

The Governor's Family Violence Council

Executive Order: 01.01.2006.01

MSAR # 7443

December 1, 2010

Submitted by: Governor's Office of Crime Control & Prevention

Erin Newton

410-821-2887

erin@goccp-state-md.org



300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828/ Toll Free: 1-877-687-9004
Fax: 410-321-3116
INFO@GOCCP-STATE-MD.ORG
WWW.GOCCP.ORG

Martin O' Malley
Governor

Anthony Brown
Lt. Governor

Kristen Mahoney
Executive Director

TO: The Honorable Martin O'Malley
Governor
State of Maryland

FROM: Kristen Mahoney
Executive Director
Governor's Office of Crime Control & Prevention

DATE: December 1, 2010

RE: Governor's Family Violence Council, Annual Update

As per Executive Order, 01.01.2008.16, Governor's Family Violence Council which rescinded Executive Order 01.01.2006.01, on behalf of the Council, I am pleased to provide you with an Annual Update regarding its efforts to date.

History

In November, 1995, Lt. Governor Kathleen Kennedy Townsend and the Maryland Attorney General J. Joseph Curran, Jr. created the Family Violence Council. That Council brought together leaders from various systems and produced 20 recommendations and an Action Plan to reduce family violence in Maryland.

The previous administration issued Executive Order 01.01.2006.01 which established the Governor's Council on Family Violence Prevention (Council). No appointments to the Council were ever made. In 2007, the Legislature provided the Governor's Office of Crime Control and Prevention (GOCCP) with funding for one person to staff the Council. In June of 2007, GOCCP hired Erin Newton as the FVC Coordinator.

After several meetings with stakeholders in the family violence arena, it was agreed to establish the Council as soon as possible. Appointments were made and the Council held its first meeting on January 7, 2008. Since its first meeting in January of 2008, the Council has met regularly every other month, holding a total of seventeen full council and over forty-five subcommittee meetings between its four subcommittees.

Progress Dec. 1, 2009 – Dec. 1, 2010

As was agreed upon by the Council, the members met approximately every other month, meeting six times as a full Council. The four subcommittees of the Council met throughout the year as well and were instrumental in the completion of several trainings and projects. Accomplishments for calendar year 2010 follow.

Subcommittees

This year, the Council's four existing subcommittees continued their hard work in the field of domestic violence.

Public Awareness

The Public Awareness Subcommittee was initially responsible for defining the mission statement of the FVC, determining the number of meetings necessary, and providing recommendations for Executive Order revisions. Moving forward, this subcommittee became a resource for the public and victims in combating family violence throughout Maryland, as well as identifying ways to educate individuals and groups about domestic and family violence issues. This year, the Public Awareness Subcommittee accomplished much with regards to public outreach and education.

Hospital Based Domestic Violence Programs

In late November 2009, Lieutenant Governor Anthony Brown requested a meeting with members of the Governor's Office of Crime Control & Prevention (GOCCP), the Department of Public Safety and Correctional Services (DPSCS) and Secretary John Colmers from the Department of Health and Mental Hygiene (DHMH). The purpose of this meeting was to discuss the merits of hospital-based domestic violence programs, existing programs in the State, and how other hospitals could be incentivized to provide these types of programs for domestic violence victims. The Lieutenant Governor requested from the Council a report that detailed the following:

- An overview of Maryland's efforts;
- A review of the subject literature;
- A comparison of similar programs across the country;
- An assessment of program measures, including impact on violence and healthcare costs;
- A summary of program funding.

In February, the report was completed and distributed at a press conference held at Prince George's County Hospital Center. Following the press conference, the FVC was asked to aid in the production of an Executive Order that will prioritize state funding for use in the creation and expansion of hospital-based domestic violence programs.

In June, members of the FVC joined the Lieutenant Governor in a stakeholders meeting to further discuss the expansion of hospital-based domestic violence programs throughout the state. On October 20, 2010, members of the FVC joined Lieutenant Governor Anthony Brown at the Prince George's Hospital Center for a launch of a new hospital-based domestic violence center and the release of the new Executive Order.

FORES Argentina Project

In December of 2009, the FVC was contacted by Judge Alan Wilner regarding the Foro de Estudios Sobre la Administracion de Justicia (FORES) organization in Argentina. This group is an independent, pluralistic institution, and was interested in matters of judicial public policy making, training of judges, judicial officials and lawyers, and access to justice as it pertains to domestic violence issues in Maryland. Material regarding Maryland's multifaceted response to the problem – Lethality Assessment Program for First Responders, criminal prosecution, civil protective orders, and a network of official and unofficial information and support groups and shelters – was sent to FORES as background information. Judge Wilner requested that the Council consider defraying the costs of meals and incidentals for the Delegation to visit Maryland and witness these programs first hand. The Council voted to do so.

The Delegation arrived in Maryland for a 5-working day coordinated program in July. During this program they met with police officials, prosecutors, judges, District Court Commissioners, court personnel, support and shelter organizations. Specifically, they visited the Montgomery County Family Justice Center, a women's shelter, witnessed protective order hearings in District Court, and participated in a day long domestic violence

presentation from the Maryland Network Against Domestic Violence on the prevalence of domestic violence in the State and Maryland's current efforts to combat it.

VINE Protective Order (VPO) Taskforce

Following the passing of HB 1196, which mandates the Department of Public Safety and Correctional Services to notify a petitioner of the service of an interim protective order, a temporary protective order, or a final protective order on a respondent, a task force was formed and worked diligently to develop training materials for law enforcement training, which took place in June. Close to 200 police officers across the State attended, and agencies were advised to begin work on their policies and procedures with regards to the new law. Brochures for the courts, law enforcement agencies, and advocates were created and disseminated to the courts for their distribution to petitioners.

In September, screenshots of new METERS interfaces were sent via email to Chiefs, Sheriffs, and training participants. In October, Statewide Advocate training on VPO was held in Annapolis. The VPO system launched publicly in mid-October, at which point police agencies were expected to comply fully with the new law. In mid-November, the VPO system was temporarily shut down due to software difficulties. It should resume operation shortly.

Media Outreach

In December, there was domestic violence awareness coverage in the Gazette, as well as a piece that aired on Channel 9 and a 30 minute show with the Montgomery County Family Justice Center. In October, Cheryl Kravitz spoke at a Candlelight Vigil at Walter Reed in honor of military women killed as a result of domestic violence in honor of Domestic Violence Awareness Month.

On October 27, 2010, several members of the Council were invited to the White House to commemorate Domestic Violence Awareness Month where both The President and Vice President spoke. This event also included the announcement of new initiatives by the Department of Justice, Health and Human Services, Housing and Urban Development, Treasury, Labor and FDIC designed to protect victims of abuse and provide resources for families and communities to prevent abuse. These initiatives included were as follows: to protect children and break the cycle of violence; to improve legal protections for victims of domestic violence; to increase sexual assault arrests and successful prosecutions; and to help victims regain housing and financial independence.

Cheryl Kravitz was also the keynote speaker at "Restore the Joy," the 4th Annual Domestic Violence Empowerment Luncheon on Saturday, October 9th. This event was hosted by Women Who Care Ministries and the Victims' Rights Foundation, in partnership with the City of Gaithersburg. Jodi Finkelstein, co-chair of the FVC, also attended.

Finally, Ms. Kravitz and Ms. Finkelstein also attended the first gala sponsored by the Montgomery County Family Justice Center where The First Lady was the keynote speaker.

Data

The Data Subcommittee is responsible for collecting any data deemed necessary for the Council to obtain a clearer picture of domestic violence status across the country. This includes the current state of domestic violence in Maryland, programs offered, gaps in services, and domestic violence laws and initiatives in other states. This continues to prove a challenge, as family violence statistics in Maryland are weak in comparison to other states. The Data Subcommittee also includes statistics on other states' laws, data collection, data sharing, domestic violence dockets, and promising practices in their research.

Department of Human Resources (DHR) Data Collection Project

In 2008, the Council discussed the possibility of collecting information directly from victim service providers. Examples of information the Council would like to collect included the number of victims served, as well as demographic data for those victims. Once collected, the Council would be able to map this data, and possibly interlay this data with funding information.

Since January of 2009, DHR has been collecting this information as part of reports from their grantees. In 2010 they began the process of working with DPSCS to decide on the best way possible to allow the Council access to this data. The current data cycle started July 1, 2009 and ended on June 30, 2010. While DHR is compiling this data, the FVC mapped data from the last funding cycle, which spans from October 1, 2008 to June 30, 2009. Though this was not a full year worth of data, it did give the group an idea of what the next set of data might look like.

This Spring, the FVC intends to map data spanning the funding cycle that ended this past July, with the overall goal of collecting this information from all domestic violence centers, not just DHR grantees.

Livescan Project

On April 1st of 2009 a check box for domestic violence was added to the drop down menu used for booking in both the Livescan and the Automated Booking System (ABS) used by Law Enforcement across the State, therefore allowing for the tracking of domestic violence incidents statewide. This will not be accessible on a criminal's rap sheet, nor will it be reported to the FBI, and it does not replace UCR data. This addition is simply another piece of information to try to track DV in a more effective manner. These incidences are referred to as Domestic Related Incidences or DRI's. The FVC and GOCCP completed outreach to booking departments via a letter in the fall of 2009. Law enforcement agencies were asked to begin recording DRI information as of January 1, 2010. Not all counties participated, as participation in this project was voluntary.

In March, GOCCP was informed of a problem regarding DRI data. As instructed, all police officers were assigning DRI's to crimes that meet the Council's definition, however, this DRI code was attaching itself to the statement of charges, which was then going to the courts. Court commissioners would no longer accept this and were asking police officers to remove this information from the system. As a result, DPSCS removed the option to assign a DRI from the Livescan booking system (the ABS system was not affected), and GOCCP instructed police departments using either system to cease writing the DRI code in the charging documents, as this was happening occasionally.

Once this glitch was corrected, the DRI project was piloted in Harford County at the end of May, followed by Howard, Anne Arundel, Carroll and Harford counties in June. No issues were discovered, and law enforcement was asked to comply by October 1st.

Legislative

The Legislative Subcommittee is responsible for helping to draft and present bills for legislation. Bills must obtain a majority vote within the FVC before being presented for legislation. During the 2009 Session the Council supported the following legislation:

- HB 60/SB 618 - Criminal Procedure - Violation of Pretrial or Posttrial Release No Contact Order - Expedited Hearing ("Alexis's Law"): Authorizes a police officer to arrest a person without a warrant if the police officer has probable cause to believe that the person has violated a condition of pretrial or posttrial release. Also prohibits a person charged with committing a specified sexual crime against a victim who is a minor from contacting, harassing, or abusing the victim or going near or in the victim's residence or place of employment. *Passed both the House and the Senate as:*

- HB 60/SB 618 – Criminal Procedure - Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order ("Alexis's Law")
- HB 106/SB 248 - Civil Cases - Maryland Legal Services Corporation Fund – Surcharges: Increases the surcharge on civil cases in the circuit courts from \$25 to \$50, the surcharge on civil cases in the District Court from \$5 to \$7 in summary ejectment cases, and from \$10 to \$15 in all other civil cases. *Passed both the House and the Senate*
- HB 534/SB 867 - Domestic Violence - Protective Order – Extension: Authorizes a court to extend the term of a protective order beyond the original expiration date if a judge finds by clear and convincing evidence that the respondent has committed a subsequent act of abuse during the term of the protective order. The court must provide notice to all persons eligible for relief and the respondent in order to hold a hearing to extend the protective order. The protective order may not be extended for more than two years past the original expiration date. *Passed both the House and the Senate*
- SB 22/HB 905 – Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions: Establishing an exception to the prohibition against wearing, carrying, or transporting a handgun or other regulated firearm for a person who is carrying a specified court order requiring the surrender of the handgun or other regulated firearm and who has notified a specified law enforcement unit that the handgun or regulated firearm is being transported in accordance with the court order, the handgun or regulated firearm is unloaded, and the person transports the handgun or regulated firearm directly to the law enforcement unit. *SB 22 amended to conform with HB 905. Passed both the House and the Senate*
- HB 911 – Education – Tween/Teen Dating Violence (Kristin Marie Mitchell Law): Requiring the State Board of Education to adopt in the public schools a specified program on dating violence on or before a specified date; altering the definition of "victim of domestic violence"; requiring the Governor to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week"; etc. *Died in Ways and Means Committee.*
- HB 1336 – Washington County - Domestic Violence - GPS Tracking System Pilot Program for Offenders: Requires Washington County to implement a global positioning satellite tracking system pilot program. This program authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a protective order, to order that the defendant be supervised by electronic monitoring as a condition of bail. *Passed both the House and the Senate*
- HB 1382/SB 554 - Rental Housing - Protection for Victims of Domestic Violence and Sexual Assault: Authorizes a tenant who is a victim of domestic violence or sexual assault to terminate a residential lease after providing written notice to their landlord and is then authorized to vacate the premises within 30 days of providing the notice. A tenant who is the victim of domestic violence or sexual assault may also request in writing to their landlord that their locks be changed by the close of the next business day. Tenants may have their locks changed by a certified locksmith without permission from their landlord, should they choose not to comply in a timely fashion. *Passed both the House and the Senate*

- SB 123 - Criminal Procedure - Victim's Compensation - Temporary Lodging for Domestic Violence Victims: Making victims of domestic violence who are eligible for an award as the result of an injury resulting from a specified domestic violence incident and who sought temporary lodging to avoid further injury eligible to receive an award from the Criminal Injuries Compensation Fund for reasonable costs of up to 14 days of temporary lodging. *Died in House Judiciary Committee.*

In addition to the bills listed above, the Council opposed the following domestic violence bills:

- HB 48/SB 329 - Domestic Violence – Requirement to Advise Respondent of Consequences of Final Protective Order: Requiring a judge, in a proceeding for relief from domestic violence, to advise the respondent of specified consequences resulting from the issuance of a final protective order before the respondent may consent to waive a temporary protective order hearing or consent to the entry of a final protective order; authorizing a respondent to withdraw consent to the entry of a final protective order at any time before a final protective order is entered; etc. *Received unfavorable reports in House and Senate committees*
- HB 893 – Public Safety – Handgun Permits – Victims of Domestic Violence: Authorizing the Secretary of State Police, in determining whether a handgun permit is necessary as a reasonable precaution against apprehended danger, to consider whether the applicant is a person eligible for relief for whose benefit a court has issued a final protective order under the domestic violence law; etc. *Died in House Judiciary Committee.*
- HB 1149/SB 935 – *Denial or Dismissal of Peace Order or Protective Order Petition - Shielding of Records*: Authorizing a respondent in a specified domestic violence proceeding to file a written request to expunge all court records relating to the proceeding; requiring the court to schedule a hearing on a specified request and to provide specified notice of the hearing; requiring the court to order the expungement of all court records relating to the proceeding under specified circumstances; requiring specified custodians to notify the court and the respondent of compliance with the order; etc. *HB 1149 and SB 935 substantially amended to “shield” records from public view on the Internet. Includes a judicial review process, review of dismissed and denied records by judges considering final protective and peace orders, and access to records by designated groups. Passed both chambers.*

The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2011 and has already begun this process by meeting as a full council and discussing potential legislation.

Abuser Intervention Program Certification

From 1995 – 2004, the FVC held the responsibility of monitoring abuser intervention program compliance and forwarding a list of self-certified programs to the Administrative Office of the Courts (AOC) for inclusion in the Judges' Benchbook. In 2009, after much discussion, the Council decided to again take on this responsibility. The revised Guidelines and Application were final as of January 2010. A Technical Assistance Session for interested applicants was held in late February with a submission deadline the end of May. Twenty-seven applications were received and reviewed in July and twenty-six programs were certified. This update of certified programs was sent to the courts in the beginning of October for inclusion in the latest publication of the Judges Benchbook.

Miscellaneous Events/Activities

Domestic Violence Definition Change

In May, it was brought to the attention of the Coordinator that a definition change in the domestic violence code for Maryland warranted a change in the FVC's definition of domestic violence as well.

The current definition as defined by the FVC read as follows:

Any criminal offense where the offender and the victim are or have been married, in an intimate relationship, including dating and same sex relationships, or have a child together.

The Council voted to change the definition to the following:

Any criminal offense where the offender and the victim are or have been married, in an intimate relationship, including dating and same sex relationships, or have a child together, or where the victim qualifies for as protective order or an intimate partner peace order.

Parole and Probation Risk Factors

In March, Director Pat McGee attended a Council meeting to discuss the new domestic violence policy of the Department of Public Safety and Correction Services (DPSCS). Both the policy and training started in February; training consisted of mandatory six hour training for DPSCS employees. The policy also lists risk factors for offenders who commit acts of domestic violence, as well as a supervision checklist for employees that will, among other things, check for the existence of a protective order of an offender (see attachment entitled "P&P Risk Factors").

The Council had several concerns regarding this policy. First, the Council was concerned that the definition of victim as listed in section II (b) may be too restrictive. The definition has been copied directly from the Family Law Article; however, it only includes current or former spouses or cohabitants as being possible perpetrators, which excludes other types of intimate relationships. In section V (b) "domestic violence offender" is expanded upon to reflect this type of relationship; however, the Council feels that for clarity, these definitions should match, and suggested language from the protective order statute be used, which states that abuse be considered domestic abuse if it occurs within the confines of any intimate relationship.

The Council discussed the risk factors listed, which were derived from the FVC's report, entitled "Conclusions of the Task Force Regarding GPS Monitoring of Certain Domestic Violence Offenders" (November, 2009). These were also the factors that DPP believes are the easiest to ascertain from the offender. The Council asked about services for victims who do not speak English, and DPP affirmed that they have a translator service for use should the need arise. The Council also suggested that in the letter sent to the victim, DPP include contact information for the local victim service provider so that the victim has the information necessary to ascertain assistance.

The Council suggested that the training on this policy be completed in coordination with a victim service provider, utilizing their expertise in the area of domestic violence. Currently, the training involves domestic violence from the perspective of DPP as well as relevant policy. At the suggestion of Secretary Maynard, members of the DPP training division partnered with members of the Public Awareness Subcommittee to ensure accurate training materials. The Council's definition of domestic violence and some of the risk factors the Council developed were included in the training material. While one round of agent training has taken place, a second one is scheduled.

In September, the FVC expressed ongoing concerns regarding incorporating all of the risk factors into the risk assessment policy for domestic violence offenders, as well as proper administration of the lethality assessment.

The Council submitted recommendations to DPP, to be included in the risk assessment policy and instrument. The Council will continue to work with DPP on this issue.

Looking Ahead

The Family Violence Council has identified action items and events for the upcoming year as follows:

- Media Outreach: To continue meeting with and discussing domestic violence and its portrayal in the media with members of the Maryland Media.
- Awareness activities around domestic violence issues.
- Complete implementation of Livescan and DHR Data Collection project for data collection purposes.
- Complete implementation of the Maryland VPO Project.
- Continued expansion of hospital-based domestic violence programs throughout the state through the passage of the newly written Executive Order, as well as further determining necessary resources for interested hospitals.
- Certification of Abuser Intervention Programs.
- Collaboration and support of Maryland domestic violence organizations.
- Legislative testimony and support.

In addition, the following domestic violence project will be in operation this coming year under the direction and leadership of the Council:

Illuminations Project

GOCCP, in collaboration with St. Vincent's Center and Catholic Charities, will begin offering law enforcement officers in Maryland the opportunity to view the *Illuminations* art exhibit and receive training on child victimization. *Illuminations* is a workshop based on artwork created by two victims of child sexual abuse. The art depicts the realities of child sexual abuse and the dynamic influence it has on individuals, families, and communities. This training will supplement the enhanced curriculum on victimization at the Maryland Police and Correctional Training Commission's Academy for in-service and new officers, which is required as of October 1, 2010 per the passage of HB 779.

It is my pleasure to provide this update to you regarding the dedicated work of the FVC. If you need any further information in any of the areas, please do not hesitate to contact me. Thank you for your continued commitment and support to addressing violence against women in Maryland.

FVC Leadership

Governor Martin O'Malley

Douglas F. Gansler, Chair, Maryland Attorney General

Jodi Finkelstein, Vice Chair

Cheryl R. Kravitz, Vice Chair, President, CRK Communications

Anthony G. Brown, Lieutenant Governor

L. Tracy Brown, Executive Director, The Women's Law Center of Maryland

Michaele Cohen, Executive Director, Maryland Network Against Domestic Violence

John M. Colmers, Secretary of Health and Mental Hygiene

Donald D. DeVore, Secretary of Juvenile Services

Dr. Nancy S. Grasmick, Superintendent of Education

Rosemary King Johnston, Executive Director, Governor's Office for Children

Dorothy J. Lennig, Esq., Domestic Violence Legal Clinic, House of Ruth Maryland

Kristen Mahoney, Executive Director, Governor's Office of Crime, Control & Prevention

Gary D. Maynard, Secretary of Public Safety and Correctional Services

Scott Patterson, Office of State's Attorney, Talbot County

Blanca Picazo, Assistant Director, Adelante Familia

Vicki Sadehvandi, Executive Director, CASA

Colonel Terrence B. Sheridan, Superintendent, Maryland State Police

Senator Bryan Simonaire, Maryland General Assembly

Delegate Donna Stifler, Maryland General Assembly

Delegate Kriselda Valderrama, Maryland General Assembly

Secretary Brian Wilbon, Interim Secretary of Human Resources

Jeanne Yeager, Executive Director, Mid Shore Council on Family Violence

Erin Newton, Coordinator, Governor's Office of Crime Control & Prevention