the State of Maine provided the domestic abuse offender was in good standing with the other

program at the time of transfer and no more than three months has elapsed since the last class attended at the previous BIProgram. Absent good cause, no transfer of credit may occur if more than three months has elapsed since the last class attended at the previous BIProgram.

- B. Each participant requesting transfer of credit must obtain a letter of referral from the previous program, setting forth the number of weekly credits that the domestic abuse offender has earned, the number of absences, and that the participant is in good standing, and present it to the new program prior to receiving any credit(s) for weeks completed.

5.5 Complaint Procedure

- A. Before filing any complaint against a BIProgram, the domestic abuse offender shall make an attempt to resolve the complaint in an informal manner by talking with the educator(s).
- B. If unable to come to an agreement with the educator(s), the domestic abuse offender shall contact the Program Director who shall attempt, as soon as possible, to resolve the complaint.
- C. If the complaint remains unresolved, a formal written complaint may be made to the Department of Corrections, 111 State House Station, Augusta, Maine 04333-0111, Attention: Victim Services Coordinator. A copy of the complaint must be provided by the offender to the BIProgram Director, DVC and referral source.
- D. A victim may file a formal written complaint to the Department of Corrections, 111 State House Station, Augusta, Maine 04333-0111, Attention: Victim Services Coordinator. A copy of the complaint will be provided to the BIProgram director and the DVC as part of the investigation.

5.6 Confidentiality

- A. All written and/or oral communications, including electronic communications, from or to victims must be held in confidence by the BIProgram, except for mandated reporting requirements.
- B. Notwithstanding the above, the BIProgram may provide information to the DVC so that the DVC may offer safety planning resources.

5.7 Record Keeping

- A. Domestic abuse offender and victim records (if any) must be maintained in separate files with no record or reference of partner contact beyond the initial letter to the victim and/or partner about the domestic abuse offender's admission into the BIProgram.
- B. There must be at least minimal documentation for each group session attended, which must include:

1. date;
 2. topic; and
 3. amount of time spent in group.
- C. Monthly status reports must be provided by the BIProgram to the domestic abuse offender's Probation Officer or other referral source. Reports must include, but are not limited to, the following information:
1. attendance;
 2. current payment status; and
 3. compliance with other BIProgram rules.

5.8 Approval and Monitoring Process

- A. Any costs incurred as the result of monitoring of the BIProgram shall be the responsibility of the BIProgram.
1. BIPrograms must arrange for monitors to attend a BIProgram class at least quarterly per educator pair. Monitoring may occur more frequently upon agreement between the BIProgram and the DVC or third party monitor, as applicable.
 2. BIPrograms must arrange for monitors to provide verbal communication to the BIProgram regarding the performance/operation of each observed class immediately after the class and written communication within 30 days. The BIProgram is required to provide the documentation of monitoring to the DOC Victim Services Coordinator and the local DVC.
- B. Third Party Monitors must be utilized when the local DVC is unable, unwilling, or fails to monitor the BIProgram or is operating the BIProgram.
1. Selection of third party monitors must be made pursuant to criteria developed by the MABIP, the MCEDV, and WWC.
 2. When a new third party monitor is used, the BIProgram is required to provide the monitor's name and qualifications to the DOC Victim Services Coordinator, the local DVC, WWC, and MCEDV.
 3. Documentation of monitoring sessions must be sent to the local DVC.

6. Waiver

- A. The DOC may waive the requirements of these standards if and only if specified herein.

- B. All requests for waivers must be directed to the DOC's Victims Services Coordinator, who must make the final decision on a waiver request in his or her sole discretion.

7. Jail and Correctional Facility Programs

- A. Programs offered in a jail or DOC correctional facility do not meet the definition of a certified BIP program. Credit toward attending a certified BIP program must not be given or transferred for any participation in any jail or DOC correctional facility program.

8. Duty to Warn

- A. When a domestic abuse offender enrolled in a BIP program makes an overt or covert threat of harm to self or others, the educator must promptly warn the following persons or agencies in the following order:
 1. Appropriate local, county, and/or state law enforcement agency(ies);
 2. Victim or other person threatened, if current contact information is available;
 3. Probation Officer, if applicable; and
 4. Appropriate DVC(s).

9. Mandatory Reporting

A. Required report of child abuse or neglect to DHHS

BIP program educators must immediately report or cause a report to be made to the DHHS, Child Protective Services, and/or *Indian Child Welfare Act* caseworker when the educator knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected by a person responsible for the child or that a suspicious child death has been caused by a person responsible for the child.

B. Required report of child abuse or neglect to Prosecutor's Office

BIP program educators must immediately report or cause a report to be made to the appropriate prosecutor's office when the educator knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected by a person not responsible for the child or that a suspicious child death has been caused by a person not responsible for the child.

C. **Required report of elder abuse, neglect or exploitation to DHHS**

BIProgram educators must immediately report or cause a report to be made to DHHS when the person knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is likely to be abused, neglected or exploited.

10. Ethics

- A. BIProgram staff must not discriminate against a domestic abuse offender based on age, race, religion, gender, gender identity, sexual orientation, disability, national origin, or socioeconomic status.
- B. A domestic abuse offender should be treated with dignity and respect by BIP program staff regardless of the nature of the offender's crimes or conduct.

11. Declaration of State of Emergency

- A. This section may be invoked by the DOC in the event that the Governor has declared a State of Emergency or at the discretion of the DOC, in consultation with the Maine Commission on Domestic and Sexual Abuse, in order to respond to serious health and safety risks.
 - 1. A BIProgram shall, if possible, be held in an in-person group format that complies with all guidelines relating to the State of Emergency or as determined by the DOC, as applicable.
 - 2. If it is not possible for a BIProgram to hold an in-person group that complies with all such guidelines, the BIProgram shall offer a video conferencing group.
 - 3. If a domestic abuse offender or the BIProgram has reasonable and articulable health and safety related concerns related to a specific offender, the BIProgram shall inform the referral source, and the domestic abuse offender shall be given the option to participate with an in-person group via video conferencing or to participate in a video conferencing group, as applicable.
 - 4. Participation in a group via video conferencing must be on camera for the full duration of the class, except as outlined in section 11.A.6, or as approved by the educator(s).
 - 5. Participation via video conferencing must be in real time only. There shall be no recording of a video conferencing class except for quality assurance purposes by educators and/or monitors only. Recordings must not be

disseminated. Each BIP program shall have a protocol in place to ensure that any recording is destroyed within 30 days after the recording is made.

6. If a domestic abuse offender for whom there are health and safety related concerns does not have access to video conferencing technology, the domestic abuse offender may be given the option to participate via a phone call to an in-person group or video conferencing group. The use of this option to deliver the program must occur only in consultation with the referral source and must be limited to only that period of time necessary to allow the domestic abuse offender to gain access to video conferencing technology.
7. A BIP program must notify victims, the local DVC, MCEDV, and DOC about any changes to the BIP program format, unless notification to a victim would jeopardize the victim's or domestic abuse offender's safety. Notification must include information about local victim advocacy services. The BIP program shall provide victim contact information to the DVC so that victim advocates may contact the victim(s), unless the contact would jeopardize the victim's or domestic abuse offender's safety.

B. These standards must be followed in all other respects.