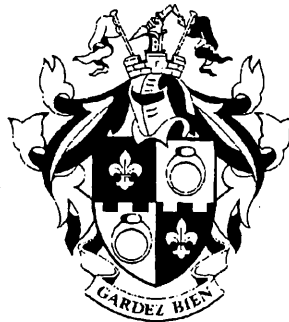


**IMPROVING THE RESPONSE TO
DOMESTIC VIOLENCE
IN MONTOMERY COUNTY**



Office of Legislative Oversight
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April 25, 2000

OLO REPORT 2000-1
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Appendix (available upon request)

Improving the Response to Domestic Violence in Montgomery County Office of Legislative Oversight Report 2000-1

EXECUTIVE SUMMARY

The public sector's response to domestic violence in Montgomery County is significantly different and much improved from what it was a decade ago. However, OLO's study identifies gaps in service delivery, and gaps in the information that agencies obtain and use in the processing of criminal and civil domestic violence cases. In sum, the collection of agency responses does not yet function effectively as a system to maximize victim safety and batterer accountability.

Incidents of domestic violence occur daily in Montgomery County. State and County agencies routinely make decisions about domestic violence offenders without adequate information to assess the dangerousness of the situation, and routine agency practices do not effectively protect victims. Especially because of the potential lethality of domestic violence, OLO urges prompt attention to the issues identified in this report.

OLO's recommendations reflect input from experienced practitioners here in Montgomery County as well as promising practices identified in other communities. To improve victim safety and batterer accountability, OLO offers four specific resource recommendations:

- Establish an inter-agency Emergency Response Team (coordinated by the Sheriff) to identify and intervene in high risk domestic violence cases;
- Improve the timing and nature of victim assistance services provided to victims of domestic violence and their children;
- Strengthen the investigation and prosecution of misdemeanor domestic violence cases, and simultaneously improve offender supervision and sentencing options; and
- Make it possible to obtain an emergency restraining order in Montgomery County at times other than regular court business hours.

In terms of immediate Council action, OLO recommends the Council appropriate \$150K in the Sheriff's FY 01 budget to get the Emergency Response Team started. OLO also recommends the Council ask the Administrative Judge for the Sixth District and the Chief of the Family Violence Unit in the State's Attorney's Office to co-chair an interagency work group to craft the protocols and identify resources necessary to implement OLO's recommendations. This interim group, with participation from the key agencies and continued staff support from OLO, should be in a position to report back to the Council with specific proposals and funding requests this fall.

To improve oversight of the public sector's response to domestic violence, OLO offers three specific recommendations:

- Ensure that judges know when an individual fails to comply with a court order to attend batterers counseling;
- Improve how the public sector measures and reports on the effectiveness of domestic violence interventions; and
- Continue an active County Council role in reviewing progress to improve the response to domestic violence in Montgomery County.

I. AUTHORITY, SCOPE, AND METHODOLOGY

A. Authority

Council Resolution 14-242, FY 2000 Work Program of the Office of Legislative Oversight, adopted August 3, 1999.

B. Scope and Organization of Report

The County Council asked the Office of Legislative Oversight (OLO) to identify specific ways to improve the response to domestic violence in Montgomery County. This report evaluates how the current system of service delivery and agency information practices either contribute or compromise the County's ability to achieve the results of victim safety and batterer accountability. The report contains eight chapters and an extensive Appendix of supporting material.

Chapter II, Background, defines domestic violence and provides a brief history of the progress made at the federal, state, and local government levels to respond to domestic violence.

Chapter III, Scope of the Problem, explains the domestic violence cycle, and presents national statistics on the prevalence and impact of domestic violence.

Chapter IV, Measuring the Effectiveness of Intervention, outlines the challenges to measuring the effectiveness of domestic violence interventions, and summarizes the lessons from the few research studies that are available.

Chapter V, Mapping of the Response to Domestic Violence in Montgomery County, presents summary activity data, and process maps of the criminal and civil justice system response to domestic violence. The Appendix contains more detailed descriptions of the roles and responsibilities of each State and County agency involved.

Chapter VI, The Collection and Use of Information at Key Decision Points, identifies the major decision points in the criminal, civil, and health and human service systems that directly affect victim safety and/or batterer accountability, and describes the information routinely used in making these decisions.

Chapters VII and VIII present OLO's Findings and Recommendations.

C. Methodology

Karen Orlansky, OLO Director and Sue Richards, OLO Program Evaluator, conducted this project with assistance from Krista Baker-Hernandez, OLO Research Assistant.

OLO gathered information for this project in numerous ways including general research, document reviews, individual and group interviews, and on-site observations of agency practices. OLO worked with Council and agency staff to compile budget, process, workload, and other program data. We consulted with senior management as well as line practitioners from the many offices and departments involved. OLO staff also attended meetings of the County Executive's Task Force Against Domestic Violence, a conference held by the Maryland Family Violence Council on Abuser Intervention Programs, and a conference sponsored by the Governor's Office on Crime Control and Prevention on victim services in Maryland.

Appendix A-1 contains a list of the print and Internet resources that OLO used during the study period.

D. Acknowledgements

OLO received excellent cooperation from everyone involved in this study. OLO appreciates the information shared and insights provided by all staff who participated from State, County, bi-County, and municipal agencies.

In particular, OLO thanks staff representatives from the Montgomery County Police Department; Department of Correction and Rehabilitation; and Department of Health and Human Services, the Office of the Sheriff; the Office of the State's Attorney; the Circuit Court; the District Court; the District Court Commissioners; the Maryland Office of the Public Defender; the Division of Parole and Probation; the Montgomery County Park Police (M-NCPPC), and the municipal police departments of Rockville, Gaithersburg, and Takoma Park. OLO also thanks the Maryland Family Violence Council, the Maryland Network Against Domestic Violence, the Department of Justice and the County Executive's Task Force Against Domestic Violence.

II. BACKGROUND

A. The Definition of Domestic Violence

There is no universally accepted definition of domestic violence. This OLO study examines how the public sector in Montgomery County responds to "domestic violence," defined as the range of physical, sexual, and psychological abuses between intimate partners. The scope of this OLO study did not extend to the broader issue of how the public sector responds to violence between other family members, e.g., child abuse, elder abuse.

Responses to domestic violence in Montgomery County can involve the criminal justice, civil justice, and health and human services systems. In recent years, system interventions have grown increasingly interrelated.

For practitioners in the criminal and civil justice systems, a reference to domestic violence focuses on the threat or occurrence of physical abuse. State law provides that an officer can make an on-view arrest only if there is probable cause to believe that a person battered his/her partner or there is evidence of physical injury. (Additional criteria for an on-view arrest are discussed in Chapter V.) Similarly, a judge faced with deciding whether to issue an Ex Parte or Protective Order must also find reason to believe that physical injury or the threat of physical injury occurred.

The behaviors that define domestic violence include assault and battery, sexual assault, harassment, breaking and entering, telephone misuse, and stalking. In domestic violence cases, most of these behaviors may be the subject of either a civil or a criminal proceeding. Following an assault (or threat of assault), a victim may choose to pursue a remedy through the civil system and/or the criminal justice system. In some cases, a victim who is financially dependent on the offender deliberately chooses a civil remedy to avoid the consequences of a criminal record.

When discussing how the criminal and civil justice systems respond to domestic violence, OLO uses the Montgomery County Police Department's definition:

Domestic Violence – Occurs when a current or former spouse, cohabitant or former cohabitant, a person with whom an individual has a child with or a person with whom an individual has had an intimate relationship, commits or attempts to commit:

- **An act that places one in fear of serious bodily harm,**
- **An act that causes serious bodily harm,**
- **Battery or assault and battery,**
- **Rape or sexual assault,**
- **False imprisonment.**

Source: Montgomery County Police Department, Function Code 535, effective 1-6-98.

When discussing the health and human services system response to domestic violence, OLO uses the Department of Health and Human Services' broader definition of domestic violence. DHHS defines domestic violence to mean abuse between intimate partners, which includes four different categories of abuse: physical abuse, sexual abuse, psychological abuse and social abuse. Appendix A-3 contains a chart prepared by the Abused Persons Program that lists examples of each type of abuse.

Appendix A-2 contains additional definitions of terms used throughout this report, e.g., nolle prosequi, parole, show-cause order.

B. Local, State, and National Progress on Domestic Violence

Significant and measurable progress on domestic violence issues has taken place in Montgomery County. Over the past five years, State and County agencies worked actively to implement strategies and organizational changes aimed at reducing domestic violence. During the same period, fueled by passage of the Violence Against Women Act in 1994, the issue of domestic violence received substantial attention from the federal government. In recent years, non-profit-organizations along with many jurisdictions across the country implemented innovative model programs and conducted evaluation studies.

1. Montgomery County

In January 1995, the County Executive's Task Force Against Domestic Violence (the Task Force) organized a delegation of agency representatives to visit the award winning Quincy Court Model Domestic Abuse Program in Massachusetts.¹

Quincy established a Model Domestic Abuse Program in 1987 following a study that was precipitated by public outrage following a domestic violence related homicide. The Quincy District Court initiated a set of reforms that included pro-arrest policies, vigorous prosecutions, and closely supervised probation that includes batterers' treatment. The Quincy District Court widely uses restraining orders and actively prosecutes violations of these orders.

The Quincy Model established the linked goals of victim safety and batterer accountability. The program works to encourage victims to seek legal assistance, and to protect and empower those victims who do. With respect to batterers', the program's goals are to control abusers and hold them accountable for their violence.

¹ As a group, the Task Force members are sometimes referred to as Montgomery County Against Domestic Abuse or MCADA. Participants who went to Quincy included the Police Department, Sheriff's Department, State's Attorney's Office, Division of Parole and Probation, District Court, Department of Information Services and Technology, Department of Addiction, Victim, and Mental Health Services (today part of DHHS), and the Chair of the Task Force.

The Task Force's report on Quincy cited the following facts as evidence of program success:

- Quincy had not had a domestic violence homicide in eight years;
- Increased numbers of victims in Quincy had sought protecting orders;
- Quincy had the lowest restraining order drop rate in Massachusetts;
- Judges in Quincy were imposing stiffer sentences for abusers;
- Quincy reported higher completion rates for abuser treatment; and
- Quincy received a large number of complaints from abusers and their attorneys.

In March 1995, following the Quincy site visit, the Task Force issued a report. The report outlined concerns about the systems in Montgomery County and listed specific recommendations for changes. In sum, the Task Force recommended that Montgomery County pursue a new set of responses to domestic violence based on the Quincy Model.

Since 1995, the Task Force has reported regularly to the County Council's Public Safety and Health and Human Services Committees (jointly held meetings) on the implementation of the Task Force's recommendations. Appendix C-16 contains the most recent Task Force report. Major accomplishments of the Task Force include:

- Special staff units dedicated to domestic/family violence in the Sheriff's Office, Police Department, State's Attorney's Office, and Division of Parole and Probation;
- An increasing number of petitions filed (and granted) for Ex Parte and Protective Orders;
- Court time set-aside each day in District Court and Circuit Court to hear requests for civil Protective Orders;
- A larger number of arrests related to incidents of domestic violence;
- A lower drop (nolle prosequi) rate for domestic violence crimes;
- A regular criminal domestic violence "docket" in District Court; and
- More domestic violence offenders court-ordered to batterers counseling.

On April 17, 2000, the County Government opened the new Betty Ann Krahnke Center. The new facility has spaces for 48 beds, which is double the capacity of the previous abused persons' shelter. Other changes implemented in recent years to improve victim safety and batterer accountability include:

- Sheriff Deputies started offering to conduct two welfare checks (one by telephone and one in person) of petitioners during the seven days between an Ex Parte Order and Protective Order hearing;
- The District Court expanded the business office hours for accepting petitions for civil protection, (the civil desk window had closed at 3:00 PM and now remains open until 4:30 PM);

- The District Court will not schedule a bond modification hearing in a domestic violence related case for five days, (this contrasts to a same day or next day hearing for most other cases);
- The Police Department's training for police recruits includes additional hours focused on responding to domestic violence incidents;
- DHHS' Abused Persons Program expanded Victim's Assistance team coverage at the District Court, and extended coverage to the Family Division in Circuit Courts; and
- If the State's Attorney or a probation agent flags a "dangerous" situation, then the attorney/probation agent can expedite the issuance of a bench warrant. The Police Department has set up an expedited service of bench/arrest warrants for these dangerous situations.

2. National and State Legislation

In 1994, Congress enacted the Violence Against Women Act (VAWA), which among other things:

- Requires that a valid Protective Order in one state must be accorded full faith and credit in all states;
- Makes it a crime to cross state lines to abuse, harass, or stalk a spouse or partner; and
- Prohibits anyone who is named as a respondent in a Protective Order from possessing a firearm.

VAWA also established four grant programs. Through VAWA, the federal government awarded more than \$800 million used to assist public and non-profit entities combat domestic violence, and to fund research studies to evaluate the effectiveness of various intervention strategies.

The Maryland General Assembly enacted a number of significant changes in State law during the 1990's. Key provisions enacted in the Domestic Violence Acts of 1994 and 1995 included:

- A requirement that law enforcement officers who respond to a domestic violence incident provide victims written notice of services available in the community, including shelter, counseling, and their legal options available;
- Required entry of Ex Parte and Protective Orders in the automated MILES system (Maryland Interagency Law Enforcement System);
- Mandatory arrest for violations of Protective Orders; and
- Lengthening the time (from 12 to 48 hours) a victim can make a police report of violence, and activate a warrantless arrest.

Other noteworthy changes in State law include:

- The Governor's 1996 Gun Violence Act provides that a court can order a person found guilty of domestic violence to surrender his/her firearms; and prohibits the sale of firearms to a person named as a respondent in a Protective Order;
- In 1998, the General Assembly increased the fine and imprisonment penalties for violating an Ex Parte or Protective Order;
- Legislation passed in 1999 prohibits District Court Commissioners from authorizing the immediate release of a defendant charged with violating a no contact provision of a Protective Order; and
- Legislation passed in 1999 established "Peace Orders," a new form of civil relief for anyone experiencing problems with another individual, including dating partners. (A peace order is essentially a no-contact order that can last up to six months with a violation resulting in arrest.)

III. THE NATURE OF THE PROBLEM

A. The Cycle of Violence

Most researchers in the field of domestic violence believe that battering in a relationship is fundamentally linked to the batterers' need to control, subjugate, and intimidate his/her partner. Domestic violence research consistently reports that battering in a relationship occurs according to a definite cycle.

The so-called "cycle of violence" includes three distinct phases that vary in time and intensity. This section briefly describes the three phases. Appendix A-3 contains a more detailed description and several charts.

Phase I is the tension building phase. During Phase I an offender becomes edgy and more likely to react negatively. Phase I may include minor episodes of violent behavior. Victims attempt to calm the offender by using techniques such as compliance or avoidance, and believe that what she/he is doing will prevent the offender's anger from exploding. However, the offender grows increasingly oppressive and possessive, and as the tension escalates, it becomes more and more difficult for either partner to remain in balance.

Phase II is the shortest and most violent phase of the cycle of violence. During Phase II, the batterer's rage explodes and the batterer assaults the victim. Victims report that the specific incident that precedes the violence may have no logical reason; and that why and when an offender starts and eventually stops battering is often unclear. Some offenders indicate they are willing to stop the violence only when they become convinced that the victim has "learned his/her lesson."

Phase III is characterized by loving, kind, and contrite behavior. The offender shows remorse for what happens, sincerely apologizes, and promises it will never happen again. The offender manages to convince the victim that he/she really means it this time and that his/her behavior will change. The battered victim wants to believe that the abuse will stop, that the offender really is the loving person she/he loves, and convinces herself/himself that the brutal side of the offender will disappear.

The cycle of violence is repeated many times throughout the course of a relationship. In general, the type or level of abuse increases in each subsequent cycle and the time it takes to complete a cycle decreases. For example, the first cycle of violence may take place over five years and the violent incident may be a push or a shove. The next cycle may occur over a two year period and the violence may escalate to slapping. The third cycle may span one year and the abuse may increase to beating or kicking. Subsequently, the cycle may quicken to a three month period and a victim may be seriously beaten three or four times a year.

The cyclical nature of domestic violence, the escalation of the violence over time, and the fact that it occurs within an intimate relationship all decrease the chances that a victim will call for outside help the first time abuse occurs. Researchers observe that victimization becomes complete during Phase III. Since the “rewards” of remaining partners occurs during Phase III, this becomes a difficult time for a victim to call for help or to decide to end the relationship. When the victim resists leaving, the victim’s point of reference is the current loving phase, rather than the previous phases of tension and violence. If the victim has been through more than one cycle of violence, then the victim may be embarrassed that she/he is an accomplice to her/his own battering. The victim’s self-image further declines and the cycle of violence begins again.

B. Scope of Domestic Violence

The prevalence and impact of domestic violence are difficult to quantify to any scientific degree of accuracy. Domestic violence results in physical and physiological damage to victims and to children exposed to violence. Domestic violence is linked to increases in health costs, homelessness, and demands for law enforcement, court, corrections, and health/human services. In addition, employers forfeit millions of dollars in sick leave, absenteeism, and poor productivity related to domestic violence.

This section presents some of the most commonly cited statistics about domestic violence in the United States. Most of the data contained here are from reports published by the federal government.

Published statistics on domestic violence reflect only cases identified by researchers, reported to law enforcement, or brought to the attention of medical personnel. The National Clearinghouse for the Defense of Battered Women estimates that as many as six out of seven domestic assaults go unreported. A Bureau of Justice Statistics study found that almost half of domestic violence incidents reported in the National Crime Victimization Survey had not been reported to the police. Researchers also point out that domestic violence incidents that do not result in serious injury or police intervention may not be included in survey responses because respondents may not consider them to be a “crime.”

1. Data on Volume and Frequency

The US Department of Justice’s Bureau of Justice Statistics estimates that an act of domestic violence occurs every 15 seconds in the United States. The Bureau also estimates that women injured by intimate partners account for about one in five visits to emergency rooms for injuries from intentional violence. The FBI’s Uniform Crime Report identifies domestic violence as the leading cause of injury to women between ages 15 and 44 in the United States – more than car accidents, muggings and rapes combined.

The Bureau of Justice Statistics estimates that eight in 1000 women and one in 1000 men experiencing a violent victimization by an intimate partner every year. According to other national surveys, seven percent of women in the United States report being physically abused by their partners in the previous year; and 14 percent of women report having been violently abused by a spouse or boyfriend at some point in their lives.

2. Data on Batterers and Victims

The great majority of arrested batterers are heterosexual men. A recent study (1996-98) of defendants in domestic violence cases reported that the defendants were male in 90 percent of misdemeanor cases and 85 percent of felony cases. The study also showed that 75 percent of the respondents named in domestic violence-related civil actions (i.e., Ex Parte and Protective Orders) were male.

The Bureau of Justice Statistics reports that 85 percent of all domestic violence victims in the United States are women. Annually, when compared to men, women experience more than six times as many incidents of violence by an intimate partner.

Women of all races, and Hispanic and non-Hispanic women are about equally vulnerable to violence by an intimate partner. Studies show that between 8 and 26 percent of pregnant women are victims of domestic violence; and that 24 to 40 percent of battered women experience physical abuse during pregnancy.

Women from all socioeconomic classes are victims of domestic violence. However, according to Jeff Fagan, Director of the Center for Violence Research and Prevention, "The myth of classlessness of domestic violence is one that has persisted since the 1960's. The truth is, it is a problem of poverty associated with other characteristics like low marriage rates, high unemployment, and social problems."

The Bureau of Justice Statistics also reports that the women who are most likely to be victims of domestic violence in the United States:

- Are between 20 and 34 years of age;
- Did not graduate from college;
- Have family incomes of under \$10,000; and
- Are divorced or separated.

One factor that influences government agency statistics on domestic violence is that women with higher incomes often have the resources to deal with domestic violence privately without involving the criminal justice system or other public sector services. Women who have limited economic independence have no choice but to rely upon the public sector for protection and help. These women do not have the option to stay in a hotel or seek counseling from a private mental health care provider.

3. Impact of Domestic Violence on Children

The research estimates that slightly more than half of female domestic violence victims live in households with children under 12 years of age. Numerous research studies have documented that patterns of violent behavior are passed from one generation to another. Specific findings include:

- In homes where a woman is battered, children have a 300 percent increased risk for being physically abused by the male batterer;
- There is a 25 percent greater likelihood that a baby will be born with a low birth weight if the mother is battered during pregnancy;
- Sons who witness their father being violent in the home have a 1000 percent greater risk of being batterers than sons who grow up in a functional environment;
- Of boys committing murder between the ages of 11 and 20 years old, 63 percent murdered the men who were abusing their mothers; and
- One-third of women who are physically abused by a husband or boyfriend grew up in a household where this happened to their mother.

4. Connection Between Domestic Violence and Substance Abuse

There is much written about the role of alcohol and drug abuse in domestic violence. Studies of domestic violence (criminal and civil cases) estimate that between 50 and 85 percent of cases involve offenders who are substance abusers. The National Institute of Justice reports that in a study of domestic violence assailants in Memphis, 92 percent used drugs or alcohol during the day of their assault, and 67 percent had used a combination of cocaine and alcohol.

The relationship, both in theory and practice, between substance abuse and battering is controversial and complicated. None of the research to date proves that alcohol or drugs "cause" battering. Rather, it evidences that batterers tend to have drug and alcohol problems. Because of this connection, however, it is sometimes believed (by victims, attorneys, judges, etc.) that treatment for substance abuse will lead to an end to battering. In some cases, the focus on substance abuse diverts attention from the battering itself.

The types of individuals who abuse their partners are also the types of individuals who are predisposed to abuse alcohol and/or drugs. Researchers make the following observations about the connection between battering and substance abuse:

- Just because batterers use drugs or alcohol does not mean they only batter when they are under the influence;
- A substantial number of batterers are not alcohol or drug abusers;
- Many individuals with drug and alcohol problems do not batter their partners; and
- Alcohol and drug use may lower inhibitions, but they also make for convenient rationalizations.

IV. MEASURING THE EFFECTIVENESS OF INTERVENTION

Ideally, the government should understand the short and long-term effects of publicly funded programs, and target public money to interventions that can demonstrate that they achieve measurable outcomes. **Unfortunately, the current research base identifies few well-designed evaluations that document the effectiveness of specific domestic violence interventions.**

There are numerous studies that provide valuable information about the characteristics of domestic violence interventions and the number of clients served. However, most of these are descriptive reports that fail to offer reliable measures of the intervention's impact on outcomes such as future violence, attitudes, behavior, and the physical/mental health of offenders or victims.

The majority of studies that measure the effectiveness of domestic violence intervention on future violence evaluate after-the-fact law enforcement interventions (e.g., arrest, prosecution) or court-ordered batterers' counseling. Even the results of these studies must be viewed with caution because of the overall problems inherent to conducting valid evaluations of any domestic violence intervention.

Of particular difficulty facing any evaluation of a domestic violence intervention is the involvement of multiple service systems. The processes are not necessarily linear, and the services delivered are complex and interrelated. In addition, the individual characteristics of a victim/offender often influence the effectiveness of an intervention. All of these factors make it analytically difficult to discern and measure the effect of a specific intervention.

The rest of this chapter summarizes the lessons available from the limited number of rigorous research studies that measure the effectiveness of specific domestic violence interventions. OLO compiled this list from reports published by the National Institute of Justice (NIJ) and study findings that met the National Research Council's criteria for rigor. In order to meet the National Research Council's standards for rigor an evaluation study had to meet the following criteria:

- The evaluation involved a program intervention that was designed to treat or prevent some aspect of child maltreatment, domestic violence or elder abuse;
- The evaluation used an experiment or quasi-experimental design and included measurement tools and outcomes related to family violence; and
- The evaluation included a comparison group as part of the study design.

SUMMARY OF RESEARCH FINDINGS BY INTERVENTION

Evaluations of health and human service interventions designed for domestic violence victims

Shelters for Battered Women

- Shelters limit new incidents of violence in the six weeks following shelter stays. (Berk et al., 1986)
- Shelters play a key role in helping women seek appropriate support services. (Gondolf and Fisher, 1988)

Advocacy Services for Battered Women

- Short-term advocacy services for battered women do not necessarily reduce the risk of future violence to the victims, but do appear to improve other outcome measures, such as enhanced self-esteem, feelings of empowerment, and increased social support for the victim. (Tan et al., 1995)

School Based Prevention Programs on Violence in Dating Relationships

- Prevention programs increased participants' knowledge of and attitudes on relationship violence.
- The program effected the knowledge and attitudes of girls more than boys. (Jones, 1991; Jaffe et al., 1992, Krajewski et al., 1996; Lavoie et al., 1995)

Mental Health Services for Domestic Violence Victims

- One study reported significant improvement from pre- to post-test in assertiveness and self esteem for women in a battered woman's shelter who volunteered to participate in a group counseling program. (Cox and Stoltenberg, 1991)

Evaluations of health and human service interventions designed for treating batterers (primarily court-ordered)

The results of evaluations that met the National Research Council's criteria for rigor do not provide clear guidance on the effectiveness of batterers counseling. Differences exist in how the different studies measure recidivism and legitimate questions exist about the reliability of measurement. Some studies rely on offender self-reports; others use victim/new partner interviews, police data, and/or "adjusted" self-reports.

A number of studies document a high dropout rate among those court-ordered to counseling (25-37 percent either never showed up or dropped out early). Several studies also observed that the criminal justice system imposed few sanctions on those who did not complete their court-ordered treatment.

In terms of the effects of batterers counseling on future abuse, the research results are inconclusive. Specifically:

- Two studies found court-mandated treatment significantly reduced recidivism rates, and two found no significant difference between treated and non-treated offenders.
- Two studies found that physical violence rates were reduced after treatment, but that verbal and emotional abuse continued. (Edleson and Grusznski, 1989, Hamberger and Hastings, 1988)
- Two other studies found no significant reduction in physical violence between batterers in treatment and a control group, but found a significant decrease in verbal and emotional abuse by the treatment group. (Harrell, 1992)
- In one longitudinal (30 month) study of 580 abusers, men who completed three months or more of a batterers' treatment program were found less likely to have committed a re-assault (38 percent of completers re-assaulted vs. 50 percent of dropouts). (Gondolf, "Multi-Site Evaluation of Batterer Intervention Systems", 1998)
- The same study also found that between 42-47 percent of men re-assaulted their partners sometime during the 30-month follow-up, but most of the new re-assaults occurred within the first six months of the program intake. The percentage of new re-assaults progressively decreased over time, with the vast majority of men not re-assaulting their partners between 15 and 30 months. This suggests a delayed impact intervention. (Ibid.)
- About 10-15 percent of men in the study was unresponsive to the courts and the batterers counseling program. (Ibid.)

In 1995, Pittsburgh introduced a mandatory court review program that requires a referred abuser to reappear in court in 30 days to verify his program participation and again in another 60 days to verify counseling completion. A study of this program found that, the portion of court referrals that did not complete the batterers' program decreased from 52 percent to 35 percent in 1997. This same study found that men who completed the batterers' program were half as likely to be re-arrested for assault charges (16-37 percent) and less likely to be re-arrested for any offense overall (37-56 percent). (Gondolf, "The Impact of Court Review on Batterer Program Compliance", 1998)

Evaluations of Protective Orders (Civil Justice Intervention)

There were no evaluations that met the National Research Council's criteria that determine the role Protective Orders play in discouraging the recurrence of violence. However, one 1998 study on the victims' views of effectiveness showed that 72 percent of victims who applied for civil protection reported one month later that their lives had "improved". Six months later, 85 percent reported life improvement, 90 percent reported feeling better about themselves and 80 percent reported feeling safer. (Keilitz et al., "Civil Protection Orders: Victims' Views of Effectiveness", 1998)

In another study, 60 percent of 300 women interviewed twice in one year after receiving a Protective Order suffered abuse at least once. Over one in five reported threats to kill. Severe violence was reported by 29 percent. There was no evidence found that the threats and violence subsided over time. (Harrell et al., 1993 cited in "The Criminalization of Domestic Violence", Fagan 1996.) One theory is that weak enforcement and limited punishment for violations may undermine the utility of civil restraining orders.

Evaluations of Criminal Justice Interventions

Arrest Procedures. Although arrest is considered the "best" studied intervention for domestic violence, results remain inconclusive. In 1984, a significant and well-publicized evaluation conducted in Minneapolis concluded that arrest reduced the chances of subsequent violence. Subsequent evaluations have been unable to replicate these 1984 findings.

The 1984 Minneapolis Domestic Violence Experiment concluded that when a suspect in a misdemeanor domestic violence incident was arrested, the chances of a subsequent offence were reduced by almost 50 percent. (Sherman and Berk, 1984) This study, which was endorsed by the US Attorney General's Task force on Family Violence, is widely cited. Some of the literature credits this study as leading to a significant change in police departments' policies toward arrest in domestic violence incidents across the country.

Following the 1984 findings, five studies aimed to replicate the Minneapolis experiment. These five studies are known as SARP, the Spouse Assault Replication Program. None of the replication studies showed that arrest per se works in general to reduce subsequent violence. The specific deterrent effect of arrest on the prevalence of reoffending differed by data source and site.

- Four of the studies showed that employed suspects were deterred by arrest, but unemployed suspects were either less deterred or became more violent after arrest; and
- One study showed that the use of warrants achieved a deterrent effect for suspects who were absent by the time police arrived, even though deterrence was not indicated by arresting offenders who were still present on the scene.

Criminal Prosecution. Few rigorous studies are available that document the effects of prosecution on future assault. The handful that do exist report the following:

- Men with prior arrest records or lengthy histories of severe violence toward their partners were more likely to re-offend if prosecuted, compared to men who were not prosecuted. (Fagan, 1989)
- No differences in repeat violence were found between cases that were disposed of in one of the three following ways: diversion to counseling, probation with counseling, and other sentences such as fines, probation, jail time. (Ford and Regoli, 1993)
- The threat of prosecution, when left in the hands of victims to decide, may have a deterrent effect (defined as no re-victimization within 6 months) in cases where the victim is permitted to drop charges but does not do so. (Ford and Regoli, 1993)
- In the Indianapolis Domestic Violence Prosecution Experiment, there was no significant protective effect from prosecution. But, there was a significant reduction in “severe” violence when a victim initiated prosecutorial actions compared with the traditional summons and prosecution procedure. (Ford, 1993 cited in “The Criminalization of Domestic Violence”, Fagan, 1996)

Evaluations of Systemic Approaches

This group of evaluations looked at efforts to establish communication among criminal justice and social service agencies, establishment of advocacy services to meet victims’ needs, and policies aimed at more aggressive apprehension and prosecution of offenders (Duluth, Minnesota; and Quincy, Mass.)

One study found that a systematic approach had a statistically significant effect on process variables (arrest rates, prosecution rates, rates of mandated counseling). Specifically, it led to a statistically significant increase in the percentage of calls that resulted in arrest, the percentage of arrest that resulted in prosecution, and a significant increase in the percentage of men mandated to counseling. However, consistent with other research to date, these increases did not necessarily result in a reduction in future violence. (Gamache et al., 1988)

Another study found that although there was no significant difference in the number or severity of victim-reported incidents of repeat violence for victims who received a joint police/social worker home visit; these victims were significantly more likely to call police for the repeat violence. (Davis and Taylor, 1995)

V. MAPPING THE RESPONSE TO DOMESTIC VIOLENCE IN MONTGOMERY COUNTY

To understand how public sector agencies respond individually and collectively to domestic violence in Montgomery County, OLO created a series of maps that break down the lengthy, complicated system of civil and criminal case processing into its different stages. OLO also looked at how the Department of Health and Human Services, through operation of the Crisis Center and Abused Persons Program, provide services to domestic violence victims and offenders. Finally, OLO reviewed the timing and nature of victim assistance services provided to domestic violence victims throughout civil and criminal case processing.

Domestic violence victims request help from the public sector in Montgomery County in one or more ways. A potential domestic violence “case” begins when a domestic violence victim:

- Contacts the civil justice system for help by going to the District Court or Circuit Court to apply for a civil order of protection;
- Contacts the criminal justice system for help either by calling 911 for police assistance, or applying to a District Court Commissioner to issue a statement of criminal charges; and/or
- Contacts the health and human services system for help by telephoning or walking-in to the Crisis Center or Abused Persons Program offices.

The nature of the incident that precipitates a domestic violence victim’s decision to seek help from the government does not determine where the victim goes for assistance. A battering incident that leads one victim to apply for a civil restraining order can be identical to the battering incident that leads another victim to call 911 for police assistance. The same incident could with yet another victim result in a call to the Crisis Center or Abused Persons Program.

Three tables (beginning on page 20) introduce the agencies and departments that make decisions about civil and criminal domestic violence cases. Table 1 identifies the divisions in each department, the primary source of funding, and whether the unit has a role in civil cases or criminal cases or both. Table 2 lists estimated agency resources spent on responding to domestic violence; estimates of resources allocated to domestic violence cases were not available from the Department of Correction and Rehabilitation, the District Court, District Court Commissioners, Division of Parole and Probation, or Public Defender. Table 3 reports some twelve-month activity data for the civil, criminal and health and human services systems. The Appendix (Part D) contains additional details about the roles, responsibilities, procedures, workload, and resources of the different agencies.

Following the tables, the remainder of this chapter consists of four parts:

- Part A maps a civil domestic violence case. The scenario presented is a domestic violence victim who applies to the court for a civil order of protection from a spouse.
- Part B maps a criminal domestic violence case. The scenario presented is a domestic violence victim who calls 911 for police assistance. In the scenario mapped, the incident results in an on-view arrest of the victim's intimate partner for a misdemeanor assault.
- Part C reviews the services provided by the Crisis Center and Abused Persons Program to domestic violence victims.
- Part D reviews the timing and nature of victim assistance services throughout the various processes.

The next chapter (Chapter VI) lists the key decision points in the processing of domestic violence cases, and describes the information that is routinely provided to decision-makers at these key points in the process.

**Table 1
Departments/Agencies Involved in Processing Domestic Violence Cases**

Department/Agency	Primary Source(s) of Funding	Potential Role in Civil Order of Protection	Potential Role in Domestic Violence Criminal Cases	Reference for more information on roles and responsibilities in domestic violence cases
Montgomery County Police Department*				
Field Services Bureau	County	Yes	Yes	Appendix D-1
Investigative Services Bureau**	County	No	Yes	Appendix D-1
Management Services Bureau, Emergency Communications Center	County	Yes	Yes	Appendix D-1
Management Services Bureau, Victim/Witness Assistance Services	County	Yes	Yes	Appendix D-1
Department of Corrections and Rehabilitation				
Pre-Trial Services	County	No	Yes	Appendix D-3
Detention Services	County	No	Yes	Appendix D-3
Pre-Release Services	County	No	Yes	Appendix D-3
Department of Health and Human Services:				
Crisis Center	County	No	No	Appendix D-4
Abused Persons Program	County	Yes	Yes	Appendix D-4
Child Welfare Services	County and State	Yes	No	Appendix D-4
State's Attorney's Office				
Family Violence Unit	County	No	Yes	Appendix D-5
District Court Team	County	No	Yes	Appendix D-5
Other Prosecution Units	County	No	Yes	Appendix D-5
Office of the Sheriff				
Domestic Violence Unit	County	Yes	Yes	Appendix D-6
Other Units in office	County	Yes	Yes	Appendix D-6

Table 1 Continued
Departments/Agencies Involved in Processing Domestic Violence Cases

Department/Agency	Primary Source(s) of Funding	Potential Role in Civil Order of Protection	Potential Role in Domestic Violence Criminal Cases	Reference for more information on roles and responsibilities in domestic violence cases
Courts and other State Agencies				
District Court	State	Yes	Yes	Appendix D-7
District Court Commissioners	State	No	Yes	Appendix D-8
Circuit Court	County and State	Yes	Yes	Appendix D-7
Division of Parole and Probation	State	No	Yes	Appendix D-9
Public Defender	State	No	Yes	Appendix D-10

* Patrol officers from the municipal police departments of Rockville, Gaithersburg, and Takoma Park also respond to 911 calls related to domestic violence. In addition, M-NCPPC Park Police respond to domestic violence incidents that occur on park property. Each of the three municipal police departments employs a Victim Assistance Advocate who provides follow-up services to domestic violence victims related to both the criminal and civil processes.

** Earlier this year, the Domestic Violence Unit, which had been organizationally located in the Field Services Bureau, was transferred to the Family Services Division in the Investigative Services Bureau.

Table 2
Estimated Cost of Agencies' Response to Domestic Violence

<u>Department/Agency</u>	<u>Estimated FY 2000</u> (in 000's of \$)
Montgomery County Police Department	\$2,000
Department of Health and Human Services	\$2,286
State's Attorney's Office	\$378
Office of the Sheriff	\$828
Circuit Court Domestic Violence Assistance program	\$118
SUBTOTAL	\$5,610
<u>An estimate of agency resources dedicated to domestic violence was not available from:</u> Department of Correction and Rehabilitation, District Court, District Court Commissioners, Division of Parole and Probation, or Public Defender.	

Technical Notes - OLO worked with agency staff to develop the estimates included in this table:

- The MCPD number includes an estimated cost of patrol time spent responding to and following up on incidents dispatched as domestic violence or domestic dispute, and the funds allocated to the Domestic Violence Unit in the FY 00 budget. It does not include the Emergency Communication Center's costs answering and dispatching domestic violence calls, or investigator time spent investigating domestic violence felonies.
- The DHHS number includes the total FY 00 budget allocation (General Fund and non-General Fund) for the Abused Persons Program, plus an estimated portion of Crisis Center time spent on domestic -violence related requests for assistance. Volunteers donated an estimated 4,700 hours of time to APP during FY 99.
- The State's Attorney estimate represents the resources in the Family Violence Unit devoted to domestic violence cases. The office receives approximately 280 hours of work per week from volunteers.
- The Office of the Sheriff's number represents the estimated FY 00 costs of the Domestic Violence/Special Operations unit.
- The Circuit Court estimate represents the grant for DVA services. The estimate does not include the \$1 million Family Services Division grant because that grant provides many services in addition to those for domestic violence.

**Table 3
Twelve- Month Activity Data**

Activity	Time Period and Source of Data	Volume	Comments
CIVIL SYSTEM			
Number of petitions filed for partner-related civil protection in the District Court (Montgomery County)	FY 99 Source: Annual Report of the MD Judiciary	1,271 filings	<ul style="list-style-type: none"> • This represents the total number of petitions filed for partner related Ex Parte orders in either the Rockville and Silver Spring District Court.
Number of petitions filed for civil protection in Circuit Court (Montgomery County)	FY 99 Source: Annual Report of the MD Judiciary	342 filings	<ul style="list-style-type: none"> • This represents the total number of petitions filed for Ex Parte orders in the Circuit Court.
Number of partner-related Ex Parte Orders received by the Sheriff's Office for service	FY 99 Source: Office of the Sheriff	1,525 Ex Parte orders	<ul style="list-style-type: none"> • Partner related orders represent 87% of the total number of Ex Parte orders received (1,738). • The Sheriff serves Ex Parte Orders issued in the County or from other jurisdictions where the respondent is in the County. • Approximately 50% of the Ex Parte Orders become longer term Protective Orders.
CRIMINAL SYSTEM			
Number of calls dispatched by the Emergency Communication Center as Domestic Violence	February 28, 1999 – March 13, 2000 Source: ECC	7,783 calls dispatched	<ul style="list-style-type: none"> • During FY 99, ECC dispatched 305,075 emergency calls for service. Domestic violence calls accounted for 2.5 % of all calls dispatched.
Clearance of calls dispatched as domestic violence	July 1, 1999 – March 21, 2000 data Source: ECC	58% as Dash-1; 21% as Dash-2; 7% as Dash-4; and 10% as Dash-5 or 6	<ul style="list-style-type: none"> • Dash-1 = event verified; no report, no arrest • Dash 2 = event verified, report made, no arrest • Dash 4 = event verified, report made, arrest or charge made • Dash 5 or 6 = event not verified or unfounded
Number of Domestic Violence Supplemental Forms received by MCPD's Family Services Division	1999 –calendar Source: MCPD	1,839 Domestic Violence Supplemental forms	This includes most forms completed by MCPD and Rockville & Gaithersburg PDs. It excludes forms completed by Takoma Park PD or Park Police.

Table 3 continued
Twelve- Month Activity Data

Activity	Time Period and Source of Data	Volume	Comments
Number of domestic violence-related arrests reported on Supplemental Forms received by Family Services Division	1999 –calendar Source: Family Services Division, MCPD	488 on-view arrests and 95 additional arrests based on warrants obtained after the incident.	<ul style="list-style-type: none"> • These data mean that approximately 7.5% of the calls dispatched by the Emergency Communication Center as a domestic violence incident resulted in an arrest (either on-view or based on a warrant obtained after the incident.)
Number of charging documents issued by District Court Commissioners for domestic violence-related charges in Montgomery County	1999 – calendar Source: State District Court	1,113 charging documents issued for domestic violence-related charge	<ul style="list-style-type: none"> • This represents 23% of all charging documents (4,880) issued by the District Court Commissioner during 1999. • 596 of the 1,113 charging documents issued were in response to an application filed by a citizen, and 517 were issued in response to an application filed by a law enforcement officer.
Number of domestic violence misdemeanor cases disposed of in District Court	Estimated 12 month period Source: Family Violence Unit, SAO	1,800 – 2,040 cases	<ul style="list-style-type: none"> • This includes most misdemeanor domestic violence case based on a volume of 150 – 170 cases per month. The Family Violence Unit estimates 140 – 150 cases each month (1,680-1,800 cases annually) are on the Domestic Violence docket in Rockville.
Number of domestic violence felony cases in Circuit Court	1999 – calendar Source: Family Violence Unit, SAO	20 domestic violence cases	<ul style="list-style-type: none"> • The Family Violence Unit in the State's Attorney's Office prosecuted 64 child abuse cases in addition to the 20 domestic violence cases.
HEALTH AND HUMAN SERVICES SYSTEM			
Number of calls for services to Crisis Center where domestic violence identified as primary issue	FY 99 Source: DHHS, Crisis Center	859 calls	<ul style="list-style-type: none"> • This represents 7% of the 12,683 requests for service received by the Crisis Center in FY 99.
Number of victim contacts reported by Abused Persons Program, Victim Assistance Service team	FY 99 Source: DHHS, Abused Persons Program	1,759 victim contacts	<ul style="list-style-type: none"> • 1,024 (58%) of these contacts were with petitioners for civil protective orders at the District Court in Rockville. Another 279 (16%) were with partners of participants in the batterers counseling program.

A. Overall System Map for the Civil Process

In a civil order of protection, the District Court or Circuit Court issues an order for a named respondent (typically the alleged batterer) to have no contact and/or not to abuse the petitioner (typically the alleged victim). A Protective Order can also include address other issues such as custody arrangements for children, the payment of family maintenance money, and a requirement to attend counseling. A Protective Order can be in effect for 12 months with the option for one six-month extension.

In Montgomery County, the process begins when a petitioner submits an application to either the District or Circuit Court for a seven-day Ex Parte order. If a judge grants the Ex Parte order, then the judge also sets a time and date for a Protective Order hearing. The Sheriff's Office serves Ex Parte Orders and conduct welfare checks on petitioners during the seven day period between the issuance of the Ex Parte Order and the Protective Order hearing.

The overall system map on page 26 lists the seven stages involved with processing a civil order of protection in Montgomery County. The subsequent pages detail the steps and decisions within each stage. The scenario depicted is one where a domestic violence victim applies to the Court for a civil order of protection from a spouse.

B. Overall System Map for the Criminal Process

More than 95 percent of criminal domestic violence cases in Montgomery County are processed through the District Court as misdemeanors. The arrest, prosecution and sentencing of someone who has committed a misdemeanor assault is how the criminal justice system holds people accountable. By law, an offender who is found guilty of a misdemeanor assault may be sentenced to serve up to ten years in jail and/or be fined up to \$2,500. The sentence may also include supervised or unsupervised probation up to three years, and an order for the defendant to attend counseling.

The criminal process consists of eight stages. As many as fifteen separate units in the government may be involved in the prosecution, pre-trial supervision, sentencing, and post-trial supervision of a criminal case. In Montgomery County, a criminal case begins when either a law enforcement officer or a citizen files a statement of charges with the District Court Commissioner.

The overall system map on page 32 lists the stages in the processing of a criminal misdemeanor domestic violence assault in Montgomery County. The subsequent pages detail the multiple steps and decisions within each stage.

Overall System Map for the Civil Process*

Scenario: A domestic violence victim applies to the Court for a civil order of protection from a spouse.

Stage 1 –Filing a Petition for a Protective Order

Victim completes and files a written petition with the Court requesting a civil order of protection.

Stage 2 –Ex Parte Hearing

Judge holds a hearing with the petitioner and decides whether to grant a 7-day Ex Parte Order of protection.

Stage 3 – Serving the Ex Parte Order

The Sheriff's Office interviews the petitioner and then assigns the Ex Parte Order to a Deputy Sheriff for service.

Stage 4 –Seven-day Period of the Ex Parte Order

The Office of the Sheriff conducts two welfare checks (if petitioner consented) and Child Welfare Services conducts investigation (if judge ordered).

Stage 5 – Protective Order Hearing

The judge holds a hearing and decides on whether to grant a Protective Order and what conditions to include.

Stage 6 – Serving the Protective Order

The Court serves the respondent with the signed Protective Order and faxes a copy to the Sheriff.

Stage 7 - While the Protective Order is in Effect

During this time, the respondent's consequences for violating a condition of the Protective Order depends on a number of factors including what the violation is, who knows about the violation, and a judge's decision.

* For description of victim assistance services offered to the petitioner during this process, see page 52.

Stage 1 –Filing a Petition for a Protective Order

Victim completes and files a written petition with the Court requesting a civil order of protection.

STEP 1 – Victim obtains the form used to petition for civil protection.

Forms are available at no charge from the District Court's civil desk (Rockville or Silver Spring), the Abused Person's Program counter in the Rockville District Court, the Family Division offices in the Circuit Court, or a District Court Commissioner.



STEP 2- Petitioner fills out the petition and addendum for an Ex Parte Order.

The petition requires names, details on the abuse, description of past injuries, and income information. The petitioner must indicate what she/he wants the Court to order in the way of protection. (See options available to the Court listed below.)



STEP 3 – Petitioner files the petition with the Clerk of the Court.

Petitions can be filed during regular court business hours (8:30 AM to 4:30 PM, M-F) at Rockville District Court, the Silver Spring District Court, or the Circuit Court. The courts are closed for 11 weekday holidays during the year.



STEP 4 - The Clerk sets a same-day Ex Parte hearing.

At times, the Court holds the hearing almost immediately. In other cases, a petitioner may have to wait several hours.

What can the Court order the respondent to do in an Ex Parte Order?

In an Ex Parte Order, the Court can order a respondent:

- Not to abuse or threaten to abuse;
- Not to contact, attempt to contact, or harass;
- To stay away from a residence, school, child care provider, or work place; and/or
- To move out of a residence and give possession of the home to someone else.

Stage 2 –Ex Parte Hearing

Judge holds a hearing with the petitioner and decides whether to grant a 7-day Ex Parte Order.

STEP 1 - The Judge holds a hearing with the petitioner.

The Judge reviews the written petition and asks the petitioner questions. Ex Parte hearings are open to the public.



STEP 2 - The Judge fills out and signs an Ex Parte Temporary Protective Order.

If the Judge finds reasonable grounds to believe abuse was committed, then the Judge fills out (by hand) and signs an Ex Parte Temporary Protective Order. The Ex Parte Order lists what the Court is ordering the responding to do or not do.



STEP 3 - The Judge sets a time and date for a Protective Order hearing.

By law, the Protective Order hearing must take place within seven (7) days from the time the Ex Parte Order is signed. A judge can extend it three (3) times for not more than a total of 30 days.



STEP 4 – The Court instructs the petitioner to deliver the Order to the Sheriff.

The Court retains the original copy of the Ex Parte Order and provides the petitioner with copies. (The District Court provides the petitioner with six copies; the Circuit Court provides the petitioner with four.) The Clerk instructs the petitioner to hand-deliver the Ex Parte Order to the Sheriff's Office, which is located on the lower level of the Judicial Center.

What if the petition includes information about alleged child abuse?

If the Judge finds reasonable grounds to believe the respondent committed statutory abuse of a child, then the Judge can request Child Welfare Services to conduct an investigation. The Clerk faxes a copy of the Judge's request to the Screening Unit in Child Welfare Services, DHHS. The investigation is due back to the judge in time for the Protective Order hearing.

Stage 3 – Serving the Ex Parte Order

The Sheriff's Office interviews the petitioner and then assigns the Ex Parte Order to a Deputy Sheriff for service.

STEP 1 - The petitioner delivers a copy of the signed Ex Parte Order to the Sheriff.

If the petitioner is unable to hand-deliver an Ex Parte Order, then the Clerk of the Court faxes a copy to the Sheriff's Office.



STEP 2 – The Sheriff conducts a criminal background check on the respondent.

The Sheriff queries MILES/NCIC and CJIS. The Sheriff also researches the respondent's previous history of Ex Parte/Protective Orders in Montgomery County.



STEP 3 – The Sheriff conducts an interview with the petitioner.

Sheriff Office staff conduct the interview to obtain information needed to serve the Ex Parte Order and to enter the Ex Parte Order into MILES; and to provide the petitioner with information about safety planning and County services, e.g., shelter, counseling.



STEP 4 – Sheriff seeks consent of petitioner to conduct welfare checks.

The Sheriff seeks the petitioner's consent to conduct one welfare check by telephone and a second one in-person during the 7 days that the Ex Parte Order is in effect.



STEP 5 - A Deputy is assigned to serve the respondent with the Ex Parte Order.

Ex Parte orders must be served in person. The Sheriff makes at least one attempt to serve the Order on the same day as the judge signs it. Most are served within 24 hours.



STEP 6 - If the Deputy serves the respondent at home, the Deputy stays until the respondent leaves.

A Deputy accompanies the respondent as he/she gathers clothing and personal belongings. The Sheriff stays until the respondent leaves the residence. In accordance with the order, a Deputy will escort either the petitioner or the respondent to a specified location to obtain clothing and personal belongings. A Deputy will also implement the Court's instruction concerning awarding temporary custody of minor children.

Stage 4 –Seven-day Period of the Ex Parte Order

The Office of the Sheriff conducts two welfare checks (if petitioner consented) and Child Welfare Services conducts investigation (if judge ordered).

Stage 5 – Protective Order Hearing

The judge holds a hearing and decides whether to grant a Protective Order and what conditions to include.

STEP 1 – The Judge holds the Protective Order hearing.

If the petitioner fails to show, then the Judge automatically dismisses the Protective Order. If the petitioner shows but the respondent does not show, then the judge proceeds with the hearing. The judge hears from the petitioner and the respondent (if in attendance), and from Child Welfare Services (if an investigation of child abuse was requested.)



STEP 2 – If the Judge finds clear and convincing evidence of abuse, the Judge determines the conditions and signs the Protective Order.

If the Judge finds clear and convincing evidence of abuse, then the Judge fills out and sign the Protective Order, which states the Court's findings and conditions of the Order. A Protective Order may be in effect for up to 12 months with one six month extension after that. See below for what the Court can include in a Protective Order.

If the Judge denies the Protective Order, then the Judge must write a brief explanation of why the Order was denied. The judge handwrites the explanation in the space provided directly on the Protective Order petition. Decisions in District Court may be appealed to Circuit Court.

What can the Court order the respondent to do in a Protective Order?

In addition to all of the conditions possible with an Ex Parte Order, a Protective Order can, for the duration of the order:

- Award custody of minor children and specify conditions of visitation (including how the children are to be exchanged);
- Require the respondent to pay Emergency Family Maintenance (the judge can establish both the amount and terms of payment);
- Order the respondent (and petitioner) to attend one or more types of counseling programs;
- Require the respondent to surrender all firearms to a law enforcement agency;
- Grant use and possession of a jointly-owned vehicle to the petitioner; and/or
- Require the respondent to pay the costs of serving the Ex Parte Order and/or the Protective Order.

Stage 6 – Serving the Protective Order

The Court serves the respondent with the signed Protective Order and faxes a copy to the Sheriff.

STEP 1 – The Court serves the respondent with the signed Protective Order and faxes a copy to the Sheriff.

If the respondent is in the courtroom, then the Court serves the respondent right there. If the respondent did not attend the hearing, then the Court mails the Order (first class) to the respondent's last known address. The Court also faxes a copy of the signed Protective Order to the Sheriff's Office.



STEP 2 - The Sheriff's Office enters the Protective Order information into MILES.

After re-checking the criminal history of the respondent, the Sheriff's office electronically enters the Protective Order information (with conditions) into MILES.

Stage 7 – The Protective Order is in effect

How can the Protective Order be modified, rescinded, or extended?

During the time that a Protective Order is in effect, a petitioner or respondent can file a Petition to Modify/Rescind a Protective Order. The Court can either schedule a hearing on the requested modification or deny the petition. The Judge must provide a written explanation if the petition is denied.

What happens if the respondent violates conditions of the Order?

If the respondent violates a no contact condition (items 1,2,3, & 6 on the Protective Order) in the presence of a law enforcement officer, then the officer must arrest the respondent. Upon arrest, the respondent is charged with committing a misdemeanor offense and enters the criminal justice process. A respondent arrested for one of these violations is not eligible for release on bond and must appear before a judge for a bail hearing.

If the respondent violates a no contact condition but a law enforcement officer is not present, then the petitioner can either file a statement of charges (criminal charge) or file a petition with the Court for Contempt (civil proceeding).

If the respondent violates other condition of the Protective Orders (e.g., payment of Emergency Family Maintenance, not going to counseling), then the Judge can issue a Show Cause Order. This Order directs the respondent to appear at a hearing before the judge to explain why he/she should not be found in contempt of court. The Show Cause Order must also describe the alleged violation. The Sheriff's Office serves these Show Cause Orders in person. If a respondent fails to show for a Show Cause Hearing, then the judge has the option of issuing a body attachment on the respondent for failure to appear.

Overall System Map for the Criminal Process

Scenario: A victim calls 911. Montgomery County Police Officers respond and arrest the victim's spouse for a misdemeanor assault.

Stage 1 – 911 Communications

Victim calls 911 for police assistance and the Emergency Communication Center dispatches patrol units.

Stage 2 – Immediate Police Response

Patrol units respond and conduct initial investigation.

Stage 3 – Arrest of Offender

If officers find the criteria for a warrantless arrest exist, an officer arrests and transports the suspect to the Central Processing Unit. The arresting officer initiates charges.

Stage 4 – Booking of Offender

Corrections staff book the defendant and bring the defendant to the District Court Commissioner for an initial appearance.

Stage 5 – Initial Charging/Setting Conditions of Release

The District Court Commissioner decides whether to charge the defendant and sets pre-trial conditions for released defendants. A defendant who is held over appears before a District Court Judge for a bond hearing the next day.

Stage 6 – Pre-Trial Period

The Family Violence Unit in the State's Attorney's Office prepares misdemeanor domestic violence assault cases for trial.

Stage 7 – Trial and Sentencing

Misdemeanor cases are heard in District Court. The maximum sentence for a misdemeanor assault is 10 years in jail and/or a fine or \$2,500.

Stage 8 – Probation, Incarceration and Post Sentencing Violations

The Division of Parole and Probation supervises offenders on probation. An offender sentenced to 18 months or less will be held at the Montgomery County Detention Center.

Stage 1 – 911 Communication

Victim calls 911 for police assistance and the Emergency Communication Center (ECC) dispatches patrol units.

STEP 1 - Victim calls 911 for police assistance.

The victim's address is electronically displayed to the call taker. ECC records all verbal exchanges on the emergency 911 line.



STEP 2 - 911 call taker elicits and electronically records information from caller.

Call taker asks questions to determine: the location of victim and assailant, the type and location of weapons, and whether caller is in immediate danger. Appendix C-1 contains ECC's protocol of questions and classification codes for domestic violence incidents.



STEP 3 - 911 call taker classifies a call as a Domestic Dispute (DOMD) or a Domestic Violence (DOMV) and decides priority code for response.

DOMV is used for cases of assault and battery, beating or injury, shooting, stabbing, and weapons use or threatened use between family/household members. DOMD is used for verbal altercations, arguments, threats and property related disputes between family/household members. ECC dispatches in-progress calls or calls where medical attention is needed as Code 3 (lights & sirens).



STEP 4 –Call taker passes on information to dispatcher.

With DOMV Code 3 calls, the call taker keeps a victim on the phone until a patrol unit arrives.



STEP 5 –Dispatcher dispatches patrol unit(s) to incident.

ECC dispatches at least two patrol units to domestic violence incidents in progress. More respond if the situation appears especially dangerous. While patrol units are in transit, the ECC dispatcher can electronically access the premise history and hazards; information in MILES/NCIC and MVA data bases; and information the victim provides to the call taker.



STEP 6 - Patrol officers arrive at scene and notify dispatch of arrival.

The dispatcher sets an electronic reminder to check on the welfare of the responding officers. In most domestic violence cases, the flasher is automatically set for two minutes.

Stage 2 – Immediate Police Response

Patrol units respond and conduct initial investigation.

STEP 1 - Officers immediately assess situation.

Responding officers immediately assess the safety of all parties involved; need for medical care; and need for back up. An officer notifies ECC (via radio) of request for emergency medical care or back up.



STEP 2 - Officers begin initial investigation.

Officers separate parties and conduct separate interviews. Officers determine injuries, look for physical or circumstantial evidence of an assault, and interview any witnesses. Officers are instructed to make every effort to determine the primary aggressor.



STEP 3 - Officers determine whether probable cause exists and whether the situation meets State law criteria for an on-view (warrantless) arrest.

State law (Article 27, Section 594B) provides that an officer can make an on-view arrest if:

- There is probable cause to believe a person battered his/her partner;
- There is evidence of physical injury;
- The person may flee or cause injury to others or property or tamper or dispose of evidence if not arrested immediately;
- A report to the police was made within 48 hours of an alleged incident.

An officer can also make a warrantless arrest if the officer has probable cause to believe the person is in violation of an Ex Parte or Protective Order. If NO probable cause is determined, then officers advise parties, report disposition to dispatch and clear with dispatch.

What is probable cause?

Probable cause is the degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. Evidence must be such that a reasonable person would believe that this specific crime was committed and that it would be probable that a person being accused committed it.

What is a warrantless arrest?

An arrest warrant is a written order by a judicial officer directing a law enforcement officer to take a person into custody. A warrantless arrest is an arrest made by a law enforcement officer without a prior written order from a judicial officer.

Stage 3 – Arresting the Defendant

If the officers determine the situation meets criteria for warrantless arrest, then an officer arrests and transports the suspect to Central Processing.

STEP 1 – Officer make a warrantless arrest and secure the suspect.

An officer makes an arrest and places the suspect in custody. If the officers wish to interrogate the suspect, the arresting officer reads the suspect his/her Miranda rights.



STEP 2 - Officers obtain additional information from victim and witnesses.

The officers inform the victim of charges and procedures, obtain additional information to write the event report, and complete MCPD's Domestic Violence Supplemental Form. (Appendix C-2 contains copy of MCP Form 535.) Officers take photos of the victim and scene of the incident.



STEP 3 –Officers provide victim with information about rights and resources and remove any firearms observed.

State law (Article 27, Section 799) requires the investigating officer to give victims and witnesses written information about their rights and available resources. State law (Family Law, Section 4-511) requires an officer to remove a firearm observed on the premise if an act of domestic violence occurred.



STEP 4 – Police transport suspect to Central Processing Unit and initiates charges.

The arresting officer notifies dispatcher of arrest and transports suspect to CPU. At CPU, the arresting officer transfers custody of the suspect to DOCR, and removes the suspect's handcuffs. The officer initiates charges using the Maryland Automated Booking System computer. The officer may also complete a Bond Alert form, which recommends to the State's Attorney's Office that a defendant not be released.



STEP 5 - The arresting officer clears the call and is "back in service."

After the arresting officer completes a written statement of charges, the officer notifies the dispatcher that his/her role in processing the arrest is complete. The officer is now "back in service." Domestic violence offenses are generally cleared as Spouse/Other Domestic – simple assault (0823); aggravated assault (04x3); or assault and battery (0813).

What happens if the alleged offender is no longer on the scene when the police arrive?

Data compiled nationally show that about half the time, the alleged offender is no longer with the domestic violence victim when the police arrive. In some cases, the abuse occurred earlier and the victim waited until the offender left to call the police. In other cases, the offender flees the scene when he/she knows the police are on their way.

MCPD's directive on domestic violence (Function Code 535) states that in cases of alleged domestic violence where no arrest is made, the officer is to inform the victim that she/he can apply to a District Court Commissioner for a charging document. According to the directive, the victim may also elect to request the issuance of a charging document through the State's Attorneys Office. In practice, the State's Attorney's Office will consult with a victim and refer him or her to the District Court Commissioner.

Under what conditions is a Domestic Violence Supplemental Form completed and what happens to it?

Function Code 535 requires that the Domestic Violence Supplemental Form (MCP 535) be completed on all domestic violence calls where a department event is written. The officer has the option of completing Form 535 in cases where an event report is not written yet the officer feels documenting the incident is appropriate.

If an officer completes a Domestic Violence Supplemental Form, he/she must complete an event report plus the Domestic Violence Supplemental before the end of his/her shift. The shift supervisor reviews the form and forwards a copy of the event report, the Domestic Violence Supplemental form, and any photos taken to the Family Services Division. The arresting officer also completes a form (MCP 77) to request an audiotape of the 911 call from ECC. ECC delivers a copy of the 911 tape to the Family Services Division.

The exception to this is with a more serious domestic violence incident that is being charged as a felony assault or other felony crime. In such cases, the shift supervisor is likely to forward the event report, the Domestic Violence Supplemental Form, and any photographs to the investigative unit that will conduct the follow-up investigation.

The municipal police departments (Rockville, Gaithersburg, and Takoma Park) have all adopted Supplemental Domestic Violence Forms that are identical or similar to MCPD's form. Copies of Supplemental Forms completed by officers from Rockville and Gaithersburg are forwarded to the Family Services Division.

Stage 4 – Booking of Offender

Corrections staff book the defendant and bring the defendant to a District Court Commissioner for an initial appearance.¹

STEP 1: At the Central Processing Unit (CPU), the defendant is processed and booked.

CPU staff search the defendant, take photographs and fingerprints, and check NCIC, MILES and the County warrant system for outstanding arrest warrants.



STEP 2: CPU enters information about the suspect into the State Arrest Booking System.

The State Arrest Booking System is a statewide booking information system currently used in Baltimore City and five counties in the state (Montgomery, Frederick, Harford, Howard, and St. Mary's Counties).



STEP 3: CPU electronically transmits the arrestee's fingerprints to the State for verification.

If a person has been arrested before, then his/her fingerprints are on file. If fingerprints are not on file, CPU electronically transmits the fingerprints to the State Central Repository in Baltimore. A fingerprint analyst with the Maryland Department of Public Safety creates a hard copy and visually matches this copy to a file copy to positively identify the suspect. This phase of the booking process can take up to 90 minutes. When the regional fingerprinting system (NOVARIS) comes on-line this spring, a computerized process will match prints in 4 to 6 minutes.



STEP 4: CPU compiles the booking envelope.

CPU compiles all of the forms related to the arrest in a "booking envelope", which is maintained at CPU. Typically, the booking envelope includes: the booking checklist, the District Court Commissioner's Initial Appearance report, the Offender Booking Information Report, the Offender Arrest Information Report, the fingerprint card, the Injured Arrestee Report, the statement of charges or warrant, the picture, and the criminal warrant check of NCIC, MILES and the County system.

¹ The criminal justice process formally begins when the officer files a statement of charges against a defendant with the court represented by a District Court Commissioner. State law also provides that any individual citizen can complete a written application for a statement of charges and submit it to a District Court Commissioner for review. The application is a sworn written statement that provides information about the alleged criminal act, including who did what, where, when, why and how.

Stage 5 – Initial Charging/Setting Conditions of Release

The District Court Commissioner decides whether to charge the defendant and sets pre-trial conditions for released defendants. A defendant who is held over appears before a District Court Judge for a bond hearing the next day.

STEP 1 – Central Processing Unit (CPU) provides the District Court Commissioner with charging information prepared by the arresting officer.

After positive identification of the suspect is completed, CPU staff gives the District Court Commissioner a copy of the arresting officer's statement of charges. CPU may provide a report of arrests and prosecutions (RAP) sheet for the suspect if requested by the Commissioner.



STEP 2 - The District Court Commissioner conducts an initial appearance with the defendant to decide if probable cause exists that a crime was committed.

The Commissioner checks the State warrant system for warrants that may not be registered in MILES, NCIC or the County warrant system. The Commissioner can electronically access information from the District Court System (statewide), CJIS, MVA, and MILES/NCIC.



STEP 3 - If the District Court Commissioner finds probable cause, then he/she charges the defendant and determines pre-trial conditions.

The Commissioner informs the defendant of the charges and penalties, determines whether the defendant is eligible for release, sets the defendant's conditions of release, including bail, informs the defendant of the conditions of release, and advises the defendant of his/her right to counsel.



STEP 4 – The Pre-Trial Supervision Unit interviews a defendant held over at the Detention Center to determine eligibility for pre-trial supervision.

If the Commissioner orders that the defendant not be released from custody or if the defendant cannot meet bail, then the defendant is held-over at the Detention Center. The Pre-Trial Services Unit (PTSU) interviews most detainees to recommend pre-trial supervision. PTSU recommendations can only address the risk for failure to appear and must be "charge-blind." PTSU will recommend detention if a defendant refuses an interview.



STEP 5 – A defendant held over at the Detention Center appears before a District Court Judge for a bond hearing within 24 hours of the initial appearance.

At the bond hearing, a District Court Judge hears recommendations regarding pre-trial conditions from the Pre-Trial Services Unit, an Assistant State's Attorney, and the defense attorney/public defender. The judge sets bail and pre-release conditions. A judge can order a defendant: to post bond, to have no contact with a victim, to pre-trial supervision, and/or to attend counseling.



STEP 6 – Before a defendant is released from the Detention Center, the Records staff at the Detention Center enters the release order in the CJIS system, which links to VINE.

The Victim Information and Notification Everyday (VINE) system was created to give a victim easy access to custody and court information. The VINE system monitors individuals who are officially in the custody of the Montgomery County Detention Center or for whom an arrest warrant has been issued. If a victim has registered with VINE, the system will automatically place a phone call to notify the victim of the defendant's release. VINE only monitors the release of arrestees who are held over at the Detention Center.



STEP 7 – A defendant can petition the Court to modify his/her conditions of pre-trial release including a stay away order.

A released offender may petition the Court (as soon as the day of the release) to modify the conditions of release such as a no contact order. In a domestic violence case, the District Court's policy is to schedule the hearing for five days after the request date to give the State's Attorney's office time to investigate the request and prepare a recommendation.

What factors does the District Court Commissioner consider in deciding bail?

By law the Commissioner must consider the following factors, and must require bail if there is a risk the defendant will fail to appear in Court:

- ◆ the statement of charges,
- ◆ the seriousness of the offense,
- ◆ the criminal history of the defendant,
- ◆ the stability of employment and residence,
- ◆ family history,
- ◆ financial resources,
- ◆ the defendant's reputation/character, and
- ◆ community safety.

Under what conditions must a defendant NOT be released?

Under State law, a District Court Commissioner may not release a defendant charged with certain serious crimes, e.g., felony assault, rape, kidnapping. Legislation passed in 1999 prohibits a District Court Commissioner from releasing a defendant arrested for violating either a stay away or no contact condition of an Ex Parte or Protective Order.

What happens if a defendant is released on his/her own recognizance?

The District Court Commissioner sets a preliminary inquiry (typically 7 days after the arrest date) for defendants released on their own recognizance. At this inquiry, the District Court Commissioner re-advises the defendant of the charges, the penalty, their right to counsel, and the trial date. If a defendant fails to show for a preliminary inquiry, then the District Court Commissioner will issue an arrest warrant.

Stage 6 – Trial Scheduling/Formal Charges/Pre-Trial Period

The State's Attorney's Office screens all family violence charges and prepares all misdemeanor domestic violence cases for trial.

STEP 1 – The Family Violence Unit in the State's Attorney's office reviews all statements of charges filed by police officers or citizens to identify charges that qualify as domestic violence crimes.

Every morning, two reviewers from the State's Attorney's Office identify all incoming charges (felonies and misdemeanors) that meet the Family Violence Unit's definition of family violence crimes. The Family Violence Unit manages preparation and prosecution of these cases.



STEP 2 - The District Court schedules all domestic violence misdemeanors for trial within approximately 30 days of arrest.

The reviewers from the State's Attorney's Office who flag cases for the Family Violence Unit also stamp domestic violence misdemeanor cases for the Domestic Violence Docket, which is heard in the Rockville District Court every Friday. The Family Violence Unit gives priority to cases that involve repeat offenders or to cases with serious levels of violence.



STEP 3 – The Family Violence Unit decides the formal charge for each case and decides whether to try the case in District or Circuit Court.

In practice, the Family Violence Unit tries misdemeanor cases in District Court, except for some serious misdemeanor cases (e.g. cases with repeat offenders or cases involving children) which are tried in Circuit Court. The Family Violence Unit also reviews all felony charges to decide whether the charges should be modified. If the Family Violence Unit decides there is not enough evidence to prove a felony, the Family Violence Unit will modify a domestic violence crime charged by an arresting officer or a citizen as a felony and charge the crime as a misdemeanor.



STEP 4 - The Family Violence Unit supervises the case preparation of all misdemeanor domestic violence cases.

The Family Violence Unit trains and supervises a team of volunteer case screeners who prepare a case. The case screeners review the charging document to identify witnesses, listen to the 911 tape and interview the victim and witnesses. The case screener completes a case summary sheet, and makes a recommendation to take the case to trial, and a sentencing recommendation. The case screeners may also tell victims about the availability of Ex Parte orders, the Abused Persons Program and other services.



STEP 5 –The Assistant State’s Attorney in the Family Violence Unit who is responsible for the Domestic Violence docket decides what cases should be nolle prossed and what cases should go forward for trial.

One Assistant State’s Attorney in the Family Violence Unit manages the prosecution of the Domestic Violence docket. One or two weeks before the docket, the Assistant State’s Attorney reviews each case. The prosecutor evaluates the evidence, the strength of the case, the prior history of abuse, the severity of the abuse and the criminal record, if any. The prosecutor listens to the 911 tape and attempts to contact each victim. Based on this information, the Assistant State’s Attorney decides whether enough evidence exists to prosecute a case and develops plea offers.



STEP 6 – The Assistant State’s Attorney or the defense attorney/public defender may initiate plea negotiations. If the parties reach an agreement on sentencing, the SAO will ask the judge for a binding agreement.

The Assistant State’s Attorney negotiates pleas on a case by case basis depending on the criminal history of the offender, the type and severity of the violence, the offender’s history of violence, and whether past violence occurred against the same victim. Typically, the prosecutor will require a suspended sentence and supervised probation with court ordered counseling for a first time offender.



STEP 7 - If the parties cannot reach an agreement, the case goes to trial.

What happens to misdemeanor domestic violence cases that are not heard on the Domestic Violence docket?

The case preparation is supervised by the Family Violence Unit. If there is enough evidence to prosecute the case, the Assistant State’s Attorney assigned to the case enters into plea negotiations. The cases are scheduled for trial in Rockville or Silver Spring and are prosecuted by Assistant State’s Attorney’s on the District Court team. These attorneys may informally confer with the Assistant State’s Attorney who prosecutes the Domestic Violence docket on questions such as the admissibility of a 911 tape or on plea offers.

What are the typical steps in the preparation of a misdemeanor case?

Case preparation for a misdemeanor assault of an intimate partner typically involves:

- Requesting the Family Services Division to provide a copy of the arresting officer’s incident report, the Domestic Violence Supplemental Form (MCP 535), and additional evidence, including the 911 tape, any photographs and any additional physical evidence;
- Requesting criminal record information from another unit within the SAO;
- Issuing subpoenas for medical records;
- Interviewing the victim (usually by telephone);
- Interviewing the defense attorney and/or the defendant (usually by telephone); and
- Interviewing other witnesses (usually by telephone).

How do the charging and pre-trial stages for a domestic violence felony crime differ from a misdemeanor?

A defendant charged with a felony may be indicted through a grand jury process or may be given a preliminary hearing before a District Court judge. The State's Attorney has the right to convene a grand jury before a preliminary hearing is held. The State's Attorney presents the facts of the case to the grand jury and the grand jury decides whether to return an indictment or not. If the grand jury returns an indictment, the preliminary hearing is cancelled.

If the State's Attorney decides not to indict through the grand jury process, a preliminary hearing is held before a District Court judge. The purpose of the preliminary hearing is to contest probable cause and get charges dismissed or to reduce bail. The State's Attorney's office must state whether it intends to pursue all or some of the charges and whether the crime will be charged as a felony or a misdemeanor.

The judge may determine there is no probable cause and order the release of the defendant. Alternatively, the judge may find probable cause and review the conditions of release. If the felony charges are dropped but the State's Attorney intends to go forward with misdemeanor charges, the defendant is given a trial date in District Court at the preliminary hearing. If the judge finds probable cause and the State's Attorney goes forward with felony charges, the case is transferred to Circuit Court.

Felony cases are prepared by prosecutors and the Circuit Court legal assistant in the Family Violence Unit. In most felony cases, a detective from MCPD's Investigative Services Bureau is assigned to conduct the follow-up investigations. The detectives work closely with prosecutors to prepare the case for trial. Depending upon the crime, the case is handled by one of the District Investigations Sections, the Major Crimes Division, or the Family Services Division.

In addition to phases of a trial in District Court, a felony case in Circuit Court will include pre-trial motions and jury selection. If a defendant is found guilty, a judge may request a Pre-Sentencing Investigation (PSI) prepared by the Maryland Division of Parole and Probation before the offender is sentenced.

The Victim Witness Coordinators in the State's Attorney's Office manage the victim notification required under State law and also provide direct services to victims of felony crimes.

Stage 7 – Trial and Sentencing

Cases are heard in District Court. The maximum sentence for a misdemeanor assault is 10 years in jail and and/or a fine of \$2,500.

STEP 1 – Most domestic violence misdemeanors are tried in District Court. However, State law provides that a defendant has the right to a jury trial.

Most misdemeanor domestic violence cases are tried on the Domestic Violence docket held in the Rockville District Court every Friday. The docket consists of requests for a jury trial, requests to drop cases, and trials. The docket rotates among all District Court judges. The judge will hold a trial, issue a verdict, and sentence a guilty defendant all on the same day. Jury trials are not available in District Court so these cases must be heard in Circuit Court. The defendant must request the jury trial at the appearance for trial in District Court and the judge must grant the request.



STEP 2 – Under state law, a victim in a domestic violence case can invoke a one-time privilege not to testify against his/her spouse.

The Assistant State's Attorney will call cases for trial for the purpose of allowing the spouse to invoke this privilege.



STEP 3 - The State's Attorney will request that a case be dropped (nolle prosequi) if there is not enough evidence to prove beyond a reasonable doubt that the crime occurred.

In domestic violence cases, the State's Attorney attempts to prosecute the case with or without the victim's cooperation. If a victim refuses to cooperate and there are no other witnesses, the State's Attorney may drop the case for lack of evidence.



STEP 4 – Cases that are brought to trial in District Court consist of opening arguments, witnesses and evidence for prosecution, witnesses and evidence for defense, and closing arguments.



STEP 5 – The judge issues a verdict immediately following the trial.

Based on the evidence presented during the trial a judge will find a defendant guilty or not guilty on each charge in the case.



STEP 6 – The judge hears from the defense attorney and the State’s Attorney during the sentencing phase of a trial which takes place immediately after the verdict.

Before a judge sentences an offender, the judge hears from the defense attorney/ public defender and from the Assistant State’s Attorney’s. The judge does not typically have an evaluation or assessment of the offender for sentencing purposes. The public defender or defense attorney states the offender’s age and current employment status. The public defender notes if this is a first offense and may highlight a defendant’s problems with alcohol or drugs. The Assistant State’s Attorney may or may not make a sentencing recommendation. The criminal history of the defendant available at sentencing may or may not be complete. Information about the history of violence in the relationship is rarely presented, other than the incident discussed during the trial.



STEP 7 - There are no sentencing guidelines in District Court. The structure and sentencing time varies from case to case.

The maximum penalty for an offender found guilty of a misdemeanor assault is 10 years in jail and/or three years of supervised probation. A judge may find an offender guilty and order a suspended sentence and supervised probation with the understanding that, if the offender violates probation, he/she will serve the sentence. A judge may sentence an offender who has been held at the detention center to serve time but give a credit for time served, with or without supervised probation. A judge may also order an offender to the Abused Person’s Counseling program.

What is probation before judgment?

Probation before judgment (PBJ) requires a finding of guilt by a judge after either a trial or after a guilty plea by the defendant. PBJ allows punishment without the taint of a conviction or a criminal history, e.g. employment disqualification. A judge can impose PBJ for a rape, a sexual offense, a drug offense or for drunk or drugged driving offense without a previous conviction.

What is probation after judgment?

For probation after judgment, a Court must enter a judgment of conviction. The judge may then suspend the sentence and place the offender on probation.

What is a split sentence?

Under a split sentence, a judge sentences an individual to the State Division of Correction but suspends the sentence for a shorter period of time (usually 4 to 18 months) to be served in a Montgomery County corrections facility. A probation period follows release.

Stage 8 – Probation, Incarceration, and Post Sentencing Violations

Offenders who receive a suspended sentence with supervised probation are supervised by the Division of Parole and Probation. Offenders sentenced to jail for 18 months or less will be incarcerated at the Montgomery County Detention Center.

STEP 1 – An offender placed on supervised probation completes an intake interview with the Maryland Division of Parole and Probation.²

The intake interviewer reviews the Defendant Probation Summary with the offender, including any special probation conditions. An offender convicted of a domestic violence assault is assigned to one of three agents in the domestic violence unit or if the offender lives in a Hot Spots area, the offender will be assigned to a Hot Spots agent. The information entered by the intake agent is electronically available to the Parole and Probation agent assigned to the offender.



STEP 2 – The probation agent places an offender convicted of a domestic violence assault under “intensive” supervision for the first six months.

The policy of the Division of Parole and Probation to place domestic violence offenders in intensive supervision for the first six months of probation. The requirements include an initial home visit in the first month and a contact every week. The probation agent completes a re-assessment every six months to re-evaluate the level of supervision.



STEP 3 – If an offender also has a drug or alcohol problem, the offender will be placed on the Break the Cycle program.

Break the Cycle (BTC) is a statewide initiative started in October 1998. The program subjects drug addicted offenders on probation and parole to frequent drug testing and uses escalating sanctions to motivate individuals to stay in treatment and remain drug-free. BTC supervision standards call for two visits per week for two months, then one visit per week for the next two months.



STEP 4 – The probation agent contacts the offender to arrange an initial visit and makes a home visit within 20 working days of receiving the case.

The probation agent will verify the offender's employment and compliance with special conditions (e.g. court ordered counseling) once a month. The agent will have face to face contact with the offender twice a month. Probation agents carry 120 active cases at a time.



² The Maryland Division of Parole and Probation has intake interviewers located at the Rockville District Court, the Silver Spring District Court and the Rockville Circuit Court.

STEP 5 - The probation agent notifies the victim by letter that the offender is on supervised probation.

The probation agent informs the victim that the conditions of probation include a no contact order and asks to be notified if the offender has contact or attempts to have contact. The probation agent encloses information about the services of the Abused Persons Program in the letter.



STEP 6 – If an offender violates probation, the agent will petition the Court for a warrant and the Court sets a hearing date.

At the hearing, the agent informs the judge of the violation. The offender may or may not have an attorney. The judge decides whether to continue the offender on probation or revoke the probation and send the offender to jail. The judge may schedule a second hearing to see if the offender will follow through on a promise to change his behavior and comply with the probation conditions.



STEP 7 – An offender sentenced to serve 18 months or less is transported to the Montgomery County Detention Center.



STEP 8 – The Pre-Release Center conducts psychological screenings weekly to determine eligibility for the Pre-Release Services.

Pre-Release Services staff use a screening process to determine eligibility for transfer to the Pre-Release Center (PRC) or the Community Accountability, Reintegration and Treatment program (the CART program). The PRS staff determines eligibility quickly for individuals sentenced to local confinement for a period of 60 days to 18 months.



STEP 9 - If an offender meets the Pre-Release Services eligibility criteria and the judge agrees to the transfer, an offender is transferred to the Pre-Release Center.

The Pre-Release Center is a residential correctional complex operated by the County Department of Corrections and Rehabilitation for misdemeanor and felony offenders within six months of release.



STEP 10 – At the PRC, the offender signs a behavioral contract and receives close supervision and monitoring and extensive opportunities for treatment and counseling.

The PRC team develops a behavioral contract for each offender that outlines a participant's specific participation requirements.³ A participant with domestic violence problems is required to attend domestic violence and anger management counseling sessions at the Pre-Release Center. A participant also agrees to resolve issues non-violently and to not abuse others. The offender is monitored by a PRC caseworker who carries 15 active cases.



STEP 11 – Offenders may be released from PRC to CART and eventually to supervised probation. Offenders are supervised by one of three Division of Parole and Probation agents assigned to PRC.

Individuals on the CART program must wear an anklet to monitor their whereabouts, must have a family sponsor, and must agree to have monitoring equipment placed at their home.



STEP 12 – If an offender violates a condition of their contract on the PRC or CART program, PRS has the authority to take immediate disciplinary action.

In contrast to supervised probation, Pre-Release Services can impose immediate sanctions on an individual who violates the conditions of a behavioral contract. This can include revoking privileges or revoking an individual's participation in the program and return him/her to the Detention Center.

What are the Pre-Release Services eligibility criteria?

To be eligible for Pre-Release Services, an individual must:

- Be screened and approved by Pre Release Services;
- Be within six months of anticipated release;
- Have the transfer approved by the sentencing judge;
- Have psychological clearance; and
- Have no pending charges or immigration issues.

³ The contract addresses: treatment goals and strategies, employment, participation in community programs, health and wellness goals, spirituality, leisure activities, and finances.

C. The Crisis Center and the Abused Persons Program

Staff working in all of the Department of Health and Human Services (DHHS) service areas interact with family members affected by domestic abuse. This is especially true when an individual or family needs assistance with multiple presenting problems, e.g., domestic violence and substance abuse; partner abuse and child abuse; partner abuse and mental illness or homelessness.

The Abused Persons Program is DHHS' program designed explicitly to address issues of partner abuse (domestic violence) in the County. The Crisis Center also interacts directly with family members who are in a situational or emotional crisis as a result of domestic violence. Both of these programs are organizationally located in the Crisis, Income, and Victim Services area.

This section summarizes the services provided by the Crisis Center and Abused Persons Program to domestic violence victims. Appendix D-4 contains additional information about program operations.

1. The 24-Hour Crisis Center

The Crisis Center provides telephone and walk-in crisis stabilization services to persons experiencing situational, emotional, or mental health crisis. The Crisis Center, located on the ground floor of DHHS' office building on Piccard Drive in Rockville, is open 24 hours a day, seven days a week.

The Crisis Center responded to more than 12,600 requests for service during FY 99. Crisis Center staff identified domestic violence as the primary issue in approximately seven percent (860 requests) of all requests received.

When a domestic violence victim contacts the Crisis Center for help, Crisis Center staff provide immediate crisis counseling. Crisis Center staff assess the situation, including whether the victim is in imminent physical danger. The Center's intervention options include:

- Telephone or in-person counseling;
- Admitting the victim to the Betty Ann Krahnke Center (the abused persons shelter);
- Referring the victim to the Abused Persons Program for counseling, education, or victim assistance services; and/or
- Referring the victim to other programs as appropriate, e.g., Child Protective Services, Substance Abuse Counseling.

The Abused Persons Program oversees the management of the Betty Ann Krahnke Center, but the Crisis Center performs the shelter's primary intake function. The County limits shelter eligibility to County residents who are victims of domestic violence, and whose primary shelter need is linked to partner-abuse within the home. The shelter is not intended to house abused persons whose primary shelter needs are linked to an acute or ongoing housing problem as opposed to partner-related physical abuse.

During the first half of this fiscal year, the shelter reported an average daily occupancy of 16 persons (adults and children). The Department projects this number to increase significantly with the opening of the Betty Ann Krahnke Center, which offers double the capacity of the previous shelter.

2. Abused Persons Program

The Abused Persons Program (APP) provides crisis and ongoing counseling, shelter, and support, liaison, and advocacy services to victims of domestic violence and their families. Referrals from the Crisis Center represent only one source of APP's clients. Many of the other agencies involved in processing civil and criminal cases refer domestic violence victims to APP. Staff from the Sheriff's Office, the Montgomery County and municipal police departments, the District Court Commissioners, and the District and Circuit routinely give victims written information about APP's services. In all but the rarest cases, it is the victim's responsibility to make a follow-up contact with the APP.

The Abused Persons Program consists of five program component units: Table 4 (next page) summarizes the services provided by each of these units and notes the service location(s). The Victim Assistance Advocacy Service Team, the Ongoing Victim Counseling Team, and the Domestic Violence Residential Service Team provide direct services to domestic violence victims and their children. The Abuse Intervention Program provides counseling services to domestic violence offenders. Appendix D-4 contains more details about each of these service units.

Table 4
. Summary of Abused Persons Program Services

Service Team	Summary of Services Provided	Location of Services
Program Administration	<ul style="list-style-type: none"> • Overall program management • Policy development • Primary program liaison with other government agencies, the media, and general public 	<ul style="list-style-type: none"> • DHHS offices – Piccard Drive,
Victim Assistance Advocacy Service Team	<ul style="list-style-type: none"> • Information on civil and criminal remedies available • Court companionship • Other victim assistance services, including liaison to other agencies, safety planning and referrals to other resources 	<ul style="list-style-type: none"> • District Court (Rockville) • District Court (Silver Spring) • Circuit Court (Rockville) • DHHS offices– Piccard Drive • Betty Ann Krahnke Center
Ongoing Victim Counseling Team	<ul style="list-style-type: none"> • Domestic violence educational groups • Individual counseling • Domestic violence support groups 	<ul style="list-style-type: none"> • DHHS offices– Piccard Drive • Betty Ann Krahnke Center • Silver Spring Government Services Center
Domestic Violence Residential Service Team (Abused Persons Shelter)	<ul style="list-style-type: none"> • Temporary room and board for victims and their dependent children • Counseling and supportive services (e.g., transportation, child care) for victims and children of domestic violence • Transitional housing from 6-24 months for post-shelter residents (joint program with Housing Opportunities Commission) 	<ul style="list-style-type: none"> • Betty Ann Krahnke Center
Abuse Intervention Program	<ul style="list-style-type: none"> • Court-ordered batterers counseling groups • Voluntary batterers counseling groups • Batterers' treatment research 	<ul style="list-style-type: none"> • DHHS offices– Piccard Drive

D. Overview of Victim Assistance Services Provided to Domestic Violence Victims

“Victim assistance services” refers to the array of interventions that assist an individual victim cope with the emotional, practical, legal, and financial consequences of violence or a crime. The available research suggests that domestic violence victims benefit from immediate and reliable victim assistance services that are customized to meet each individual victim’s needs. The range of support services that a domestic violence victim and her/his children may need include

- **Crisis intervention** - in-person or telephone crisis counseling to the victim when abuse occurs, and the offer of immediate assistance of shelter and safety to the victim and the victim’s children.
- **Safety planning and monitoring** - on-going contact with victims to help with safety planning and to check on their welfare; lending technology (e.g., cellular phones, alarms); and notifying the victim of decisions made that directly affect the safety of the victim and her/his children.
- **Education, information and referrals** - educating a victim about the characteristics of domestic violence, informing a victim about community resources, and linking a victim and the victim’s children to counseling, support groups, legal advocacy, housing assistance, and medical help.
- **Emotional support/court companion services** - helping to console the victim and comfort children at the scene of an incident and accompanying the victim (and any affected children) through medical examinations and court proceedings needed to obtain protection, and/or to determine the guilt and punishment of the offender.
- **Other support and assistance** - offer to assist the victim and the victim’s children with short-term and longer-term daily needs. Examples of on-going help are assistance with transportation; childcare; housing, clothing, food, interim financial help and employment.
- **Advocacy** - describing the steps in a civil or criminal domestic violence case, and explaining the possible outcomes and their consequences. An advocate makes sure the victim has the opportunity to speak at hearings and decision points throughout the processes (or the advocate may speak on his/her behalf). An advocate may also serve as a liaison between the victim and various public agencies.

Timing and Nature of Victim Assistance Services Provided

The timing and nature of victim assistance services offered to a domestic violence victim in Montgomery County varies according to where, when, and how the victim appeals for help. The level of assistance actually provided also depends upon the willingness and ability of the victim to accept help and pursue change. The rest of this section describes the victim assistance services typically provided to a domestic violence victim who seeks help from:

- The County's Crisis Center or Abused Persons Program;
- The District or Circuit Court;
- The Police Department (by calling 911); and/or
- A District Court Commissioner.

Victims who contact the Crisis Center/Abused Persons Program. As described earlier in this chapter, a domestic violence victim who calls the Crisis Center receives immediate crisis counseling. The Crisis Center, which operates 24 hours a day, seven days a week, performs the intake function for the County's abused persons shelter. (On April 17, 2000, the County opened a new shelter facility, the Betty Ann Krahnke Center.)

This means that if a caller to the Crisis Center is in immediate danger, then the Crisis Center staff is in a position to offer immediate assistance of shelter and safety to the victim and the victim's children. Once a victim is admitted to the Betty Ann Krahnke Center, the victim is offered a more comprehensive set of victim assistance services.

If the Crisis Center identifies a caller's presenting problem as being domestic violence related, but the caller is not in immediate danger, the Crisis Center generally refers the caller to the Abused Persons Program (APP). The Crisis Center notifies APP of all referrals, but it is the victim's responsibility to make the follow-up contact.

If the victim follows-up the referral and contacts the APP, then APP conducts an intake interview and assesses what services are most appropriate. In some cases, APP provides the services itself, e.g., victim assistance, counseling, shelter. For other services (e.g., financial assistance, child protective services, medical assistance), APP refers the victim to other providers, either within or outside of County Government.

APP's Victim Assistance Advocacy Services Team provides a range of services to victims of domestic violence. The Abused Persons Program describes the services as follows:

Victim Assistants of the Abused Persons Program provide information, referral, support, and advocacy services to victims of partner abuse. In addition, court companionship and collaboration with the DHHS, law enforcement, medical personnel, Court, State's Attorney's Office and other County and private agencies may be provided upon request. (Source: APP, August 1999)

Any County resident who is a victim of partner-related physical abuse is eligible for these services. DHHS does not charge for victim assistance services. The work of the Victim Assistance Advocacy Services Team is accomplished by a combination of paid staff (merit system and contract) and approximately 30 regular volunteers.

Victims who Contact the Courts for Civil Protection. During regular court business hours (8:30 AM-4:30 PM, Monday through Friday) at the Rockville District Court offices and the Circuit Court offices, a paid staff member or volunteer from the Abused Person's Program staff is usually available to provide technical assistance to anyone who wants to file a petition for an Ex Parte/Protective order. While court staff routinely inform petitioners about the availability of technical assistance from APP, a petitioner is not required to check in with APP staff, and may file the petition on her/his own.

In the Rockville District Court, the APP staffs a counter located across the hall from the civil desk. In Circuit Court, the APP works out of the Family Division offices located on the second floor. APP works jointly with a grant-funded attorney from The Women's Law Center of Maryland, Inc. and a legal advocate from the House of Ruth who provide legal assistance. There is no APP or legal assistance available to petitioners in the Silver Spring District Court. (The District Court estimates that between 25-30 percent of all Ex Parte petitions are filed in Silver Spring.)

In addition to providing technical assistance with filing for an Ex Parte order, APP staff and volunteers are trained to provide a petitioner with information about additional services. In selected cases, an APP representative will accompany the victim through the court proceedings and/or to the Sheriff's Office where a petitioner is instructed to deliver a petition once it is signed.

Upon delivering an Ex Parte order to the Sheriff's office, a Sheriff's deputy or other staff member from the Sheriff's Domestic Violence Unit conducts an in-person interview with the petitioner. The Sheriff's Office conducts this interview for two major reasons:

- To obtain information needed to serve the Ex Parte order, e.g., descriptive information about the respondent and where he/she is most likely to be found; information about the potential dangers of serving the order such as the presence of weapons; and
- To provide the petitioner with advice about safety planning and written information about other County services, e.g., shelter, counseling.

During the interview, the Sheriff's office informs the petitioner about the Sheriff's program to lend cellular phones and alarm pendants to domestic violence victims. These devices enable the victim to quickly contact 911 in case of an emergency. In FY 99, the Sheriff's Office issued 250 cell phones and 20 alarm pendants.

At the interview, the Sheriff's office also offers to conduct two welfare checks on the petitioner during the upcoming seven days between the Ex Parte order and the Protective Order hearing. With the written consent of the petitioner, a Sheriff's deputy will telephone and/or conduct an on-site welfare check of the petitioner and other family members. The Sheriff reports that 75-80 percent of all petitioners consent to a welfare check.

The Sheriff's office routinely informs petitioners after an Ex Parte order has been successfully served. The Sheriff's office reports that victims often contact the Sheriff's office with follow-up questions about the process.

Victims who Call 911 for Police Assistance. A victim involved in a domestic violence incident to which a police officer from Rockville City Police Department, Gaithersburg City Police Department, or Takoma Park City Police Department responded is routinely contacted by a victim assistant advocate who works for the municipal police department. Rockville and Gaithersburg each have one full-time (non-sworn) victim assistant advocate; Takoma Park currently has a part-time (non-sworn) victim assistant advocate. In all three cities, the victim advocate is responsible for providing follow-up victim assistance services to victims of all crimes that occur within the respective corporate city limits.

In all three cities, the police department's victim assistant advocate contacts all domestic violence victims whether or not an on-scene arrest was made, and regardless of the type of alleged abuse, e.g., misdemeanor assault, felony assault. The victim advocates' goal is to contact domestic violence victims as soon as possible; which in practice usually means within one or two business days.

Although the specific victim assistance activities vary somewhat among the municipalities, all three victim advocates provides support, information, counseling and referrals. The victim advocates work closely with officers and others within their respective Police Departments to identify crime patterns in the city, including repeated calls for service related to domestic violence. The victim advocates' responsibilities include:

- Providing victims support during the preliminary and follow-up phases of the police investigation;
- Maintaining a reference of services available to victims of crime;
- Meeting with victims (either at the police station or in their homes) to explain police/criminal justice procedures and assisting victims to complete forms, e.g., request for statement of charges, petition for civil order of protection;
- Arranging for transportation and accompanying victims through civil and criminal court proceedings; and
- Arranging for translation and interpretation services.

In contrast, a victim involved in domestic violence incident to which an officer from the Montgomery County Police Department (MCPD) responded may or may not receive a follow-up contact from a victim assistant. At present, MCPD employs only one full-time employee who provides Victim/Witness services. Several Americorps volunteers and a handful (3-5) of part-time community volunteers assist the incumbent. The Victim/Witness Services office, located on Gaither Road in Rockville, is responsible for providing victim assistance to all crime victims in Montgomery County.

In practice, OLO understands that with the limited staff, the Victim/Witness Services office places priority on providing services to victims of the most serious felony crimes. Most other victims will receive a follow-up letter from the Victim/Witness Services office. The letter includes information about victims' rights and available services for additional help.

Victims who go to a District Court Commissioner. State law provides that any complainant can complete a written application for a statement of charges and submit it to a District Court Commissioner for review. The application is a sworn written statement that provides information about the alleged criminal act, including who did what, where, when, why and how. The application also includes information that describes the defendant – driver's license number, sex, race, height, weight, hair color, eye color, complexion, and date of birth. Individual citizens as well as law enforcement officers can apply for a statement of charges.

Different people refer domestic violence victims to the District Court Commissioner, including law enforcement officers, victim assistance advocates and counselors, and the State's Attorney's Office. The Police Department's written directive on handling domestic violence calls, for example, requires that in cases of alleged domestic violence where no arrest is made, officers must inform individuals that they can apply to a District Court Commissioner for a charging document. Information about applying to a District Court Commissioner is included on some of the written materials routinely passed out to victims by MCPD, the Sheriff, and DHHS.

If, based upon the complainant's written application, the District Court Commissioner decides there is probable cause to believe that a crime was committed, then the District Court Commissioner issues a statement of charges. This is accompanied by either a District Court summons or an arrest warrant to bring the accused person before the Court. The District Court Commissioner interviews the complainant to obtain additional information. If the applicant is alleging domestic abuse, then the District Court Commissioner may use this opportunity to advise the complainant about other services/remedies available, e.g., Ex Parte/Protective Order, APP counseling.

Victim Services at Other Points in the Criminal Process – In addition to providing services to help a victim initiate a civil or criminal process, both the Department of Correction and Rehabilitation and State's Attorney's Office provide some victim assistance services.

In domestic violence misdemeanor assault cases, a volunteer case screener from the State's Attorney's Office who contacts the victim for information on the crime will also inform the victim of the availability of a civil protective order and refer a victim to the Abused Persons Program. In domestic violence felony cases (which represent only a very small number of domestic violence cases), a Victim/Witness Coordinator from the State's Attorney's Office contacts the victim to provide some direct services and to link the victim to additional support services.

The State's Attorney's Office also mails letters to notify victims of their rights in the criminal justice process, as required by State law. On occasion, at the request of a District Court attorney, a Victim/Witness Coordinator in the Family Violence Unit will assist with a victim who is involved in a domestic violence misdemeanor being tried in District Court.

If a District Court judge orders an offender to Pre-Trial Supervision, the Department of Correction and Rehabilitation staff notifies the victim (by letter) that the defendant is on pre-trial supervision and informs the victim if there is a stay away order. Pre-Trial Services staff enclose information about the Abused Persons Program with the letter.

The victim of an offender who is sentenced to the Detention Center and transferred to the Pre-Release Center is contacted by staff at the Pre-Release Center. The staff meets separately with a victim to explain the Center's programs. A victim who signs an offender's contract and is designated as a program sponsor must attend a Sponsor program at the Pre-Release Center.

The Pre-Release Center and the Community Accountability, Reintegration Treatment (CART) program also offer family counseling and parenting classes. Under the CART program, a caseworker holds weekly family meetings in the home and maintains contact with a victim. If a victim informs the caseworker that an offender is having problems, CART has the option of temporarily re-locating the offender to the Pre-Release Center until the issues can be resolved.

If an offender is convicted and placed on probation supervised by the Maryland Division of Parole and Probation, then a probation agent will send a letter to the victim and enclose information about counseling services for the victim offered by the Abused Persons Program.

VI. THE COLLECTION AND USE OF INFORMATION AT KEY DECISION POINTS

The successful functioning of an interagency decision making system relies on the efficient flow of information across agency and departmental boundaries. Ideally, a system has a set of forms that identify the types of information that are needed, a methodology to collect information one time, and an information system that distributes information to decision-makers across the system before key decisions are made.

To understand the flow of information among agencies, OLO examined what information is made available and routinely used by practitioners who make key decisions in a civil or criminal domestic violence case. For purposes of this analysis, OLO defined a key decision point as a decision made by a government agency that could have a significant impact on victim safety and/or batterer accountability. The charts contained in this chapter summarize the key decision points in processing criminal and civil domestic violence cases, identifies who makes each decision, and describes the information routinely used by the decision-makers.

OLO also reviewed the forms used to record information about domestic violence cases along the way. The forms the agencies in a system use to collect and record information reflect a set of assumptions about the types of information that are important. The significance of a form rests not only in the questions that appear on the form but also in the questions that do not appear on the form. To make decisions about domestic violence for example, researchers suggest that decision-makers must have detailed, historical information about the relationship and the level and pattern of abuse so that one assault is placed in context. OLO collected many of the forms used by practitioners to assess whether the form asked questions to generate complete information. The Appendix contains copies of some of the most frequently used forms.

Summary of Key Decisions and Information Flow Analysis

OLO identified the potential for almost 30 key decision points in the criminal and civil processing of a domestic violence case. OLO's review of how information flows to decision-makers reveals significant gaps in the information obtained, used, and shared by State and County agencies. OLO recognizes that many of the gaps result from resource allocation decisions based on available funding. In many cases, agency practitioners are aware of the gaps and have actively worked to close them.

Domestic violence researchers make a compelling argument that dangerousness can best be gauged by analyzing an offender's pattern of abuse, a victim's perception of abuse, and details of the history of abuse in the offender/victim's relationship. In Montgomery County, there are multiple gaps in the information that practitioners solicit about an offender and his/her victim, as well as the history of abuse in their relationship. To the extent this information is obtained, there are holes in when and how this information is made available to the right people at the time of key decisions.

Relevant information about victims and offenders is not readily shared across all agencies that have a role in the processing of cases. In fact, few agency staff know what happens to a victim or an offender after his/her agency has completed its work on a specific incident. This lack of institutional information sharing can lead to decisions that compromise victim safety or batterer accountability, and even produce conflicting interventions.

Examples of key decisions that are routinely made in Montgomery County without full information about the offender, the victim, and the history of abuse in the victim/offender's relationship are:

- A District Court or Circuit Court Judge's decision whether to grant (and what conditions to include in) a civil restraining order;
- A District Court Commissioner's or District Court Judge's decision about bail and other conditions of pre-trial release of a defendant arrested on a domestic violence-related offense;
- The Police Department's decisions related to conducting follow-up investigative work on a domestic violence misdemeanor;
- A District Court or Circuit Court Judge's sentencing decision on a domestic violence criminal matter;
- DHHS' decisions about appropriate services to provide to a domestic violence victim, including whether a victim should be admitted to the Abused Persons Shelter; and
- A District Court judge's decision about a probation violation.

A different type of information gap relates to keeping a victim informed about actions that may directly affect the safety of the victim and the victim's children. While there are some points in the process where victim notification routinely occurs, there are other important places where victim notification is the exception rather than the rule.

What information is in the databases most often used in processing cases?

Practitioners who make decisions in civil and criminal domestic violence cases rely on multiple court and criminal justice information systems. Many of these systems are referred to in the tables at the end of this chapter. They include:

- The National Crime Information Center System (NCIC) - NCIC is a nationwide system installed in 1967 by the Federal Bureau of Investigation to collect and share information on stolen property and missing or wanted persons. In Maryland, NCIC is accessed through MILES (explained below).

- Maryland Interagency Law Enforcement System (MILES) - MILES is a statewide system that provides data on wanted or missing persons, stolen property, criminal history and motor vehicle records. It is maintained by the Maryland Department of Public Safety and Correctional Services. Each agency using MILES is responsible for entering, maintaining and validating their own records, and the Maryland State Police conducts regular audits to verify the accuracy of information entered. In Montgomery County, the Sheriff's Office is responsible for entering (and maintaining current) Ex Parte and Protective Orders in MILES.

Staff in the Courts, the Police Department (including the Emergency Communication Center), the Sheriff, the District Court Commissioners, the Department of Correction and Rehabilitation, the State's Attorney's Office, and the Division of Parole and Probation must receive individual authorization to access information in MILES.

- Maryland District Court System (MD-DCS) – MD-DCS is a District Court case management system controlled, operated and maintained by MD Office of Judicial Information Systems in Annapolis. It provides statewide District Court case information, and can be accessed by criminal justice and law enforcement agencies. In Montgomery County it has been used since 1993 to record and track filing and disposition of cases before court, to schedule cases and generate daily court dockets and notice letters.
- Circuit Court Case System (CCCS) - CCCS is the County's case management system for Circuit Court cases. This system can be accessed by the Circuit Court and the State's Attorney's Office. It does not link to the District Court system.
- The Arrest Booking System (ABS) – The ABS is a state enhanced arrest intake process being implemented through Maryland. It is designed to capture significant amounts of offender data to “electronically populate numerous offender subsystems” Access to ABS in the County is primarily through the Department of Correction and Rehabilitation.
- Montgomery County Criminal Justice Information System (CJIS) – The County installed CJIS in 1985 to provide a multi-agency database of defendant based records for the County. CJIS includes arrests, arraignment, pre-trial detention, court appearances, sentencing, and incarceration. CJIS is in the process of being upgraded. The Sheriff, Police, DOCR, and State's Attorney can access CJIS directly.

Key Decisions and Information Tables

The rest of this chapter consists of three tables:

- Table 5, that begins at page 62, lists nine key decision points and information used in the processing of a domestic civil protective order;
- Table 6, that begins at page 66, lists 18 key decision points and information used in the processing of a domestic criminal case;
- Table 7, that begins at page 72, lists the key decision points and information used when a domestic violence victim initially contacts the Crisis Center or Abused Persons Program.

Table 5

INFORMATION ROUTINELY PROVIDED AT KEY DECISION POINTS IN THE PROCESSING OF A CIVIL ORDER OF PROTECTION

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>1. Should a petition be filed with the court (District or Circuit) for a civil order of protection from domestic violence?</p>	<p>Person seeking protection (the petitioner)</p>	<ul style="list-style-type: none"> • Own experience and knowledge of what a Civil Protective Order is; • Advice to seek a Civil Protective Order can come from many sources including: a law enforcement officer, a District Court Commissioner, a representative from the State's Attorney's Office, a victim assistant/advocate, clergy, neighbor, attorney, etc.
<p>2. Should the Court grant the petitioner a seven (7)-day Ex Parte Order and what conditions should the Ex Parte Order include?</p>	<p>District Court Judge or Circuit Court Judge (depends on where petitioner files application)</p>	<ul style="list-style-type: none"> • Information provided by petitioner on written application for civil protection (the applications asks for names, details on the abuse, description of past injuries, and income information; the petitioner is also asked to indicate what she/he wants the Court to order in the way of protection); • Court appearance by petitioner with or without an attorney in front of judge; and • Additional information provided by a victim advocate (if petitioner is accompanied by one and the judge invites comments). <p>On occasion, a police officer or other witness will also offer additional information. In rare cases, a judge will receive supplemental written information from the petitioner, such as the criminal record of the respondent.</p> <p>In Circuit Court, an attorney with the Domestic Violence Assistance program in the Family Division will represent the petitioner in court. The attorney is from the Women's Law Center of Maryland and is funded by a grant through the Administrative Office of the Courts. In District Court a victim may represent himself or herself or hire a private attorney.</p>

Table 5 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If the judge grants the Ex Parte Order, then the following decisions must be made:</p>		
<p>3. Should the Court request that a child abuse investigation be conducted before the Protective Order hearing?</p>	<p>Judge</p>	<p>Same as decision #2. If the judge determines there is evidence to suggest the possible presence of child abuse/neglect, then the judge asks the Child Welfare Division in the Department of Health and Human Services to conduct an investigation and report back to the court within 7 days.</p>
<p>4. How and when should the Sheriff serve the respondent with the signed Ex Parte Order?</p>	<p>Sheriff</p>	<p>The Sheriff makes this decision with the goal of maximizing the success of timely service, victim safety, and deputy safety. The Sheriff's decisions are based on:</p> <ul style="list-style-type: none"> • Information contained in the signed Ex Parte Order; • Information obtained from an interview with the petitioner; • Criminal history of respondent (based on search of MILES/NCIC); • Sheriff office's previous experience (if any) with respondent recorded in Sheriff's files or provided by Sheriff deputies.
<p>5. During the 7 days of the Ex Parte Order, should a Sheriff deputy conduct a welfare check on the petitioner by telephone or in-person or both?</p>	<p>Sheriff</p>	<p>Consent form for telephone and/or in-person welfare check signed by petitioner.</p>

Table 5 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If the petitioner appears at the Protective Order hearing, then the following decisions must be made:</p>		
<p>6. Should the Court grant the Protective Order, and if so, what conditions should be included?</p>	<p>Judge</p>	<ul style="list-style-type: none"> • Complainant's initial petition for civil protection plus any additional information provided by petitioner; • Report provided by Child Welfare Services (if judge requested at time the Ex Parte Order is granted); • Court appearance by petitioner in front of judge; • Information from a police officer or other witness of abuse; • Additional information provided by victim assistant/advocate if petitioner is accompanied by one and judge invites comments; and • Court appearance by respondent (and maybe the respondent's counsel) if respondent appears at Protective Order hearing. <p>As indicated earlier, in Circuit Court, information may also be offered by an attorney from the Family Division where legal assistance from the Women's Law Center of Maryland (funded by a federal and state government grant) is available to petitioners.</p>

Table 5 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If the Court grants the Protective Order, the Order is served, and the Respondent violates a condition, then the following decision must be made:</p>		
<p>7. What should happen if a respondent violates a condition of the Protective Order?</p>	<p>Law enforcement officer (if officer observes certain violations) and/or Judge</p>	<p>A violation of a no contact/no abuse condition is an arrestible offense (State law). This means that if a law enforcement officer observes the violation, then the officer must arrest the respondent and the respondent is charged with a misdemeanor. In practice, this occurs if a Sheriff deputy is conducting a welfare check and finds the respondent at the residence. In such a case, the deputy, by law, must arrest the respondent.</p> <p>A judge learns about other types of non-compliance (e.g., failure to attend counseling, failure to pay family maintenance) from different sources. A petitioner can file with the court for a court review of non-compliance. The Abused Persons Program also sends written notification to the court when they know of respondents who fail to attend or complete court ordered batterers counseling.</p>
<p>8. Should a request to modify, amend, or rescind the Protective Order be granted?</p>	<p>Judge</p>	<ul style="list-style-type: none"> • Written request from petitioner or respondent. • Court appearance by petitioner and/or respondent (if judge requests).
<p>9. Should the defendant attend the 8-week or 26 week class? (If the respondent is court ordered to APP counseling.)</p>	<p>Abused Persons Program, DHHS</p>	<ul style="list-style-type: none"> • Court order. • Intake interview with defendant.

Table 6

INFORMATION ROUTINELY PROVIDED AT KEY DECISION POINTS IN THE CRIMINAL PROCESSING OF A DOMESTIC VIOLENCE MISDEMEANOR

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
1. Whether to call 911 for police assistance.	Victim or Witness	Own assessment of how dangerous the immediate situation is, own experience and knowledge of what the system response is from calling 911 for police assistance.
2. What is the appropriate Emergency Communications Center (ECC) dispatch code and priority of response?	ECC Call Taker and ECC Dispatcher	<p>Call Taker routinely relies upon information provided by the caller in response to questions posed by the Call Taker. ECC's protocol instructs Call Taker to ask questions about:</p> <ul style="list-style-type: none"> • Whether anyone is in immediate danger of bodily harm; • Whether anyone requires emergency medical response; • The relationship between victim and assailant and their respective locations; • Type and location of any weapons; and • Whether drugs or alcohol are involved. <p>To decide dispatch code and priority of response, Dispatcher routinely uses:</p> <ul style="list-style-type: none"> • Written "remarks" electronically forwarded by Call Taker to Dispatcher; and • Premise hazards that appear automatically on the Computer Aided Dispatch (CAD) system, e.g., known weapons or police fighter at address; and • ECC's Standard Operating Procedures governing domestic violence calls. <p>From his/her terminal, the Dispatcher can also access:</p> <ul style="list-style-type: none"> • Premise history - the CAD tracks up to 12 previous dispatches; • Driver and vehicle information from the State MVA data base; • Information on the conditions of an active Ex Parte/Protective Order that names the suspect as a respondent – MILES indicates when an Order exists, but the specific conditions and status of the order must be verified through a telephone call to the Sheriff's office; and • Information from MILES/NCIC whether suspect has a criminal record – the Dispatcher is prohibited from providing any details of the suspect's criminal record over the radio.

Table 6 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>3. Does the situation meet State law criteria for a warrantless arrest? If so, who is the primary aggressor?</p>	<p>Responding patrol officer(s)</p>	<p>The responding patrol officer(s) conduct an initial on-scene investigation to determine whether probable cause exists, whether the situation meets State law criteria for a warrantless arrest, and who is the primary aggressor. Officers routinely use the following information to make these decisions:</p> <ul style="list-style-type: none"> • Determination of the relationship between the parties involved, • Evaluation of the scene, e.g., property damage, use of weapon(s), alcohol/drug use, presence of witnesses; • Interview with victim; • Interview with suspect (if present); • Interview with witnesses, including children (if any); and • Information offered by other officers (either on the scene or over the radio) about previous encounters with victim or suspect <p>In addition, the responding officers may obtain additional information over the radio from the Dispatcher at ECC, such as whether the suspect is named as a respondent in an active Protective Order or the history of police response to that premise. A list of information available to the Dispatcher is listed above.</p>
<p>4. How should the incident be cleared? Should an event report and/or Supplemental Domestic Violence form be completed?</p>	<p>Responding patrol officer(s)</p>	<ul style="list-style-type: none"> • The information routinely used for this decision is the same information used to decide probable cause/whether to arrest, combined with the officer's knowledge of Department's directives governing clearance, writing of event reports (MCP Form #100), and completing Domestic Violence Supplemental Form (MCP Form 535). • Domestic violence offenses are generally cleared as Spouse/Other Domestic – aggravated assault (04x3); assault and battery (0813); or simple assault (0823).
<p>If no on-view arrest is made, then the following decision must be made:</p>		
<p>5. Should the police pursue the incident any further, i.e., gather additional evidence to see if probable cause exists to file for a statement of charges/arrest warrant with District Court Commissioner?</p>	<p>Varies - Most often, the responding officer or his/her shift supervisor. At times, an investigator in the Family Services Division.</p>	<p>The sources of information for this decision could include:</p> <ul style="list-style-type: none"> • Recommendation of responding patrol officer and patrol officer's shift supervisor • Information provided on Supplemental Domestic Violence Form, including evidence gathered at scene, e.g., photos of injury, property damage; • 911 tape of victim's call; and • Follow-up interview with victim or witness.

Table 6 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If an arrest is made, then the following additional decisions must be made:</p>		
<p>6. Is the individual arrested the subject of an outstanding warrant for any other crime?</p>	<p>Central Processing Unit, DOCR</p>	<p>DOCR conducts a search for outstanding warrants in MILES/NCIC and the County's warrant system.</p>
<p>7. Is there probable cause to charge the individual arrested with a crime?</p>	<p>District Court Commissioner</p>	<ul style="list-style-type: none"> • Written statement of charges completed by arresting police officer.
<p>8. If probable cause exists, then what should be the conditions of the defendant's pre-trial release, e.g., bail, no contact with victim, pre-trial supervision?</p>	<p>District Court Commissioner</p>	<ul style="list-style-type: none"> • Written statement of charges completed by arresting police officer; • Bond alert form (if completed by the arresting officer); • State law governing conditions of release for specific charges, e.g., a person arrested for violating a protective order is not eligible for bail; • Additional information obtained from defendant during "initial appearance"; • Information about outstanding warrants from CPU staff and State warrant system; • Criminal history of suspect obtained through search of MILES/NCIC; and • Pending court dates listed on District Court data base.
<p>9. If the defendant is not released, then the defendant appears before a District Court Judge (within 24 hours) for a bond hearing.</p> <p>When this occurs, the Judge must answer the question, what should be the conditions of the defendant's pre-trial release?</p>	<p>District Court Judge</p>	<ul style="list-style-type: none"> • Initial appearance questionnaire and recommendation from District Court Commissioner; • Recommendation from State's Attorney (assigned to cover all bond hearings); • Recommendation from Pre-Trial Services (DOCR) staff concerning defendant's eligibility for pre-trial supervision; and • Additional information obtained from defendant (and public defender or defendant's private counsel) at hearing. <p>The Assistant State's Attorney's recommendation to the judge is generally based upon a review of the defendant's criminal record (including his/her previous involvement in a domestic violence criminal case), existence of pending charges, and whether defendant is a respondent of an active Ex Parte or Protective Order.</p>

Table 6 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
10. Should the bond conditions of release be modified?	District Court Judge	Information presented at hearing including a recommendation from the State's Attorney's Family Violence Unit based on an investigation of the request.
11. Does the State have enough evidence to successfully prosecute the case?	Assistant State's Attorney assigned to the case	The Assistant State's Attorney decides whether to prosecute a case based on an individual evaluation of each case. In cases where a defendant was arrested by a police officer, the Assistant State's Attorney listens to the 911 tape, reviews the Domestic Violence Supplemental form, and interviews the victim and the arresting officer to evaluate the strength of the case. In cases where a victim files a statement of charges with the District Court Commissioner, the State's Attorney must rely primarily on the statement of charges and the victim's statement.
12. Can the State and the defense attorney negotiate a plea?	State's Attorney and the defense attorney/public defender	The Assistant State's Attorney or the public defender will initiate plea discussions. The Assistant State's Attorney uses the information in the case file (listed above) to develop plea offers.
13. Is the defendant guilty?	District Court Judge (unless case is tried in Circuit Court)	If the State and the defense attorney have entered into a plea agreement, the guilt of the defendant is admitted as part of the agreement. If a case goes to trial, the judge determines the guilt or innocence of the defendant based on the case (witnesses and evidence) presented in court by State's Attorney and the case (witnesses and evidence) presented in court by the defendant and his/her counsel.
14. If the defendant is guilty, what should be the sentence?	District Court Judge (unless case is tried in Circuit Court)	<p>If sentencing follows a plea agreement, there may be a sentencing recommendation from the defense counsel and the State's Attorney. If sentencing follows a trial, a judge may have: (1) recommendations from the defense attorney and/or the State's Attorney, (2) a victim statement, (3) public information about decisions to date routinely contained in the Court's case file, e.g. statement of charges, conditions of pre-release, and (4) confidential information about the defendant in Court's case file, which routinely includes:</p> <ul style="list-style-type: none"> - History of criminal arrests, convictions, incarcerations, and probation; - Personal history such as age, employment status, number of dependants, religious affiliation, immigration status; and - Health history including alcohol/drug problems and attendance at substance abuse or other counseling programs.

Table 6 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If the defendant is found guilty and sentenced to DOCR, then the following decisions must be made:</p>		
<p>15. Is an offender sentenced to incarceration eligible for serving time at the Pre-Release Center or in the non-residential Community, Accountability, Reintegration Treatment (CART) program?</p>	<p>Sentencing judge and DOCR (Detention Center and Pre-Release staff)</p>	<ul style="list-style-type: none"> ● Pre Release Services review of offender's behavior to determine eligibility includes: <ul style="list-style-type: none"> – Psychological testing – A screening interview – A criminal record check ● Pre-Release Service decisions about the behavioral contract are based on a thorough psychosocial interview and an individual interview with the Community Release Coordinator. ● Pre-Release Service decisions about transfer to the non-residential CART program are based on on-site observation of the offender's behavior and interactions with others at the Pre-Release Center and meetings with the offender and family members to review housing plans, relationships and other issues.
<p>16. What should be the consequences of violating the behavioral contract?</p>	<p>Department of Corrections and Rehabilitation</p>	<ul style="list-style-type: none"> ● Direct on-site observation of offender's behavior and adjustment; ● Direct observation of nature of violation (if on-site) or report from others (if off-site);and ● County law governing sanctions.
<p>If the offender is placed on probation, then the following decisions must be made:</p>		
<p>17. At what level should probation agent supervise the offender?</p>	<p>Domestic violence agent in Division of Parole and Probation</p>	<ul style="list-style-type: none"> ● Division practices for Domestic Violence cases and Break the Cycle program; ● Scoring of one page Parole and Probation Risk Assessment form; ● Statement of charges; and ● Probation agents who supervise offenders released from the Pre-Release Center have participated in PRC supervision and have access to PRC case file.
<p>18. What should be the consequences of an offender violating the conditions of probation?</p>	<p>Sentencing Judge</p>	<ul style="list-style-type: none"> ● Request and Order form completed by the probation agent; ● Supervision Summary report that assesses the offender's home adjustment, reporting pattern and overall adjustment; ● Comments provided by the probation agent about nature and details of the violation. ● Recommendation from the probation agent about sentencing.

Table 6 continued

Decision	Who makes the decision?	Information Routinely Used by Decision Maker(s)
<p>If the offender's sentence includes attending batterers' counseling at the Abused Persons Program, then the following decision must be made:</p>		
<p>19. Should the offender be assigned to the 8-week or 26-week APP class?</p>	<p>Counselor, Abused Persons Program, DHHS</p>	<ul style="list-style-type: none"> • Court order itself. • Intake interview with offender.
<p>20. What should be the consequences to an offender who violates a court order to attend batterers counseling?</p>	<p>Sentencing Judge</p>	<p>Information provided by the offender's Probation officer to the sentencing judge. (If the Abused Persons Program knows that a defendant is supposed to show up for batterers counseling, then APP routinely sends a letter to the defendant's Parole officer when the defendant either fails to show or fails to complete the full course of classes.)</p>
<p>OTHER – If victim chooses to access the criminal justice system by filing for a statement of charges with a District Court Commissioner:</p>		
<p>21. Is there probable cause that a crime was committed based on an application for a statement of charges filed by a citizen</p>	<p>District Court Commissioner</p>	<ul style="list-style-type: none"> • Application for statement of charges completed by citizen. • Additional information provided by complainant during an interview with the DCC. <p>Comment: If the DCC determines that probable cause exists, then the DCC decides whether to issue a summons or warrant for the defendant's arrest.</p>

Table 7

INFORMATION ROUTINELY USED AT INTAKE BY THE CRISIS CENTER AND ABUSED PERSONS PROGRAM

Decision	Who makes the decision?	Information Routinely Provided to Decision Maker(s)
<p>What is appropriate intervention(s) for domestic violence victim who calls or walks into Crisis Center?</p> <p>With domestic violence victims, the most common interventions are:</p> <ul style="list-style-type: none"> • Provide counseling (on telephone or in person), • Admit to Abused Persons Shelter, • Refer to other services offered by the Abused Persons Program, • Offer taxi fare to Crisis Center; and/or • Refer to criminal justice system. 	<p>Crisis Center Staff</p>	<ul style="list-style-type: none"> • Information provided by victim at time of contact. • Information on file at the Crises Center about previous contact with victim.
<p>What is appropriate intervention for domestic violence victim who contacts the Abused Persons Program?</p> <p>The most common interventions are:</p> <ul style="list-style-type: none"> • Provide individual counseling; • Offer to help with obtaining a civil protective order; • Admit to Abused Persons Shelter; • Encourage victim to attend a domestic violence education group; • Refer to criminal justice system. 	<p>Abused Persons Program Staff</p>	<ul style="list-style-type: none"> • Information provided by victim at time of contact; • Information provided by Crisis Center (if individual referred from Crisis Center); and • Information on file at Abused Persons Program based on previous contact with victim.

VII. FINDINGS

The public sector's response to domestic violence in Montgomery County is significantly changed and much improved from what it was a decade ago. However, the Office of Legislative Oversight (OLO) found that the collection of domestic violence interventions in Montgomery County does not yet function as a coordinated system that maximizes victim safety and batterer accountability.

OLO's maps of the criminal and civil justice systems' processing of domestic violence cases evidence gaps in service delivery, and gaps in the information used to make agency decisions that affect victims and offenders. OLO recognizes that many of the gaps result from resource allocation decisions based on available funding. In many cases, agency practitioners are aware of the gaps and have actively worked to close them. None of OLO's findings is intended to criticize the performance of the many staff members who work diligently and competently to discharge their job responsibilities. This chapter presents:

- General findings about domestic violence interventions, victim safety, and batterer accountability;
- Findings on overall system characteristics in Montgomery County; and
- Findings of service and information gaps in Montgomery County that compromise victim safety and batterer accountability.

A. Domestic Violence Interventions, Victim Safety, and Batterer Accountability

OLO's review led to five general findings about how domestic violence interventions relate to the desired results of victim safety and batterer accountability. These general findings influenced OLO's more specific observations and findings in Montgomery County.

General Finding #1: In order to make decisions that effectively keep domestic violence victims safe, practitioners must understand, document, and place an incident of abuse in a broader context

In order to make decisions that maximize victim safety, an incident of domestic abuse must be placed within the broader context of the history of abuse in the relationship. Reports from experienced practitioners evidence that:

- Not all batterers are the same – some are more dangerous than others;
- A single incident of violence cannot be used to identify how dangerous a batterer is; and
- Using scales as predictors of dangerousness is unreliable and potentially dangerous.

In sum, OLO endorses the view that dangerousness can best be assessed by: the offender's pattern of abuse; the victim's perception of abuse; and the perceptions of informed and trained practitioners working on the case.

General Finding #2: The objectives of victim safety and batterer accountability can conflict. The objectives of victim safety and due process can also conflict.

The nature of domestic violence is such that aggressive intervention to hold a batterer accountable can simultaneously place a victim at greater risk. An alleged batterer who is arrested often blames the victim; and upon release from custody, may take out his/her anger on the victim. Similarly, actions taken that guarantee victim safety (e.g., holding an alleged abuser in custody) are not necessarily consistent with affording a defendant his/her rights of due process.

General Finding #3: Service providers often see a victim of domestic abuse as a barrier to the victim's own safety and an obstacle to batterer accountability.

Service providers face many challenges when they try to help a domestic violence victim who resists the intervention. Many victims do not want to prosecute their partners, especially when the victim depends upon the offender for economic support. Domestic violence victims often refuse to testify against their partners, or recant an earlier statement about an incident. It is also common for a victim not to report an offender's violation of a no-contact order. This dynamic can be especially frustrating for service providers because it is often the victim who possesses the best understanding of the potential danger that she/he faces.

General Finding #4: The nature of the incident that precipitates a victim's decision to seek help from the government does not determine where the victim goes for assistance.

Domestic violence victims choose to seek help in different ways. A battering incident that leads one victim to apply for a civil restraining order lead another victim to call 911 for police assistance. Yet another victim faced with the same situation calls the Crisis Center or the Abused Persons Program.

In practice, this means that a victim's decision to pursue a remedy outside of the criminal justice system cannot be interpreted to mean that no crime was committed. OLO observed that the level of "violence" that convinces a judge to issue a civil protective order is often the same as the level of violence associated with a criminal arrest.

General Finding #5: The research base provides few clear lessons about the effectiveness of specific domestic violence interventions

The evaluation research identifies only a handful of well-designed evaluations that document the effectiveness of specific domestic violence interventions. Furthermore, the findings of the relatively few rigorous studies are largely inconclusive in terms of proving whether specific interventions actually reduce future violence.

Ideally, the government should understand the short and long-term effects of publicly funded programs, and target public money to interventions that can demonstrate measurable outcomes. There are numerous studies that describe the characteristics of domestic violence interventions and the number of clients served. However, most of these studies do not reliably measure the impact of the intervention on outcomes such as future violence, attitudes, behavior, and the physical/mental health of offenders or victims.

B. Overall System Characteristics in Montgomery County

OLO's examination of the public sector's response to domestic violence in Montgomery County led to two findings of overall system characteristics. These findings help to explain why gaps in service delivery and information exist.

System Finding #1: Processing criminal and civil domestic violence cases involves multiple State and County agencies. Agency decisions are inter-related, and no single agency is in charge of a case from start to finish.

Processing a single criminal case of domestic violence in Montgomery County can involve more than 10 State, County, and sometimes municipal agencies. Processing a civil case can easily involve four or more. Different agencies take many actions on each case and no single agency tracks an individual case from its initial entry to the civil or criminal justice system to its closure.

Although there are some notable exceptions (e.g., Montgomery County Police Department's Family Services Division and the State's Attorney's Family Violence Unit; the Domestic Violence Unit in the Office of the Sheriff and the District Court), each agency involved with domestic violence functions with relative autonomy. No entity is authorized to assess, monitor, and coordinate the efforts of the criminal justice, civil justice, and health/human services systems to protect victims and demand batterer accountability.

System Finding #2: The criminal justice system’s response to domestic violence cases is largely incident focused, and almost all criminal domestic violence incidents are prosecuted as misdemeanor assaults.

In general, the processing of criminal cases is not designed to respond to violence as part of an ongoing process. The criminal justice system often treats an “incident” of violence as an isolated event, without consistently placing it within the context of ongoing abuse.

A disconnect also exists between the level of potential danger for a domestic violence victim, and the fact that almost all domestic violence incidents are prosecuted as misdemeanor assaults. A misdemeanor assault requires a standard of proof of “beyond a reasonable doubt” for conviction. This standard of proof becomes especially difficult to obtain because law enforcement does not routinely conduct follow-up investigations on misdemeanor assaults, and the primary witness (the victim) cannot be counted on to cooperate with the prosecution.

C. Service Delivery and Information Gaps in Montgomery County’s Response to Domestic Violence

OLO’s mapping of how agencies in Montgomery County’s respond to domestic violence evidences gaps in service delivery and gaps in the information obtained and used by agency decision-makers. The rest of this chapter explains the gaps that OLO identifies as the highest priority to address.

Gap #1: The lack of complete information at key decision points compromises victim safety and batterer accountability.

Domestic violence researchers make a compelling argument that dangerousness can best be gauged by analyzing an offender’s pattern of abuse, a victim’s perception of abuse, and details of the history of abuse in the offender/victim’s relationship. In Montgomery County, there are multiple gaps in the information that practitioners solicit about an offender and his/her victim, as well as the history of abuse in their relationship. To the extent this information is obtained, there are holes in when and how information is made available at the time of key decision-making.

In addition, relevant information about victims and offenders is not readily shared across all agencies that have a role in the processing of cases. In fact, few agency staff knows what happens to a victim or an offender after his/her agency has completed its work on a specific incident. This lack of institutional information sharing can lead to decisions that compromise victim safety or batterer accountability, and even produce conflicting interventions.

Examples of key decisions in Montgomery County that are routinely made without full information about the offender, the victim, and the history of abuse in the victim/offender's relationship are:

- A District Court or Circuit Court Judge's decision whether to sign a civil restraining order and what conditions to include in the order;
- A District Court Commissioner's or District Court Judge's decisions on pre-trial release conditions for a defendant arrested on a domestic violence-related offense;
- The Police Department's decisions related to conducting follow-up investigative work on a domestic violence incident;
- A District Court or Circuit Court Judge's sentencing decision on a domestic violence criminal matter; and
- The Department of Health and Human Services' decisions about what services should be offered to a domestic violence victim, including whether a victim should be admitted to the Betty Ann Krahnke Center.

Gap #2: The criminal justice system does not consistently inform domestic violence victims about public sector actions that directly affect the safety of the victim and the victim's children.

A different type of information gap relates to keeping a victim informed about actions that directly affect the safety of the victim and the victim's children. Victim notification occurs at some places in the process. However, at some important points, victim notification is the exception rather than the rule.

As part of processing a civil order of protection, the Office of the Sheriff routinely telephones the petitioner (usually the victim) after a Deputy successfully serves the Ex Parte Order. In contrast, as part of processing a criminal arrest, domestic violence victims are not routinely informed when a defendant is released from custody.

After being arrested, a defendant appears before a District Court Commissioner who is authorized to decide the conditions of the defendant's release. State law outlines some circumstances where a Commissioner must detain a defendant, e.g., felony crimes, violation of a no-contact provision in a Protective Order. In all other cases, a Commissioner decides whether to release the defendant, whether to impose bail, and whether to order other conditions such as "no-contact with the victim." The victim is not routinely notified when the offender is released from custody.¹

¹ Montgomery County is one of three pilot sites in Maryland for the Victim Informational Notification Everyday (VINE) service. Funded by the Governor's Office of Crime Control and Prevention, VINE provides information about the custody of a defendant and the defendant's court dates. VINE is available 24 hours a day, and can be accessed by victims, service providers, and witnesses who wish to be notified of upcoming court dates, and anyone else concerned about the custody status of an inmate.

If a victim calls VINE and registers with a Personal Identification Number, a victim has the option of registering to receive an automated phone call if an inmate is released, transferred, or scheduled for an upcoming court date. However, VINE only provides this service if the victim registers after the offender is officially in the custody of the Montgomery County Detention Center or has had an arrest warrant issued.

If a defendant is detained (either because of a District Court Commissioner's decision or because the defendant cannot post bail), then he/she appears within 24 hours before a District Court Judge for a bond review hearing. Following the bond hearing there is similarly no routine procedure to inform the victim whether the offender is released or to inform the victim about the specific conditions of release.

One exception to the above situation is when a defendant is released from custody and ordered into Pre-Trial Supervision. In such cases, the Supervision Caseworker from the Department of Correction and Rehabilitation sends written notice to the victim that explains the court-ordered conditions under which the defendant was released. The letter advises the victim to call the police if she/he feels in immediate danger, and to report non-emergency violations of the conditions to the State's Attorney's Office or Pre-Trial Services.

Another exception occurs in selected cases where the Detention Center notifies the Sheriff's Office when a respondent in a dangerous case is going to be released. The Sheriff's Office then contacts the petitioner to inform her/him when the respondent will no longer be in custody.

In subsequent court proceedings (i.e., preliminary hearing, trial and sentencing), whether a domestic violence victim remains informed about the outcome varies from case to case. A victim who participates as a witness or who has been subpoenaed to appear at a trial will know the outcome if she/he is in the courtroom when the judge announces the verdict. A victim who is not present is not necessarily told of the judge's decision in terms of guilt and sentencing.

Gap #3: Domestic violence victims who contact a State or County agency in Montgomery County for help do not consistently receive timely and comprehensive victim assistance services.

"Victim assistance services" refers to the array of interventions that assist an individual victim cope with the emotional, practical, legal, and financial consequences of violence or a crime. The available research suggests that domestic violence victims benefit from timely and reliable victim assistance services that are customized to meet individual victims' needs.

The range of support services that a domestic violence victim and her/his children may need include

- Crisis intervention;
- Safety planning and monitoring;
- Education, information and referrals;
- Emotional support; and
- Court accompaniment and advocacy.

The timing and nature of victim assistance services that the public sector offers to a domestic violence victim in Montgomery County varies depending upon where, when, and how the victim contacts the government, and who from the government responds.

When a Domestic Violence Victim Contacts Health and Human Services

The Crisis Center operates 24 hours a day, 7 days a week. During FY 99, the Crisis Center identified domestic violence as the primary presenting problem in 7% (860 requests) of the total number of requests for services received.

A domestic violence victim who calls the Crisis Center receives immediate crisis counseling. The Crisis Center performs the intake function for the County's residential shelter for abused persons, and can offer immediate shelter and safety to the victim and the victim's children. Once a victim is admitted to the Betty Ann Krahnke Center, the victim is offered a more comprehensive set of victim assistance services. During FY 99, the shelter served 145 families.

If the Crisis Center identifies a caller's presenting problem as domestic violence, but the caller is not in immediate danger, then the Crisis Center generally refers the caller to the Abused Persons Program (APP). The Crisis Center notifies APP of all referrals, but it is the victim's responsibility to make the follow-up contact.

The Abused Persons Program's direct telephone line receives more than 2,000 calls each year. Once contacted, APP staff schedules an intake interview with the victim to assess what services are most appropriate. In some cases, APP provides the services itself; e.g., victim assistance, counseling, shelter. For other services (e.g., financial assistance, child protective services, medical assistance), APP refers the victim to other providers, either within or outside of County Government. APP describes the work of its Victim Assistants as follows:

Victim Assistants of the Abused Persons Program provide information, referral, support, and advocacy services to victims of partner abuse. In addition, court companionship and collaboration with the DHHS, law enforcement, medical personnel, Court, State's Attorney's Office and other County and private agencies may be provided upon request. (Source: APP, August 1999)

When a Domestic Violence Victim Contacts the Civil Justice System.

In FY 99, the Sheriff received more than 1,500 partner-related Ex Parte Orders for service. Almost 80% of these came from petitions filed in the District Court; the other 20% came from petitions filed in the Circuit Court.

Using a combination of paid and volunteer staff, the Abused Persons Program offers technical assistance to petitioners during regular court business hours at the Rockville District Court and Circuit Court. In Circuit Court, a grant-funded attorney from The Women's Law Center of Maryland, Inc. is also available on a part-time basis to provide legal assistance to domestic violence victims. There is no APP or legal assistance available in the Silver Spring District Court.

APP staff and volunteers are also trained to provide a petitioner with information about additional services that she/he may want to seek. In selected cases, an APP representative will accompany the victim through court proceedings (civil or criminal).

Upon delivery of an Ex Parte Order, a staff member from the Sheriff's Domestic Violence Unit conducts an in-person interview with the petitioner. As part of the interview, the Sheriff provides the petitioner with advice about safety planning and written information about other County services, e.g., shelter, counseling. The Sheriff informs the petitioner about the availability of cellular phones and alarm pendants to domestic violence victims. These devices enable the victim to quickly contact 911 in case of an emergency. In FY 99, the Sheriff issued 250 cell phones and 20 alarm pendants.

At the interview, the Sheriff also offers to conduct one or two welfare checks on the petitioner during the upcoming week before the Protective Order hearing. With the written consent of the petitioner, a Sheriff's deputy will telephone and/or conduct an on-site welfare check of the petitioner and other family members. The Sheriff reports that 75-80 percent of all petitioners consents to a welfare check.

When a Domestic Violence Victim Calls 911 for Police Assistance

During a recent 12-month period, the Emergency Communications Center dispatched almost 8,000 calls as domestic violence incidents. In 1999, approximately 1,850 Supplemental Domestic Violence Forms were completed and close to 600 arrests made for partner-related misdemeanor assaults.

Rockville, Gaithersburg, and Takoma Park Police Department. The Rockville and Gaithersburg Police Departments each have one full-time victim assistant advocate. The Takoma Park Police Department has a part-time victim/witness coordinator. In all three cities, the victim advocate provides follow-up victim assistance services to victims of all crimes that occur within their respective city limits.

In the three cities, the victim assistant advocate contacts all domestic violence victims whether or not an on-scene arrest was made, and regardless of the type of alleged abuse. The victim advocates try to contact domestic violence victims as soon as possible after an incident, which usually means within one or two business days.

Although the specific victim assistance activities vary somewhat among the municipalities, all three victim advocates provide support, information, and referrals. The victim advocates work closely with officers and others within their respective police departments to identify crime patterns in the city, including repeated calls for service related to domestic violence. The victim advocates' responsibilities include:

- Providing victims with support during the preliminary and follow-up phases of the police investigation;
- Meeting with victims to explain police/criminal justice procedures and assisting victims to complete forms, e.g., request for statement of charges, petition for civil order of protection;
- Arranging for transportation and accompanying victims through civil and criminal court proceedings; and
- Arranging for translation and interpretation services.

Montgomery County Police Department. A domestic violence victim involved in an incident to which an officer from the Montgomery County Police Department (MCPD) responded may or may not receive a follow-up contact with an offer of victim assistance services. At present, MCPD employs only one full-time employee assigned to the Victim/Witness Services office. Several Americorps volunteers and a handful (3-5) of part-time community volunteers assist the incumbent. The Victim/Witness Services office is responsible for providing victim assistance to all crime victims in Montgomery County.

In practice, OLO understands that with the limited staff, the Victim/Witness Services office places priority on providing services to victims of the most serious felony crimes. Most other victims (which include most domestic violence victims) receive a follow-up letter from the Victim/Witness Services office. The letter includes information about victims' rights and services that the victim can contact for additional help.

In the small number of domestic violence felony cases, a Victim/Witness Coordinator from the State's Attorney's Office contacts the victim to link the victim to additional support services. The State's Attorney's Office also mails letters to notify victims of their rights in the criminal justice process, as required by State law. At the request of a District Court attorney, a Victim/Witness Coordinator in the Family Violence Unit occasionally will assist a victim involved in a domestic violence misdemeanor.

Gap #4: Almost all criminal domestic violence incidents are prosecuted as misdemeanor assaults. The resources dedicated in the Police Department, the State's Attorney's Office and the District Court to processing these misdemeanors are insufficient to support a thorough "pro-prosecution" effort on these cases.

More than 98 percent of all criminal domestic violence-related incidents are prosecuted as misdemeanor assaults. The other two percent is prosecuted as felony assaults, or other violent crimes, such as kidnapping, rape, or accessory to murder.

In 1995, the State of Maryland launched the domestic violence pro-prosecution initiative. Many State and County agencies deserve credit for the progress made toward implementing pro-prosecution. Despite improvements, OLO found that gaps still exist in how the criminal justice system processes misdemeanor assaults. Specifically:

- The Montgomery County Police Department has few resources allocated to conducting follow-up investigations of domestic violence misdemeanors;
- The State's Attorney's Family Violence Unit has insufficient resources allocated to fully preparing and prosecuting domestic violence misdemeanors; and
- The criminal domestic violence docket in District Court cannot accommodate all of the domestic violence related criminal cases.

Follow-up Investigations. The Montgomery County Police Department trains its officers to treat domestic violence as a crime, and to arrest the primary offender whenever probable cause exists. Under current practice, the responding patrol officer conducts most, if not all, of the initial investigation. MCPD routinely assigns a detective to the handful of domestic violence cases that qualify as felony assaults or other major crimes. Only the most serious misdemeanor assaults receive follow-up investigations.

At this time, one officer in the Family Services Division conducts the "follow-up investigation" for most domestic violence cases. This follow-up is typically limited to compiling and transferring all of the existing case material to the State's Attorney, e.g., 911 tape, photos, incident report, Supplemental Domestic Violence Form.

Circumstances at the scene of domestic violence incidents, including the victim's emotional state and the officer's time constraints, often limit the initial investigation. A follow-up investigator can uncover evidence not available to the law enforcement officer who provided the initial response. A follow-up investigator can conduct more in-depth interviews with victims and witnesses, and obtain supplemental statements to strengthen the chance of conviction. In addition, photos taken several days after an incident show the full extent of bruising and injury.

Case Preparation and Prosecution. In 1999, the Administrative Judge for the District Court and the State's Attorney jointly established a domestic violence docket. The docket is held every Friday in the Rockville District Court. One Assistant State's Attorney in the Family Violence Unit manages the prosecution of misdemeanor domestic violence cases on the domestic violence docket.

The State's Attorney uses volunteer case screeners to prepare domestic violence misdemeanor cases. The volunteers (primarily law students) serve a three month internship with the State's Attorney's Office. The volunteers assemble basic information for a case. However, the volunteer case screeners do not have the skills or time to identify additional witnesses, conduct in-depth follow-up interviews, or pursue additional information that could shape sentencing recommendations.

Although the Family Violence Unit in the State's Attorney's Office supervises the screening of all domestic violence cases, the attorney in the Family Violence Unit dedicated to domestic violence does not, in practice, handle all of the domestic violence cases. Resource limitations and overall system constraints divert the prosecution of domestic violence misdemeanors in at least three places:

- The Friday domestic violence docket cannot accommodate all of the domestic violence cases;
- Some cases scheduled for the domestic violence docket are assigned to other courtrooms the day of trial; and
- The Family Violence Unit does not prosecute domestic violence misdemeanors when a jury trial is requested.

In these situations, the Family Violence Unit hands the domestic violence cases over to other Assistant State's Attorneys on the District Court team for prosecution.

Gap #5: A domestic violence victim can obtain a civil order of protection only during regular court business hours.

More than five years ago, the County Executive's Task Force Against Domestic Violence advocated expanding the availability of an Ex Parte Order in Montgomery County. In a growing number of jurisdictions, a domestic violence victim can petition for and receive an emergency restraining order 24 hours a day, seven days a week. In the State of Virginia and San Diego, for example, a law enforcement officer can obtain an emergency restraining order over the telephone from the scene of a domestic violence incident.

In Montgomery County, a domestic violence victim can apply for a civil order of protection at three locations: the District Court in Rockville; the District Court in Silver Spring; and the Circuit Court in Rockville. All three locations accept petitions between the hours of 8:30 AM and 4:30 PM Monday through Friday.

The Office of the Sheriff is assigned lead responsibility for serving all Ex Parte Orders issued by either the District or Circuit Court. (Since October, the Sheriff is also responsible for serving Peace Orders.) If additions to the Sheriff's budget are approved as recommended in the County Executive Recommended FY 01 Budget, then the Sheriff's Domestic Violence Unit will be staffed to provide coverage from 8:00 AM to midnight, Monday through Friday. Even with these additional resources, the Domestic Violence Unit will still not be sufficiently staffed to provide weekend coverage or back-up coverage (when someone is on leave).

Gap #6: Judges do not always know when an offender fails to comply with a court order to attend batterers counseling. In addition, there is no consistent court response to notifications of non-compliance.

A judge can order a respondent to attend counseling as a condition of a Protective Order. A judge can also order a defendant to attend counseling as part of a sentence or condition of probation in a criminal case. In addition, judges can court order counseling as a condition of bond and pre-trial release.

Most of the time, the court order specifies that the defendant must attend the batterers counseling program administered by the Abused Persons Program (APP). However, with the current flow of information, the APP staff receives only a partial list of the individuals who are court ordered to attend their batterers counseling program. Specifically:

- The civil desk clerks in the District Court in Rockville and Silver Spring usually (but not 100% of the time) send APP copies of Protective Orders that include court-ordered counseling. APP is working to develop a similar procedure for Protective Orders issued in Circuit Court.
- The information flow in criminal cases has even more holes. An APP staff member usually sits in District Court during the domestic violence docket to hear who is sentenced to batterers counseling, and if possible, to sign him/her up. If, however, batterers counseling is court-ordered in another District Court courtroom (and this happens routinely) or in a Circuit Court courtroom, no procedures exists to inform APP who has been court-ordered to counseling.
- When a defendant is ordered to attend counseling at APP as a condition of pre-trial release, no procedure exists to inform APP of this court order.

For the named individuals that APP knows have been court ordered to counseling, APP keeps track of who shows up. For non-compliance with a civil order, APP sends a letter to the sentencing judge if the individual does not show within 30 days of the order. For non-compliance with counseling as part of a criminal sentence, APP sends a letter to the defendant's probation officer. For individuals who show up for batterers counseling but do not complete the full course, APP also sends written notice letters to the judge or probation officer.

Finally, there is no consistent court response in either the District or Circuit Court to a written notice of an individual's failure to comply with a court order to attend counseling. Data on the courts' follow-up actions were not available. However, on an anecdotal basis, OLO understands the degree of follow-up action varies considerably by judge.

Gap #7: The types and level of supervision for a batterer do not consistently or effectively address the risks to victim safety.

As part of a civil and/or criminal justice proceeding, the Court routinely orders a batterer to stay away from the victim's residence and to have no contact with the victim. In the civil justice process, both the Ex Parte Order and Protective Order routinely include no-contact provisions, but do not include supervision. In the criminal justice process, a no-contact order and/or orders related to supervision of a batterer are made at the initial appearance or at the bond review hearing for the pre-trial period, and at sentencing for the post conviction period.

Supervision of the Batterer in Civil Cases

Ex Parte and Protective Orders do not include court orders related to supervision of the respondent. Instead, the government asks the victim to notify either the police or the court of a violation of a no-contact provision. To enable a victim to call 911 in an emergency, the Sheriff will provide a cellular phone or alarm pendant to the victim while a civil order of protection is in effect.

The Sheriff, with the victim's consent, also offers to conduct two welfare checks on the victim during the seven-day period the Ex Parte Order is in effect. One check is a home visit and one check is over the telephone. The Sheriff does not routinely conduct welfare checks during the 12-18 months that a Protective Order is typically in effect.

Supervision of the Batterer in Criminal Cases

The Pre-Trial Period. The authority to decide a defendant's conditions of release in pre-trial situations resides with the District Court Commissioner and/or a District Court Judge.

State law provides that when a defendant is charged with certain crimes, e.g., felony, violation of a no-contact provision of a Protective Order, the District Court Commissioner must not release the defendant. In these cases, immediate supervision is a moot point because the defendant is held in custody until the bond review hearing.

For situations where a defendant is eligible for release, a District Court Commissioner decides whether to hold an offender over for a bond review hearing or to release an offender, either with or without supervision. The law charges the Commissioner with weighing the due process rights of the defendant against the risk of harm to the public (including the victim) and the risk that the offender will not return for trial. In practice, the District Court Commissioner releases about 40 percent of all arrestees and holds over the other 60 percent for bond review hearings.

If an arrestee is held over, then a District Court Judge decides bond and pre-release conditions the next day. The District Court Judge hears recommendations from the Pre-Trial Services Unit (PTSU) staff, an assistant State's Attorney, and the defendant's public defender or private defense lawyer.

If a defendant is referred to Pre-Trial Services, then a PTSU caseworker conducts an assessment to set the level of supervision. PTSU usually assigns domestic violence cases to the most intensive level of supervision, which means two face-to-face meetings a week and telephone calls as needed. The PTSU caseworker notifies the victim (in writing) that the defendant is under pre-trial supervision. PTSU directs the victim to call the police and notify PTSU if the defendant violates the conditions. The PTSU caseworker submits status reports to the court when the defendant appears for hearings, trial, pleas, or sentencing.

A District or Circuit Court Judge may also order a defendant to PTSU for supervision at any time during the pre-trial period. PTSU's supervisory responsibilities end when a defendant's case is tried or dropped.

The Post Trial Period. Judges have multiple options for ordering post-trial supervision. The level and nature of the supervision vary considerably among these options. The options include:

State Supervised Probation - The Maryland Division of Parole and Probation provides supervised probation. The Division of Parole and Probation in Montgomery County has a unit of three probation agents assigned exclusively to supervising domestic violence offenders. Each agent has an average caseload of 110 to 120 active cases.

The Division of Parole and Probation's policy is to place all domestic violence offenders in "intensive supervision" for the first six months. This requires:

- One home visit in the first month;
- Two additional home visits in the year (every four months); and
- One contact with the agent every week plus one extra meeting every other month.

If an offender lives in a Hot Spots area, then a Parole and Probation Hot Spots agent supervises the offender. The same supervisory requirements apply, however the probation agents ride with police officers and may conduct more frequent home visits. If an offender is placed in the Break the Cycle program for a substance abuse problem, then he/she will be tested for drugs twice a week for the first two months, and once a week for another two months.

County Pre-Release Services – The County's Department of Correction and Rehabilitation's Pre-Release Center (PRC) or Community Accountability, Reintegration and Treatment program (CART) may supervise an offender who is sentenced to serve time. An offender must be within six months of release and must be found eligible by the Department and approved by the sentencing judge.

The PRC is a residential facility that provides extensive counseling services. Caseworkers have many opportunities to observe offenders daily in interactions with family members, friends, and peers. An offender in PRC must agree to resolve conflicts peacefully and sign a behavioral contract that sets goals. If an offender violates his/her behavioral contract, then PRC imposes immediate sanctions such as lost privileges or recommendations for additional consequences. If a severe violation occurs, an offender will be returned to custody at the Detention Center.

Offenders in the CART program agree to weekly home visits by a caseworker and substance abuse monitoring three times a day. DOCR attaches an ankle bracelet and installs home-based equipment to monitor the offender's whereabouts and attendance at counseling classes. If a crisis occurs, then an offender may be returned to the PRC for a cooling off period. If a severe violation occurs, an offender will be returned to custody at the Detention Center.

Gap #8: Except for calling 911 for police assistance, a domestic violence victim is usually required to come to a government facility in the Rockville area to obtain help from the public sector. This poses a logistical problem to victims, especially those who do not have access to car transportation.

The chart on the next page shows the location(s) of the services that a domestic violence victim is most likely to need or want. As the chart indicates, most services are primarily based in the Rockville area.

Location of Public Sector Services for Domestic Violence Victims

Public Sector Service	Location(s)	Comments
Emergency police assistance	<ul style="list-style-type: none"> County-wide 	Victims most often request emergency police assistance by calling 911
Crisis Center	<ul style="list-style-type: none"> Piccard Drive, Rockville 	An in-person visit to the Crisis Center is required only if the victim is in immediate danger and seeks placement in the shelter. As of April 2000, the new shelter is located in the Rockville area a short driving distance from DHHS' Piccard Drive offices.
Abused Persons Program – victim intake/screening.	<ul style="list-style-type: none"> Piccard Drive, Rockville 	Telephone consultation with APP is available, but formal program intake requires in-person visit.
Abused Persons Program – victim educational groups/counseling	<ul style="list-style-type: none"> Piccard Drive, Rockville; Government Services Center, Silver Spring 	Almost all of APP's educational and counseling sessions are held at Piccard Drive. One educational group is currently held in Silver Spring.
Civil order of Protection	<ul style="list-style-type: none"> District Court, Rockville District Court in Silver Spring Circuit Court in Rockville 	An in-person application for both an Ex Parte Order and Protective Order hearing is required.
Interview with Office of the Sheriff (step in process of obtaining Ex Parte Order)	<ul style="list-style-type: none"> Office of the Sheriff in Rockville 	An in-person interview is preferred, but arrangements can be made for a telephone interview.
Application to District Court Commissioner for a criminal statement of charges	<ul style="list-style-type: none"> District Court, Rockville Rockville District Police Station, Seven Locks Road, Rockville 	An in-person application is required. The District Court Commissioner also has offices at the Germantown and Silver Spring police stations, but these offices are not routinely staffed.
Criminal Court Proceedings	<ul style="list-style-type: none"> District Court, Rockville District Court in Silver Spring Circuit Court in Rockville 	Although criminal District Court cases can be heard in Silver Spring, the domestic violence docket is only held in the Rockville District Court.

VIII. RECOMMENDATIONS

This chapter presents OLO's recommendations to improve the response to domestic violence in Montgomery County. The goal of these recommendations is to increase the safety of domestic violence victims and improve the County's success at holding offenders accountable.

OLO's recommendations reflect input from experienced practitioners in Montgomery County as well as promising practices identified in other communities. The recommendations build upon the work of the agencies and community members involved in the County Executive's Task Force Against Domestic Violence.

Much progress has been made in how State and County agencies in Montgomery County respond to domestic violence. However, OLO found that the collection of domestic violence interventions in Montgomery County does not yet function as a coordinated system that maximizes victim safety and batterer accountability.

Daily stories in the media from across the country report tragic outcomes of unchecked domestic violence, yet in many cases a victim has called upon the public sector for help. Incidents of domestic violence occur daily in Montgomery County. State and County agencies routinely make decisions about domestic violence offenders without adequate information to assess the dangerousness of the situation, and routine practices do not effectively protect victims. Especially because of the potential lethality of domestic violence, OLO urges prompt attention to the issues identified in this report.

The table on the following page summarizes OLO's four resource recommendations and three oversight recommendations.

Resource Recommendations

To improve the system-wide response to domestic violence in Montgomery County, OLO recommends the State and County agencies act to:

- Establish an inter-agency Emergency Response Team to identify and intervene in high risk domestic violence cases;
- Improve the timing and nature of victim assistance services offered to victims of domestic violence and their children;
- Strengthen the investigation and prosecution of misdemeanor domestic violence cases, and simultaneously improve offender supervision and sentencing options; and
- Make it possible to obtain an emergency restraining order in Montgomery County at times other than regular court business hours.

Summary of OLO Recommendations to Improve the Response to Domestic Violence

Recommendations to Improve Victim Safety and Batterer Accountability	Immediate Council Action Required	Report due back to Council by:
1. Establish an interagency Emergency Response Team to identify and deal with high risk domestic violence cases.	Appropriate \$150,000 in Sheriff's FY 01 budget for Emergency Team Coordinator position and support staff. Task interagency work group with developing implementation/budget plan.	September 2000
2. Improve the timing and nature of victim assistance services provided to victims of domestic violence and their children.	Task interagency work group with developing implementation/budget plan.	November 2000
3. Strengthen investigation and prosecution of misdemeanor domestic violence cases, and simultaneously improve sentencing and supervision options.	Task interagency work group with developing implementation/budget plan.	November 2000
4. Make it possible to obtain an emergency Ex Parte Order at times other than regular court business hours.	Task interagency work group with developing implementation/budget plan.	September 2000

Additional Oversight Recommendations

- | |
|--|
| 5. Ensure that judges know when an individual fails to comply with a court order to attend batterers counseling. |
| 6. Improve how agencies measure and report on the effectiveness of domestic violence interventions in Montgomery County. |
| 7. Continue an active County Council oversight role in improving the public sector's response to domestic violence. |

Each of the resource recommendations presents a conceptual solution to an existing system gap. However, many implementation details still need to be addressed. For the solutions to operate effectively, OLO believes it is critical that agency staff from the participating agencies develop these system-wide solutions collectively.

To facilitate this, OLO recommends the Council establish an interim work group to craft the protocols and budget proposals necessary to implement OLO's resource recommendations. OLO recommends that the Council ask the Administrative Judge for the Sixth District and the Chief of the Family Violence Unit in the State's Attorney's Office to co-chair this interim group. The interim group should also include senior staff representatives designated by the Sheriff's Office, the Circuit Court, and the Montgomery County Police Department, Department of Health and Human Services, and Department of Correction and Rehabilitation.

In addition, OLO recommends that the Council assign OLO a follow-up project to support this interim work group by preparing issue papers, analyzing options, and providing models of best practices and protocols from other jurisdictions.

OLO recommends that the Council ask the interim work group, with OLO support, to report back to the Council in September and November with specific proposals and funding requests. (See summary table on previous page.) OLO recommends that the Council consider emergency appropriations, based on the September and November reports.

Recommendation #1: Establish an inter-agency Emergency Response Team to identify and intervene in high-risk domestic violence cases.

OLO recommends establishing a Systemwide Team for Emergency Victim Safety (S-TEAM). The S-TEAM's mission would be to identify individuals who pose a significant risk to their past or present partners, and to respond with immediate safety measures. Over time, the S-TEAM would create an offender profile database to ensure complete offender information is available at key system decision points.

In order to function effectively, OLO recommends that the S-TEAM core consist of staff representatives from the Sheriff, the State's Attorney, and the Montgomery County Police Department, Department of Correction and Rehabilitation, and Department of Health and Human Services. OLO also recommends designating a S-Team Coordinator (based in the Sheriff's Office) to manage the day to day case triage and urgent interventions.

Victim Safety Interventions

To keep victims of domestic violence safe, the government must work vigilantly to protect a victim and her/his children at each system decision point.¹ As reviewed in the previous chapters, agencies routinely make key decisions about an offender that directly impact victim safety. OLO found that practitioners make these decisions without complete information about the dangerousness of the situation and without consistently taking corresponding actions to maximize victim safety. (Findings, Gaps #1, #2 & #7.)

A concerted effort is needed to identify high-risk cases and to appropriately address victim safety. The immediate responsibility of the S-TEAM would be to screen and triage civil and criminal domestic violence cases for dangerousness, and to implement immediate safety measures if a threat of imminent danger to a victim is identified.

Ideally, the S-TEAM Coordinator would conduct a daily review of new civil and criminal domestic violence cases in District and Circuit Court. The Coordinator would flag those cases where documented acts or threatened acts of violence suggest a victim could face significant danger. Based upon criteria used in other jurisdictions, OLO suggests the potential lethality or dangerousness of an offender be determined by looking at the following types of criteria:

- The perpetrator's previous involvement in domestic violence cases (criminal and civil);
- The nature, pattern and level of abuse;
- Previous law enforcement interventions, including situations that didn't result in an arrest;
- Stalking behavior;
- Threats to kill;
- Access to weapons; and
- Recent losses such as separation or divorce.

For each high-risk case identified, the S-TEAM would monitor the decisions being made in civil and/or criminal proceedings. Based upon agreed-upon interagency protocols, the Coordinator would then direct S-TEAM interventions to ensure immediately and aggressively the safety of all victims (adults, children, and pets).

¹ The key civil system decision points include a court hearing for an Ex Parte order, a hearing for a Protective Order, and subsequent court proceedings to extend, modify, revise or rescind an order. The key criminal system decision points include: arrest by a law enforcement officer, deciding the conditions of pre-trial release, trial and sentencing, and court hearings for violations of probation or other court orders, e.g., violation of Protective Order. Frequently, an individual offender or victim is involved with more than one civil and/or criminal action and the number of decision points increases accordingly.

Examples of S-TEAM interventions are:

- Reconsideration of pre-trial release conditions;
- Timing of an offender's release from custody;
- Issuance of a bench warrant for arrest;
- Issuance of an Ex Parte/Protective/Peace Order, or modifications to an existing order;
- Welfare checks on the victim and other family members;
- Arrangement of temporary safe housing; and
- Expedited court proceedings.

Development and Use of Offender Profiles

To effectively assure victim safety and batterer accountability on a routine basis, the government must assemble and act upon more complete offender information. There must also be a reliable process for providing this information to State and County practitioners across the criminal justice, civil justice, and health and human service systems.

OLO recommends using the Pre-Sentence Investigation form developed in Duluth as the framework for defining "complete" information.² This form identifies seven areas of information to consider: the level of violence and/or intimidation of the incident at hand; the offender's past violence and pattern of abuse; the victim's perceptions of the abuse in the relationship; the offender's attitude; the offender's social history; the offender's criminal record of arrest, conviction, and probation for previous violent acts (domestic violence related and others); and the impact of the situation on children involved.

OLO recommends tasking the S-TEAM with developing a case management system for victims and with compiling the offender profiles. The S-TEAM could identify those areas in the existing information systems that need to be corrected or enhanced, and determine which agencies are best positioned to obtain the new information that is needed. The S-TEAM should also consider linking other databases to the offender profile such as the child abuse victim database. After the protocols for collecting and recording the information are determined, the S-TEAM would need to develop a system to ensure full information is made available at key decision points.

² A copy of the Duluth form is attached at the end of this chapter.

Actions and Funding to Create the S-TEAM

Successful creation of the S-TEAM will require a set of coordinated implementation actions. OLO recommends that the Council ask the interim work group to:

- Identify the responsibilities of each S-TEAM member,
- Develop the response team protocols,
- Identify the needs for a victim case management system and the ongoing needs for an offender profile database,
- Define the position descriptions for the S-TEAM coordinator and support staff, and
- Prepare a specific operating budget proposal for the S-TEAM.

OLO recommends that the Council place FY 01 funding for the S-TEAM Coordinator and support staff in the Sheriff's office. The S-TEAM Coordinator position could arguably operate from one of several criminal justice agencies. OLO recommends the Sheriff because his office already has: access to the existing criminal justice information systems; an existing day-to-day working relationship with the courts; a central location with convenient access to the court buildings in Rockville; and a working understanding of civil and criminal justice decision points. In addition, the Sheriff's current participation in civil domestic violence cases demonstrates the first level response and attention to victim safety that will be essential to successfully implementing the S-TEAM's mission.

OLO recommends start up FY 01 funding of \$150,000 in the Sheriff's Office to pay for the Coordinator and support staff. OLO recommends the Council consider additional funding for the S-Team through an emergency appropriation after the interim work group develops the emergency response protocols and reports back to the Council.

Recommendation #2: Improve the timing and nature of victim assistance services offered to victims of domestic violence and their children.

The term "victim services" refers to the array of interventions to assist an individual victim cope with the emotional, practical, legal, and financial consequences of violence or a crime. In recent years, lawmakers have passed laws expanding the rights and participation of victims in the criminal justice process and providing funds for compensation and reimbursement.

The research base makes a convincing argument that children exposed to domestic violence are placed at great risk, even if the children themselves are not physically abused. Numerous research studies have documented that patterns of violent behavior are passed from one generation another. One study found that one-third of

women who are physically abused by a husband or boyfriend grew up in a household where this happened to their mother. Another study concluded that in a home where a woman is battered, children have a 300 percent increased risk for being physically abused by the male batterer.

The available domestic violence research data suggests that victim intervention strategies need to be immediate, reliable, and customized to meet each individual victim's needs. As outlined in the previous chapter, the victim assistance services offered to domestic violence victims in Montgomery County vary based upon where, when, and how the victim contacts the government. (Findings, Gap #3)

To address the uneven delivery and gaps in service, OLO recommends that the Council ask the interim work group to prepare a proposal for providing immediate, continuous advocacy services to victims of domestic violence and their children. OLO recommends the goal of the proposal should be to implement "vertical victim assistance services," that meet the following objectives:

- To identify and contact within 24 hours all domestic violence victims who ask the public sector in Montgomery County for help;
- To identify the short-term (shelter, transportation, medical) and longer-term needs (financial, legal, counseling) of the victim and the victim's children;
- To provide services directly or link the victim and the victim's children to resources and service providers as appropriate, and
- To advocate for, accompany, and inform the victim of all recommendations and decisions made in the public sector's processing of a civil restraining order or a criminal case.

OLO's research of practices across the country shows that the lead for victim assistance and advocacy services frequently rests with a non-profit organization outside the government that uses extensive volunteer resources. In developing a plan, OLO believes it is worthwhile to explore the feasibility of this approach in Montgomery County.

OLO suggests that staff from the Montgomery County Police Department and Health and Human Services Department play a major role in planning a future network of victim assistance services for domestic violence victims. These two agencies represent the places where most domestic violence victims currently make an initial contact with the government for help. In developing proposal options, the interim work group should consult and coordinate plans with the cities of Rockville, Gaithersburg, and Takoma Park. As discussed earlier in the report, victim assistance advocates who work for the municipal police departments already provide a package of victim assistance services to domestic violence victims in their respective cities.

OLO recommends that the Council defer specific FY 01 funding for this recommendation until after the Council receives a proposal from the interim work group. Recognizing that providing comprehensive victim assistance services is likely to have a significant fiscal impact, OLO suggests that as part of the planning effort, the work group develop a set of service options at different funding levels for the Council's consideration.

Recommendation #3: Strengthen the investigation and prosecution of misdemeanor domestic violence cases, and simultaneously improve offender supervision and sentencing options.

Some jurisdictions across the country mobilize resources to "treat domestic violence assaults as opportunities to prevent homicides." This practice derives from the understanding that certain characteristics of domestic violence assaults distinguish these cases from other misdemeanor crimes.

The research shows that a domestic violence assault is the product of a repetitive cycle that increases in violence, and that the first arrest of a domestic violence offender rarely correlates with the first incident of abuse. Research estimates that a domestic violence victim is likely to have been abused, on average, seven times before she/he calls the police. In recognition of this research, practitioners aggressively and vigorously intervene in misdemeanor domestic violence cases in the hopes of preventing a future, more serious incident.

The State's Attorney, the District Court, and the law enforcement community in Montgomery County deserve credit for implementing the State's domestic violence "prosecution initiative." Despite the progress made, as outlined in the previous chapters, OLO found gaps in how Montgomery County's criminal justice system processes domestic violence misdemeanors. (Findings, Gaps #4 & #7)

OLO recommends that the Council ask the interim work group to develop specific proposals and practices to improve the handling of misdemeanor domestic violence cases. The Council should ask the work group to address these issues from a system-wide perspective to ensure victim safety and batterer accountability. For example, if the County targets resources to more vigorously investigate and prosecute misdemeanor domestic violence cases, the County must also address gaps in the supervision of the offender to assure that the victim will be protected. Similarly, it must also address issues related to sufficient space on the District Court domestic violence docket.

OLO recommends that the interim group report back to the Council with a specific plan that addresses the four issues outlined below.

Address the gaps in pre-trial supervision that compromise victim safety

The research shows that the period following the arrest or the sentencing of an offender can be an extremely dangerous time for a domestic violence victim. In Montgomery County, either a District Court Commissioner or a District Court Judge makes pre-trial supervision decisions.

District Court Commissioners and District Court Judges routinely impose a “no contact with the victim” order as a condition of pre-trial release for defendants arrested for a domestic violence related offense. However, there is no system in place either to inform the victim about the pre-release conditions or to monitor whether the defendant complies with the no-contact provision.

In OLO’s opinion, relying on the victim to report a violation of a pre-trial release condition places a burden on the victim and significantly compromises the victim’s safety. OLO recommends that the County implement strategies to more consistently impose pre-trial supervision in domestic violence misdemeanor cases as one concrete way to increase victim safety. OLO also recommends that protocols be developed so that high-risk defendants are no longer released to the community unsupervised.

Increase the frequency and scope of follow-up police investigations

In many domestic violence cases, circumstances at the crime scene limit the extent of the initial investigation. Routine constraints include the victim’s emotional state and the responding officer’s time. A follow-up investigation can uncover evidence not available to the law enforcement officer who provided the initial response. For example, a follow-up investigator can conduct more in-depth interviews with victims and witnesses, and obtain supplemental statements to strengthen the chance of conviction. A follow-up investigator can also take follow-up photographs of victims that show the full extent of bruising several days after an assault, or broken capillaries in the eyes of strangulation victims.

OLO recommends that the County increase the capacity of the Montgomery County Police Department to conduct follow-up investigations of misdemeanor domestic violence incidents. OLO recommends the Police Department place special emphasis on pursuing the warrant/arrest of domestic violence offenders who are no longer on the scene when the police initially respond; and investigating whether known situations of domestic (partner) violence also evidence child abuse.

OLO recommends placement of investigative follow-up responsibility of domestic violence misdemeanors with the Department's Family Services Division. This placement would facilitate the investigation for child abuse in cases where partner violence is found, and simultaneously facilitate the investigation for partner violence in cases where child abuse is found.

Increase the resources available to prosecute domestic violence misdemeanor cases

The Family Violence Unit in the State's Attorney's Office currently uses a team of one prosecutor, a legal assistant and student volunteer caseworkers to prepare and prosecute misdemeanor domestic violence cases in District Court. Although the Family Violence Unit supervises the screening of all domestic violence cases, the dedicated attorney in the Family Violence Unit must routinely hand off the prosecution of domestic violence misdemeanors to other Assistant State's Attorneys.

OLO recommends increasing the capacity of the Family Violence Unit to more fully prepare and prosecute misdemeanor domestic violence cases. OLO recommends that the interim work group address the need for a permanent case screener position to add stability to case preparation; the need for additional prosecutors to develop adequate sentencing and probation recommendations; and the need for additional prosecutorial resources to staff misdemeanor cases that end up in Circuit Court.

Enhance post-trial supervision levels and services

OLO recommends that the interim work group explore strategies to increase the use of the Pre-Release Center (PRC) and Community Accountability, Reintegration and Treatment (CART) programs in the Department of Correction and Rehabilitation PRC and CART programs for domestic violence offenders. OLO believes these innovative programs deserve to be tried more often to help families struggling with domestic violence. The work group should also examine whether there are strategies to improve the supervision of misdemeanor cases, given the current caseloads of the domestic violence parole and probation agents.

Recommendation #4: Make it possible for a domestic violence victim in Montgomery County to obtain an emergency restraining order beyond regular court business hours.

In Montgomery County, a significant drawback is that a domestic violence victim can apply for an emergency Ex Parte Order only during court business hours. Court business hours are generally 8:00 AM to 4:30 PM, Monday through Friday. The court is closed for 11 weekday holidays a year. A victim who is assaulted on the Friday evening of a three-day weekend must wait until Tuesday morning to apply for an Ex Parte Order.

When the police respond to a 911 call for a domestic violence incident on the weekend or during the week after the mid-afternoon, the only emergency response available is criminal prosecution (through an arrest or filing a statement of charges). A victim who wants to pursue a civil remedy must wait to apply for an Ex Parte Order of protection during regular court business hours. (Findings, Gap #5)

Many jurisdictions across the country recognize that a domestic assault is not an event a victim schedules in advance to take place at a convenient hour. These jurisdictions have created procedures that enable a domestic violence victim to apply for and obtain an emergency restraining 24 hours a day, seven days a week. More than five years ago, the County Executive's Task Force Against Domestic Violence advocated expanding the availability of Ex Parte Orders. OLO recommends that the interim work group consider options to make Ex Parte Orders available beyond court business hours. Possible models to consider would include:

- New procedures to enable a judge to hear and make decisions on Ex Parte applications during non-business hours;
- State legislative changes to allow police officers to issue short term emergency orders at the scene of a 911 patrol response, or
- State legislative changes to allow a victim to apply to the District Court Commissioner 24 hours a day for a short-term emergency order.

OLO recommends that the interim work group weighs the advantages, disadvantages and costs of each approach, and identify specific legislative changes and funding needed to implement a solution. If possible, the interim work group should report to the Council by September 1, 2000 to enable the County to seek any recommended changes in state legislation next year.

Oversight recommendations

OLO proposes three recommendations to strengthen the oversight of domestic violence services in Montgomery County. Specifically, OLO recommends:

- Procedural changes to ensure that judges know when an individual fails to comply with a court order to attend batterer's counseling;
- Measures to improve how the public sector assesses and reports on the effectiveness of domestic violence interventions in Montgomery County; and
- Regular Council Committee worksessions to review progress on improving the response to domestic violence in Montgomery County.

Recommendation #5: Ensure that judges know when an individual fails to attend court-ordered batterers' counseling.

OLO found there is no reliable inter-agency system to ensure that judges are informed when someone has failed to comply with the judge's order to attend batterers counseling. (Findings, Gap # 6) OLO recommends the following procedural changes:

- At least once a week, the District Court should provide the Abused Persons Program with a complete list of individuals who have been court-ordered to batterers' counseling. The list should include names of individuals ordered to counseling as part of any Protective Order, criminal sentence, condition of probation, pre-trial release condition, or any other District Court proceeding.
- At least once a week, the Circuit Court should provide the Abused Persons Program with a similar list. The Circuit Court's list would include individuals referred to counseling as part of a Protective Order, a criminal sentence, a condition of probation, or any other Circuit Court proceeding.
- The Department of Health and Human Services (DHHS), the District Court, and the Circuit Court should develop a written agreement that outlines when and how DHHS reports back directly to the courts (and/or to the Division of Parole and Probation) the status of compliance with judges' orders to counseling.
- The Chief Administrative Judge in the District Court and the Chief Administrative Judge of the Circuit Court should develop internal procedures to ensure that notice of non-compliance is consistently being forwarded to the sentencing judges and that appropriate follow-up action is being taken.

Recommendation #6: Improve how the public sector measures and reports on the effectiveness of domestic violence interventions in Montgomery County.

OLO is a major proponent of the concept that government should understand the short and long-term results of publicly funded programs, and target public money to interventions that can demonstrate that they achieve measurable outcomes. Unfortunately, as outlined in previous chapters, the current research base identifies only a relatively small number of well-designed evaluations that document the effectiveness of specific domestic violence interventions. In addition the data currently tracked and reported by State and County agencies provide little information upon which to make results-oriented decisions.

This recommendation outlines OLO's recommendations for improving how information about the performance and effectiveness of domestic violence interventions in Montgomery County is tracked and reported. OLO offers these recommendations with the recognition that true outcomes-oriented data collection is both resource intensive and longitudinal, and that the public sector is not going to hold off on interventions until the research definitively concludes "what works."

OLO found that most of the agencies involved in responding to domestic violence maintain some workload data. Workload data provide useful information about the levels of activity, but fall short of providing information about whether specific interventions are effectively reducing the level of violence in the community.

OLO recommends that in the absence of reliable outcomes data, the Council should continue to monitor the already available workload data from the involved agencies as measures of activity. In some cases, the activity data can also serve as surrogate measures of short-term results. OLO recommends that the Council also support a concerted effort to augment the workload data over time with measures of the longer-term results (outcomes) of various domestic violence interventions in Montgomery County.

Table 8 at page 102 lists data that OLO recommends the Council review regularly. The first and second columns identify the data to collect. The third column suggests the department or office to collect the data. The fourth column explains what the data will measure. Over time, the data listed here should help the Council monitor the progress being made to respond to domestic violence in Montgomery County.

In addition to these data, OLO also recommends a survey of victims to measure the outcome of victim safety. OLO suggests a short questionnaire be developed to assess victim perceptions of safety and that the questionnaire be administered at different service delivery points across the civil, criminal and health and human service systems. Over time, the results of this survey would measure the effectiveness of victim assistance services as well as the effectiveness of different interventions in achieving victim safety.

In addition to the data outlined above, OLO recommends that the County explore the feasibility of partnering with a local university to conduct evaluations of the effectiveness of specific domestic violence interventions over time (e.g., one year, two years, three or more years) on the recurrence of violence. During the past three years, DHHS has partnered successfully with a professor at the University of Maryland to evaluate the effectiveness of batterer counseling. OLO recommends the County explore the feasibility of expanding this partnership or initiating a new one to conduct reliable research on the effectiveness of domestic violence interventions in Montgomery County.

Recommendation #7: Hold regular Council Committee worksessions to review progress on improving the response to domestic violence in Montgomery County.

The Council's Public Safety and Health and Human Services and Committees should continue their practice of jointly holding regular meetings to focus attention on domestic violence in Montgomery County. OLO recommends that, at least for the next three years, the Committees convene special sessions twice a year to focus on progress being made to improve the response to domestic violence.

**Table 8
Recommended Data Collection**

Ex Parte/Protective Orders and Peace Orders

Report number of:	Calculate as percent of:	Agency best positioned to collect data:	Comments
Partner-related Ex Parte and Temporary Peace Orders received in Sheriff's Office for service	All filings for Ex Parte and Temporary Peace orders	Sheriff	Measures Sheriff's Domestic Violence Unit workload and measures percent of orders that are partner related.
Respondents named in new Ex Parte and Temporary Peace Orders who have been named in previous Orders	N/A	Sheriff	Measures continuing violence in situations following intervention.
Protective Orders and Peace Orders issued	All filings for partner-related Ex Parte and Temporary Peace orders	Sheriff	Measures the number/percent of petitioners who pursue and obtain continued civil protection after Ex Parte Order expires.

Law Enforcement Data

Should include data for Montgomery County Police Department, municipal police departments of Rockville, Gaithersburg, and Takoma Park, and Park Police.

Report number of:	Calculate as percent of:	Agency best positioned to collect data:	Comments
Calls dispatched for domestic violence	All calls dispatched for service	MCPD	Measures number/percent of calls that the Emergency Communication Center identifies as domestic violence.
Calls dispatched for domestic violence and cleared as "Dash-One"	All calls dispatched for domestic violence	MCPD	Measures number/percent of calls dispatched as domestic violence where event was verified, but no report or arrest was made.
Supplemental Domestic Violence Forms completed	All calls dispatched for domestic violence	MCPD	Measures number/percent of calls dispatched as domestic violence where Supplemental Domestic Violence Form completed.
Arrests made for partner related assaults or other crimes (include on-view arrests and arrests obtained at a later time)	All calls dispatched for domestic violence	MCPD	Measures number/percent of calls dispatched as domestic violence that result in arrest.

**Table 8 continued
Recommended Data Collection**

Courts/Parole & Probation Data

Report number of Domestic Violence Misdemeanor Assaults that are:	Calculate as percent of:	Agency best positioned to collect data:	Comments
New cases logged: <ul style="list-style-type: none"> • New victims • Repeat victims • New offenders • Repeat offenders 	All new domestic violence misdemeanors assaults logged	State's Attorney	Measures repeat victims and repeat offenders. Data provide evidence of continued violence after intervention.
Outcomes of cases scheduled for court: <ul style="list-style-type: none"> • Guilty verdict • Probation before judgement • Nolle Prosequi • Stet Docket • Jury trial requested 	All domestic violence misdemeanors cases scheduled for court	State's Attorney or District Court	Provides one measure of batterer accountability. Further analysis can be done with respect to the characteristics of cases that result in the different outcomes.
Punishment given out to offenders found guilty: <ul style="list-style-type: none"> • Incarcerated • Placed on probation with suspended sentence • Ordered to batterers counseling 	All domestic violence misdemeanor cases with guilty verdict.	State's Attorney or District Court	Provides another measure of batterer accountability.
Number of violations of probation reported to the court by Parole and Probation for domestic violence offenders	Number of domestic violence offenders on probation	District Court or Parole and Probation	Measure follow-up on batterer accountability.

Table 8 continued

Counseling for Abusers

Report number of:	Calculate as percent of:	Agency best positioned to collect data:	Comments
Individuals court-ordered to batterers counseling as a result of: <ul style="list-style-type: none"> • Criminal proceeding • Civil proceeding 	Total number of domestic violence misdemeanors scheduled for court and total number of protective orders issued	District Court and Circuit Court	Shows how often judges are ordering counseling as part of domestic violence-related criminal sentences and protective orders.
Individuals court-ordered to batterers counseling who: <ul style="list-style-type: none"> • Never showed up • Dropped out • Completed required number of counseling sessions 	Total number of individuals court-ordered to batterers counseling	DHHS (in conjunction with data from Courts above)	Measures compliance with court order related to batterer accountability.
Individuals arrested for domestic violence related offense while enrolled in batterers counseling	Total number of individuals court-ordered to batterers counseling	MCPD and DHHS	Measures continued violence during counseling intervention.

Connecting Partner Abuse with Child Abuse

Report number of:	Calculate as percent of:	Agency best positioned to collect data:	Comments
Ex Parte Orders that involve children	All Ex Parte Orders received in Sheriff's Office for service	Sheriff	Measures number of known situations where children exposed to domestic violence.
Domestic Violence Supplemental Forms that indicate children are present	All Domestic Violence Supplemental Forms	MCPD	Measures number of known situations where children exposed to domestic violence.
Ex Parte Orders that include Judge's order for a child abuse investigation	All Ex Parte Orders received in Sheriff's Office for service	Sheriff	Measures overlap between partner and child abuse.
Respondents named in Ex Parte/Protective Orders who have child abuse charges (either past or pending)	All Ex Parte Orders received in Sheriff's Office for service	Sheriff and State's Attorney	Measures overlap between partner and child abuse cases.
Defendants in domestic violence criminal proceedings who have child abuse charges (either past or pending)	All new domestic violence cases logged	State's Attorney	Measures overlap between partner and child abuse cases.

Domestic Violence-Related Supplement to Pre-Sentence Investigation

Misdemeanor PSI Gross Misdemeanor PSI Felony PSI

Name: _____

SOURCES OF INFORMATION (Check all that you were able to use.)

Interview with victim or advocate Interview with offender

Collateral Information

Police report Watch report Past police contact Criminal history
 OFP history DAIP history Advocate report Other

SEVEN POINTS TO CONSIDER

1. Level of violence and/or intimidation of this incident

<input type="checkbox"/> Single blow or minor injury	<input type="checkbox"/> Victim required medical attention
<input type="checkbox"/> Multiple blows, minor injury	<input type="checkbox"/> Caused victim extreme fear
<input type="checkbox"/> Multiple blows, significant bruising	<input type="checkbox"/> Made terroristic threats
<input type="checkbox"/> Multiple blows, severe abrasions/injury	<input type="checkbox"/> Threatened w/ weapon
<input type="checkbox"/> Significant pain	<input type="checkbox"/> Used weapon during incident
<input type="checkbox"/> Bodily impairment	_____
<input type="checkbox"/> Fracture	_____

Comments: _____

Is there information to suggest that the following occurred? Check all that apply.

2. Past violence/pattern of abuse—physical, sexual, intimidation Information for 2 & 3 can be gathered from Women's Coalition form, police report, and/or interview with victim.

- ___ Offender has seriously injured the victim (victim needed medical attention).
- ___ Offender's assaults are becoming more violent, brutal, and/or dangerous.
- ___ Offender has choked the victim.
- ___ Offender has injured or killed a pet.
- ___ Offender has threatened to kill the victim.
- ___ Abuse has included sexual coercion or attacks.
- ___ Offender used a weapon against the victim or threatened to do so.
- ___ Offender is assaulting the victim more frequently.
- ___ Offender has attempted to intimidate the victim. How? _____

Describe the most severe violence victim has experienced from this partner.

Comments: _____

3. Victim's perception—isolation, victim attempting to separate

- ___ Victim believes the offender may seriously injure or kill her/him.
- ___ Victim appears extremely protective of the offender (trying to reduce bail, charges, etc.).
- ___ Victim has separated or tried to separate from the offender in the past 12 months.
- ___ Victim has sought outside help (OFP, police, shelter, counseling) during the past 12 months.
- ___ Victim seems isolated from sources of help (car, phone, family, friends, etc.).

Comments: _____

Fig. 1.1, page 1

4. Offender attitude

- Offender lacks remorse about the incident.
- Offender denies responsibility for behavior.
- Offender seem preoccupied or obsessed with the victim (following, monitoring whereabouts, very jealous, etc.).
- There is information to suggest that offender is stalking the victim.
- Offender blames victim for the violence.

Comments: _____

5. Offender social history (If checked, comment below.)

- Offender drinks excessively/has an alcohol problem.
- Offender uses street drugs (speed, cocaine, steroids, crack, etc.).
- Offender has had alcohol/drug treatment.
- Offender has had psychiatric treatment in the past.
- Offender was abused as a child or witnessed the physical abuse of his/her mother.
- Offender seems seriously depressed or has threatened to commit suicide.
- Offender has had homicidal thoughts.
- Offender has committed non violent crimes.
- Offender has been exposed to institutional violence: _____
- Offender has a history of violence to others (besides family members).
- Offender has experienced unusually high stress in the past 12 months (loss of job, loss of children, death, financial crisis, etc.).

Comments: _____

6. Arrest/Conviction/OFP record – (violent acts and domestic related)

7. Impact on children—safety needs of children during visitation, abuse of children

- Were children present during this incident?
- Were children involved in any way in the incident?
- Have children been abused by offender?
- Has offender ever attempted or threatened to abduct children?
- Are children afraid of the offender?

Comments: _____

IX. AGENCY COMMENTS ON FINAL DRAFT

The Office of Legislative Oversight circulated a final draft of this report to the Circuit Court, District Court, State's Attorney, Sheriff, Division of Parole and Probation, Public Defender, municipal police departments of Rockville, Gaithersburg, and Takoma Park, and the Chief Administrative Officer and involved Executive Branch departments. The final report incorporates all of the technical corrections received by April 17, 2000.

The written comments transmitted by the Chief Administrative Officer, State's Attorney, Sheriff, Chief of the Rockville City Police Department, and Chief of the Gaithersburg City Police Department and Gaithersburg Victim Advocate are included in their entirety beginning on the following page.

OLO greatly appreciates the time taken by everyone to review and provide feedback on OLO's draft report. OLO looks forward to a continuing discussion of the issues raised as the Council reviews the report.



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

April 18, 2000

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: Bruce Romer, Chief Administrative Officer

SUBJECT: Office of Legislative Oversight DRAFT Report 2000-1, Improving the Response to Domestic Violence in Montgomery County

Thank you for the opportunity to comment on the DRAFT OLO Report 2000-1, Improving the Response to Domestic Violence in Montgomery County. This report is thorough and in keeping with the usual tradition of excellent work by the Office of Legislative Oversight. The findings recording gaps in service delivery and information flow are consistent with the experience and knowledge of Executive Branch staff who deliver services in this critical area every day. We share OLO's views that the goal is to have an effective system that maximizes victim safety and batterer accountability and that we need to develop measures that demonstrate the effectiveness of domestic violence interventions.

We support OLO's recommendation to establish an interim work group. As suggested, this group should include senior staff from the Police Department, Department of Health and Human Services, Department of Correction and Rehabilitation, the Sheriff's Office, the District Court Commissioner, and the Circuit Court. This group of experienced and knowledgeable professionals can analyze the findings of the report, establish appropriate goals and a detailed action plan, coordinate the necessary actions and define resource requirements that will ensure systemwide solutions. You may want to consider including one of the Regional Services Center Directors, whose insights would provide an important community perspective. We will ensure that Executive Branch senior staff can commit time to this effort.

As noted in this report, the County Executive's Recommended FY01 budget includes funds for expanding the Domestic Violence Unit by adding three deputies and clerical support staff. Support for additional funding requests will be contingent upon evidence of a cohesive and integrated approach to improving the County's response to domestic violence. We believe that the report recommendations, if implemented, will entail considerable commitment of

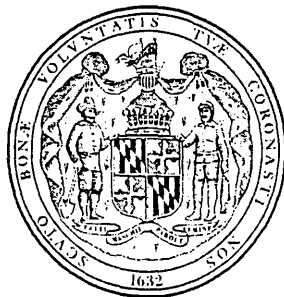
Karen Orlansky
April 18, 2000
Page 2

staff resources and will require careful coordination and management. It is essential that the requirements for implementing corrective actions be understood before committing to implementation of the final action plan.

I look forward to the release and Council discussion of this report.

BR:rsd


cc: Charles A. Moose, Ph.D., Chief of Police
Charles L. Short, Director, Department of Health and Human Services
Arthur M. Wallenstein, Director, Department of Correction and Rehabilitation
Robert K. Kendal, Director, Office of Management and Budget
Anise Brown, Director, East County Regional Services Center
Natalie Cantor, Director, Mid-County Regional Services Center
Lori Gillen, Director, Silver Spring Regional Services Center
Gail Nachman, Director, Bethesda-Chevy Chase Regional Services Center
Steve Poteat, Director, Upcounty Regional Services Center
Major Robert Barnhouse, Chief, Field Services Bureau
Major Alan Rodbell, Chief, Management Services Bureau
Captain Donald Mates, Acting Chief, Investigative Services Bureau
Captain Timothy Delaney, Family Services Division, ISB
Captain Richard Svertesky, Communications Division, MSB
Corinne Stevens, Chief, Crisis, Income and Victim Services, DHHS
Saralee Todd, Special Assistant to the County Executive



OFFICE OF THE STATE'S ATTORNEY

Memorandum

TO: Karen Orlansky, Director
Sue Richards, Program Evaluator
Office of Legislative Oversight

FROM: Douglas F. Gansler, State's Attorney 

DATE: April 17, 2000

RE: OLO Report 2000-1: *Improving the response to Domestic Violence in Montgomery County*

I commend you for your comprehensive evaluation of Montgomery County's system-wide response to domestic violence.

When I took office in January 1999, the creation of a district court domestic violence docket was a top priority. Thanks to the enthusiasm and cooperation of Judge Vaughey, that goal was realized within a few short months. That was a significant step toward prioritizing domestic violence cases. Now, several months later, it is time to further improve our treatment of domestic violence cases.

I welcome the opportunity for my office to cooperate with other agency members to develop a coordinated response to the problem of family violence in our community. I support the creation of an interagency work group to strategize and make further recommendations.



Maryland's First
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Sheriff's Office

MONTGOMERY COUNTY
SHERIFF



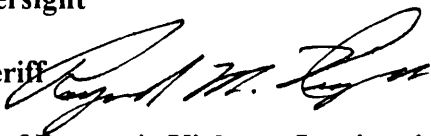
Raymond M. Kight
Sheriff
240-777-7000

50 Maryland Avenue
Rockville, Maryland 20850-2306

April 19, 2000

MEMORANDUM

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: Raymond M. Kight, Sheriff 

SUBJECT: Report 2000-1, A Study of Domestic Violence Services in Montgomery County

Thank you for the opportunity to review the OLO report. Generally, I agree with the comments regarding the Sheriff's Office role and responsibilities. I anticipate the full cooperation of all County and State agencies involved.

With the Council's and OLO's support the objectives of the report can be brought to fruition. I am confident that we can and will continue to provide first class services to the victims of domestic violence.



City of Rockville

MEMORANDUM

March 29, 2000

TO: Karen Orlansky, Director
Office of Legislative Oversight

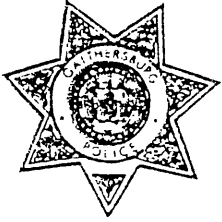
FROM: T. N. Treschuk, Chief of Police
Rockville City Police Department

[Handwritten signature and date]
3/29/00

SUBJECT: Review of Draft Office of Legislative Oversight Report 2000-1:
Improving The Response To Domestic Violence in Montgomery County

Thank you for allowing us the opportunity to review the Office of Legislative Oversight's report on improving the response to domestic violence in Montgomery County. We agree with the findings of your office and support the recommendations. We look forward to working in collaboration with the County in whatever way needed to continue to enhance the services received by victims of domestic violence.

TNT:mer



POLICE DEPARTMENT



7 East Cedar Avenue • Gaithersburg, Maryland 20877 • 301-258-6400

Mary Ann Viverette
Chief of Police

April 14, 2000

Karen Orlansky, Director
Office of Legislative Oversight
100 Maryland Avenue
Rockville, MD 20850

Dear Karen:

We would like to comment on the draft of Report 2000-1 "A Study of Domestic Violence Services in Montgomery County." Overall, the report explains the current system in a very comprehensive manner. The systematic breakdown of each agency aids in understanding aspects of the system that are not well known by every agency.

Our specific comments focus on two areas. On page 82 (second paragraph), there is a discussion of the County's Supplemental Domestic Violence Form. It explains that Montgomery County Police Department and the State's Attorney's Office developed this form. It is our understanding that the three municipal agencies (Gaithersburg Police Department, Rockville City Police Department and Takoma Park Police Department) also gave input for the development of this form.

The other area, mentioned on page 91 through Recommendation #1, is the creation of a "S-TEAM." Our agency asks that the team communicate frequently with the municipal law enforcement agencies in Montgomery County as well, to ensure the sharing of information. Municipal case investigations are handled separately from Montgomery County Police cases and the objectives of this team should apply to all Montgomery County domestic violence victims.

The report offers excellent recommendations for the enhancement of domestic violence services in Montgomery County and we agree with them. We look forward to working with Montgomery County to help facilitate future efforts and share information.

Sincerely,

Mary Ann Viverette
Chief of Police
Gaithersburg Police Department

Marcie H. Deitch
Victim Advocate
Gaithersburg Police Department

A Nationally Accredited



Law Enforcement Agency