



Howard County Domestic Violence Fatality Review Team Howard County, Maryland

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2016 Recommendations

The mission of the Howard County Domestic Violence Fatality Review Team (HCDVFRT) is to attempt to reduce domestic violence, specifically domestic related fatalities and near fatalities in our County through a multi-disciplinary review of our response to domestic violence in our community. The goal is to utilize a multi-disciplinary model to address training and community based prevention programs, as well as to effect systemic change to our community's response to domestic violence.

The HCDVFRT has reviewed over the past year a domestic related homicide that occurred in our community with the purpose of identifying systemic issues that might be addressed and corrected. The HCDVFRT has identified five (5) issues and has agreed upon the following recommendations to address these issues.

1. Revise Maryland Sentencing Guidelines to prioritize and identify Domestic Violence cases on sentencing guidelines worksheets.

Identified Problem:

The Maryland Sentencing Guidelines exclude any mention of Domestic Violence cases on the sentencing worksheets. Domestic Violence has been identified a significant issue in our society and the sentencing of Defendants in our Circuit Court should reflect the seriousness of the crimes. Additionally, the victims in these cases are especially vulnerable and should be viewed as such by the sentencing court.

Maryland District Courts have been identifying crimes as Domestically-related based on Family Law Section 4-501 since 2014. When a defendant is sentenced in District Court the Court marks the conviction and the label of "Domestically-related" follows the

conviction. This only applies to misdemeanors and should apply to all Domestic Violence crimes in Maryland.

Recommendations:

Rework the Maryland Sentencing Guidelines worksheet to include an indicator that the crime was Domestically-Related utilizing the definition from Family Law Article Section 4-501.

Include whether or not the incident occurred in front of children which would allow for an enhanced penalty under Criminal Law Section 3-601.1.

Expand the definition of “vulnerability” to include pregnancy.

2. Require additional judicial education on Domestic Violence related issues in Circuit and District Courts.

Identified Problem:

Judges in Maryland receive training usually shortly after they are sworn in, but the training on understanding and dealing with Domestic Violence cases is minimal. Properly dealing with Domestic Violence cases requires an understanding of the dynamics of a Domestic Violence relationship, as well as the applicable civil and criminal law. Without specific training on these topics our Judges may not have the all the tools they require to ensure the safety of the victims and the children involved.

Recommendations:

Coordinate with the Judicial Education Commission to provide domestic violence specific training to all new judges after they are sworn.

Collaborate with MDNADV to provide ongoing training to sitting judges in both the District and Circuit Courts of Maryland on both criminal and civil Domestic Violence specific issues.

3. Provide for expanded enforcement of No Contact Order while Defendant is awaiting trial and serving an active sentence.

Identified problem:

It is a serious issue that an incarcerated Defendant awaiting trial or serving a sentence cannot technically violate a criminal No Contact Order. Technically the bond conditions imposed by Judge’s or a commissioner do not take effect until the Defendant is released from jail. While the probation conditions set by a Judge cannot be enforced until the perpetrator is released from incarceration.

In one of the cases we discussed this year, the Defendant was given a No Contact bond condition, but was incarcerated pending trial. During this time period he repeatedly contacted the victim, both by letter and by phone causing serious stress and concern for her safety once he was released. Because he was incarcerated, the Howard County Detention Center was unaware that he should not be contacting the victim. There is no method for the bond conditions to be enforced in these circumstances.

In the case we discussed several years ago, the victim's family continues to have issues with the defendant who is incarcerated in DOC and serving a long term sentence, contacting them. There is a No Contact probation condition, but because the defendant is serving a sentence there is no way to enforce the condition through the courts.

Recommendations:

Require arresting officers to notify the Howard County Detention Center if an active No Contact Protective Order exists. This would require a change in the arrest sheet to include information on the victim, so the detention center can enforce the Protective Order.

Coordinate with the Sheriff's Department to notify the Howard County Detention Center of Temporary and Final Protective Orders that include No Contact provisions where the defendant is incarcerated.

Facilitate the usage of a Correctional Transfer Alert to follow defendants as they move through the Department of Corrections to ensure that No Contact Orders follow the defendant.

Research the use of criminal or civil contempt proceedings to enforce No Contact Orders while a Defendant is incarcerated.

4. Create a State Fatality Review Board to facilitate discussion and exchange of ideas.

Identified problem:

Presently each County maintains its' own Fatality Review Team and submits individual reports to MDNADV yearly. It is difficult to collaborate with other jurisdictions or even to determine if they have already solved a problem a team has identified. This could potentially lead to duplicitous work by each of the teams.

Recommendations:

Create a State Fatality Review Board that meets quarterly to discuss issues in each jurisdiction, as well as the potential solutions. This would allow a discussion by those with potentially differing viewpoints and ideas to help find solutions when a team may be stumped as to how to implement a recommendation.

5. Require continued education for attorney's admitted to the Maryland Bar on Domestic Violence issues by experts in the field.

Identified problem:

Maryland does not required Continuing Education Units (CEU's) of its attorneys in order to maintain a law license. The legal field is one of the only professions that does not require its members to receive ongoing education and training to ensure that they are up-to-date on all laws and research.

This lack of education can be seen in attorneys not understanding or having knowledge of changes in both criminal and civil law specifically in domestic violence cases.

Recommendations:

Require attorney's to receive Continuing Education Units specific to both criminal and civil Domestic Violence related issues