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TO: The Honorable Martin O'Malley Governor State of Maryland  
The Honorable Thomas V. Mike Miller, Jr. President of the Senate State House, H-107

The Honorable Michael Erin Busch Speaker of the House of Delegates State House, H-101

FROM: Tammy Brown Executive Director Governor's Office of Crime Control & Prevention

DATE: December 1, 2013

RE: Governor's Family Violence Council, Annual Update

Per Executive Order 01.01.2012.05 Governor's Family Violence Council, which amended Executive Order 01.01.2008.16, I am pleased to provide you with an Annual Update regarding the efforts of the Family Violence Council to date.

**EXECUTIVE SUMMARY**

In 2008, the O'Malley-Brown Administration established 15 strategic goals to improve the quality of life in Maryland. Among these 15 goals was reducing violent crimes committed against women and children by 25% by the end of 2012. The efforts of the Administration surpassed this goal, driving down juvenile and female homicides by 31.7% since 2006. In keeping with its commitment to public safety, the O'Malley-Brown Administration set a new goal of further reducing violent crime against women and children by another 25% by the end of 2018. Governor O'Malley and Lt. Governor Brown have advocated strongly for victims of family violence by establishing and supporting the work of the Governor's Family Violence Council (FVC). For over 5 years, the FVC, Chaired by Attorney General Douglas F. Gansler, has accomplished a broad range of projects to improve accountability, awareness, and research in statewide family violence policy.

**I. 2008 – 2013 Accomplishments Summary**

**2008**

*FVC Retreat:* The FVC officially began meeting in January 2008. On April 28, 2008 the Council hosted a retreat in Baltimore, a full day meeting including the Honorable Catherine O'Malley as a guest speaker.

*New Executive Order:* On October 23, 2008, Governor O'Malley implemented a new Executive Order to rename the "Governor's Council on Family Violence Prevention" to the "Governor's Family Violence Council." The new order also created a new FVC mission, which states: "The Governor's Family Violence Council mission is to provide the Governor with timely and accurate information on family violence with recommendations that will reduce and eliminate abusive behaviors." The Executive Order also expanded FVC membership to include the Lieutenant Governor, the Attorney General, a Maryland State's Attorneys' Association representative, and an additional member of the public.

*Photography Exhibit:* In conjunction with the Governor's Office of Crime Control & Prevention (GOCCP), the FVC hosted the Office on Violence Against Women's (OVW) leadership at "A Line in the Sand." This photographic exhibit honored individuals who were pioneers in the fight against domestic violence.

*Legislative Enhancement:*

- HB183/SB392: Domestic Violence – Enforcement of Protective Order: Authorizes a judge to order a law enforcement officer to use all reasonable and necessary force to enforce temporary custody provision of a final protective order.

**2009**

*Abuser Intervention Program:* The FVC adopted the responsibility of establishing Abuser Intervention Program (AIP) Certification for Maryland agencies and created the Maryland Abuser Intervention Collaborative (MAIC) to lead this endeavor. MAIC is responsible for reviewing applications and creating new guidelines and procedures. In 2009, MAIC reviewed seven applications and certified five. MAIC also revised AIP guidelines, which were finalized by January 2010.

*Livescan Project:* On April 1, 2009 a check box for domestic violence was added to the drop-down menu in Livescan and the Automated Booking System (ABS) in order to track domestic violence incidents statewide. For consistency purposes, the FVC defined domestic violence as "Any criminal offense where the offender and the victim are, or ever have been married, in an intimate relationship (including dating and same sex relationships), or have a child together." In August of 2009, the FVC piloted this project at the Howard County Police Department and recorded 18 Domestically Related Incidents (DRIs) in one month. In October, letters were sent to all law enforcement agencies for additional trainings. In December, FVC disseminated training materials to agency points of contact.

*Domestic Violence Firearm Surrender Task Force:* In September 2009, the FVC and GOCCP held three regional trainings across the state related to recently passed firearm surrender legislation and assembled a task force for these trainings. Additionally, they also focused on changes in Livescan and other domestic violence topics including new federal laws. In total, the group trained over 240 law enforcement officers, advocates, and prosecutors across the state.

*Domestic Violence GPS Taskforce:* In July 2009, House Judiciary Chairman Joseph Vallario asked GOCCP to provide input and recommendations regarding the use of lethality assessments and GPS technology to track criminal defendants in domestic violence cases and possible areas of funding. Accordingly, a taskforce was implemented comprised of Maryland experts in the field of domestic violence and GPS monitoring. The taskforce met twice in the fall of 2009 and submitted a report on November 13, 2009 which detailed recommendations related to GPS technology in Maryland and other states as well as funding and cost considerations and limitations.

*Public Awareness:* On April 23, 2009, the Public Awareness Subcommittee held a Media Day to help representatives of the media appropriately report and address domestic violence incidents. The Lieutenant

Governor's Office also held two press conferences in 2009 with criminal justice stakeholders to raise awareness and the need for education on domestic violence.

*Legislative Enhancements:*

- HB 296/SB 267: Family Law - Protective Orders - Surrender of Firearms: Makes it mandatory, rather than discretionary, for the respondent in a final protective order to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the order.
- HB 302/SB 268: Family Law – Temporary Protective Orders – Surrender of Firearms: Authorizes a judge in entering a temporary protective order to order the respondent to surrender to law enforcement authorities any firearms in the respondent's possession for the duration of the order; requiring a law enforcement officer to provide specified information to the respondent and to provide for safe storage of the firearm; making it a misdemeanor to fail to comply with an order to surrender firearms.
- HB 98/SB 601: Domestic Violence - Temporary Protective Orders - Extension: Increases the period of time, from 30 days to 6 months, for which a judge is authorized to extend a temporary protective order to effectuate service of the order where necessary to provide protection or for other good cause.

**2010**

*Hospital-Based Domestic Violence Programs*: In late November 2009, Lieutenant Governor Anthony Brown requested a report from the FVC that detailed an overview of Maryland's efforts compared to similar programs across the country, and a fiscal impact statement. In February, the report was completed and distributed at a press conference at the Prince George's County Hospital Center. The FVC also agreed to aid in the creation of a new Executive Order that will prioritize state funding for use in the creation and expansion of hospital-based domestic violence programs. On October 20, 2010, the FVC joined Lieutenant Governor Brown at the Prince George's Hospital Center for a launch of the state's fifth hospital-based domestic violence center and the release of the new Executive Order.

*Abuser Intervention Program Certification*: A Technical Assistance Session for interested applicants was held in February 2010 with a submission deadline at 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.

*LiveScan Project*: In March of 2010, GOCCP was informed of a problem regarding DRI data, an initiative launched in April 2009. While all officers were assigning DRIs to crimes that met the Council's definition, the DRI code was attaching itself to the statement of charges, which was then going to the courts. Court commissioners requested police officers remove this information from the system and GOCCP directed law enforcement to cease DRI reporting. Once the error was corrected, the DRI project was again piloted in Harford County at the end of May, followed by Howard, Anne Arundel, and Carroll in June. No new issues were discovered and law enforcement was asked to comply by October 1.

*VINE Protective Order (VPO) Taskforce*: Following the passage of HB1196, which mandates the Department of Public Safety and Correctional Services (DPSCS) to notify a petitioner of service of protective orders on a respondent, a task force was formed. The task force worked diligently to develop training materials for law enforcement training, which took place in June 2010. Approximately 200 Maryland police officers attended and brochures for the courts, law enforcement, and advocates were created and disseminated. In September 2010, screenshots of the new METERS interface were sent to Chiefs, Sheriffs, and training participants. In October, FVC held a statewide advocates' training in Annapolis. The new VPO system launched in mid-October of 2010. It was piloted for approximately thirty days, then after discovering some outstanding technical issues, the initiative was temporarily suspended while a resolution was sought.

*Legislative Enhancements:*

- 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.
- 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.
- 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.
- SB 22/HB 905 – Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions: Establishes 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.
- 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.
- 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.

**2011**

*Abuser Intervention Program Certification*: In February of 2011, the Department of Education organized a group of school service providers to audit all 26 newly certified AIP Programs. The Council also certified two additional programs in the summer of 2011.

*Livescan*: Despite best efforts, the DRI project did not progress as expected. Instead, advocates are looking to create legislation to accomplish similar results regarding data collection.

*VPO Task Force*: The VPO system was reinstated on April 4, 2011. In May of 2011, the VPO public access site experienced problems which were quickly addressed and corrected in June, 2011. After members of FVC and GOCCP participated in a focus group with Appriss, VPO's vendor, Appriss agreed to work on changes to the system. The council hopes to continue its education of the public regarding VPO registration in the upcoming year.

*Comprehensive Domestic Violence Providers Subcommittee:* In January 2011, the Council adopted the Comprehensive Domestic Violence Program Subcommittee. This Subcommittee is comprised of directors of domestic violence programs who, as a result of their work, share similar challenges. They are completing a list of short-term goals and best practices for the upcoming year.

*Public Awareness:* On Monday, October 31, the FVC took part in a Press Conference hosted by Governor Martin O'Malley to honor domestic violence awareness month and announce \$2.2 million in awards to over 50 organizations through STOP VAWA. Also in October, for domestic violence awareness month, the FVC and the House of Ruth sponsored the "Silent Witnesses Exhibit" in the State House. The Silent Witnesses Exhibit is a nationwide initiative that showcases the devastating effects of domestic violence using cardboard life-sized cut outs bearing the story and name of a woman who once lived and whose life ended violently at the hands of a husband, ex-husband, partner, or acquaintance.

*Legislative Enhancements:*

- HB 407/SB 747 - Domestic Violence – Additional Relief – Award of Temporary Possession of Pet: Authorizes a District Court Commissioner/judge to order the temporary possession of a pet in an interim, temporary, or final protective order.
- HB 647/SB 317 - Homeowners Insurance – Victims of Crimes of Violence – Discrimination Prohibited: Prohibits insurers from using information about an individual's status as a victim of a crime of violence to take certain actions relating to a homeowner's insurance policy or denying payment to an innocent co-insured person.
- HB 666/SB 480 - Courts - Peace Orders: Alters the penalty, for a second or subsequent offense, for a person who fails to comply with the relief granted in an interim, a temporary, or a final peace order.
- HB 667/SB 342 - Courts - Peace Orders – Penalties: Allows a judge the discretion to grant an extension of a peace order for an additional six months after a hearing.
- HB 1047 – Rental Housing - Tenant Victim of Domestic Violence or Sexual Assault - Lease Payment Obligation: Limits the liability under a residential lease if a tenant victim of domestic violence or sexual assault terminates the lease and vacates the premises; and authorizing the tenant victim to terminate future liability under the lease except for a specified period of time after providing notice of an intent to vacate.

**2012**

*Hospital-Based Domestic Violence Programs:* On Monday, January 23, 2012, the Lieutenant Governor announced the Meritus Medical Center in Washington County as the sixth Hospital-Based Domestic Violence Program for Maryland. On November 16, 2012, the Lt. Governor recognized the Greater Baltimore Medical Center as the state's seventh program. Hospital-Based Domestic Violence Programs provide an opportunity for healthcare professionals to investigate and treat victims of violence and abuse while offering hospitals a significant savings by reducing hospitalizations and related chronic illnesses.

*Abuser Intervention Programs:* The FVC certified 30 Maryland AIP programs in total by adding two new programs in 2012: SARC in Harford County and My Covenant Place in Prince George's County. Reviews concluded in November with all existing programs passing successfully.

*Lethality Assessment Program:* There is statewide support for the Lethality Assessment Program (LAP) and 100% of Maryland law enforcement agencies that respond to calls for service are committed to its use. All Maryland agencies, with the exception of the Baltimore Police Department, use the Maryland Network Against Domestic Violence (MNADV) LAP model. As of October 2012, this included 86 police departments who conduct approximately 10,000 lethality assessment screens annually. In addition, the Baltimore City Police

Department (BPD) utilizes a slightly different LAP model in conjunction with the House of Ruth. BPD aims to implement LAP citywide in 2013 to administer approximately 8,000 screens per year. All 30 police departments in Prince George's County have begun administering lethality assessments as of October 23, 2012. Currently, GOCCP has awarded 18 federal and state grants totaling \$1,104,854 for the integration of LAP across the state. In Prince George's County alone, GOCCP has awarded \$217,650 in grants designed to implement LAP.

*Legislative Enhancements:* During the 2012 Legislative Session the Council supported key pieces of legislation that were enacted into law:

- HB 8/SB 175 – Crimes – Electronic Communication – Harassment: Changes the prohibition against using electronic mail with the intent to harass to prohibit engaging in electronic communication with the intent to harass; changing the defined term "electronic mail" to "electronic communication" and altering the definition; and establishing penalties for a second or subsequent violation of the Act.
- HB 1146/SB 647 - Domestically Related Crimes – Reporting: Requires the court, on request of the State's Attorney, to determine whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; requiring the state to bear the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to become part of the court record for specified purposes and to be noted on the offender's RAP sheet.
- HB 1160 Family Law - Temporary Peace and Protective Orders – Duration: Extends the duration of a temporary peace order or a temporary protective order under specified circumstances.
- HB 1235 – Public Safety - Emergency Number System - Next Generation 9-1-1: Alters the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for next generation 9-1-1 system plans and deployment of next generation 9-1-1 service; authorizing the Board to limit a request for reimbursement to counties for the cost of enhancing a 9-1-1 system; and defining "next generation 9-1-1".
- SB 291/HB 769 – Unemployment Insurance - Coverage - Victims of Domestic Violence: Prohibits the Secretary of Labor, Licensing, and Regulation from charging specified unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's immediate family member being a victim of domestic violence and the individual provides specified information; providing that specified information provided to the Secretary is confidential.

## **2013**

*Abuser Intervention Programs:* This past May, the FVC received 32 applications for Abuser Intervention Program certification. This includes 29 applications for recertification and 3 applications for first time certification. A review was held on July 17<sup>th</sup> and 27 programs were certified (25 of the 26 applications for recertification were approved and 1 of the 3 new applications was certified). Additionally, 3 previously certified programs were audited in September and their certification remains in good standing. There are now 32 certified programs in Maryland.

*Lethality Assessment Program (LAP):* As of October 2013, there are 104 agencies statewide using the lethality assessments covering 89% of Maryland's population. There are an additional 5 agencies that have been trained and are preparing to implement LAP, which would bring the total population covered to 90%. BPD uses a different model and has lethality assessments in all 9 police districts. Including BPD's unique model, 100% of the state's population is using a form of the lethality assessment. LAP is the only program of its kind in the nation that makes use of a screening tool with an accompanying response and referral protocol.

In furtherance of the goal, to reduce violent crime against women and children, GOCCP has made lethality assessments a priority area as part of its funding plan under the VAWA grant program. Additionally, GOCCP

is funding MNADV to train staff within the Department of Juvenile Services (DJS), the Department of Human Resources (DHR), and the Department of Public Safety and Correctional Services (DPSCS) to strategically implement LAP. This project began in January 2013, and MNADV is currently drafting policies with each agency. Implementation is expected to begin in the spring of 2014.

*Hospital-Based Domestic Violence Program:* Health care providers often overlook domestic violence as a possible underlying cause of health problems. As a result, the health care system spends billions of dollars each year treating the consequences of such exposure, rather than addressing the underlying cause. By utilizing domestic violence screening and assistance programs, Maryland hospitals have seen a significant savings by reducing hospitalizations and related chronic illnesses.

Hospital-Based domestic violence programs are a priority for the O'Malley-Brown Administration. Since 2010, the Administration supported the opening of 4 new hospital-based domestic violence programs. Including the newest domestic violence based program at Howard County General Hospital, announced in October 2013, there are currently 8 programs statewide, all of which are supported by the Administration. The Hospital-Based Domestic Violence programs are available at:

- Anne Arundel Medical Center
- Greater Baltimore Medical Center (GBMC)
- Howard County General Hospital
- Mercy Medical Center
- Meritus Medical Center in Hagerstown
- Prince George's Hospital Center
- Sinai Hospital
- Northwest Hospital

These hospitals provide care for victims of intimate partner violence by providing screening and documentation of abuse, mandated reporting, crisis intervention, safety planning, emotional support, dangerous assessments, and referrals to resources in the community, such as shelters and counseling. These programs also assist hospitals in training their medical staff on recognizing domestic violence and proper screening procedures. Since 2006, GOCCP has provided over \$2 million in grant funding to domestic violence initiatives at hospitals; and in 2013 alone GOCCP funded over \$500,000 to these programs which served over 1,200 victims.

*VINE Protective Order (VPO):* VPO trainings were held on May 15 and May 16, 2013. Approximately 150 people attended the training including law enforcement, parole and probation agents and victim advocates. Additional trainings have been held at various victim service agencies. As a result of the trainings, the usage of VPO has increased over the past year from 3% to 8%. (See additional information about VPO under “FY 2012 Areas of Study” and “Program Updates” subheadings).

*Legislative Enhancements:* During the 2013 Legislative Session, the Council supported key pieces of legislation that were enacted into law:

- HB 294/SB 281 – Firearm Safety Act of 2013: Alters the authorization for a person to wear, carry, or transport a handgun to be within certain limitations; designates certain firearms as assault weapons, and prohibits, with certain exceptions, a person from transporting and assault weapon into the State or possessing, selling, offering to sell, transferring, purchasing, or receiving an assault weapon.
- HB 838/SB 640 – Civil Cases – Maryland Legal Services Fund – Surcharges – Repeal of Termination: Repeals the termination date of certain provisions of law altering certain surcharges on certain fees, charges, and costs in certain civil cases and requiring a certain informational budget to be prepared for the Maryland Legal Services Corporation and submitted to the General Assembly; and generally relating to the Maryland Legal Services Corporation Fund.

- HB 1303/SB 809 – Maryland Legal Services Corporation Funding – Abandoned Property Funds: Requires the Comptroller to distribute specified abandoned property funds each year to the Maryland Legal Services Corporation Fund and increases the amount of funds that the Comptroller is required to contribute from \$500,000 to \$3,000,000.
- SB 1001 – Family Law – Protective Orders – Notification of Service – Sunset Extension: Extends the termination date of certain provisions of law that provide for notice of the service on a respondent of certain protective orders; and generally relating to notification of the service of a protective order.

## **II. FVC STRUCTURE AND GOALS**

### **A. Summary of Executive Order Goals**

- (1) Advise the Governor through the Executive Director of the Governor's Office of Crime Control & Prevention on matters related to family violence.
- (2) Identify and analyze State policies and programs relating to family violence, including but not limited to:
  - (a) Collecting data from State agencies relating to the prevention and reduction of domestic violence and related family violence;
  - (b) Identifying resources available to reduce and prevent family violence through a statewide coordinated effort.
  - (c) Identifying opportunities for collaboration between governmental units.
- (3) Examine, or cause to be examined, the relationship between family violence and other societal problems, including but not limited to juvenile delinquency, alcohol and substance abuse, truancy, and future criminal activity.
- (4) Identify best practices, research and information pertaining to abuser intervention and related programs.
- (5) Propose to the Governor, through the Executive Director of the Governor's Office of Crime Control & Prevention, legislative, regulatory, and policy changes to reduce and prevent the incidence of domestic violence and related family violence, to protect victims and to punish perpetrators.

### **B. Reorganization**

In 2012, the FVC members established a new structure to continue progress and provide recommendations to the Governor annually as a body. Members agreed upon a framework whereby 2 – 3 key areas of family violence policy would be selected by a majority vote and championed by one member and a working committee of members for one year. At the culmination of study, each working group would deliver expert research, recommendations, and resources for the Governor and criminal justice partners statewide.

### **C. FY 2012 Areas of Study**

#### **1. *VINE Protective Order Workgroup***

The time immediately after a respondent has been served with a protective order can be a very critical and dangerous time for the petitioner. Knowing when the respondent has been served helps ensure that the petitioner has time to enact a safety plan and take the necessary safety precautions to protect his or herself.

## **History of VPO**

In October 2009, legislators passed a bill enabling victims to be notified within 3 hours of service that their protective order has been served on the respondent. As of January 2010, Maryland law requires law enforcement to electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service of an interim or temporary protective order within 2 hours after service on a respondent. DPSCS is also

required to notify the petitioner of the service of an interim or temporary protective order on the respondent within 1 hour after DPSCS is notified of service by law enforcement. Additionally, DPSCS is required to notify the petitioner of the service of a final protective order on the respondent within 1 hour after having knowledge of service of the order. DPSCS developed a notification request form and procedures for notification. Through the creation of VINE Protective Order (VPO), these provisions were established.

The VPO system works by interfacing with Law Enforcement's Maryland Electronic Telecommunications Enforcement Resource System (METERS)/National Crime Information Center (NCIC). Appriss, the vendor, then collects information from METERS and sends out VPO notifications to persons who register with VPO.

### **Problem Statement/Initiative**

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 2011, the system was reintroduced and has continued to operate without interruption. Some of the initial problems with the system were based on the mechanics of the system and they were addressed by Appriss. Other problems were as a result of having no birth date on the protective order. This was remedied in October 2011, by developing an automated court feed. Additional problems derived from a limited understanding of the system's capabilities.

In response to initial problems with VPO, a workgroup was created. The mission of the workgroup was three-fold: to solve systemic issues, to provide an avenue to address issues resulting from human errors, and to have all users feel confident that the system works to protect victims.

During the spring of 2012, GOCCP administered a voluntary survey to local law enforcement agencies with respect to their policies and procedures surrounding VPO. Questions in this survey pertained to knowledge and awareness of VPO, as well as law enforcement policies regarding protective order service. Of those who participated, 35% reported entering a protective order into the METERS database after it was served, a process that is contrary to policy regarding METERS regulations. Also, 28% of those surveyed did not know what VPO was, and 34% did not encourage victims to register for VPO. Due to the survey results, concern regarding law enforcement's policies and procedures were raised. After reviewing the current policies and procedures, the workgroup developed the following policy:

- I. General:
  - a. When an interim or temporary protective order is served, law enforcement has two hours to electronically notify DPSCS.
  - b. Following the service of an interim, temporary, or final protective order, a certified law enforcement officer enters confirmation of service into METERS/NCIC. This information triggers law enforcement notification to DPSCS, whose system sends the information to VPO, where protective order information is captured and stored in a secure database for tracking.
  - c. Petitioners will be notified, if they register with VINE Protective Order (VPO), when a Protective Order is served.
  - d. There are alternative means of making notification in the event of equipment or service failure. (See Section IV(c) for alternate methods.)
- II. Initial Protective Order Entry
  - a. The initial record will be entered by the District or Circuit Court when a Protective Order is issued.
  - b. The minimum METERS/NCIC information required to meet the requirements of the law are:
    - i. The base METERS/NCIC record.

- ii. The confirmation of service field.
- iii. Court case number.
- c. The record may also include respondent's
  - i. First name;
  - ii. Last name;
  - iii. Date of birth;
  - iv. Race;
  - v. Sex
  - vi. Information of other protected person(s).

### III. Officers

- a. Shall serve a Protective Order assigned to them using established policies and procedures.
- b. Upon completion of the service of an Interim or Temporary Protective Order, notify Communications with the required information to complete the METERS/NCIC entry "confirmation of service" field.
- c. This confirmation of service shall be done within two hours of service of the Order on the Respondent.
- d. A final protective order served in court or via mail shall be entered into METERS/NCIC. There are no additional time constraints upon law enforcement; however, VPO notification to the petitioner will not occur unless law enforcement completes the NCIC confirmation of service field. Completion of the confirmation of service field gives DPSCS "knowledge of the service" of a final protective order and triggers VPO to notify the petitioner.

### IV. Dispatchers

- a. When a Dispatcher is presented with a served Interim or Temporary Protective Order, they must be cognizant that confirmation of service MUST be completed within two hours of service of the Order to comply with the law.
- b. A final protective order served in court or via mail shall be entered into METERS/NCIC. Completion of the confirmation of service field gives DPSCS "knowledge of the service" of a final protective order and triggers VPO to notify the petitioner.
- c. If the Department's METERS/NCIC connection is inaccessible, Dispatcher's will take the following steps:
  - i. Contact Maryland State Police Headquarters at 410-653-4210 and advise them of equipment and/or service failure. Maryland State Police will direct the Dispatcher how to proceed.
  - ii. If the METERS/NCIC system goes down completely, DPSCS will send an outage email. At that time, the VINE Protective Order website will be activated by DPSCS. That website address will be included in the outage message. The Maryland State Police support staff can also relay that website address.
- d. If a Protective Order is served by an agency other than the one to which the Protective Order was issued, the METERS form allows the serving agency to send notification of the service update to the VPO system only. Those transactions will require the following information:
  - i. Serving Officer's name;
  - ii. Serving Officer's (agency) phone number;
  - iii. Serving ORI;
  - iv. Date of service
  - v. Originating ORI;
  - vi. Protective Order number

- vii. The originating agency must still be the one to update the METERS/NCIC with the service information. Completion of a paper return of service will continue to adhere to current policies and procedures.
- e. The law requires law enforcement agencies to enter Interim Protective Order data into METERS/NCIC. Included is the completion of the “confirmation of service” field which is the key to VPO notification to the Petitioner.
- f. Although the NCIC confirmation of service field is not required by Federal law, the new Maryland Law effectively requires that the confirmation field be completed for all orders (Interim, Temporary, and Final Orders.)
- g. By law, Interim Protective Orders cannot be entered into METERS/NCIC on the day that they expire. In order to comply with the law, entry can be made using the Enter Protective Order and Modify Protective Order checkboxes through METERS/NCIC. These checkboxes are to be used when the Date of Service equals the date of expiration. Please note that using these checkboxes will then send the order to the VPO system but not to METERS/NCIC.
- h. In some instances, a Protective Order may be issued without a date of birth or a correct date of birth. To comply with the law, all Protective Orders entered into METERS/NCIC must have a date of birth for all respondents. The date of birth may be obtained from the Respondent during service or through existing procedures for locating that information.

V. Multi-jurisdictional Orders

- a. A METERS form (VINE Direct Notification Form) will be provided for METERS users. These transactions will:
  - i. Notify VINE.
  - ii. Send a Service Notification Administrative Message (SNAM) to the originating agency when a transferred Protective Order is served.
  - iii. Please note that the originating agency must still be the one to update METERS/NCIC, as the serving agency cannot do this.
  - iv. The VINE Direct Notification Form will notify VPO and satisfy the requirements of the law.
- b. This METERS form does not preclude the serving agency from completing the paper return of service to the Originating Agency.

2. *Domestic Violence in the Presence of a Child Workgroup*

**Problem Statement/Initiative**

In light of the overwhelming evidence regarding the costs of childhood exposure to domestic violence, the Attorney General’s National Task Force recommended that government officials in all states develop protocols and policy responses to address the issue of Domestic Violence in the Presence of a Child. Maryland currently has no coordinated policy or response to this social problem. Over the past several years, a bill entitled “Committing a Crime of Violence in the Presence of a Minor” has been introduced in both chambers of the General Assembly, but has never passed the Senate. Although this bill has been worded differently over the years, it would either (1) create a new crime of committing a crime of violence in a residence when the accused reasonably should have known that a minor was within sight or hearing of the crime, or (2) provide for an enhanced penalty for a defendant convicted of a crime of violence committed in a residence when the defendant reasonably should have known that a minor was within sight or hearing of the crime.

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

Children who witness domestic violence are a major national concern. According to the National Center for Children Exposed to Violence (2006), an estimated 3 to 10 million children are exposed to domestic violence every year. Extensive research over the past three decades indicates that these children are at a greatly enhanced risk for a host of social, behavioral and emotional problems. Childhood exposure to domestic violence has been linked to increased aggression, poor social skills, nightmares, symptoms of Post Traumatic Stress Disorder (PTSD), anxiety, depression, lowered academic and intellectual functioning, substance abuse, greater acceptance and approval of violence as a means of resolving disputes, and overrepresentation in the Juvenile Justice and Criminal Justice systems. According to the American Psychological Association, Presidential Task Force on Violence and the Family, “a child exposed to the father abusing the mother is at the highest risk for transmitting violent behavior from one generation to the next.” The Attorney General’s National Task Force on Children Exposed to Violence describes the financial costs of childhood exposure to domestic violence as “astronomical,” pointing out that the “financial burden on other public systems, including child welfare, social services, law enforcement, juvenile justice, and in particular, education, is staggering when combined with the loss of productivity over children’s lifetimes.”

## **Workgroup Structure**

The FVC’s Domestic Violence in the Presence of a Child workgroup was charged with researching existing policies, and developing recommendations (“best practices”) for a coordinated community response designed to mitigate the negative effects of childhood exposure. The goals of the workgroup were to (1) develop a systematic approach for identifying victims of childhood exposure, (2) design protocols and procedures which would decrease the trauma associated with the process of identification, and (3) aid in the identification and development of therapeutic resources for exposed children who are most in need of treatment. After meetings, the workgroup realized the magnitude of the task ahead, and decided in the interests of time and efficiency to divide into specialized subgroups. One subgroup focused on developing the portion of the protocol involving children who were identified through the operation of the criminal justice system. The other subgroup focused on children identified in the school system. In early 2014, the subgroups will merge and develop a coordinated protocol after each completes its specialized mission.

### **Criminal Justice Subgroup**

The Criminal Justice Subgroup is chaired by Julie Drake, the Director of Forensic Social Work at the University of Maryland, School of Social Work, and a former prosecutor and Chief of the Family Violence Division in the Baltimore City State’s Attorney’s Office. This subgroup has met throughout the year. The focus of this subgroup has been on developing a detailed protocol, starting from the point at which a law enforcement officer identifies a child at a domestic violence related crime scene to the provision of appropriate counseling services. Due to the extremely high number of children exposed to various crimes involving domestic violence, the subgroup developed a differential response, based on the degree of exposure, the lethality assessment score, and the severity of the violence. The recommendations below were designed to balance the child’s need for services and the adult victim’s desire for autonomy. The draft protocol is as follows:

- Tier I
  - A. Tier I cases consist of each of the following:
    1. All felony cases.
    2. All strangulation cases.
    3. All cases where the child was an eyewitness to an assault with an injury.
  - B. Response to a Tier I case consists of all of the following:
    1. Immediate team response (e.g. Mobile Crisis Response).

2. Forensic interview of child within 24 hours.
  3. Trauma assessment and referral for services.
  4. Brochure or card and referral list to caretaker.
  5. Trained police response.
- Tier II
    - A. Tier II cases consist of any of the following:
      1. Adult victim's lethality assessment score meets criteria.
      2. Repeat (2 or more prior) domestic violence calls to the home.
      3. Assaults with injury, where the child is not an eyewitness.
      4. Gut check. (Law enforcement officer has a sense that child needs more attention.)
    - B. Response to a Tier II case includes all of the following:
      1. Police referral to social worker/victim advocate per MNADV model, or follow-up by victim advocate per Baltimore City model.
      2. Brochure or card and referral list to caretaker.
      3. Trained police response.
  - Tier III
    - A. Tier III cases consist of all domestic violence cases which:
      1. Do not meet the criteria for Tier I or Tier II, AND
      2. There are children who live in or routinely sleep over in the home.
    - B. Response to a Tier III case consists of:
      1. Brochure or card and referral list to caretaker, and
      2. Trained police response.

The Criminal Justice subgroup has begun to flesh out the details of this draft protocol. A draft brochure has been developed by clinical forensic social workers involved with the group, and a model police response is in the process of review.

### Education Subgroup

The Education Subgroup is chaired by the Domestic Violence in the Presence of a Child champion, Joan Stine. Ms. Stine is a member of the Baltimore City Domestic Violence Fatality Review Team, and a former Director of the Center for Health Promotion at the State Health Department. This subgroup has met 3 times. Due to the complex nature of the school system, and the fact that each jurisdiction operates differently, the Education subgroup has had to identify key players within the Department of Education before members could focus on developing recommendations.

While no jurisdiction in Maryland has an established protocol, children exposed to domestic violence are currently identified in the school system in the following ways:

- (1) Children self identify by telling teachers, school social workers, psychologists, nurses, counselors, etc.
- (2) A change in attendance or performance which may reflect problems in the home.
- (3) Parents may disclose information.
- (4) Law enforcement may share information with school personnel.

A legal expert from the Department of Education will be advising the subgroup on appropriate responses to identification. Responses which are currently under discussion include the following:

A. Immediate responses to a disclosure:

1. Mental health care professionals within the school system (e.g. counselors, social workers, etc.) meet with the child to provide short term counseling.
2. The child's parents or guardian are consulted.
3. The parents or guardian are provided referrals for services.

B. Long term responses to the problem:

1. Identify key school staff (i.e. administrators, principals, etc.) who need to be trained regarding the magnitude and consequences of childhood exposure, the legal ramifications related to disclosure, and the appropriate protocol for addressing the issue.
2. Develop and provide teacher training on the issue of childhood exposure, how to identify children who may be impacted, and how to respond appropriately.
3. Develop and provide training to mental health care professionals within the school system, who will be providing short term direct services to the child.

Both subgroups identified the need to develop a bank of service providers who are trained and willing to accept referrals under the protocol. There is currently a dearth of mental health care professionals who are adequately trained in the area of therapeutic work with children who have suffered trauma due to exposure to domestic violence. When the two subgroups merge, this will be a major focus of attention. In the meantime, two partial solutions have been discussed.

First, the Office of Continuing Professional Education at the University of Maryland, School of Social Work, is considering the development of a new Advanced Certificate Program for therapists who want to work with children who have been traumatized due to exposure to domestic violence. Because several researchers at the School are experts in this area, the School is equipped to provide an intensive and evidence-based training program. The Certificate program would involve multiple days of training as well as a pass/fail testing mechanism. The program would be open to members of all mental health professions.

Second, The Baltimore Mental Health Institute is able to provide clinical services to students in the school system on a longer term basis. These services require a parent's or guardian's permission, but are billed through Medicaid. This program is funded by the Health Department.

Because the Family Violence Council voted to continue the important work of the Domestic Violence in the Presence of a Child Workgroup for an additional year, this report should be viewed as an interim report only. A final report will be issued upon completion of the comprehensive protocol.

D. FY 2013 Areas of Study

In following with the new structure implemented in 2012, council members presented topics for the upcoming year at the July 2013 FVC meeting. For 2013, the following topics were suggested and voted on:

- Best Practices for Family Justice Centers;
- Domestic Violence in the Presence of a Child;
- Abusers Not Meeting the Conditions of Court Orders;
- Teen Dating Violence;

After a Council vote, Domestic Violence in the Presence of a Child was chosen to be continued for the next year. Abusers Not Meeting the Conditions of Court Orders was chosen as the second topic.

## E. Abusers Not Meeting the Conditions of Court Orders

Most researchers agree that a well-coordinated system of accountability, including law enforcement, prosecutors, advocates, defense lawyers, probation officers, judges and batterer intervention programs along with a swift response to non-compliance helps reduce domestic violence re-abuse. However, abusers who fail to meet the conditions of their court orders are a major concern.

The Champion of this topic, Lisa Nitsch is the Director of Clinical Services and Education at the House of Ruth of Maryland. She notes that many abusers who fail to meet the conditions of their probation have their probation expire while in an intervention program and others face almost zero consequences when their cases are closed. Research has shown that a lack of court sanctions for violating the terms of probation and non-compliance are associated with a decreased likelihood that an offender will complete an intervention program.

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.

## III. PROGRAM UPDATES

### A. VINE Protective Order

In an effort to increase the usage of VPO, the FVC Coordinator and the GOCCP Eastern Region Division Chief met with Pamela Harris, State Court Administrator and other staff of the Administrative Office of the Courts (AOC) on October 10, 2013, to begin vetting the idea of adding VPO information to Petitions for Protective Orders and Interim, Temporary, and Final Protective Orders. The idea was well received and GOCCP's draft language is being reviewed by AOC subcommittees. Additionally, the FVC is developing a comprehensive marketing plan to increase usage of VPO, an integral tool for victim service providers when developing an effective safety plan to aid in protecting victims. A special condition to promote the usage of VPO will also be added to grants funded through GOCCP to victim service providers.

### B. Abuser Intervention Program:

This past May, the FVC received 32 applications for Abuser Intervention Program certification. This includes 29 applications for recertification and 3 applications for first time certification. A review was held on July 17<sup>th</sup> and 27 programs were certified (25 of the 26 applications for recertification were approved and one of the three new applications was certified). Additionally, three previously certified programs were audited in September and their certification remains in good standing. There are now 32 certified programs in Maryland.

### C. Legislative Subcommittee

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 2013 Session the Council supported several key pieces of legislation that were enacted into law:*

- HB 294/SB 281 – Firearm Safety Act of 2013: Alters the authorization for a person to wear, carry, or transport a handgun to be within certain limitations; designates certain firearms as assault weapons, and prohibits, with certain exceptions, a person from transporting and assault weapon into the State or possessing, selling, offering to sell, transferring, purchasing, or receiving an assault weapon.
- HB 838/SB 640 – Civil Cases – Maryland Legal Services Fund – Surcharges – Repeal of Termination: Repeals the termination date of certain provisions of law altering certain surcharges on certain fees,

charges, and costs in certain civil cases and requiring a certain informational budget to be prepared for the Maryland Legal Services Corporation and submitted to the General Assembly; and generally relating to the Maryland Legal Services Corporation Fund.

- HB 1303/SB 809 – Maryland Legal Services Corporation Funding – Abandoned Property Funds: Requires the Comptroller to distribute specified abandoned property funds each year to the Maryland Legal Services Corporation Fund and increases the amount of funds that the Comptroller is required to contribute from \$500,000 to \$3,000,000.
- SB 1001 – Family Law – Protective Orders – Notification of Service – Sunset Extension: Extends the termination date of certain provisions of law that provide for notice of the service on a respondent of certain protective orders; and generally relating to notification of the service of a protective order.

*During the 2013 Session the Council supported several key pieces of legislation that subsequently died:*

- HB 200 - Criminal Law - First Degree Assault – Strangulation: Prohibits a person from committing an assault by applying pressure on the throat or neck of another person in a specified manner; and establishes that a person who violates the Act is guilty of the felony of assault in the first degree and on conviction is subject to a specified penalty. *Passed in Senate, No action in House*
- HB 478/SB 861 – Crimes – Committing a Crime of Violence in the Presence of a Minor: Prohibits a person from committing a certain crime of violence when the person knows or reasonably should know that a minor of a certain age is present in a residence; establishes certain circumstances under which a minor is present and establishes a certain enhanced penalty for a violation of this Act. *Passed in House, Subsequently Died in the Senate*
- HB 853/ SB 417 – Family Law – Domestic Violence – Permanent Protective Orders: Requires a court to issue a permanent final protective order against an individual who is sentenced to, instead of who served, a certain term of imprisonment for certain crimes, the commission of which subjects an individual to the issuance of a permanent final protective order against the individual under certain circumstances; and generally relating to domestic violence and permanent final protective orders. *Senate Conference Committee Appointed, Unable to Reach Consensus*
- HB 892/SB 731 – Family Law – Protective Orders – Additional Relief: Authorizes a judge, in a final protective order, to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief. *Passed in Senate, Unfavorable Report in House*
- HB 1037/SB 630 – Evidence – Testimony by Spouse – Violation of Protective Order: Establishes that the spouse of a person on trial for a violation of a protective order may be compelled to testify as an adverse witness if the spouse was the petitioner in the protective order proceeding. *Passed in Senate, Unfavorable Report in House*
- HB 1230/SB 490 – Domestic Violence – Persons Eligible for Relief and Orders to Vacate Home: Alters the definition of "person eligible for relief" to include an individual involved in an intimate dating relationship with the respondent and an individual who has had a consensual or nonconsensual sexual relationship with the respondent, as well as expands the instances in which a final protective order may order the respondent to vacate the home immediately. *Never brought to a vote in the Judiciary*

*The Council opposed the following domestic violence bills which did not pass:*

- HB 154 – Criminal Procedure – District Court – Stay of Sentence Pending Appeal: Requiring the District Court, if a person is convicted of a crime in District Court, to stay any sentence imposed that includes an unserved, nonsuspended period of imprisonment until the time for filing an appeal has expired and, if an appeal is filed, during the pendency of the appeal under specified circumstances; etc. *Never brought to a vote in Judiciary.*

#### *IV. LOOKING AHEAD: GOALS FOR 2014*

In 2014, the FVC will pursue the following goals:

- Deliver work group recommendations for Abusers Not Meeting the Conditions of Court Order Without Consequence.
- Deliver work group recommendations for Domestic Violence in the Presence of a Child.
- Increase usage of VPO by providing more training and outreach.
- Expand Maryland hospital-based domestic violence programs.
- Build capacity of Maryland domestic violence organizations.
- Advocate for key legislation: The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2014 and has already begun this process by meeting as a full council and discussing potential legislation. There are several pieces of legislation expected for the upcoming session, including:
  - *Crime of Violence in the Presence of a Minor* – This would create a penalty for anyone convicted of domestic violence while within the sight or hearing of a minor or when it is reasonable for that person to have known they were in the sight or hearing of a minor. This was proposed last year, but as a separate crime, rather than an extended penalty.
  - *Strangulation* – Making strangulation either a separate crime or an extended penalty. Previous legislation to advance this concept has died in various forms.
  - *Additional Relief for a Protective Order* – Allowing additional relief to be added to the protective order, including ordering that the respondent remain a certain distance away from the petitioner.
  - *Protective Orders* – Allowing victims of dating violence and sexual assault to be eligible for protective orders, rather than peace orders.
  - *Permanent Protective Order* – Amending the eligibility requirements for petitioners requesting a permanent protective order to time sentenced rather than time served.
- Complete certification and review of Abuser Intervention Programs.
- Identify and appoint additional members to council.

## FAMILY VIOLENCE COUNCIL MEMBERSHIP

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**Delegate Cathy Vitale**, Maryland General Assembly

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

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**John McGinnis**, Maryland State Department of Education

**Captain Brian Reider** Maryland State Police

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