



**Howard County Domestic Violence Fatality Review Team
Howard County, Maryland**

2016 ANNUAL REPORT

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History

The Howard County Fatality Review Team (HCDVFRT) was originally established in November of 2007 and operated through April of 2012 at which time the group became inactive. In part this inactivity was due to a lack of DV related fatalities to review and due in part to an erroneous belief that cases could not be reviewed until all appellate action was exhausted. Staff changes at the State's Attorney's Office, as well as the Domestic Violence Center resulted in the re-establishment of the group in April of 2013. In recent years, there have been few domestic violence related fatalities in the County, therefore the HCDVFRT opted to focus on the identified issue of domestic violence-related suicide.

Purpose

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.

Authorization

HB 741, "Local Domestic Violence Fatality Review Teams," was signed into law by Governor Robert Ehrlich on April 26,

2005, effective July 1, 2005. The legislation enabled counties to establish domestic violence fatality review teams, making Maryland the twenty-first state that passed legislation regarding domestic violence fatality review. The domestic violence fatality review legislation is based on the Child Fatality Review Statute under Title 5, Subtitle 7, entitled “Child Fatality Review Teams,” established by SB 464 during the 1999 legislative session.

The legislation is codified under Title 4, Subtitle 7, entitled “Local Domestic Violence Fatality Review Teams” of the Family Law Article. Below are the citations for specific aspects of the authorization:

- FL§ 4-701: Defines domestic violence (DV) as being between “intimate partners.”
- FL§ 4-702: Authorizes establishment of team and organizing agencies.
- FL§ 4-703: Sets out membership.
- FL§ 4-704: Establishes:
 - Purpose—to prevent deaths.
 - Method of operation—creation of protocol and review of DV fatalities and near fatalities.
- Scope of review—number and type of cases for review.
- FL§ 4-705: Authorizes mandatory access to records.
- FL§ 4-706: Authorizes closed meetings when discussing cases.
- FL§ 4-707: Authorizes confidentiality and protection from civil and criminal proceedings.
- CJ§ 5-637.1: Allows for protection from liability.

Membership

The HCDVFRT is made up of a multidisciplinary group of professionals whose role in the community may contribute to a better understanding of the factors that influenced the occurrence of a domestic violence fatality or near fatality and whose agency, organization or governmental department has the ability to influence or change the response protocol in hope of preventing future deaths or injury. Please see attached roster for a full listing of HCDVFRT members and agencies represented.

Methodology

Selection of cases for review by the HCDVFRT (“Team”)

The review process begins with the selection of cases for review. The Team discussed potential cases that fit the criteria that were set at our first meeting: domestic homicides, domestic suicides and domestic cases involving serious injury. After the selection of a case, the co-chair provides the names of the victim and the perpetrator, as well as all identifying information to

all of the team members. The Team members will then use the information to research their agency's files for any pertinent information.

Information gathering

The team will gather all pertinent information from their agency's files and submit the information to the chair of the Team. The Team is permitted by law to review confidential files for the purposes of reviewing the cases selected. The Team is permitted to request records from organization's that do not have participating team members. The Team may also request medical records for the victim through an agreement with the local hospitals.

Interviews

The Team during its initial review may decide that there are individuals that it would be beneficial to interview during the screening process. If the decision is made, the Team will contact the individuals by letter and request an interview. The interviews will be assigned to team members who have training in interviewing victims and witnesses.

Review Process

Prior to each meeting, the Team members are given a to-do list of items to complete prior to the next scheduled meeting. At the meeting, the members will present the materials they were asked to locate and may be questioned about the materials or procedures by Team members. Many items are asked to be submitted prior to the meeting so an assigned member of the Team can compile a Case Timeline for each case reviewed. The timeline is discussed at the meeting and the members discuss any areas where they believe the process might have been changed to better the outcome. The members continue to brainstorm solutions to the identified problems.

Recommendations

During the review process of a case, the Team compiles a list of "Identified Problems" and works to create "Recommendations" to address the problem. The members of the Team who are associated with the agency being discussed will participate in the discussion and help draft a potential solution. These solutions are then presented to the appropriate person in the agency and the member will report back what, if any, actions were taken on the Team's recommendations.

Annual Report

The Team prepares an annual report with the purpose of providing information to the public and persons, agencies or organizations and community groups that may have an influence on enacting the proposed recommendations.

Recommendations

The HCDVFRT reviewed over the past year two cases that resulted in suicide of the domestic violence victim with the purpose of identifying systemic issues that might be addressed and corrected. Additionally the HCDVFRT continued discussion on the case addressed in 2015. 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 with the label of “Domestically-related” per Criminal Procedure Section 6-233. This 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 as required by Criminal Procedure Section 6-233 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 Article Section 3-601.1.

Expand the definition of “vulnerability” to include pregnancy.

Progress Report:

Presently the Team is still in the discussion phase and has not made contact with the Maryland Sentencing Guidelines Commission.

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.

Progress Report:

The Team is still in a planning phase for this Recommendation and has not yet made the connections necessary to support coordination with the Judicial Education Commission.

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.

Progress Report:

The HCDVFRT invited the Director of the Howard County Detention Center to the July, 2016 meeting to discuss potential solutions to this issue at the local level. The actual solutions are still in the planning phase.

4. Create a State Fatality Review Team 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.

Progress Report:

The Chair of the HCDVFRT has raised this issue several times at the annual state DVFRT meeting and will continue to request the creation of a State Fatality Review Team.

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

Progress Report:

This Recommendation remains in the planning process and appropriate contacts have not yet been made with the Maryland Bar.

Progress Report on 2015 Goals

The Caretaker Manual prepared by DVFRT for distribution to families who become caretakers of children due to domestic violence has been approved and is currently being distributed by the Howard County Police Department. It has also been distributed to all agencies on our Team for their use and will be added to several websites to be used as reference material.

The HCDVFRT has coordinated with HopeWorks to provide elder abuse resource pamphlets at the Office of Aging 50+ Expo, the lobby of the Howard County State's Attorney's Office and other locations.

Continued Goals of DVFRT

The Team has the ongoing goal of following through with our 2013, 2014, 2015 and 2016 Recommendations, as well as including new participants in our working group as new issues arise during our discussions.