

2022



Court Watch Montgomery Staggered Exit Report

Montgomery County District Courts Fail to
Consistently Implement Recommended
Safety Practice



Who We Are

Court Watch Montgomery (“Court Watch”) is the only organization in Maryland that observes and collects data about what actually happens in domestic violence hearings.



Since 2011, our Court Watch volunteers have monitored more than 10,000 civil protective order and criminal intimate partner violence hearings in the Montgomery County District Courts, observing hearings in both the Rockville and Silver Spring courthouses.

Court Watch identifies courthouse practices that help keep victims safe and advocates for improvements in policy and practice to ensure safety and access to justice for all parties.

Introduction

Leaving an abusive partner can be frightening and often dangerous for a domestic violence victim, as abusers may try to reassert control over the victim's life and escalate the violence ([Safe Horizon](#), [MNADV](#)). Seeking a protective order can bring additional trauma when survivors must face their abusers in court ([National Center on Domestic Violence, Trauma and Mental Health](#)).

Staggered exits are a nationally recognized best practice intended to keep victims safe, allowing them to leave the courtroom first after a protective order hearing, with their alleged offender leaving no sooner than 15 minutes thereafter. When properly executed, staggered exits reduce the risk of confrontation between the parties outside the courtroom and enable victims and their families to get safely to their transportation home. Staggered exits can help lessen trauma and increase the likelihood that victims will return to court when necessary to obtain a final order.

**STAGGERED
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ENSURE THE
SAFETY OF
VICTIMS OF
DOMESTIC
VIOLENCE**

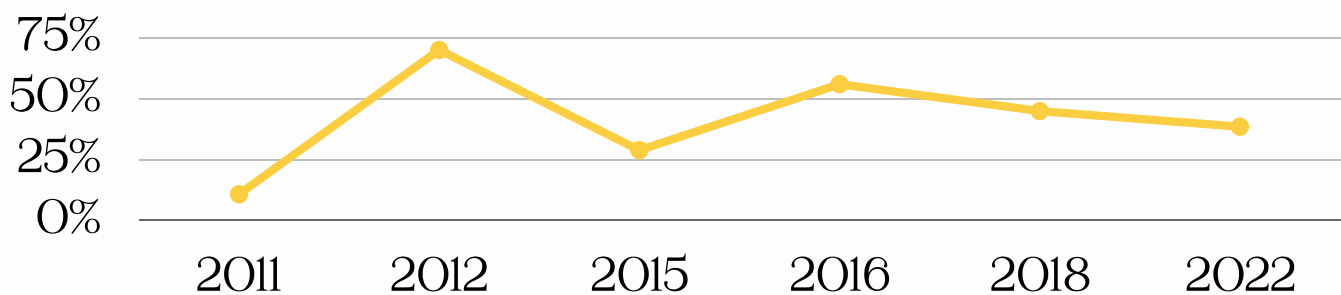


Court Watch began reporting in 2011 on use of "staggered exits" in Montgomery County District Courts. Court Watch documented that staggered exits were used in only 15% of hearings, prompting the Chief Judge of the Maryland District Court to recommend that staggered exits be adopted in all District Courts and that training be given to all new judges and bailiffs. Use of staggered exits in Montgomery County District Courts subsequently increased and the practice was implemented in 70% of hearings in 2012.

In subsequent years, Court Watch has seen the use of staggered exits fluctuate by year and vary by judge, despite the fact that they are cost-free and pose no significant burden to the courts. In 2015, Court Watch reported usage declined to 29%, but then rose to 56% in 2016 following another Court Watch report. By Court Watch's next report in 2018, usage had dropped again to 45%.

According to Court Watch's latest data, staggered exits were properly executed in only 39% of protective order hearings from May 2021 through May 2022.

Implementation of Staggered Exits 2011 – 2022



As the courts emerge from Covid-related closures and parties return to in-person hearings, a renewed focus on staggered exits is timely. This report demonstrates that use of staggered exits in Montgomery County has continued to decline, even though the practice is recommended by the Maryland Judiciary and supported by the Montgomery Court District Courts.

Court Watch maintains that petitioners seeking protective orders should expect a safe exit from our courts and that judges and judicial leaders must play an active role to ensure this happens. Accordingly, Court Watch offers recommendations set forth at the end of this report to improve and promote the consistent implementation of this important and recognized safety practice. These recommendations include that:

- All Montgomery County District Courts consistently implement staggered exits, allowing petitioners to leave the courtroom 15 minutes before respondents are released
- Judges announce a 15-minute staggered exit policy at the beginning of each domestic violence docket
- Montgomery County District Court leadership regularly emphasize the importance of staggered exits

Staggered Exits are a Nationally Recognized Best Practice

Staggered exits are widely regarded by national authorities as a judicial "best practice" in domestic violence cases. The National Council of Juvenile and Family Court Judges (NCJFCJ) first [recommended](#) 15-minute staggered exits in 2005. In 2010, following changes in federal and many state domestic violence laws, the NCJFCJ issued a comprehensive [guide](#) to improving practice in protective orders, again recommending victim-first staggered exits. Most recently, the NCJFCJ [endorsed](#) this practice in 2019.

In a [compilation](#) of recommended state practices, the Center for Court Innovation highlighted a Wisconsin policy allowing victims to leave first and requiring alleged offenders and their family and friends to wait at least 15 minutes before departing. Other states have adopted similar policies (e.g., [Florida](#) and [Michigan](#)).



A [report](#) from the University of Maryland School of Law also identifies staggered exits as a best practice. Most recently, in a [2020 report](#), the Center for Court Innovation and the National Center for State Courts jointly endorsed staggered exits due to the "high level of trauma and emotional distress" in domestic violence cases.

Staggered Exits are a Recommended Practice in Maryland and Montgomery County

In 2012, consistent with the NCJFCJ recommendations, the Honorable Ben Clyburn, then Chief Judge of the Maryland District Court distributed a bench card to all District Court judges, titled "Domestic Violence/ Peace Order Best Practices for Judges." Notably, the bench card emphatically states:

"REMEMBER TO STAGGER EXIT TIMES!!! Have the Petitioner leave FIRST, after receiving a copy of the Order. Wait at least 15 minutes after Petitioner leaves the courthouse before allowing Respondent to exit."

Moreover, in response to a July 2022 inquiry from Court Watch about judicial education on staggered exits, a public information officer for the Maryland Judiciary noted that:

- *Staggered exits are included in the bench card and are discussed at New Trial Judge Orientation, in classes on domestic violence and on protective orders*
- *Staggered exits have also been discussed with administrative judges*

Also, in response to a July 2022 query from Court Watch as to the policy in Montgomery County regarding staggered exits, the Honorable Sherri Koch, District Court Administrative Judge explained that:

- Both the Rockville and Silver Spring courthouses and all District Court judges have copies of the state's bench card recommending 15-minute staggered exits
- The Montgomery County District Court supports the practice of staggered exits, which are to be executed by the bailiffs



Court Watch's Reporting Methodology

From May 2021 through May 2022, Court Watch monitored 114 protective order hearings presided over by 14 different Montgomery County District Court judges in which both the alleged victims ("petitioners") and alleged offenders ("respondents") were physically present in court. Of the hearings monitored, either a temporary or final order was granted in 99 hearings, while a protective order was either denied or dismissed in 15 hearings. Court Watch volunteers monitored the hearings in pairs and all hearings were monitored for staggered exits regardless of whether the petitioner was accompanied by an attorney.

While in some previous reports Court Watch excluded dismissals in the calculation of staggered exits, for purposes of this report and as a future practice, Court Watch is reporting on the use of staggered exits in all protective order hearings, regardless of outcome, consistent with the view that all petitioners should be afforded a safe exit from court.

For this Report, Court Watch monitored 114 hearings by 14 different judges

As set forth above, a proper staggered exit is defined as one in which the petitioner leaves the courtroom at least 15 minutes prior to the respondent. While Court Watch endorses this best practice, for purposes of data analysis only, this report defines a staggered exit as one in which the parties leave the courtroom 10 or more minutes apart, thereby allowing for any inaccuracies in monitors' timing.

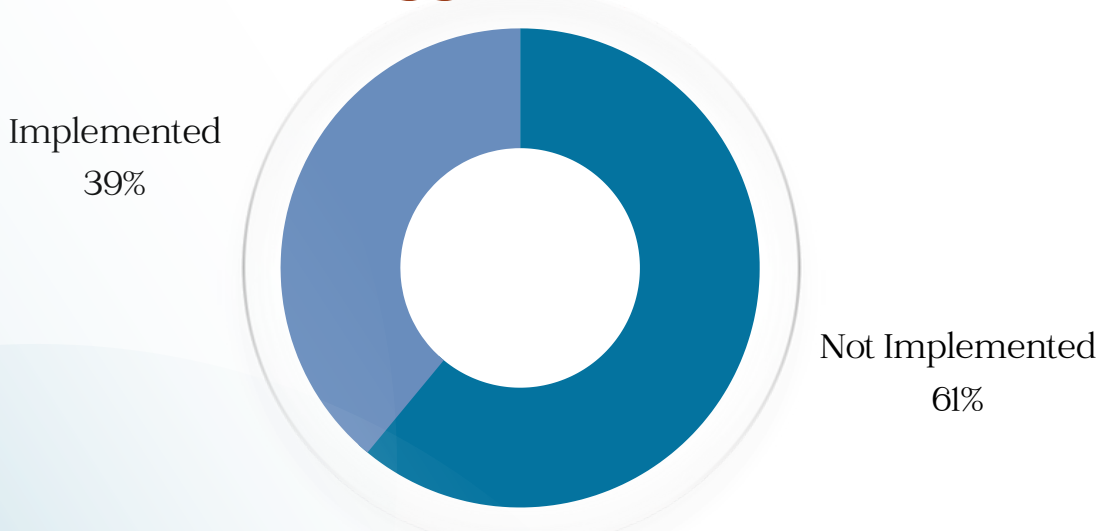
Finding: Proper Staggered Exits in Montgomery County Courts Dropped to 39% in 2022

Court Watch's data demonstrates that Montgomery County District Courts failed to implement proper staggered exits in 61% of domestic violence protective order hearings in the reporting period.

As the chart on page 3 of this report shows, staggered exits by Montgomery County District Courts have fluctuated greatly over the years with usage of 15% in [2011](#), rising to 70% in [2012](#) after Court Watch issued its first report and the Chief Judge recommended the practice.

In [2015](#), usage declined to 29% but rose to 56% in [2016](#) following another Court Watch report and resulting Washington Post [editorial](#), and again declined to 45% in [2018](#). Most recently, usage declined to 39% in 2022.

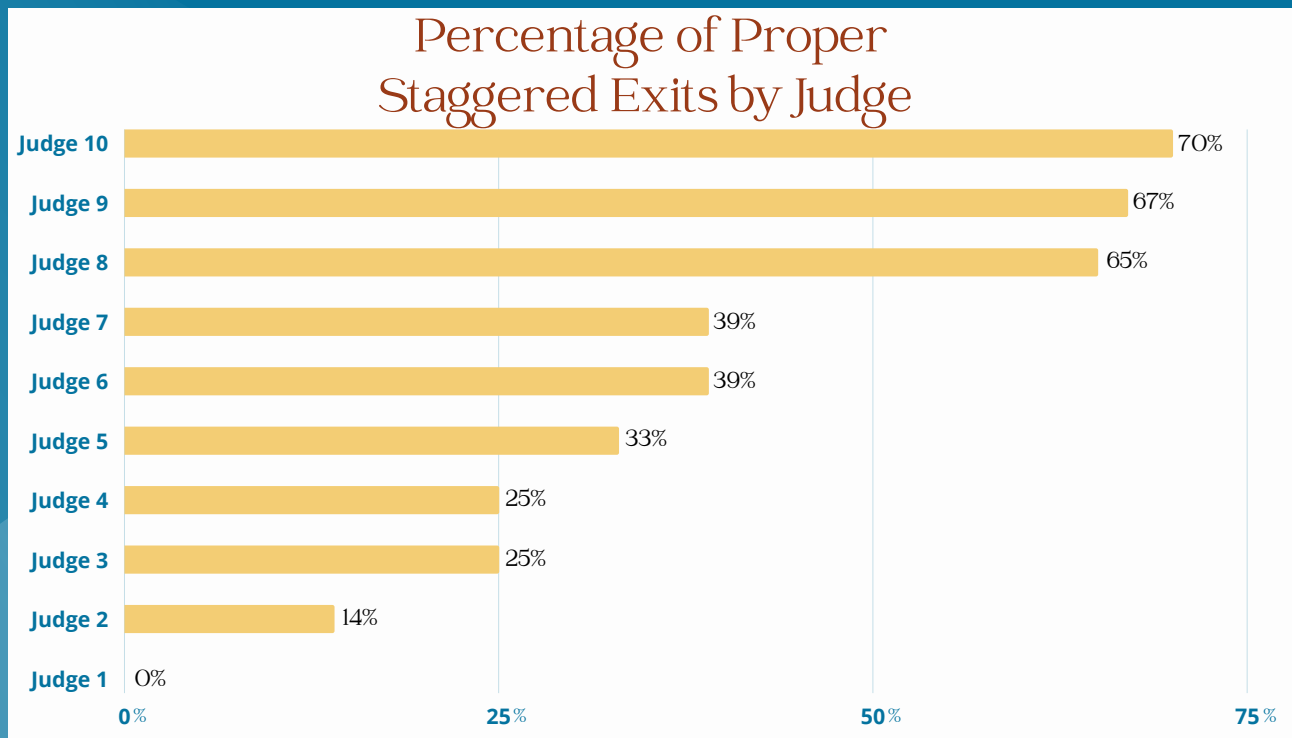
Implementation of Staggered Exits



Finding: Staggered Exits Varied Widely by Judge

Court Watch found that implementation of staggered exits in 2022 varied widely by judge. A total of 14 judges presided over the 114 hearings included in this report. However, four of these judges presided over five hearings or fewer and were therefore excluded from the individual judge analysis. It is Court Watch's policy not to identify judges by name.

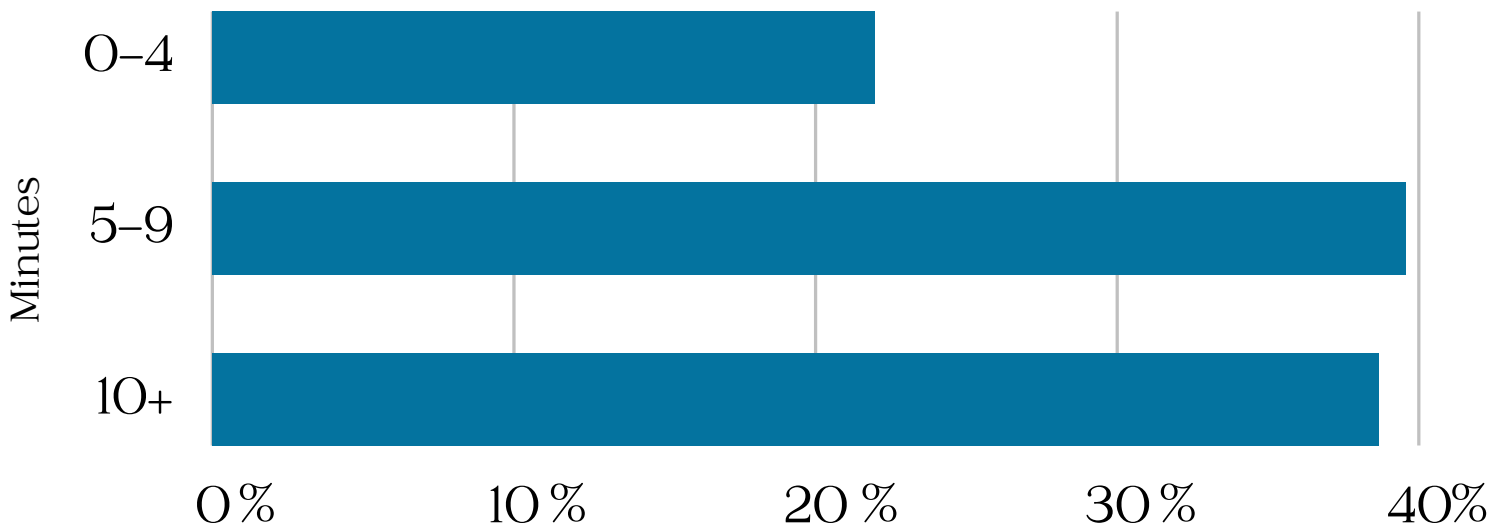
Of the ten judges for whom data were analyzed, one judge properly implemented staggered exits 70% of the time and two judges did so approximately two-thirds of the time. Two judges properly implemented them in 39% of the hearings, which is the average of all hearings monitored for this report. One judge implemented proper staggered exits 33% of the time and three judges implemented them in 25% of hearings or less. One judge did not implement any proper staggered exits at all.



Finding: One-Fifth of Staggered Exits Were Less Than 5 Minutes Apart

Court Watch volunteers reported that petitioners and respondents exited the courtroom between 0 and 4 minutes apart in 22% of the hearings in 2022. Exits were between 5 and 9 minutes apart in almost 40% of hearings. Notably, a staggered exit time of 10 or more minutes was achieved in Montgomery County courtrooms in 39% of protective order hearings.

Staggered Exits by Minutes



Finding: Volunteers Observed Serious Cases Without Proper Staggered Exits

Court Watch volunteers noted a number of hearings in which testimony suggested the situation was particularly dangerous to the petitioner, yet a proper staggered exit was not implemented. Below are examples of such hearings observed by Court Watch in which the exit time between parties was significantly less than the recommended 15 minutes.

▶ **Case #1:** Petitioner said respondent refused to stop stalking and harassing her "because she is his soulmate." After the judge granted the order and petitioner started to leave the courtroom, the respondent jumped up and began yelling "F-you" and had to be talked down by the bailiff. Time between petitioner and respondent exit = **7 minutes.**

▶ **Case #2:** Respondent was arrested after a fight with petitioner where he "pinned her neck down," grabbed her phone and left her with bruises. Respondent also closed a garage door on the petitioner's back. Time between petitioner and respondent exit = **7 minutes.**

▶ **Case #3:** Petitioner described sex abuse and assault by the respondent. Respondent also followed petitioner in his car in a threatening fashion and stalked her at her sister's house. Time between petitioner and respondent exit = **8 minutes.**

Conclusions

Staggered exits are a nationally recognized best practice, are a recommended practice in Maryland and are supported by the Montgomery County District Courts. Yet, Court Watch has repeatedly found that staggered exits are not used consistently in Montgomery County. As set forth in this report, Court Watch data for May 2021 - May 2022 show that:

- Staggered exits were properly executed in **only 39%** of intimate partner protective order hearings
- As in previous years, use of staggered exits **varied by judge**, with half of the judges using them in only a third of their hearings
- Exits were **less than 5 minutes apart in 22%** of hearings and between 5 and 9 minutes apart in almost 40% of hearings
- Court Watch volunteers reported seeing cases in which testimony suggested a **particular risk to petitioners** yet a 15-minute staggered exit was not used

Court Watch has observed large swings in the use of staggered exits over the last 11 years. Sizeable increases occurred in 2012 and 2016 after Court Watch reports focused attention on the issue. Yet, implementation dropped in both 2018 and 2022, suggesting that leadership and sustained attention are essential to ensuring consistent use.

The finding that proper staggered exits were achieved in 39% of hearings in 2022 – and that all judges except one used them at least some of the time – demonstrates that they are achievable when prioritized by judges and properly executed by bailiffs.

Court Watch's 2022 Recommendations

Court Watch maintains that petitioners for protective orders should expect a safe exit from court, regardless of which judge is sitting on the bench. While bailiffs are responsible for executing an individual staggered exit, judges and judicial leaders must take action to ensure the practice is consistently used.

In a 2022 report on best practices in courthouse security, the National Center for State Courts states: "Judges need to be actively involved and supportive of the security effort. When judges are committed to security, a trickle-down effect on court employees will follow. When judges are not supportive of security, staff never will play their full necessary role in security efforts. The leadership role of judges cannot be overstated."



Thus, while Court Watch applauds efforts by the Maryland Judiciary and Montgomery County District Courts to support staggered exits as a safety practice in domestic violence hearings, active and sustained judicial leadership is necessary. Accordingly, Court Watch recommends the following:

- All Montgomery County District Court judges should prioritize efforts to ensure that bailiffs **consistently implement staggered exits**, allowing petitioners to leave the courtroom 15 minutes before respondents are released
- Judges should **announce** at the beginning of each domestic violence docket that 15-minute staggered exits will be used at the conclusion of individual hearings
- Montgomery County District Court leadership should regularly **emphasize the importance** of properly implementing staggered exits and ensure that copies of the Maryland **bench card** are always present in every courtroom



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