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DEMOCRAT FOR ATTORNEY GENERAL

Plan to End the Domestic Violence Crisis

Executive Summary

Domestic violence, also referred to as “intimate partner violence” or “domestic abuse”, is a pattern of behavior by one partner used to gain and maintain power and control over another partner in an intimate relationship. Domestic violence includes physical, sexual, emotional, economic, and psychological actions or threats of actions that are used to control victims. Anyone can be a victim of domestic violence, regardless of age, race, gender, sexual orientation, or class.

Currently, Maryland is experiencing the worst spike in domestic violence in our lifetimes. A [Frontline](#) report found that Maryland experienced a 93% increase in domestic-violence-related shooting deaths in 2020. In 2021, violent domestic crime in Baltimore alone rose 31%. [One in three American women](#) and one in four American men will experience physical violence, sexual violence, or stalking victimization by an intimate partner in their lifetimes. Nationally, for the first time ever, [homicide](#) is the top cause of maternal death.

This harrowing reality is simply unacceptable.

As Maryland’s Attorney General, I will use my expertise to end the current domestic violence crisis. For 20 years as a judge in Baltimore, I advocated for domestic violence reform. I heard criminal and civil domestic violence cases and volunteered to travel around the country to teach other judges about how they can handle domestic violence cases in an effective and protective manner. Attorney General Brian Frosh made crusading for victims of domestic violence a cornerstone of his service and I am committed to following in the model Attorney General Frosh set. It is critical that the state’s top legal officer understands that domestic violence is a pervasive threat to our communities, and I will use the office’s bully pulpit to call attention to this danger.

We must work to end domestic violence and sexual assault across the state by prosecuting perpetrators, focusing on prevention, and fully funding services for victims. As Attorney General, I will fight for reforms and legislative proposals designed to ensure that domestic violence is reported and prosecuted, that victims are protected, and prevention programs are created.

Ensuring Victims Services Are Accessible for All Marylanders

Too often, domestic violence is an invisible crime as victims feel stigmatized and criminal justice systems fail to recognize the signs of people in crisis. Exacerbating the crisis, as Maryland continues to grapple with the effects of the pandemic and home isolation, victims of domestic violence are facing a heightened risk of suffering abuse. This is especially true for children, who have a reduced chance at long-term happiness and success when raised in an abusive home. Research shows that the traumatic impact on children is the same whether they are physically abused or simply live in a household where domestic violence occurs.

I have heard countless stories of victims being forced to tell police about their abuse in public settings or being met with skepticism when they try to report their abuse. This deters victims from coming forward and perpetuates a vicious cycle of violence in their homes. Crisis services need to be accessible, empathetic, and effective to ensure every survivor can get the help they need. Survivors reporting abuse should be able to do so in a private setting in a way that does not re-traumatize them by forcing public or unnecessarily repeated retellings.

Once elected, I will ensure that the Attorney General's office can connect victims with domestic violence and sexual assault service providers throughout the state. Although the Attorney General cannot represent or give legal advice to private citizens, it can provide victims with information regarding Maryland domestic violence organizations and agencies that provide valuable information, lethality assessment, safety planning, shelter, counseling, and legal representation. I will advocate for increasing funding to organizations like the House of Ruth, organizations which provide legal representation to victims of domestic violence and sexual assault across the state. Increased survivor access to representation will improve outcomes in protective order, divorce, custody, and support cases. This is critical during the pandemic when legal aid resources have become dangerously overburdened.

Additionally, I will advocate for the Maryland General Assembly to make the HIV nPEP Pilot Program a permanent public health program. The HIV nPEP treatment is designed to prevent HIV infection after exposure to the virus, and a patient must begin the HIV nPEP treatment within 72 hours of exposure to maximize its effectiveness. The program funds the full 28-day course of HIV prevention treatment and follow-up care for victims of sexual assault or child sexual abuse. This program is critical in preventing one of the most expensive and consequential long-term harms of sexual assault and is an important step towards protecting victims.

Thirdly, I will pressure the next Governor of Maryland to reverse the policies of the Hogan Administration regarding Victims of Crime Act funding. The Hogan Administration left over \$50 million in federal victim aid funding unutilized. I will work with the Governor's office and the U.S. Department of Justice to ensure that money is immediately allocated and responsibly administered to victims in need.

Finally, I will advocate for the General Assembly to pass a law guaranteeing counsel for victims seeking protective orders in the courts. When a victim seeks a protective order against their abuser, the request occurs in civil court, meaning counsel is not automatically provided to the victim. The victim is often left to advocate for themselves, recounting traumatic events in a public setting. As a result, many times victims become flustered, confused, or unpersuasive in their advocacy and fail to tell the judge critical information the judge needs to issue a protective order. Survivor organizations have programs providing victims with counsel, and the results indicate that victims requesting protective orders with counsel have a much higher success rate than self-represented victims.

Reforming Domestic Violence and Sexual Assault Laws to Protect Victims

We need laws around domestic violence and sexual assault that match the nature of the problem in the 21st century. Most importantly, I call on the 2022 Maryland General Assembly to pass HB 148/SB 328 which would expand the criminal definition of stalking to include conduct that occurs via electronic communication or through the usage of a GPS tracker without the victim's consent. Cyberstalking is a growing problem across the country, particularly amongst young people. Current laws only account for physical stalking, even though this is not the most prevalent form of stalking anymore. Our laws need to reflect the new, digital character of stalking and ensure that victims are protected with equal vigor. I encourage the General Assembly to adopt such legislation and I promise to work with local law enforcement and prosecutors across the state to develop best practices to combat cyberstalking.

I also strongly encourage the General Assembly to pass HB 153/SB33, the Love Is No Defense to Sexual Crimes Act, which would overturn outdated state laws that dictate a person may not be prosecuted for first- or second-degree rape or third- and fourth-degree sexual offenses if the victim is the legal spouse of the assailant at the time of the offense. Marriage cannot be used as a defense to sexual assault. Right now, these laws protect abusers. Our moral and legal obligation must be to protect survivors and prosecute those that commit domestic violence and sexual assault.

Expanding Domestic Violence Prevention Programs

Prevention is key to our ultimate goal of ending domestic violence and sexual assault. No remedial effort, whether it be more prosecutions of abusers or more resources and care for victims, is as powerful as preventing assaults from happening in the first place. As a state, Maryland schools need to implement educational programming that prioritizes prevention and teaches young people about healthy and respectful dating.

Prevention efforts should begin with students, with many experts saying that education should begin before high school. Studies show that children who witness domestic violence or experience domestic violence have far higher rates of physical and mental health problems later in life. More disturbingly, childhood victims and witnesses of domestic violence are far more likely to be in abusive relationships later in life. This creates a dangerous cycle of violence that we need to break. I will facilitate conversations between schools and advocacy groups like the House of Ruth to develop educational programming for teens. Implementing a teen dating curriculum for schools would allow young people to recognize the signs, warnings, and dangers of abuse. We can also expand programming for counselors and teachers in schools to help them identify the signs that a child is experiencing domestic violence or trauma in their home lives to increase outreach to parents and provide appropriate services to their children.

Prevention and education efforts should continue into adulthood as well. Specifically, Maryland needs to allocate more funding for abuser intervention programs (AIPs). The key to successful intervention programming, however, is availability. Right now, most AIPs charge clients, even when court ordered. Even a small fee can be a barrier to some court-ordered participants. AIPs need to be free. Additionally, we need to expand our focus on getting non-court ordered abusers and at-risk people into free, drop-in AIP groups to teach them about the difference between abusive relationships and healthy relationships, as well as techniques to de-escalate and handle emotions safely. As a member of the Maryland Family Violence Council, I will work closely with stakeholders across state government and the not-for-profit sector to expand AIP programming to ensure it is designed to maximize prevention. We should encourage people to enter these programs before it is court ordered and as soon as there is concern that they exhibit abusive behavior.

Investment in domestic violence and sexual assault prevention is investment in public safety. It is investment in a safer present for victims and children, a safer future for Maryland, and we must ensure that each citizen understands the threat and ramifications of this widespread, but often overlooked, violence.

Reducing the Untested Sexual Assault Evidence Kit Backlog

Sexual assault and domestic violence are often deeply intertwined, and each is an enormous injustice in Maryland. In 2017, the Maryland General Assembly enacted the Sexual Assault Victims Resources Act, creating the Maryland Sexual Assault Evidence Kit Policy and Funding Committee. Attorney General Brian Frosh was a leader in creating this committee and drawing light to this problem. The Attorney General is the chair of the Committee and responsible for developing and implementing policies to reduce the untested sexual assault kit backlog. In December 2021, the Committee's report revealed evidence backlogs from 43 of 74 Maryland agencies that investigate sexual assaults. The 43 agencies reported possessing over 6,900 untested kits. That means, without accounting for the other 31 agencies that failed to report, there were nearly 7,000 untested sexual assault kits in Maryland.

This backlog is a major impediment to holding perpetrators accountable, further endangering victims and the broader community by hindering investigations and prosecutions. As the Attorney General and chair of the Sexual Assault Evidence Kit Policy and Funding Committee, I will work to reduce the testing backlog. First, I will enforce greater reporting compliance from all 74 Maryland agencies to determine the accurate number of untested kits.

Second, I will work to expand lab capacity. A lack of laboratory resources and funding are two of the key drivers of this backlog. I will work with the General Assembly to pass appropriations that expand forensic lab funding with the express aim of reducing the untested sexual assault backlog. I will also direct my office to act as a coordinator between local jurisdictions, the Maryland State Police, laboratories, and non-profits to come up with procedures that reduce kit testing times. The backlog is a disgraceful administrative failure, but it can be remedied by concerted administrative reforms.

Victims deserve answers about the status of their sexual assault evidence kits. Prosecutors need evidence to convict abusers and assailants. Marylanders deserve better than these enormous backlogs and delays, and I will work tirelessly to reform this system.

Conclusion

Domestic violence has been a cornerstone of my legal career. For 30 years I have worked to ensure survivors have access to care, prosecute abusers, and prevent further abuse through educational programs and court orders. As Attorney General of Maryland, I will work tirelessly to end the current domestic violence crisis.