

Protecting Victims of Domestic Violence  
in Montgomery County:  
Challenges and Opportunities with Protective  
and Peace Orders



**CourtWatch**  
**MONTGOMERY**  
A Public Eye on Domestic Violence

by

**Court Watch Montgomery**

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Court Watch Montgomery is an all-volunteer, non-profit organization that works to improve domestic violence victim safety by reducing obstacles to effective legal protection and holding offenders accountable.

## Dedication

Elizabeth Velez Vasquez never made it to court. She was killed February 9, 2011 by her husband, who stabbed her 79 times as she tried to escape through a window. Elizabeth's sister in Silver Spring now raises her two boys, 3 months and 2 years old. Elizabeth was 33 years old.

Sue Ann Marcum of Bethesda was a popular accounting professor at American University. She was killed by her intimate partner in her own home on October 24, 2010. She was bludgeoned, then strangled to death. Sue Ann was 52.

This report is dedicated to Elizabeth Velez Vasquez and Sue Ann Marcum and the women before them who have been killed in Montgomery County by intimate partners.

## **Their Stories:**

*We do not have room in this report to relate the stories of all the victims we listened to in court – over 640 of them; but at the outset we want to provide a sense of what some of them experienced:*

“He took me outside in the winter in my wheelchair, and he sprayed me with the hose.”

“He threatened to throw our three month old baby into the ocean and let her drown, or throw her over a balcony.”

“He held a blowtorch near my leg.”

“He pushed and shoved me. My six year old son and I fell down the stairs. My son hurt his neck.”

“He told me bodies burn at 800 degrees and that he would kill me and hide my body in the forest in Pennsylvania and no one will ever find me.”

“He told me he would cut off my face if I ever went with another man.”

# Protecting Victims of Domestic Violence in Montgomery County:

## Challenges and Opportunities with Protective and Peace Orders

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# Protecting Victims of Domestic Violence in Montgomery County:

## Challenges and Opportunities with Protective and Peace Orders

### Executive Summary

Over 4,000 women are victims of domestic violence in Montgomery County each year.\* National data suggest that over 76,000 women in Montgomery County will be attacked by an intimate partner at some time in their lives.<sup>1</sup>

Each year domestic violence has fatal consequences. From July 1<sup>st</sup>, 2002, to the present, 48 people were killed by their partners or ex-partners in Montgomery County.<sup>2</sup> In the past twelve months alone, two women have been killed by their intimate partners.

When a domestic violence victim decides to flee her abuser, her chances of being physically attacked by her partner skyrocket.<sup>3</sup> While not a panacea, a protective or peace order can help her dramatically reduce or stop the violence, particularly when combined with a broader safety plan.<sup>4,5</sup> Over 3,000 people request legal protection from their intimate partners annually from the Montgomery County District Courts in the form of protective and peace orders.<sup>6</sup>

Court Watch Montgomery was established in September 2010 to provide a public eye on domestic violence in Montgomery County. This report focuses on the process for granting orders between intimate partners (some protective orders and others peace orders) in our county's district courts. It summarizes data collected from over 640 peace and protective order hearings between intimate partners at the Rockville and Silver Spring District Courts from mid-January to mid-July, 2011. Twenty-five trained and supervised volunteers spent over 1,000 hours observing hearings in teams of two to gather the data described. A more detailed description of the methodology employed can be found in Appendix 1.

\* For purposes of this report we refer to victims as female. There are male victims of domestic violence, and we refer to specific cases in the study. But women are the victims of the vast majority of serious partner violence (See Logan, T.K., Walker, Robert et al. 2009; Rennison & Welchans, 2000; and Tjaden 2000). Female victims tend to sustain more serious injuries. Injuries to male "victims" are often due to self-defense on the part of the female partner. In 70-80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman prior to the murder.

## Major Findings and Recommendations

Court Watch Montgomery's monitoring found that the County's district courts, judges, clerks, bailiffs, interpreters and sheriffs do many things well and we acknowledge that their jobs are not easy ones.

Judges used some exemplary practices during protective/peace order hearings, uniformly taking care in framing questions so as not to reveal victims' confidential information, such as work addresses or new home addresses, and consistently ensuring that respondents with pending criminal charges understood the ramifications of testifying. In 89% of these difficult and often emotionally fraught hearings, judges displayed respect and patience toward both parties.


Courtroom policies also enhanced efficiency and security. The morning docket dedicated to protective and peace orders was a great improvement over many other jurisdictions where such hearings are mixed in with criminal cases or bond hearings. Montgomery County courts allow advocates to provide active support and often enlist their expertise in domestic violence issues to help resolve complex cases. The presence of one, or more commonly two, bailiffs in each morning session provided immediate security and added to the victim's sense of safety. Interpreters of Spanish and French were virtually always on call in both courthouses throughout the morning docket.

Despite such practices, our monitoring reveals significant lapses at important steps during the protective and peace order process. Our key findings and recommendations include:

- In 85% of relevant cases, judges and bailiffs did not use the nationally-recommended practice of letting the victim leave the courthouse 15 minutes before the offender, allowing her to get safely to her transportation without fear or injury.

**Recommendation:** Judges should always use the “staggered exit/victims first” strategy. By delaying the abuser’s exit by just 15 minutes, the court enables the victim to get out of the courthouse safely.

- In 99% of relevant cases, victims sat or waited in close proximity to their ex-partners before and after hearings, unprotected by bailiffs or security guards who could ensure there was no contact, intimidation, or violence.



Our recommendations cost little or nothing. Nor do they require significant amounts of the judges' time.

**Recommendation:** Bailiffs should always be present in waiting areas, both before the start of court sessions and while victims are waiting for their orders outside the courtroom after hearings.

- In 67% of relevant hearings, judges did not tell the respondent that it is a crime to violate a protective or peace order, which may be punishable by time in jail. Judges infrequently encouraged petitioners to report violations to police or to the court.

**Recommendation:** Judges should strengthen the deterrent power of protective orders by always informing respondents that violating their order is a crime that may result in imprisonment. Judges should encourage victims to report all violations.

- In 68% of relevant cases, judges did not tell respondents that, under federal and state law, when a final protective order goes into effect they must surrender any firearms owned or in their possession.

**Recommendation:** In all hearings that grant final protective orders, judges should tell respondents they must turn in any firearms they own or possess and that it is a crime not to do so.

- While 3 of the county's 11 district court judges had perfect records in treating parties with respect, another 3 – to an extent significantly out of line with their colleagues – were frequently rude and intimidating in at least one out of every five of their cases.

**Recommendation:** State courts should require judges and other court staff involved in protective order dockets to participate in continuing education on domestic violence issues to help ensure appropriate demeanor toward all parties.

- Nearly three-quarters of parties did not bring lawyers to these hearings. Parties often had questions about their rights and options that were not answered in full. Introductions by the judge varied widely in thoroughness and were never translated.

**Recommendation:** State or county courts should create a video – in Spanish as well as English – which can be played at the start of each day's protective order docket, providing a succinct overview of the process and participants' legal options.

- In 27% of cases judges failed to take three crucial steps for ensuring compliance: summarizing in simple language the provisions in the final order; asking the parties if they understand the order; and asking if they have any questions.

- **Recommendation:** Judges should take a moment at the end of a hearing when a final protective or peace order is issued to reiterate the order's provisions and to ask if both parties understand what the order requires and what it prohibits. They should also tell the petitioner how to report any violations of the order.



- Victims seeking orders at the Silver Spring courthouse were frequently required to travel to Rockville for a separate interview with the Sheriff's Office after they obtained their order. Victims seeking orders in Rockville were asked to walk to the Family Justice Center. Traveling to a separate interview is a significant addition of time and effort for victims that may also place them in unnecessary danger.

**Recommendation:** The Sheriff's Office should save petitioners substantial time and effort and conduct all interviews for orders in the courthouses. Interviews could be in person, by phone, or, from Silver Spring, by utilizing a video link that already exists at county expense.

- On average, parties at the Silver Spring court had to wait about three times as long for their final orders as petitioners at the Rockville court. Clerks, citing court policy, were unwilling to look up requested case numbers – which takes less than a minute and is an essential service regularly provided at the Rockville court.

**Recommendation:** The Administrative Judge and the Clerk of the Court should evaluate the cause of lengthy wait times in Silver Spring and act to correct the problem.

- A full 17% of all cases heard were dismissed by petitioners, who had previously sought the court's protection. In the 38 of these 106 cases where the victim came to court to ask that their order be dropped, judges asked only 63% of them if they were coerced, 26% if they felt safe. They told only 32% of petitioners wanting to dismiss that they could come back at any time and file again if they felt in danger.
- **Recommendation:** Judges should more actively engage these petitioners, asking if they have been coerced, if they feel safe and reiterating that they can come back to court anytime should they feel they are in danger. In more serious cases the judge should ensure that victims are referred to an advocate either before their final decision or before they leave the courthouse.

Additional findings and recommendations are described in the full report.

The changes we recommend, which reflect nationally- and state-recommended best-practices, **would cost virtually nothing in additional expense or time.** Each of the practices we recommend is already being used on a regular basis by at least one of the 11 district court judges we monitored, which suggests these are workable, practicable ideas.

Our recommendations would:

- Improve the physical safety of domestic violence victims before, during, and after hearings on orders;
- Strengthen deterrence, reducing protective order violations;
- Increase the number of victims in Montgomery County who successfully obtain full, effective final protective or peace orders;
- Help link a higher percentage of victims to social services;
- Increase victim and community trust in the court system.

Court Watch Montgomery plans to continue to monitor both District Courts and to pursue other steps aimed at reducing domestic violence in Montgomery County.

## Introduction

Over 4,000 women are victims of domestic violence in Montgomery County each year.<sup>1</sup> Peace and protective orders can be critical instruments for reducing or stopping such violence. The actions of judges, clerks, interpreters, and other court personnel are critical to making the peace and protective order process effective. This is particularly true where a great majority of the parties are without counsel and unfamiliar with legal procedures, as is the case in civil domestic violence court.

Much in this system currently works well in Montgomery County. But too many victims of abuse in the County are left at unnecessary risk due to lapses in this system, which could be fixed with little effort and little or no cost.

Court Watch Montgomery was established in September 2010 to provide a public eye on domestic violence in Montgomery County. We began our work by focusing on the process for issuing protective and peace orders in the County's district courts. We plan to focus on other aspects of the County's systems for combatting domestic violence as well. We are one of many domestic violence court watch organizations in the U.S. and have learned a great deal from those organizations.

*We are extremely grateful to our 25 volunteers who gave so many hours to the project and made recommendations for changes that have improved the project design, outcomes, and analysis in this project. This report would not exist without them.*

We are aware that the court processes we monitor are subject to judicial review and that the parties have recourse to appeal if they feel justice has not been served. But our report is not aimed at evaluating judges' applications of law or affecting outcomes. Rather, we seek to highlight *administrative* practices that judges and other court personnel can adopt at their discretion in order to improve the protection of domestic violence victims. As one of our 11 judges pointed out in a hearing, "These cases are designed to prevent people from being injured." To achieve that goal, judges need not only to apply the law, but to apply administrative practices aimed at protecting victims.

*"Develop court watch or self-evaluation programs internally and externally in order to monitor court progress, identify problems and provide feedback on problem areas."*

*Recommendation to courts, by the National Council of Juvenile and Family Court Judges, 2010*

We fully acknowledge the service and dedication of the county's judges, and court personnel. This report highlights the many admirable practices by such individuals we observed in the cases we monitored. Court Watch Montgomery recognizes the workloads and resource constraints judges face. We understand, for example, that each district court judge may handle thousands of cases per year and that the existing budget climate will make it difficult to reduce that load by adding more judges to the bench. Yet we also believe that – even with these constraints – the key professionals in this system can easily create a process that does much more to protect victims and prevent domestic violence.

Successful protection of domestic violence survivors requires the coordinated intervention of multiple parts of the Maryland and Montgomery County judicial and executive branches, including District Court personnel, the Family Justice Center, the Abused Persons Program (in the county Department of Health and Human Services), the Montgomery County Police, the Montgomery County Detention Center, Commissioners, and the Sheriff's Office. Organizations outside government – such as the pro bono lawyers from House of Ruth – are critical as well.

We hope our observations and recommendations will be useful to all those who partner in the process of helping domestic violence survivors obtain effective legal protection and that small modifications in the District Courts current practices will increase survivors' safety by increasing the number of victims who use the court process to obtain final peace and protective orders.

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## **A word about methodology**

This study, Court Watch Montgomery's first, is based on monitoring of the Rockville and Silver Spring district courts over a six month period, mid-January to mid-July, 2011. A full description of the methodology is in Appendix 1.

As Appendix 1 notes, we chose to focus this first study on the protective and peace order hearing process because of the central role it can play in protecting victims of domestic violence. Within that process, we chose to look at the full range of actors and actions that can most impact victim safety: judges, clerks, bailiffs, interpreters, sheriffs, and – to the extent possible – the dynamics in the waiting areas where parties often wait in close proximity.

We want to note some caveats about our findings. First, although we monitored a broad and extensive sample of relevant cases, we did not monitor every case, and our results may reflect inadvertent sampling errors.

Second, in displaying the performance of the various judges across a range of metrics, we have not tried to adjust for factors such as the size of each judge's caseload, or the nature of their case mix; however, nearly all of the factors we evaluate (e.g., "did the judge inform abusers it is a crime to violate their order?") should not depend on caseload or case mix.

Third, while some of the factors we monitored are self-defining (e.g., "was the respondent present?"), others were more subjective (e.g., "did the judge treat parties with respect?"); we developed detailed procedures to train our citizen-monitors and define criteria for such questions; but such assessments remain subjective.

Fourth, those of us doing the scoring admittedly approach this project with a concern about domestic violence victims, which may introduce bias. Yet the fact that our study documented many positive and admirable practices (e.g., we found that, on average, judges treated parties with respect in 89% of cases) suggests any such bias was not overwhelming. There is a slight risk that biases by our observers and analysts could have led to more "negative" findings about the performance of court personnel. However, given the fact that judges and court personnel were aware of our presence in court (we alerted all 11 judges in advance of all the factors we would be monitoring, and had each of our monitors wear a lapel button during each monitoring session, clearly identifying them as Court Watch Montgomery monitors), there is also a risk that these data could be unrepresentative in showing a more "positive" picture than the daily reality in the Montgomery County district courts.

Ultimately, this is not an academic paper, but a report on an extensive body of data collected by citizen volunteers who participated in this effort with the hope that such data would inform debate and change practices in ways that help reduce the incidence of domestic violence in our County.

In the following section we provide background information regarding Maryland's courts, how victims of domestic violence obtain legal protection and a brief description of the relevant law.

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"Each encounter between someone living with domestic violence and a practitioner in the 'system' is an opportunity to interrupt the actions and patterns that sustain battering."

St. Paul Minnesota  
Blueprint for Safety<sup>7</sup>

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## An Overview of the Peace and Protective Order Process

Montgomery County's courts are part of the Maryland judicial system, which is operated by the State's Administrative Office of the Courts. In Montgomery County, two district courts (in Rockville and Silver Spring) and one higher circuit court (in Rockville) are responsible for fulfilling the protective and peace order sections of state law.

Eleven judges serve in Montgomery County's two district courts on a rotating basis. Two District Court judges handle all hearings on protective and peace orders each day. For a list of our judges and the court's mission statement, see Appendix 2.

Flow Chart 1 shows the three ways county residents can obtain protective and peace orders, and the steps in that process.

Anyone in the state of Maryland who has been the victim of serious bodily harm or is threatened with imminent serious bodily harm by an intimate partner may be eligible for a peace or protective order. Both peace and protective orders are available from the Montgomery County District Courts; protective orders can also be obtained at the one higher court in the county, the Circuit Court, located in Rockville. When court is closed Commissioners are available to issue orders as needed.

Court clerks or Commissioners are responsible for giving victims the correct type of order application to fill out. A protective order can protect intimate partners who are or were married, have a child in common, or have lived together for more than 90 days. A peace order can protect an intimate partner in a dating relationship.

The petition for a protective order details numerous types of violence that are a legitimate basis for obtaining an order: threats of physical violence, shoving, slapping, kicking, punching, choking, rape or sexual offense, shooting, hitting with an object, mental injury of a child, detaining against will, and stalking. Protective orders can provide protection for up to a year and in some few cases longer. Peace orders are additionally available for harassment and malicious destruction of property.<sup>8</sup>

Getting a protective order can be a two or three step process. People who file (petitioners) when court is open see a judge the same day and usually obtain a temporary protective or peace order. A final order cannot be obtained until the other party (the respondent), has been personally served his court papers and has a chance to answer the allegations in court. When court is closed, petitioners have to file with a commissioner in one of two locations in the county, obtaining an Interim Order, which needs to be converted to a temporary order by a judge on the second business day court is open following the filing. At that point, if both parties are present and agree, they can skip the temporary order hearing and go directly to a final order and save themselves having to return to court.

### Comparison of Protective Orders and Peace Orders

	PROTECTIVE ORDERS	PEACE ORDERS
<b>Who Can Obtain Relief</b>	Current or former spouse Cohabitant (sexual relationship & residency requirement) Related by blood, marriage, adoption. Parent, stepparent, child or stepchild (residence requirement) Vulnerable adult Child in common	Anyone who does not qualify as a person eligible for relief under the protective order statute.
<b>Proscribed Acts</b>	Serious bodily harm Fear of imminent serious bodily harm Assault, any degree Rape or sexual offense False imprisonment Stalking Abuse of child Abuse of vulnerable adult	Serious bodily harm Fear of imminent serious bodily harm Assault, any degree Rape or sexual offense False imprisonment Stalking Harassment Trespass Malicious destruction of property
<b>Standard of Proof - FINAL</b>	Clear and convincing evidence of Acts	Clear and convincing evidence of Acts
<b>Forms of Relief - FINAL</b>	Refrain from proscribed acts No contact, harassing Stay away – residence Vacate home and temporary use and possession of home Stay away – job, school, shelter, temporary residence Counseling or DV Program Temporary use and possession of home – abuse of child or vulnerable adult  Stay away – home of family member Stay away – child care Temporary custody Visitation Emergency family maintenance Temporary use and possession of a vehicle  Surrender of firearms (Mandatory) Filing fees and costs (respondent only)	Refrain from proscribed acts No contact, harassing Stay away – residence Stay away – job, school, shelter, temporary residence Counseling or mediation Fees and costs (either party) *  *No Fees can be charged if the parties are intimate partners, if the State receives Violence Against Women Act funds, <b>42 U.S.C. § 3796gg-5(a)(1)</b> and <b>42 U.S.C. § 3796hh(c)(4)</b> .
<b>Duration of Relief</b>	Up to 12 months. Can be extended up to an additional 6 months. Up to 2 years for Subsequent Acts of Abuse Permanent	6 months. No extensions beyond 6 months.

Table extracted from the Maryland Judge's Domestic Violence Resource Manual October 2009 edition

Maryland's domestic violence statute is one of the most conservative in the country.<sup>9</sup> Maryland is the only state that requires domestic violence victims to show "clear and convincing evidence" that they meet the statute's narrow definition of domestic violence in order to obtain a protective order for up to a year. Most other states only require "good cause" or "a preponderance of evidence" or leave the determination to a judge's discretion.

## Major issues studied and results

Among the number of guides developed by judges themselves outlining specific approaches to be used in court that to improve a domestic violence victim's safety, one of the most recent and comprehensive was developed by The National Council of Juvenile and Family Court Judges (NCJFCJ). Their 2010 publication, *Civil Protection Orders: a Guide for Improving Practice*,<sup>10</sup> resulting from a 3 year multidisciplinary study which thoroughly examined domestic violence and the treatment of victims in the court system, outlines approaches to guide judicial personnel and improve the victim experience in court. This publication provided us with substantial guidance, as did our

own state's *Maryland Judges Domestic Violence Resource Manual* <sup>11</sup>, produced in 2009, a guide for judges in applying Maryland domestic violence law in accordance with best practices.

Neither a peace nor protective order automatically stops domestic violence, but they are often an effective part of a broader safety plan, which might include staying with undisclosed friends or family, seeking shelter, or changing all the locks at home.

Other states have guides to best practices as well, and most of them offer strikingly similar approaches. We were struck that Montgomery County judges have adapted relatively few of these widely-recognized policies. In this report Court Watch Montgomery has incorporated some recommendations from judicial guides in this report, identifying how our local courts can best respond to the needs of victims and better guarantee their safety.

Each chapter of this report includes an explanation of a major issue we monitored at hearings and the challenges involved; key findings in

our data, specific examples drawn from our observations, and recommendations, reflecting national best practices, existing state guidance, and our own insights.



# **Chapter One:**

## **Keeping victims safe before, during, and after court**

If victims of domestic violence are to view the courts as sources of relief and protection, the first challenge is to ensure victims feel, and are safe, within the courthouse. The court process needs to ensure victims are safe before their hearings start, during the hearings, and as they leave the courthouse. Right now, this is not always the case. Court Watch Montgomery identified six points that create potentially threatening situations for victims:

- When a victim must wait for the courtroom to open without bailiff protection in the hallway;
- When a judge directs the victim to go out into the hall and discuss some aspect of her order with her abuser;
- When a victim tells the judge she wants to drop her order - since she may be doing so as a result of coercion, fear, or lack of understanding about her legal options;
- When a judge sends intimate partners to the Alternative Dispute Resolution Program, which is considered by the Maryland Administrative Office of the Courts, Family Division to be inappropriate if one party has physically harmed the other;<sup>13</sup>
- When a victim must wait for copies of protective or peace orders in or near the clerk's office without bailiff protection; and
- When an abuser is allowed to leave the courtroom and courthouse at the same time as the victim.

### **The challenge: keeping victims safe as they leave the courthouse**

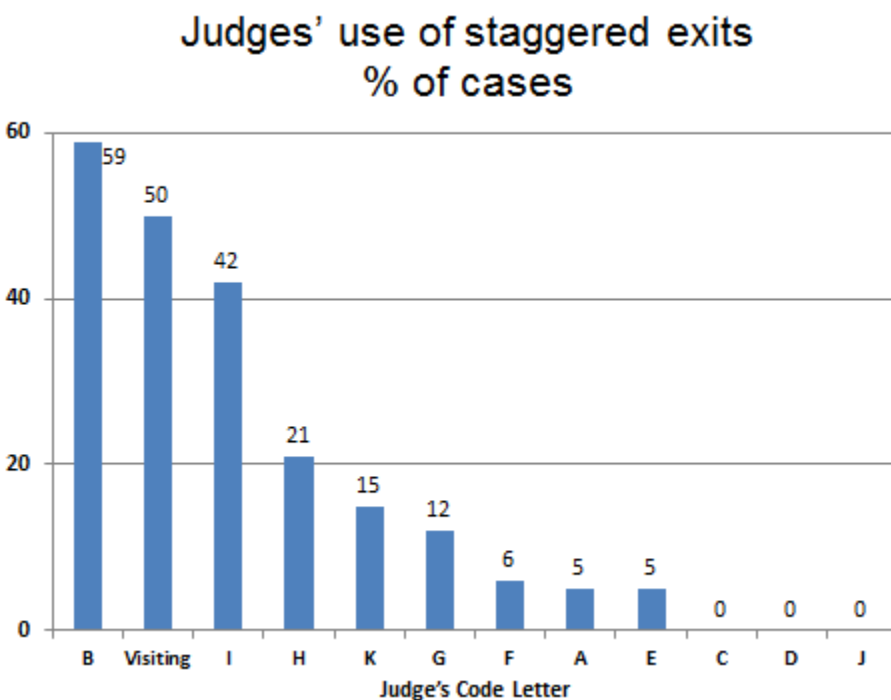
Although court orders can improve a victim's safety, the end of a protective or peace order hearing is paradoxically a dangerous moment. The abuser may emerge from the hearing feeling angry, humiliated, and determined to reassert control. He may have just had details of his physical abuse publically aired. He may have been ordered to leave his home for as long as a year.

At such a moment, permitting the abuser and victim to walk out of the courtroom and courthouse at the same time is a prescription for disaster. Even if a “no contact” order has just been handed down, the abuser may attempt to talk to the victim, try to get her to drop her order, or attempt to hurt her in retribution for coming to court.

## Finding

***In 85% of the cases where both people were present, judges and bailiffs directed both the victim and the offender out of the courtroom and the courthouse at the same time. As Chart 1 shows, while one of the judges used staggered exits in at least half of his cases, the other 10 did not, and 6 of the 11 utilized staggered exits in less than 10% of their cases.***

Chart 1.



\* Judge letter designations are randomly assigned and bear no relation to judges' actual names. (See Appendix 3. for a table reviewing each judge's practices on the major issues raised in this report.)

## Monitor Notes

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One petitioner said that when she came out of court with her new peace order, the respondent and his new girlfriend tried to hit her with their car on the road in front of court.

The victim wanted to file criminal charges against her abuser, but her protective order had the wrong dates on it, so was invalid. She was unable to bring criminal charges.

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This is not an abstract problem. During just six months of monitoring Court Watch Montgomery learned of two cases in which men harassed and intimidated or attempted to injure their former partner on the way to their cars. Since we did not regularly interview parties after their hearings, these two incidents may be symptomatic of a larger problem.

In the first case, the minute the petitioner reached the bottom of the court steps the respondent caught up to her and began talking to her angrily. He followed her all the way to her car, refusing to leave. The respondent finally let her get in her car after she gave him her new phone number - which she had just changed to avoid harassment and threats. A second petitioner stated that the respondent and his new girlfriend tried to hit her with their car on the road in front of the courthouse.

Even in cases where abusers did not harass or attack victims upon leaving the courthouse, we witnessed many victims fearful about having to leave at the same time as their abusers. One woman asked for an escort from a bailiff, who told her she had to walk by herself. Monitors heard two other women ask the bailiff if they could remain in the court room.

Sometimes court personnel had the parties leave at different times – but in the wrong sequence for protecting the victim. In one case, a respondent who was visibly angry at the end of the hearing was sent out of the courtroom *first*. The petitioner, who was in a wheelchair, was asked to wait –

exactly the opposite from the order of dismissal that would best protect the victim. When a volunteer advocate expressed concern to a bailiff that the petitioner might be in danger leaving the courthouse, the bailiff said "well, there's nothing we can do about that."

## Recommendations

All Montgomery County judges should ensure all their court personnel use “staggered

exits/victim first” -- allowing the victim to leave the courtroom 15 minutes before the offender is released from the courthouse -- in all intimate partner cases.

“Staggered exits/victim first” is a widely recognized “best-practice” for such cases. It is also cost-free, and far less expensive than the next best alternative – providing escorts. The national *Guide to Improving Practice* recommends at least a fifteen minute interval before the respondent follows the petitioner out of the courtroom. Other counties, such as Hennepin County in Minnesota, even use separate entrances and exits.

Many bailiffs are of the mind to “get rid of the troublemaker,” and feel that getting the respondent out the door quickly makes for a safer courthouse. However, holding the victim back does not help her feel safer at all; the abuser can easily wait outside for her.

### The challenge: waiting in the courthouse before and after hearings

At both courts, the absence of a bailiff in the waiting areas means that a respondent or family member can approach, threaten, or even attack their ex-partner, or try to exert pressure on the victim to drop her case.

### Finding

***No bailiff was present to protect victims from harassment, intimidation or fear in the waiting area before the courtroom opened, or while the parties waited for their orders at the clerk’s desk.***

### Monitor Notes

In February, 2011, our monitors documented a dangerous and fast-escalating argument in the Rockville District Court waiting area before the courtroom opened. A respondent and his mother began verbally attacking the victim. Voices quickly escalated to

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The judge sent the parties to the clerk's office to get their official papers. They walked out of the courtroom within eight feet of each other into a completely empty hallway. When they reached the clerk's office the victim sat down and the respondent immediately began forcefully speaking to his ex-wife. The respondent leaned over her menacingly as he spoke. There was no bailiff monitoring the waiting area who could have separated them.

Monitor, Silver Spring District Court

shouting. Court Watch monitors thought the fight was about to become physical. One of our monitors ran to get a bailiff, who quickly put an end to the dispute, but prevention of trauma is clearly preferable to stopping altercations mid-way.

Our monitors noted that bailiffs were usually quick to respond when trouble broke out, but by then victims may already have been traumatized. For example, in another Silver Spring case, the respondent and his mother walked out first, with the petitioner and baby immediately following. As they all exited, the respondent's mother accused the petitioner of purposefully hitting her with the stroller. Everyone began raising their voices. A bailiff came quickly and swept them all out in the hall.

The bailiff accompanied the parties to the clerks' waiting room and had extraneous family members leave the area. The bailiff stood between the parties to ensure peace while they waited together for their order, until an advocate provided privacy for the victim in her office. Both parties had to wait another 45 minutes to get copies of their orders. (Later in the report we discuss the problem of slow service at the Silver Spring court; this case helps explain why it may contribute to the stress of abuse victims.)

When parties asked the judges about getting a key back or exchanging papers monitors heard several judges tell people to "do that in the hallway," virtually encouraging a violation within minutes of issuing a no contact order, with no court personnel watching to prevent trauma.

Security during hearings appeared strong. No jailed respondent was ever brought into the courtroom without two sheriffs. Sheriffs were quick to stop the respondent if he tried to verbally address the victim directly, or if he stared in an intimidating fashion. Two bailiffs were present virtually every day.

### The new Rockville District Court building

The domestic violence clerk's office at the new Rockville District Court strikes us as an unsuitable place for victims to wait for official orders. The office itself is very small, requiring closer contact between parties than is comfortable for victims. The space outside that office is a crowded clerk's area for civil matters, and outside *that*, a narrow hallway with no seating as of this writing. Parties out in the hall may have trouble hearing the clerk call their name when official papers are ready. Neither the Rockville nor Silver Spring court has adequate seating available for those waiting for orders. Neither area is supervised by a bailiff.

Additionally, the domestic violence pro bono lawyers organization House of Ruth of Maryland does not have an office at the new courthouse, as they do in Silver Spring. Their presence saves the judges time and provides an important service for victims while they are at court.

## Recommendation

Minimizing contact with a victim's attacker is critical. A bailiff's presence makes court a more safe and inviting place, assuring victims they will be protected from unwanted contact with their abuser. According to the national *Guide for Improving Practice*, every courthouse dealing with domestic violence should have safe waiting areas monitored by a bailiff. (p. 75) As noted, some courts, such as those in Hennepin County, Minnesota, have set aside separate entrances and waiting rooms for domestic violence victims.

The Rockville and Silver Spring District Court should post a bailiff outside the courtroom hearing domestic violence order cases at all times prior to the courtroom opening to ensure victim safety and make court safer and more welcoming to fearful petitioners. A bailiff should also be posted wherever parties to protective order cases wait for orders after the hearing. If this is not possible, both parties should be held in the courtroom until the victim's orders are ready and she can leave while the respondent is held, only for 15 minutes. The petitioner should not be directed to sit near the respondent, as happened in the Silver Spring courtroom twice.

### The challenge: protecting victims from unwanted contact during a hearing

For the petitioner, who has just asked for the court's intervention precisely because she feels she *can't* speak to her ex-partner without being threatened or harmed, unmonitored contact can be terrifying. As the 2009 *Maryland Judge's Domestic Violence Resource Manual* states, "asking a victim to negotiate directly with her abuser puts the victim at increased risk and reinforces the abuser's coercive control." (p.34) Petitioners who are asked by the judge to negotiate with the respondent or his lawyer when they do not have counsel are at a serious disadvantage.

## Finding

***One judge sent a victim and the respondent out into the hall to work out some aspect of their order alone. A visiting judge told all parties on the docket to go out into the hall and see if they could settle their cases. Another judge sent a petitioner out in the hall with the respondent and his lawyer when she was not herself represented by counsel.***

## Monitoring Notes

In the adjacent text box we describe one particularly disturbing case in which Judge K sent a woman with a black eye out in the hall alone to speak with her husband. The husband had

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“Judge K scowled and appeared angry. He asked the parties why they hadn’t figured out emergency child support together. The respondent replied, correctly, that there was a temporary protective order that ordered no contact, between himself and his wife, and a bond that also ordered no contact. The judge said “Can you two handle this like adults?”

At that point the judge told the parties to go out in the hall alone together and figure out child support and visitation. The woman, who had a black eye, appeared very nervous. She did as the judge asked, but came back into the courtroom when her husband began harassing her.

By the end of the hearing the petitioner was crying and broke out in hives, visible all over her arms, face and neck.”

Monitor, Rockville District Court

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previously physically attacked the petitioner five times, three of which had required police intervention.

In another case, Judge G sent a petitioner out to speak with a respondent and his lawyer, even though she did not have a lawyer or advocate. When the parties and the respondent’s attorney returned, Judge G asked “Do we have consent?” The victim looked hesitant but the respondent’s lawyer was quick to respond. “Yes we do, your Honor”. The petitioner said, “Can I read a statement?” and the judge obliged her. She raised several areas of disagreement that were not addressed in the contemplated consent. In response, Judge G told her “we don’t handle those issues” and suggested she “get a lawyer.” The judge then signed the consent.

Sending the petitioner out into the hall to deal directly with her abuser and his attorney puts her at a serious emotional and legal disadvantage.

Additionally a visiting judge told all parties that there wasn’t much time (he was needed in another courtroom) and he wanted all parties to go out in the hall and try to “come to some mutual agreement”. The Court Watch monitor wrote “when I went out in the hall the atmosphere was extremely tense and several people were in verbal battles. A few people were very aggressive and swearing at each other.”

## Recommendation

Judges should never send a victim out into the hall to discuss an order with her abuser under any circumstances. Nor should a petitioner be sent out of the courtroom to talk with her abuser’s lawyer if she is unrepresented.

Visiting judges might benefit from a short continuing education program to underscore the importance of certain practices, such as never sending victims out of the courtroom alone with

their abusers, and to hear updates on recent changes in the relevant domestic violence statutes.

### The challenge: Sending domestic violence victims to “mediation”

In mediation both parties meet with a volunteer trained in mediation and try to agree to an order. When domestic violence victims are sent to mediation, the victim is forced to sit in close quarters with her abuser. These victims, usually in a dating relationship, experience all of the same fear, dread and trauma at close contact with an abuser as do victims who may be married or have a child in common. *The Maryland Judges Domestic Violence Resource Manual* suggests judges never send intimate partner violence cases to mediation. (p.56)

### Finding

***Judges for the most part did not send domestic violence intimate partners to the court mediation program if they were in the process of getting protective orders. However, a few judges sent couples who were dating (and thus filed peace orders) to mediation despite clear instructions from the Family Division of the state Administration of the Courts discouraging this practice.***

### Monitor notes

In one case the judge sent a couple who had a child in common to mediation. A victim advocate spoke with the mediator to remind him they are not supposed to take intimate violence partner cases, but the mediator accepted the case and said to the couple “you aren’t married are you? We have our rules!”

In another case the petitioner was visibly frightened when the judge told her to meet with her abuser, his lawyer, and a mediator. Both parties are supposed to have a choice whether they agree to mediation or not, and the petitioner asked to stay in the courtroom. The judge was clearly not happy with the victim. Another victim who said she didn’t want to go to mediation with her abuser was pressured a second time by the judge fifteen minutes after he asked her initially. She agreed to have the case go to mediation even though it appeared she did not prefer this course.



## Recommendation

Intimate partner violence victims – whether their order is a protective order or peace order – should never be sent to the Alternative Dispute Resolution Program at district court. Sending other kinds of cases to mediation may be an effective way to save time and expense for both the courts and citizens, but it is never appropriate when one party is accused of physically attacking the other.

### The challenge: when a victim asks the judge to drop her order

When a victim asks the judge to drop her order she may have been coerced by her abuser or his family. She may be trying to calm her partner down by dropping the order if she thinks that will reduce her danger. She may not realize that shelter and counseling are available. After dropping an order, a victim may imagine the court is angry at her and that she cannot return to court if she needs legal protection in the future.

## Findings

***In 6% of all hearings (34 cases) the victim came to court to ask that their order be dropped. This presented an important opportunity to keep a victim legally protected and to potentially improve her safety.***

***In only 63% of such cases, judges asked, as suggested by the national Council of Juvenile and Family Court Judges, if petitioners had been coerced in any way by the respondent, his family or friends. In fewer than a third of such cases did judges ask victims if they felt safe, or encourage them to return to court at any time they felt they were in danger. Fully 15% of petitioners who asked the judge to dismiss their order were asked no questions and simply sent on their way, with their protective or peace orders dismissed.***

## Monitor Notes

Court Watch Montgomery monitors observed some judges actively and admirably engaging victims in discussions about safety when petitioners asked to drop their orders. One judge regularly passed serious cases where a dismissal was requested and waited to hear the case until after he had enlisted the help of an Abused Person's Program victim advocate.

However, in no cases did we see judges suggest a different option to complete dismissal, although such options exist. An order that simply requires “no abuse” but allows contact between the parties may not be ideal, but it keeps the court involved in the case and ensures that firearms, if present, remain in the hands of the sheriff rather than becoming available to the respondent again.

Four judges automatically dismissed one or more cases without asking any questions, often in a rote manner.

## Recommendations

When a victim does come to court to dismiss her case it represents an opportunity to improve her safety and keep her engaged in the system, if needed. The national *“Guide to Improving Practice”* recommends that judges should carefully consider all requested dismissals, and should ask a victim if she was coerced into requesting the dismissal, and if she feels safe. The judge should also remind her that she is welcome to return to court if she feels in danger.

Montgomery County judges should regularly engage all victims who want to dismiss their case in a discussion about their safety. They should raise with the petitioner the possibility of an alternative, more limited order, such as one requiring only “no abuse”, or contact only under certain conditions, such as only in public places, or at the discretion of the petitioner.

## Chapter Two:

### Strengthening the deterrent power of protective and peace orders

The U.S. Centers for Disease Control (CDC) found in a 2010 study that half of all the temporary protective orders studied were violated.<sup>14</sup> Other studies have found that the physical violence was significantly reduced in the other half of temporary protective orders. One thing this fact suggests is that the courts should do everything possible to make orders more effective. Judges and the community have a vested interest in their orders being enforced. Both parties, at a minimum, need to understand the provisions of the order and the consequences if they violate.

Ultimately, orders can only be effective if they are consistently explained and strongly enforced. Orders not fully explained or enforced fail victims who have put themselves at great personal risk to seek legal protection.

#### The challenge: ensuring the offender is verbally warned it is a crime to violate a protective or peace order

Protective and peace orders work better if offenders understand the likely consequences of violating them. One study found that men are more likely to stop battering female partners to the extent that they perceive that penalties for further violence will be certain and swift.<sup>15</sup> Women in another study were asked why they thought their partners had not violated their orders; the overwhelming majority explained that their partner did not violate because he was afraid of the legal repercussions, especially of going to jail or back to jail.<sup>16</sup>

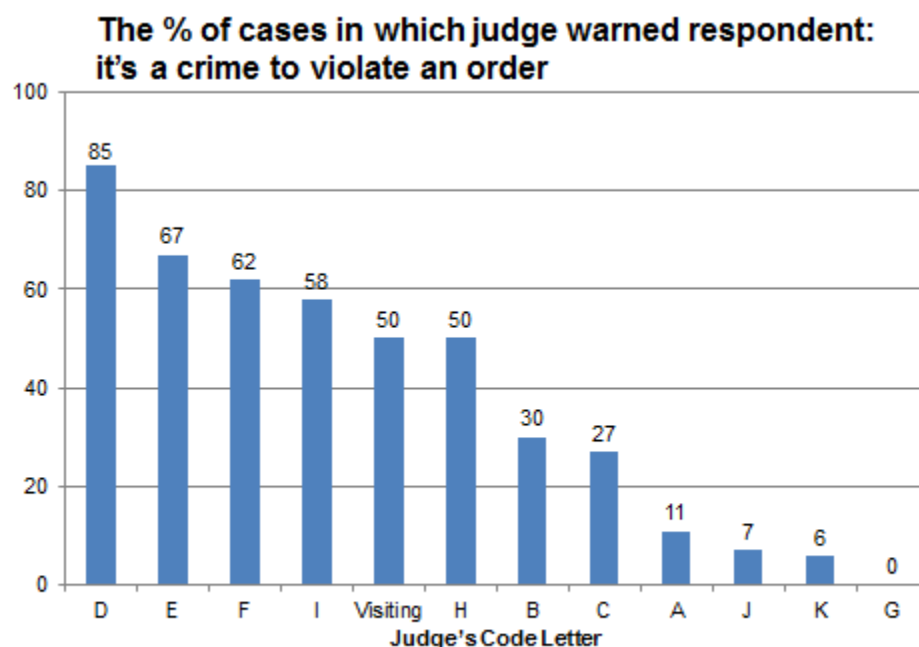
While Maryland protective orders do state in writing the fines and possible jail time for violations of orders, this information is buried at the back of a series of papers attached to the main 1-2 page order and is written in legal language. We doubt that most abusers go through the information carefully. The information, which is provided only in English, is certainly not intelligible to the 19% of offenders in our study who need interpreters, nor to low-literacy offenders.

#### Finding

***In 67% of relevant cases judges failed to tell the offender that it is a crime to violate a protective or peace order. Moreover, as Chart 2 shows, judges***

***varied widely in how often they told this to offenders – from 0% of their cases, up to 85%.***

Chart 1.



## Monitor Notes

Judges varied widely in the degree to which they told the respondent he could face jail time if he violated major provisions of an order. Judge G never told a single respondent that it is a crime to violate an order; by contrast, Judge D generally made sure respondents knew this, doing so in 85% of cases. Only five of the eleven Judges told the offender that violating was a crime in 50% or more of their cases. Only one judge regularly encouraged the petitioner to call the police if her ex-partner violated.

Verbally explaining the consequences of violation does not pose any significant time burden on judges. Monitors observed that judges who did warn each respondent at the end of their hearing of the consequences of violating a protective order were able to do so quickly and efficiently, and were always able to finish their entire protective and peace order docket before noon.

## Recommendation

Montgomery County judges should notify the respondent, in the presence of the petitioner, of the legal consequences of violating protective and peace orders. Ideally, judges would also encourage every victim to report any violations to the police or to the court.

### The challenge: ensuring the offender is verbally warned in court to turn in firearms

Readily available firearms place women at particularly high risk of injury or homicide. If an abuser has used or threatened to use weapons, the victim's risk of homicide is 20 times that of the average domestic violence victim. Under federal law, respondents under a final protective order are subject to up to a \$250,000 fine or 10 years in prison for possession of any firearm.<sup>17</sup> Maryland also requires that any respondent under a final protective order may not own or possess any firearm.<sup>18</sup> Sheriffs attempt to remove firearms from abusers when they serve protection orders, but judges issuing final protective orders should use the authority of their position to underscore that guns must be turned in. Final protective orders contain written language about these firearm restrictions, but parties are given a great deal of paperwork that they may or may not read. Those who do not speak English will not learn about firearms restrictions from their printed order.

## Finding

***In 68% of relevant cases, judges did not tell respondents that under federal and state law they must surrender all firearms owned or in their possession under a final protective order.***

## Monitor notes

One petitioner stated in her petition that "[the abuser's] emotional instability makes me believe there is a good chance of him using the firearm against me." The next week, when the petitioner came to court she asked the judge to drop her order. The judge did not pursue the issue of the gun, or note that she had the option of seeking a "partial" order, which would allow contact between her and the respondent, but still keep the gun locked up.

Judges varied widely on whether or not they verbally ordered respondents to turn in any firearms in their possession. Judge G and Judge J never told a single respondent that they had to turn in their firearms following issuance of a final protective order. Judge E did so most consistently, 67% of the time.

We have no way of determining how many abusers in the study possess guns, but were struck by the litany of weapons that was mentioned during these proceedings. Monitors made note of 19 cases with at least one gun, plus 9 cases with knives, and numerous cases with other weapons including a blowtorch, a machete, a sword, an ax, a hatchet, a compound bow, and a metal spike. Maryland law only requires confiscation when the weapon is a firearm.

## Recommendation

National authorities agree that judges should not depend on written prohibitions where firearms are concerned.<sup>19</sup> Judges should inquire about the presence and location of all firearms, including those possessed by other family members who may give the respondent indirect access to weapons.<sup>20</sup> Judges should use their authoritative position to reiterate to each respondent under a final protective order that they must turn in any firearms they own or possess and that failure to do so is a crime. Ideally, judges should take steps to ensure victims are safe from other weapons as well.

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One judge asked a respondent if he had any guns in his possession. The respondent stated that he had three. The judge did not follow up and ask if they had been confiscated or tell him the guns had to be turned in.

Monitor, Rockville District Court

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## Chapter Three:

# Ensuring victims and offenders are treated with courtesy and respect

### Judicial demeanor

#### The challenge

For a domestic violence victim, who may be suffering from recent abuse or even post-traumatic stress disorder (PTSD) whose self-esteem may be at a low point, the demeanor of judges, bailiffs, interpreters, and clerks matters greatly. For a respondent, the sense that he has been treated fairly and his rights considered may increase the likelihood that he will obey the order.<sup>21</sup>

We acknowledge that District Court judges have difficult jobs, and face unique challenges in hearing domestic violence civil cases. We also know everyone has a bad day now and then. Parties are often unrepresented, requiring more explanations.

Eliciting testimony from traumatized victims can be difficult. Yet these difficulties should be manageable by those named to the bench, and clearly were manageable for most of the 11 District Court judges.

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“The judge was really nice. He smiled, made me feel relaxed and let me tell my story.”

Monitor, Silver Spring District Court

#### Findings

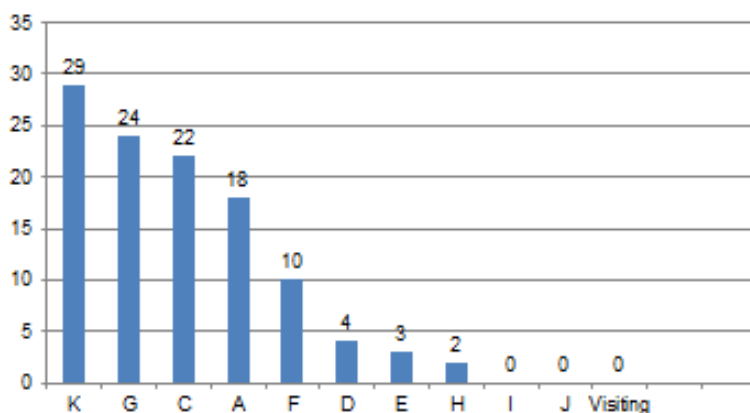
***Montgomery County District Court judges displayed courtesy and respect toward parties in domestic violence cases in an admirable 89% of relevant hearings. Three of the 11 had perfect records on demeanor, showing courtesy and respect in every case they heard where parties were present.***

***However, 3 of the 11 judges exhibited significantly higher rates of inappropriate demeanor, behaving with rudeness, intimidation, or disrespect for the victim in at least one-fifth of the relevant cases they each heard; these 3 accounted for 70% of all the domestic violence hearings where inappropriate demeanor was displayed.***

***Clerks, bailiffs and interpreters showed courtesy and respect in the great majority of hearings and were usually kind and patient to petitioners.***

Chart 3.

% of cases in which judge failed to show  
courtesy and respect



Petitioner:

“I had Judge C for the hearing on my temporary order. He was rude, punitive, scowling, throwing papers around his desk. I don’t expect a judge to hold my hand, but I expect him to be civil.”

Monitor Notes on Judges’ Demeanor

The records of three judges who frequently exhibited inappropriate demeanor in domestic violence cases stand out; they are clear outliers, as Chart 3 shows. As the examples on the following pages reveal, the problems here went beyond minor issues such as lack of eye contact or occasional shortness of temper. Rather, behaviors included yelling, scolding parties, being sarcastic or belittling, refusing to give a postponement when a petitioner asked for one at the interim hearing, refusing to address issues important to the parties, such as child visitation, and sending couples out in the hall alone to “come to an agreement.”



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## Judge C: A pattern of disrespect and rudeness

Judge C showed a pattern of disrespect and rudeness to petitioners and respondents in 22% of his cases – double the average of 11% for all the judges. He showed a propensity to push - even bully – petitioners to accept the outcome he preferred. Monitors observed numerous cases in which he used vague language and persistent repetition to pressure a party to change their position, after they had made clear their wishes. The judge's demeanor toward victims is particularly troubling because Judge C heard more protective and peace order cases than any other judge during the study period.

- In one case Judge C pressured a petitioner who wanted a lawyer into dropping her request to postpone a final hearing on cross-filed cases. After stating clearly that she wanted to postpone a final hearing, Judge C asked her a total of 10 times to justify her position. She answered: "I'd like a temporary because I'm not ready; I'd like to have a temporary order; I need a lawyer; I want to postpone, I'd like to postpone," and on and on. Ultimately, Judge C issued two "consent" protective orders – clearly contrary to her wishes, requiring her to vacate their apartment; she also has a protective order against her on her record.
- Judge C's tone with petitioners was often incredulous toward the victim's rendition of events. Judge C often asked for witnesses and questioned the veracity of petitioner testimony at the temporary order hearing stage, even though the standard of proof is relatively low (only "reasonable grounds" must be found). Monitors did not hear any other judge either question the integrity of a petitioner or call for witnesses in any of the 184 temporary hearings monitored. As an example, in one case, the petitioner tried to explain what had happened:

Petitioner: "Friday, he was, I guess, on PCP."

Judge: "How do you know he was on PCP?"

Petitioner: "That's what he said."

Judge C: (*interrupting in a badgering tone*) "Ma'am, are you a chemist of any kind? "Do you have a degree in chemistry ma'am?"

- In another hearing, a wife was the respondent. Judge C issued the final order. The petitioner asked if Judge C could help him get his mailbox key back. When the respondent's lawyer asked how she would get *her* mail the judge became very agitated. Judge C announced that "the respondent [the wife] shall produce the mailbox key through counsel, by 1:15 pm this afternoon [within the same hour] or face a contempt hearing in front of me at 1:30 pm." Respondent's counsel protested that she did not have the key with her, it was a long distance to the friend's home at which she was staying and could she please have a little more time. Judge C responded dismissively: "she better hurry then, she better hurry." Counsel again requested more time to bring the key to court, to no avail.

Monitors did not observe any other judge ever require the return of specific property at a final protective order hearing except for cars; parties were never required to return anything immediately, never to the court, and never under threat of a contempt hearing.

- In one hearing when a petitioner asked Judge C to repeat a description of some part of the domestic violence law, he said "I will not repeat myself. You should have listened the first time."

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## Judge K: A pattern of anger at both parties

When Judge K was calm, he could be an empathetic listener. At the end of some hearings he added statements such as “good luck and be careful.” Judge K also stood out, however, for exhibiting rude and inappropriate judicial behavior in 29% of his hearing – the most of any of the 11 judges. Judge K often exhibited anger at both parties by raising his voice, scowling, and using sarcasm to belittle or embarrass parties.

- In one case Judge K accused parties of not “acting like adults” and ordered the respondent and petitioner (who had a black eye) to go out in the hall together, with no security officer or advocate, to “work out” aspects of their order. The judge refused to set child visitation rules, saying the parties will “have to figure that out” together.
- When a Hispanic petitioner incorrectly spelled the name of the street she lived on, Judge K pronounced the misspelled word in a loud and derogatory manner and laughed. People in the courtroom chuckled. Judge K read another victim’s petition in which she said her address was unknown. The victim meant she wanted to keep her address confidential in order to stay safe. Judge K said sarcastically “so you don’t know where you live?”
- Judge K at times became rude, hostile, loud, and scowling when parties did not fully understand the question he was asking. When one petitioner told the Judge that she didn’t understand the emergency child support form, and that she needed help filling it out, the judge responded, “Help from who?!” An county HHS advocate is at court – less than 50 yards down the hall - to provide precisely this type of assistance.
- In another case, he raised his voice and with an angry scowling face, leaned forward toward the petitioner and said “Christ! Did you not read the form?”
- When a Hispanic man asked for an interpreter, Judge K sarcastically commented to the general audience: “In perfect English he says he needs an interpreter!”

Judge G was the third outlier in terms of judicial demeanor, being rude or inappropriate in 24% of his cases. Judge G often appeared irritated and disinterested. The judge regularly made very little eye contact with either party and seemed to perform hearings in a rote manner. This impression was enhanced by the fact that the judge literally never told a respondent that it was a crime to violate an order or to turn in his firearms and in only 16% of cases took the time to review the provisions with the parties and ask if they had questions. In one hearing, Judge G sent a female petitioner out to “negotiate” with the respondent and his lawyer, and made no effort to ensure her rights and needs were given equal weight. In fact, the judge gave her concerns short shrift when she returned to the courtroom and asked to describe her fears and issues she thought important that had not been addressed in the “consent”. Although he allowed her to read a statement, he made no effort to respond in a helpful

manner, when he had both cause and a responsibility to do so.

“The clerk and bailiff were laughing together during testimony.”

Monitor, Rockville District Court

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“A respondent said he would like a hearing. Judge A angrily and sarcastically told him ‘fine, I’ll put it in the someday’ pile’ and threatened that the hearing might be at eight o’clock that night due to a large docket. The docket was completed, hearings and all, before noon.”

Monitor, Rockville District Court

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## Monitor Notes on Bailiff and Clerk Demeanor

Clerks and bailiffs were usually courteous and respectful of parties in domestic violence cases. When clerks or bailiffs were rude it was usually in the form of laughing on the phone or having distracting conversations with each other or interpreters while a petitioner or respondent was testifying. One bailiff demonstrated an inappropriate hostility toward victims, stating audibly stating that “they’re all lying”.

Women with children could have been treated more kindly by bailiffs at times. The presence of children in the courtroom sometimes precipitated brusque orders to leave the courtroom that could have been accomplished in a much friendlier, less threatening way. One bailiff was heard to say, after loudly scolding a petitioner with a baby, “these people that bring kids to court! I’ve had enough!”

## Recommendations

A little respect goes a long way for someone who may have suffered from years of abuse; a smile from the judge, a clerk who patiently answers a question, a bailiff who is friendly, can make a significant difference. All those behaviors affect a victim's ability to tolerate being in the same room as her attacker without dissolving, to testify clearly, to remember to show her evidence, even to avoid a panic attack in the courthouse.

The Administrative Judge for the Montgomery County District Courts, the Administrative Office of the Courts, and the Commission on Judicial Disability should take appropriate steps to ensure that judges hearing domestic violence cases treat all parties with respect and fairness.

Ten years after a District Court judge has been confirmed, the judge is judged suitable for re-confirmation by the Governor's office and then is reconfirmed by the State Senate. This is an opportunity for citizens and nonprofit organizations to provide their feedback. The governor's office and state senate committee should more broadly publicize all meetings or hearings, specifically seeking comments and data from citizens and NGO's regarding judges' demeanor.

## Chapter Four:

### Helping victims get protective or peace orders efficiently

#### The challenge: Postponements

Each time a hearing is postponed, one or both parties have to return to court for an additional hearing. For parties with tenuous jobs in a tough economy, minimizing the number of hearings and finishing at court as efficiently as possible is very important. It may affect a victim's choice as to whether to return to court to obtain a full, lasting order.

Since no final orders can be obtained without the respondent personally being served papers by the Sheriff's Office, service is a critical part of the process. Serving orders to respondents can be difficult, as they may be hiding, homeless, in another jurisdiction in Maryland, or have fled the state.

#### Findings

***Fully 17% of all monitored cases (112 cases) were postponed. Lack of service accounted for 57% of postponements (64 cases, or 10% of all cases).***

#### Monitor Notes

A majority of postponed hearings occurred due to lack of service, but there were a host of additional reasons. Some are simply part of the process; some delays occurred when either party needed more time to get a lawyer, others when two cross-filed cases needed to be heard together. Others were more preventable, such as a jailed respondent not being brought from lock-up for the hearing (only four instances), or the

"They wonder why people drop their orders? I can't keep coming back, this is crazy. I have to work. If you want him served you have to go to the Family Justice Center, filing criminal charges is somewhere else."

Petitioner, overheard at the clerk's desk after learning her ex-boyfriend had not been brought from jail to the hearing. She walked out of court with-out her extended order.

court not receiving a requested report from child protective services (Department of Health and Human Services).

Visiting judges are sometimes called upon to fill in when there are not enough sitting judges available. Many or most visiting judges are retired Circuit or District Court judges. On the day of a judicial conference – a date known well ahead of time – a visiting judge replaced the usual-sitting judge. This visiting judge told all parties to go out in the hall and try to work out their cases. He essentially did nothing but extend orders and reset the hearing dates to the next week without advancing any cases, causing most of the parties to have to miss another morning of work the following week. It seems reasonable that with so much advance warning a judge could be found who could hear cases.

## Recommendations

As far as we were able to determine, no system exists for the Sheriff's Office to track the time it takes to serve orders within the county and elsewhere. The Sheriff's Office service rates are very good compared with most other Maryland counties and to some extent they are a model for other jurisdictions. Ultimately, a system combining data on order service with court data could measure the percentage of cases served before the first or the second court date. This system could identify areas where service times might be improved, facilitate state-wide coordination, and track progress; it could serve as a model for other areas.

## The challenge: shortening the process for victims

Anything that makes the process shorter or easier for victims is likely to improve the chances they will return to court. Many victims work hourly jobs and are not compensated when they miss work.

Parties with protective and peace orders hearings are ordered in writing to arrive at the courtroom by 8:30 AM. Judges regularly begin the docket at approximately 9:00 am. When judges are late the parties, their witnesses, friends and family are kept in court longer than is necessary.

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*"I asked the clerk how long it would take to get my copy of the order. She said 'about an hour'. I waited 45 minutes. Luckily, I'm not a regular here!"*

A respondent at the clerk's office,  
Silver Spring District Court

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## Finding

***10 of the 11 judges usually began their docket no later than 9:15 am on average and 3 of that group usually started early – which benefitted those who arrived at the ordered hour of 8:30 am. Only one judge – Judge A - regularly started late, on average not starting until 9:24 am. He was as late as 9:45 am.***

## Monitor Notes

As a whole, our observers reported that most judges moved cases through the morning docket efficiently and that this was helped by

the practice of having all the domestic violence and peace order cases combined into a single docket. Often the judges who were most thorough were also the fastest.

Late starts may sound minor, but taxpayers spent a total of 19 hours waiting for court to start during our study – just for Judge A. For several weeks in a row monitors noted that another judge was significantly late (more than fifteen minutes). He regularly apologized for a commitment of an educational nature at local schools.

## Finding

***Judges routinely tell parties at both courts that their papers will be ready in 10 to 15 minutes. In the Rockville District Court wait times averaged 17 minutes. The average wait time in Silver Spring was 50 minutes – about three times as long.***

## Monitor Notes

Wait times are based on relatively small number of orders (16 cases in Silver Spring and 10 for Rockville). Orders were never timed on Tuesdays, since there is often a

particularly heavy docket. Monitors started with the first case of the day. Silver Spring data was collected on six different days, but Rockville was only three days.

Overall, there seems to be a different approach to customer service between the Rockville and Silver Spring courts. Clerks regularly refused to help parties unless they had their case numbers. This takes less than a minute to look up. Clerks at the Rockville court did this regularly and gladly. This resulted in some people literally leaving court to go home to check a website the clerks referred them to, getting their case number and returning to court. Computers are available in the Silver Spring court for customers to find their own case numbers but it is not a user friendly system. Monitors saw a twenty year old complaining and frustrated with the computer program.

## Finding

***Victims seeking orders at the Silver Spring courthouse were frequently required to additionally travel to Rockville after they obtained their order, for a separate interview with the Sheriff's Office, which serves respondents with their orders. Victims seeking orders in Rockville were asked to walk to the Family Justice Center. Traveling to a separate interview is a significant addition of time, effort and inconvenience for victims that may also place them in unnecessary danger.***

Interviews are important for officer safety, victim safety and quick service of the papers. In-person interviews, however are not mandated and if critical, should be performed at the courthouses.

Victims are at a particularly dangerous point after getting their order. They have broken off the relationship and now have to fend off their partner's desire to reassert control. They are not yet legally protected until the order is served. Victims asked to travel to a second location from court often have children in tow; they may be injured from the most recent abuse, or have not slept. At the Silver Spring courthouse there appeared to be no maps, bus routes, subway line information or bus tokens provided in the courthouse for victims.

## Recommendations

The Sheriff's Office should save petitioners substantial time and effort and conduct all interviews for orders in the courthouses. Interviews could be in person, by phone, or, from Silver Spring, by utilizing a video link that already exists at county expense.

The Administrative Judge and the Clerk of the Court should evaluate the cause of lengthy wait times in Silver Spring and act to correct the problem.



Judges should not be assigned domestic violence dockets on days they cannot be available at 9 am to begin hearings promptly.

## Chapter Five:

### Helping both parties understand their options

Justice requires that all parties understand their legal options. Given the complex nature of these legal proceedings and the relative lack of legal sophistication among many participants in the process, this is a particular challenge – and it is even greater when parties are not English-speaking.

#### The challenge: The judge's Introduction

Under the best of circumstances, appearing in front of a judge can be frightening and confusing, in particular if neither party has a lawyer with them or has not had the opportunity to consult one. In our study, fewer than a third of either petitioners (27%) or respondents (30%) were represented by attorneys. (An additional 19% of petitioners had non-lawyer victim advocates with them who helped them understand what could happen in court, providing support before, during, and after their testimony, and linking victims to services.)

Unrepresented parties require additional explanation of the proceedings and the terms used to ensure that both parties understand the process and the choices available to them. Informed decisions are more likely to result in safe and workable final orders.

#### Findings

***The introduction by the judge at the beginning of the docket varies widely in thoroughness. Some judges described which table each party would sit at, while others provided a full recitation of important facts about the process for both parties, such as the right to appeal, and potential criminal penalties.***

***Since 73% of intimate partners seeking protective and peace orders did not have a lawyer, the judge's overview of the process was critical. Parties who did not speak English (20%) did not receive vital information that other parties did.***

## Monitor Notes

Monitors noted that judges' introductory statements varied quite a bit and often failed to include basic information, such as the advantages and disadvantages of consenting to an order versus requesting a hearing, or how to appeal.

Only two judges regularly offered a brief but thorough introductory explanation of the two-part protective and peace order process, differentiating temporary and final orders, explaining the difference between consenting to an order and requesting a hearing as avenues to a final order, explaining what to do if an order was denied as well as offering safety precautions and informing respondents of criminal penalties.

Four judges showed visible frustration toward parties who asked questions about the process and the meanings of terms. At least some of these parties were forced to ask such questions because the judge's introduction to the docket was only given in English.

Some judges used only strictly legal terminology which many parties seemed to have difficulty understanding. Other judges simplified their explanations of important terms such as findings and consent.

“The judge clearly explained the parties’ options. The judge was very patient with a petitioner who cried most of the hearing and had trouble answering questions.”

Monitor, Rockville District Court

## Recommendation

County court personnel or the state-wide Administration of the Courts office should produce an inexpensive video that can be played, in both English and Spanish, before the judge takes the bench. Such a video would ensure all parties received the same, complete information about their choices and how the system works. Parties who speak Spanish, would, for the first time, hear the judge's important introduction to the protective and peace order process proceedings.

A video could save the judge's time at the beginning of the docket and could make the mornings' hearings run more smoothly and efficiently. The video could also be made available online and at county libraries. Other jurisdictions in Minnesota, Missouri and New York use this approach to good effect.

## Chapter Six:

### Making sure both parties clearly know exactly what the order means

The challenge: what is allowed, and what is not?

Confusion about what behaviors are allowed and what are not allowed in an order can lead to unintentional violations, and may make the petitioner less confident about calling the police when there is abusive contact. One study, based on extemporaneous comments from both men and women during interviews, noted that, “some parties did not understand the no contact clause and instead believed it meant the man should not bother the woman.”<sup>22</sup> Petitioners need to know what behavior is banned, but also what behavior is required, such as mandatory domestic violence counseling or substance abuse treatment. They also need to understand exactly how to report violations and be assured that the court wants her to do so for her safety.

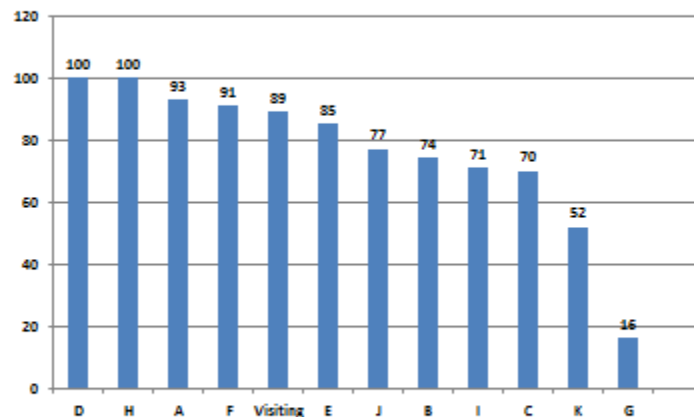
#### Finding

***Four of the 11 judges reiterated at the end of at least 90% of their hearings a clear description of what the respondent was ordered to do and not do, and also asked whether either party had questions about the order.***

***In over a quarter of all relevant cases, however, 27% of the time, judges did not specifically reiterate and explain the provisions in a couple’s final protective or peace order, nor ask if they understood or had questions about the contents of an order.***

Chart 4.

**% of cases in which judge clearly explained the order and offered to answer questions**



## Monitor notes

As Chart 4 shows, the other seven judges were less consistent in summarizing the provisions of the orders than the top four, although all but one did so in at least half their cases. The one exception, Judge G, did so only 16% of the time.

Many judges clearly explained to respondents where they could not go, and that “no contact” included communications via internet or friends and family. But some judges said only “no contact means no contact” at the end of the hearing.

It was very helpful to petitioners when judges put the order in context. For example, several judges occasionally warned that “this is just a piece of paper,” “it is just one part of a safety plan,” “think about changing your locks,” or “call the police if he violates.”

## Recommendation

As the national *Guide for Improving Practice* points out, “courts should issue protection orders that are clear, comprehensive and tailored to the specific needs of the individual petitioner.” (p. 60) Judges should consistently describe the key specific provisions of every protective or peace order they grant, whether temporary or final. This does not require reading the entire order into the record; rather, it requires explaining in plain language what the parties may and may not do. The judge should also ask both parties

if they fully understand what they may do and what behavior is a violation of their order and ask if they have any questions.

The petitioner should be encouraged, in front of the respondent, to call the police or file criminal charges if the respondent violates the order. Ideally, judges should also note that an order is only one part of a safety plan. Judges could suggest that the domestic violence clerks can give them information about victim advocates in the building, at the Family Justice Center, and at the Abused Persons Program, or request that their clerks always do so.

## Chapter Seven: Interpretation issues

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“A young woman with severe injuries to both hands from an assault with a knife came to court today. She was trembling. Her House of Ruth lawyer asked the interpreter to use the headset and earphones so that the victim didn’t have to get close to her attacker to hear the interpreter.

The interpreter quickly set up the headset and it worked well. The interpreter was able to use a quieter voice and it was less disruptive to the hearing.

Monitor, Silver Spring District Court

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### The challenge

Montgomery County clerks regularly provide interpreters when needed for hearings. In addition to the Spanish, French, and Portuguese interpreters always available at court, clerks draw from a state resource pool of interpreters and seem to do an excellent job of finding interpreters in sparsely spoken languages, whether it be Tigrinya, Mina, or Sinhalese. Interpreters play a critical role in the county courts, ensuring that people who do not speak English (20% of all parties during our monitoring) fully understand what goes on during their hearings and receive the “equal and exact justice” that is the mission of the District Courts. Complete and accurate -- as well as emotionally neutral -- interpretation is essential.

### Findings

***The 20% of parties that needed interpretation (83% of whom needed Spanish) missed important information because the judge’s opening statement was not translated. Since 73% of parties seeking protective or peace orders did not have a lawyer, getting an overview of the process from the judge is critical.***

***Monitors found most county-provided interpreters at court to be courteous, respectful, and professional in manner.***

***Interpreters at times were rude in the cases they participated in, and sometimes intimidated, or appeared irritated with, a***

***petitioner or respondent, possibly for not answering a question to their satisfaction.***

***Both judges and interpreters at times acted in a judgmental about whether someone needed an interpreter.***

## Monitor Notes

Monitors found most interpreters at court to be courteous, respectful, and professional. At their best, interpreters worked to provide interpretation that was complete, accurate, transparent, with no alterations, additions or subtractions.

In an effort to assist the judge, some interpreters were observed taking on a second role trying to help the judge get the information he or she needed faster. Monitors identified 10 cases in which an interpreter raised their voice to the petitioner and scolded them when they did not answer the exact question the judge asked. Speeding the hearing process is important, but not the interpreter's job. Intimidating a petitioner during a very stressful hearing may mean she does not return to court.

Information was at times added or dropped by interpreters. Monitors observed one judge tell the interpreter twice in the same hearing to please refrain from adding clarifying language, but rather to translate only the petitioner's exact words.

In three cases, the interpreter rolled their eyes at the judge or bailiff when they had trouble understanding the petitioner. Another interpreter became irritated when a party switched between their native language and English and back during a hearing, a common event in stressful hearings.

Twice bailiffs behaved inappropriately to people seeking interpreters. Once when the judge asked who in the room needed an interpreter, and a man stood up the bailiff barked at him to sit down. In another case, a bailiff tried to identify people who would need an interpreter that morning by their looks, pointing and saying loudly to a man who appeared to be Hispanic, "I bet you need one."

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"The interpreter rolled their eyes at the judge and the clerk when they didn't fully understand the petitioner's dialect."

Monitor, Rockville District Court

"When you get a person putting sentences together like 'I am my aunt,' you have to wonder if maybe they don't need an interpreter."

Monitor, Silver Spring District Court

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“The Urdu interpreter today was not sworn in. She was listening to the judge but only rarely passed what the judge said on to the petitioner.”

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Monitor, Rockville District Court

It can be difficult for bailiffs and/or judges to ascertain if people need interpreters. When one judge asked a petitioner if he needed a Spanish interpreter the petitioner huffed that “I’ve lived in the United States for 15 years”.

In another instance the judge was conducting a hearing via video link to the Family Justice Center. The interpreter became irritated and repeated the judge’s last question in

an irritated and scolding manner. Hearing the petitioner via video link was very difficult in this case. It may be that video hearings broadcast between the victim at the FJC, and the judge and interpreter at court present a special challenge.

As noted earlier, one judge made a sarcastic comment after a respondent asked for a Spanish interpreter: “In perfect English, he says he needs a Spanish interpreter.” Comments such as this one can intimidate others in the courtroom from asking for language help they may need.

When both parties needed the interpreter (5% of cases), the interpreter typically stood in between the parties, who had to get quite close to each other to hear the interpreter. One or the other party regularly appeared to have difficulty hearing what was being interpreted, as the interpreters usually turned left then right as he or she moved quickly through the testimony. Some women physically resisted moving so close to their partners.

When the interpreter used the headset with earphones for the parties, both parties appeared to get a more full translation and the victim was able to stand further from her attacker. An interpretation headset is currently available at both courthouses.

One day, CWM monitors witnessed an Asian language interpreters’ first day in court. It was apparent she had never seen a hearing before and didn’t know where to stand or quite how to operate. She spent the entire time before the judge took the bench talking with the respondent and his family, asking many inappropriate questions about the case (such as whether the respondent really *did* have a knife). The petitioner was upset because she hadn’t had equal time with the interpreter.

Monitors noted a lack of useful multi-lingual materials available at either court. The Rockville courthouse always displayed the Family Justice Center brochure in English, and usually in Spanish. The Silver Spring court had no materials about the FJC or about shelter or other county services in any language, including English.

## Recommendations

The courts, at either the county or state level, should develop a video in both English and Spanish that can be played before the judge takes the bench, to explain the protective order process. The videos could also be posted online and be available at county libraries.

An interpreter should never try to speed up a party during a hearing or put pressure on them to answer a question; these functions do not appear in the Interpreters' Code of Conduct. A respectful and courteous approach increases the chances a victim will return to court if she needs to.

Interpreters should always use head-sets - already available at court - whenever both parties need translation. This would result in more complete translation for both parties and will allow victims to keep their distance from abusers.

The Administrative Office of the Courts should require that new interpreters observe a number of cases using interpreters prior to beginning work to become familiar with the process and how a variety of interpreters proceed under different circumstances.

## **Conclusion**

In six months of monitoring Court Watch Montgomery has observed that Montgomery County District Court judges as a whole make consistent and notable efforts to ensure that the outcomes of protective and peace order hearings are fair and just to both parties.

As we stated in the introduction, our concern is not with matters of law or judicial findings but with lapses in procedure that will make it less likely for victims to return to court for relief. These are twofold.

Our first major concern is with court practices that compromise victim safety inside and outside the court house, chiefly lack of security in the hallways and the practice of allowing petitioners and respondents to exit the courtroom simultaneously. We have recommended simple and low cost solutions to address these gaps in process.

Our second major concern regards deterrence and providing parties to protective orders with adequate information. Many judges do not take advantage of opportunities to verbally reinforce the deterrent power of existing statutes by advising respondents to turn in their firearms and reiterating criminal penalties for violations. Such verbal admonitions also serve to reassure victims that the courts take them seriously. Both petitioners and respondents would also greatly benefit from a more thorough introductory statement and by having each final order read to them with the opportunity to ask questions about its provisions.

These recommendations, as well as others we have made in this report, involve no additional cost and both national authorities and other jurisdictions have adopted them as “best practices.” Further, it should be noted that for each innovative approach that we discuss in this report there is at least one judge already following the approach over half the time, indicating that at least one judge already sees value in a “best practice” that we recommend, such as staggered exits. Additionally, judges who regularly followed some or all of the best practices during the course of our study appeared to finish their morning dockets just as quickly as judges who did not, without having to send cases to other courtrooms. This tells us that implementation of our recommendations is not only possible and practical but has acknowledged value for improving victim safety and increasing the effectiveness of protective and peace orders.

## Future study

Court Watch Montgomery's first task will be to head for the courtroom again, and assess any increases in the use of best practices. We will broaden the issues we monitor to study additional aspects of protective and peace order hearings that can improve victim safety.

We intend to more fully document the consent process as well as the process of granting orders when cross orders are filed. Additionally we are interested in how our data at District Courts might compare to a similar study in Circuit Court. In addition, we hope to begin monitoring civil hearings on contempt for violating orders and criminal hearings for more egregious violations.

## Appendix 1.

### Methodology

This report is based on our first set of data, which documents aspects of the protective and peace order hearing process that we believe are most likely to impact victim safety. Court Watch looked at the entire range of services in the courthouse that could affect a victim's desire or ability to obtain a final peace or protective order, as one part of her broader safety plan. We observed judges, clerks, bailiffs, interpreters, and sheriffs during each peace or protective hearing, and, to the extent possible, watched the dynamics in the waiting areas where parties often necessarily waited in close proximity.

We trained volunteers in a three hour classroom setting, and then did extensive "on the job" training at court. A supervisor was scheduled for each day who knew court process well and who discussed the docket when the team of two volunteers finished, making sure their forms were completely filled out and answering any questions.

Teams of two observers at a time allowed us to gather more insights and improve reliability. They sat in different parts of the courtroom and sometimes were able to pick up on different aspects of the hearing, such as what the clerk was doing. The 512 hearings that were monitored at the Rockville District Court comprise 80% of all hearings monitored. The 130 hearings observed at the Silver Spring District Court (20%) comprise the rest of the sample. Monitors were in court 3 to 5 mornings a week in Rockville and twice a week in Silver Spring. Once in court, we tried to observe the entire docket. Silver Spring monitoring was only started after additional volunteers had completed training.

We chose not to equalize the number of hearings we monitored for each judge, but rather to let collected data speak to the randomness of judge's schedules and that fact that some judges appear to be hearing more domestic violence cases than others.

Court Watch Montgomery monitors used a three-page checklist to assess courtroom process, as well as the demeanor of judges, interpreters, bailiffs and clerks. The form was tested in both courts by Steering Committee members and revised. The form was revised numerous times after monitoring began as we got feedback from volunteers about what aspects of it worked well and which were problematic.

We were only able to observe a handful of video hearings for temporary protective and peace orders in Rockville, as fed by video from the Family Justice Center, since most were not added to the existing morning docket, but handled in other courtrooms or in the afternoon.

## Appendix 2.

### Mission Statement of the District Courts of Maryland

“It is the mission of the District Court of Maryland to provide equal and exact justice for all who are involved in litigation before the Court.

It is the sworn obligation of the judges of the Court to ensure that every case tried herein is adjudicated expeditiously, courteously, and according to law, and with the fullest protection for the rights of all who are involved, for the most extraordinary aspect of the judiciary in a free society is that even while exercising the vast authority entrusted to them, judges remain the servants, and not the masters, of those on whom they sit in judgment.

It is the function of the non-judicial employees of the District Court to facilitate the hearing and processing of all cases within the Court’s jurisdiction, and to deal fairly, courteously, and patiently with all with whom they come into contact, without regard to age, race, sex, religion, national origin, disability, or political or social standing.

It was to ensure the fulfillment of these ideas that this Court was founded, and its commitment to them must always remain unwavering and unyielding.”<sup>23</sup>

### Judges for the District Courts of Maryland

Judges are appointed by Governor with Senate consent to 10-year terms (11 Judges):

[Eugene Wolfe](#), *District Administrative Judge (chosen by Chief Judge, District Court of Maryland, with approval of Chief Judge, Court of Appeals)*, 2021

[J. Michael Conroy, Jr.](#), *Associate Judge*, 2016

[Gary L. Crawford](#), *Associate Judge*, 2016

[Audrey A. Creighton](#), *Associate Judge*, 2020

[Gary G. Everngam](#), *Associate Judge*, 2021

[Barry A. Hamilton](#), *Associate Judge*, 2016

[Stephen P. Johnson](#), *Associate Judge*, 2018

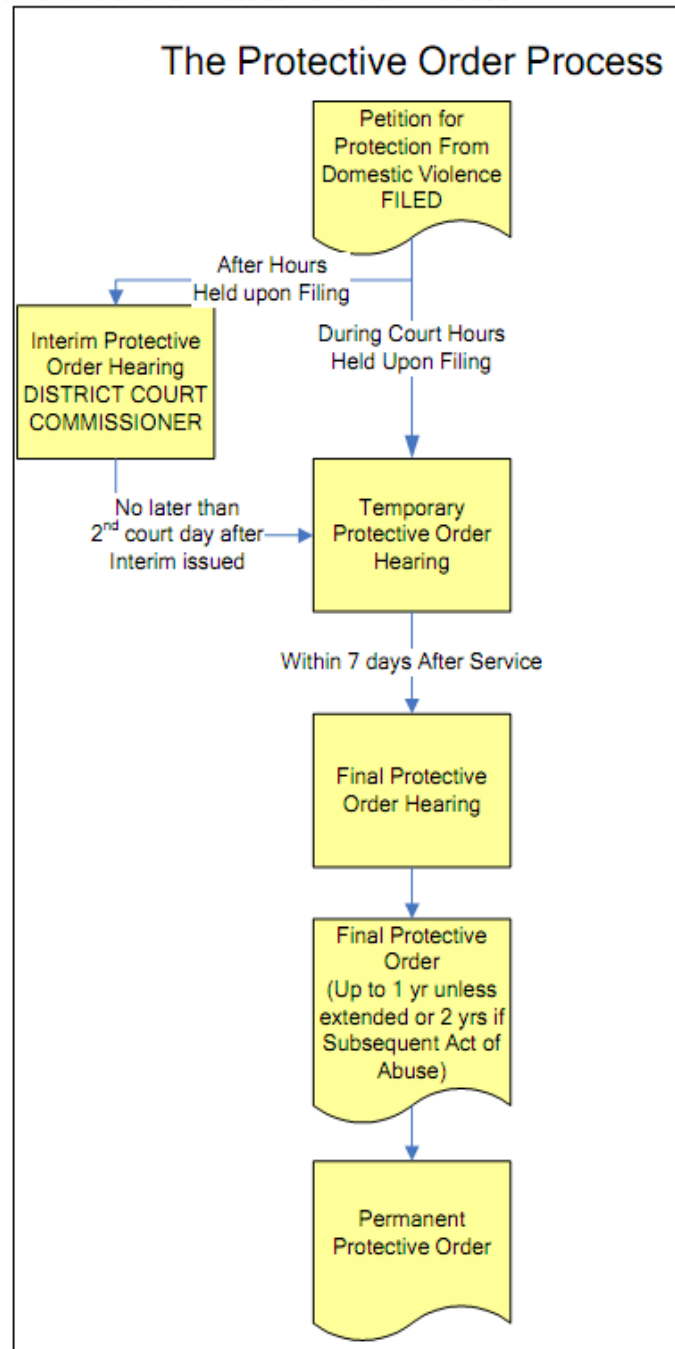
[Brian G. Kim](#), *Associate Judge*, 2012

[Patricia L. Mitchell](#), *Associate Judge*, 2016

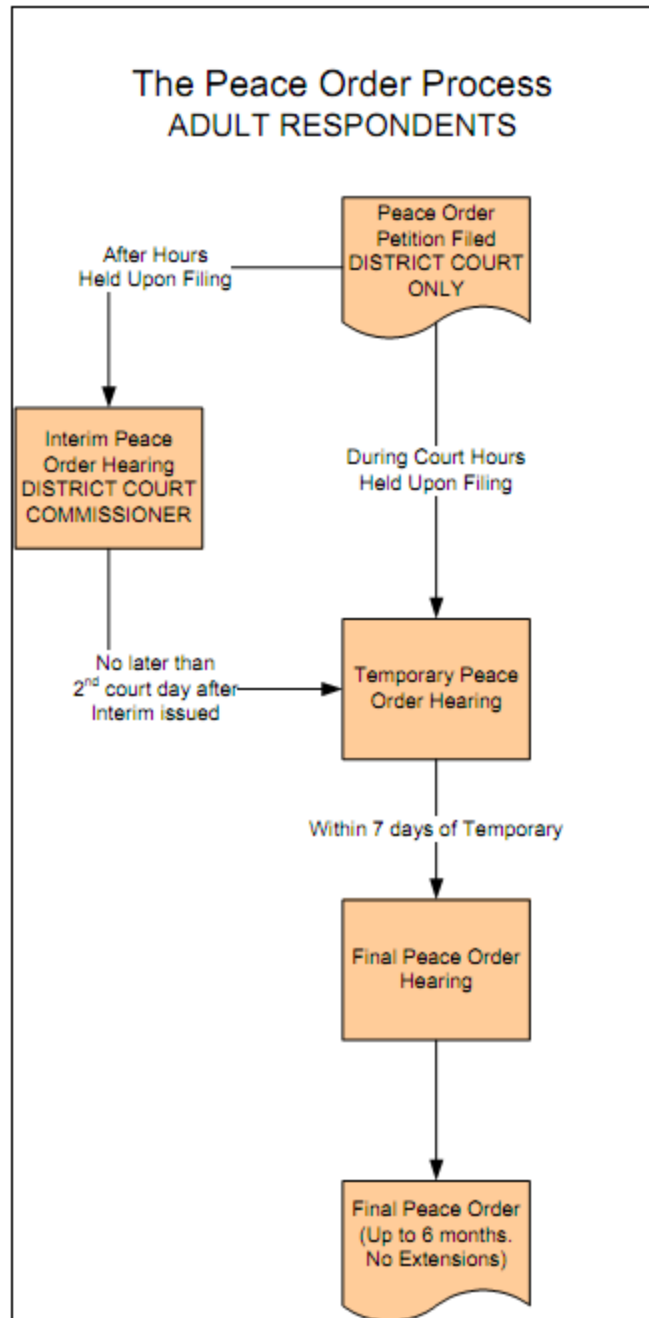
[James B. Sarsfield](#), *Associate Judge*, 2016

[William G. Simmons](#), *Associate Judge*, 2016

**Figure 1. Flowchart of the Protective Order Process**



**Figure 4. Flowchart of the Peace Order Process (Adult Respondents)**



Flow Chart extracted with the permission of the Administrative Office of the Courts from Figure 4 in the Maryland Judge's Domestic Violence Resource Manual October 2009 edition



#### Appendix 4 .

Charts and tables describing additional aspects of cases Court Watch Montgomery monitored

### Resolution of restraining order cases

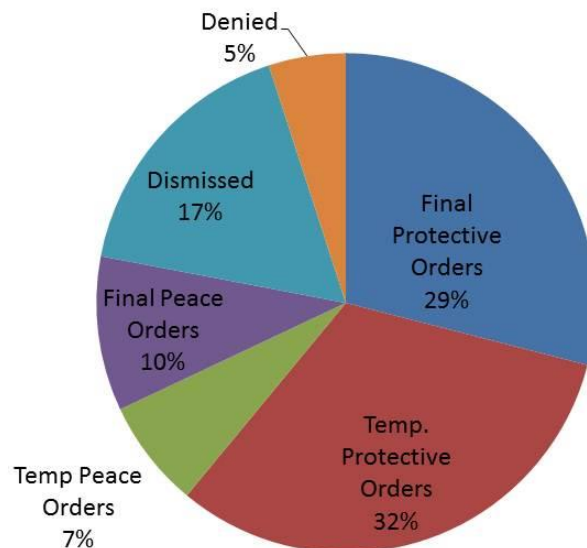
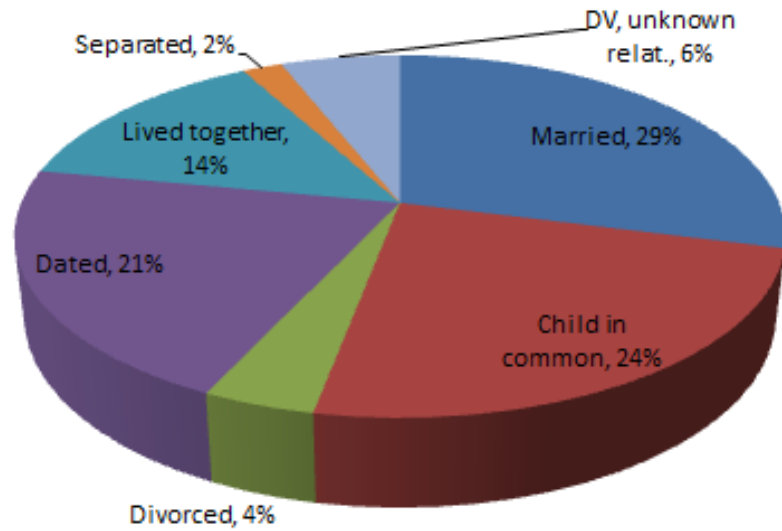


Chart 1 shows orders granted, which include interim orders granted as temporary orders, temporary orders issued for the first time, extended temporary orders, and final orders. Cases that did not result in orders were either dismissed or denied. All cases are intimate partner violence, some are protective orders while others are peace orders.

Some of the temporary orders – 22 of them – were transferred to Montgomery County Circuit Court to be combined with open cases. 64 cases were postponed due to lack of service.

### Relationship between parties, monitored cases



**Table 1. .**  
**Gender of petitioners and respondents**

	Number female	% female	Number male	% male	Totals
Petitioners	585	90%	57	9%	642
Respondents	66	10%	576	91%	642

Table 2.  
Use of interpreters (used by 130 parties)

	<b>Petitioner</b>	<b>Percentage</b>	<b>Respondent</b>	<b>Percentage</b>
Spanish	64	83%	42	79%
French	4	5%	3	6%
Mandarin	2	2%	2	4%
Portuguese	2	2%	0	0%
Tagalog	2	2%	0	0%
Bengali	1	1%	1	2%
Sign	1	1%	1	2%
Korean	0	1%	1	2%
Urdu	1	1%	2	4%
Amharic	0	1%	1	2%
<b>Total</b>	<b>77</b>	<b>99%</b>	<b>53</b>	<b>101%</b>

Table 3.  
Legal representation of the parties

<b>Representation</b>	<b>Frequency</b>	<b>Percentage</b>
Neither party represented	336	52%
Both parties represented	64	10%
All petitioners w/ counsel	152	24%
All respondents w/ counsel	115	18%
Petitioner only	72	11%
Respondent only	50	8%
Petitioner w/ an advocate	107	17%

Table 4. Orders granted by consent or hearing

<b>Type of Order</b>	<b>Percentage</b>
<b>Consent order</b>	45%
<b>Order following a hearing</b>	55%

Table 5. Number of cases heard and resolution by judge, 642 monitored cases

Judge	Total number of cases heard	% of all cases heard by Judge that where granted	% of all cases heard by Judge which were denied
AVERAGE	53	77%	5%
Judge A	49	71%	4%
Judge B	56	68%	5%
Judge C	82	77%	7%
Judge D	33	82%	3%
Judge E	46	74%	<b>11%</b>
Judge F	77	82%	1%
Judge G	72	74%	10%
Judge H	60	73%	5%
Judge I	38	84%	0%
Judge J	54	80%	3%
Judge K	46	76%	7%
Visiting Judges	18	89%	0%
Unknown	2	89%	0%

Table 6. Rates of various negative behavior and demeanor, by judge\*

The following table records the percentage of cases in which each judge failed to use best practices, as defined by the Maryland Judge's Resource Manual (2009) , the National Association of Juvenile and Family Judges (2010), or both.

<b>JUDGE</b>	<b>% of cases Judge did not use staggered exits/ victim first</b>	<b>% of cases Judge did not tell resp. to surrender firearm</b>	<b>% of cases Judge did not tell resp. it's a crime to violate &amp; penalties</b>	<b>% of cases Judge did not show courtesy and respect</b>	<b>% of cases Judge did not review what was in the order, ask if questions</b>	<b>Number of dismissals w/o any questioning</b>
<b>Judge A</b>	95%	53%	89%	18%	7%	1
<b>Judge B</b>	41%	89%	70%	0%	26%	0
<b>Judge C</b>	100%	68%	73%	22%	30%	2
<b>Judge D</b>	100%	33%	15%	4%	0%	0
<b>Judge E</b>	95%	32%	33%	3%	15%	0
<b>Judge F</b>	94%	64%	38%	10%	9%	0
<b>Judge G</b>	88%	100%	100%	24%	84%	0
<b>Judge H</b>	79%	67%	50%	2%	0%	0
<b>Judge I</b>	58%	50%	44%	0%	29%	0
<b>Judge J</b>	100%	100%	93%	0%	23%	2
<b>Judge K</b>	85%	58%	94%	29%	48%	0
<b>VISITING JUDGES</b>	50%	50%	50%	0%	11%	2
<b>AVERAGE</b>	82%	68%	63%	9%	23%	

\* Average is unweighted by number of cases per judge. Visiting judges' percentages reflects an average of all visiting judges.

## Footnotes

1. U.S. Census Bureau, DP-1. Profile of general demographic characteristics: 2000, Census 2000 Summary File, Montgomery County Maryland.

Tjaden, Patricia & Nancy Thoennes. National Institute of Justice and the Natl. Center for Disease Control and Prevention. "Extent, nature, and consequences of intimate partner violence: findings from the National Violence Against Women Survey", 2000.

The most conservative population rate of domestic violence for women over 18 in the U.S. is 1.3%, (see NIJ and CDC report). The female population of females over the age of 18 in the County is approx. 346,426 (census cited above) thus approximately 4,503 victims per year.

The figure for numbers of women abused over their lifetimes in the county (76,000) was arrived at by applying the national lifetime domestic violence rate, 22.1% (NIJ, CDC report). In addition, county police report 1,567 domestic disturbance and family violence calls in 2010 that were labeled aggravated assaults or assaults. Approx. 25% of domestic violence incidents are reported, hence an estimate of 4,701. This data includes multiple calls to the same residence, and male victims but does not include calls where no police report was written.

2. Maryland Network Against Domestic Violence, Domestic violence fatality review statewide report. 2009. <http://www.mnadv.org/DVFRTfinal.pdf>.

Beyond injuries and fatalities, domestic violence exacts a high cost on both victims' families and the broader society. Children who witness abuse are more inclined to have behavior and emotional problems. Boys are more likely to grow up to be abusers, and girls to be abuse victims and suffer from depression.

Family violence costs the United States an estimated \$5 to \$10 billion dollars annually. One 2009 study in Kentucky estimated that protective orders saved the state \$85 million in one year by reducing medical and mental health costs, lost earnings, property loss and criminal court costs arising from domestic violence. (See Logan, T.K. footnotes).

3. Michelle R. Waul, Civil Protection Orders: An opportunity for intervention with domestic violence victims, 6 GEO. Public Policy Review 51, 53 (2000).
4. Logan, T.K., Robert Walker et al. The Kentucky Civil Protective Order Study: a Rural and Urban Multiple Perspective Study of Protective Order Violation, Consequences, Responses and Cost. National Institute of Justice Grant. 2009.

5. Logan, T, Walker, R, Shannon L, Cole, Jennifer. Factors Associated with Separation and Ongoing Violence Among Women with Civil Protective Orders. Journal of Family Violence. Vol. 23. No. 5, 377-385.
6. District Courts, FY 2010 2,274 orders filed. We conservatively assume 90% of protective orders involved intimate partners, and 33% of the peace orders. Circuit Court produces approx.600 orders a year.
7. St Paul blueprint for safety: an interagency response to domestic violence crimes. 2010. St. Paul, Minnesota.
8. <http://www.courts.state.md.us/district/about.htm>
9. Standards of proof for domestic violence civil protection orders (CPO's) by state. ABA Commission on Domestic Violence. 6/2009.
10. The National Council of Juvenile and Family Court Judges. Civil protection orders: a guide for improving practice. 2010. (NCFJC) Reno, Nevada [http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo\\_guide.pdf](http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo_guide.pdf)
11. Maryland Judge's Domestic Violence Resource Manual. Administrative Office of the Courts. Dept. of Family Admin. Annapolis, 2009.
12. Tjaden, Patricia & Nancy Thoennes. National Institute of Justice and the Centers of Disease Control and Prevention. "Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey", 2000.
13. Maryland Judge's Domestic Violence Resource Manual. Administrative Office of the Courts. 2009.
14. Tjaden, Patricia & Nancy Thoenne. National Institute of Justice and the Centers of Disease Control and Prevention. "Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey", 2000.
15. Carmody, C.D. & Williams, K.R.. "Wife Assault and Perceptions of Sanctions." Violence and Victims Spring, 2 (1): 25-38. 1987.
16. Logan, T, Walker, R, Shannon L, Cole, Jennifer. "Factors Associated with Separation and Ongoing Violence Among Women with Civil Protective Orders." Journal of Family Violence. Vol. 14, Number 2, 025-266.
17. (U.S.C. §§192(g)(8).



18. Md.Code, §§ 40596 Family Law and/or Md. Code Ann. Pub. Safety § 5-133(b)(8)).
19. The National Council of Juvenile and Family Court Judges. Civil protection orders: a guide for improving practice. 2010.
20. Ibid.
21. Sharhabani-Arzy, R. and Marianne Amir. The toll of Domestic Violence: PTSD Among Battered Women in an Israeli Sample. Journal of Interpersonal Violence, 11/2003. Vol.18 No 11. p.1335-1346.
22. Harrell, Adele and Barbara Smith, "Effects of Restraining Orders on Domestic Violence Victims". In Buzawa, E. and Buzawa C. Do arrests and restraining orders work? Sage Publications. 1996.
23. <http://www.courts.state.md.us/district/about.htm>

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