

BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 8, 2022
POSITION: **SUPPORT**

ROAR's Mission and Work

ROAR is a “one-stop-shop” in Baltimore City where survivors of crime can access a full range of wraparound legal, supportive social and nursing care, and mental health services in one place, which research has shown provides the best outcomes for survivors, who are often managing myriad and complex needs. ROAR’s vision is to co-create with survivors a community in which people who experience crime or systemic injustice are empowered to achieve their own sense of justice, healing, and well-being. ROAR’s mission is to engage with individuals and communities in Baltimore City by providing holistic, client-driven services to survivors of crime and influencing efforts to reform system responses to crime.

Population ROAR Serves

In the first 2+ years of operations (June 2019-mid-August 2021), 17 months of which were during the pandemic, ROAR served 335 unduplicated individuals with 793 units of supportive services and 965 units of legal services (which includes returning intake calls). Of the 335 survivors of crime that ROAR helped during that time:

- 29% were male; 65% were female; 6% unreported
- 16% ages 0-17; 9% 18-24; 65% 25-59; 10% 60+
- 24% reported a disability (cognitive, physical, or mental)
- 71% were Black; 12% Latinx; 10% white; 7% other
- 10% reported that they had experienced homelessness; 43% poly victimization; 6% LGBTQIA; 4% immigrant; 5% veteran
- 37% experienced homicide or non-fatal shooting; 21% community violence/assault; 19% intimate partner violence; 7% robbery; 8% sexual assault; 3% environmental crimes; 1.5% police-perpetrated crimes; 1% human trafficking; 1% hate crimes.

Examples of Survivors of Intimate Partner Violence/Domestic Violence Who Would Have Benefitted from This Legislation – represented by ROAR attorneys

Quotes from emails from ROAR's staff attorneys:

“I worked with the DV shooting victim that Lydia referenced and had to fight pretty hard to be allowed to file for a Temporary Protective Order on her behalf. I visited her while she was still hospitalized and had her review and sign the Protective Order application. However, the Commissioner refused to grant the order since she wasn’t physically present in their office with me. The next day, I was eventually allowed to file on her behalf at the courthouse, after I escalated to a supervisor, who then got approval from the judge. After an ex parte hearing, her

temporary order was granted, but the judge made it clear that my client would not be allowed to testify remotely at the final order hearing, despite being in the hospital (this was in 2019, before the pandemic showed us that these types of proceedings can certainly be conducted remotely). This posed an issue because she needed a Final Protective Order to be eligible to get out of her current lease under Maryland's DV law, and her landlord was not being sympathetic about the circumstances. Luckily, she ended up being released from the hospital the next week, so the issue resolved on its own. The abuser was also already in police custody which lessened the fears she might've had about confronting him in court."

"I also have an example to point out the risk that the Commissioner's Office poses to DV victims. I had a case where the abuser followed my client to the Commissioner's Office one evening and caused a big commotion in the lobby while I was there helping her apply for a protective order for her child (she already had a protective order against him herself). Aside from making me a witness in my own case, this incident also brought to light how easy it is for abusers to exploit the public nature of the courthouse and Commissioner's Office to stalk, harass, and further harm their victims with anticipated impunity. Naturally, he claimed that he had only come to the Commissioner's Office with the intent of filing for his own protective order (which he conveniently didn't file). He was charged with violating the protective order he had against my client, but at one point the Assistant State's Attorney considered dropping the charge because technically the abuser had a "right" to go to the Commissioner's Office like all other citizens. He was ultimately found guilty of violating the order (then appealed and accepted a STET as a plea). However, they have young children together, so she is unfortunately likely to have to deal with his antics again at some point."

"One last example I'll give is of a client who had to be relocated several times because of the severity of her ex's abuse. She had a Final Protective Order against him and because she is a participant in the Safe At Home-Address Confidentiality Program, her ex has been desperate to get her new address. He continuously filed frivolous and fraudulent criminal charges against her, each time causing an arrest warrant to be issued against her... which could never be served because he couldn't provide her actual address. Because of how warrants are handled in Maryland, they don't become publicly visible on CaseSearch until they are either served on the Defendant (i.e. an arrest is made) or until 90 days have passed without service. She had several instances over the years where she was randomly arrested on charges she had no idea were pending against her until her arrest (one time when she was 5 months pregnant). She became terrified of leaving her house for fear that he could have another active warrant out against her at any time. At the beginning of the pandemic, he assaulted her during one of their custody exchanges and I could not get her to accompany me to the courthouse to file to bring charges against him or to file to extend her protective order that was expiring soon, because she was so fearful of being snatched from her children and thrown in jail again. I was able to file the petition to extend her protective order on her behalf and I petitioned for a remote hearing to be held, but the judge refused to allow her to testify remotely and as a result, her protective order expired. I have no doubt that a law allowing her to apply or testify remotely would have resulted in a better outcome for her."