April 13, 2011

John B. Rogers, Director
Maine Criminal Justice Academy
15 Oak Grove Road
Vassalboro, Maine 04989

RE: REQUEST FOR THE IMMEDIATE REMOVAL OF THE MCJA PREDOMINANT AGGRESSOR CURRICULUM

Dear Director Rogers:

Stop Abusive and Violent Environments (SAVE), a national victim advocacy organization, is writing to express our concerns about the MCJA curriculum, “Identifying Predominant Aggressors in Domestic Violence Cases.” The MCJA predominant aggressor curriculum has been criticized by a number of domestic violence and law enforcement experts. These concerns are explained below.

Therefore, Stop Abusive and Violent Environments is requesting the suspension of the curriculum as a law enforcement training document, and the immediate removal of the document from the MCJA website, until the validity of the curriculum’s claims are confirmed, the utility of its recommendations assessed, and its constitutionality affirmed.

**Domestic Violence Research**

Over 250 research studies at the nationally-acclaimed University of New Hampshire Family Research Laboratory, by the U.S. Centers for Disease Control, and by other groups around the country have established the following facts:

1. Partner abuse is often mutual. One UNH study of dating couples concluded that 70% of all physical abuse was mutual.²

2. Men and women are approximately equally likely to be physical aggressors with their intimate partners.³

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3. Some studies document higher rates of female-initiated aggression. As researcher Renee McDonald concluded in her study, “Differences were observed in the rates of male and female partner violence, with female violence occurring more frequently.”

4. Female initiation of partner violence is the leading reason for the woman becoming a victim of subsequent violence.

5. Male abuse victims are less likely to call law enforcement for assistance. One study found male domestic violence victims are nine times less likely than female victims to summon the police. So crime statistics distort and underreport the true prevalence of domestic violence against men.

6. These findings hold true for couples who are married, co-habiting, or dating; for all racial and ethnic categories; and across all economic strata.

SAVE Special Report

Stop Abusive and Violent Environments has published a Special Report on predominant aggressor policies. The SAVE report analyzed and evaluated predominant aggressor policies around the country. The report reviewed the factual claims presented in the MCJA predominant aggressor curriculum and reached these conclusions:

This training document contains numerous deficiencies:

1. Of the 13 “What is Domestic Violence” statements made in the document, only one was found to be verifiable and true. The remaining 12 are unverifiable, misleading, or even false—see Appendix B.

2. The curriculum arbitrarily classifies face scratches, eye gouges, and arm bites as defensive, when such injuries can be actions taken by the perpetrator.

3. No logical rationale or scientific evidence is provided to support the seven predominant aggressor criteria.

4. The document features 10 vignettes of intimate partner altercations. None of the vignettes depict same-sex aggression or consider the possibility that the identified victim may

May 19, 2006. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5519a3.htm
7 Fiebert ML. References Examining Assaults by Women on their Spouses or Male Partners. California State University, 2010. http://www.csulb.edu/~mfiebert/assault.htm
misrepresent the facts of the case. In not a single case does the curriculum recommend arresting the female.

The curriculum developers anticipated that many officers who take the course would view the information as biased. “Be ready for audience members to protest that predominant aggressor is really just creating or reinforcing a gender bias against men,” the document warns. For which the curriculum provides this pat—and entirely fallacious—answer: “Remind them that, by and large, abusers are men and victims are women.”

Given its numerous misrepresentations of fact and dubious recommendations, the Maine document cannot be viewed as a credible law enforcement resource. Indeed, it is likely to predispose officers to make faulty arrest decisions.

The SAVE report concludes, “Until a solid research basis can be established, no state should implement predominant aggressor policies that extend beyond long-held notions of the aggressor who first employs hostile force. And given the potential for wrongful arrests, family dissolution, and subsequent harm to children, existing predominant aggressor policies that are subjective or gender-biased should be repealed.”

Utility for Use by Law Enforcement Personnel

The MCJA curriculum offers these criteria to determine which party is the predominant aggressor:

1. Who in the relationship is the overall aggressor in terms of power and control dynamics?
2. Who is at most risk of future harm?
3. Was the amount of force used appropriate and reasonable?
4. What is the relative severity of the injuries inflicted on each person?
5. What is the likelihood of future harm?
6. Did one person act in self-defense?
7. Have there been prior complaints of domestic violence with the involved parties?

The MCJA curriculum offers no scientific evidence to establish the validity of any these criteria.

The curriculum does not address key ambiguities and apparent contradictions. For example, if Party A scratches Party B in the face, and Party B responds with a punch to the face, at what point does the punch no longer constitute acting in self-defense? And how does the police officer reconcile this scenario with the statement made in the MCJA curriculum that face scratches are “Aggressor Wounds for [the] Victim”?9

Of equal concern is whether the criteria can be effectively applied in the context of a law enforcement response to an alleged domestic violence incident. The first criterion is especially problematic. Assessing which party is the “overall aggressor” requires a significant investment

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9 Identifying Predominant Aggressors in Domestic Violence Cases. Goal III. Explain how to read defense wounds.
of time and an advanced level of psychological assessment skills. How many police officers responding to a domestic call in Maine possess the requisite time and psychological expertise?

**Other Critiques**

A number of leading domestic violence experts have reviewed the MCJA predominant aggressor curriculum and found it to be flawed.

*Law Enforcement Expert Richard Davis:*

Richard Davis is a nationally recognized authority on the topic of domestic violence who teaches criminology at Quincy College in Plymouth, Massachusetts. Davis notes the Maine curriculum is founded on the outmoded theory that “domestic violence happens because of sexism and the power and control of men over women in society.” Davis concludes, “The IPADV training is myopic, biased, and certainly should not be presented as a criminal justice policy.”

*Researcher John Hamel:*

The MCJA predominant aggressor curriculum unfairly focuses “on the exclusive needs of female victims.” Predominant aggressor policies “are gender biased (mostly against men), are difficult to properly implement, and may at times be counterproductive in reducing domestic violence.”

*Attorney Robert Franklin:*

The Maine curriculum “ignores decades of sound social science in favor of the preferred narrative of the DV industry. That narrative holds as follows: only men are perps and only women are victims…None of that is true and indeed it’s well-established to be untrue, but it’s all there in the Maine training document.”

**Conclusion**

Over 250 scholarly studies show men and women are approximately equally likely to initiate partner aggression. Any document that makes the claim, “by and large, abusers are men and victims are women” is baldly wrong. When this statement appears in a law enforcement training curriculum, it serves to bias police decision-making in such a way as to improperly arrest the man.

*This is unconstitutional.*

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The Fourteenth Amendment of the U.S. Constitution promises, “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.” Likewise, Section 6-A of the Constitution of Maine reads as follows:

**Discrimination against persons prohibited.** No person shall be deprived of life, liberty or property without due process of law, *nor be denied the equal protection of the laws*, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof. (emphasis added)

*It is critical that victims of domestic violence not be re-victimized by law enforcement personnel who, operating under an unscientific and flawed policy, arrest the wrong party.*

Therefore, Stop Abusive and Violent Environments requests the timely suspension of the predominant aggressor curriculum as a law enforcement training document, and the immediate removal of the document from the MCJA website.

Because of the systematic and egregious nature of the biases found in the MCJA predominant aggressor curriculum and its baleful effects on law enforcement practices throughout the State of Maine, we are requesting that this document be removed from the MCJA website no later than Monday, April 18, 2011.

We look forward to your response.

Sincerely,

*Stop Abusive and Violent Environments*

cc: Paul LePage, Governor  
    Attorney General William J. Schneider