

The Governor's Family Violence Council

Executive Order: 01.01.2006.01

MSAR # 7443

December 1, 2008

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

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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, 2008

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As per Executive Order, 01.01.2008.16, Governor's Family Violence Council which rescinded Executive Order 01.01.2006.01, on behalf of the Council, I am pleased to provide you with an Annual Update regarding its efforts to date.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. The Legislature provided Governor's Office of Crime Control and Prevention (GOCCP) with funding for one person to staff the Council. In June, 2007, GOCCP hired Erin Newton as the FVC Coordinator.

During the Summer of 2007, GOCCP conducted meetings with stakeholders in the family violence arena to make initial decisions regarding the Council, its mission, focus and potential members. Stakeholders agreed that it was important to establish a Council right away under the existing order and study the issues before revisions to the Executive Order could be recommended. Appointments were made and the Council held its first meeting on January 7, 2007.

Progress Dec. 1, 2007 – Dec. 1, 2008

Since its first meeting in January of 2007, the Council has held a series of full council and committee meetings, including a retreat, held on April 18, 2008 in Baltimore. This full-day meeting included the Honorable Catherine O'Malley as a guest speaker. Accomplishments for calendar year 2008 follow.

Executive Order

The Council was pleased to have Lt. Governor Brown, the Attorney General, and you attend their October 20, 2008 meeting in Annapolis. This closed-door meeting provided the venue for the Council members to follow-

through with their mission and openly share information and recommendations based on their work throughout the year. Discussion topics included their legislative agenda, domestic violence awareness, the impact of flat/decreased funding, and the family violence issues they encounter regularly.

On the 23rd of October, you signed a new Executive Order which further refined the mission of the Council and increased the disciplines that were invited to participate as members to the Council. Specifically,

- The name of the Council has been changed from the Governor's Council on Family Violence Prevention to the Governor's Family Violence Council
- The following mission statement, defined by the new Council, was added:
 - *The mission of the Governor's Family Violence Council (FVC) is to provide the Governor with timely and accurate information on family violence with recommendations that will reduce and eliminate abusive behaviors.*
- The membership increased from 21 to 25 members by adding:
 - The Lieutenant Governor
 - The Attorney General
 - A representative from the Maryland State's Attorneys' Association (Scott Patterson, Talbot County State's Attorney and President of the Association).
 - An additional public member (Vicki Sadevahndi, Executive Director of the CASA in Hagerstown).

Council Leadership

The Executive Order gave you the authority to appoint the chair and any vice chairs from among the members. On October 23, 2008, you appointed Attorney General Gansler as the Chair and Jodi Finkelstein and Cheryl Kravitz will remain in leadership positions, serving as vice chairs.

Committees

This year, the Council developed three committees: Public Awareness, Data, and Legislative.

Public Awareness- The Public Awareness Committee 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, the Council realized their role as a resource for the public and victims in combating family violence throughout Maryland and they identified ways to educate individuals and groups about domestic and family violence issues. This committee developed an educational brochure about the FVC and a glossary of domestic violence terms for distribution at various events beginning in October, 2008 (Domestic Violence Awareness Month). They were also instrumental in obtaining media coverage. Several media outlets covered the retreat, the *Washington Post* published an article about the bills the FVC supported, and the *Daily Record* published an article covering the FVC's testimony before the House Committee.

In September, members of this committee also attended an information-sharing meeting at the Irish Embassy in Washington, D.C., where they were pleased to meet with the Executive Director of Ireland's National Domestic Violence Agency. Council members shared Maryland's work in the domestic/family violence field and specifically the success of the Lethality Assessment.

The Public Awareness Committee also took an active role in inviting attendees to your press domestic violence conference on October 23, 2008. In addition to signing the executive order at this press conference, you also announced the 2008 STOP Violence Against Women Formula Grant Funding.

Data- The Data Committee 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 committee is aware that family violence statistics in Maryland are weak in comparison to other states. The committee is in the initial stages of determining the most important data to be collected, what information is already collected and by whom, and how this information can be accurately collected and documented from numerous entities across the State.

At the meeting on October 20, 2008, you asked the FVC to research and gather more information from states that address domestic violence effectively. The Data Committee will also include statistics on other states' laws, data collection, data sharing, domestic violence dockets, and promising practices in their research.

Legislative- The Legislative Committee 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. The 2008 Legislative session was the first for this Council. During the 2008 Session the Council supported the following legislation:

HB 1257/SB 615: Cruelty Toward a Pet or Service Animal: Authorizes the court in an interim, temporary or final protective order to order a respondent to remain away from/refrain from cruelty or attempted cruelty for a specified pet. *No vote on either bill in House Judiciary Committee.*

HB 640/SB 42: Family Law – Temporary Protective Orders – Surrender of Firearms: Requires respondents to surrender firearms whenever temporary protective orders are issued. *Unfavorable report in House Judiciary Committee.*

HB 1448: Family Law –Final Protective Orders – Surrender of Firearms: Requires respondents to surrender firearms whenever permanent protective orders are issued. *Unfavorable report in House Judiciary Committee.*

HB 183/SB 392: 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. *Passed both the House and the Senate. Signed by you on May 13, 2008.*

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

HB 181/SB 394: Criminal Procedure – Pretrial Release – Violation of Condition of “No Contact” - Penalty: Would make it a misdemeanor to violate a condition of pretrial release that requires a defendant to have no contact with the alleged victim or their place of employment. *HB 181: Unfavorable report in House Judiciary Committee. SB 394: Unfavorable report in Senate Judicial Proceedings Committee.*

HB 659: Domestic Violence – Temporary Protective Order – Additional Relief: Similar to SB 42, this bill would give a judge the authority to request that the respondent in a temporary protective order surrender his firearms for the duration of the temporary protective order. *No vote in the House Judiciary Committee.*

The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2009.

Miscellaneous Events/Activities

In addition to the work the Council made to develop and build its foundation, members also participated in other activities within the domestic violence arena. On July 10, 2008, members of the Council joined GOCCP to host executive and senior staff of the Office of Violence Against Women (OVW) at "A Line In The Sand," a photographic exhibit honoring people who have led the way in the fight against domestic violence. OVW attendees included Cindy Dyer, the Director of the United States Department of Justice, Office of Violence Against Women. As previously mentioned, on September 9, 2008, Council members attended a domestic violence meeting at the Irish Embassy in Washington, D.C.

Looking Ahead

During your meeting with the Council on October 20, a three-prong approach to addressing domestic and family violence issues emerged:

- 1.) Problem Solving
- 2.) Predicting
- 3.) Preventing

These three "P's" will serve as a guide to the Council. Within each of these three areas, the Council has identified many subsets of action items including domestic violence dockets, removing guns from abusers' hands, data collection, funding, education and training, lethality assessment, abuser intervention programs, and legislation. In the future months, Council members will prioritize these items and determine the best strategies to move forward in their efforts to problem solve, predict future behaviors, and prevent future victims.

On the Agenda for 2008 – 2009

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

- Media Event: Dialogue with media about domestic violence issues, Early February 2009
- Awareness activities around domestic violence issues
- Implementation of dashboard system for data sharing
- Collaboration and support of Maryland domestic violence organizations
- Legislative testimony and support: The Council has voted to proceed with their support of the following bills this year regarding firearms:
 - **HB 1448:** Family Law – Final Protective Order – Surrender of Firearms: HB 1448 adjusts current law in a small but significant way. Instead of allowing the court discretion to order the respondent to surrender any firearms to law enforcement upon entry of a final protective order, this bill would **require the court** to enter such a form of relief. Thus, judges no longer have the 'choice' of including prohibitions of firearms.
 - **HB 849:** Public Safety – Restrictions on Possession of Firearms – Conviction of Disqualifying Crime and Protective Order Respondent. This bill prohibits the possession of ANY firearm by a respondent of a final protective order. Currently, state law allows respondents of protective orders to possess unregulated firearms. (shot guns, rifles, etc.)

The Council also felt it is important to note that federal law prohibits respondents of protective orders from possessing ANY firearm.

In addition, the following domestic violence legislative issues are under consideration by the Council:

Protective Orders

HB 1105: Family Law-Interim Protective Orders—Petitions Filed by Law Enforcement

HB 1106: District Court Commissioners—Interim Protective Orders—Petitions filed by Law Enforcement (Constitutional Amendment)

When an arrest is made at a domestic violence scene, these bills will allow a law enforcement officer to file for an interim order of protection on behalf of the domestic violence victim. These bills were introduced last year but withdrawn.

Protective Order Standards

Currently, the standard of proof when considering the issuance of a final protective order is clear and convincing. The domestic violence community is considering a bill that would change the standard of proof to preponderance of the evidence. If passed, courts may issue more final protective orders, especially in the “he-said”/”she-said” type of cases.

Temporary Order Length

In cases when service of the initial order (either interim or temporary) is not made, the time for which the initial order remains in effect should be extended until (1) the order is serviced or (2) the respondent presents himself to court upon which a hearing can be set.

Strangulation

Based on statistics from the lethality assessment project, it has been noted that two counties (Washington and Howard) have been seeing a great deal of victims being strangled. The crime of strangulation may be considered as either a part of a revised first degree assault statute or as a separate crime apart from the assault statute. It has been noted that in sex offenses, there is an enhanced penalty if strangulation occurs.

Domestic Violence Curriculum

The domestic violence community has discussed the idea of mandating a domestic violence curriculum in Maryland schools.

Crime of Domestic Violence

In the context of the possible outcome of the Supreme Court decision that is expected next term in the Hayes case, it is understood that Maryland may need to consider the crime of domestic violence to ensure that firearms are removed under federal law from convicted domestic violence offenders. In essence, perpetrators would be charged with ‘domestic violence 1, 2, 3’ instead of 1st degree assault, etc.

Expansion of Warrantless Arrest

Currently state law allows officers to arrest a perpetrator without a warrant under certain circumstances. This potential bill would expand the circumstances to include those who are dating or former spouses.

GPS Tracking

HB 1116: Domestic violence—Violation of Protective Order—Active Electronic Monitoring

This bill was introduced last year and failed. Had it passed, it would have authorized courts in counties where GPS is used to monitor abusers who failed to comply with an interim, temporary or final protective order.

Custody: The domestic violence community continues to monitor all bills concerning custody.

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, Executive Director, Domestic Violence Center of Howard County

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

Carole Alexander, Executive Director, House of Ruth Maryland

Carolyn Brooks, CSAFE coordinator, Hagerstown Police, Department

Anthony G. Brown, Lieutenant Governor

Greg Shupe, Interim Executive Director, Governor's Office for Children

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

Brenda Donald, Secretary of Human Resources

Clifton Files, Domestic Violence Specialist, Administrative Office of the Courts, Representative of The Maryland Judiciary

Dr. Nancy S. Grasmick, Superintendent of Education

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

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

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

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

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