

GOVERNOR'S FAMILY VIOLENCE COUNCIL MEETING MINUTES
Thursday, January 30, 2014
Heritage Office Complex – Chesapeake Room

ATTENDEES

COUNCIL MEMBERS PRESENT: Patricia E. Arriza on behalf of Anne Sheridan, Kisha Brown, Diana Cheng on behalf of Secretary Joshua Sharfstein, Michael Cohen, Jessica Dickerson on behalf of Secretary Sam Abed, Julie Drake on behalf of Richard Barth, Debbie Feinstein, Attorney General Douglas F. Gansler, Rhea Harris on behalf of Secretary Gregg Horshberger, Lisa C. Jordan on behalf of Delegate Kriselda Valderrama, Dorothy Lennig, John McGinnis, Lisa Nitsch, Brian Reider on behalf of Colonel Marcus L. Brown, Manuel Ruiz, Laure Ruth on behalf of L. Tracey Brown, Justice Schisler on behalf of Tammy Brown, David Shultie, Joan Stine, and Jeanne Yeager.

COUNCIL MEMBERS NOT PRESENT: Secretary Theodore Dallas, Jodi Finkelstein, Scott G. Patterson, Adam Rosenberg and Delegate Cathy Vitale.

STAFF: Lashonde Beasley and Nakita Long

GUESTS: Karen Payne, Akeda Pearson, and Beth Volk

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

APPROVAL OF MINUTES:

- ❖ Motion: To approve Minutes of October 18, 2013 Council Meeting.
- ❖ Vote: Seconded and unanimously approved.

LEGISLATION

- ❖ 2014 Legislative Agenda
 - The following Administration Bills were heard in the Senate on Tuesday, January 28, 2014 and were supported by the FVC and the MNADV.
 - SB 333 and SB 28/HB 307 and HB 333 - Peace Orders and Protective Orders – Burden of Proof
 - This bill would change the burden of proof for those seeking final protective orders and peace orders from “clear and convincing evidence” to “preponderance of the evidence.”
 - SB 333/HB 309 - Family Law- Domestic Violence – Permanent Final Protective Orders
 - This bill would add the crime of 2nd degree assault to the list of enumerated crimes.
 - This bill would also alter the language from “served” to “sentenced” meaning the respondent is sentenced to a term of imprisonment of at least five years, but does not need to actually serve five years.
 - SB 41 - Domestic Violence – Persons Eligible for Relief
 - This bill would move dating violence and sexual assault out of the peace order statute and into the protective order statute.
 - It would add to a person eligible for relief “an individual who has had a consensual or nonconsensual sexual relationship with the respondent.”
 - SB 337 – Criminal Law – Crimes Committed in the Presence of a Minor

- This bill would enhance the penalty for criminal defendants who are convicted of domestically related crimes in the presence of a minor.
 - The Council voted on whether or not to support the following bills that will be heard in the House on February 13, 2014.
 - HB 185 - Crimes - Committing a Crime of Violence in the Presence of a Minor – Penalties
 - This bill would enhance the penalty for persons who commit a crime of violence in a residence when the person knows or reasonably should have known that a minor was within sight or hearing of the crime.
 - The Council discussed this bill at length and its differences between SB337.
 - This bill has an age requirement of two years old; however SB 337 does not.
 - This bill requires the act to have been committed in the residence.
 - This bill does not limit the criminal act to being domestically related as is in SB 337.
 - The Council voted to support both SB 337 and HB 185 and allow the minutia of details to get determined by the Committees.
 - HB 282 – Family Law – Peace Orders and Protective Orders – Shielding
 - This bill requires the court to automatically shield all denials and dismissals of court records related to certain peace and protective orders.
 - The Council voted to oppose this bill as it does not give the petitioner a chance to object to the shielding of the court record.
 - HB 397 – Peace Orders and Protective Orders – Consent Orders – Shielding
 - This bill authorizes a respondent who consents to the entry of peace or protective order to file a request to shield court records.
 - The Council voted to oppose this bill as the consent orders have the same force and effect of a contested hearing final peace or protective order except the court has not made findings of fact to support the stay away and the consent orders may still lead to future contempt and criminal violation charges.
 - HB352 – Peace Orders and Protective Orders – Penalties – Second or Subsequent Offenses
 - This bill would allow enhanced penalties for the violation of a peace or protective order when the defendant has been previously convicted of a peace or protective order.
 - The Council voted to support HB 352.
- Beth Volk, Office of the Secretary of State, advised that Delegate Robinson is sponsoring HB 559 - State Government - Human Trafficking Address Confidentiality Program.
 - This bill would expand the Address Confidentiality Program to victims of human trafficking, sexual assault, and stalking.
 - This bill will be heard in the House on February 18, 2014.

WORKGROUPS

❖ DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD

- School Subgroup
 - Joan Stine advised that the Domestic Violence in the Presence of a Child Workgroup was divided into two subgroups (Criminal Justice and Schools) to more effectively focus on gaps in services and develop recommendations and best practices.
 - The School Subgroup has met with Assistant Attorney General Jacqueline LaFiandra to determine what the school can do and what its limitations are once children who witness domestic violence have been identified.

- It has been determined that there are no COMAR regulations that determine how many times a school psychologist may see a child or any statutes that forbid one psychologist from disclosing information to another psychologist should the child transfer schools.
 - Ms. Stine advised that the subgroups will meet separately one more time before joining together to develop a referral resource list.
 - Ms. Stine also advised that the Washington State Behavioral Survey provides informational material on the many adverse effects witnessing domestic violence has on children.
- Criminal Justice Subgroup
 - Julie Drake advised that a draft protocol was provided to the Governor which outlined the Criminal Justice Subgroup's differential responses for law enforcement personnel, based on the degree of a child's exposure to domestic violence.
 - Ms. Drake advised that a meeting has been coordinated with law enforcement from different jurisdictions throughout the State to determine what the "trained police response" should be.
 - As part of the response, a brochure entitled "Fighting in the Home: Is Your Child Being Affected?" was developed by several clinicians to be provided to parents to address a child's exposure to domestic violence. Council members were provided with a draft of the brochure to review and suggested the following:
 - Instead of or in addition to providing MNADV as a one stop shop referral source, provide an area on the brochure for a sticker to be placed with the information for local resources.
 - Have the brochure available as a PDF that can be modified by different jurisdictions.
 - There was some concern expressed over using the word "fighting" in the brochure as many indicated this implies that the fighting is mutual. Ms. Drake advised that the clinicians pondered over the use of words in the brochure very carefully and the words were used so that victims could identify with them.
 - Joan Stine advised that the group will conduct a focus group on the brochures.
 - Akeda Pearson advised that the Interfaith Community would find the words used in the brochure more inviting.
 - Lisa Nitsch advised that the Maryland Abuser Intervention Collaborative is drafting a brochure for perpetrators to discuss the effects abuse has on children.

❖ VINE PROTECTIVE ORDER (VPO)

- **VPO Quarterly Report**
 - During the 2013 calendar year, 39,497 protective orders were issued. There were 3,467 registrations against those orders and 11,675 notifications were made to registrants. This means that 8% of all protective orders during the 2013 calendar year issued had registrations against them.
 - Council members questioned whether there was a set goal for the number of protective orders we are striving to have registrations against.
 - Council members inquired how Maryland ranks in comparison to the numbers of registrations in other states.
 - An inquiry was also made to compare the percentage of VPO registrants with VINE registrants for a given period of time.
- **VPO Outreach**
 - In an effort to increase VPO awareness and registrations, Nakita Long coordinated the following over the past year:

- Provided eight trainings throughout the 2013 calendar year.
 - Worked with MNADV and provided statewide awareness training via telephone conference (held in January 2014).
 - Worked with the Courts to add VPO information to the first page of Interim and Temporary Protective Orders.
 - Added special conditions to GOCCP's victim services and law enforcement grants promoting the program and encouraging its use.
 - Worked with the Office of the Secretary of State to add VPO information to the SAFE at Home Program's publications.
 - Conducted monthly site visits at courts to ensure they are distributing VPO brochures.
 - Nakita and Lashonde Beasley will provide two in person trainings each month at different jurisdictions throughout the state during the 2014 calendar year.
 - Nakita and Appriss, the VPO vendor, will provide quarterly Webinars beginning March 2014.
- **VPO Issues**
 - **Prince George's County**
 - **Issue:** Failure to enter service information into METERS within 2 hours of service
 - **Resolution:** Nakita met with the Deputy Sheriff and Captain at the Prince George's County Sheriff's Office. Given that there are multiple police municipalities in Prince George's Co., there appears to be a training issue for officers regarding the process. The Sheriff's Office will be meeting with the Chiefs of the different Municipalities and will coordinate a training which Ed Nabors, Department of Public Safety; Dalene Drum, NCIC; and Nakita will participate in.
 - **Issue:** Failure to reenter service date into METERS once DVCR has been updated.
 - **Resolution:** Training- Reminder to reenter service date into METERS although DVCR has been updated.
 - **Issue:** Manpower – The County has one clerk who is entering all of the temporary protective orders and one who is entering all of the final protective orders for the jurisdiction.
 - **Resolution:** Mobile Data Terminal (MDT) as an alternative. Nakita advised that there is a capability of having officers fill out the VPO form on the in-car computer or Mobile Data Terminal (MDT) with time of service. This service is not yet provided in Prince George's so they will need to discuss costs and practicality with their vendor.
 - **Baltimore City Sheriff's Office**
 - **Issue:** In several protective order cases, notifications were received indicating that Final Orders had not been served, when in fact, a TPO had been extended
 - **Resolution:** Nakita has been advised by Major Cogen at the Baltimore City Sheriff's Office that this matter has been resolved, however she is waiting on clarification of how.
 - FVC members and guests were reminded to contact Nakita Long if they encounter any problems with VPO.

❖ **ABUSERS NOT MEETING THE CONDITIONS OF COURT ORDERS**

- Lisa Nitsch of the House of Ruth, Maryland chairs this workgroup and she advised that the group has met three times.

- The purpose of this group is to examine the various responses by the criminal justice system when abusive partners fail to meet the conditions set by a criminal court order. The aim is to raise awareness of patterns within the system and to identify opportunities to help the courts hold abusers accountable to their orders.
- The workgroup is working with the DPSCS's Community Supervision and has recently viewed DPSCS's Offender Case Management System (OCMS) to determine what data is being captured and what additional data could be captured so the workgroup can determine what is happening when offenders violate the conditions of their court order.
- The next workgroup meeting will take place on Monday, February 24, 2014 at 10:00 AM at the House of Ruth, Maryland.

STRATEGIC PLANNING TO IMPROVE SYSTEM RESPONSE

Dorothy Lennig presented a timeline of events that occurred in one particular case in Prince George's County, Maryland which outlined how the system failed the victim on numerous occasions at multiple levels of the criminal justice system. She also discussed the failure of many judges to comply with the Courts' weather related closure two day court rule which states that if the court is closed unexpectedly on the expiration date, the Order will remain in effect until the next day the court is open.

- The Council made the following recommendations:
 - Training of Commissioners/Judges
 - Implementation/Monitoring/Accountability
 - Mandatory In-service training for Police Officers
 - Begin a workgroup to focus on strategic planning to improve system response
 - Dorothy Lennig, Jeanne Yeager and Debbie Feinstein all agreed to be a part of the workgroup should it be established.
 - Invite members from law enforcement, Commissioner's Office and Judicial System to hear system concerns to the next meeting scheduled for April.

ABUSER INTERVENTION PROGRAM AUDITS (2013)

- ❖ Nakita advised that this year, there are more than 30 programs that need to be audited based on the current rules for program certification which indicates that a program is certified one year and audited the next. Nakita suggested amending the current practice to a three year process. Due to the few resources and shortage of program staff along with Nakita being the only person to conduct the audits, the three year time frame would allow for all programs to have a more thorough audit. The audit could be conducted at anytime within the three year timeframe.
- ❖ Nakita also suggested that an online form be created for complaints. A complaint of a program could potentially warrant an audit of that program.
- ❖ New certification will continue to be held each year in May.
- ❖ The Council agreed with the aforementioned changes to the AIP cycle.

FVC MEMBERSHIP UPDATE

- ❖ Manual Ruiz, Family Crisis Center of Prince George's County, Inc. has been appointed to the FVC.
- ❖ Nakita advised that there is one vacant Council seat and that if anyone is interested or knows of anyone who is interested, they should contact her.
- ❖ Nakita introduced Lashonde Beasley who will be her replacement while she is out on maternity leave.

NEXT STEPS

- ❖ Nakita Long will prepare legislative letters of support and opposition on behalf of the FVC.
- ❖ Nakita Long will invite members of law enforcement, the Commissioners Office and the Judiciary to attend April's meeting.
- ❖ Nakita Long and Lashonde Beasley will continue to reach out to victim service providers to provide training on VPO.
- ❖ Nakita Long will continue to provide VPO outreach.

MEETING ADJOURNED: 12:00 PM

UPCOMING MEETINGS

The next Council meeting will be held
April, 2014 (date to be determined)

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The Domestic Violence in the Presence of Child  
Law Enforcement Subgroup meeting will be held  
February 12, 2014 @ 1:00 PM  
GOCCP  
Towson, MD

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The Abusers Not Meeting the Conditions of Court Orders
Workgroup meeting will be held
February 24, 2014 @ 10:00 AM
House of Ruth Maryland
Argonne Drive, Baltimore, MD