

The Governor's Family Violence Council

Executive Order: 01.01.2006.01

MSAR # 7443

December 1, 2009

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, 2009

RE: Governor's Family Violence Council, Annual Update

As per Executive Order, 01.01.2008.16, Governor's Family Violence Council which rescinded Executive Order 01.01.2006.01, on behalf of the Council, I am pleased to provide you with an Annual Update regarding its efforts to date.

History

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

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

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

Progress Dec. 1, 2008 – Dec. 1, 2009

As was agreed upon by the Council, the members met approximately every other month, meeting six times as a full Council. The four subcommittees of the Council met approximately twenty times throughout the year. Accomplishments for calendar year 2009 follow.

Subcommittees

This year, the Council's three existing subcommittees continued their hard work in the field of domestic violence. The Council also adopted the responsibility of Abuser Intervention Program (AIP) Certification for Maryland,

and created two subcommittees in this endeavor: The Maryland Abuser Intervention Collaborative (MAIC), who is responsible for the reviewing of AIP applications and the creation of new Guidelines and application procedures; and The Abuser Intervention Program Monitoring Subcommittee, who is responsible for the supervision of all certified AIP's.

Public Awareness

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

This year, the Public Awareness Subcommittee accomplished much with regards to public outreach and education, hosting a Media Day for all Maryland Media and continuing this outreach privately with select Media members.

Media Day

On April 23rd of this year, the Public Awareness Subcommittee held a Media Day at the James Robey Training Center in Howard County. Speakers for this event included Jodi Finkelstein and Cheryl Kravitz, co-chairs of the FVC; Howard County Executive Ken Ulman; Howard County Police Chief William McMahon; Comfort Dorn, Assistant City Editor of the Frederick News-Post; Wendy Thompson-Marquez, Head of EVS Communications, Inc; and Johnny Rice, II, Director for the Office of Grants Management, Maryland Department of Human Resources. The event also included a presentation from Comfort Dorn, as well as a panel discussion and dialogue between the media and the Council regarding domestic violence issues.

The Subcommittee prepared thumb drives which included a dictionary of domestic violence terms, including definitions of domestic violence, protective orders, and types of domestic violence, as well as domestic violence myths, the FVC 2009 Legislative Session report, the FVC Council members' list, and a link to the Rhode Island Handbook for Journalists, which includes articles on what is and is not appropriate to say when reporting about domestic violence. The committee sent these thumb drives to media who were unable to attend and provided one to every member of the Council with interest.

Media Outreach

In the fall of 2009, Cheryl Kravitz and members of this Subcommittee began visiting media outlets, discussing domestic violence and the most respectful and honest way to portray it in the media. As a result of these efforts, an article about domestic violence was published in the Gazette and a domestic violence piece is slated to run in November on Channel 9 News.

Data

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

Domestic Violence Funding Maps & Report

In the fall of 2008, the FVC requested that the Data Subcommittee research and compile data pertaining to domestic violence funding throughout the State of Maryland relative to the prevalence of domestic violence. During the summer of 2009, the subcommittee compiled this data for funding years 2005, 2006, and 2007. All included funding sources met the allocation threshold of at least \$300,000. The combined funding amounts of these three maps totaled over \$28 million dollars. The committee concluded that with few exceptions, these maps suggest that the majority of domestic violence funding is being distributed to counties with greater need throughout the State of Maryland.

Livescan Project

On April 1st of 2009 a check box for domestic violence was added to the drop down menu used for booking in both the Livescan and the Automated Booking System (ABS) used by Law Enforcement across the State, therefore allowing for the tracking of domestic violence incidents statewide. This will not be accessible on a criminal's rap sheet, nor will it be reported to the FBI, and it does not replace UCR data. This addition is simply another piece of information to try to track DV in a more effective manner. In order to implement this consistently, the FVC agreed on a standard definition of domestic violence for these purposes:

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 the month of August, the Howard County Police Department piloted this project, recording 18 Domestic Related Incidents (DRI's) in one month. For now, the program is only targeting on-view arrests, but may branch out to include the courts at a later time. In the month of October, letters were sent to all law enforcement agencies detailing this process and requesting contact information so that further training may be implemented. To date, all contact information has been received and training materials are being disseminated. It is the goal of the Council and the Governor's Office of Crime Control & Prevention to have all Law Enforcement agencies on board with this project by January 1, 2010.

Legislative

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

- **HB 296/SB 267: Family Law - Protective Orders - Surrender of Firearms: Making it mandatory, rather than discretionary, for a final protective order to order the respondent 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. *Passed both the House and the Senate.***
- **HB 302/SB 268: Family Law – Temporary Protective Orders – Surrender of Firearms: Authorizing 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; etc. *Passed both the House and the Senate.***

- HB 98/SB 601: Domestic Violence - Temporary Protective Orders - Extension: Increasing 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. *Passed both the House and the Senate.*
- HB 901/SB 736: Domestic Violence - Cruelty Toward a Pet or Service Animal: Authorizing a District Court Commissioner, in an interim protective order, or a judge, in a temporary or final protective order, to order a respondent to remain away from, refrain from cruelty or aggravated cruelty toward, or give to a specified person a pet or service animal under specified circumstances; specifying penalties for failure to comply with relief ordered in a protective order; etc. *Favorable Report Senate, Unfavorable Report House.*

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

- HB 359: Public Safety - Handgun Permits - Victims of Domestic Violence: Authorizing the Secretary of State Police, in determining whether a handgun permit is necessary as a reasonable precaution against apprehended danger, to consider whether the applicant is a person eligible for relief for whose benefit a court has issued a final protective order under the domestic violence law; et

The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2010 and has already begun this process by meeting as a subcommittee and discussing potential legislation.

Domestic Violence Firearm Surrender Taskforce

Following the passage of six domestic violence related laws, the FVC, in coordination with the Governor's Office of Crime Control & Prevention (GOCCP), held three regional trainings across the state, all in the month of September. A task force was created for this training, and was responsible for designing the curriculum and training materials. This task force consisted of members from the following organizations: The Maryland Association of Domestic Violence Officers (MADVO), Attorney General's Office, Administrative Office of the Courts, Maryland Chiefs Association, Maryland Sheriffs Association, Governor's Legislative Office, Maryland State Police, Maryland Police and Correctional Training Commission, United State's Attorney's Office, Maryland Correctional Administrators Association, and Baltimore City State's Attorney's Office.

The audience for this training was primarily law enforcement and focused on the upcoming changes in the domestic violence laws beginning October 1, 2009. The Maryland Judiciary, members from the Family Violence Council, and Maryland State's attorney's offices were also invited. This event also consisted of an overview for law enforcement on the new domestic violence dropdown box on Livescan, as well as several other topics of interest, such as the federal law with regards to domestic violence. The group trained over 240 law enforcement, advocates and prosecutors across the state during the month of September.

Domestic Violence GPS Taskforce

In July 2009, Chairman Joseph Vallario wrote to the Governor's Office of Crime Control & Prevention (GOCCP) and asked that the GOCCP provide input and recommendations regarding the use of lethality assessments and Global Positioning Satellite (GPS) technology to track criminal defendants in domestic violence cases. Additionally, the Chairman requested that the recommendations include a discussion of funding issues involved in implementing GPS. To that end, a Task Force was created comprised of leading experts in the field of domestic violence and GPS monitoring in the State of Maryland.

During the fall of 2009, the Task Force met twice and conferenced often with the ultimate goal of submitting recommendations as requested. This report details specifics of GPS technology, programs already operating in Maryland, successful programs currently operating in other states, funding and cost considerations, and GPS benefits, challenges and limitations. The Task Force submitted this report on Friday, November 13th.

Press Conferences

In honor of Domestic Violence Awareness Month, Lieutenant Governor Anthony Brown held two press conferences to further illuminate the need for education and awareness about domestic violence. The first press conference was held on Tuesday, September 29th, at the Montgomery County Family Justice Center. It featured remarks from Lieutenant Governor Brown; Attorney General Douglas Gansler; Montgomery County State's Attorney John McCarthy; Chief Deputy Darren Popkin from the Montgomery County Sheriff's Office; and Mary Crawford, a survivor of domestic violence.

The second press conference took place at the House of Ruth on Monday, October 19th. Speakers included Executive Director of the House of Ruth, Carole Alexander; Lieutenant Governor Brown; Baltimore City Council President Stephanie Rawlings-Blake; Sheryl Goldstein, Director of the Mayor's Office on Criminal Justice; and Gat Meridith, mother of Jessica Jacobson, young mother of two killed in front of her home by her estranged husband in September of 2007.

Miscellaneous Events/Activities

Abuser Intervention Program Certification

From 1995 – 2004, the FVC held the responsibility of monitoring abuser intervention program compliance and forwarding a list of self-certified programs to the Administrative Office of the Courts (AOC) for inclusion in the Judges' Benchbook. This year, after much discussion, the Council decided to again take on this responsibility.

In both March and June of 2009, the FVC requested applications from Abuser Intervention Programs wishing to be certified. A review group, consisting of members of the Maryland Abuser Intervention Collaborative (MAIC) and interested Council members was formed and tasked with reviewing and either certifying or denying the proposed applications. The review group reviewed seven applications and certified five, among them:

- "The Change Project", Deaf Addiction Services at Maryland
- "Guided Visions Counseling Center Abuser Intervention Program," Guided Visions Counseling Center
- "Isaiah Associates, Inc. Abuser Intervention Program", Isaiah Associates, Inc.
- "The Alpha Project," My Covenant Place
- "North Carroll Abuser Intervention Program," North Carroll Counseling Center

In May, the Council voted to add The Maryland Abuser Intervention Collaborative (MAIC) as a subcommittee of the FVC, due to their invaluable knowledge in this process.

The Council also elected to assist MAIC in revising the AIP Guidelines, which had not been updated in some time. The Guidelines have gone through several drafts and will be final by January 2010. Due to the concern of possible liability issues, the AIP Monitoring Subcommittee was created, whose responsibility it will be to examine certified AIP programs for content and validity.

Looking Ahead

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

- **Media Outreach:** To continue meeting with and discussing domestic violence and its portrayal in the media with members of the Maryland Media.
- Awareness activities around domestic violence issues.
- Complete implementation of Livescan project for data collection purposes.
- Collaboration and support of Maryland domestic violence organizations
- **Legislative testimony and support:** The Council has decided to consider the following during the upcoming legislative session:
 - **OPPOSE:** A bill to allow domestic violence offenses to be expunged from the records of domestic violence offenders under certain circumstances.
 - **SUPPORT:** A bill that allows a victim's pet to be included in the protection afforded by a protective order.
 - **SUPPPORT:** A bill allowing domestic violence offenders to be tracked using GPS technology.
 - **SUPPORT:** A bill that allows protection for domestic violence victims with relation to their place of residence. This bill would protect domestic violence victims by requiring immediate safety measures (such as changing the locks on an apartment); protection from financial hardships (such as victims who wish to break their lease but cannot do so without tremendous financial expense); and protection from discrimination (such as victims who wish to stay in their apartments, but are asked to leave due to recent domestic violence occurrences, or victims who wish to rent an apartment, but cannot due to a known past history of violent relationships).

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

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.

Strangulation

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.

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

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

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

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