

# GOVERNOR'S FAMILY VIOLENCE COUNCIL MEETING MINUTES

Tuesday, January 29, 2013

Maryland Judiciary Training Center

## ATTENDEES

**COUNCIL MEMBERS PRESENT:** Attorney General Douglas F. Gansler, Chair, G. Antonio Arenas, Kisha Brown, L. Tracey Brown, Diana Cheng on behalf of Secretary Joshua Sharfstein, Michaele Cohen, Jeanne Cooper on behalf of Secretary Theodore Dallas, Jessica Dickerson on behalf of Secretary Sam Abed, Julie Drake on behalf of Richard Barth, Jodi Finkelstein, Debra Gonzalez on behalf of Secretary Gary Maynard, Deena Hausner on behalf of Dorothy Lennig, Lisae Jordon on behalf of Delegate Kriselda Valderrama, John McGinnis on behalf of Lillian Lowery, Scott Patterson, Brian Reider on behalf of Colonel Marcus L. Brown, Adam Rosenberg, Justice Schisler on behalf of Tammy Brown, David Shultie, Joan Harris on behalf of Senator Bryan Simonaire, Joan Stine, and Jeanne Yeager

**COUNCIL MEMBERS NOT PRESENT:** Lt. Governor Anthony Brown, Lisa Nitsch, Blanca Picazo, Vicki A. Sadehvandi, Anne Sheridan, and Delegate Cathy Vitale

**STAFF:** Nakita Long

**GUESTS:** Erin Dunnagan, Peter Fosselman, and Beth Volk

**WELCOME/INTRODUCTIONS:** Attorney General Douglas F. Gansler, Chair, began the meeting at approximately 10:05 a.m. Introductions were made.

## APPROVAL OF MINUTES:

- ❖ Motion: Move to approve Minutes of October 18, 2012.
- ❖ Vote: Seconded and unanimously approved.

## MEMBERSHIP UPDATE

- ❖ Due to the recent appointment to Judgeship, Karla Smith will no longer serve on the Family Violence Council (FVC).
- ❖ With the appointment of three new members, all seats for Council membership have been filled with the exception of a designated seat for Senator. The newly appointed members are as follows:
  - Gregoria Antonio Arenas, House of Ruth – Montgomery County
  - Richard Barth, Ph.D., University of Maryland School of Social Work
  - Adam Rosenberg, Baltimore Child Abuse Center (CAC)
- ❖ A handout, "Governor's Family Violence Council Membership" was provided to all attendees.

## PRESENTATION

- ❖ **Safe at Home Program**
  - Beth Volk, Maryland Safe at Home Address Confidentiality Program Coordinator with the Office of the Secretary, provided an overview of the Safe at Home Program.
    - The Maryland Safe at Home Address Confidentiality Program (ACP) is administered by the Office of the Secretary of State and has been in existence for six years.
    - The program provides service to victims of domestic violence by helping those individuals, who have relocated or are about to relocate, by providing them with a P.O. Box and 1<sup>st</sup> Class mail service free of charge, in an effort to keep their perpetrators from finding them.

- The ACP has special procedures in place for participants to interact with the Motor Vehicle Administration, State Board of Elections, and Public Schools (including community colleges).
- Enrollment into the ACP is for a period of four years and individuals must reenroll after that time. There is a fifty-percent reenrollment rate.
- Ms. Volk encouraged all in attendance to get the word out about the program and to have victim clients utilize services when warranted.

#### ❖ **VINE Protective Order (VPO)**

- Erin Dunnagan, Account Manager with Appriss, Inc., provided an overview of Maryland's VINE Protective Order.
  - VPO was implemented in October 2010, however due to technical issues with the system it was only operational for one month before it was temporarily shut down at the end of October.
  - In early April, the system was reintroduced and it has continued to operate without interruption.
  - The VPO system works by interfacing with Law Enforcement's Maryland Electronic Telecommunications Enforcement Resource System (METERS). Appriss then collects information from METERS and sends out VPO notifications.
- Ms. Dunnagan advised that she has discussed with Nakita Long, FVC Coordinator, the possibility of hosting trainings and/or webinars for law enforcement agents and victim service providers to provide an overview of VPO and to increase the usage.
- It was suggested that Appriss host a judiciary training to make judges aware of the importance of VPO.

#### **DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DHMH) UPDATE**

- ❖ Diana Cheng, Medical Director of Women's Health for DHMH, provided an update of DHMH.
  - Maryland DHMH was one of six states awarded a grant from Office on Women's Health for a public health initiative to prevent violence against women. The project is funded at \$375,000 over 3 years, starting January 2013, and DHMH will be working with Futures Against Violence to integrate violence screening into the family planning program (75,000 women/year use the program).
  - A Maryland Intimate Partner Violence (IPV) Task Force comprised of health care providers from the areas of ob/gyn, emergency medicine, psychiatry, internal medicine, family practice, and pediatrics, convened to facilitate IPV screening and interventions among primary care providers.
    - Recommendations included a simple 3-question screen to be used at every new, comprehensive, or injury visit.
    - Pregnant women will be assessed each trimester and postpartum.
    - Public comments, some from national experts, were very supportive.
    - Training and implementation of protocol are planned.

#### **WORKGROUP**

##### ❖ **Domestic Violence in the Presence of a Child**

- Joan Stine, Champion of the Domestic Violence in the Presence of a Child Workgroup, advised that the Baltimore City Criminal Justice Coordinating Council, Domestic Violence Coordinating Council, is also reviewing the issue of children's exposure to domestic violence.

- In an attempt not to duplicate efforts, a meeting will be scheduled to meet with Kimberly Barranco, Executive Director of Baltimore City Criminal Justice Coordinating Council, Domestic Violence Coordinating Council; Julie Drake, Clinical Instructor, University of Maryland School of Social Work; Dorothy Lennig, Esq., House of Ruth of Maryland; and Nakita Long, FVC Coordinator to discuss combining efforts.
- The Workgroup will be divided into two subgroups (Courts and Schools) to more effectively focus on gaps in services and develop recommendations and best practices.
- The Maryland Network Against Domestic Violence (MNADV) will be conducting two workshops on children who witness domestic violence on February 22.

#### ❖ **VINE Protective Order (VPO)**

- Deena Hausner, House of Ruth, provided a VPO update with respect to law enforcement, court requirements, registration/statistics.
  - In October, as a result of law enforcement failure to enter protective order service information into METERS, a survey was forwarded to all law enforcement agencies to assess their VPO policies. To date, 82 surveys have been returned and 34 are still pending. The goal of collecting the surveys is to review current policies and develop best practices.
  - Tear pads and brochures in English and Spanish are available to provide information about VPO. VPO brochures and tear-off pads were delivered to the courts and law enforcement agencies. While there is no mandate for law enforcement agencies to give out the documents, the courts are required to. Nakita Long will begin scheduling appointments to visit with each of the Courts to see what policies are in place for disseminating the VPO brochures and tear offs.
  - Petitioners can register for VPO telephone notification or email notification. Registration can be accessed via [vinelink.com](http://vinelink.com) or [registervpo.com](http://registervpo.com). To register, the petitioner must have the protective order case number.
    - Statistics indicate that more registrations occur via email.
    - Telephone notification is in English and Spanish. However, website/email is currently only in English.
  - A packet was provided outlining VPO statistical data
    - There were a total of 41,554 Protective Orders issued in Maryland during the 2012 calendar year with 3,073 registrations and 10247 notifications.
    - From April through December 2011, there were a total of 26,357 Protective Orders issued in Maryland with 1,395 registrations and 3425 notifications.
    - In 2012, 7.4% of all Protective Orders had registrations against them, which are up from 5% in 2011.
    - Maryland averages 3,463 orders, 256 registrations and 853 notifications each month.
    - Maryland has the second highest registration rate for statewide VPO programs in the nation.

#### ❖ **WORKGROUP MEETINGS**

- GOCCP will begin using iLinc, software that will allow workgroups to have virtual meetings when in person meetings are not practicable.

## **LEGISLATION**

#### ❖ **Voting**

- Nakita Long will forward legislative bills to Council members during the legislative session via email using Microsoft Office's Outlook's voting button feature which can be customized to include support, oppose and/or no position buttons.

#### ❖ **Dissemination of Incident Report**

- Family Law Article, § 4-502 and 4-503.1 Md. Code Ann. requires law enforcement agencies to forward a copy of DV incident reports to the Maryland State Police (MSP). MSP is not the holder of record and therefore is just storing the DV incident reports.
- MSP would like to propose a bill that would eliminate the requirement for law enforcement agencies to forward DV incident reports. However, law enforcement agencies would still be required to forward Maryland Domestic Violence Report Form 9 and 9B used for to UCR reporting to MSP.
- Captain Brian Reider asked for the Council's support prior to seeking a sponsor for this bill.
  - A vote was taken and Council unanimously supports bill.

#### ❖ **Criminal Law § 3-601.1**

- Kisha Brown, Director of Legislative Affairs and Civil Rights for the Office of the Attorney General discussed Attorney Generals top legislative priority, Criminal Law § 3-601. This bill is in its final draft form and a Senate Sponsor is being sought.
- This bill establishes an enhanced sentencing penalty for the commission of a crime of violence when the person knew or reasonably should have known that a minor was within sight or earshot of the crime.
- Several issues were raised and discussed with regard to the wording of the bill.
  - The definition of minor in this bill is described as a child who is at least 2 years old and under the age of 16. A discussion was held regarding the age at which to classify a minor (under the age of 16 vs. under the age of 18). Attorney General Gansler agreed that changing the age requirement to classify a minor to under the age of 18 is appropriate.
  - It was suggested to change the 30 day notice requirement from at least 30 days before trial to be consistent with other cases in the Annotated Code.
  - It was also suggested to change the Section C (2) to include subsection (A) and (B).
  - Section E under this bill reads, 'a person who receives an enhanced penalty.' It was suggested to amend this section to state 'a person who receives *notice of* an enhanced penalty.' Additional changes include removing the words "guilty of" and replace with "charged with".
  - Questions arose about whether this bill would enhance a penalty already imposed or create another sentence for a separate crime.
- Possible dates for the rally or hearing are February 14 and February 19.

#### ❖ **Legislative Session Update**

- There are several priority bills for the Maryland Network Against Domestic Violence (MNADV) this session. A handout was provided listing the bills. Some of those bills include the following:
  - Committing a Crime of Violence in the Presence of a Minor
    - See Criminal Law § 3-601.1 subheading above.
  - Permanent Protective Order
    - The proposed legislation would add the crime of second degree assault to the list of enumerated crime and would change the language of the law to state that the

respondent was *sentenced* to a term of imprisonment of at least five years instead of *serve* a term of imprisonment of at least five year.

- Relief for Victims of Dating and Sexual Violence
  - This bill would remove dating violence and sexual assault out of the Peace Order statute and place it into the Protective Order statute. Dating violence and sexual assault are volatile cases that need the special attention that a protective order provides.
  - Over 41 other states currently include dating violence in their protective order statutes.
- Earned Sick and Safe Time Act
  - This bill would require employers to allow workers to earn a certain number of annual paid sick days. The “safe time” component of this bill would require employers to allow domestic violence victims to use accrued paid sick leave for health care, to seek legal protection or secure new housing.
    - Members of the Council expressed concern about whether domestic violence victims would have to disclose this information to employers. Michael Cohen, MNADV, will check into this and advise the Council.
- Firearm Bill
  - This proposed legislation would prohibit respondents who have final protective orders issued in Maryland or in another state from possessing regulated firearms.

**MEETING ADJOURNED:** 11:41 AM

**The next Council meeting will be held  
April 2013  
Date to be Determined**