REPORT OF THE

CRIMINAL JUSTICE DIVISION

OF THE

GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

May 13, 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY ..... PAGE 3

DIVISION MEMBERS ..... PAGE 5

MEETINGS ..... PAGE 6

STATUS OF WORKING GROUPS ..... PAGE 6

DIVISION MEETING AGENDAS AND MINUTES ..... PAGE 9

REPORT OF THE DATA COLLECTIONS AND ANALYSIS WORKING GROUP ..... PAGE 19

REPORT OF THE COURTS AND VICTIM SERVICES WORKING GROUP ..... PAGE 63

REPORT OF THE LAW ENFORCEMENT AND TRAINING WORKING GROUP ..... PAGE 107

REPORT OF THE PROSECUTORS WORKING GROUP ..... PAGE 146

Criminal Justice Division of the Governor's Domestic Violence Task Force
Executive Summary

On January 29, 2015, Governor Nikki Haley issued Executive Order No. 2015-04 establishing the Domestic Violence Task Force of South Carolina. The Mission of this Task Force is: "To comprehensively address the cultural issues surrounding domestic violence in the State of South Carolina, including but not limited to social, economic, and geographic issues as well as professional standards and best practices within government and non-government organizations."

The Executive Order prescribes the duties and responsibilities of the Task Force as:

> *The Task Force shall be divided into divisions to study and make recommendations to improve areas affecting domestic violence, including but not limited to: 1) The criminal justice system; 2) Services for victims and offenders; and, 3) Community awareness, education and outreach.*
>
> *The Task Force shall conduct its work in phases, which shall include but not limited to: 1) Surveying and collecting data and information from counties and regions of the state; 2) Identifying specific problems and creating proposed solutions; 3) Implementing or beginning to implement, where possible, approved proposals; and, 4) Assessing short- and long-term goals for combating and preventing domestic violence in the future.*

The Executive Order also states that the divisions "…shall submit reports of their work to the Governor at the end of each phase. The Task Force shall issue a final report no later than December 31, 2015, after which the Task Force shall be dissolved."

This report is being submitted by the Criminal Justice Division of the Governor's Domestic Violence Task Force as it ends Phase 1 of this process.

This Criminal Justice Division has conducted two meetings, one on February 19 and one on March 19. These meetings were held at the Sheriffs' Association Headquarters in Columbia. During the first meeting, the rather large group of members was organized into four working groups. These working groups and their Chairs are: 1) Data Collection and Analysis Working Group, Charles Bradberry, Chair; 2) Law Enforcement and Training Working Group, Leroy Smith and Brian Bennett, Co-Chairs; 3) Courts and Victim Services, Gary Reinhart, Chair; and, 4) Prosecutors, Duffie Stone, Chair. Below is a brief summary of the work conducted by these four working groups. A more complete report by each of these working groups is contained in this report.

Data Information and collection:
Charles Bradberry, Chair (South Carolina Department of Corrections)

- This working group examined victimization rates by county, concluded that rates could not be explained by socioeconomic factors and could be skewed due to victim-offender relationship reporting issues.
- Issues with data could be result of data entry into local databases, the lack of a central CDV court in a number of jurisdictions, and lack of reporting for CDV courts in other jurisdictions to see what is working and what is not working.
- Working group will determine if the SCRIBS data reported by SLED is accurate to determine which counties have the greatest or lowest incidence of CDV.

Law Enforcement:
Leroy Smith, Co-Chair (Director of DPS), Brian Bennett, Co-Chair (Criminal Justice Training Academy)

- This working group determined data is extremely limited, difficult to determine what information we do and do not know about CDV.
- A survey monkey electronic survey has been distributed to Sheriffs, Police Chiefs, State Law Enforcement and 911 centers regarding:
  1. Policies and CDV Protocol
  2. Training provided to officers about CDV prosecution
  3. Crime scene response and follow-up through victim advocates
  4. Current data collection and utilization practices
- The data will be collected to develop best practices for law enforcement.

Prosecutors:
Duffie Stone, Chair (Beaufort County Solicitor)

- The working group sees room for improvement regarding available data.
- The working group has proposed:
  1. All solicitors use an Evidence Checklist form to determine current prosecutorial practices
  2. Solicitors track disposition of CDV cases from 4/1/15 - 6/3/15. Prosecution coordination commission will compile info.
  3. Research cases involving "Silent Victims Ceremony" to look for commonalities or patterns in these cases.

Courts and Victim Services:
Gary Reinhart, Co-Chair (Magistrate Judge, Lexington County), Sara Barber, Director, SCCADVASA

- The working group finds inconsistencies in the data and has identified the need for further data including:
  1. Uniform Victim Notification Forms
  2. Uniformity of procedures regarding enforcement and use of bond in CDV cases
  3. CDV courts and recidivism rates
  4. Use of diversion programs (PTI) in CDV cases
  5. Use of Family Court Orders of Protection
  6. Batterer Intervention requirements and outcomes
  7. Follow-up by courts to provide services to victims
- The working group has proposed:

1. Joining the prosecutors working group to address procedural questions regarding courts.
2. Surveying and interviewing advocacy programs regarding batterer intervention requirements and outcomes.

The Criminal Justice Division hopes to hold public hearings in Charleston, Columbia, Greenville, Greenwood, Aiken, and Rock Hill to hear testimony from different areas.

Criminal Justice Division Members:

Last Name	First Name	Title	Agency	Email address
Adger	Jerry	Director	SCDPPPS	Jerry.Adger@ppp.sc.gov
Alphin	Ryan		S. C. Law Enforcement Officers Assoc.	ryan@scleoa.org
Barber[3]	Sara	Executive Director	SCCADVASA	executivedirector@sccadvasa.org
Bennett[1]	Brian	Officer/Instructor	Criminal Justice Academy	bkbennett@sccja.sc.gov
Blanco-Silva	Kaitlin		DAODAS	kblancosilva@daodas.sc.gov
Boone	Kenney		FCSO	wkboone@fcso.org
Bradberry[2]	Charles	Dir., Research and Statistics	SCDC	bradberry.charles@doc.sc.gov
Brooks	Taineshia		DAODAS	tbrooks@daodas.sc.gov
Bruder	Jarrod	Executive Director	Sherriffs' Association	jbruder@sherriffsc.com
Dauway	Felicia		DJJ	FLDAUW@scdjj.net
Demboski	Jennifer		SCDC	demboski.jennifer@doc.sc.gov
Erickson	Shannon	Representative	SC House	repshannonerickson@gmail.com
Flynn	Molly		RCGOV	flynnm@rcgov.us
Gallam	Nick	Captain	Aiken Sheriff's Office	Ngallam@aikencountysc.gov
Givens	Stephanie	Director of Public Information	SCDC	givens.stephanie@doc.sc.gov
Goff	Owens	Program Manager	DHEC	gofflo@dhec.sc.gov
Gosnell	Mark	Major	DPS	magosnell@scdps.gov
Grant	Paul	Major	SLED	pgrant@sled.sc.gov
Gray	Elizabeth	Domestic Violence Survivor		bethluvscolorado@gmail.com
Green	Terrence			tgreen@lexsc.com
Gresham	Megan	Attorney	SC Attorney General's Office	mgresham@scag.gov
Harrington	Kristi	Judge	Circuit Court Designee	kharringtonj@sccourts.org
Hudson	Laura	Executive Director	Crime Victims' Council	laurahudson@sccvc.org
Keel	Mark	Chief	SLED	dhamilton@sled.sc.gov
Magill	John	Director	SCDMH	jhm03@scdmh.org
Martin	Larry	Chairman	SC Senate Designee	doristaylor@schouse.gov
Mitchell	Robert		SCDPPPS	robert.mitchell@ppp.sc.gov
Murray	Sylvia	Interim-Director	SCDJJ	SLMURR@scdjj.net
Nye	Stephanie		S. C. Court Administration	snye@sccourts.org

O'Donald	John	Chief	Police Chiefs' Asscoiation Designee	chiefod@gmail.com
Pope	Tommy	Representative	SC House Designee	tpope@elrodpope.com
Rainey	Christian	Family Member of DV Victims		christan.rainey@gmail.com
Reinhart[3]	Gary	Judge	Chief Magistrate for Lexington County	greinhart@lex-co.com
Rodgers	Nikki		Lexington County	nrodgers@lex-co.gov
Ross	David	Executive Director	Comm. on Prosecution Coordination	dross@cpc.sc.gov
Rutledge (PhD)	Everard	SC Mental Health Commission	SC DMH	Eor59@bellsouth.net
Schimsa	Rebecca		Governor's Office	rebeccaschimsa@gov.sc.gov
Smith1	Leroy	Director	DPS	LeroySmith@SCDPS.GOV
Stirling[4]	Bryan	Director	SCDC	stirling.bryan@doc.sc.gov
Stone	Duffy	Solicitor	14th Judicial Circuit	stonelaw@hargray.com
Swinler	Jackie		SCDSS	jackie.swindler@dss.sc.gov
Taylor	Angela	Judge	Family Court Designee	ataylorj@sccourts.org
Thurmond	Paul	Senator	SC Senate	pthurmond@tktylawfirm.com
Timmons	William		Greenville County	wtimmons@greenvillecounty.org
Toal	Jean	Chief Justice	Supreme Court of South Carolina	mpinkney@sccourts.org
Walker	Dan	Director of Research	DAODAS	dwalker@daodas.sc.gov
Wilson	Alan	Attorney General	SC Attorney General's Office	Lgibson@SCAG.gov

1 Co-Chair of the Law Enforcement and Training Working Group.
2 Chair of the Data Collection and Analysis Working Group.
3 Co-Chair of the Courts and Victim Services Working Group.
4 Chair of the Criminal Justice Division

Meetings:

The Criminal Justice Division has held two meetings thus far, on February 19 and March 19. The Division has divided into four Working Groups, by profession: 1) Data Collection and Analysis, 2) Law Enforcement and Training, 3) Prosecutors, and 4) Courts and Victim Services.

<u>Status of Working Groups</u>

Data Collection and Analysis Working Group

Charles Bradberry, Chair

- Definition of Domestic Violence:
  - There are many definitions of domestic violence.
  - An official definition has not yet been adopted by the Division.
- Findings regarding Domestic Violence Data:
  - The Working Group examined victimization rates by county, using a color-coded map, and concluded that the varying rates could not be

explained by socioeconomic factors and may be the result of victim to offender relationship reporting issues.
    - Other potential explanations for data problems may be: 1) The entering of incident reports into local databases, 2) The transmission of the data from local agencies to SLED, or 3) The production of "extracts" of the data for use by DPS.
    - While there are CDV Courts in a number of jurisdictions, there is no central location where data is kept, so we can see how well these programs are working.
- Proposal to address the data issue:
    - Working Group trying to determine if the SCIBRS data being reported by SLED is accurate in order to determine which counties have the greatest incidence of domestic violence, as well as the lowest.

Law Enforcement Working Group

Leroy Smith and Brian Bennett, Co-Chairs

- Data Findings:
    - Data is extremely limited making it difficult to determine what we do and do not know about domestic violence.
- Proposal to address the data issue:
    - Conduct surveys with Sheriffs, Police Chiefs, State Law Enforcement and 911 Centers regarding: 1) Policies and CDV protocol, 2) Training provided to officers about CDV prosecution, 3) Crime scene response and follow-up through Victim Advocates, and 4) Current data collection and utilization practices.
    - Through Survey Monkey, electronic surveys will be sent out to law enforcement partners on 3/20/15 and completed by 4/6/15. The information collected will be analyzed and utilized to develop "best practices" for law enforcement.

Prosecutors Working Group

Duffie Stone, Chair

- Data Findings:
    - The Working Group is not confident in the current data available.
- Proposal to address the data issue:
    - Request that all Solicitors implement the use of an Evidence Checklist from 4/1/15 – 6/3/15 to determine current prosecutorial practices.
    - Track the disposition of CDV cases from 4/1/15 – 6/3/15. The Prosecution Coordination Commission will compile this information.

- Research the cases involving the last "Silent Victims Ceremony" to look for commonalities or patterns in these cases.

Courts and Victim Services Working Group

Gary Reinhart and Sara Barber, Co-Chairs

- Data Findings:
  - Data is grossly insufficient and inconsistent.
  - Working Group Identified the need for data to further develop/research concerning: 1) Uniformity of Victim Notification Forms, 2) Uniformity of procedures regarding the enforcement and use of bond in CDV cases, 3) CDV courts and recidivism rates, 4) Use of diversion programs such as PTI in CDV cases, 5) Use of Family Court Orders of Protection, 6) Batterer Intervention requirements and outcomes, 7) Follow-up by Courts to provide services to victims.
- Proposal to address the data issue:
  - Join with Prosecutors Working Group to address procedural questions regarding the courts.
  - Implement a detailed survey and interview of advocate programs regarding Batterer Intervention program requirements and outcomes.

Public Hearings

Public Hearings will be scheduled in the near future. Initially, the Division proposed to host Public Hearings in three sites areas across the state: Charleston, Columbia and Greenville. As of April 8, 2015, the list of host sites was revised to include Greenwood, Aiken, and Rock Hill.

Publishing of Minutes and Public Notices

The Governor's Office has agreed to allow the Division to post meeting minutes and public notices on the Governor's Website.

South Carolina Domestic Violence Task Force
Criminal Justice Division Committee Meeting

February 19, 2015
1:30 p.m. – 3:30 p.m.
SC Sheriffs' Association

AGENDA

I. Roles and perspectives of committee members

II. Goals and objectives of committee
"Goals and objectives should be measurable… Focus on the response to victims, county by county and profession by profession. What resources are available to meet the needs of domestic violence victims?" Governor Nikki Haley

III. Definition of data, information collection and analysis process
Charles Bradberry, Director of Research and Statistics, SCDC

IV. Domestic Violence Court
Molly Flynn, Assistant Solicitor, 5th Judicial Circuit

V. Comments/Discussion

VI. Next Meeting

SOUTH CAROLINA DOMESTIC VIOLENCE TASK FORCE
CRIMINAL JUSTICE DIVISION COMMITTEE MEETING
February 19, 2015
1:30 – 3:30 p.m.
SOUTH CAROLINA SHERIFFS' ASSOCIATION

Jerry Adger
Sara Barber
Ginny Barr
Brian Bennett
Charles Bradberry
Jarrod Bruder
Felicia Dauway
Molly Flynn
Melissa Frank
Nick Gallam
Michael George
Stephanie Givens
Mark Gosnell
Paul Grant
Elizabeth Gray
Meghan Gresham
Kristi Harrington
Dylan Hightower
Laura Hudson
Debbie Long
Robert Mitchell
Goff Owens
Gary Reinhart
Nikki Rodgers
David Ross
Rebecca Schimsa
Leroy Smith
Bryan Stirling
Duffy Stone
Kathleen Streett
Jackie Swindler
Angela Taylor
Paul Thurmond
Bob Tuomey
Dan Walker
Craig Wheatley
Heather Weiz
Catherine Wyse

- - - Meeting Called to Order 1:39 p.m. - - -

I. Roles and perspectives of committee members

- Are there people that should be participating that aren't included in the committee? South Carolina Victim Advocate Associate, Bar Association, Governor's office, Victim Assistance, Public Defenders, batterer's treatment program, direct of domestic violence program.
- Subcommittees to be formed: Law Enforcement, chaired by Duffy Stone, to include solicitors, law enforcement, prosecutors; Data, chaired by Charles Bradbury; Technology; Victim Treatment and Best Practices.

II. Goals and objectives of the committee

- What are goals? The most important goal is to show, statistically, fewer people getting killed by domestic partners. Victim participation is one area in which prosecutors are frustrated. No participation, you can't get to what is an appropriate response. Anyone that's been involved in a CDV prosecution knows how difficult it is to get a conviction and often times the victim is not there.

III. Definition of data, information collection and analysis process
Charles Bradberry, Director of Research and Statistics, SCDC

- Grass roots answer and solutions of what we do, best practices, what works all over the state. Individuals working in areas with these issues.
- We need a baseline to begin with. It's always been difficult to get that information, from the lower courts especially. How many incidents; how many convictions. No grids to connect, especially when pled down.

- We deal a lot with anecdotal information and not specifics. What I'd like to get out is what are successful outcomes and what do they have that are consistent? Some people put in treatment programs as opposed to conviction. Conviction would also be considered successful but putting someone in a program would be as well. What do those crimes have in common? Whether it be a guilty plea or agreement to treatment, what's consistent for that? When we takes those cases and put them in prison or treatment, what is the recidivism rates with people that conclude those programs two years down the line? We don't know what's successful. Are they working? Is there any success and what programs work best? Everyone has a part in it and would give us a baseline to start.
- Get data from other states. See what's working. Reach out to National Association to see what they are doing elsewhere.
- Conversation regarding what to measure. We may have to get a start date and an end date and get a six month study. We need a prospective study. Conviction doesn't end. What are judges doing once we get the conviction? Some judges may give a fine while others send to jail or batterer's treatment. Is treatment more successful than prison? The fine and the conviction enough? Let's look at statistics. Not stopping at the conviction. We need to see what judges are sentencing and follow up.
- Prosecution committee can gather evidence. Where we would need help is backing up to figure out recidivism rate – two year study to get rates. PPP could assist. Sentencing from summary court is available online. Whether they were reporting back to the court, does the court follow up, outcomes of batterers. Look at successes and see what works and have uniformity to it. Look at what works and what doesn't work.
- Treatment and evaluation, there is a lot of divergence in how the program is carried out. Reasonable strategy take an inventory of what's going on, what works best and move on from there as to what the next step is. Two years evaluation studies would lead to complex questions. A lot of data to be collected.
- Question asked is there a way to measure police reports, what happens up to the time the abuser is convicted. Call made on 1/27, police came out, blew her off, attacker came back and bit off her nose. We need to start holding police officers accountable, making sure they are doing what they need to be doing. CDV is not being taken seriously when making phone calls. The criminal justice academy teaches best practices. Victim dynamics; behavioral science, psychology, physical collection of evidence, copies of that along with best practices that we promote. To quantify what officers are using best practices, objectively interviewing parties. Once officers leave the academy or are not in training ability to influence them is gone. Question was asked about follow up training. Four hours of CDV training needed per year. Online recertification training is available. Difference in demographics. Some parts of the state will train four or five times a year on top of what the academy offers.
- Each CDV is different. If we can come up with a model that everyone can train from, make different things and more things required. Prosecutor will tell officers in training "This is what I need." What do we need before the court process starts? From a law enforcement perspective we are asking to prosecute first degree CDV cases, how do they have the same knowledge as a trained defense attorney? Can never get enough training. Some kind of reporting system to follow up? Find out what happened and how to correct. Some officers need remedial training. Come up with some type of system where there's a follow up call to be made.
- Over the next 90 days have somebody do a review of police reports and which ones led to arrest so we could follow from there. The problem with that is law enforcement strips off identifiers so we could not connect. The main problem is identifying the victim and the data on the incident data. The police reports that are submitted to SLED, local law enforcement strips off the identifiers. That's a major thing to see how hard that would be to not have it stripped out.
- A lot of cases that are attempted murders that are related but not part of that statute. How to track those? Robbery, domestic violence, sexual assault, stalking and even animals need to be included. Statistics committee may want to come up with a list that are precursors to domestic violence or go

along with domestic violence. In a broader sense if there is a relationship between the offender and the victim. We don't know why we have high incidents of domestic violence in certain counties and low incidents in others. Data subcommittee will try to explain the differences. That's the first step is to try to explain it.

- Uniform CDV checklist needed? This case is going to trial, follow the checklist. Criminal Justice Academy has a checklist that is available. Talked about the idea of building an app that an officer can use at the scene. A flow chart. Are drugs present? Are there children present? The app may be able to help the officer on the scene.
- There is a way to articulate who changed the CDV to something else, have to hold people accountable for the change. Could see a pattern with certain officers.
- Children present, that's what they see growing up. Is there an enhancement if children are present? Yes. Law enforcement, if children are present, call social welfare system. That is being taught at the academy. At some point in time, not at the scene, have a follow up that people can go in and check the family out. A welfare worker comes in to let the kids know that what they see isn't right. Put a code in "Children Present" and DSS gets a hit. Unlawful conduct towards a child, officers can charge that if there is a child present.
- How do we get to the children that witnessed it? They should be listed as victims in the report. We have two CDV investigators and they will make referral. Is there a measure that children were seen in a certain amount of time? Is there treatment available for children that witness CDV? Many agencies have specialized training for the children of the victims. Explore if there is some way to get into the school systems and do awareness campaign -- not more than once or twice a year -- to reinforce the idea that any kind of violence is wrong, if you see violence, this is what you should do. Another subcommittee is looking at that. Have to walk a fine line with the victims and the children because if you push too hard, they shut down and won't report. It's a question that's been trying to be answered for years now. Legislature was addressed this past fall, just plant the seed in the children's head. Why not have a class on healthy relationships? Reach out to home school association and invite people from other committees to come in and they can present what they are doing, we can present what we are doing. Maybe make it the Chairs of each committee.
- All 9-1-1 centers should be able to pull domestic calls. Once officer gets on scene they make the determination. It's pretty cut and dry for the call taker that this is domestic violence. Some statistical data may come from that. Lexington County has training for dispatchers every year on CDV. Every 9-1-1 throughout the state is different. Look at best practices for that and make recommendations.
- Department of Corrections keeps recidivism rates. Does PPP and people that go through the treatment program? Department of Corrections looks at what was convicted. Track for three years. If they return we know those numbers. People that have committed CDV, we can track but it's a rather small sub group. PPP keeps track of offenders being supervised for CDV. When closed out, it could be tracked whether they closed out or if they go back to prison. PPP needs to look at offenders as far as what level we put them in – high, mid or low. Do we have a specific category that we put CDV offenders on? May add if it is CDV make it the highest level. We may want to revisit to bring attention to CDV cases. How many offenders on probation are committing CDV acts? Follow how they did in two years, whether it be treatment or prison. Track what works and what doesn't work. Can we go back two years and see who completed batterer's programs? It could be done.
- When looking at recidivism if an officer makes an arrest of CDV in one county and they go to another county and do it again, the bond judge doesn't know what happened in the other county if it's closed and has not had a chance to get entered into NCIC. Court administration, an arrest hits their website the same day it occurs. There is no reason why that data can't be used. Have to go county by county and search this person. As a judge, someone sitting in bond court would appreciate knowing what happened two days ago in another jurisdiction. If a county is submitting electronic fingerprints it should hit NCIC immediately. Victims advocate will pull criminal history for the offender at bond hearings. Best practice to submit to court.

- Technology is available to be able to allow the officer to have access to the 9-1-1 tape to review on the way to the scene and not have secondhand information coming from dispatch. It would be a manpower issue. Same thing with body cameras, to have the ability to show a jury what the officers saw at the scene. Being able to put the victim on a camera and say "tell me what happened" would be powerful information. The goal is to have prosecutors decide what is needed to pursue the case
- Do we need to look at exceptions, such as excited utterance, to the hearsay rule? Family Court does not have prosecution of domestic violence. The woman that comes to Family Court does not have a representative. The men get attorneys and the women are there by themselves. Maybe the solicitor's office could have someone to represent people in Family Court so the exceptions to hearsay could be addressed. Poor outcomes right now. Women are victims of domestic violence but they are not able to bring it up. Some counties they do have a person that represents the women but mostly they are there unrepresented and are disadvantaged. Florence used to have someone on staff that would go to Family Court proceedings with the victim. Was helpful but not enough money to fund.
- ACTION ITEM: Want to get everyone to watch a CDV trial. Thought we'd work with the Bar and film one. Get some transcripts of cases that were heard and use the transcript to portray what is really being dealt with.
- ACTION ITEM: Victims need to see a videotape on how to testify. Defense attorneys show how to testify; victims should know how to testify as well.

IV. Domestic Violence Court
Molly Flynn, Assistant Solicitor, 5th Judicial Circuit

- From arrest to prosecution: Officer arrives and someone is arrested or suspect has fled. Investigator looks into it and see what should be prosecuted. Officer schedules CDV court date, every Wednesday morning at 8:00 in the City of Columbia, all bench trials.
- On CDV day advocates are there, officers are there on standard scheduled CVD court. On bench trial, a defendant can decide to plead guilty, request jury trial, request public defender and request a continuance if attorney was just hired. Not guilty, bench trial that day. Judge asks for recommendation on sentence. Sentence to treatment more so than jail or fine. Up until bench trial date there is no time to meet with the victim and the witnesses. Typically only a 10-day notice requirement.
- Drop charge? For CDV 1st there is a drop charge. Upper level CDV there is a drop charge form. Always explain to victim that it's not their decision; it's her decision. The matter was taken out of their hands because the police were called and someone was arrested.
- If victim doesn't come on first day and there is indication that they are not pursuing it, in City Court they can summon any party. There is not subpoena party or bench warrant party. Normally ask for continuance to have another chance to get in touch with victim. Defense would make a motion to dismiss for lack of prosecution. General Sessions case, a subpoena can be issued, meaning you have to be in court on this day. Law enforcement has the power to go out and arrest. City of Columbia only has a letter in the mail telling them to come to court. On CDV day they know there is no threat if they don't come to court.
- A 9-1-1 tape be used in place of the victim sometimes. It will be objected to. There is a lot of criteria that has to be met.
- Anywhere from 8 to 25 cases every Wednesday.
- Out of 100 cases, best case is 25% dismiss, 25% conviction, 25% plea down to simple assault, 25% sent to treatment. Ten percent ask for jury trial. If they ask for a public defender there is almost always a jury trial. Have had a decent number go to treatment and don't complete so they come back and then get a conviction. Not as many assault and battery third as CDV 1st. Depends on the case and the party. If a victim is not cooperative but defendant is in jail, he may plead guilty to CDV 1st.

Typically, on city cases a lot of people are pro se. They are not given legal advice. On a week by week basis it's very different.

- No ongoing data entry being done. All paper files. Nothing computerized.
- No mechanism in place from jurisdictional issue where an offender is sentenced to batterer intervention and is sentenced again in another county. People are being sent to batterer intervention over and over again. Committee to look at that problem. It's a part of sentencing so it would be the courts.
- Ginny Barr talked about new program with young offenders and CDV. In looking at the report we have here, the highest percentage of offenders charged with DV are between the ages of 18-24. When we have an offender coming out of prison and has had CDV charges, they are given instruction not to contact the victim. We will violate parole if they do. They have come to understand violating any conditions is critical. The other thing if we have a case where it appears there is CDV indicators present we will send them to batterer's program. We had a guy come out the next time and contact his victim. Went to batterer's program and paid for it himself. They are under Intensive Supervision so there is a watchful eye and we contact the victim's advocate and contact the victim so they can call.
- When law enforcement does show up, the victim wants to leave for various reasons. Is that something that we should address and how should it be addressed? Maybe training issue for officers to let them know where to go and what services are offered. There is a limited number of shelters available in the county. Rely on Victim's Assistance Network to provide hotel vouchers. It's critically important to have Victim's Assistance come to the scene and sit down because officers bring the same power of control as the offender. Plain clothes, not intimidating, a greater level of cooperation. Victim states out of 13 reports only twice did officer mention resources. Sometimes Victim's Assistance didn't even show up. Question asked: Was it a communication breakdown?

V. Comments/Discussion:

- Magistrates don't like to enforce No Contact Order. Offender and victim show up to court together. This could be a training issue.
- First offense CDV you're looking at local detention center. The recidivism rate isn't tracked through Department of Corrections. Difficulty getting that rate from the county jails. Charles mentioned, again, identifiers that are stripped. Local issue, they don't want incident reports identifiable.
- How is recidivism defined? All committees should look at it and come up with standard response. Even if convicted they aren't always assigned to a detention center.
- There is a bill in judiciary to address some issues. Presence of minors was included. Authorize judge to proceed if victim not present.
- Committees: Everyone should get on Law Enforcement; Judicial and Prosecution together; Victim Treatment; Data committee. Technology – looking at that in every aspect, not its own committee. Best Practices committee -- everyone to look at best practices in their area. Chairs will come back together. Data, collect data that we have. Can't collect it, it needs to be reported and why and distribute to other chairs.

VI. Next Meeting

- Next meeting will be based on when Chairs come back with report. Governor Haley wants a comprehensive reporting, county by county.

- - - Meeting adjourned 3:28 p.m. - - -

South Carolina Domestic Violence Task Force
Criminal Justice Division Committee Meeting

March 19, 2015
1:30 p.m. – 3:30 p.m.
SC Sheriffs' Association

AGENDA

VII. Opening Remarks
Bryan Stirling, Criminal Justice Division Director

VIII. Scheduling of Public Hearings
Stephanie Givens, SCDC Communications Director

IX. Report from Data Information Collection and Analysis Working Group
Charles Bradberry, Chair
- Definitions of Domestic Violence
- Reporting Issues Regarding Domestic Violence
- Findings Regarding the Data

X. Report from Law Enforcement Working Group
Leroy Smith and Brain Bennett, Co-Chairs
- Data Issues Identified
- Proposal to Address Issues
- Direction of Working Group

XI. Report from Prosecutors Working Group
Duffie Stone, Chair
- Data Issues Identified
- Proposal to Address Issues
- Direction of Working Group

XII. Courts and Victim Services Working Group
Gary Reinhart, Chair
- Data Issues Identified
- Proposal to Address Issues
- Direction of Working Group

XIII. Group Discussion

XIV. Future Meetings

South Carolina Domestic Violence Task Force
Criminal Justice Division Committee Meeting
March 19, 2015
1:30 p.m. – 3:30 p.m.
South Carolina Sheriffs Association

IN ATTENDANCE:

Sara Barber	Paul Grant	Stephanie Nye	Kathleen Streett
Ginny Barr	Elizabeth Gray	Goff Owens	Jackie Swindler
Brian Bennett	Terrence Green	Tommy Pope	Jennie Temple
Jarrod Bruder	Kristi Harrington	Gary Reinhart	William Timmons
Larisa Bruner	Laura Hudson	David Ross	Jean Toal
Ann Bullock	Mark Keel	Rebecca Schimsa	Alan Wilson
Felicia Dauway	Robert Mitchell	Leroy Smith	Carlie Woods
Stephanie Givens	Sylvia Murray	M. Stagg	
Mark Gosnell	Bridget Musteata	Bryan Stirling	

I. Opening Remarks
Bryan Stirling, Criminal Justice Division Director

It was decided to break the group down into several committees: Data Information Collection and Analysis Working Group, chaired by Charles Bradberry; Law Enforcement Working Group, chaired by Leroy Smith and Brian Bennett; Prosecutors Working Group chaired by Duffie Stone; Courts and Victim Services Working Group, chaired by Gary Reinhart.

Director Stirling will try to attend as many as possible. A lot of the information will come out of these working groups. Some of the things we've learned is the data is out there. The information may not be readily available, but we need to collect it.

II. Scheduling of Public Hearings
Stephanie Givens, SCDC Communications Director

One thing the Governor asked us to do was have public meetings. We are in the process of scheduling our public hearings in Columbia, Greenville and Charleston. If anyone is interested in participating we will invite everyone to be involved. If anyone knows of places that are large enough to hold everyone it would be helpful.

III. Report from Data Information Collection and Analysis Working Group
Charles Bradberry, Chair

First meeting on March 4. Took minutes of the meeting which were sent out and requested feedback. Running dialogue with working group members so he keeps adding to the minutes. Good feedback.

The main source of information regarding domestic violence comes from SLED's incident report data used to determine the extent of domestic violence in South Carolina. This database of incident reports is

called "The South Carolina Incident-Based Reporting System" or SCIBRS. These reports are taken by law enforcement officers and contain much of the basic information pertaining to the incident.

Violence consists of murder, negligent homicide, rape, forcible sodomy, sexual assault with an object, forcible fondling, robbery, aggravated assault, simple assault or intimidation.

An incident was defined as domestic if one of four victim/offender relationships was present: marital (including spouses and common-law souses), family (involving family relations by blood or marriage, other than spouses or common-law spouses), romantic (boyfriend and girlfriend, both heterosexual and homosexual including ex-boyfriends and ex-girlfriends) and ex-spouse (previously married).

Physical harm or injury to a spouse, a former spouse, persons who have a child in common; or a male and female who are cohabitating or have formerly cohabitated.

CDV AND CDVHAN incidents are a subset of all domestic violence incidents. In the reports that DPS produces they use a proxy for this one because they can't collect the co-habitation or child in common so they collect spouse and former spouse. It's a subset of a total number of cases of domestic violence out there.

Typical example of an incident report. Law enforcement gets a call. An officer goes to the scene and the officer fills the form out if they consider a crime to have been committed. Sometimes they don't; sometimes they do. If a crime has been committed, it should be filled out. Law enforcement is required to send to SLED, most send it electronically. SLED only requires certain bits of information to be sent to them. What they don't require is identifiers: The victim, the complainant or the offender. What they collect, which is very important, is victim to offender relationships. They have three boxes there to capture that. You can have multiple type of relationships. They will capture the weapon type. We don't get address; we don't get names; we get the ORI number so we know what agency it's coming from and SLED gets the narrative portion. The narrative portion can be sketchy or very detailed, depending on how the officer wants to fill it out. This is used by the Fusion Center. The Fusion Center uses the narrative portion to get incidents across the state. If the car is described, the Fusion Center looks to see if the automobile was used in another incident. Not very efficient. The fact that these identifiers are not given means it can't be linked to any of the other databases or other files out there. Unable to look at the escalation of events involving an offender. To know whether an offender is committing a criminal domestic violence over and over, these identifiers would allow it to be seen.

Sample incident report was displayed. "Relationship to Subject: OF" (other family member) is indicated. Reading the narrative demonstrates a lot more is going on than what was captured. When SLED gets the incident report it will sometimes be kicked back to local law enforcement indicating information is missing. This indicates when they are initially filling an incident report out, the priority doesn't seem to be capturing the relationships.

Other incomplete, inaccurate or unknown information involves the use of alcohol or drugs; the sample incident report indicates the offender is a white male. Offender was looked up in CCHR and there he's categorized as a black male.

The offender had one charge reduced to a different offense and one arrest expunged. The incident is not showing up as pending on the judicial department's website and it's not showing up at all on the CCHR.

Question was asked: Why does that matter? It's important to have an accurate record of what's going on in the counties to know what counties have a more serious problem with domestic violence and which counties have less. Until we get accurate statistics by county we don't know what's going on. If you're going to develop a response to domestic violence you want to know what's going on. You see the simple

assault and you read cases over and over again where law enforcement is called to the scene and don't see any marks on any of them so no arrests were made. You don't know what happened. You want to be able to follow the incident all the way through the judicial process. Arrest made, plea bargain, how was it adjudicated, what type of sentence did they receive?

When we look at the data we see people that have been arrested, convicted and sentenced for criminal domestic violence. It's 300-400 per year and that number is going down. In our database we can't determine relationships. We know that a lot of the violent crimes that we are seeing are probably a result of some type of domestic issue but we don't know the relationship.

By the data, these are the statistics but we question the statistics because we don't know how the information is being recorded. 26.1% of homicides; 32.6% of sexual violence; 1.7% of robberies; 37.0% of aggravated assaults; 52.7% of simple assaults; 30.6% of intimidation and 42.6% of all the above offenses combined. We are reporting all of this information based on incident reports of questionable validity. From those reports less than 20% involved substance use. I haven't found anyone that believes that number. That's what being reported on the incident reports, 19.9% of domestic violence incidents involve alcohol and/or drugs.

Greenwood has the highest incident of domestic violence in the state at 211.5 per 10,000. Edgefield at 52.0 per 10,000 has the lowest. A county with the highest is contiguous to the county that has the lowest and they have similar demographics. That's a red flag right there. That doesn't make sense to a data person. Richland County is ranked 41st at 71.2. Look at the incidents around Greenwood. Maybe Greenwood is more accurately reporting relationships than these counties. Makes you want to dig into the data further to find out what's really going on. There's Greenwood up there at 211 and there's Edgefield and then there's Richland. That's quite a spread.

We looked at the trend at data from 2004 to 2012. Dillon County in 2010 ranked number one in the state; in 2004 it ranked 40th. That sent up a red flag right there. You don't have that kind of change in that time period without something going on with the data. Horry County was 7th in 2007 and 21st in 2012. Jasper County ranks 44th in 2012 and in 2006 it ranked 2nd in the state in terms of domestic violence per 10,000 population.

In our first meeting this is the type of things we are looking at with the data. We are seeing strange things and are trying to find out what's actually going on.

All of the incident reports are not being sent to SLED from local law enforcement. We haven't seen an audit that compares the incident reports received by SLED compared to incident reports at the local level.

Incident reports are not accurately recording such items as relationship, alcohol/drug involvement. We think that's going on to a great extent. We heard that Greenwood is reporting that information well. Domestic violence is in the forefront of law enforcement's mind. Unless law enforcement is making it a priority to collect information and put it on the incident reports you don't know what you're getting. Paper incident reports are taken to the offices and keyed into their information system. There could be a problem with keying. We don't know.

Transmission of data from local law enforcement to SLED could be a problem. Getting an extract of that data could be a problem. Points along the way that could explain it. DPS has been using the extracts from SLED for years. I've gotten extracts from SLED and there would be occasional problems in the

extract itself. We don't know yet. If anybody has an idea, send it forward. As I said, the regulation requires law enforcement to send these in but I haven't seen an audit that actually shows that. Identifiers on the IR is a main concern.

Not being able to look at the progression of these offenses or to link it with something else. As an example of what a law enforcement officer might encounter or DSS might encounter dealing with a report of abuse and neglect, a caseworker may go to the house to investigate and they may see some drug paraphernalia. What's their response going to be? They see evidence of drug use in the home when they are investigating, should they remove the child? What is the response of domestic violence reporting to a situation and they see evidence of drug usage? We don't know what the real answer is yet. Probably a combination of a lot of things.

In terms of next steps, how would we know if local law enforcement is accurately reporting relationships, drug use and other things on the incident report? We would have to do interviews and surveys, probably anonymously, so they can talk freely about recording these things. Agency by agency or county by county as to what they are doing in the field. We are going to look at the raw data that was used to produce the DPS report. It's not felt there is a problem in terms of how the data was used in terms of producing the report. We are just delving into the data to see where we can find explanations for these things.

Question asked: Relationship to subject, does SLED provide a menu of choices? The response was, yes, there are quite a few. Discussion was held about whether to suggest adding additional codes to pick up co-habiting.

Discussion also held regarding the software that local law enforcement is using. FEDs require SLED to make a change and SLED has to pass it down to local law enforcement. How long it takes and the cost involved. Vendors charge a lot of money to change software to capture what is needed. SLED proposed do away with vendors and use one universal software package. It is unclear how far that went. It was something that was thought about. It was a cumbersome process to change all the software in the local agencies. If there was one vendor it would be one change and it's done.

There is no knowledge of the working conditions or the timeline from the law enforcement end as far as being able to put "OF" and move on and finish the rest and capturing the data that we need to analyze later versus the guy that has to do it. SLED gets initial and supplemental reports. There may be one thing that is responded to initially and further into the investigation there is something else.

A comment was made regarding making the systems talk to each other. Issues have all fallen apart due to vendor issues and making the vendor give up their information. Software is proprietary. Director Stirling stated it sounds like a glaring issue with the vendors and uniformity.

RMS is available in South Carolina for the inputting of data. Information is entered into the computer and boxes are clicked on. In a small agency the reports are going straight to SLED and someone checks them. It is not felt that information is being keyed wrong. Doesn't seem like that would be a major problem. What is the officer doing when filling this out and recording relationships? What emphasis is being placed on the officer in identifying these relationships and coding them correctly on the incident report? How accurate is the code? If "No" is indicated regarding the question regarding alcohol and drugs the officer has done what's required to get past the incident but how accurate is it? Comment was made that the only option is to go by the officer that is on the scene. We have to trust what is given to us.

Mr. Bradberry stated if we accept that the data is correct, then we can move forward. We believe these statistics. Law enforcement is telling us they are right. Greenwood is having the highest incidents and Edgefield has the lowest. What's going on in these counties? Then we go into the counties to see what is going on. There was a project called the "Orangeburg Project" in the 1st judicial circuit. They had a very high incident of violent crime. They got a federal grant, did a lot of public announcement and also Jean Toal sent a retired judge down there to handle violent crime cases in Orangeburg County. The grant ran out and the judge changed. It was very effective for that grant period. They did deal with the violent crime. It went way down that year.

There is a difference between accuracy and completeness. It may be an accurate code and it will be accepted. There are five boxes that can be accepted, but if only one is checked it's not kicked back. As far as the vendors, it depends on which vendor is being talked to. If maintenance is up to date they will make updates. SLED has a good working relationship with vendors that send RMS information. There will be a check to see what cost is involved to make changes.

Director Stirling asked if there are any audits done by someone outside of the agency to see if it was done properly. Mr. Bradberry said he made the request of SLED. It was reported that FBI comes in every three years. They get more detailed. They grab reports, look at the incident and the codes that they receive and they can tell if it's coded correctly. SLED is not as detailed. SLED basically asks if officers are trained on the code and are they submitting the code.

IV. Report from Law Enforcement Working Group
Leroy Smith and Brian Bennett, Co-Chairs

Phase 1 is data collection. Minutes were disbursed to subcommittees. Agencies were given an opportunity to come in on the data that they could provide. All agencies have data. The concern is that data is very limited. It is already known that you can query the relationship type but can't get the child in common or co-habiting. Agency information that is gathered is specific to the needs of the agency. They may not code it the same way or identify the relationship between the offender and the victim. Those are concerns that were noted. Another vehicle was looked for to gather data. Surveys will be sent to all law enforcement in the state; state and local government. A picture is wanted county by county. Electronic surveys were sent out utilizing Survey Monkey looking at policy, training, scene response and collection. 9-1-1 centers in the state will be sent that survey as well.

We want to use that information. We partner with the Sheriffs Association to disseminate that. We partner with the South Carolina police chief and also push it out to state law enforcement to get a picture of what is happening around the state with respect to law enforcement. Based on the information received from the survey as well as information received, information will be taken and put together and from that will come a good vehicle as to what is happening in order to develop a best policies checklist. The only problem is limited information regarding data.

Brian Bennett had additional comments. The goal is to see what kind of consistency there is. Some agencies have policies; some agencies have a checklist. Going back to the issue of best practices, what is being used? Go back to recognition, documentation. Just the basics of CDV. When we get consistency of response we get consistency of information. Mr. Bennett stated he was excited about the electronic format to quantify and synthesize data into useable format. Agencies were given a two week turnaround.

Mr. Smith stated we still have another hurdle to cover to get cooperation from the leaders. We can put the information out there but it's incumbent on utilized policies and best practices.

Question was asked about who fills out the surveys. Who would be the best person? It would be left up to the leadership of the agency. It lays out the groundwork. Has the agency addressed those issues? Maybe that's something that they need to start doing, laying out protocol.

There are data collection issues trying to determine why it's low, why it's high. Something is needed in order to say, "This is why you should do it this way."

Director Stirling asked if they think people will fill this out. Not likely to get 100% participation but have a backup plan to give incentive to complete the survey.

V. Report from Prosecutors Working Group
Duffie Stone, Chair

David Ross was representing Duffie Stone. Passed out checklist and survey. Subcommittee met on 3/10. Charles Bradberry was there and gave update similar to what he did today. Talked about what kind of data we have among the prosecutors and solicitors office. The data that we have is not helpful. Two types to collect on the county and municipal level: What kind of court is operational and how are the cases being prosecuted? We want to get our folks to identify in Oconee County who is prosecuting CDV. At the municipal level also who is prosecuting? Are law enforcement prosecuting? There may be a magistrate or solicitor's court but they don't do trials. Are they handling all of the cases or some of the cases? Who is doing it and how? City of Columbia has a prosecutor. Same thing going down to the court, is transfer court being used for guilty pleas or trials? Is there a specialized CDV court? What specific issues need to be identified that law enforcement and prosecutors are running up against? Can a subpoena be issued for in county or out of county witnesses? What kind of things need to be changed?

We won't get all 200+ courts to do this but we want to get as many as we can and identify what kind of evidence they are getting on the case. What was the charge and what kind of evidence do they have and what was the disposition? What stands out as far as being successful in prosecution? Only effective if they are doing it on all of their cases, 4/1 through 6/30. Possibly get with the magistrate and have the clerk of courts fill it out. We may need to get clerk of court to fill it out because they are the only ones to see all of them. If you have a muni court that doesn't respond but the prosecutor does, you get a picture. Survey request is going to the chief magistrate. Have to remember no one is going to check the boxes and admit no, I don't. Polling more than one person from that area would give you a better picture of what's truly going on. That's part of what we want to identify is who is doing the prosecution? The plan now is all of this come to the commission, sort the data and gather it in over a three-month period. Feels solicitors will do it but getting to the courts and getting a city attorney to do it may be harder. City court judges and magistrates don't respond, maybe a letter from the chief justice will help give them a little nudge. Stirling stated Chief Justice is very interested in this issue. There is a discussion about a website and that it will list who responded.

VI. Courts and Victim Services Working Group
Gary Reinhart and Sara Barber, Co-Chairs

Subcommittee looked into victim notification, disposition and follow up with batterer intervention problem. Things differ throughout the counties and agencies. In a later phase a suggestion would be made of uniformity.

Suggestions were made to record what type of and amount of bonds were set. When you talk about conditions of bond, whether it be a no contact order, requiring law enforcement escort to return to the home, electronic monitoring, how are you going to enforce it?

It was also suggested that we find data regarding whether the victims are being notified of the bond hearing and the percentage that actually attend.

Disposition of cases - The data that we wanted to look for at that stage is how many specialized or domestic violence courts are being utilized. We want to know who is president of those boards.

Recidivism rates - We would like that data but don't know how to collect it.

Are diversion programs being used? Setting aside a sentence for batterer's treatment. PTI is not expunged. SLED keeps the database.

Are people being allowed to go into more than one diversion program in another county? There is no way for municipal and magistrate courts to talk back and forth. It was stated once an offender is accepted into pretrial intervention there is a check against the database to see if applied before. Are offenders going to multiple divergent programs?

In Family Court the orders of protection were looked at and the data they wanted to know is what percentage of orders are being granted in relation to those filed? Of those, were parties represented by counsel? Director Stirling stated the reason that was so important is the accused would hire an attorney and the other side wouldn't know what to put on the form. Protective order then is not granted.

There was a lot of discussion regarding ways to improve on the system in place that didn't center on the collection of data. On the batterer intervention program: how many times can one defendant attend? Alternate diversions of PTI. Are they following the same guidelines? Full 28 weeks or just portion as part of PTI? Commented in one of the subcommittees there is an extensive survey going out as to how it is set up and what the reporting practices are. Is there a follow up with the court to see what sentences are complete? That's the data that we are looking at. The two prosecutors that were on the committee are going to bring it back.

Director Stirling stated there is a question of success of the programs. What's working and what is not. Anyone from the victim's side? In the other committee we are doing a very, very extensive survey on the services offered. We can do that survey there and bring that information back to this committee. Also the same with the batterer intervention program. We are going to have to look at a very big picture rather than straight offense rate.

There was a mention of a victim notification form. Seeing a lot of controversy when we are out there with the victim. They assume when they check the box "I do not wish to prosecute" that their case is over with. They are not understanding the sole discretion is the officer's. Question asked: Why are we giving them that option? It's understood the victim has the right to a voice, but it's confusing them. The response was it's a uniform form that's always used. At the solicitor's level they are told, "You can check the box, but it's our discretion." The point is the victim automatically checks the box "No," especially if the offender is nearby. She's thinking that it's over with. It's a statewide form. Mr. Bennett stated he has people calling him and saying the same thing. They don't have that form. It's statewide, but not the same form. Victim has the assumption that they checked the box and it may not be prosecuted. Director Stirling suggested that may go to best practices.

One question asked at least meeting: "There is a children present check box." Is that still in the legislation? Answer was yes.

If there is a child present does someone spend time with the children? Children are listed as victims. If there is an assault, it's reported.

There is an issue with consistency as to whether children should be listed on the report. Sometimes children are not listed because they don't want to drag them into the proceedings. The courts have said they are not going to pull a child out of school to go to court. If you want to stop the cycle you need to make sure the services are there. You don't want to drag them into it but they need to know the repercussions. There needs to be a service to go talk to the children.

How can they be a victim if child is not present? Maybe they are not a victim at that time but someone needs to ask, "Have you seen this happen before?" They may not have seen the incident in question but they may have seen it at other times. Consider adding a sentence: "Were children present?" Can then query that if the sentence is added. Would that be law enforcement or what committee? While they are there at the scene that someone has the opportunity to speak to the child. There are underlying issues. When someone actually speaks to the child there is a lot to be told. Law Enforcement and Victims committee may want to look at that. Are they a victim or does DSS need to know that that happened? Bear in mind that failure to protect may be a consequence. If children are present it may be an aggravating factor so law enforcement should enter the child as victims. Could it be mandated?

Does every agency in South Carolina have a law enforcement victim's advocate? Every agency is designated X amount of funds. How they utilize the funds is a different question. Some use it efficiently. Others use it as police clerk. Is this something that needs to be looked at further? Money comes from ACT 141 that is collected from the county. All law enforcement is supposed to have them. Some are using contracted individuals. Some are using dispatch as a victim's advocate. Small groups may have someone doing half law enforcement and half victim's advocate. SOHO has done audits and found money has been misused. We have found that money has been misappropriated. No good way to enforce that. Have asked state auditor to do audits, have given money to be done. Since in data phase shouldn't take much effort to call and ask, "Can you tell me about your victim's advocate?" SOVA would have it because they have an audit team that will say how many victim's advocates there are and how many hours. You have to list it day by day. That would be for the report. There is a transition phase after that. Your case with a victim doesn't end after the report is complete. A lot of victims don't know their rights. Some victim's advocates are certified officers and some are not. Be interesting to know. Is that something to be added to what is going out to law enforcement? That would be an interesting presentation to study data that is collected. Greenwood may have an excellent victim's advocate and that's why their numbers are so high.

VII. Discussion

Director Stirling handed out goals and objectives. Feels it's been covered pretty thoroughly. One of the things that is being considered is having a website. Not sure who is going to host it. Information will be uploaded.

Director Stirling expressed his appreciation for the time and dedication of all chairs and subcommittees. Will touch base with chairs to set next meeting and when a public meeting will be held again. There's an attempt to schedule things when everyone can be here but at times it can't be done. Director Stirling appreciates chairs sending people in their absence.

(Meeting concluded at 3:16 p.m.)

REPORT OF THE

DATA COLLECTION AND ANALYSIS WORKING GROUP

OF THE

CRIMINAL JUSTICE DIVISION

OF THE

GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

TABLE OF CONTENTS

WORKING GROUP MEMBERS ..... PAGE 21

MEETINGS ..... PAGE 21

SUMMARY OF DISCUSSIONS ..... PAGE 22

CONCLUSIONS ..... PAGE 25

NEXT STEPS ..... PAGE 26

APPENDICES

APPENDIX I: MEETING AGENDAS AND MINUTES ..... PAGE 27

APPENDIX II: EXAMPLE OF INCIDENT REPORT ..... PAGE 43

APPENDIX III: CDV AND CDVHAN STATUTES ..... PAGE 45

APPENDIX IV: LIST OF REQUIRED SCIBRS DATA ELEMENTS ..... PAGE 49

APPENDIX V: MAP AND BAR CHART OF DV VICTIMIZATION RATES BY COUNTY ..... PAGE 55

APPENDIX VI: DOMESTIC VIOLENCE VICTIMIZATION RATE TRENDS ..... PAGE 58

APPENDIX VII: CRIME RATES, PROTECTION ORDERS, HOSPITALIZATIONS ..... PAGE 60

Data Collection and Analysis Working Group

Working Group Members:

Keisha Adams, DHEC
Tia Anderson, USC
Ginny Barr, SCDC
Sarah Crawford, Revenue and Fiscal Affairs (RFA)
Mark Crenshaw, Senior Applications Manager, The Judicial Department, Division of Court Administration
Dana DeHart, Assistant Dean for Research, College of Social Work, USC
Michael George, State Alcohol Enforcement Team Liaison, Department of Alcohol and Other Drug Abuse Services (DAODAS/PIRE)
Stephanie Givens, Public Information Director, SCDC
Owens Goff, Program Manager, DHEC
Laura Hudson, S. C. Crime Victims Council (SCCVC)
Radha Jeyaratnam, Statistician III, SCDC
Kenneth L. Long, Jr., Statistician III, Office of Highway Safety and Justice Programs, Department of Public Safety (DPS)
Dan Walker, Director of Research, Department of Alcohol and Other Drug Abuse Services
Christi Metcalfe, USC
Patsy Myers, DHEC
Alex Perez-Caballero, SCIBRS Program Coordinator, SLED
Amelia Shiver, DHEC
Marchar Stagg, Senior Research and Evaluation Analyst, Department of Probation, Parole, and Pardon Services
Dana Wilkes, Special Agent Assigned to SCIBRS, SLED
Rebecca Schimsa, Governor's Office
Craig Wheatley, Director of Research and Statistics, Department of Juvenile Justice
Amanda Wozniak-Woodruff, SCCADVASA*
*South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)

Chair: Charles Bradberry, Director of Research and Statistics, South Carolina Department of Corrections

Meetings:

The Data Collection and Analysis Working Group has met twice – on March 4 and on March 26, both of which lasted about two hours and took place at the Sheriffs' Association Headquarters. Copies of the meeting agendas and minutes are contained in Appendix I. Between these meeting dates, a great deal of activity occurred among Working Group members. Meeting agendas and minutes are attached with the minutes documenting much of the activity occurring between meeting dates.

Summary of Discussions:

The Working Group began with a discussion regarding the definition of domestic violence. In the broadest sense, domestic violence may be defined as a pattern of abusive behavior in any relationship that is used by one person to gain or maintain control over another person. There are, however, other definitions of domestic violence that are being used by various groups.

For many years, the Department of Public Safety (DPS) has been producing a report called, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina." These reports, and others, can be found on DPS' website at http://www.scdps.gov/ohsjp/stats/DomesticViolence/index_CDVinSC.html.

For the Rule of Thumb reports, DPS analyzed data from the State Law Enforcement Division's (SLED) South Carolina Incident-Based Reporting System (SCIBRS). Incident reports are completed by law enforcement officers when a crime is reported to them. (Approximately 260 law enforcement agencies report into this system.) These incident reports record the relationship between the victim and the offender and are the only statewide crime reports that record the relationship between the victim and the offender. (An example of an incident report is contained in Appendix II.)

The definition of domestic violence that is used in the "The Rule of Thumb…" report is: domestic violence consists of murder, negligent homicide, rape, forcible sodomy, sexual assault with an object, forcible fondling, robbery, aggravated assault, simple assault or intimidation where the victim was or had been married to the offender, where the victim was related by blood or marriage to the offender or where the victim was or had been romantically involved with the offender. Specifically, these relationships are: Spouse; Parent/Step-parent; Sibling/Step-sibling; Child/Step-child; Grandparent; Grandchild; In-law; Other family member; Boyfriend/Girlfriend; Child of boyfriend/girlfriend; Homosexual relationship; and Ex-spouse. Relationships that are NOT included and are not collected on the Incident Reports are situations where the offender and victim had a child in common, nor does it identify situations where the victim and offender were currently cohabiting or had previously cohabitated. These last two relationship types, if they were collected would identify those incidents that would be covered by the Criminal Domestic Violence (CDV) statutes in South Carolina. (A copy of South Carolina's statutes regarding criminal domestic violence is contained in Appendix III.) Because the existing incident report forms do not capture the data elements needed to identify *all* cases of CDV, as defined by statute, the "The Rule of Thumb…" report uses a "proxy" to estimate the number of CDV cases. (Note: it may actually be a fairly easy process to add these relationship codes (two digit codes) to the existing relationship code list that SCIBRS uses. This would eliminate the need to use a proxy to estimate the number of incidents of CDV and CDVHAN, i.e., Criminal Domestic Violence of a High and Aggravated Nature.)

The typical process for completing an incident report is this: A local law enforcement officer is called to the scene of a crime. An incident report is completed by hand at the scene. At the end of the officer's shift, s/he returns to the station/headquarters and types the day's incident reports -- all of the information on the reports -- into the agency's management information system.

Periodically selective elements from these electronic records are forwarded to SLED. SLED requires certain elements from the incident report be sent to them electronically. They do NOT require (or accept) such elements as the identities of the victim(s), suspected offender(s), the complainant(s), or addresses. Elements that are received by SLED are the incident type, the ORI number, the Case Number, the victim/offender relationship codes, the premise type, the weapon type, indications of alcohol or drug involvement, date/time of offense, date/time of arrest, and others. SLED provided a list of their required data elements. This list of required SCIBRS data elements is contained in Appendix IV.

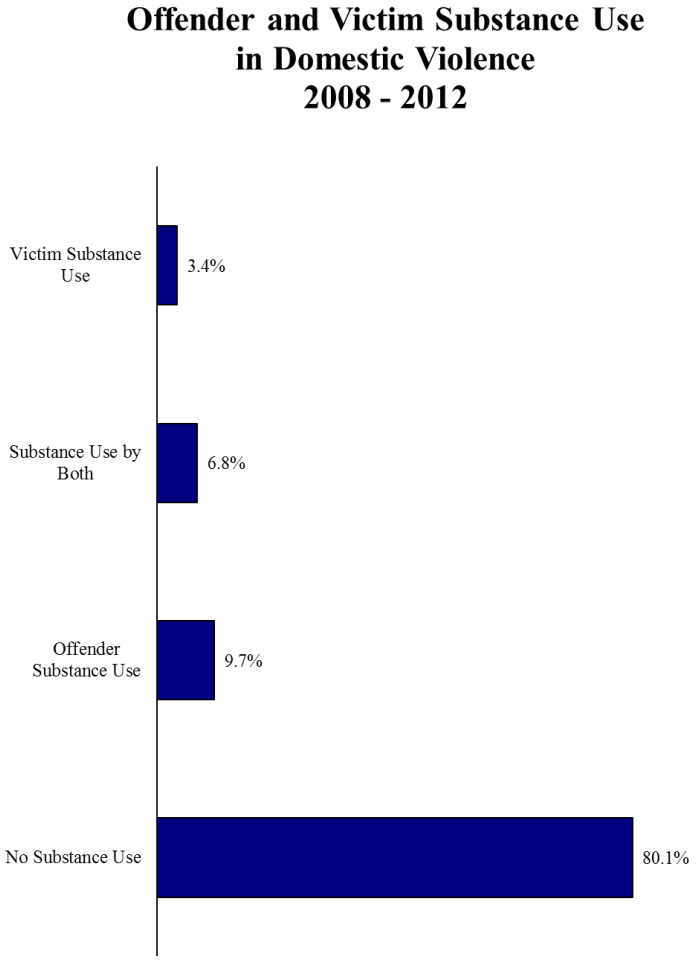
Since there are no identifiers on these reports at SLED, these records cannot be linked to any other databases, such as to the Computerized Criminal History Records (CCHR) database, or to SCDC inmate data or to PPP's probation and parole databases. Also, because of the lack of identifiers, it is not possible to construct a "flowchart" that shows if an arrest occurred as a result of the incident and follow that arrest through the entire criminal justice system, including final disposition and on to jail/prison and community supervision. Also, it is not possible, from SCIBRS data, to determine if the offender's level of violence is escalating over time, or that the victim was listed on more than one incident or that the suspect/offender was involved in multiple incidents over a period of years. In other words, there is a great deal of valuable information that is lost by not having identifiers in the SCIBRS database. The same applies to addresses, to a lesser extent.

Because there are no identifiers on the SCIBRS data, it is not possible to determine from this database how these incidents were processed. We don't know how many cases are being referred to Pre-Trial Intervention (PTI); how many are being dismissed; how many are being pled to a different charge; how many offenders receive jail or prison time; how many are diverted to treatment (Batterers' Program); how many receive probation; which offenders recidivate, etc.

DPS' report, "The Rule of Thumb…," shows county domestic violence victimization rates for 2012, the most recent data available, that defy explanation and may be the result of "reporting issues," rather than actual differences among the counties. As examples, Greenwood County shows a victimization rate of 211.5 incidents per 10,000 population and a rank of 1, while Edgefield County, a county which borders Greenwood County, shows a rate of 52 and has a rank of 46 (lowest in the state). Richland County has a rate of 71.2 and ranks 41. These different rates cannot be explained by socio-economic differences among these counties. (Note: there may be an explanation, other than reporting problems, but we do not know what that explanation is, and the Rule of Thumb report makes a point of stating that the author cannot explain these differences either.) Appendix V provides two different graphical representations of the data. The first graph is a color-coded map of South Carolina indicating the victimization rates per 10,000 population for each county. The second graph is a bar graph that shows the wide disparity between Greenwood and Edgefield counties even though these two counties are contiguous and are similar demographically and socio-economically. Similarities between the two counties are: the 2012 per capita personal income for Greenwood County was $32,398; for Edgefield County, it was $35,098. The racial breakdown for Greenwood County is 65.3% White, 32% Black, and 2.7% Other; for Edgefield County, the racial breakdown is 61.1% White, 36.8% Black, and 2.1% Other.

The Working Group examined trends in the victimization rates, by county, from 2004 through 2012, and found several things that seemed suspect. As examples, Jasper County's DV victimization rate ranked 44th of the 46 counties in 2012. In 2004, 2005, and 2006, it ranked 2nd all three years. Dillon County's rate ranked from 1st to 40th over this time period. Greenwood County's rate was fairly consistent during the entire time period. Appendix VI shows these trend statistics. Appendix VI also shows 1999 victimizations rates for each county. These 1999 statistics were cited in the November, 2000 report entitled, "Governor's Task Force on Domestic Violence Report."

Also, the 2012 domestic violence data shown in the Rule of Thumb report indicates that less than 20 percent of domestic violence incidents involved drugs or alcohol (see graph below). This seemed implausible to the Working Group.



The Working Group also examined data, contained in Appendix VII, which shows, for each county, the number and rate per 10,000 population of intimate partner protection orders issued, county population figures, crime rates, as well as the number and rates of hospitalizations and hospital discharges for injuries inflicted by other persons. These data showed unusual comparisons.

Conclusions:

The consensus of the Working Group was that the 2012 SCIBRS data, as reported in the Rule of Thumb report, should not be trusted without further examination.

There are several points in the process whereby the data are collected and analyzed and the Rule of Thumb publication is produced, which could have introduced "errors" in the final report. These points are described below:

- The local law enforcement officer does not collect, or incorrectly collects, the necessary data elements while at the scene of the incident and does not write that information correctly onto the incident report.

- The information from the initial, handwritten incident report is incorrectly entered into the local law enforcement database.

- The local law enforcement's software incorrectly stores the data elements in the local system.

- Correct information, as it is reported on the Incident Report, is stored in the local database, but the local law enforcement's management information software transmits incorrect data to SLED.

- SLED produces an incorrect extract of the information for DPS to use in producing its report.

- The data is incorrectly analyzed, or correctly analyzed but from "bad" data, and the Rule of Thumb report is published.

- Training and enforcement practices may vary significantly from county to county and this may lead to reporting differences and/or incorrect reporting.

- Any and all of the above.

It should be noted that, although SLED does conduct some audits of local law enforcement agencies, they do not audit the accuracy of the incident reports on variables such at the victim/offender relationship or on the involvement of alcohol or drugs in these incidents.

Next Steps:

In order to determine how much emphasis local law enforcement agencies place on domestic violence incidents, a proposal was made in our Working Group to survey these agencies regarding their policies and procedures as they relate to domestic violence. The Law Enforcement Working Group came to the same conclusion and they are in the process of completing such a survey. Our Working Group will examine these survey results and try and determine if that may help explain the data more completely.

Also, a request has been made to SLED to determine if the incident report narratives, which are sent to the Fusion Center, can be linked to the SCIBRS data and then provided to the Working Group for their review. It may be that the narratives indicate a domestic violence incident that was not indicated in the relationship segment of the incident report.

If it is not possible to obtain these narratives linked to the SCIBRS data, then it may be necessary to survey first responder law enforcement officers to determine how much emphasis they place on accurately recording the relationship variable.

APPENDIX I

MEETING AGENDAS AND MINUTES

South Carolina Domestic Violence Task Force
Criminal Justice Division
Data Collection and Analysis Sub-Committee

March 4, 2015
1:30 p.m. – 3:30 p.m.
SC Sheriffs' Association

I. Roles and perspectives of sub-committee members

II. Defining Domestic Violence

III. Discussion of SCIBRS data and different rates among the counties

IV. Data from other agencies and organizations

V. What data do we need to understand domestic violence?

VI. How do we obtain the data we need to understand the problem?

VII. Comments/Discussion/Recommendations for moving forward

SOUTH CAROLINA DOMESTIC VIOLENCE TASK FORCE
CRIMINAL JUSTICE DIVISION COMMITTEE MEETING
DATA COLLECTION AND ANALYSIS WORKING GROUP
March 4, 2015
1:30 – 3:30 p.m.
SOUTH CAROLINA SHERIFFS' ASSOCIATION
- - - Meeting Called to Order at 1:30 p.m. - - -

Members in Attendance:

Michael George, DAODAS/PIRE
Charles Bradberry, SCDC
Owens Goff, DHEC
Patsy Myers, DHEC
Keisha Adams, DHEC
Alex-Perez Caballero, SLED
Dana Wilkes, SLED
Christi Metcalfe, USC
Bryan Stirling, SCDC
Radha Jeyaratnam, SCDC
Craig Wheatley, DJJ
Amanda Wozniak-Woodruff, SCCADVASA*
Larry Long, DPS
Dan Walker, DAODAS
Ginny Barr, SCDC
Mark Crenshaw, Court Admin.
Laura Hudson, S. C. Crime Victims Council (SCCVC)
Sarah Crawford, Revenue and Fiscal Affairs (RFA)
Marchar Stagg, PPP
Dana DeHart, USC
Rebecca Schimsa, Governor's Office
Tia Anderson, USC

*South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)

Summary of Meeting:

Members introduced themselves and described their current and previous work experiences.

The first item that was discussed was: "What is meant by Domestic Violence?" (Note: this group was asked to think about how domestic violence should be defined, but no definition was adopted at this meeting. The issue will be discussed at a future meeting.)

There are many different definitions of domestic violence. The CDV statutes in South Carolina (Sections 16-25-10, 16-25-20, and 16-25-65) define it as to cause or attempt to cause physical harm or injury to a spouse, a former spouse, persons who have a child in common, or a male and female who are cohabiting or formerly have cohabited.

Below is how the U. S. Department of Justice defines domestic violence:

Definition of Domestic Violence

According to the United States Department of Justice's <u>Office on Violence Against Women</u>, the definition of domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner. Many forms of abuse are included in the definition of domestic violence:

- **Physical abuse can include hitting, biting, slapping, battering, shoving, punching, pulling hair, burning, cutting, pinching, etc. (any type of violent behavior inflicted on the victim). Physical abuse also includes denying someone medical treatment and forcing drug/alcohol use on someone.**

- **Sexual abuse occurs when the abuser coerces or attempts to coerce the victim into having sexual contact or sexual behavior without the victims consent. This often takes the form of marital rape, attacking sexual body parts, physical violence that is followed by forcing sex, sexually demeaning the victim, or even telling sexual jokes at the victim's expense.**
- **Emotional abuse involves invalidating or deflating the victim's sense of self-worth and/or self-esteem. Emotional abuse often takes the form of constant criticism, name-calling, injuring the victim's relationship with his/her children, or interfering with the victims abilities.**
- **Economic abuse takes place when the abuser makes or tries to make the victim financially reliant. Economic abusers often seek to maintain total control over financial resources, withhold the victim's access to funds, or prohibit the victim from going to school or work.**
- **Psychological abuse involves the abuser invoking fear through intimidation; threatening to physically hurt himself/herself, the victim, children, the victim's family or friends, or the pets; destruction of property; injuring the pets; isolating the victim from loved ones; and prohibiting the victim from going to school or work.**
- **Threats to hit, injure, or use a weapon are a form of psychological abuse.**
- **Stalking can include following the victim, spying, watching, harassing, showing up at the victims home or work, sending gifts, collecting information, making phone calls, leaving written messages, or appearing at a person's home or workplace. These acts individually are typically legal, but any of these behaviors done continuously results in stalking crime.**
- **Cyberstalking refers to online action or repeated emailing that inflicts substantial emotional distress in the recipient.**

Who Can be Victims of Domestic Violence

The definition of domestic violence goes on to say that victims can include anyone, regardless of socioeconomic background, education level, race, age, sexual orientation, religion, or gender. Domestic violence used to be referred to as wife abuse. However, this term was abandoned when the definition of domestic violence changed to recognize that wives are not the only ones who can fall victim to domestic violence. The definition of domestic violence now recognizes that victims can be:

- **Spouses**
- **Sexual/Dating/Intimate partners**
- **Family members**
- **Children**
- **Cohabitants**

Many people think that a victim of domestic violence can only obtain a protective order against his or her spouse. This is actually a myth. Most states allow victims of abusive cohabitant lovers to obtain protective orders (also referred to as temporary restraining orders or emergency protective orders). Some states allow victims of abusive adult relatives, roommates, or even non-cohabitating partners to obtain protective orders. The laws in each state are different. As recognition for the need for protection grows in each state, the law evolves to reflect it, so be sure to check the most updated laws in your state.

Dating Violence

Dating violence is another form of domestic violence. The Violence Against Women Act defines dating violence according to the relationship between the abuser and victim. Dating violence is committed by a person in a social, romantic, or intimate relationship with the victim. The existence of such relationship is determined using the following factors:

- **The length of the relationship**
- **The type of relationship**
- **The partners frequency of interaction**

- See more at: http://family.findlaw.com/domestic-violence/what-is-domestic-violence.html#sthash.q0NgN8up.dpuf

There was a discussion of SLED's South Carolina Incident-Based Records System (SCIBRS). Incident reports are completed by law enforcement officers when a crime is reported to them. (Approximately 280 law enforcement agencies report into this system.) These incident reports record the relationship between the victim and the offender and, as far as anyone knows, these reports are the only ones within the criminal justice system that, on a statewide basis, records the relationship between the victim and the offender. The Department of Public Safety (DPS) used these reports to create its publication entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina, 2008 – 2012." This report can be found on DPS' website.

Once the law enforcement officer fills out the Incident Report, it is entered into the local law enforcement database. Periodically (not sure how frequently) selective elements from these electronic records are forwarded to SLED. Among the elements NOT forwarded to SLED are the identities of the victim(s), suspected offender(s), and the complainant(s). Since there are no identifiers on these reports at SLED, these records cannot be linked to any other databases, such as to the Computerized Criminal History Records (CCHR) database, or to SCDC inmate data or to PPP's probation and parole databases. Also, because of the lack of identifiers, it is not possible to determine if the level of violence is escalating over time, that the victim has more than one incident or that the suspect or suspects were involved in multiple incidences over a period of years.

During the meeting, SLED officials explained that law enforcement agencies voluntarily submit these electronic incident reports to SLED and that SLED does not know if all, or what percentage, of incident reports are being forwarded to them. SLED has never audited local law enforcement incident reports to determine if they are being forwarded to SLED; however, they plan to start auditing some of these records in the near future. SLED does some auditing of the electronic records it receives. If key pieces of information is missing or obviously wrong, the record is returned to the local agency and they are asked to correct the information and re-submit it to SLED.

Because the SCIBRS data has never been audited and because law enforcement is not required to submit the incident reports to SLED (submission is voluntary), the group concluded that the strange and inexplicable county domestic violence victimization rates was probable due to reporting issues, rather than actual differences among the counties. As examples, Greenwood County shows a victimization rate of 211.5 and a rank of 1, while Edgefield County shows a rate

of 52 and has a rank of 46 (lowest in the state). Richland County has a rate of 71.2 and ranks 41. These different rates cannot be explained by socio-economic differences among these counties. (Note: there may be an explanation, other than reporting problems, but we do not know what that explanation is, and the DPS report cannot explain it either.)

At the local law enforcement level, there are 20 or more companies or vendors that provide software services to the agencies. Making a change to the system, e.g., incident reports, uploading data, data entry screens, etc., requires these agencies to pay the vendors to make the changes in the software. This could be a very costly proposition, depending on how extensive those changes are. At one time, SLED proposed replacing all of these separate software packages with one universal software, however this proposal never came to fruition.

The DPS report (Rule of Thumb…) that uses the SCIBRS data to examine domestic violence in South Carolina defines domestic violence as: Domestic violence consists of murder, negligent homicide, rape, forcible sodomy, sexual assault with an object, forcible fondling, robbery, aggravated assault, simple assault or intimidation where the victim was or had been married to the offender, where the victim was related by blood or marriage to the offender or where the victim was or had been romantically involved with the offender. Specifically, these relationships are: Spouse; Parent/Step-parent; Sibling/Step-sibling; Child/Step-child; Grandparent; Grandchild; In-law; Other family member; Boyfriend/Girlfriend; Child of boyfriend/girlfriend; Homosexual relationship; and Ex-spouse. Relationships that are NOT included and are not collected on the Incident Reports are situations where the offender and victim had a child in common, nor does it identify situations where the victim and offender were currently cohabiting or had previously cohabitated. These last two relationship types, if they were collected would help us identify those incidents that would be covered by the CDV statutes in South Carolina. (Note: it may actually be a fairly easy process to add these relationship codes (two digit codes) to the existing relationship code list that SCIBRS uses. This should be explored.)

Also, the FBI reporting of domestic violence using NIBRS data includes Kidnapping/Abduction, while the DPS report does not. NIBRS is the national database of incident reports. SLED strips off some data elements from the SCIBRS and sends that information to the Feds.

The only type of CDV cases that can be identified in SCDC's database, as well as in PPP's database, are those cases where the offender has been convicted of one of the CDV statutes and sentenced to either SCDC or PPP. We also cannot determine how prosecutors handle CDV cases. Because SCIBRS data has no identifiers, we cannot determine which domestic violence incidences led to an arrest and what that arrest charge was. We also can't follow an incident report through the criminal justice system. We don't know how many cases are being referred to Pre-Trial Intervention (PTI).

Admissions to SCDC of offenders convicted of CDV offenses has been declining between 2008 and 2014. In 2008, 740 offenders were admitted to SCDC with a CDV offense; by 2014, that number had dropped to 444. Currently, there are 569 offenders incarcerated at SCDC with a CDV offense as any one of their offenses, and 292 offenders are incarcerated with CDV as their most serious offense.

There are many programs within SCDC that address the culture of violence among offenders. These programs have helped reduce recidivism (3-year return to prison rate) to an all-time low of 25.7 percent – one of the lowest recidivism rates in the country.

Having identifiers on the SCIBRS data would allow us to link to the many databases housed in the data warehouse within the S. C. Revenue and Fiscal Affairs Office, formerly the Office of Research and Statistics of the Budget and Control Board. This warehouse contains administrative files from the Department of Education, DAODAS, Mental Health, Hospitals, DJJ, SLED, PPP, SCDC, DSS, DHHS, VOC Rehab, DHEC, and many others. Linking to these databases would give us a much better understanding of both the victim and the offender.

There are Domestic Violence Courts in a number of jurisdictions, e.g., Lexington, Greenville, Richland, and Horry counties have these courts, as well as the City of Columbia. There is no central location where data from these programs is being kept, so we can look at the data overall to see how well these programs are working. Similarly, we can determine how well Drug Courts are working or how well the Veterans Courts are working. Also, there is no centralized database on homeless shelters, including women's shelters to determine who is using these facilities.

It also may be useful to analyze 911 calls regarding domestic violence. What is the police response to these calls? When is an arrest made? When is an arrest not made? What happens between arrest and trial? How many are locked up in local jails and how many remain locked up because they can't make bail or bail is denied? When are protection orders issued? What percentage of these orders are violated and to what consequence?

Centralized databases with identifiers would help us understand the issues better and allow us to better propose solutions that are evidence-based. Much work needs to be done in these areas.

ADDENDUM:

SLED:

We just wanted to clarify that SCIBRS has conducted audits in the past, just not in the past few years. The most recent audits we can find occurred in 2008. We have also already started conducting audits as of last month. We just firmed up our auditing schedule for this cycle, and if all goes smoothly, every reporting agency in the state will be audited by SCIBRS by the end of February 2016.

I also forgot to mention at the meeting that while there is no statute requiring that agencies report their UCR data to SCIBRS, there is a regulation (S.C. Code of Regulations R. 73-30; attached). It says that agencies have to send us their incident and booking reports for coding and storage in our database (this was written back when SLED coded all the incidents in the state for the agencies). It also allows us to assign the coding responsibilities to contributing agencies (which we have at this point).

(Note: I asked SLED to provide us with the results of the 2008 audits.)

Dana DeHart, USC:

"…the group concluded that the strange and inexplicable county domestic violence victimization rates was probable due to reporting issues, rather than actual differences among the counties."

I don't know that I agree with this, as I think things such as training and enforcement practices also could be responsible for differences across counties.

Michael George, DAODAS/PIRE:

I agree training and enforcement practices affect enforcement agency reporting. Since all officers received the same Academy training, I would imagine that local law enforcement practices are different. Law enforcement officers are required to received CDV training every year (if I remember correctly). Maybe some local agencies provide additional training. I do know that even though the current law requires officers to report CDV, it is basically officer discretion. A strict policy requiring all CDV call responses to be reported by officers implemented within a local law enforcement agency would garner higher officer reporting than an agency that relied strictly on officer discretion.

In addition, the reporting differences could exist in two areas; at the victim level and at the officer level. Based on what I know about law enforcement practices, some agencies in the state might not report domestic violence as stringently as others. Reporting by the police could affect reporting by the victim. Although I do not the reference citation, there have been studies that found victim reporting could be affected by whether there was a belief by the victim that law enforcement would assist her or him. These studies would used to show a move by law enforcement to a more proactive approach to policing might temporarily increase reporting by residents.

SLED Question:

Can you explain what happens to the supplemental incident reports? Are they transmitted to SLED as well? If so, are they linked to the original incident report?

SLED Response:

Yes, supplemental incident reports are included in SCIBRS data. If the supplemental has fields that SCIBRS collects (usually victim, offender, or property data), then the RMS should add those new values to the incident record. If new information is included in non-SCIBRS reportable fields (such as a narrative or witness statement) that would change the value in a separate SCIBRS reportable field (e.g., information in the supplemental narrative changes an offense code from aggravated assault to robbery), then it is up to the coder to make those necessary changes in those SCIBRS reportable fields. But once the update is made, a new version of the incident with

all the updated or additional values is included in the agencies next monthly submission, updating the incident record in the SCIBRS database.

Also from SLED:

I wanted to send you a few examples of the kinds of statistics SCIBRS collects and how we can manipulate the data. If you, or anyone in the group, can think of any specific areas that need to be analyzed further, please let us know and we will be happy to pull the numbers. (Note: I've attached these examples to this email.)

From Michael George, DAODAS/PIRE:

I reviewed the PowerPoint presentation. It represents our meeting and email conversations.

As I said in the meeting, my job brings me in contact with state and local law enforcement officers across the state. Over the past couple of weeks, I have taken an opportunity to talk to officers about reporting CDV. Although it is far from scientific (small sampling and not random), officers reported their agency allows the officer on the scene of a possible CDV to decide whether a report is necessary. I do not feel comfortable saying what agencies these officers represent for obvious reasons but I was troubled by this information.

Considering the dilemma of obtaining data about CDV, I believe it is difficult to arrive at what we do not know. Perhaps it would be helpful to conduct in-depth interviews anonymously from a sample of agencies to learn about their investigation methods. I do agree a survey sent to all agencies is worthwhile but the representative completing the survey may not consider it to be anonymous so we may not really obtain "correct" information. Another method may be to obtain policies and procedures from law enforcement agencies, then review the policies to determine if officer discretion is allowed at the scene of CDV. I am willing to help review the policies if this is done.

I last worked the street as an officer in 1997 in Alabama and we were required by law to complete a report if we were called to the scene of a possible CDV. I do not recall any officer having such discretion to not complete a report. In addition, CDV involved more than "intimates". It could involve family members living in the same household. In my experience, what may appear to be a "heated argument" between intimates later can become more. Perhaps there has been a change in the law in Alabama over the years but it would seem adopting a more inclusive definition would go more to changing culture.

Mark Crenshaw, Court Administration:

A couple of thoughts on Page 4 babysittees (a child who is being cared for by a baby sitter)

> Why would this be included within the definition domestic? It seems rather broad and can easily expand the domestic boundary way beyond a home/family. It could easily start to include anyone that watches over a child (person). A chaperone on a school field trip could be thought of as a baby-sitter.
>
> If it is to be included, should child be replaced by person. This would allow for inclusion of adults being cared for by a baby sitter.

One class of relationship that deserves consideration is that between an ex-_____ and new _____ . Violence against new husband by ex-husband.

It might be beneficial to begin the begin presentation with a brief summary of the mission/goals of the Data Collection and Analysis Working Group.

South Carolina Domestic Violence Task Force
Criminal Justice Division
Data Collection and Analysis Working Group

March 26, 2015
1:30 p.m. – 3:30 p.m.
SC Sheriffs' Association

I. (More) discussion of SCIBRS data and the Rule of Thumb Report

II. Crime in South Carolina 2012 Report

III. 2000 Domestic Violence Task Force Report

IV. Do we have the data we need to understand the problem?

V. Do we trust the data we have?

VI. Comments/Discussion/Recommendations for moving forward

SOUTH CAROLINA DOMESTIC VIOLENCE TASK FORCE
CRIMINAL JUSTICE DIVISION COMMITTEE MEETING
DATA COLLECTION AND ANALYSIS WORKING GROUP
March 26, 2015
1:30 – 3:30 p.m.
SOUTH CAROLINA SHERIFFS' ASSOCIATION
- - - Meeting Called to Order at 1:30 p.m. - - -

In Attendance:

Michael George, DAODAS/PIRE
Charles Bradberry, SCDC
Mark Crenshaw, Court Admin.
Keisha Adams, DHEC
Alex-Perez Caballero, SLED
Dana Wilkes, SLED
Dana DeHart, USC
Bryan Stirling, SCDC
Tia Anderson, USC
Larry Long, DPS
Dan Walker, DAODAS
Amelia Shiver, DHEC
Stephanie Givens, SCDC
Sarah Crawford, RFA
Marchar Stagg, PPP
Rebecca Schimsa, Governor's Office
Craig Wheatley, DJJ

Summary of Meeting:

There was more discussion of SLED's South Carolina Incident-Based Reporting (or Records) System (SCIBRS). We are trying to determine how much confidence we have in the domestic violence victimization rates as reported in the Rule of Thumb report from data extracted from the SCIBRS database.

The DPS report (Rule of Thumb…) that uses the SCIBRS data to examine domestic violence in South Carolina defines domestic violence as: Domestic violence consists of murder, negligent homicide, rape, forcible sodomy, sexual assault with an object, forcible fondling, robbery, aggravated assault, simple assault or intimidation where the victim was or had been married to the offender, where the victim was related by blood or marriage to the offender or where the victim was or had been romantically involved with the offender. Specifically, these relationships are: Spouse; Parent/Step-parent; Sibling/Step-sibling; Child/Step-child; Grandparent; Grandchild; In-law; Other family member; Boyfriend/Girlfriend; Child of boyfriend/girlfriend; Homosexual relationship; and Ex-spouse. Relationships that are NOT included and are not collected on the Incident Reports are situations where the offender and victim had a child in common, nor does it identify situations where the victim and offender were currently cohabiting or had previously cohabitated. These last two relationship types, if they were collected would help us identify those incidents that would be covered by the CDV statutes in South Carolina and a "proxy" would not have to be used in the Rule of Thumb report. (Note: it may actually be a fairly easy process to add these relationship codes (two digit codes) to the existing relationship code list that SCIBRS uses. This should be explored.)

Incident reports are completed by law enforcement officers when a crime is reported to them. All law enforcement agencies (approximately 280 agencies) report into this system. There is some anecdotal evidence that a law enforcement officer may have some discretion as to whether or not to fill out an incident report when they arrive at the scene of a reported crime. We do not

know if, in fact, this practice is going on and, if it is, to what extent, and under what circumstances, this may be happening. There seem to be two possible ways of determining this: 1) review policies and procedures of law enforcement agencies, and/or 2) conduct interviews with local law enforcement officers to understand their practices.

Incident reports record the relationship between the victim and the offender and, as far as anyone knows, these reports are the only ones within the criminal justice system that, on a statewide basis, records the relationship between the victim and the offender. The Department of Public Safety (DPS) used these reports to create its publication entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina, 2008 – 2012." This report can be found on DPS' website.

The typical process for completing an incident report is this: A local law enforcement officer is called to the scene of a crime. An incident report is completed by hand at the scene. At the end of the officer's shift, s/he returns to the station/headquarters and types the day's incident reports -- all of the information on the reports -- into the agency's management information system. Periodically selective elements from these electronic records are forwarded to SLED. SLED requires certain elements from the incident report be sent to them electronically. A list of the They do NOT require (or accept) such elements as the identities of the victim(s), suspected offender(s), the complainant(s), or addresses. Elements that are received by SLED are the incident type, the ORI number, the Case Number, the victim/offender relationship codes, the premise type, the weapon type, indications of alcohol or drug involvement, date/time of offense, date/time of arrest, and others. SLED can provide us with a list of their required data elements.

Since there are no identifiers on these reports at SLED, these records cannot be linked to any other databases, such as to the Computerized Criminal History Records (CCHR) database, or to SCDC inmate data or to PPP's probation and parole databases. Also, because of the lack of identifiers, it is not possible to construct a "flowchart" that shows if an arrest occurred as a result of the incident and follow that arrest through the entire criminal justice system, including final disposition and on to jail/prison and community supervision. Also, it is not possible, from SCIBRS data, to determine if the offender's level of violence is escalating over time, or that the victim was listed on more than one incident or that the suspect/offender was involved in multiple incidents over a period of years. In other words, there is a great deal of valuable information that is lost by not having identifiers in the SCIBRS database. The same applies to addresses, to a lesser extent.

Because there are no identifiers on the SCIBRS data, it is not possible to determine from this database how these incidents were processed. We don't know how many cases are being referred to Pre-Trial Intervention (PTI); how many are being dismissed; how many are being pled to a different charge; how many offenders receive jail or prison time; how many are diverted to treatment (Batterers' Program); how many receive probation; which offenders recidivate, etc.

DPS' report, "The Rule of Thumb…," contains some strange and inexplicable county domestic violence victimization rates that are probably due to "reporting issues," rather than actual differences among the counties. As examples, Greenwood County shows a victimization rate of 211.5 and a rank of 1, while Edgefield County, a county which borders Greenwood County, shows a rate of 52 and has a rank of 46 (lowest in the state). Richland County has a rate of 71.2 and ranks 41. These different rates cannot be explained by socio-economic differences among these counties. (Note: there may be an explanation, other than reporting problems, but we do

not know what that explanation is, and the DPS report makes a point of stating that the author cannot explain it either.)

The Working Group examined the trend data of the victimization rates, by county, from 2004 through 2012, and found several things that seemed suspect. As examples, Jasper County's DV victimization rate ranked 44th of the 46 counties in 2012. In 2004, 2005, and 2006, it ranked 2nd all three years. Dillon County's rate ranked from 1st to 40th over this time period. Greenwood County's rate was fairly consistent during the entire time period. Also, it was reported that less than 20 percent of domestic violence incidents involved drugs or alcohol. This seemed implausible to the Group.

The Group also examined a "working" spreadsheet that showed the 2012 victimization rates, by county, along with county population figures, as well as crime rates as reported in SLED's 2012 Crime in South Carolina report. These data also showed unusual comparisons. We are continuing to add to this spreadsheet and Dr. Anderson will be adding columns for data she has been collecting.

The consensus of the Group was that the SCIBRS data, as reported in the Rule of Thumb report, should not be trusted without further examination.

There are several points in the process whereby the data are collected and analyzed and the Rule of Thumb publication is produced. These points are described below:

- The local law enforcement officer does not collect, or incorrectly collects, the necessary data elements while at the scene of the incident and does not write that information correctly onto the incident report.

- The information from the initial, handwritten incident report is incorrectly entered into the local law enforcement database.

- The local law enforcement's software incorrectly stores the data elements in the local system.

- Correct information, as it is reported on the Incident Report, is stored in the local database, but the software transmits incorrect data to SLED.

- SLED produces an incorrect extract of the information for DPS to use in producing its report.

- The data is incorrectly analyzed, or correctly analyzed but from "bad" data, and the Rule of Thumb report is published.

- Training and enforcement practices may vary significantly from county to county and this may lead to reporting differences and/or incorrect reporting.

- Any and all of the above.

It should be noted that, although SLED does conduct some audits of local law enforcement agencies; however, they do not audit the accuracy of the incident reports on variables such at the

victim/offender relationship or on the involvement of alcohol or drugs in these incidents. (Note: Alex (SLED) provided me with the list of data elements that SCIBRS requires, along with an actual audit report and the NIBRS manual, which is very similar to the SCIBRS manual I sent to you all before the March 26 meeting. These documents are in the attachment.)

There was a discussion about CALEA accreditation and the requirement to have certain standards for policies and standard operating procedures. CALEA is the Commission on Accreditation for Law Enforcement Agencies. As discussed in the meeting, accreditation is costly and time consuming but it sets standards for law enforcement agencies.

There is a South Carolina Accreditation Coalition website at http://www.thescpac.com/Members.html.
According to the website, there are over 40 accredited agencies in South Carolina. Greenwood County Sheriff's Office and Greenwood Police Department are members. Richland County Sheriff's Office is not. If by chance we can break out domestic violence cases by the law enforcement agencies in Richland County, it might help because Columbia Police Department is a member. This might help us if it is decided to review policies pertaining to reporting domestic violence cases. (Note: Larry Long (DPS) provided us with the DV victimization numbers for each law enforcement agency in Richland County. He also provided us with a second file Beyond 20/20 with current 2012 information. The Richland County row is a summary of all the agencies so the total DV victims in Richland Count is 2,832. I have attached both of these files for your review.) It is difficult to draw conclusions from these numbers since we do not know the service population numbers for each agency and also because there is overlap among agencies. For example, the Richland County Sheriff's Office may respond to incidents within the city limits of Columbia, and City of Columbia Police officers may respond to some incidents outside the city limits, i.e., in Richland County.)

Mr. George found a short article on their website that discusses the establishment of a domestic violence response team. The information is at http://www.calea.org/calea-update-magazine/issue-95/focusing-victim-domestic-violence-response-team. Perhaps CDV teams can be suggested for law enforcement agencies serving a certain size populations in South Carolina.

At the local law enforcement level, there are 20 or more companies or vendors that provide software services to the agencies. Making a change to the system, e.g., incident reports, uploading data, data entry screens, etc., requires these agencies to pay the vendors to make the changes in the software. This could be a very costly proposition, depending on how extensive those changes are. At one time, SLED proposed replacing all of these separate software packages with one universal software, however this proposal never came to fruition.

The only type of CDV cases that can be identified in SCDC's database, as well as in PPP's database, are those cases where the offender has been convicted of one of the CDV statutes and sentenced to either SCDC or PPP. We also cannot determine how prosecutors handle CDV cases. Because SCIBRS data has no identifiers, we cannot determine which domestic violence incidents led to an arrest and what that arrest charge was. We also can't follow an incident report through the criminal justice system. We don't know how many cases are being referred to Pre-Trial Intervention (PTI).

Having identifiers on the SCIBRS data would allow us to link to the many databases housed in the data warehouse within the S. C. Revenue and Fiscal Affairs Office, formerly the Office of Research and Statistics of the Budget and Control Board. This warehouse contains administrative files from the Department of Education, DAODAS, Mental Health, Hospitals, DJJ, SLED, PPP, SCDC, DSS, DHHS, VOC Rehab, DHEC, and many others. Linking to these databases would give us a much better understanding of both the victim and the offender.

There are Domestic Violence Courts in a number of jurisdictions, e.g., Lexington, Greenville, Richland, and Horry counties have these courts, as well as the City of Columbia. There is no central location where data from these programs is being kept, so we cannot look at the data overall to see how well these programs are working. Similarly, we cannot determine how well Drug Courts are working or how well the Veterans Courts are working. Also, there is no centralized database on homeless shelters, including women's shelters to determine who is using these facilities. Centralized databases with identifiers would help us understand the issues better and allow us to better propose solutions that are evidence-based.

Dan Walker will be working with Sarah Crawford to examine hospital data that will indicate the types of hospital encounters by county. Craig Wheatley, Larry Long, and Charles Bradberry will be given access to SLED's SCIBRS "cube" so that they can explore the SCIBRS data from many different angles. (Note: Dan and Sarah produced the hospital data and that is also attached. The password is dw_d@0d@5!

It should also be noted that the 2000 Governor's Task Force on Domestic Violence was grappling with the very same issues that this Working Group has found. Very few, if any, of the recommendations offered in the 2000 report have been implemented. At the time of the 2000 report, South Carolina ranked 1st in the country in the rate of women killed by men; today, South Carolina ranks 2nd in the country.

APPENDIX II

EXAMPLE OF INCIDENT REPORT

AGENCY I.D. SC0360000

NEWBERRY COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

CASE NUMBER: 09-11222

NCIC: INQ. / ENTD.

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. 11D - CRIMINAL SEXUAL CONDUCT WITH MINOR	☒ YES ☐ NO	☐ YES ☐ NO	20	
2.	☐ YES ☐ NO	☐ YES ☐ NO		
3.	☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): [redacted] PROSPERITY SC — ZIP CODE: 29127 — WEAPON TYPE: 40

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
10/13/2009	1600		10/13/2009	2100	10/17/2009	1844	1853	1934	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
[redacted]	OF			J S O U	W	M	28	N	(803) [redacted] H B	H B

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	PROSPERITY	SC	29127	

VICTIM #1

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
, JUVENILE VICTIM				J S O U	W	F	08	N	H B	H B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.

VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN --

VICTIM (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK. DRUGS: ☐ YES ☒ NO ☐ UNK.

☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL.ASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED — J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT #1

☒ SUSPECT ☐ RUNAWAY ☐ WANTED ☒ WARRANT ☒ ARREST ☒ JAIL ☐ SUMMONS

SUBJECT NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
USSERY, JOHN THURSTON JR.	W	M	25	N	04/18/1984	5-11	240	BLK	BRO

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
331 PARLOCK CIRCLE	IRMO	SC	29063	

SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☐ NO ☒ UNK. DRUGS: ☐ YES ☐ NO ☒ UNK. TYPE:

ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO — TOTAL # ARRESTED 1

DATE/TIME OF OFFENSE: 10/13/2009 1600 — DATE/TIME OF ARREST: 11/14/2009

NARRATIVE

REPORTING DEPUTY SPOKE WITH [redacted] AT THE NEWBERRY POLICE DEPARTMENT. WHILE REPORTING DEPUTY SPOKE WITH [redacted] THE VICTIM WAS AT THE RESIDENCE WITH THE MOTHER. [redacted] ADVISED THAT ON THE ABOVE LISTED DATE THAT [redacted] AND HIS WIFE HAD LEFT THEIR CHILDREN WITH [redacted] (JOHN USSERY JR.) AT THE ABOVE LISTED LOCATION WHILE [redacted] AND HIS WIFE WENT OUT TO LOOK AT A VEHICLE. ON TODAY'S DATE WHILE CELEBRATING [redacted] BIRTHDAY, [redacted] SON STATED THAT USSERY HAD TAKEN A BATH WITH THE ABOVE LISTED VICTIM. [redacted] WAS ADVISED THAT USSERY HAD TAKEN A BATH WITH THE VICTIM AND DID NOT ALLOW THE VICTIM TO BATH HERSELF BUT INSTEAD USSERY BATHED THE VICTIM. [redacted] THEN ADVISED THAT USSERY TOOK THE VICTIM AND SAT THE VICTIM ON THE BED AND TOOK SOME K-Y AND BEGAN TO RUB THE VICTIM'S PRIVATE AREA. [redacted] STATED THAT AT ONE POINT THE VICTIM YELLED "THAT STINGS!" AND USSERY STOPPED. [redacted] ASKED THE VICTIM AND IN ACCORDANCE WITH [redacted] THE VICTIM DID CONFIRMED THIS TOOK PLACE. [redacted] THEN CONFRONTED USSERY WHO DENIED THE ALLEGATIONS. BOTH [redacted] AND USSERY WENT TO THE VICTIM AND THE VICTIM STATED THE INCIDENT HAD TAKEN PLACE. [redacted] STATED THAT USSERY WAS DOWN ON HIS LUCK AND WAS ALLOWED TO STAY AT THE RESIDENCE FOR THE PAST COUPLE OF MONTHS. [redacted] ADVISED THAT USSERY WAS TOLD TO LEAVE THE RESIDENCE AND DID DO SO. [redacted] ADVISED THAT USSERY DOES STILL HAVE SOME BELONGINGS AT THE RESIDENCE. [redacted] DOES WISH TO PURSUE FURTHER IF THE ALLEGATIONS ARE TRUE UPON FURTHER INVESTIGATION. [redacted] ALSO ADVISED THAT VICTIM HAD MADE A SIMILAR COMPLAINT AGAINST THE MOTHER'S BOYFRIEND BEFORE BUT DENIED IT HAD HAPPENED LATER UPON BEING CONFRONTED. [redacted] ADVISED THAT VICTIM DID NOT BACK DOWN UPON BEING CONFRONTED ABOUT THIS INCIDENT. [redacted] DID NOT PROVIDE ANY FURTHER INFORMATION ON USSERY. REPORTING DEPUTY DID ADVISED THE ON-CALL INVESTIGATOR J. FRAMPTON, VICTIM ADVOCATE C. JOHNSON, AND THE ON CALL DEPARTMENT OF SOCIAL SERVICE AGENT HEATHER BISHOP. VICTIM FORM WAS COMPLETED AND REPORTING DEPUTY CLEARED.

PROPERTY

				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
TYPE (GROUP)							TOTAL VALUE
Burned							
Count./Forged							
Dest./Damaged							
Recovered							
Seized							
Stolen							
Unknown							

ADMINIST

SUBJECT IDENTIFIED ☒ YES ☐ NO — SUBJECT LOCATED ☒ YES ☐ NO — ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED — ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER — ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
LT. ODELL SCHUMPERT	10/18/2009	052			
			FOLLOW-UP INVESTIGATION OFFICER ☒ YES ☐ NO SGT. MATT BOWERS	10/19/2009	083

APPENDIX III

CDV AND CDVHAN STATUTES

SECTION 16-25-10. "Household member" defined.

As used in this article, "household member" means:

(1) a spouse;

(2) a former spouse;

(3) persons who have a child in common; or

(4) a male and female who are cohabiting or formerly have cohabited.

HISTORY: 1984 Act No. 484, Section 1; 1994 Act No. 519, Section 1; 2003 Act No. 92, Section 3, eff January 1, 2004; 2005 Act No. 166, Section 1, eff January 1, 2006.

SECTION 16-25-20. Acts prohibited; penalties; criminal domestic violence conviction in another state as prior offense.

(A) It is unlawful to:

(1) cause physical harm or injury to a person's own household member; or

(2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

(B) Except as otherwise provided in this section, a person who violates the provisions of subsection (A) is guilty of the offense of criminal domestic violence and, upon conviction, must be punished as follows:

(1) for a first offense, the person is guilty of a misdemeanor and must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than thirty days. The court may suspend the imposition or execution of all or part of the fine conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of Section 16-25-20(H), a program designed to treat batterers. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense pursuant to the provisions of this subsection must be tried in summary court;

(2) for a second offense, the person is guilty of a misdemeanor and must be fined not less than two thousand five hundred dollars nor more than five thousand dollars and imprisoned not less than a mandatory minimum of thirty days nor more than one year. The court may suspend the imposition or execution of all or part of the sentence, except the thirty-day mandatory minimum sentence, conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of Section 16-25-20(H), a program designed to treat batterers. If a person is sentenced to a mandatory minimum of thirty days pursuant to the provisions of this subsection, the judge may provide that the sentence be served two days during the week or on weekends until the sentence is completed and is eligible for early release based on credits he is able to earn during the service of his sentence, including, but not limited to, good-time credits;

(3) for a third or subsequent offense, the person is guilty of a felony and must be imprisoned not less than a mandatory minimum of one year but not more than five years.

(C) For the purposes of subsections (A) and (B), a conviction within the previous ten years for a violation of subsection (A), Section 16-25-65, or a criminal domestic violence offense in another state which includes similar elements to the provisions of subsection (A) or Section 16-25-65, constitutes a prior offense. A conviction for a violation of a criminal domestic violence offense in another state does not constitute a prior offense if the offense is committed against a person other than a "household member" as defined in Section 16-25-10.

(D) A person who violates the terms and conditions of an order of protection issued in this State under Chapter 4, Title 20, the "Protection from Domestic Abuse Act", or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days and fined not more than five hundred dollars.

(E) Unless the complaint is voluntarily dismissed or the charge is dropped prior to the scheduled trial date, a person charged with a violation provided in this chapter must appear before a judge for disposition of the case.

(F) When a person is convicted of a violation of Section 16-25-65 or sentenced pursuant to subsection (C), the court may suspend execution of all or part of the sentence, except for the mandatory minimum sentence, and place the offender on probation, conditioned upon:

(1) the offender completing, to the satisfaction of the court, a program designed to treat batterers;

(2) fulfillment of all the obligations arising under court order pursuant to this section and Section 16-25-65; and

(3) other reasonable terms and conditions of probation as the court may determine necessary to ensure the protection of the victim.

(G) In determining whether or not to suspend the imposition or execution of all or part of a sentence as provided in this section, the court must consider the nature and severity of the offense, the number of times the offender has repeated the offense, and the best interests and safety of the victim.

(H) An offender who participates in a batterer treatment program pursuant to this section, must participate in a program offered through a government agency, nonprofit organization, or private provider approved by the Department of Social Services. The offender must pay a reasonable fee for participation in the treatment program but no person may be denied treatment due to inability to pay. If the offender suffers from a substance abuse problem, the judge may order, or the batterer treatment program may refer, the offender to supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20. The offender must pay a reasonable fee for participation in the substance abuse treatment program, but no person may be denied treatment due to inability to pay.

HISTORY: 1984 Act No. 484, Section 1; 1994 Act No. 519, Section 1; 2003 Act No. 92, Section 3, eff January 1, 2004; 2005 Act No. 166, Section 2, eff January 1, 2006; 2008 Act No. 255, Section 1, eff June 4, 2008.

SECTION 16-25-65. Criminal domestic violence of a high and aggravated nature; elements; penalty; conditional probation; statutory offense.

(A) A person who violates Section 16-25-20(A) is guilty of the offense of criminal domestic violence of a high and aggravated nature when one of the following occurs. The person commits:

(1) an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim; or

(2) an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death.

(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not less than a mandatory minimum of one year nor more than ten years. The court may suspend the imposition or execution of all or part of the sentence, except the one-year mandatory minimum sentence, and place the offender on probation conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers offered through a government agency, nonprofit organization, or private provider approved by the Department of Social Services. The offender must pay a reasonable fee for participation in the treatment program, but no person may be denied treatment due to inability to pay. If the offender suffers from a substance abuse problem, the judge may order, or the batterer treatment program may refer, the offender to supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20. The offender must pay a reasonable fee for participation in the substance abuse treatment program, but no person may be denied treatment due to inability to pay.

(C) The provisions of subsection (A) create a statutory offense of criminal domestic violence of a high and aggravated nature and must not be construed to codify the common law crime of assault and battery of a high and aggravated nature.

HISTORY: 1994 Act No. 516, Section 1; 2003 Act No. 92, Section 3, eff January 1, 2004; 2005 Act No. 166, Section 3, eff January 1, 2006.

APPENDIX IV

LIST OF REQUIRED SCIBRS DATA ELEMENTS

List of SCIRBS Data Elements

Administrative Segment

Every data element in this segment is submitted only once per incident.

1. ORI
2. Incident Number
3. Incident Date
    a. Date the incident occurred
4. Report Date Indicator
    a. Where the agency indicates that the date entered in Incident Date data element is actually the date the incident was reported, not the date the incident occurred
5. Incident Hour
6. Exceptional Clearance
    a. Where the agency indicates the reason outside of law enforcement control that the offender cannot be arrested, charged, and turned over prosecution
7. Exceptional Clearance Date
    a. The date of the exceptional clearance
8. Status Indicator
    a. C = Administratively Closed
    b. U = Unfounded
    c. A = Administrative Filler
9. Status Change Date
    a. Date the Status Indicator last changed
10. Incident End Date
11. Incident End Time
12. Cargo Theft Indicator
    a. Where the agency indicates whether the incident involves a Cargo Theft

Offense Segment

Unless otherwise noted, each data element in this segment is repeated once per UCR Offense Code.

13. UCR Offense Code
    a. Up to 5 can be reported per incident
14. Offense Attempted or Completed
15. Offender Suspected of Using
    a. Repeated 3 times per offense code
    b. A = Alcohol
    c. D = Drugs
    d. C = Computer
16. Location Type

    a. Repeated twice per offense code
17. Number of Premises Entered
18. Method of Entry
    a. F = Forced Entry
    b. N = No Force
19. Type Criminal Activity (TCA)
    a. Repeated 3 times per offense code
    b. Where the agency indicates whether the offense involved, buying, selling, possessing, manufacturing, etc.
20. Type Weapon/Force Involved
    a. Repeated 3 times per offense code
    b. Includes an Automatic Weapon Indicator
        i. A = Automatic Firearm
        ii. S = Semi-automatic Firearm
        iii. [blank] – Not Automatic
21. Victim Suspected of Using
    a. Repeated twice per offense code
    b. A = Alcohol
    c. D = Drugs
22. Offense Special Circumstances
23. Offense Date
24. Hate/Bias Motivation

<u>Property Segment</u>

Unless otherwise noted, each data element in this segment is repeated once per Type Property Loss.

25. Type Property Loss
    a. 1 = None
    b. 2 = Burned
    c. 3 = Counterfeit/Forged
    d. 4 = Destroyed/Damaged/Vandalized
    e. 5 = Recovered
    f. 6 = Seized
    g. 7 = Stolen
    h. 8 = Unknown
26. Property Description
    a. Where the agency describes the type of property involved in the incident
    b. Repeated 10 times per Type Property Loss
27. Property Value
    a. Where the agency describes the value of the property involved in the incident
    b. Repeated for every Property Description entered
28. Date Recovered
    a. The date each Property Description was recovered (if applicable)

29. Number of Stolen Vehicles
    a. The number of motor vehicles stolen as part of a Motor Vehicle Theft offense
30. Number of Recovered Vehicles
    a. The number of motor vehicles recovered after being stolen as part of a Motor Vehicle Theft offense
31. Suspected Drug Type
    a. Where the agency describes the type of drug seized as part of a Drug Law Violation offense
    b. Repeated 3 times per incident
32. Estimated Drug Quantity
    a. Where the agency describes the quantity of drugs seized as part of a Drug Law Violation offense
    b. Repeated once per Suspected Drug Type Entered
33. Type Drug Measurement
    a. Where the agency describes the unit of measurement used to report Estimated Drug Quantity
    b. Repeated once per Estimated Drug Quantity entered
34. Recovery ORI
    a. Where the agency can indicate the ORI of the outside agency that recovered reported property

<u>Victim Segment</u>

Unless otherwise noted, each data element in this segment is repeated once per victim.

35. Victim Sequence Number
    a. The identifying number assigned to each victim of the incident
    b. Up to 99 victims can be submitted per incident
36. Victim Connected to UCR Offense
    a. Where the agency connects each victim to the specific UCR Offense Code(s) of which that person was a victim
    b. Repeated 5 times per victim
37. Type of Victim
    a. I = Individual
    b. L = Law Enforcement Officer
    c. B = Business
    d. F = Financial Institution
    e. G = Government
    f. R = Religious Organization
    g. S = Society/Public
    h. O = Other
    i. U = Unknown
38. Age of Victim
39. Sex of Victim

40. Race of Victim
41. Ethnicity of Victim
    a. H = Hispanic/Latino
    b. N = Not Hispanic or Latino
    c. U = Unknown
42. Resident Status of Victim
    a. J = Resident of jurisdiction
    b. S = Resident of state, not jurisdiction
    c. O = out of state resident
    d. U = Unknown
43. Aggravated Assault/Homicide Circumstance
    a. Where the agency enters the circumstances/causes around a Murder, Aggravated Assault, Negligent Manslaughter, or Justifiable Homicide
44. Additional Justifiable Homicide Circumstance
    a. Where the agency provides more detail on the circumstances that led to a Justifiable Homicide
45. Type Injury
    a. Repeated up to 5 times per victim
46. Offender Number to Be Related
    a. The Offender Sequence Number of the offender whose Victim to Offender Relationship is about to be described
47. Relationship to Offender
    a. Where the agency describes the victim's relationship to each offender in the incident
    b. Repeated once for every Offender Number to Be Related entered
48. LEOKA Activity
    a. Where the agency describes the activity the officer was engaged in at the time of the attack
    b. Repeated once per LEOKA victim
49. LEOKA Activity
    a. Where the agency describes the officer's assignment type at the time of the attack
    b. Repeated once per LEOKA victim

Offender Segment

Unless otherwise noted, each data element in this segment is repeated once per offender.

50. Offender Sequence Number
    a. The identifying number assigned to each offender in the incident
    b. Up to 99 offenders can be submitted per incident
51. Age of Offender
52. Sex of Offender
53. Race of Offender
54. Ethnicity of Offender

Arrestee Segment

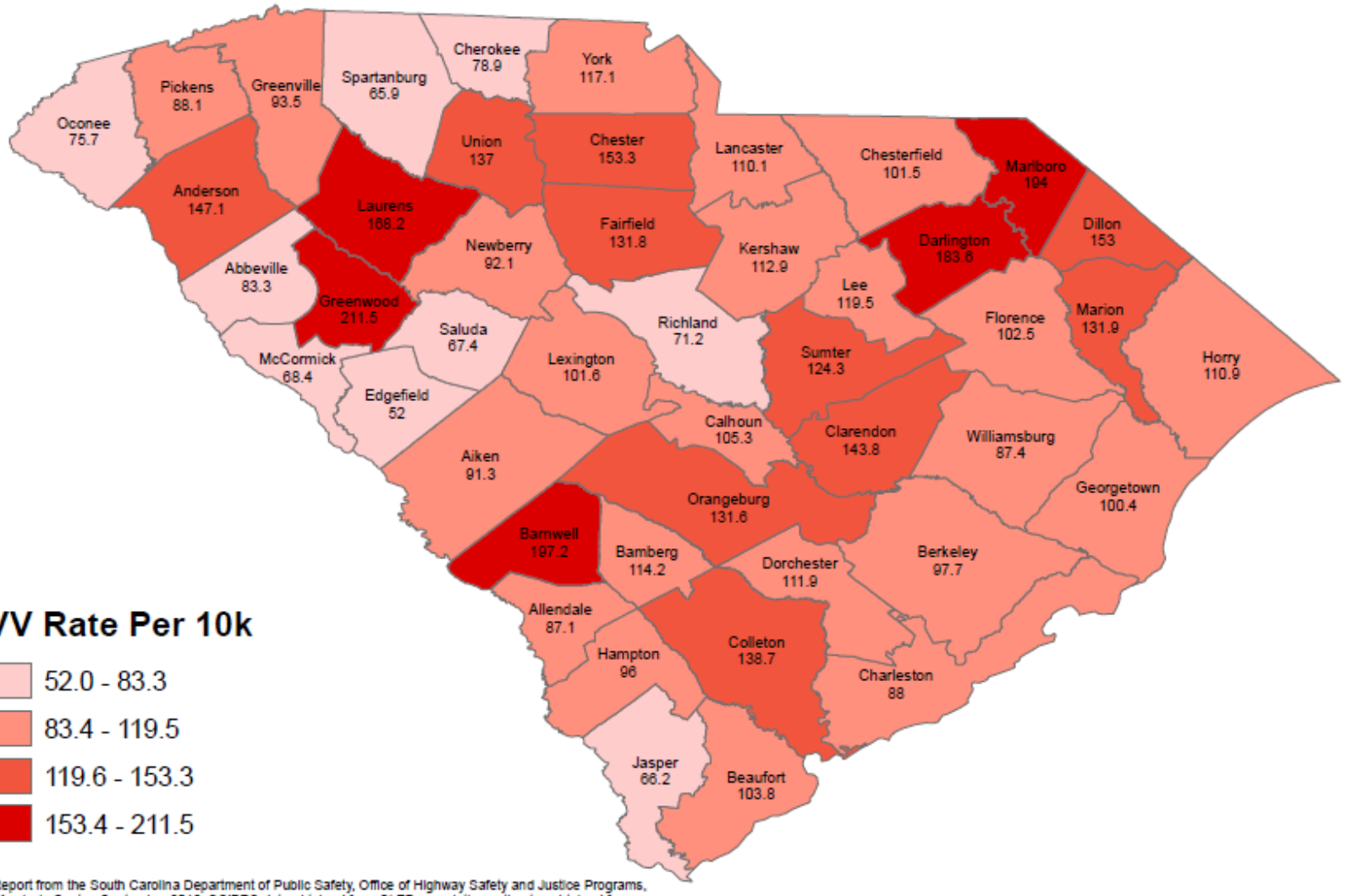
Unless otherwise noted, each data element in this segment is repeated once per arrestee.

55. Arrestee Sequence Number
    a. The identifying number assigned to each arrestee of the incident
    b. Up to 99 arrestee can be submitted per incident
56. Arrestee Transaction Number
    a. This should be the same as the Incident Number
57. Arrest Date
58. Type of Arrest
    a. O = On View Arrest
    b. S = Summoned/Cited (includes Uniform Traffic Tickets)
    c. T = Taken into Custody
59. Multiple Arrestee Segments Indicator
    a. An administrative element that indicates whether the arrest of this arrestee clears other cases under different Incident Numbers
60. UCR Arrest Code
    a. Where the agency indicates the offense for which the arrestee was apprehended
    b. Repeated up to 3 times per arrestee
61. Arrestee Armed With
    a. Where the agency describes the conventional weapon the arrestee had in his possession at the time of arrest
    b. Includes an Automatic Weapon Indicator
    c. Repeated up to twice per arrestee
62. Age of Arrestee
63. Sex of Arrestee
64. Race of Arrestee
65. Ethnicity of Arrestee
66. Resident Status of Arrestee
67. Disposition of Arrestee Under 18
    a. Where the agency indicates how the juvenile arrestee was handled
    b. H = Handled within department and released to parents with a warning
    c. R = Referred to other authorities, including, jail, court, other police agency, DJJ, welfare agency, etc.
68. Drug Arrest – Type Criminal Activity
    a. Where the agency describes the activity involved in the arrestee's most serious drug charge
    b. Repeated once per arrestee with a Drug Law Violation as one of the UCR Arrest Codes
69. Drug Arrest – Suspected Drug Type
    a. Where the agency describes the suspected drug type involved in the arrestee's most serious drug charge
    b. Repeated once per Drug Arrest - TCA

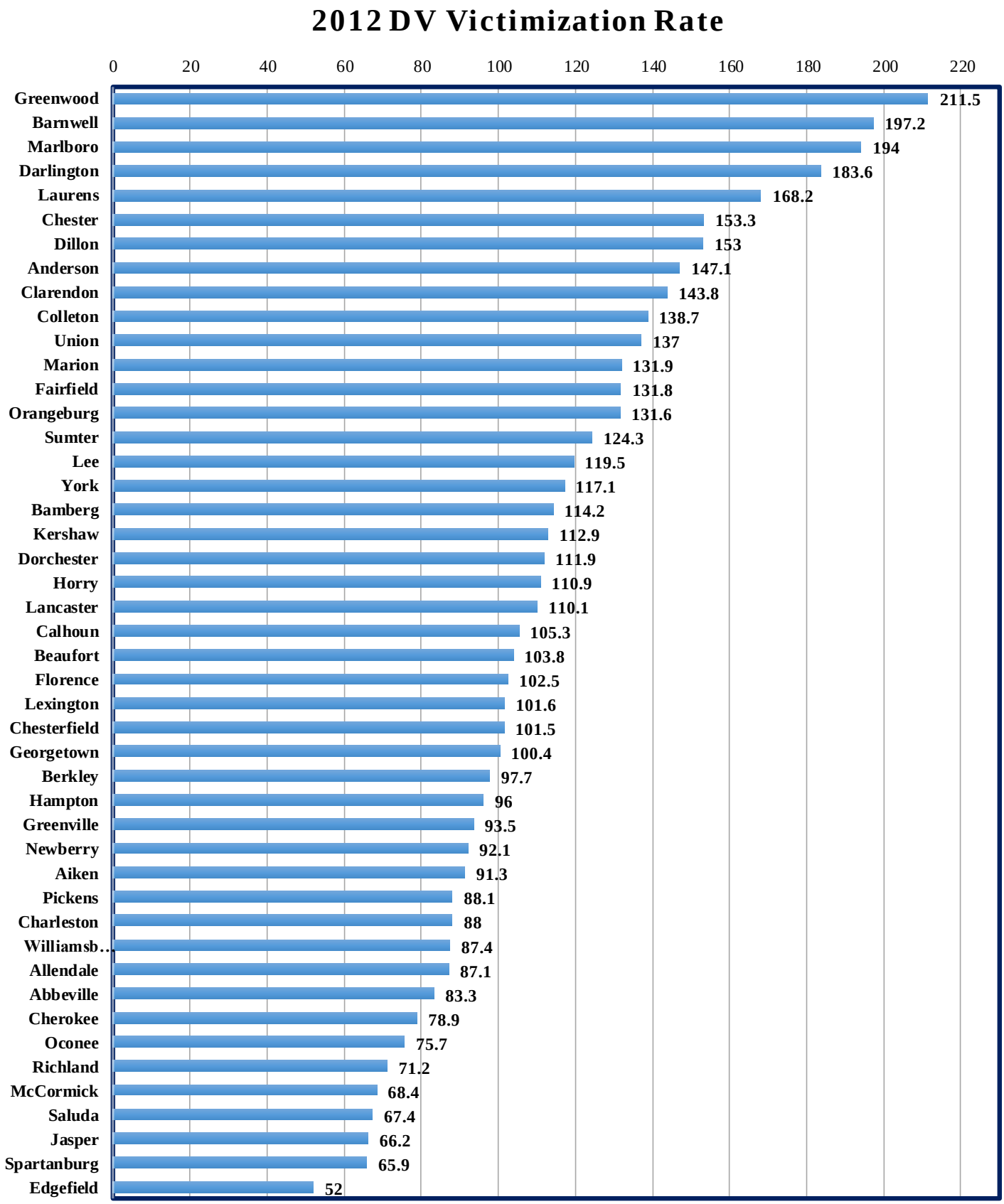
APPENDIX V

MAP AND BAR CHART OF DOMESTIC VIOLENCE VICTIMIZATION RATES BY COUNTY

Domestic Violence Victimization Rates, By County, 2012



Source: Report from the South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs, Statistical Analysis Center, September 2012. SCIBRS data obtained from SLED; population estimates obtained from The Office of Revenue and Fiscal Affairs.



Source: Department of Public Safety report entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina," which is located at: http://www.scdps.gov/ohsjp/stats/DomesticViolence/index_CDVinSC.html

APPENDIX VI

DOMESTIC VIOLENCE VICTIMIZATION RATE TRENDS

2004 - 2012

COUNTY	2012 DV Victimization Rate	2012 DV Victimization Rank	2011 DV Victim Rate	2011 DV Victim Rank	2010 DV Victim Rate	2010 DV Victim Rank	2009 DV Victim Rate	2009 DV Victim Rank	2008 DV Victim Rate	2008 DV Victim Rank	2007 DV Victim Rate	2007 DV Victim Rank	2006 DV Victim Rate	2006 DV Victim Rank	2005 DV Victim Rate	2005 DV Victim Rank	2004 DV Victim Rate	2004 DV Victim Rank	1999 DV Victim Rate	1999 DV Victim Rank
Abbeville	83.3	38	66.0	44	73	41	82.9	38	88.2	38	88.4	38	80.4	43	89.6	44	28.5	46	161.1	15
Aiken	91.3	33	89.6	34	92.8	33	95.8	33	97.2	34	97.2	36	100.2	32	120.1	35	90.6	37	105.2	34
Allendale	87.1	37	101.2	28	114	20	98.1	31	98.6	32	127.2	23	128.6	20	151	21	142.5	19	104.4	35
Anderson	147.1	8	149.7	9	142.9	13	136.3	14	125.7	21	130.4	21	123.6	24	168.9	17	142.1	20	162.6	14
Bamberg	114.2	18	106.4	23	139.6	14	151.3	12	120.9	22	114.5	27	92.7	35	104.3	41	90.5	38	84	43
Barnwell	197.2	2	177.1	6	167.6	6	167.9	11	177.5	6	154.2	12	141.5	17	174	15	125.8	23	143.6	22
Beaufort	103.8	24	101.6	27	114.9	19	119.9	21	119.6	23	133.7	20	151.9	12	197.7	9	166.1	11	149.2	19
Berkley	97.7	29	114.0	20	109.2	23	121.2	20	103.9	27	113.7	28	124	22	145.9	25	125.7	24	137.7	26
Calhoun	105.3	23	132.1	14	93.8	31	117	23	134.4	18	145.1	15	114.3	27	140	29	110.2	28	131.7	27
Charleston	88	35	96.6	30	100.1	26	103.5	27	101.2	30	112.7	29	109	29	140.1	28	108.7	29	142.7	24
Cherokee	78.9	39	76.5	41	67.7	42	79.1	42	103.7	28	128.5	22	138.4	18	181.3	13	156.7	14	143.1	23
Chester	153.3	6	178.9	5	166.4	8	200.2	1	195	2	167.3	9	165.7	9	159.6	20	170.3	7	179.4	8
Chesterfield	101.5	27	102.2	26	106.9	25	117.8	22	87.9	39	101.7	33	83.8	39	125.8	32	99.1	33	127	28
Clarendon	143.8	9	132.5	13	128.8	16	131.6	16	140.3	16	137.7	18	146	15	150.1	22	114.2	27	119.4	30
Colleton	138.7	10	185.7	2	181.7	2	182.4	6	200.2	1	209.4	1	204.7	3	242.8	5	206.7	5	240.6	3
Darlington	183.6	4	179.8	4	158.8	11	177.4	7	169	8	178.1	5	200.6	4	250.5	4	167.2	9	126.5	29
Dillon	153	7	162.5	8	183.6	1	195.1	2	153.1	12	159.1	10	103	30	124.8	34	85.7	40	178.1	9
Dorchester	111.9	20	107.1	21	126.7	17	122.4	18	126	20	124.9	26	123.9	23	149.2	24	119.7	26	147.8	20
Edgefield	52	46	68.6	42	60.1	44	70.3	44	81	43	73	43	87.1	38	132.4	31	104.5	30	163	12
Fairfield	131.8	13	132.8	12	167.1	7	171.4	8	163.4	10	158.5	11	183.8	7	231	6	166.8	10	262.8	2
Florence	102.5	25	117.5	19	110.7	21	121.6	19	145.2	13	168.2	8	165.6	10	188.4	11	152.6	16	150.6	18
Georgetown	100.4	28	127.4	16	133.2	15	130	17	144.7	14	140.4	16	118.8	26	149.7	23	131	22	163	13
Greenville	93.5	31	94.7	31	89.3	36	92.6	35	89.4	37	87.5	39	88.3	37	116.3	37	91.9	36	93.7	40
Greenwood	**211.5**	**1**	**195.7**	**1**	**179.1**	**3**	**184.6**	**5**	**180**	**5**	**199.3**	**3**	**220.8**	**1**	**290.1**	**1**	**223.3**	**4**	**275.8**	**1**
Hampton	96	30	105.2	24	110.6	22	74.7	43	134.8	17	125.2	25	126.7	21	145.8	26	161.5	13	111	32
Horry	110.9	21	129.8	15	151.5	12	135.6	15	163.1	11	170.8	7	169.6	8	178.7	14	153.6	15	211.6	5
Jasper	66.2	44	86.9	39	92.2	35	136.5	13	168.8	9	178.5	4	215.4	2	280.3	2	233.8	2	183.1	7
Kershaw	112.9	19	106.6	22	92.5	34	106.6	26	90.2	36	71.4	45	56.1	46	64.7	46	61.8	45	97	38
Lancaster	110.1	22	94.5	32	95.5	28	113.5	24	109.7	25	126.9	24	129.1	19	166.6	18	125.3	25	155.9	16
Laurens	168.2	5	184.7	3	174.5	4	170.5	9	174.7	7	137.2	19	151.4	13	202.1	8	168.3	8	171.1	11
Lee	119.5	16	92.7	33	107.8	24	94.3	34	113.6	24	105.9	32	111.9	28	142	27	145.5	17	147.8	21
Lexington	101.6	26	100.9	29	95.2	29	101.9	28	98.8	31	112.3	30	101	31	119.1	36	103.5	31	111.1	31
McCormick	68.4	42	53.8	46	54.7	45	48.3	46	61.4	45	72.5	44	64.4	44	82	45	72.3	44	106.3	33
Marion	131.9	12	148.0	10	169.8	5	187.9	3	182	4	200.4	2	198.3	5	230.2	7	241.9	1	142	25
Marlboro	194	3	164.9	7	163.4	9	168.2	10	140.4	15	138.4	17	186.9	6	266.4	3	229.9	3	215.9	4
Newberry	92.1	32	87.0	38	99.2	27	98.5	30	101.5	29	112.2	31	121.7	25	166.4	19	135.7	21	92.2	41
Oconee	75.7	40	87.6	37	80.4	40	82.6	39	69.9	44	83.9	41	82	41	103.4	42	81	42	89.9	42
Orangeburg	131.6	14	144.2	11	160.8	10	186.3	4	185.9	3	174.3	6	149.1	14	194.8	10	176.7	6	207.3	6
Pickens	88.1	34	88.0	35	87.3	38	83.7	37	84.3	41	100.9	34	82.6	40	113.4	38	85.3	41	94.4	39
Richland	71.2	41	86.3	40	88.9	37	98	32	87.5	40	87.4	40	80.5	42	107	39	98.8	34	101	36
Saluda	67.4	43	66.9	43	47.2	46	58.1	45	58	46	62.6	46	61.5	45	105.5	40	78.7	43	97.1	37
Spartanburg	65.9	45	62.1	45	66	43	88.1	36	90.6	35	96.3	37	92.2	36	97.7	43	102.5	32	172	10
Sumter	124.3	15	104.8	25	94.7	30	101.1	29	107.1	26	153.9	13	145.5	16	170.3	16	144.8	18	77.2	44
Union	137	11	124.5	17	93.4	32	79.7	41	97.6	33	100	35	93	34	125	33	98.7	35	60.2	45
Williamsburg	87.4	36	87.7	36	85	39	79.8	40	82.1	42	80.3	42	93.4	33	133.7	30	87.6	39	45.1	46
York	117.1	17	123.7	18	122.5	18	110.2	25	132.9	19	145.4	14	156.2	11	184.1	12	165.1	12	154.8	17

Source: Department of Public Safety reports entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina," which is located at: http://www.scdps.gov/ohsjp/stats/DomesticViolence/index_CDVinSC.html

APPENDIX VII

CRIME RATES, PROTECTION ORDERS, HOSPITALIZATION RATES AND OTHER DATA

COUNTY	2012 DV Victimization Rate	2012 DV Victimization Rank	2012 County Population	Total # of Reported Crimes In County in 2012	Total Crime Rate (per 10,000) per county in 2012	2012 Crime Rate Rank	Total # of DV Incident Reports In County in 2012	2012 # Intimate Partner Protection Orders	2012 PO Minor	2012 PO Reg. Foreign Order	2012 PO Other	Intimate Partner PO Rate per 10,000 Population	Intimate Partner PO Rank	2012 Patient Counts (Homicide and Injuries Inflicted by Other Persons)	2012 Total Discharges/ Visits (Homicide and Injuries Inflicted by Other Persons)	2012 Patient Counts Rate Per 10,000 population	2012 Discharges/ Visits Rate per 10,000 Population	2012 Patient Counts Rate Rank	2012 Discharges/ Visits Rate Rank
Abbeville	83.3	38	25,101	814	8.1	39	183	13	0	0	0	5.2	30	97	106	38.6	42.2	31	31
Aiken	91.3	33	162,812	7,117	71.2	8	1,267	122	0	1	0	7.5	26	366	384	22.5	23.6	44	44
Allendale	87.1	37	9,988	378	3.8	45	78	5	0	0	0	5.0	31	86	99	86.1	99.1	1	1
Anderson	147.1	8	189,355	10,774	107.4	5	2,389	319	0	0	0	16.8	5	609	675	32.2	35.6	34	34
Bamberg	114.2	18	15,763	794	7.9	40	163	12	0	0	0	7.6	24	75	80	47.6	50.8	22	23
Barnwell	197.2	2	22,212	1,325	13.3	32	399	17	0	0	0	7.7	22	92	97	41.4	43.7	27	30
Beaufort	103.8	24	168,049	5,960	59.6	12	1,475	21	1	1	20	1.2	45	395	422	23.5	25.1	43	42
Berkley	97.7	29	189,781	6,381	63.8	11	1,590	187	0	1	0	9.9	18	571	629	30.1	33.1	36	37
Calhoun	105.3	23	14,910	608	6.1	42	137	7	0	0	0	4.7	34	44	51	29.5	34.2	38	35
Charleston	88	35	365,162	14,594	145.9	4	2,831	392	0	2	0	10.7	14	1,568	1,730	42.9	47.4	25	24
Cherokee	78.9	39	55,662	1,190	11.9	35	412	40	0	0	0	7.2	27	287	311	51.6	55.9	16	18
Chester	153.3	6	32,546	1,511	15.1	31	440	7	0	0	0	2.2	42	198	212	60.8	65.1	6	9
Chesterfield	101.5	27	46,103	1,886	18.9	28	431	19	0	0	0	4.1	35	161	191	34.9	41.4	32	32
Clarendon	143.8	9	34,357	1,529	15.3	30	449	33	0	0	1	9.6	19	169	190	49.2	55.3	19	19
Colleton	138.7	10	38,153	2,055	20.6	26	470	70	0	0	1	18.3	3	237	264	62.1	69.2	5	6
Darlington	183.6	4	68,139	4,371	43.7	17	1,104	34	1	0	7	5.0	31	373	410	54.7	60.2	12	13
Dillon	153	7	31,446	2,270	22.7	24	429	54	1	2	1	17.2	4	250	282	79.5	89.7	2	2
Dorchester	111.9	20	142,496	4,105	41.1	18	1,431	195	0	6	0	13.7	7	438	478	30.7	33.5	35	36
Edgefield	52	46	26,347	568	5.7	43	123	6	0	0	0	2.3	41	63	66	23.9	25.1	42	42
Fairfield	131.8	13	23,363	1,042	10.4	36	285	25	0	0	0	10.7	14	140	168	59.9	71.9	7	4
Florence	102.5	25	137,948	6,743	67.4	10	1,242	181	8	0	12	13.1	9	822	928	59.6	67.3	9	8
Georgetown	100.4	28	60,189	2,650	26.5	22	540	53	0	1	4	8.8	20	243	264	40.4	43.9	29	29
Greenville	93.5	31	467,605	19,530	195.3	2	3,738	286	0	0	1	6.1	29	1,317	1,424	28.2	30.5	39	40
Greenwood	211.5	1	69,756	4,491	44.9	16	1,310	111	0	0	0	15.9	6	318	360	45.6	51.6	23	22
Hampton	96	30	20,726	685	6.9	41	184	5	0	0	0	2.4	40	129	142	62.2	68.5	4	7
Horry	110.9	21	282,285	16,081	160.8	3	2,820	191	0	4	1	6.8	28	1,214	1,335	43.0	47.3	24	25
Jasper	66.2	44	25,833	888	8.9	38	160	28	0	0	2	10.8	13	140	157	54.2	60.8	14	12
Kershaw	112.9	19	62,343	2,480	24.8	23	613	65	0	0	2	10.4	16	321	372	51.5	59.7	17	15
Lancaster	110.1	22	79,089	3,552	35.5	19	730	16	0	0	0	2.0	43	326	358	41.2	45.3	28	27
Laurens	168.2	5	66,223	2,890	28.9	20	969	74	0	0	0	11.2	12	282	311	42.6	47.0	26	26
Lee	119.5	16	18,654	966	9.7	37	204	19	0	0	0	10.2	17	101	110	54.1	59.0	15	16
Lexington	101.6	26	270,406	8,869	88.7	7	2,491	207	1	1	2	7.7	22	921	1,043	34.1	38.6	33	33
Marion	131.9	12	32,457	2,229	22.3	25	375	12	0	0	9	3.7	36	185	202	57.0	62.2	10	11
Marlboro	194	3	28,145	1,904	19.0	27	516	14	0	0	0	5.0	33	181	204	64.3	72.5	3	3
McCormick	68.4	42	9,943	216	2.2	46	60	1	0	0	1	1.0	46	24	26	24.1	26.1	41	41
Newberry	92.1	32	37,576	1,237	12.4	33	306	46	0	0	0	12.2	10	187	214	49.8	57.0	18	17
Oconee	75.7	40	74,627	2,666	26.7	21	479	57	0	0	0	7.6	24	221	245	29.6	32.8	37	38
Orangeburg	131.6	14	91,476	4,943	49.4	15	1,052	78	0	0	0	8.5	21	498	549	54.4	60.0	13	14
Pickens	88.1	34	119,670	5,155	51.6	14	913	41	0	0	0	3.4	37	329	379	27.5	31.7	40	39
Richland	71.2	41	393,830	23,003	230.0	1	2,575	451	2	1	4	11.5	11	1,894	2,124	48.1	53.9	21	20
Saluda	67.4	43	19,893	499	5.0	44	112	4	0	0	0	2.0	43	40	45	20.1	22.6	46	46
Spartanburg	65.9	45	288,745	10,665	106.7	6	1,726	383	0	0	0	13.3	8	1,154	1,284	40.0	44.5	30	28
Sumter	124.3	15	108,052	5,499	55.0	13	1,219	238	0	0	1	22.0	2	524	575	48.5	53.2	20	21
Union	137	11	28,252	1,236	12.4	34	348	73	0	0	0	25.8	1	158	178	55.9	63.0	11	10
Williamsburg	87.4	36	33,620	1,539	15.4	29	271	10	0	0	0	3.0	39	201	233	59.8	69.3	8	5
York	117.1	17	234,635	7,070	70.7	9	2,369	80	0	0	0	3.4	37	504	536	21.5	22.8	45	45
Total			**2,759,185**	**129,004**			**25,999**	**2,372**	**13**	**15**	**48**	**9.4**		**18,453**	**20,443**	**60.4**	**66.9**		

Sources:

1. Department of Public Safety report entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina"
2. Office of Revenue and Fiscal Affairs
3. SLED Crime in South Carolina Publication
4. The Judicial Department, Division of Court Administration

COUNTY	2012 County Population	2012 DV Victimization Rank	2012 Crime Rate Rank	Intimate Partner PO Rank	2012 Patient Counts Rate Rank	2012 Discharges/ Visits Rate
Abbeville	25,101	38	39	30	31	31
Aiken	162,812	33	8	26	44	44
Allendale	9,988	37	45	31	1	1
Anderson	189,355	8	5	5	34	34
Bamberg	15,763	18	40	24	22	23
Barnwell	22,212	2	32	22	27	30
Beaufort	168,049	24	12	45	43	42
Berkley	189,781	29	11	18	36	37
Calhoun	14,910	23	42	34	38	35
Charleston	365,162	35	4	14	25	24
Cherokee	55,662	39	35	27	16	18
Chester	32,546	6	31	42	6	9
Chesterfield	46,103	27	28	35	32	32
Clarendon	34,357	9	30	19	19	19
Colleton	38,153	10	26	3	5	6
Darlington	68,139	4	17	31	12	13
Dillon	31,446	7	24	4	2	2
Dorchester	142,496	20	18	7	35	36
Edgefield	26,347	46	43	41	42	42
Fairfield	23,363	13	36	14	7	4
Florence	137,948	25	10	9	9	8
Georgetown	60,189	28	22	20	29	29
Greenville	467,605	31	2	29	39	40
Greenwood	69,756	1	16	6	23	22
Hampton	20,726	30	41	40	4	7
Horry	282,285	21	3	28	24	25
Jasper	25,833	44	38	13	14	12
Kershaw	62,343	19	23	16	17	15
Lancaster	79,089	22	19	43	28	27
Laurens	66,223	5	20	12	26	26
Lee	18,654	16	37	17	15	16
Lexington	270,406	26	7	22	33	33
Marion	32,457	12	25	36	10	11
Marlboro	28,145	3	27	33	3	3
McCormick	9,943	42	46	46	41	41
Newberry	37,576	32	33	10	18	17
Oconee	74,627	40	21	24	37	38
Orangeburg	91,476	14	15	21	13	14
Pickens	119,670	34	14	37	40	39
Richland	393,830	41	1	11	21	20
Saluda	19,893	43	44	43	46	46
Spartanburg	288,745	45	6	8	30	28
Sumter	108,052	15	13	2	20	21
Union	28,252	11	34	1	11	10
Williamsburg	33,620	36	29	39	8	5
York	234,635	17	9	37	45	45
Total	**2,759,185**					

REPORT OF THE

COURTS AND VICTIM SERVICES WORKING GROUP

OF THE

CRIMINAL JUSTICE DIVISION

OF THE

GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

TABLE OF CONTENTS

OPERATIONS AND LOGISTICS ..... PAGE 65

OVERVIEW OF THE DATA COLLECTION PROCESS ..... PAGE 65

CONCLUSION ..... PAGE 68

ATTACHMENTS:

ATTACHMENT A: PARTICIPATING MEMBERS ..... PAGE 69

ATTACHMENT B: AGENDAS ..... PAGE 71

ATTACHMENT C: MEETING NOTES ..... PAGE 74

ATTACHMENT D: PROSECUTOR'S SURVEY ..... PAGE 81

ATTACHMENT E: PETITIONS FOR ORDERS OF PROTECTION IN FAMILY COURT ..... PAGE 86

ATTACHMENT F: CENTRALIZED CRIMINAL DOMESTIC VIOLENCE COURTS ..... PAGE 98

ATTACHMENT G: CDV TRIAL COURT DISPOSITIONS, CY 2014 ..... PAGE 101

ATTACHMENT H: VICTIM SERVICE PROVIDERS ..... PAGE 105

South Carolina Domestic Violence Task Force

Courts & Victim Services Working Group

Operations and Logistics:

- Courts and Victim Services
- Chair- Honorable Gary Reinhart- Magistrate- Lexington County
- Co-Chair- Sara Barber- Executive Director- SCCADVASA
- Participating Members- See Attachment A
- Meetings
    - March 12, 2015- 1:30-3:30- 2 hours
    - April 2, 2015- 1:30-3:30- 2 hours
    - Agendas- See Attachment B
    - Meeting Notes- See Attachment C

Overview of the Data Collection Process:

- Goals and Objectives
    - To identify roles, responsibilities and involvements in CDV cases of participating members and the organizations they represent. The areas of interest identified are Courts, Victim Notification and Victim Services, and Batterer Intervention Programs (BIP)
    - To determine recidivism rates and how they relate to the areas listed above
    - To determine what problems exist and what concepts work related to the areas listed above
    - To look at the data currently available and assess its validity and reliability
- Data Collection
    - The working group did not send out an independent survey to collect data. Information that we wish to collect was added to the Prosecutor's Survey (Attachment D, Section III and IV) as there is considerable overlap and interdependence between prosecution and courts. The group also intends to review the extensive surveys sent out by the Victim and Offender Services subcommittee and utilize the data collected as it relates to this group.
        - The Prosecutor's Survey is a prospective survey sent to Solicitors statewide, collecting data on case processing and outcomes from April 1 to June 1, 2015
- Additional data needed is not available because it is not and has not been collected.
    - The group looked at the issue of offender recidivism, but reliable data on these rates is not available. The group concluded that the first step in beginning to collect this data is how to define "recidivism" (additional arrest, conviction, report

filed, or other) and to then determine how to measure it and track it statewide through a uniform reporting system.

- The group looked into Batterer Intervention Programs (BIP) and how they relate to our group. The group was able to determine through discussions that there are several different programs being used statewide and that there is little uniform, reliable data being collected. Specific questions relating to court referrals and monitoring of defendants referred to batterer intervention programs was added to the Prosecutor's Survey (Attachment D, Section IV). Detailed information on BIP availability and practices is being collected by the Victim and Offender Services survey of these programs.
- The group looked into Judicial Proceedings on bond hearings and CDV proceedings. Data was either unavailable or was incomplete. Questions to determine this information were added on the Prosecutor's Survey (Attachment D, Section III).

- Data available at this time
  - Number of petitions for Orders of Protection in Family Court for calendar year 2014
    - See Attachment E from SC Court Administration
      - Nature of Action: 410 Intimate Partner Violence - 3,773 petitions were filed
      - Nature of Action: 420 Minor – Only 13 petitions were filed and in only 3 counties (Richland, Lexington, Florence)
        - Nature of Action: 499 Other – 24 petitions were filed
        - Nature of Action: 490 Reg. Foreign Order – 13 petitions were filed
    - The group was unable to determine how many are being granted and how many are being dismissed. Family Court is not on a unified Case Management System, making it impossible to obtain disposition information.
  - Number of Centralized CDV Courts
    - There are currently 38 of 46 Counties which have an Order of the Chief Justice establishing a Centralized Criminal Domestic Violence Court (Attachment F)
      - Additional counties and municipalities may have a court that functions as a centralized CDV Court, but there is no available data tracking these. This question has been included on the Prosecutor's Survey (Attachment D, Checklist)
  - CDV Trial Court Dispositions for Calendar year 2014 (Attachment G)

- This data was provided by South Carolina Court Administration and includes disposition data. It does not include pending cases and does not reflect the total number of cases filed.
    - The disposition data includes all Circuit Courts, Magistrate Courts, and twenty-five percent of the municipal courts.
        - The municipal data only includes those courts using the Case Management System (CMS)
    - Analysis of Data (statewide totals):
        - 2671- Criminal Domestic Violence- 1st Offense
            - Circuit: Guilty- 638 Not Guilty- 302
            - Magistrate: Guilty- 2,058 Not Guilty- 4,066
            - Municipal: Guilty- 650 Not Guilty- 1,113
            - Total: Guilty- 3,346 Not Guilty: 5,481
        - 2672- Criminal Domestic Violence- 2nd Offense
            - Circuit: Guilty- 662 Not Guilty- 653
            - Magistrate: Guilty- 1 Not Guilty- 12
            - Municipal: Guilty- 3 Not Guilty- 2
            - Total: Guilty- 666 Not Guilty- 667
        - 3055- Criminal Domestic Violence- 3rd or subsequent
            - Circuit: Guilty- 98 Not Guilty- 237
            - Magistrate: Guilty- 0 Not Guilty- 3
            - Municipal: Guilty- 0 Not Guilty- 0
            - Total: Guilty- 98 Not Guilty- 240
        - 2988- Criminal Domestic Violence of a High and Aggravated Nature
            - Circuit: Guilty- 152 Not Guilty- 805
            - Magistrate: Guilty- 2 Not Guilty- 9
            - Municipal: Guilty- 0 Not Guilty- 6
            - Total: Guilty- 154 Not Guilty- 820
        - 3056- Violation of Order of Protection
            - Circuit: Guilty- 9 Not Guilty- 17
            - Magistrate: Guilty- 123 Not Guilty- 113
            - Municipal: Guilty- 32 Not Guilty- 19
            - Total: Guilty- 164 Not Guilty- 149
- The Prosecutor's Survey asks "Original Charge" and "Reduction" (if the charge is reduced); this will provide more detailed information on case processing for the 60 day period under review.
- This data shows only the final disposition for the charges listed above. It does not show the original charge and if it was reduced to a lesser charge, for example, Assault and Battery.

- Victim Service Providers (VSPs)
    - This data was provided by the Office of the Crime Victims' Ombudsman (Attachment H)
    - There are currently 1328 VSPs registered with the Office of Victim Services Education and Certification (OVSEC).
        - 1087- Paid employees; these can be employees of criminal justice system agencies or employees with community victim advocacy agencies and are required to complete yearly training
        - 241- Volunteers; they may be volunteers with an agency or organization or may work with victims in community victim advocacy agencies. Volunteers are not required to complete yearly training.
    - There are 1636 VSPs registered with OVSEC that are considered Notifiers/Support Staff- these are not victim advocates; they may notify victims of court proceedings or change of status with prisoners

<u>Conclusion</u>

- This working group came to the conclusion that a large problem with tracking case processing, outcomes and recidivism is that data has not been collected. It appears that the data that has been collected may not be accessible and/or reliable.
- Surveys have been distributed in conjunction with other subcommittees or workgroups of the Task Force; once the responses are received, reliability and validity of the data collected will need to be assessed.
- This working group also determined that uniformity is lacking at this point, creating further issues with the accuracy of the data that is available. When organizations are using different programs, different forms, and different vendors, it is nearly impossible to obtain reliable information. If standardized forms are implemented along with uniform programs/databases, information collection would be simpler and more reliable. Training on the accurate use and input of data would be an essential part of this process.

Attachment A

Courts and Victim Services Working Group Members

NAME	TITLE	AGENCY	EMAIL ADDRESS	PHONE NUMBER
Hon. Gary Reinhart (chair)	Judge	Magistrate for Lexington County	greinhart@lex-co.com	803-785-8504
Sara Barber (co-chair)	Executive Director	SCCADVASA	executivedirector@sccadvasa.org	803-312-1334
Chief Justice Jean Toal	Chief Justice	Supreme Court of South Carolina	mpinkney@sccourts.org	803-734-1584
Hon. Kristi Harrington	Judge	Circuit Court	kharringtonj@sccourts.org	843-719-4480
Hon. Angela Taylor	Judge	Family Court	ataylorj@sccourts.org	
Charles Bradberry	Director of Research & Statistics	DOC	bradberry.charles@doc.sc.gov	803-896-3918
Taineshia Brooks	Administrative Coordinator	SCDAODAS	tbrooks@daodas.sc.gov	803-896-5555
Felicia Dauway	Victim Services Manager & Statewide Arbitration Coordinator	DJJ	fldauw@scdjj.net	803-896-9544
Paul Grant	Major	SLED	pgrant@sled.sc.gov	803-896-5355
Megan Gresham	Assistant Attorney General	SC Attorney General's	mgresham@scag.gov	803-734-4141
Deb Haney	Director of Community Advocacy	Sistercare	dhaney@sistercare.com	
Laura Hudson	Executive Director	Crime Victims' Council	laurahudson@sccvc.org	803-413-5040
Tonnya Kohn	Staff Attorney	SC Court Administration	tkohn@sccourts.org	803-734-1800
Bridget Musteata	LEVA	Duncan PD	bmusteata@duncanpd.org	864-978-4821
Stephanie Nye	Legal Counsel to Chief Toal	Supreme Court of South Carolina	snye@sccourts.org	803-734-1584
Michelle Singleton	LEVA	Lexington County Sheriff's Dept.	msingleton@lcsd.sc.gov	803-785-2459
Jackie Swindler	Chief	DSS	jackie.swindler@dss.sc.gov	803-898-1390
Heather Weiss	Assistant Attorney General	SC Attorney General's	hweiss@scag.gov	
Carlie Woods	Court Administrator	Lex. County Magistrate	cwoods@lex-co.com	803-785-2548
Catherine Wyse	Solicitor	12th Circuit	cwyse@florenceco.org	843-665-3091
Rebecca Schimsa	Deputy Legal Counsel	Office of Governor Haley	rebeccaschimsa@gov.sc.gov	803-429-4561
Bryan Stirling	Director	DOC	stirling.bryan@doc.sc.gov	803-312-2466
Ginny Barr	Division Director-YOPRS	DOC	barr.ginny@doc.sc.gov	803-896-1777
Stephanie Givens	Deputy Director for Communications	DOC	givens.stephanie@doc.sc.gov	803-960-7088

Attachment B

Courts and Victim Services Working Group Agendas

South Carolina Domestic Violence Task Force
Courts and Victim Services Sub-Committee

March 12, 2015
1:30-3:30 p.m.
County of Lexington Administration Building

AGENDA

1. Discussion of causative factors that contribute to the problem of domestic violence
    a. Precursors to Domestic Violence

2. Discussion of solutions to the problems of domestic violence
    a. How to reduce recidivism
    b. Follow up on Sentencing
    c. Enforcement of bond conditions
    d. Cross jurisdictional enforcement of restraining orders

3. Batterer Intervention Programs
    a. Uniformity of treatment programs
    b. Requirements to be a DSS approved program

4. Goals of the Courts/Judicial System
    a. Centralized CDV Courts throughout the state

5. Victim Services
    a. Order of protection hearing assistance
    b. How to get victims to come to court

6. Additional Comments and Discussion

South Carolina Domestic Violence Task Force
Courts and Victim Services Sub-Committee

April 2, 2015
1:30-3:30
County of Lexington Administration Building

AGENDA

1. The data we wish to collect has been added to the Prosecutor's Survey
    a. Data to be collected April-June (90 days)
    b. Survey also distributed to Batterer Intervention Providers- this data may be relevant to our group

2. Victim Services
    a. OVSEC data review
    b. Review of SOVA information- Assessment Audit/Crime Victim Funds
    c. Forms currently being used
    d. Victim Subcommittee has distributed a survey- this data may be relevant to our group

3. Courts
    a. Discussion/Review of CDV data (2014 calendar year) sent by Tonnya Kohn
    b. Order of Protection- data and manual sent by Tonnya Kohn

4. Additional discussions and comments

Attachment C

Courts and Victim Services Working Group Meeting Notes

SC Domestic Violence Task Force- Courts & Victim Services Working Group

March 12, 2015- Meeting Notes

Attendees

- Honorable Gary Reinhart (Chair), Sara Barber (Co-Chair), Chief Justice Jean Toal, Honorable Angela Taylor, Ginny Barr, Charles Bradberry, Taineshia Brooks, Stephanie Givens, Megan Gresham, Tonnya Kohn, Rebecca Schimsa, Bryan Stirling, Carlie Woods, Catherine Wyse

During our meeting, the Courts and Victim Services Working Group identified the areas within our preview and their respective roles, responsibilities and involvements in CDV Cases. We identified three main groups:

1. Victim Notification

2. Courts

3. Batterer Intervention Programs (BIP)

Victim Notification

The Courts responsibilities as related to victims is outlined in the Victim Bill of Rights as found in 16-3-1535

The Sub Committee (SC) did note an area that could be improved upon (Uniform Victim Information and Notification Form). To be addressed in phase two.

SC did not note any data that needed to be collected in order to facilitate that.

Courts

This area is broken into three sub categories: Summary Court, Family Court and Circuit Court

Summary Court: Comprised of Magistrate and Municipal Courts.

Involvement areas:

1. Bond Hearings: Victim Notification, Setting of bonds, Bond Conditions and enforcement of bond conditions.

Data SC would like to collect:

a. What are the types and amounts of bond being set?
b. What conditions are being set (i.e. no contact orders, restriction from locations, law enforcement escorts to retrieve personal belongings, electronic monitoring, etc.)
c. Are conditions being enforced? How?
d. How are Victims being notified of Bond Hearing and percentage that attend.

2. Disposition of Case: Pleas, Bench Trial, Jury Trial, Sentencing.

Data SC would like to collect:

a. How many Centralized/Specialized CDV Courts are currently being utilized?
b. Who is present at court sessions?
c. Recidivism rate of Defendants from Centralized Courts compared to Defendants from non Centralized Courts.
d. Are Diversion Programs being used? If so, what type? Is there follow up on the completion of programs?

Family Court:

1. Orders of Protection

Data SC would like to collect:

a. What percentages of orders are being granted?
b. How many are being dismissed, why?

Phase 2 will look into additional aspects of family courts

Circuit Court:

Involvement areas include CDV 2nd offense, 3rd and subsequent, and CDVHAN

Batterer Intervention Programs (BIP)

The Court's responsibilities are outlined in the Chief Justice Order dated January 18, 2012- "magistrate and municipal court judge may suspend the imposition or execution of all or part of a sentence for a conviction of CDV1st, conditioned upon the offender completing, to the satisfaction of the court, a BIP approved by the Department of Social Services (DSS)"

This would also need to be addressed by the Prosecutor's subcommittee, as the order indicates that the prosecutor and DSS shall approve of appropriate programs

Data SC would like to collect:

a. How many times can one defendant attend?
b. What kinds of programs are being used (PTI, unofficial diversion, DSS approved, etc.)?
c. How many completed each program? Of those, how many reoffended?
d. Are original sentences being imposed when program is not completed?

The SC identified additional areas that may be more appropriate for other sub committees to address, such as:

1. DSS involvement in domestic violence cases
2. Victim Services available for OP hearings
3. Orders of Protection being enforced across state lines
4. Prosecutorial referrals to batterer treatment programs (are they using DSS approved programs appropriately?)

Can we get the data?

1. We do not have the data available at this time
    a. We have not been collecting the data we need
    b. Do we have the time to start collecting now?
2. Surveys
    a. Would they be accurate?
3. Is the data that we do have accessible and reliable?

Suggestions for the next phase

1. Standardized forms
2. Uniform program to capture data
    a. Database for offenders
        i. Charges, batterer programs, etc.
    b. Training on accurate use and input of data
3. Implementing Centralized/Specialized CDV Courts and their procedures- this would be a multiagency and collaborative approach

SC Domestic Violence Task Force- Courts & Victim Services Working Group

April 2, 2015- Meeting Notes

Location

- Lexington County Administration Building- 212 S. Lake Drive; Lexington, SC 29072

Attendees

- Honorable Gary Reinhart (Chair), Sara Barber (Co-Chair), Honorable Angela Taylor, Deb Haney, Charles Bradberry, Tonnya Kohn, Taineshia Brooks, Megan Gresham, Catherine Wyse, Jackie Swindler, Stephanie Givens, Ginny Barr, Bridget Musteata, Rebecca Schimsa, Stephanie Nye, Laura Hudson, Michelle Singleton, Carlie Woods

Review of Survey

- Our survey questions have been added to the Prosecutor's Survey. Those surveys started April 1 and will continue until June 1.
- The Working Group also discussed the other surveys (i.e. Law Enforcement, Victim Services, and Batterer Intervention Program Providers) that have been sent out and how the data they receive may benefit our group.

Recidivism

- The group discussed ways to track recidivism in the future. We determined that the first step would be to define "recidivism" and then determine how to measure and track it based on the definition. Would the definition be an arrest, and if so, what charges would be included or would the definition be additional reports involving the defendant?
- Having a unified system in place (i.e. Case Management System) for the courts to enter information into would allow for a more simplified way to track this information.

Department of Social Services- Children affected by Domestic Violence

- DSS is receiving a lot of reports, but are not getting them from all agencies. The group discussed implementing a policy that would ensure all agencies are sending these reports regularly. Children should be listed as a victim even if they are not present during the reported incident.

Victim Services

- Felicia Dauway (Department of Juvenile Justice) was able to contact the Program Coordinator (Leslie Sims) from the Office of the Crime Victim's Ombudsman to gather current VSP data. There are currently 1328 VSPs registered with OVSEC and 1636 VSPs registered with OVSEC as Notifiers/Support Staff. Leslie's response with additional information provided to group members.

- Felicia also provided information from the SOVA auditing department in reference to victim assistance fines, fees and assessment fund recoupment. This information was provided to group members.
- The group discussed wanting to implement universal forms to be used across the state to gather victim information. In future meetings, we will identify what forms need to be uniform. This would include, but not be limited to, the victim impact statement forms, victim information forms utilized at bond hearings, victim information forms used to notify victims of court hearings, etc.
- Michelle Singleton, Law Enforcement Victim Advocate for Lexington County Sheriff's Department (LCSD) presented the process LCSD has in place for victims of CDV. Her presentation included the step-by-step process from the first encounter with a victim at the scene until the final disposition of the case.

CDV Data Review (2014 Calendar Year)

- Tonnya Kohn (SC Court Administration) reviewed with the group the information she sent via email. This information included (1) CDV trial court dispositions, listed by CDR code for all magistrate courts and twenty-five percent of the municipal courts (those on CMS), (2) a list of all centralized CDV magistrate courts, and (3) SC Legal Services' *Filing for an Order of Protection Manual*.

Family Court Orders of Protection

- Tonnya also provided data on the number of petitions for Orders of Protection (OOP) filed in Family Court in calendar year 2014. Because Family Court is not on a unified CMS system, she is unable to provide disposition information.
- The group discussed the packets and manuals available to victims that wish to petition for an OOP. The group thinks that packets should be available online and also in printed packets for those that do not have computer access. Because of the length of these packets and the amount of detailed information needed, the group suggested implementing a policy that would make a Victim's Advocate available to assist victims with completing the packets.

Best Practices

- The group discussed ways to "get the information out there" in the hopes that best practices would be followed throughout the state. One way is through training and getting the information to all stakeholders (i.e. prosecutors, Judges, clerks, Law Enforcement).
- The group discussed the fact that the data is not currently available and that is part of the problem. Going forward, the group believes that having uniformity in all aspects would

be beneficial in future data collections to determine what problems exist and what concepts work.

Attachment D

Prosecutor's Survey

Domestic Violence 1st Offense Procedural Checklist
(Check all that apply)

County/City_____

Prosecuted by:

- □ Attorney General/Solicitor
  □ Trial □ Bench □ Plea
- □ Special Prosecutor/Private Attorney
  □ Trial □ Bench □ Plea
- □ Law Enforcement Officer
  □ Trial □ Bench □ Plea

Court:

- □ Transfer Court
  □ Trial □ Bench □ Plea
- □ Specialized CDV Court
  □ Trial □ Bench □ Plea
- □ Hybrid CDV Court/General Sessions
  □ Trial □ Bench □ Plea
- □ Magistrate Court
  □ Trial □ Bench □ Plea

Specific Issues:

Can a subpoena be issued for in county witnesses: □ yes □ no
Can a subpoena be issued for out of county witnesses: □ yes □ no
Can a Bench Warrant be issued for Defendant: □ yes □ no

Other: _____

_____

I. Domestic Violence Survey

Defendant: _____
Charge: (cdv1st, 2nd, etc) _____
Additional charges: _____
County/City: _____
Date of incident: _____ Date of arrest: _____ Date of disposition: _____

II. Evidence Checklist (check all that apply)

- □ Victim Cooperation
  - □ Beginning of prosecution
  - □ Conclusion of prosecution
  - □ Drop sheet or affidavit of dismissal signed? What date: _____
  - □ Did victim testify
    - □ For state □ For defense
  - □ Victim statement
    - □ Recorded? If so, please check corresponding box below:
      - □ Written □ Verbal to officer and in report □ Video □ Audio
- □ Third Party Witness
  - □ Statement
  - □ Confirmed name, address
  - □ Telephone number
- □ Child Witnesses Present
  - □ Statement from children
  - □ Written
  - □ DSS called
- □ Defendant's Statement
  - □ Recorded? If so, please check corresponding box below:
    - □ Audio □ Visual □Written
- □ Physical Evidence of injuries
  - □ Photographs
    - □ Victim
      - □ Not available □ Not applicable
    - □ Defendant (for defensive wounds)
      - □ Not available □ Not applicable
  - □ Medical records
    - □ Not Available □ Not applicable
  - □ EMS reports
    - □ Victim □ Defendant
- □ Photos of Scene
- □ Physical evidence from scene
- □ Nature of incident/injuries
  - □ Victim was pregnant at time of incident
  - □ Children present during incident
  - □ Weapons used? What kind: _____
  - □ Strangulation utilized
  - □ Defendant interfered with victim's ability to call for help

□ Officer audio/video evidence
□ Body Mic □ Body Camera □ Dash cam on
□ 911 Call
□ Defendant's Jail Calls
□ Confession via conversation
□ Threats to victim or others
□ Letters to victim
□ Letters from victim

III. Judicial proceedings (check all that apply)

□ Bond Hearings
□ Were conditions set?
□ No contact □Don't return to Incident location □Electronic Monitoring
□ How was the victim notified of the bond hearing?
□ Phone call □ At scene □ In writing □ Not notified
□ Victim present
□ Order of Protection
□ Granted? What date? _____
□ Who went with victim to proceeding?
□ Private Attorney □ LEVA □ Other _____
□ Court proceedings
□ Were bond conditions violated?
□ Violations presented to court? □ Bond revoked □ Other Repercussion
□ Not presented? Please explain _____
□ How was the victim notified of court appearances?
□ Phone □ Mail □ At the scene by LEO □ Did Victim appear?
□ How was victim notified?
□ Who is present at the court sessions?
□ Counseling representative □PTI representative □ LEO □ Victim Advocate □ Other? Please list _____

IV. Disposition (check all that apply)

□ Not guilty
□ Bench trial
□ Jury Trial
□ Directed verdict
□ Pretrial judicial dismissal
□ Nolle prosse
□ Guilty
□ Bench trial
□ Jury trial
□ Plea (as charged)
□ No contest or *Alford* plea (as charged)
□ Reduction

Sentence:_____
_____

□ PTI
□ Other diversionary adjudication: Please explain briefly

_____

_____

□ Are original sentences enforced when treatment program isn't completed?

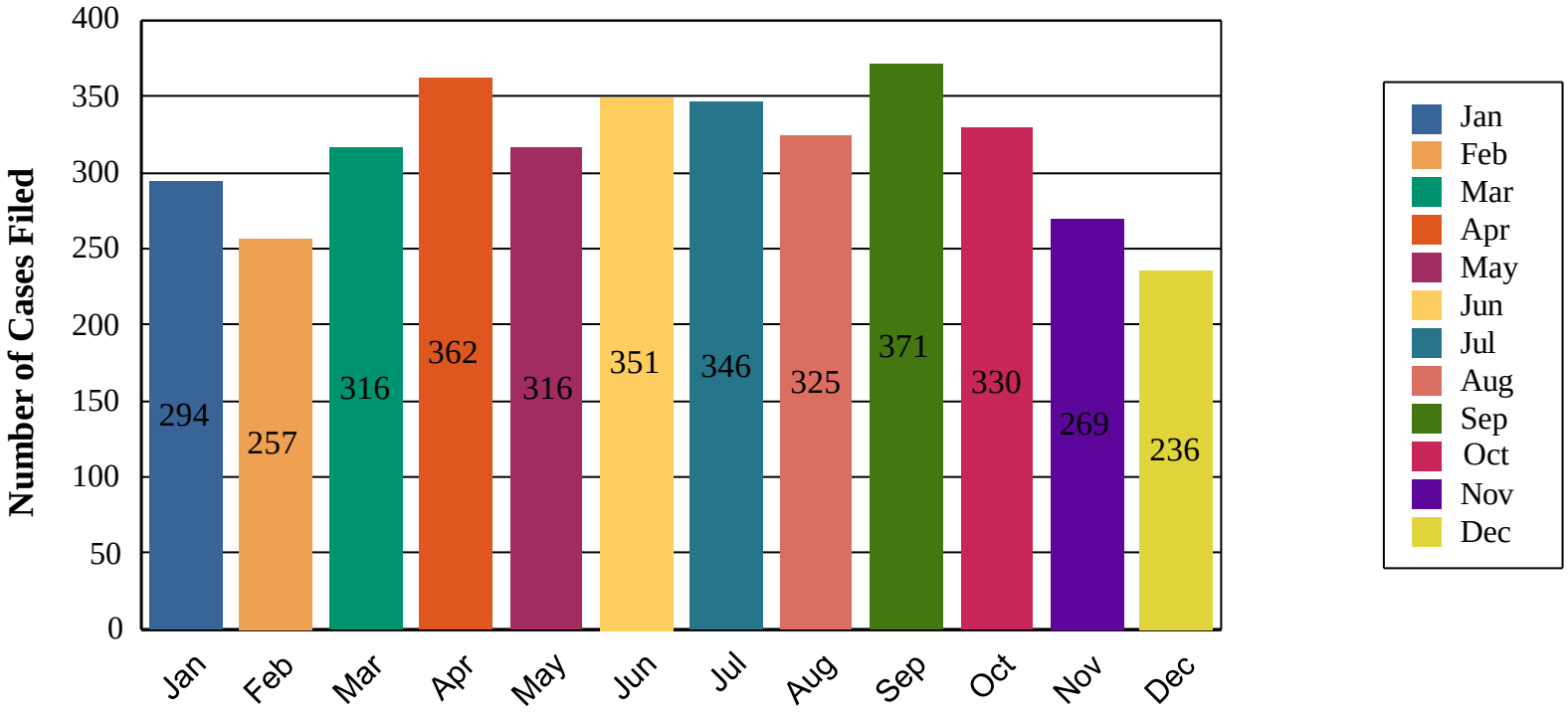
Please fill this sheet out to the best of your ability. Any information you provide is incredibly helpful. Thank you for your assistance.

Attachment E

Number of Petitions for Orders of Protection in Family Court

South Carolina Judicial Department

Nature of Action: Intimate Partner[1]



1. Defined in Section 16-25-10 of the 1976 S.C. Code of Laws, as amended – a spouse, a former spouse, persons who have a child in common, or a male and female who are cohabiting or formerly have cohabited.

Date Run: 3/31/2015

Program ID - CAF???

South Carolina Judicial Department

Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Intimate Partner

STATEWIDE

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Calhoun	10	0	0	1	1	0	0	0	1	2	1	0	4
Dorchester	161	11	13	14	23	13	13	12	10	14	18	13	7
Orangeburg	72	1	6	5	8	2	2	9	14	7	3	5	10
01	**243**	**12**	**19**	**20**	**32**	**15**	**15**	**21**	**25**	**23**	**22**	**18**	**21**
Aiken	98	5	5	10	9	9	16	13	6	7	8	4	6
Bamberg	10	0	2	1	1	1	2	2	1	0	0	0	0
Barnwell	14	2	0	1	2	1	2	3	1	2	0	0	0
02	**122**	**7**	**7**	**12**	**12**	**11**	**20**	**18**	**8**	**9**	**8**	**4**	**6**
Clarendon	31	1	1	5	4	3	4	3	4	3	0	1	2
Lee	25	2	0	2	1	2	2	1	4	4	2	3	2
Sumter	200	19	14	12	18	17	17	17	12	23	17	16	18
Williamsburg	29	2	3	2	1	1	4	2	4	2	5	1	2
03	**285**	**24**	**18**	**21**	**24**	**23**	**27**	**23**	**24**	**32**	**24**	**21**	**24**
Chesterfield	31	2	4	3	0	4	5	6	3	2	0	1	1
Darlington	30	1	2	3	2	3	2	5	1	3	2	5	1
Dillon	44	1	2	6	3	5	3	8	5	3	4	2	2
Marlboro	21	3	2	1	6	0	2	1	2	4	0	0	0

South Carolina Judicial Department

Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Intimate Partner

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
04	**126**	**7**	**10**	**13**	**11**	**12**	**12**	**20**	**11**	**12**	**6**	**8**	**4**
Kershaw	37	3	7	6	2	2	3	6	3	1	3	1	0
Richland	381	36	27	40	38	31	39	27	32	40	26	30	15
05	**418**	**39**	**34**	**46**	**40**	**33**	**42**	**33**	**35**	**41**	**29**	**31**	**15**
Chester	1	0	0	0	0	1	0	0	0	0	0	0	0
Fairfield	24	2	1	0	1	3	1	2	5	2	3	3	1
Lancaster	19	2	0	3	1	3	1	2	1	3	1	1	1
06	**44**	**4**	**1**	**3**	**2**	**7**	**2**	**4**	**6**	**5**	**4**	**4**	**2**
Cherokee	30	2	4	2	3	2	2	2	3	3	3	4	0
Spartanburg	275	18	28	17	39	28	25	27	21	26	18	15	13
07	**305**	**20**	**32**	**19**	**42**	**30**	**27**	**29**	**24**	**29**	**21**	**19**	**13**
Abbeville	28	2	3	3	1	2	2	2	1	2	7	0	3
Greenwood	77	4	3	5	9	8	8	7	10	7	5	3	8
Laurens	49	6	4	3	3	6	5	6	0	4	5	6	1
Newberry	36	1	1	4	2	3	4	2	10	5	2	0	2
08	**190**	**13**	**11**	**15**	**15**	**19**	**19**	**17**	**21**	**18**	**19**	**9**	**14**
Berkeley	196	19	14	21	18	26	18	15	12	19	10	9	15
Charleston	393	29	21	28	44	36	35	36	30	35	43	25	31

South Carolina Judicial Department

Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Intimate Partner

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
09	**589**	**48**	**35**	**49**	**62**	**62**	**53**	**51**	**42**	**54**	**53**	**34**	**46**
Anderson	247	25	16	23	9	22	23	25	13	28	28	23	12
Oconee	56	3	1	7	7	7	6	1	6	5	3	4	6
10	**303**	**28**	**17**	**30**	**16**	**29**	**29**	**26**	**19**	**33**	**31**	**27**	**18**
Edgefield	16	2	1	1	2	0	3	0	2	1	2	1	1
Lexington	184	18	11	17	19	13	16	16	13	17	15	14	15
Saluda	5	0	0	0	1	2	1	0	0	0	1	0	0
11	**205**	**20**	**12**	**18**	**22**	**15**	**20**	**16**	**15**	**18**	**18**	**15**	**16**
Florence	189	14	11	13	19	13	20	23	19	15	17	14	11
Marion	17	3	0	4	1	3	2	1	2	0	1	0	0
12	**206**	**17**	**11**	**17**	**20**	**16**	**22**	**24**	**21**	**15**	**18**	**14**	**11**
Greenville	260	14	19	16	28	15	22	17	31	21	31	26	20
Pickens	25	1	1	2	1	0	3	3	4	1	3	4	2
13	**285**	**15**	**20**	**18**	**29**	**15**	**25**	**20**	**35**	**22**	**34**	**30**	**22**
Allendale	2	0	0	0	0	0	1	0	0	1	0	0	0
Beaufort	9	0	1	1	0	1	0	0	2	1	2	0	1
Colleton	78	4	4	7	7	5	5	11	7	10	8	7	3
Hampton	1	0	0	0	0	0	0	1	0	0	0	0	0

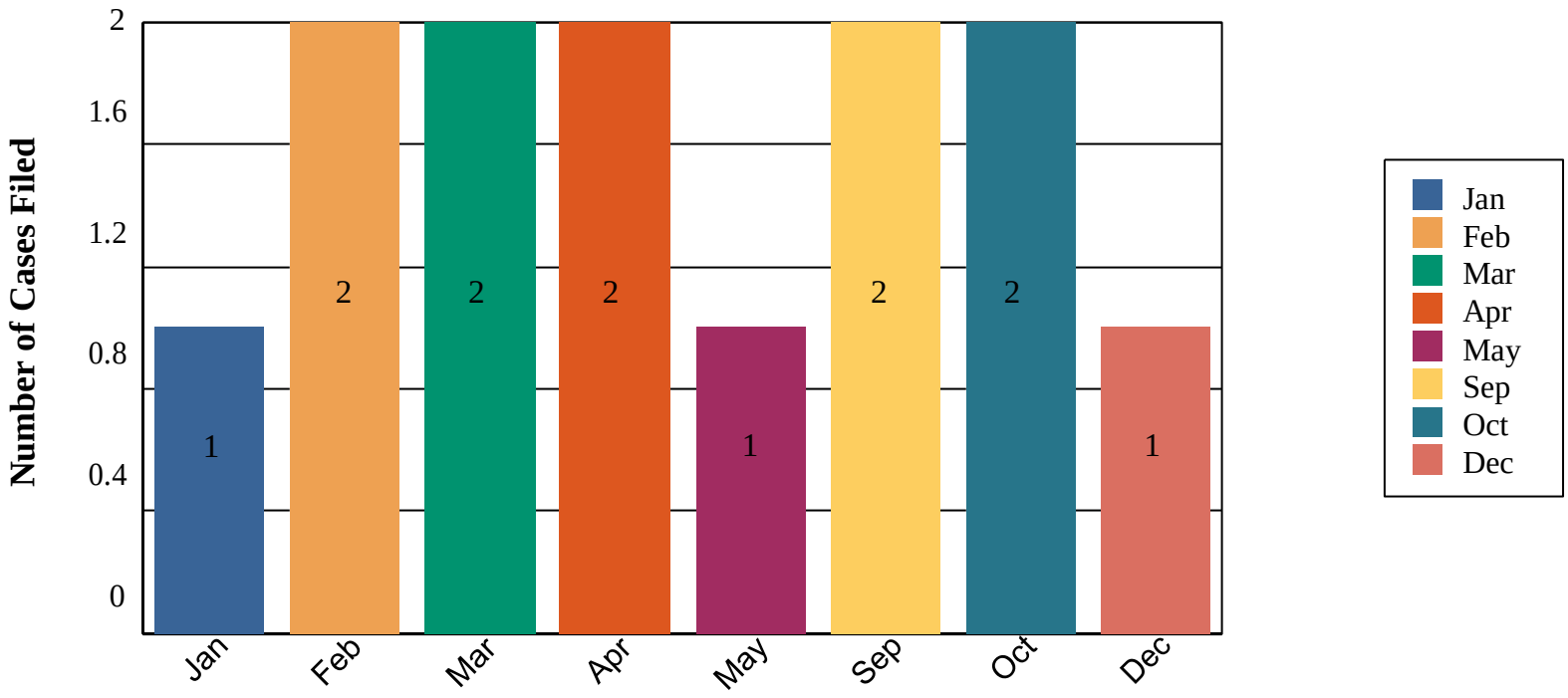
South Carolina Judicial Department

Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Intimate Partner

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jasper	16	0	2	0	5	1	2	1	2	0	1	2	0
14	106	4	7	8	12	7	8	13	11	12	11	9	4
Georgetown	30	5	2	4	1	3	2	4	3	2	2	1	1
Horry	166	17	7	13	17	13	12	14	13	25	11	12	12
15	196	22	9	17	18	16	14	18	16	27	13	13	13
Union	35	1	3	2	1	2	2	1	4	4	8	3	4
York	115	13	11	8	4	4	14	12	8	17	11	10	3
16	150	14	14	10	5	6	16	13	12	21	19	13	7
410 Intimate Partner	3,773	294	257	316	362	316	351	346	325	371	330	269	236
Total	3,773	294	257	316	362	316	351	346	325	371	330	269	236

South Carolina Judicial Department
Nature of Action: Minor



3/31/2015

South Carolina Judicial Department

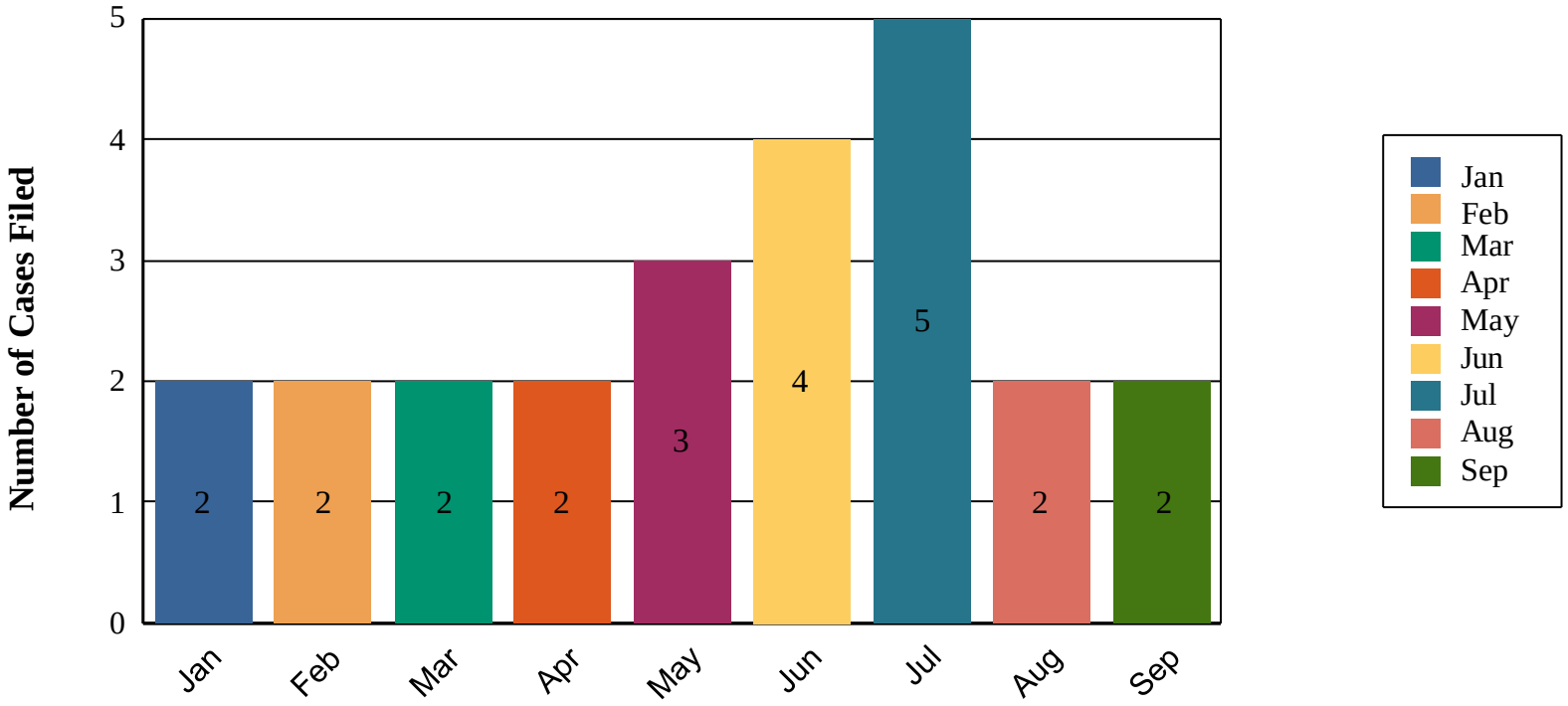
Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Minor

STATEWIDE

	Total	Jan	Feb	Mar	Apr	May	Sep	Oct	Dec
Richland	3	0	1	1	0	1	0	0	0
05	3	0	1	1	0	1	0	0	0
Lexington	4	1	0	0	2	0	1	0	0
11	4	1	0	0	2	0	1	0	0
Florence	6	0	1	1	0	0	1	2	1
12	6	0	1	1	0	0	1	2	1
420 Minor	13	1	2	2	2	1	2	2	1
Total	13	1	2	2	2	1	2	2	1

South Carolina Judicial Department
Nature of Action: Other



3/31/2015

South Carolina Judicial Department

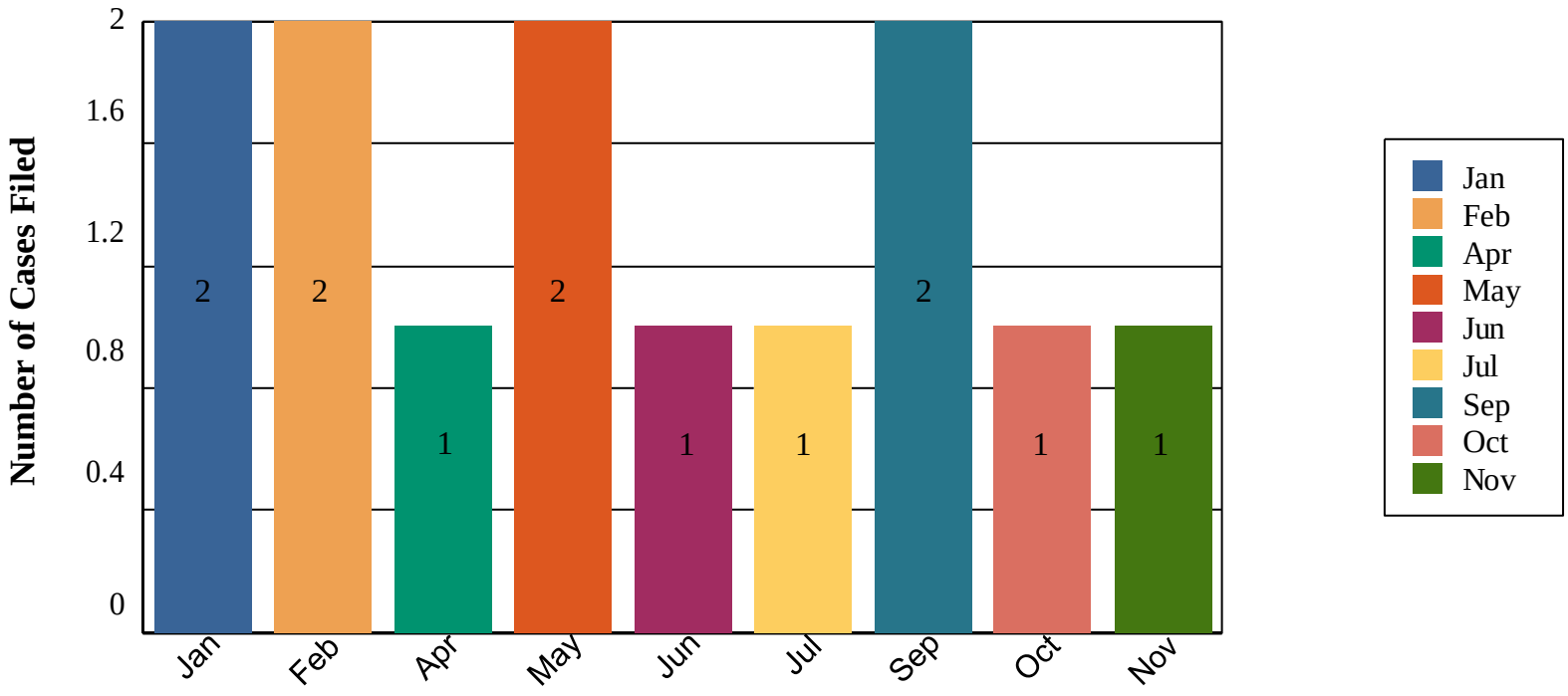
Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Other

STATEWIDE

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Darlington	1	0	0	0	0	0	1	0	0	0
04	1	0	0	0	0	0	1	0	0	0
Richland	4	0	0	0	0	0	1	2	1	0
05	4	0	0	0	0	0	1	2	1	0
Saluda	1	0	0	0	0	0	1	0	0	0
11	1	0	0	0	0	0	1	0	0	0
Florence	2	0	2	0	0	0	0	0	0	0
Marion	1	0	0	0	0	0	0	1	0	0
12	3	0	2	0	0	0	0	1	0	0
Beaufort	12	2	0	2	2	2	1	2	1	0
Colleton	1	0	0	0	0	1	0	0	0	0
Jasper	2	0	0	0	0	0	0	0	0	2
14	15	2	0	2	2	3	1	2	1	2
499 Other	24	2	2	2	2	3	4	5	2	2
Total	24	2	2	2	2	3	4	5	2	2

South Carolina Judicial Department
Nature of Action: Reg. Foreign Order



3/31/2015

South Carolina Judicial Department

Family Court Cases Filed 1/1/2014 through 12/31/2014

Nature of Action: Reg. Foreign Order

STATE WIDE	Total	Jan	Feb	Apr	May	Jun	Jul	Sep	Oct	Nov
Dorchester	4	1	1	0	2	0	0	0	0	0
01	4	1	1	0	2	0	0	0	0	0
Darlington	1	0	0	1	0	0	0	0	0	0
04	1	0	0	1	0	0	0	0	0	0
Richland	1	0	0	0	0	1	0	0	0	0
05	1	0	0	0	0	1	0	0	0	0
Berkeley	3	1	0	0	0	0	0	1	0	1
Charleston	1	0	0	0	0	0	0	0	1	0
09	4	1	0	0	0	0	0	1	1	1
Greenville	1	0	1	0	0	0	0	0	0	0
13	1	0	1	0	0	0	0	0	0	0
Georgetown	1	0	0	0	0	0	1	0	0	0
Horry	1	0	0	0	0	0	0	1	0	0
15	2	0	0	0	0	0	1	1	0	0
490 Reg. Foreign Order	13	2	2	1	2	1	1	2	1	1
Total	13	2	2	1	2	1	1	2	1	1

Attachment F

Centralized Criminal Domestic Violence Courts

<u>Total Centralized CDV Magistrate Courts</u>: 38 of 46 Counties which have an Order of the Chief Justice establishing a Centralized Criminal Domestic Violence Court. Other counties may have such a court functioning as a central court but have not obtained an Order establishing the court.

Abbeville
21 Old Calhoun Falls Road
Law enforcement Center
Abbeville, SC 29620-6503

Aiken
129 Langley Dam Road
Warrenville, SC 29851

Anderson
107 South Main Street
Anderson, SC 29624-1618

Bamberg
2873Main Highway
Bamberg, SC 29003-1121

Beaufort
104 Ribaut Road
Beaufort, SC 29902-4453

Berkeley
223 North Live Oak Drive
Moncks Corner, SC 29461-3748

Charleston
Lonnie Hamilton Public Service Building
4045 Bridgeview Drive, B125
North Charleston, SC 29405-7488

Cherokee
County Law Enforcement Center
312 East Frederick Street
Gaffney, SC 29340-2411

Chester
Law Enforcement Center
2740 Dawson Drive
Chester, SC 29706-5122

Chesterfield
1515 East Jackson Road
Chesterfield, SC 29709-9106

Clarendon
Clarendon County Judicial Center
102 South Mill Street
Manning, SC 29102

Colleton
Post Office Box 1732
Walterboro, SC 29488-1732

Darlington
404 South Fourth Street
Hartsville, SC 29550-5718

Dillon
Gibson Building
200 South 5th Avenue
Dillon, SC 29536-3322

Edgefield
Post Office Box 664
Edgefield, SC 29824-0664

Fairfield
115-B South Congress Street
Winnsboro, SC 29180-1103

Florence
180 North Irby Street (MSC-W)
Florence, SC 29501-3456

Georgetown
333 Cleland Street
Georgetown, SC 29442

Greenwood
Greenwood County Courthouse
528 Monument Street, Room 100
Greenwood, SC 29646-2634

Hampton
Law Enforcement Center
411 Cemetery Road (Suite B)
Varnville, SC 29944-0000

Horry
1201 3rd Avenue
Conway, SC 29526

Kershaw
Kershaw County Courthouse (Rm 202)
1121 Broad Street
Camden, SC 29020-3635

Lancaster
101 South Wylie Street
Lancaster, SC 29720-2348

Lee
Judicial Center
115 Gregg Street
Bishopville, SC 29010-1622

Lexington
139 E. Main Street
Lexington, SC 29072

Marion
2715 US Highway 76, Suite B
Mullins, SC 29574-6015

Marlboro
211 North Marlboro Street
Bennettsville, SC 29512-3133

McCormick
211 West Augusta Street Extension
McCormick, SC 29835-9549

Newberry
Post Office Box 100
Little Mountain, SC 29075

Oconee
207-A East North First Street
Seneca SC 29678-1078

Orangeburg
Law Enforcement Complex
1520 Ellis Avenue NE
Orangeburg, SC 29116-2514

Pickens
115-B Commons Way
Central, SC 29630-4107

Richland
1400 Huger St.
Columbia, SC 29201

Saluda
108 South Rudolph Street
Saluda, SC 29138

Spartanburg
Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306-2392

Sumter
115 North Harvin Street
Sumter, SC 29150-4956

Williamsburg
10 Courthouse Square
Kingstree, SC 29556-3932

York
Moss Justice Center
1675-1D York Highway
York, SC 29745-7423

Attachment G

Criminal Domestic Violence Trial Court Dispositions for Calendar Year 2014

South Carolina Court Administration

CDV disposition by CDR Code -- Calendar Year 2014

		2671 - Criminal Domestic Violence (CDV)						2672 - CDV 2nd offense and sub. w/in 10 years					
		Circuit		Magistrate		Municipal		Circuit		Magistrate		Municipal	
	County	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty
01	Abbeville	5	0	9	20	0	0	6	5	0	0	0	0
02	Aiken	7	3	123	199	0	0	16	31	0	0	0	0
03	Allendale	1	1	0	0	4	2	0	0	0	0	0	0
04	Anderson	25	1	43	264	77	86	16	34	0	0	0	0
05	Bamberg	0	0	8	6	0	0	3	0	0	0	0	0
06	Barnwell	0	2	2	14	19	32	3	4	0	0	1	0
07	Beaufort	11	47	34	177	16	61	9	10	0	0	0	0
08	Berkeley	23	12	37	132	0	0	14	7	0	0	0	0
09	Calhoun	5	0	5	6	0	0	2	0	0	0	0	0
10	Charleston	54	3	82	154	0	0	37	73	0	0	0	0
11	Cherokee	3	4	78	17	0	0	25	7	0	0	0	0
12	Chester	3	1	14	24	0	0	4	5	0	0	0	0
13	Chesterfield	1	1	21	91	0	0	1	4	0	0	0	0
14	Clarendon	3	0	17	36	0	0	2	3	0	0	0	0
15	Colleton	4	40	5	33	12	23	3	1	0	1	1	0
16	Darlington	4	14	87	129	0	0	0	14	0	0	0	0
17	Dillon	1	0	39	19	21	10	4	1	0	0	0	0
18	Dorchester	7	0	24	139	19	76	10	7	0	0	0	0
19	Edgefield	1	0	40	32	0	0	6	1	0	1	0	0
20	Fairfield	6	0	26	12	7	9	8	2	0	0	0	0
21	Florence	17	1	78	43	0	0	21	10	0	0	0	0
22	Georgetown	6	0	20	70	35	31	5	11	0	0	1	0
23	Greenville	105	19	228	363	112	154	124	41	0	0	0	2
24	Greenwood	14	5	23	55	0	0	9	13	0	0	0	0
25	Hampton	3	7	1	1	0	0	0	0	0	0	0	0
26	Horry	11	2	108	631	171	313	26	84	0	2	0	0
27	Jasper	9	42	2	15	34	23	2	3	0	0	0	0
28	Kershaw	5	2	19	50	0	0	0	4	0	0	0	0
29	Lancaster	8	8	48	68	0	0	15	28	0	0	0	0
30	Laurens	16	1	45	45	0	0	14	10	0	0	0	0
31	Lee	2	0	15	40	0	0	3	2	0	0	0	0
32	Lexington	67	2	154	220	1	3	43	25	1	2	0	0
33	Marion	3	0	20	17	0	0	6	8	0	0	0	0
34	Marlboro	6	1	12	13	0	0	4	1	0	0	0	0
35	McCormick	0	1	9	4	0	0	0	0	0	0	0	0
36	Newberry	1	0	21	31	0	0	3	8	0	0	0	0
37	Oconee	2	2	25	23	1	0	3	11	0	0	0	0
38	Orangeburg	9	2	83	42	0	0	17	11	0	0	0	0
39	Pickens	10	4	41	43	1	3	14	11	0	0	0	0
40	Richland	49	38	47	281	45	192	34	34	0	6	0	0
41	Saluda	1	0	13	3	4	5	4	0	0	0	0	0
42	Spartanburg	83	24	232	258	5	14	100	76	0	0	0	0
43	Sumter	6	0	24	57	56	49	5	15	0	0	0	0
44	Union	8	3	9	30	0	0	5	10	0	0	0	0
45	Williamsburg	1	0	38	32	0	0	3	1	0	0	0	0
46	York	32	9	49	127	10	27	33	27	0	0	0	0
	TOTAL	**638**	**302**	**2,058**	**4,066**	**650**	**1,113**	**662**	**653**	**1**	**12**	**3**	**2**

South Carolina Court Administration

CDV disposition by CDR Code -- Calendar Year 2014

		3055 - CDV 3rd offense and sub. w/in 10 years						2988 - CDV of a High and Aggravated Nature					
		Circuit		Magistrate		Municipal		Circuit		Magistrate		Municipal	
	County	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty
01	Abbeville	2	4	0	0	0	0	1	5	0	0	0	0
02	Aiken	4	12	0	0	0	0	3	23	0	0	0	0
03	Allendale	0	0	0	0	0	0	0	0	0	0	0	0
04	Anderson	0	11	0	0	0	0	1	42	0	0	0	0
05	Bamberg	0	1	0	0	0	0	0	4	0	0	0	0
06	Barnwell	0	3	0	0	0	0	0	4	0	0	0	0
07	Beaufort	2	5	0	0	0	0	0	13	1	0	0	0
08	Berkeley	1	3	0	1	0	0	6	39	0	0	0	0
09	Calhoun	0	0	0	0	0	0	0	1	0	0	0	0
10	Charleston	2	18	0	0	0	0	12	69	0	0	0	0
11	Cherokee	5	0	0	0	0	0	3	6	0	0	0	0
12	Chester	0	2	0	0	0	0	1	12	0	0	0	0
13	Chesterfield	1	0	0	0	0	0	2	7	0	1	0	0
14	Clarendon	0	3	0	0	0	0	3	7	0	0	0	0
15	Colleton	0	2	0	0	0	0	2	13	0	1	0	0
16	Darlington	0	1	0	0	0	0	0	32	0	0	0	0
17	Dillon	1	2	0	0	0	0	0	0	0	0	0	0
18	Dorchester	0	1	0	0	0	0	3	17	0	0	0	0
19	Edgefield	2	2	0	0	0	0	1	2	0	0	0	0
20	Fairfield	0	0	0	0	0	0	1	0	0	0	0	0
21	Florence	4	4	0	0	0	0	5	16	0	0	0	0
22	Georgetown	0	2	0	0	0	0	2	14	0	0	0	0
23	Greenville	18	17	0	0	0	0	34	84	0	1	0	1
24	Greenwood	6	5	0	0	0	0	6	11	0	0	0	0
25	Hampton	0	1	0	0	0	0	3	2	0	0	0	0
26	Horry	2	23	0	0	0	0	9	73	0	3	0	3
27	Jasper	0	3	0	0	0	0	0	12	0	0	0	0
28	Kershaw	1	1	0	0	0	0	0	9	0	0	0	0
29	Lancaster	0	10	0	0	0	0	1	22	0	0	0	0
30	Laurens	3	2	0	0	0	0	1	16	0	0	0	0
31	Lee	0	1	0	0	0	0	0	2	0	0	0	0
32	Lexington	12	10	0	0	0	0	7	54	0	0	0	0
33	Marion	1	1	0	0	0	0	1	8	0	0	0	0
34	Marlboro	0	0	0	0	0	0	0	9	0	0	0	0
35	McCormick	1	0	0	0	0	0	0	0	0	0	0	0
36	Newberry	0	4	0	0	0	0	1	3	0	0	0	0
37	Oconee	0	2	0	0	0	0	2	12	0	0	0	0
38	Orangeburg	2	5	0	1	0	0	4	7	0	0	0	0
39	Pickens	3	1	0	0	0	0	10	14	0	0	0	1
40	Richland	4	29	0	1	0	0	6	54	0	3	0	1
41	Saluda	1	2	0	0	0	0	3	3	0	0	0	0
42	Spartanburg	8	32	0	0	0	0	7	29	1	0	0	0
43	Sumter	1	2	0	0	0	0	3	20	0	0	0	0
44	Union	2	3	0	0	0	0	1	5	0	0	0	0
45	Williamsburg	2	0	0	0	0	0	0	8	0	0	0	0
46	York	7	7	0	0	0	0	7	22	0	0	0	0
	TOTAL	**98**	**237**	**0**	**3**	**0**	**0**	**152**	**805**	**2**	**9**	**0**	**6**

South Carolina Court Administration
CDV disposition by CDR Code -- Calendar Year 2014

		3056 - Violation of Court Order of Protection					
		Circuit		Magistrate		Municipal	
	County	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty
01	Abbeville	0	1	0	0	0	0
02	Aiken	0	0	12	9	0	0
03	Allendale	0	0	0	0	0	0
04	Anderson	0	0	11	15	2	0
05	Bamberg	0	0	1	0	0	0
06	Barnwell	0	0	0	0	0	3
07	Beaufort	0	0	3	1	0	1
08	Berkeley	0	0	2	3	0	0
09	Calhoun	0	0	0	0	0	0
10	Charleston	0	0	4	3	0	0
11	Cherokee	0	0	0	0	0	0
12	Chester	0	0	0	0	0	0
13	Chesterfield	0	2	0	2	0	0
14	Clarendon	0	2	4	0	0	0
15	Colleton	0	0	0	1	2	1
16	Darlington	0	0	1	2	0	0
17	Dillon	1	0	2	3	0	0
18	Dorchester	0	0	7	13	1	3
19	Edgefield	0	0	2	0	0	0
20	Fairfield	0	0	0	0	0	0
21	Florence	0	0	4	5	0	0
22	Georgetown	0	0	1	6	0	2
23	Greenville	1	6	7	8	5	1
24	Greenwood	0	2	3	1	0	0
25	Hampton	0	0	0	0	0	0
26	Horry	0	0	5	2	9	7
27	Jasper	0	0	0	0	0	0
28	Kershaw	0	0	1	0	0	0
29	Lancaster	0	0	1	1	0	0
30	Laurens	0	1	2	4	0	0
31	Lee	0	0	1	0	0	0
32	Lexington	0	0	7	6	0	0
33	Marion	0	0	0	1	0	0
34	Marlboro	1	0	1	0	0	0
35	McCormick	0	0	0	0	0	0
36	Newberry	0	0	0	0	0	0
37	Oconee	0	0	1	0	0	0
38	Orangeburg	0	0	1	4	0	0
39	Pickens	2	1	1	1	0	0
40	Richland	0	0	5	6	4	0
41	Saluda	0	0	0	0	0	0
42	Spartanburg	2	2	24	12	0	0
43	Sumter	0	0	2	1	8	1
44	Union	1	0	0	0	0	0
45	Williamsburg	0	0	1	2	0	0
46	York	1	0	6	1	1	0
	TOTAL	**9**	**17**	**123**	**113**	**32**	**19**

Attachment H

Victim Service Providers

From: Sims, Leslie [mailto:LSims@oepp.sc.gov]
Sent: Thursday, March 26, 2015 11:07 AM
To: Felicia L. Dauway
Cc: Kunz, Veronica
Subject: Victim Service Providers

Hi Felicia,

Per our conversation, there are currently 1328 Victim Service Providers (VSPs) registered with the Office of Victim Services Education and Certification (OVSEC). There are also 1636 VSPs who are registered with OVSEC and are considered Notifiers/Support Staff. Notifiers/Support Staff primarily work in courts and detention centers, and are not victim advocates. They only notify crime victims of court dates, change of status of prisoners, etc., so they don't provide as many services as victim advocates.

Of the **1328** VSPs, **1087** are paid employees and **241** are volunteer VSPs. Paid employees are required to complete a certain number of training hours each year because providing direct victim services is part of their job duties, and for volunteers, it is recommended but not required. Volunteer VSPs may volunteer with an agency/organization or it may be that they work with victims, but are not required by statute to complete the training – Juvenile Arbitrators, for example – but they wish to be able to better serve them. It could also be that someone in victim services left the field but wants to remain current on their certification in case they return in the future.

Unfortunately, the system we currently use doesn't allow me to sort by field (non-profit, LEVA, Solicitor Advocate, state agency, etc.), but we're working on getting a new one and that will be one of the functions. I can pull this information manually, but it would take me a while since there are so many records to sort through.

Please let me know if you have any further questions. Hope you have a great day!

Leslie H. Sims
Program Coordinator
Office of Victim Services Education and Certification
Office of the Crime Victims' Ombudsman
South Carolina Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201
Phone: 803.734.0357
Direct: 803.734.0925
Fax: 803.734.1428
http://ovsec.sc.gov

REPORT OF THE

LAW ENFORCEMENT AND TRAINING WORKING GROUP

OF THE

CRIMINAL JUSTICE DIVISION

OF THE

GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

TABLE OF CONTENTS

OPERATIONS AND LOGISTICS ..... PAGE 109

PARTICIPATING MEMBERS ..... PAGE 109

MEETING MINUTES ..... PAGE 110

OVERVIEW OF DATA COLLECTION PROCESS ..... PAGE 115

DATA ANALYSIS AND CONCLUSIONS ..... PAGE 117

DATA ANALYSIS BY COUNTY ..... PAGE 132

DATA ANALYSIS BY COUNTY SUMMARY ..... PAGE 143

CONCLUSIONS ..... PAGE 144

OPERATIONS AND LOGISTICS

Name or Focus Area of the Working Group

Law Enforcement Sub-Committee

Name, Title, and Organization of Co-Chairs

Director Leroy Smith - SC Department of Public Safety

Instructor/Officer Brian Bennett – SC Criminal Justice Academy

Participating Members of the Sub-Committee:

Director Leroy Smith (SC Department of Public Safety)
Instructor/Officer Brian Bennett (S.C. Criminal Justice Academy)
Chief Mark Keel (SC Law Enforcement Division)
Sheriff Kenney Boone (Florence County Sheriff's Office)
Chief Terrence Green (Lexington Police Department)
Director Jerry Adger (SC Department of Probation, Parole, and Pardon Services)
Director Sylvia Murray (SC Department of Juvenile Justice)
Major Mark Gosnell (SC Highway Patrol – SC Department of Public Safety)
Kathleen Streett (Florence County Sheriff's Office)
Executive Director Jarrod Bruder (South Carolina Sheriffs' Association)
Jail Administrator Nick Gallam (Aiken County)
Jackie Swindler (SC Department of Social Services)
Major Paul Grant (SC Law Enforcement Division)
Commissioner Rod Rutledge (SC Mental Health Commission)
Communication Coordinator Nikki Rogers (Lexington County Communications)
Assistant Solicitor Catherine Wyse (12th Judicial Circuit)
Ginny Barr (SC Department of Corrections)
Elizabeth Gray (Domestic Violence Survivor)
Deputy Counsel Rebecca Schimsa (Governor's Office)
Felicia Dauway (Department of Juvenile Justice)
Marchar Stagg (SC Department of Probation, Parole, and Pardon Services)

Number of Meetings and Length

03/05/2015 (SC Department of Public Safety HQ, Co-Chair Planning, 2 hours)
03/11/2015 (SC Criminal Justice Academy, Sub-Committee Meeting, 2 hours)
03/18/2015 (SC Department of Public Safety HQ, Co-Chair Planning, 2 hours)
05/05/2015 (SC Criminal Justice Academy, Sub-Committee Meeting, 2 hours)
05/07/2015 (SC Department of Public Safety, Co-Chair Planning, 2 hours)

Number and Location of Public Hearings

None at this juncture.

Meeting Minutes

CDV Task Force - Law Enforcement Subcommittee Meeting
Location: South Carolina Criminal Justice Academy
Date: 03-11-2015 @ 10:00 a.m.

Purpose

The purpose of this meeting: Data collection

Discussion and Comments

South Carolina Law Enforcement Division: South Carolina Incident Based Reporting System (SCIBRS) does not contain personal information on offenders or victims. SCIBRS can search by relationship type; however, there is no proxy set up to obtain information on "cohabitation" or "child in common" as CDV statute defines a household member. There are eighteen different software vendors that submit data to the SCIBRS system. The SLED representative indicated that new coding could be implemented within six months, but data validation could take up to one year. The South Carolina Information Exchange (SCIEx)—available through SLED—is searchable for incident reports, supplemental reports, and field interview reports; however, there are limitations on information specific to CDV issues.

Agencies may be completing incident reports, but there was discussion that, perhaps, the incidents are being coded incorrectly, thus skewing data that we do have. Additionally, convictions are difficult in smaller jurisdictions if the defendant asks for a jury trial, but no one is available or willing to serve on the jury. In these instances, some smaller agencies forgo charging for domestic violence and instead chose a lesser charge (i.e., breach of peace, disorderly conduct, assault 3rd degree) to have the case heard and gain a conviction. If a lesser offense than CDV is charged, then there may be many CDV incidents that are being recorded.

SC Probation, Parole and Pardon: Some records will not be specific to CDV offenses, especially if there is a plea arrangement to a lesser charge such as an assault. It was also noted that relationship information between offender and victims was not available.

Lexington 911: CDV calls for service can note if it was a one- or two-party issue. Computer Aided Dispatch information can record incident location(s), times of day, region locations within the county (among other data), and the EMS component of the system could be matched to law enforcement calls for service. This matching of law enforcement response and EMS response could potentially show information as it relates to CDV injuries or severity of the incident.

Department of Juvenile Justice: CDV issues involving juveniles may be discovered or noted during counseling or treatment programs, but it is not common for juveniles to be screened upon intake. It was discussed that although juveniles may display or commit acts of relationship violence, they would not be charged with CDV because it would not match the "household

member" definition. Therefore, it would be rare if ever that a CDV charge would be associated with a juvenile offender.

Pre-trial Intervention: Information from these programs in many cases is restricted by law and as such data is not available.

Batterer Intervention Programs (BTI): Comments were that there are no processes in place to see how effective batterer interventions programs are. The issues of recidivism rates and repeated uses of the BIP and pre-trial intervention programs were also brought up.

Summary

It should be noted that there are a myriad of nuances that affect our data numbers. For example—as mentioned earlier—in a small town where a magistrate will preside over a CDV case, it is very difficult to get six jury members to show up. Hence, the officer may charge the subject with a lesser charge (i.e., breach of peace, disorderly conduct, assault 3rd degree) to gain a conviction.

One consistent theme noted was that most reporting systems, regardless of agency, do not track or have limited data on the nature of the relationship between abusers and victims. Moreover, there is also limited data in other areas pertaining to CDV.

The question was asked, "What will subcommittee members do with the data collected as a result of this Task Force Subcommittee?" Response: Data could tell subcommittee members that where law enforcement officers took photos, documented whether a weapon was involved, injuries sustained, children present, documented the relationship between abuser and victim, conducted interviews, documented whether there was an Order of Protection, etc., these methods, if applied by the law enforcement officer, could indicate that there is a higher conviction rate.

Every jurisdiction (local, county, or state) is different or unique in its own way. That's our biggest problem (or greatest challenge). We need to find out what each jurisdiction is doing (i.e., type of incident reporting, data collection, written CDV policy, advanced training, etc.). Once we have collected this information and have a picture of what the entire state looks like, then we can start developing/implementing viable solutions.

In an effort to gather more data, specifically essential information for identifying and developing methods for addressing incidents of domestic violence, the attending committee members decided to create a survey for law enforcement agencies and 911 call centers. Surveys will be focused and distributed through contacts with the South Carolina Police Chiefs Association, South Carolina Sheriff's Association, and 911 call centers. An e-mail was sent out asking for suggestions on the types of questions that should be asked of law enforcement and 911 call centers.

We appreciate all the hard work that you are putting into this ever-important matter, and we look forward to working with you in the future to create a safer South Carolina for all.

Brian Bennett & Leroy Smith, Co-Chairs
CDV Task Force Law Enforcement Subcommittee

CDV Task Force - Law Enforcement Subcommittee Meeting
Location: South Carolina Criminal Justice Academy
Date: 05-05-2015 @ 2:00 p.m.

Attendees

Director Leroy Smith (SCDPS), Brian Bennett (SCCJA), Sheriff Kenney Boone (Florence County Sheriff's Office), Kathleen Streett (Florence County Sheriff's Office), Catherine Wyse (Assistant Solicitor, 12th Circuit), Paul Grant (Major, SLED), Elizabeth Gray (CDV Survivor), Nick Gallam (Jail Admin., Aiken County), Chief Terrence Green (Lexington Police Department), Rebecca Schimsa (Governor's Office), Felicia Dauway (DJJ), Marchar Stagg (SCDPPP), Major Mark Gosnell (SCHP-SCDPS)

Introduction & Welcome

Director Leroy Smith

Presentation

Issued hard copy of the PowerPoint presentation on Law Enforcement and Call Center/911 Dispatch Survey results to subcommittee members.

*Instructor Brian Bennett presented the findings of both surveys during a PowerPoint presentation.

Regarding the Law Enforcement Survey, discussion was made concerning five subject-based areas:

1. Agency Policy;
2. Agency Training;
3. On-Scene Response;
4. Data Collection; and
5. Prosecution.

*Regarding the Call Center/911 Dispatch Survey, discussion was made concerning the 10 survey questions.

*It should be noted that these findings are preliminary. Both surveys are ongoing through May 12, 2015.

Noted Comments

It is important to note that not all agencies reporting have a primary mission of responding to domestic violence calls, such as the South Carolina Highway Patrol and the Department of Probation, Parole and Pardon Services. Therefore, as a result of the aforementioned reason, data could be somewhat skewed (minor skew) due to agency primary responsibilities.

Agency budgets and available resources vary across the state and can affect the ability to properly respond to domestic violence incidents. Policies do exist among most reporting agencies, but a question that presents itself is if they are being followed. Some agency policies do not specifically address domestic violence response, report taking, or what is done with the data the agency collects.

Rebecca Schimsa from the Governor's Office inquired about the number of agencies reporting. As of May 4, 2015, a total of 110 agencies among state, county, and municipal agencies have completed the survey. (Thirty of forty-six sheriff's offices have completed the survey. This "thirty" is inclusive of the 110 agencies.)

Director Smith reported that the time for agencies to complete the survey had been extended to May 12, 2015, in hopes of having all forty-six sheriff's offices report, as well as any additional agencies that have not done so already.

The subcommittee was informed that the South Carolina Sheriff's Association and the South Carolina Police Chief's Association have been actively assisting and reminding agencies of their need to complete the survey.

Sheriff Boone, Florence County Sheriff's Office, said that he would make personal calls to sheriff's offices that have not reported yet.

Likewise, Chief Green, Lexington Police Department, reported he has been making personal calls as well and would continue to do so. Chief Green reports that he is aware that some very small agencies may not have e-mail or Internet systems, and, as such, it may have been hard for some to complete the survey, even if they wanted to. An e-mail was submitted to Sheriff Boone and Chief Green showing the agencies that have completed the survey thus far.

Rebecca Schimsa of the Governor's Office inquired about the use of CDV checklists as compared to lethality checklists. Brian Bennett, SCCJA, explained checklists are in existence already and used in basic training. A lethality checklist is in development to be added to new basic training. CDV checklists are very comprehensive that cover all areas of law enforcement response to CDV calls (i.e., evidence collection, interviewing, observation of injuries, victims services, information and documentation). In contrast, the lethality assessment checklist is a specialized tool to identity suspect and victim behaviors and characteristics that indicate abusers are lethal threats to officers and the victim.

Law enforcement recertification via domestic violence training was also discussed. The survey shows that all reporting agencies use the CDV program for officer recertification training that was produced by the South Carolina Criminal Justice Academy. Instructor Bennett informed the subcommittee that the use of the Academy's training program is not required under the South Carolina Training Act. Agencies may develop their own training programs that meet the CDV recertification requirement as long as the lesson plan is approved for Continuing Law Enforcement Education Credits (CLEEC) hours by the Academy's Standards Unit. The South Carolina Training Act gives the Law Enforcement Training Council the authority to set the number of CDV training hours required for re-certification, and that number currently is four hours of CDV training per year. The Training Act Section for CDV training is found in §23-23-50(A) of the South Carolina Code of Laws (http://www.sccja.sc.gov/2Info/training/Training%20Act%20as%20of%201-23-15.pdf).

Assistant Solicitor Catherine Wyse, 12th Judicial Circuit, voiced concerns on how long CDV calls are maintained for use by solicitors. Depending on when cases are investigated or brought to trial, data kept in storage may no longer be available. Agency budgets and access to technology may have some bearing on how long call centers may be able to retain information. Information given in the PowerPoint data summary showed that some dispatch centers do not keep 911 records past "3 to 6 months," and some dispatch centers do not keep 911 records past "0 to 3 months." Short-term storage can be problematic.

Elizabeth Gray, CDV Survivor, reported that Professor Ellen Meacham (University of Mississippi and formerly of Charleston) wrote a thesis entitled, "The Impact of Southern Culture on Domestic Violence Legislation in South Carolina." Ms. Gray reported that Professor Meacham submitted her thesis to the General Assembly. Ms. Gray also reported that Meacham will provide her with a copy of the thesis to include in the Governor's CDV Task Force report.

Brian Bennett & Leroy Smith, Co-Chairs
CDV Task Force Law Enforcement Subcommittee

OVERVIEW OF DATA COLLECTION PROCESS

Summary of Goals and Objectives

The goal of the sub-committee was to discover a way to comprehensively collect information relative to domestic violence response, policy, protocol, and training from a large number of agencies of various levels and disciplines. The objective of the sub-committee was to collect an accurate sampling of information on how law enforcement agencies address issues of domestic violence and how 911 Call Centers deal with reports of domestic violence.

Description of Data Collection Methodology

Two web-based surveys were developed in order to simplify the process of data collection in an attempt to secure a large sample of agencies and call centers reporting. A list of thirty topical questions related to domestic violence was created for law enforcement agencies, and a list of ten topical questions was developed for 911 dispatch centers. Questions focused on issue of policy, protocol, on-scene response, training, utilization of victim advocates, data collection, and prosecution/adjudication of domestic violence cases. The online surveys allowed for wide-spread distribution through state agency contacts, the South Carolina Sheriffs' Association, S.C Police Chiefs' Association, and 911 Call Centers. Regular reminders of the importance of completing the survey, its purpose, and deadlines were sent through the above-mentioned associations.

As of the data of this report, 157 law enforcement agencies have completed the survey, representative of all 46 of the state's counties. This number represents 151 county, municipal, or other (campus police departments, airport police departments, etc.) agencies and six state agencies. This is approximately 52% of the slightly more than 300 law enforcement agencies in the state. Of particular note in this report is the tremendous response from county law enforcement agencies statewide. Of the 46 South Carolina Sheriff's Offices, 45 have responded, and one county-wide police department (Horry) also responded. It should be noted that the Horry County Police Department is the county law enforcement entity in Horry County which answers calls for service and deals with enforcement issues, such as criminal domestic violence, on a daily basis. For the purposes of this report, this kind of response from the county law enforcement agencies gives to this analysis a relatively complete picture of the criminal domestic violence dynamics for which the sub-committee is seeking information.

Credibility of Findings and Problems with Incomplete Data

Due to the nature of how the surveys were created and how they were distributed, the responses seem to be accurate, credible, and reliable. Each survey was prefaced with an introductory paragraph explaining who was requesting data, the purpose it would serve, and the crucial nature of agency participation for the collection of accurate data. In examining the data received thus far, there are clearly improvements needed in very specific areas. One thing that must be considered, however, is that the survey required agencies to identify themselves and relied on agency self-reporting. In some studies, anonymous reporting has been proven preferable in attempting to unveil or demonstrate unknown issues or problems. In this survey, it was necessary for agencies to identify themselves in order to ensure that all Sheriff's Offices in South Carolina completed the survey. Being that the survey was also sent to state agencies, municipal agencies, and other law enforcement entities (campus police departments, airport police departments, etc.) it was necessary for these types of agencies to identify themselves as well.

The survey has not had a 100% return from known agencies, which would be rare relative to any type of survey, but has achieved 100% response from county law enforcement agencies in the state which deal with domestic violence issues on a daily basis. Also, the overall percentages of agencies responding to both surveys was quite significant and likely more than substantial for sufficient sampling and analysis, at least in a general fashion. Efforts were made to remind agencies of their need to complete the survey by utilizing assistance from the SC Sheriff's Association, the SC Police Chief's Association, and their contacts. It has been surmised that many of the small local agencies that make up South Carolina law enforcement simply don't utilize much online technology or don't use it effectively. It is not uncommon for very small agencies to have antiquated computers, no functional e-mail system, nor any agency webpage. Although the survey questions were very focused, detailed and yielded results, the survey itself simply cannot cover all the minute variables that may exist within the dynamics of individual agencies and how those agencies respond to criminal domestic violence. The survey focused on a sampling of data across many types of law enforcement agencies in an attempt to gain a statewide overview of information specific to policy, training, officer response, data collection, and prosecution.

Lessons Learned and Challenges Ahead

The survey showed that there are positive trends and good intentions within the law enforcement community relative to the response to domestic violence, which are indicative of the seriousness ascribed to these crimes and their related issues by enforcement entities. Nestled within those positive trends, however, is also some concerning information which seems to suggest that ideas and intentions do not always equate with practical applications or success. Deficient areas, inconsistencies, and/or gaps have been identified through the law enforcement survey. For example, agencies may have policies to address issues of domestic violence, but response capability may be clearly influenced by how weak or strong a given policy may be. Additionally, agencies seem to be doing an excellent job in collecting and retaining criminal domestic violence

data, but do very little with the data collected in the way of allowing it to inform law enforcement response, protocol/checklist development and utilization, and policy-making strategies. These kinds of easily seen observations generate additional questions, such as the following:

- Are agency policies and use of available data promoting best practice methodologies?
- Are current policies being implemented/utilized effectively and consistently?
- Do policies relative to domestic violence response mandate certain law enforcement practices, such as using uniform protocols or checklists, or do extant policies allow for options and an inevitable inconsistency in the ways that the occurrence of criminal domestic violence is addressed?
- Are agencies availing themselves of enough training to appropriately assist them in dealing with criminal domestic violence issues and problems?

It has been observed on many fronts that, whereas mandates generally lead to improved, consistent responses; options with accompanying discretion generally lead to limited information, limited data, and limited/inconsistent response.

It should be noted that the working group was extremely pleased by the percentage of responding agencies and the apparent candor with which they answered the questions presented in the surveys.

DATA ANALYSIS AND CONCLUSIONS

Analysis

The actual survey instrument for law enforcement was designed to cover five focus areas: Agency Policy, Agency Training, On-Scene Response, Data Collection, and Prosecution. An initial analysis of the survey findings demonstrates that, though there are some positive practices occurring regarding each of the five focus areas, there remain deficiencies, inconsistencies, and/or gaps in all focus areas addressed.

In order to demonstrate the issues derived from the survey clearly, this analysis will follow the outline of the survey focus areas. In addition, a sixth section will deal with information gleaned from 911 Call Centers. It should be noted that the Call Centers were not required to identify themselves either generally or specifically in the survey instrument. However, of the 34 that responded, 85.29% of the respondents indicated that they represent a county agency, while 44.12% indicated that they represent a municipal agency. Obviously, some of the responding Call Centers represent both city and county agencies.

It should be noted that Attachments 1 and 2 contain the raw data from both surveys, including additional comments that were solicited from responding agencies through Question 30 of the Law Enforcement Survey and Question 10 of the 911 Call Center survey.

1. **Agency Policy**

Of the 157 responding law enforcement agencies, 153, or 97.5%, indicated that they had policy and procedure manuals in place. While more than 71% of responding agencies indicated that they have policies in place addressing response to criminal domestic violence incidents, almost 30% do not (See Figure 1 below.). Additionally, almost half (49%) of all responding agencies do not follow checklists or protocols when responding to domestic violence incidents (See Figure 2 below.).

Figure 1. – Survey Question 4

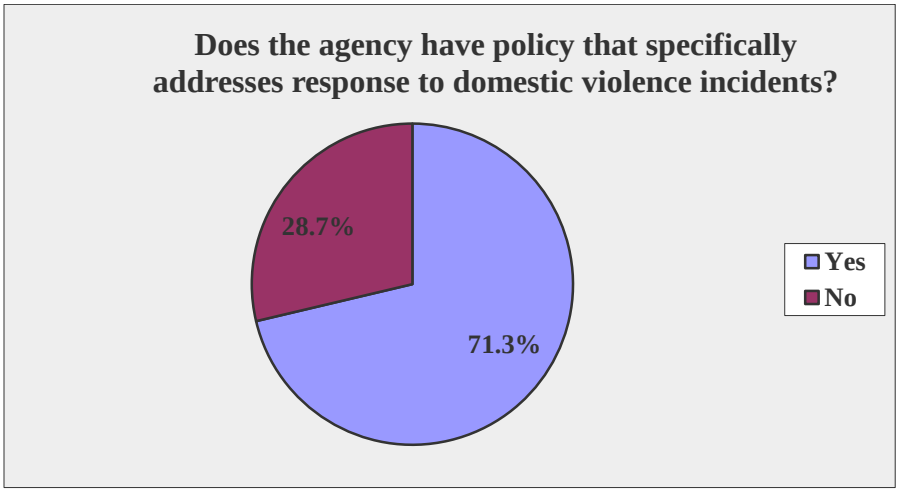
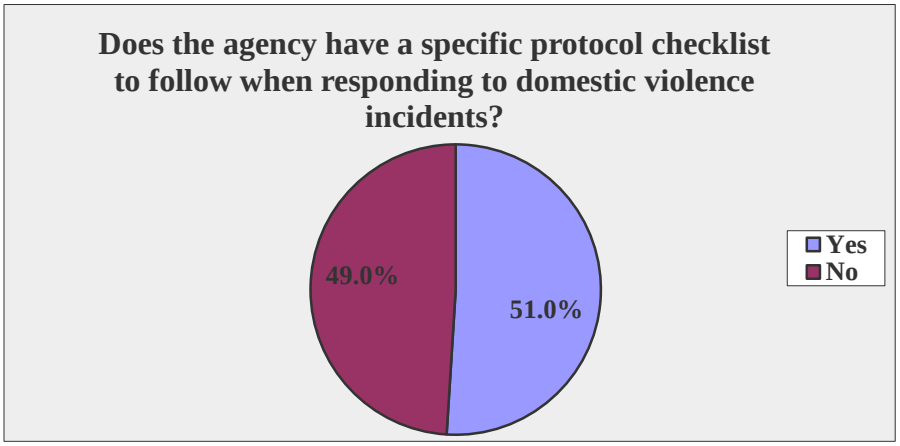
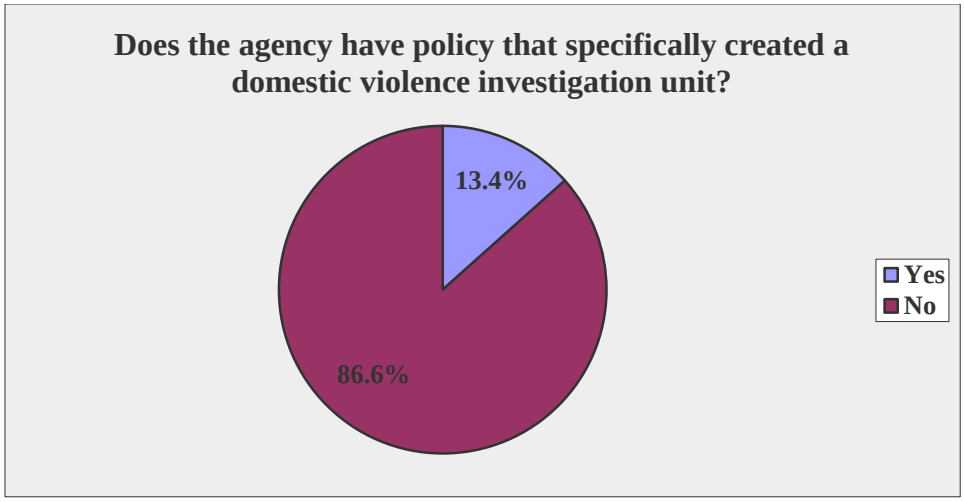


Figure 2. – Survey Question 5



Less than 14% of responding agencies had a policy creating a domestic violence investigation unit (See Figure 3, next page.).

Figure 3. – Survey Question 6



Almost a fourth of the agencies responding indicated that they do not initiate supervisory review of domestic violence incidents to ensure they are properly reported and documented (See Figure 4 below.), while almost 85% of responding agencies indicated that they had no screening tools/checklists to document acts of strangulation in domestic violence calls (See Figure 5, next page.).

Figure 4. – Survey Question 12

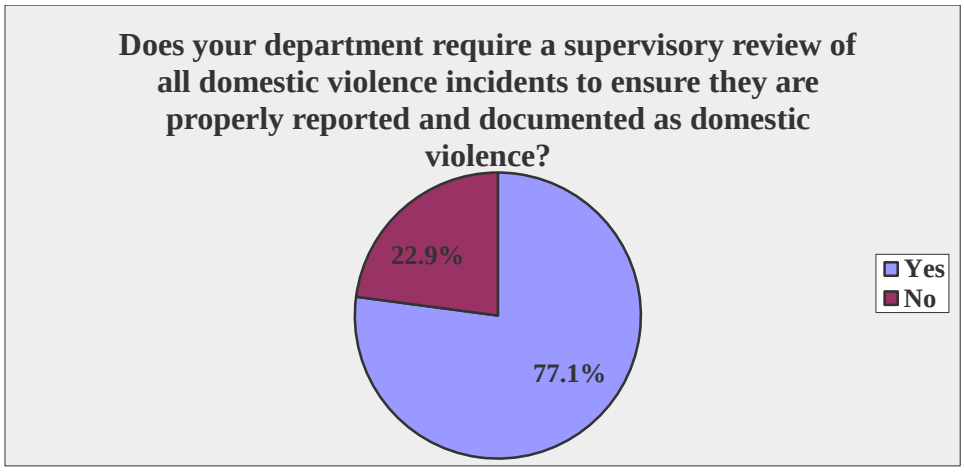
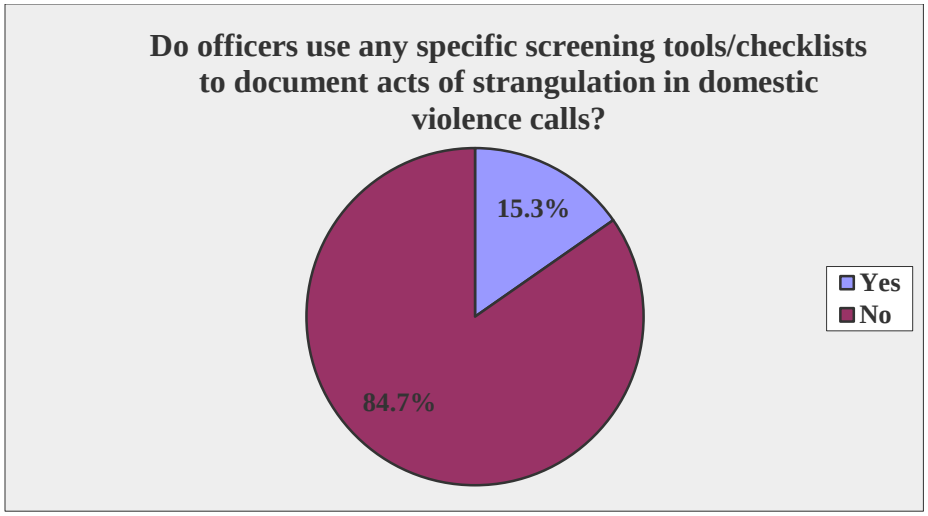
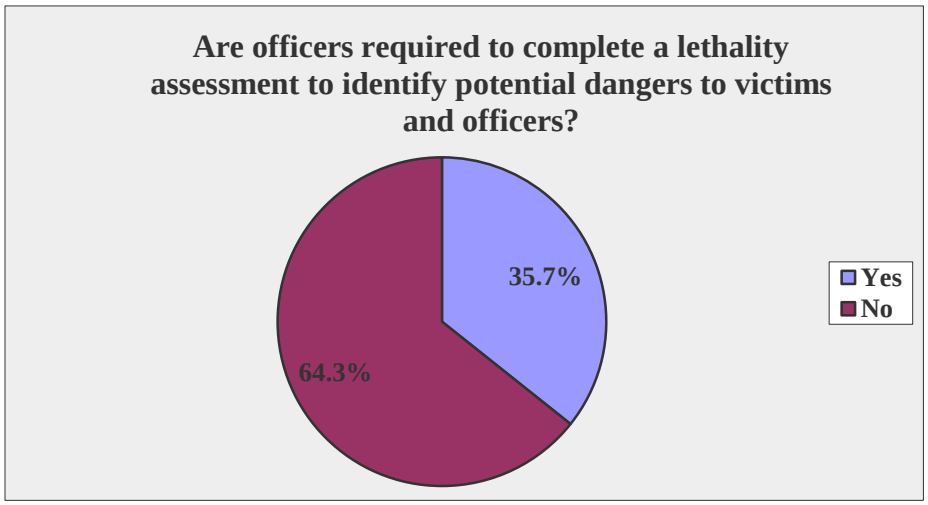


Figure 5. – Survey Question 19



Also in terms of agency policy, more than 64% of responding agencies indicated that they do not use a lethality assessment to identify potential dangers to officers and victims (See Figure 6 below.). This may create problems, not only in the context of on-scene investigations and response, but also in the aftermath and continued legal processes of dealing with domestic violence cases.

Figure 6. – Survey Question 18



2. **Agency Training**

While all but one responding agency acknowledged that they use a SC Criminal Justice Academy video training on domestic violence for recertification purposes (See Figure 7, next page.), only a little more than a third of responding agencies indicated that they conduct their own domestic violence training (See Figure 8, next page.). Since in-house

training on domestic violence issues rarely goes beyond what is provided by the Criminal Justice Academy's basic and advanced training, best practices and issues specific to jurisdictions may not be currently addressed in a sufficient manner statewide.

Figure 7. – Survey Question 13

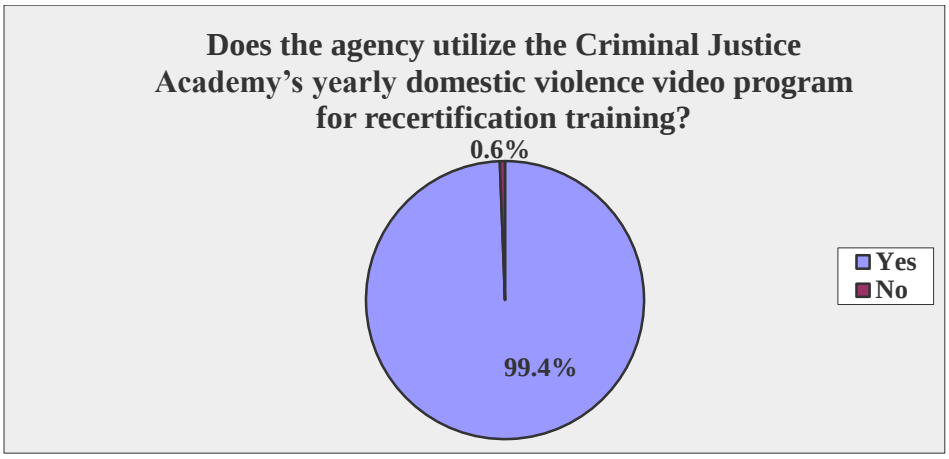
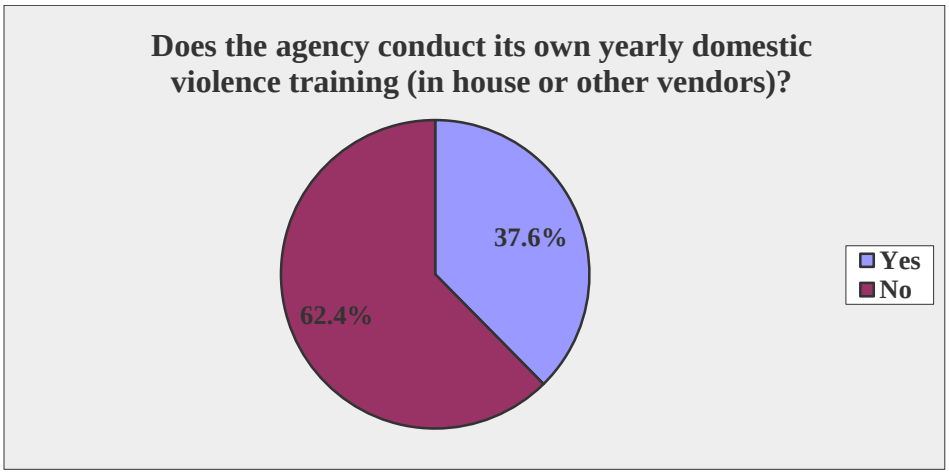


Figure 8. – Survey Question 14



Also, while almost 60% of responding agencies stated that their officers actually prosecute domestic violence first-offense cases, more than 56% stated that they do not train officers on how to prosecute these cases (See Figure 9, next page.). Additionally, almost a third (32.5%) indicated that officers are not trained in evidence-based prosecutions as opposed to prosecution based solely on testimony (See Figure 10, next page).

Figure 9. – Survey Question 15

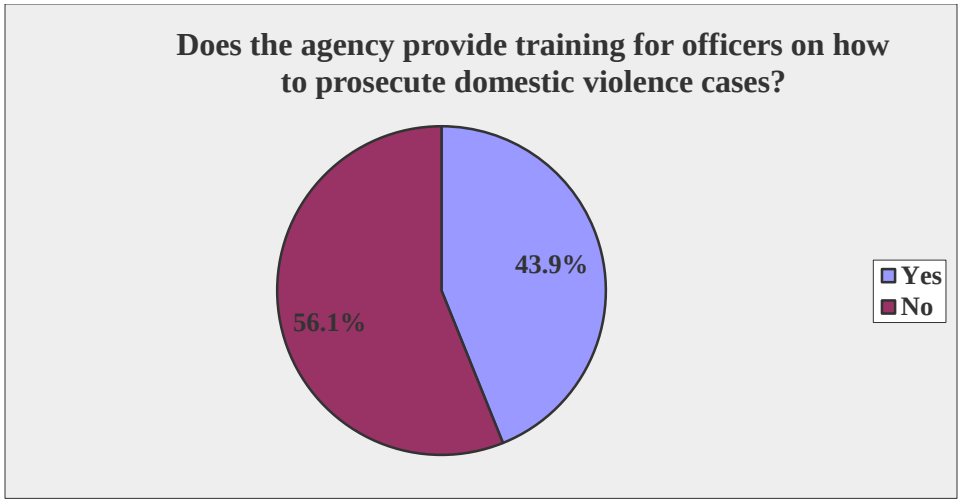
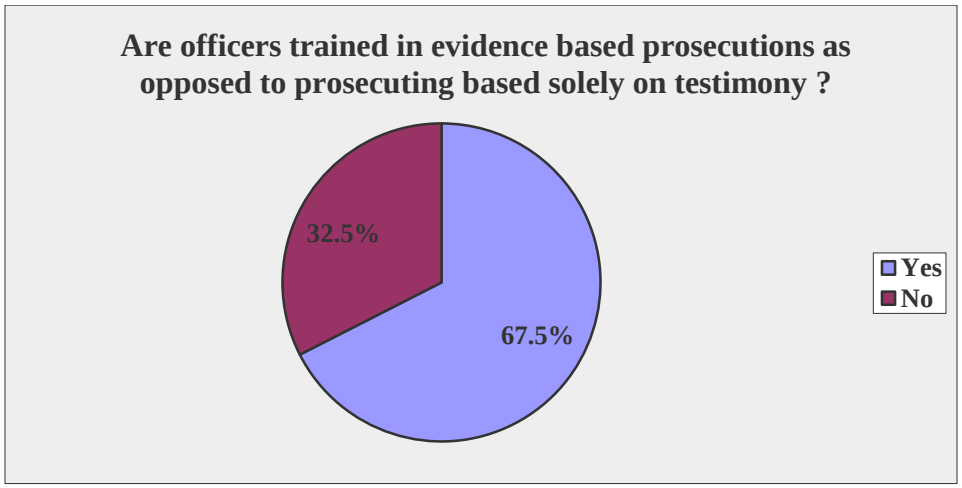
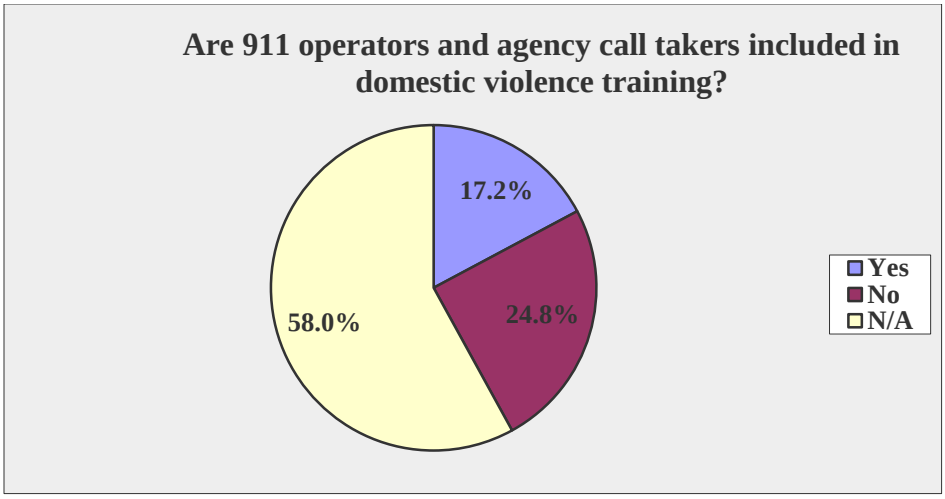


Figure 10. – Survey Question 16



Also, only 17% of responding agencies indicated that their 911 operators/call takers were included in domestic violence training (See Figure 11, next page.).

Figure 11. – Survey Question 17



3. **On-Scene Response**

As indicated above under **1. Agency Policy**, almost half (49%) of all responding agencies do not follow checklists or protocols when responding to domestic violence incidents (See Figure 2 above.), and almost 85% of responding agencies indicated that they had no screening tools/checklists to document acts of strangulation in domestic violence calls (See Figure 5 above.).

Providing resources and support to victims of domestic violence can be critical to issues relative to victim safety and victim cooperation in terms of proper on-scene response and, ultimately, prosecution of cases. Based on survey responses, agency access to victim services and utilization of victim advocates also seem varied and inconsistent as it pertains to domestic violence response, and victim advocacy may very well be underutilized in the state. Many agencies report that victims receive follow-up care through victim services, which is clearly a positive. However, almost 29% of responding agencies indicated that they do not notify agency victim advocates of <u>all</u> domestic violence calls, and more than 89% of the reporting agencies do not require a victim advocate to respond to <u>all</u> domestic violence calls (See Figures 12 and 13, next page.).

Figure 12. – Survey Question 20

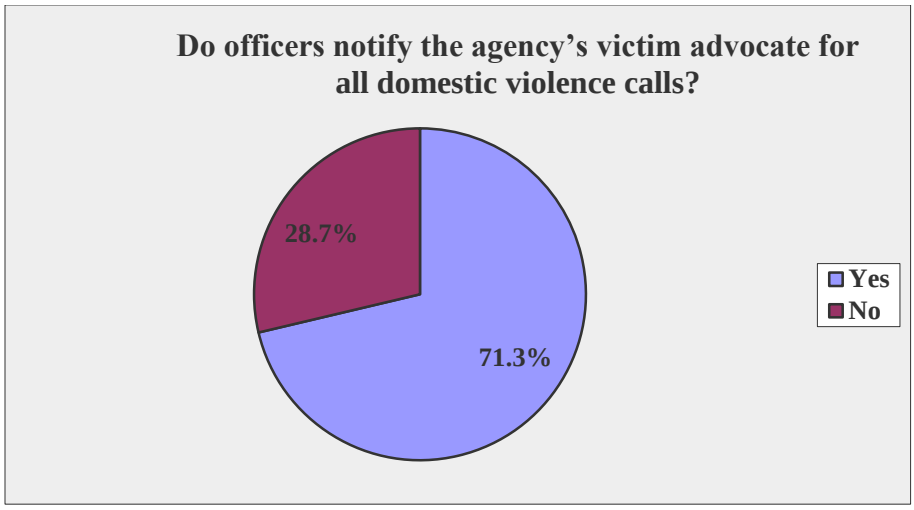
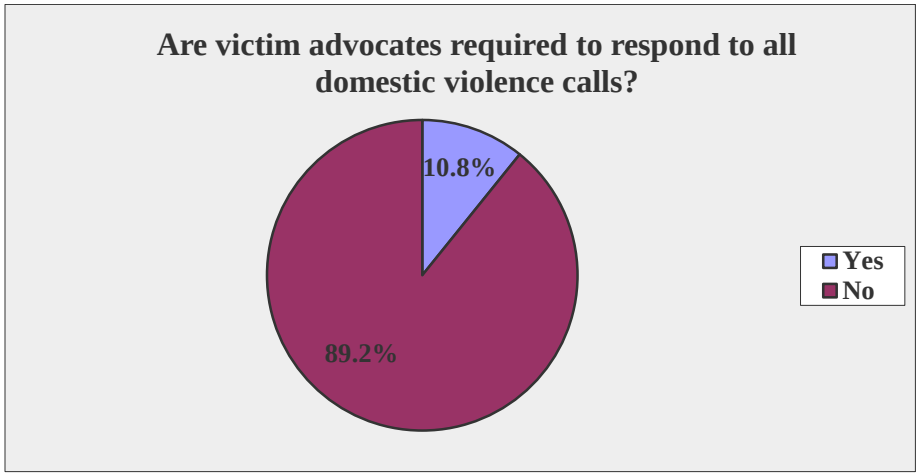
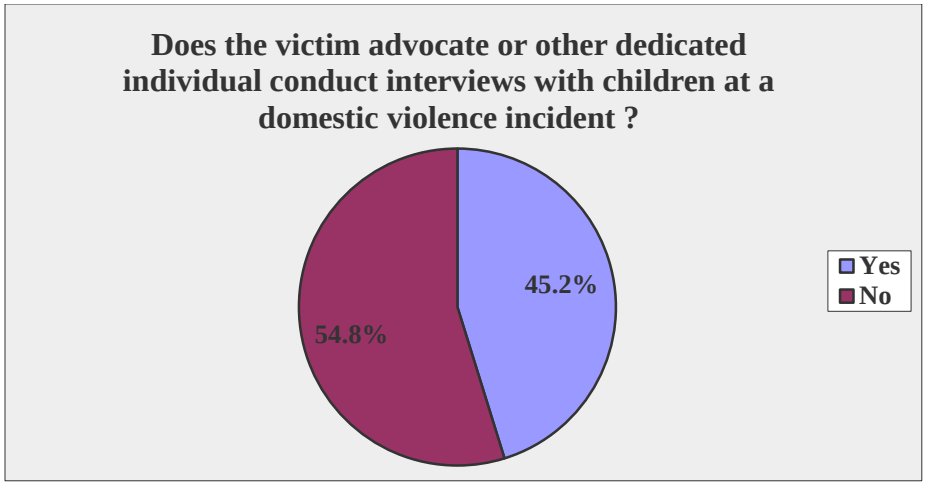


Figure 13. - Survey Question 21



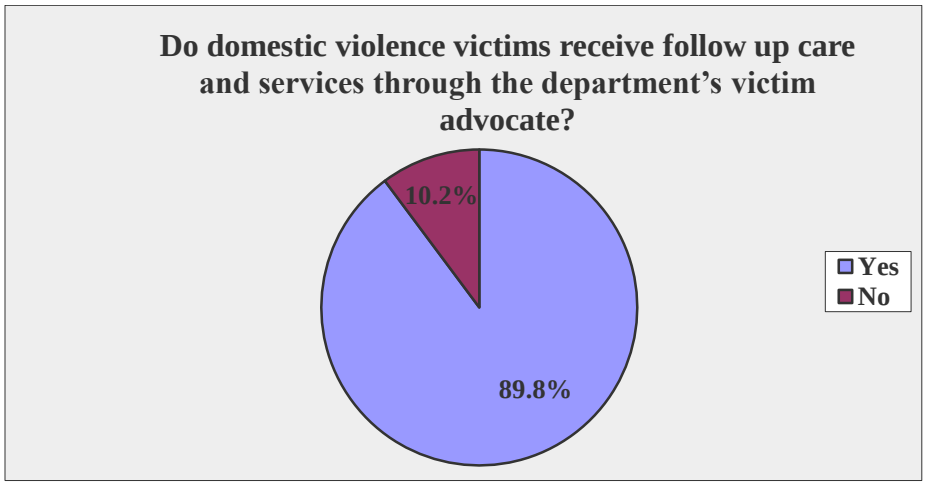
Additionally, the majority of responding agencies (54.8%) indicated that victim advocates or other dedicated individuals do not conduct interviews with children at the incident scene (See Figure 14, next page.).

Figure 14. – Survey Question 22



On the positive side, however, most agencies (almost 90%) indicated that domestic violence victims receive follow-up services through victim advocates, though it is not certain if all victims receive access to such services (See Figure 15 below.).

Figure 15. – Survey Question 23



Based on the above information, it appears that most services provided by victim advocates occur after-the-fact and not during the immediate response to domestic violence incidents. Though this is clearly beneficial to victims, many victims may decide to decline services if the opportunity for services is offered at a time distant from the actual incident. It should be noted that, for many reasons, very few, if any, victims reach out and seek victim service assistance on their own.

4. Data Collection

Although many agencies document domestic violence incidents on reports, the information collected may lack details that are critical to record-keeping, prosecution, and overall analysis of risks associated with individual situations. For example, while almost 95% of responding agencies indicate that they require officers to accurately identify the relationship between the victim and the abuser, almost 18% of the responding agencies indicate that this information is not required in the body of the agency's individual domestic violence report (See Figures 16 and 17 below.).

Figure 16. – Survey Question 8

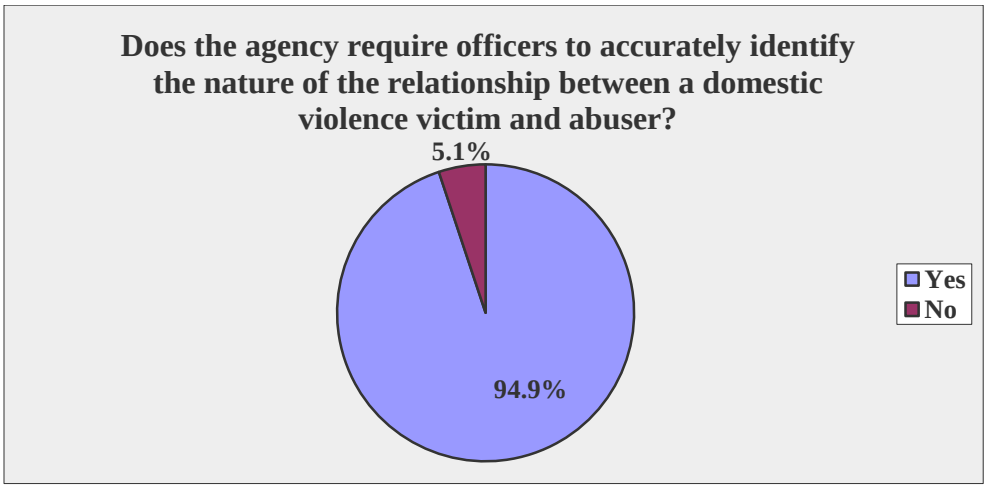
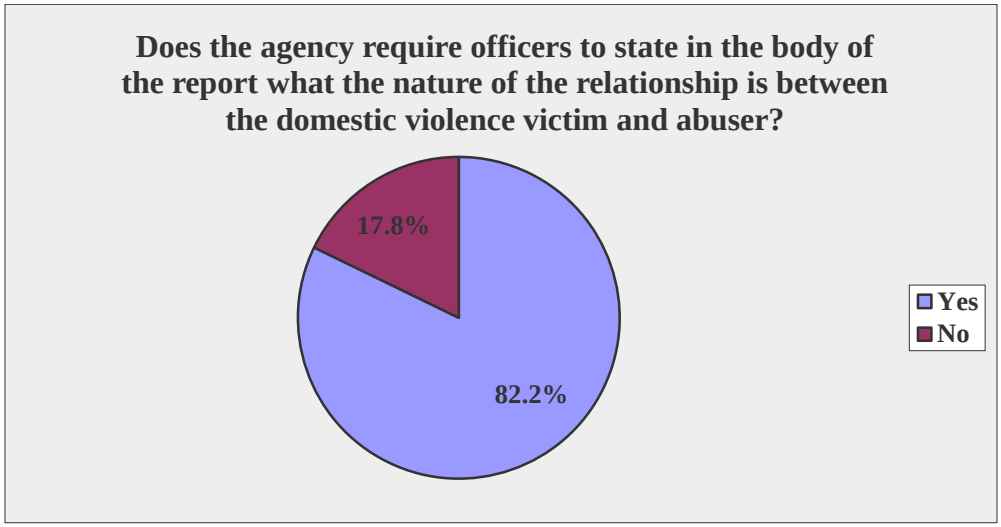
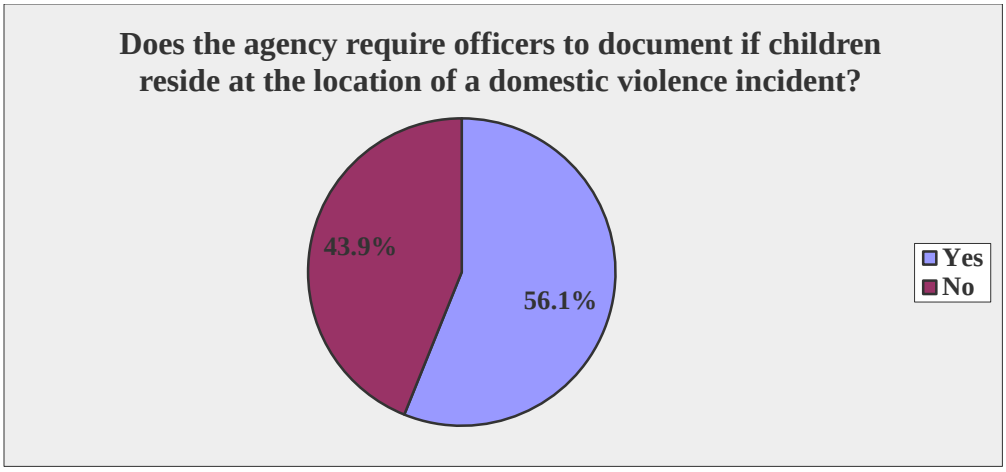


Figure 17. – Survey Question 9



Additionally, only a little more than 56% of responding agencies indicated that they require their officers to document if children reside at the location of domestic violence incidents (See Figure 18 , next page.).

Figure 18. – Survey Question 10



Many agencies (almost 75%) report that they collect and retain domestic violence-related data, but only about 40% of those who collect and retain data utilize the data to develop improved enforcement and response strategies to domestic violence (See Figures 19 and 20 below.).

Figure 19. - Survey Question 26

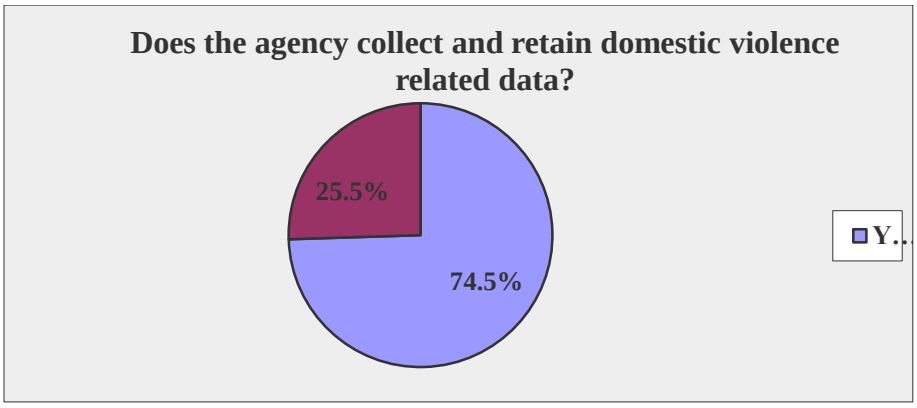
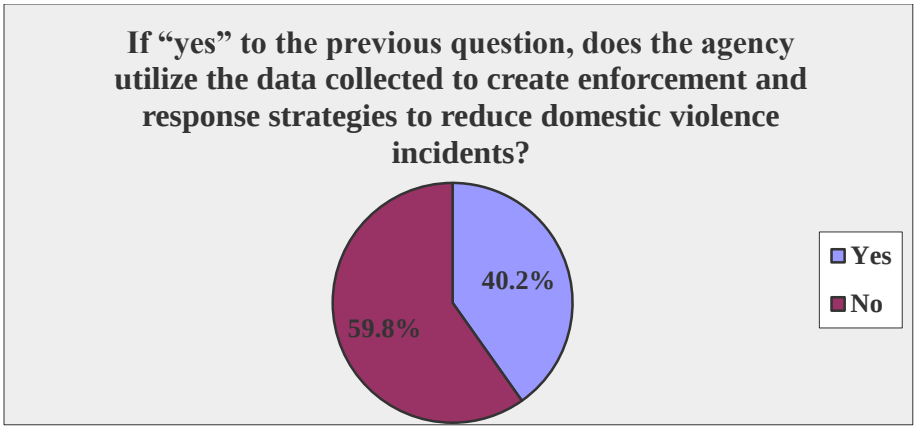


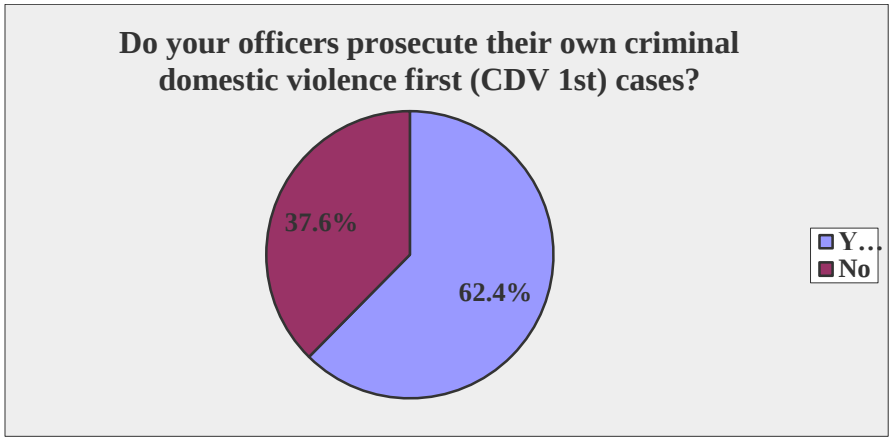
Figure 20. – Survey Question 27



5. Prosecution

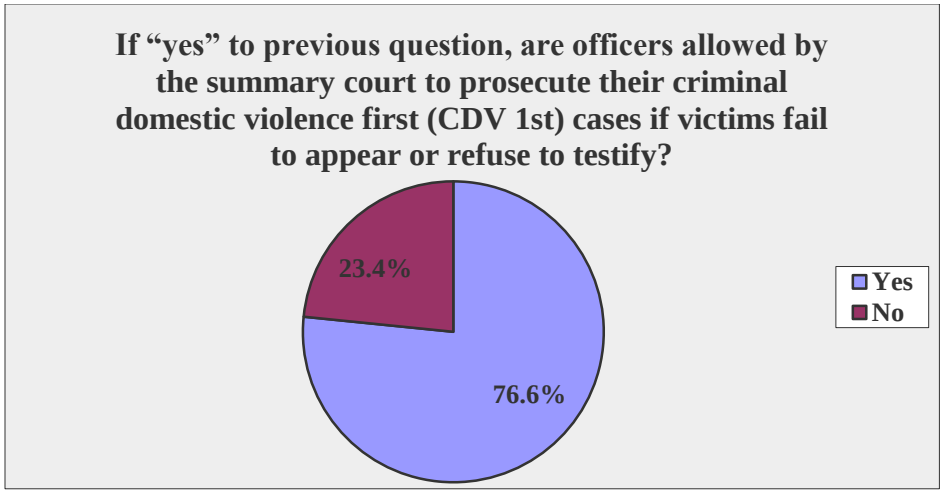
A little more than 60% of responding agencies reported that their officers prosecute their own domestic violence misdemeanor cases (See Figure 21 below.).

Figure 21. – Survey Question 28



However, more than 23% of responding agencies reported that their officers are not allowed by the summary court to prosecute a case if the victim does not appear or is not willing to testify (See Figure 22 below.).

Figure 22. – Survey Question 29



As indicated in **2. Agency Training** above, more than 56% of responding agencies stated that their officers do not receive training on how to prosecute domestic violence cases (See Figure 9 above.), and about 33% indicated that officers are not trained in evidence-based prosecutions as opposed to prosecution based solely on testimony (See Figure 10 above.).

6. 911 Call Centers

Surveys were submitted to approximately seventy (70) 911 Call Centers statewide. Thirty-four (34) Call Centers, or 48.6%, responded to the survey. Of the 34 that responded, 31, or 91.18%, were consolidated dispatch centers, answering fire, EMS, and law enforcement calls. All responding Call Centers indicated that they used a computer aided dispatch, or CAD system. Responding Call Centers indicated that they handled calls for service for city and county entities, with 82.35% (28) indicating that they dispatched for county agencies, and 94.12% (32) indicating that they dispatched for city agencies, reinforcing the fact that most Call Centers likely handle a combination of city and county calls for service (See Figure 23 below.).Twelve of the responding Call Centers, or 35.29%, indicated that they handled more than 1,000 domestic violence calls annually, while 8, or 23.53%, indicated that they handled from 501-1,000 domestic violence calls annually. Thirteen agencies, or 38.24%, indicated that they handled 101-500 domestic violence calls annually, while only one Call Center indicated that it handled from 0-100 domestic violence calls annually (See Figure 24, next page.).

Figure 23. – 911 Call Center Survey Question 3

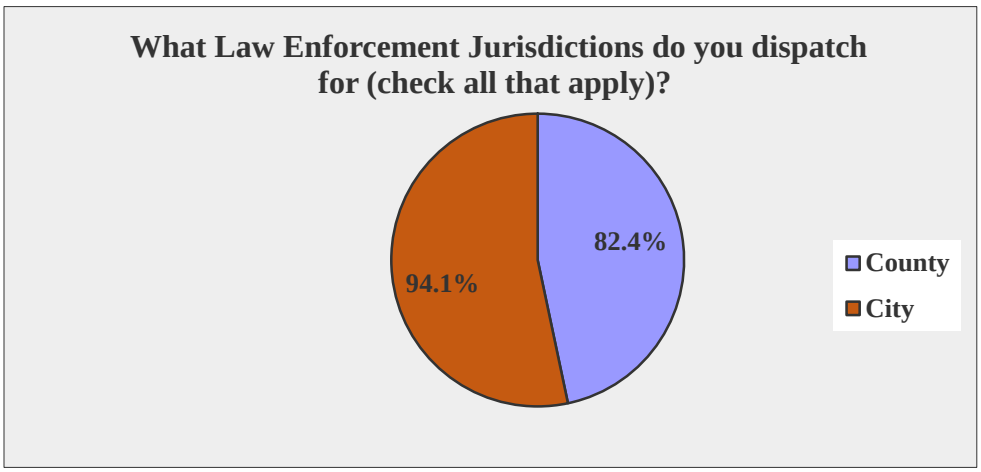
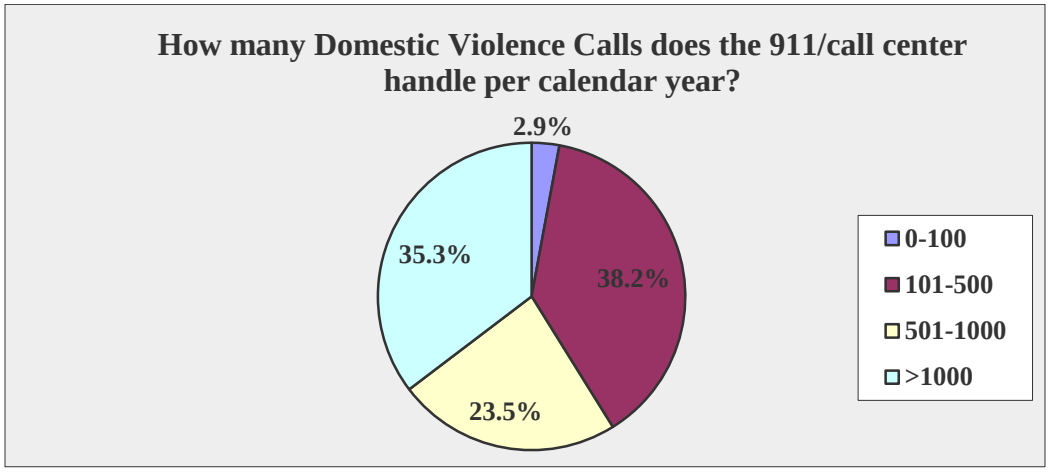
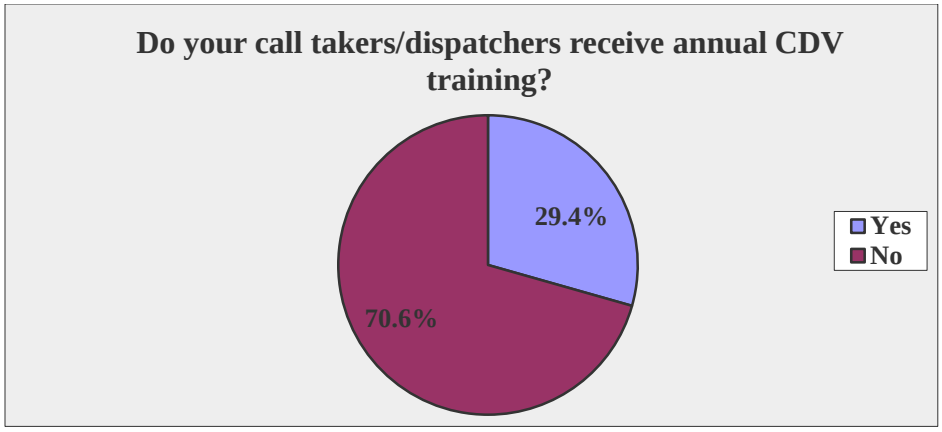


Figure 24. – 911 Call Center Survey Question 5



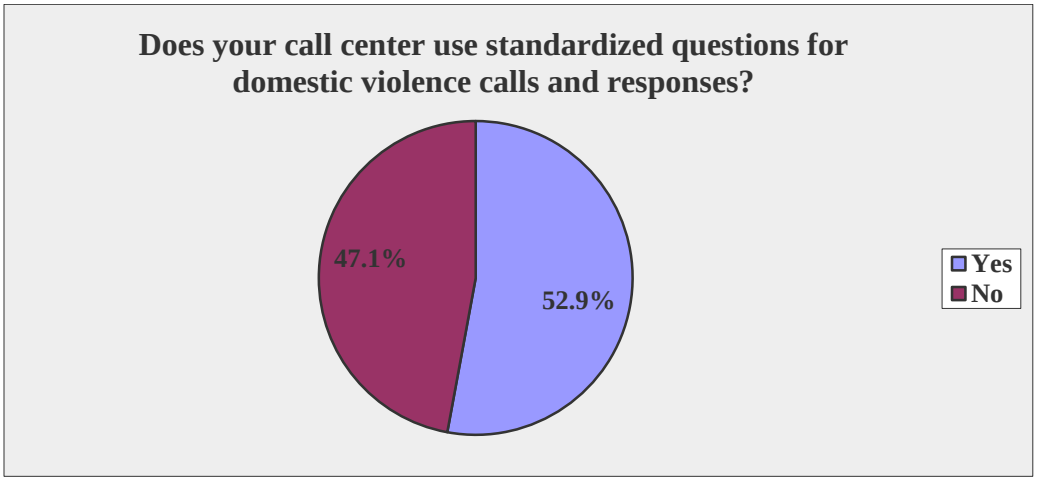
Of the responding Call Centers, only ten of 34, or 29.41%, indicated that their call takers/dispatchers receive annual criminal domestic violence training (See Figure 25 below.). This seems to be relatively consistent with the information received in the law enforcement survey, which indicated that about 17% of responding agencies' 911 operators/call takers was included in domestic violence training (See Figure 11 above.).

Figure 25. – 911 Call Center Survey Question 6



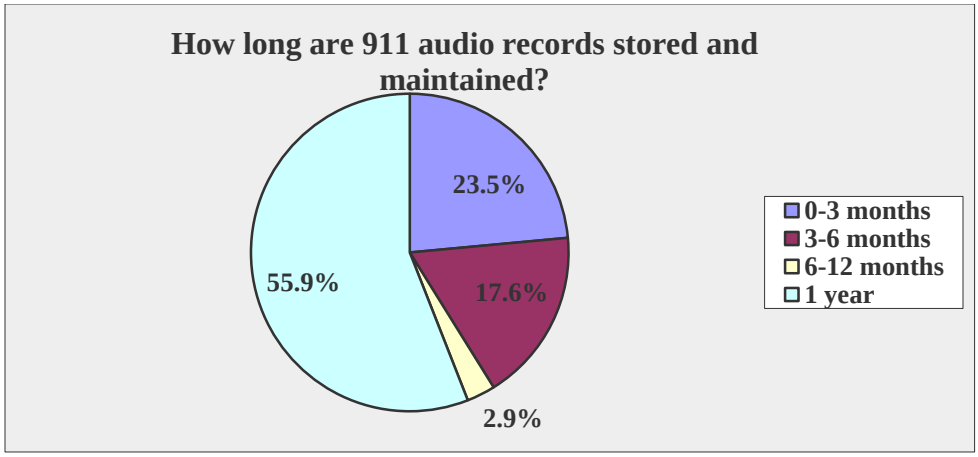
Slightly more than half (18 of 34, or 52.94%) of the responding 911 Call Centers indicated that they used standardized questions for domestic violence calls and responses (See Figure 26, next page.).

Figure 26. – 911 Call Center Survey Question 7



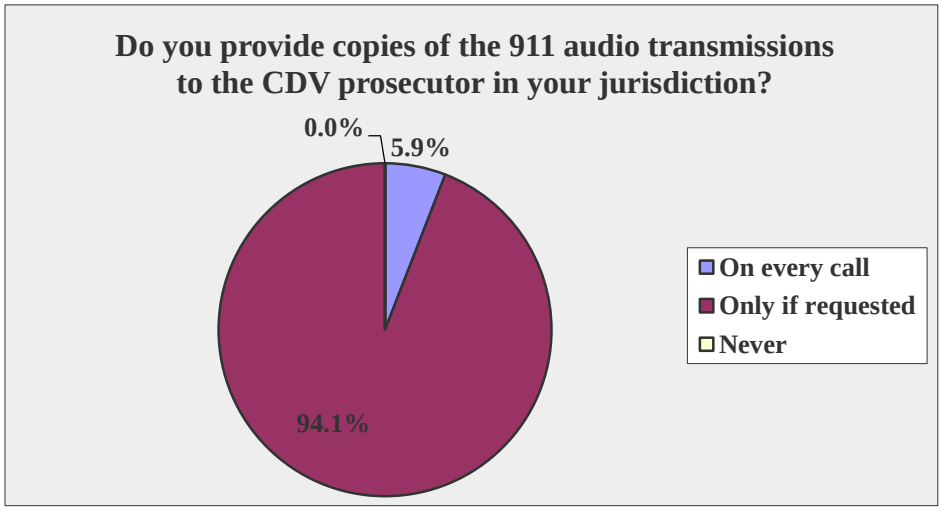
Among the responding 911 Call Centers, there was a great variety in terms of the length of time that 911 audio records were stored and maintained, with eight responders, or 23.53%, storing the information for 0-3 months, six, or 17.65%, for 3-6 months, one for 6-12 months, and 19, or 55.88% for one year (See Figure 27 below.).

Figure 27. – 911 Call Center Survey Question 8



The vast majority of responding Call Centers, 32 of 34, or 94.12%, indicated that they provided copies of 911 audio transmissions to the local jurisdiction's criminal domestic violence prosecutor only if requested (See Figure 28, next page.).

Figure 28. – 911 Call Center Survey Question 9



The above information seems consistent with the picture painted by the law enforcement survey in that there appears, at the level of 911 Call Centers, to be inconsistency and non-uniformity in the state regarding how domestic violence calls are handled, the training being made available to call takers/dispatchers, and the ways in which responses are generated and information is shared relative to domestic violence calls for assistance.

Data Analysis by County

The above information, based on 157 responding law enforcement agencies (approximately 52% of the law enforcement agencies statewide) and 34 Call Centers

(approximately 46.8% of the 911 Call Centers statewide), seems to be a significant enough sample to be representative of the state as a whole. However, in order to drill down to the county level to see which counties may be more advanced in dealing with the issue of criminal domestic violence within their respective jurisdictions, it will be necessary to look at the data in a slightly different format. It should be noted that 45 of the state's 46 county sheriff's offices and one county police department (Horry) have responded to the law enforcement survey. This gives a strong picture of the criminal domestic violence dynamics addressed in the survey from a countywide perspective.

This section will look at law enforcement Survey Questions Nos. 3-29 individually followed by a brief analysis of how counties stood in relationship to these questions. Questions 1 and 2 dealt with the name of the agency and the type of jurisdiction that the responding agency represented, and Question 30 allowed for any additional comments by responding agencies. It should be noted that, for this section, the seven state agencies responding to the survey were deleted from the analysis. This section focuses only on municipal, county, and other (campus police, airport police departments, etc.) agencies responding within South Carolina's counties, a total of 151 agencies.

Survey Question 3

Does the agency have a written policy and procedure manual?
Of the responding counties, 42 of 46 (91.3%) indicated that all of the agencies responding from within their jurisdictions had policies and procedures manuals in place. Of the other four, Lexington had 93% of its agencies with policy manuals in place, Florence had 80%, Chesterfield had 75%, and Hampton had 67%.

Survey Question 4

Does the agency have policy that specifically addresses response to domestic violence incidents?
Of the responding counties, only 21 of 46 (45.7%) indicated that all of the agencies responding from within their jurisdictions had policies that specifically address response to domestic violence issues. Of the other 25 responding counties, four (Greenville [89%], Horry [83%], Lexington [79%], and York [80%]) had greater than 75% of their responding agencies with such policies in place, twelve (Aiken, Chesterfield, Dillon, Greenwood, Kershaw, Lancaster, Laurens, Marion, Marlboro, Newberry, Orangeburg, and Saluda) had 50%-67% of their responding agencies with such policies in place, while nine (Abbeville, Anderson, Barnwell, Calhoun, Chester, Clarendon, Florence, Sumter, and Williamsburg) had less than 50% of their responding agencies with such policies in place. No responding agencies in Calhoun, Chester, Clarendon, Sumter, and Williamsburg Counties indicated that they have policies that specifically address response to domestic violence issues.

Survey Question 5

Does the agency have a specific protocol checklist to follow when responding to domestic violence incidents?

Of the responding counties, only eight (Beaufort, Berkeley, Clarendon, Dorchester, Greenwood, Lee, Marlboro, and Oconee) of 46 counties (17.4%) indicated that all of the agencies responding from within their jurisdictions had specific protocol checklists to follow when responding to domestic violence incidents. Of the other 38 responding counties, 21 (Aiken, Anderson, Bamberg, Charleston, Cherokee, Chesterfield, Edgefield, Fairfield, Georgetown, Hampton, Horry, Jasper, Kershaw, Lexington, McCormick, Pickens, Richland, Saluda, Spartanburg, Sumter, and Union) had between 50% and 83% of their responding agencies indicating that they had such protocol checklists, while 17 counties (Abbeville, Allendale, Barnwell, Calhoun, Chester, Colleton, Darlington, Dillon, Florence, Greenville, Lancaster, Laurens, Marion, Newberry, Orangeburg, Williamsburg, and York) had less than 50% of their responding agencies indicating that they used such protocol checklists. Seven counties (Allendale, Barnwell, Calhoun, Chester, Colleton, Marion, and Williamsburg) had none of their responding agencies indicating that they have specific protocol checklists to follow when responding to domestic violence incidents.

Survey Question 6

Does the agency have policy that specifically created a domestic violence investigation unit?

Of the responding counties, only two (Lee and Sumter) of 46 (4.3%) indicated that all of the agencies responding from within their jurisdictions have policy that specifically created a domestic violence investigation unit. Of the remaining 44 responding counties, six counties (Beaufort, Berkeley, Charleston, Marlboro, Oconee and Pickens) had 50% of their responding agencies indicating that they had such a policy, eight (Abbeville, Aiken, Georgetown, Greenville, Lexington, Orangeburg, Richland, and Spartanburg) had between 11% (Greenville) and 36% (Lexington) of their responding agencies indicating that they had such a policy, while 30 counties (65.2% of those reporting) had none of their responding agencies indicate that they have policy that specifically created a domestic violence investigation unit.

Survey Question 7

Does the agency policy mandate an official incident report be filed regardless of arrest or non-arrest for domestic violence incidents?

Of the responding counties, 30 of 46 (65.2%) indicated that all of the agencies responding from within their jurisdictions have policy that mandates an official incident report be filed regardless of arrest or non-arrest for domestic violence incidents. Of the other 16 responding counties, six counties (Chesterfield, Greenville, Lexington, Newberry, Spartanburg, and York) had 75%-93% of their responding agencies indicating that they had such a policy, nine (Aiken, Anderson, Cherokee, Dillon, Kershaw, Orangeburg, Saluda, Sumter, and Union) had between 50% and 67% of their responding agencies

indicating that they had such a policy, while only one county, Florence at 20%, had less than 50% of their responding agencies indicate that they have policy that mandates an official incident report be filed regardless of arrest or non-arrest for domestic violence incidents.

Survey Question 8

Does the agency require officers to accurately identify the nature of the relationship between a domestic violence victim and abuser?
Of the responding counties, 42 of 46 (91.3%) indicated that all of the agencies responding from within their jurisdictions require officers to accurately identify the nature of the relationship between a domestic violence victim and abuser. Of the other four responding counties, Newberry and Abbeville had 80% of their responding agencies indicate that they had a similar requirement, while Orangeburg had 83%. Saluda had 50% of its responding agencies indicate that they had a similar requirement.

Survey Question 9

Does the agency require officers to state in the body of the report what the nature of the relationship is between the domestic violence victim and abuser?
Of the responding counties, 28 of 46 (60.9%) indicated that all of the agencies responding from within their jurisdictions require officers to state in the body of the domestic violence report what the nature of the relationship is between a domestic violence victim and abuser. Of the other 18 responding counties, eight (Abbeville, Greenville, Laurens, Lexington, Newberry, Orangeburg, Spartanburg and York) had between 60% and 93% of their responding agencies indicate that they had a similar requirement, while ten (Berkeley, Charleston, Cherokee, Dorchester, Fairfield, Florence, Jasper, Marion, Oconee, and Saluda) had 50% or less of their responding agencies indicate that they had a similar requirement. Of the latter ten counties, two counties (Charleston and Cherokee) had none of their responding agencies indicate that they require officers to state in the body of the domestic violence report what the nature of the relationship is between a domestic violence victim and abuser.

Survey Question 10

Does the agency require officers to document if children reside at the location of a domestic violence incident?
Of the responding counties, only 12 (Aiken, Allendale, Bamberg, Berkeley, Charleston, Chester, Colleton, Dillon, Dorchester, Hampton, Marlboro, and Williamsburg) of 46 (26.1%) indicated that all of the agencies responding from within their jurisdictions require officers to document if children reside at the location of a domestic violence incident. Of the other 34 responding counties, ten (Abbeville, Anderson, Chesterfield, Darlington, Greenwood, Laurens, Lexington, Orangeburg, Spartanburg, and Union) had between 57% and 79% of their responding agencies indicate that they had a similar requirement, while 24 had 50% or less of their responding agencies indicate that they had a similar requirement, with six of these (Calhoun, Clarendon, Jasper, Kershaw, Lee, and

Oconee) having none of their responding agencies indicate that they require officers to document if children reside at the location of a domestic violence incident.

Survey Question 11

Does agency policy allow domestic violence victims to complete or submit a statement that they do not want a case prosecuted?
Of the responding counties, only twelve (Barnwell, Beaufort, Calhoun, Chester, Clarendon, Dorchester, Fairfield, Lancaster, Lee, McCormick, Pickens, and Williamsburg) of 46 (26.1%) indicated that all of the agencies responding from within their jurisdictions had policy to allow domestic violence victims to complete or submit a statement that they do not want a case prosecuted. Of the other 35 responding counties, seven (Anderson, Bamberg, Darlington, Dillon, Greenwood, Newberry, and Union) had between 60% and 75% of their responding agencies indicate that they had such a policy, while 28 had 50% or less of their responding agencies indicate that they had a similar policy. Seven (Cherokee, Colleton, Edgefield, Jasper, Marlboro, Sumter, and York) of the latter-mentioned 28 counties had none of their responding agencies indicate that they had policy to allow domestic violence victims to complete or submit a statement that they do not want a case prosecuted.

Survey Question 12

Does your department require a supervisory review of all domestic violence incidents to ensure they are properly reported and documented as domestic violence?
Of the responding counties, 24 of 46 (52.2%) indicated that all of the agencies responding from within their jurisdictions required a supervisory review of all domestic violence incidents to ensure they are properly reported and documented as domestic violence. Of the other 22 responding counties, three (Abbeville, Greenville, and Lexington) had between 75% and 93% of their responding agencies indicate that they had such a requirement, twelve (Allendale, Barnwell, Chesterfield, Edgefield, Greenwood, Hampton, Kershaw, McCormick, Orangeburg, Saluda, Sumter, and York) had 50%-66.67% of their responding agencies indicate that they had such a requirement. Seven counties (Charleston, Colleton, Darlington, Florence, Lancaster, Union, and Williamsburg) had less than 50% of their responding agencies indicate that they had a requirement for a supervisory review of all domestic violence incidents to ensure they are properly reported and documented as domestic violence, with three of these (Charleston, Colleton, and Williamsburg) indicating that none of their responding agencies has such a requirement.

Survey Question 13

Does the agency utilize the Criminal Justice Academy's yearly domestic violence video program for recertification training?
Of the responding counties, 45 of 46 (97.8%) indicated that all of the agencies responding from within their jurisdictions utilized the Criminal Justice Academy's yearly domestic

violence video program for recertification training. The other county responding (York) had 80% of its agencies respond that they use this available training.

Survey Question 14

Does the agency conduct its own yearly domestic violence training (in house or other vendors)?

Of the responding counties, only seven (Chester, Clarendon, Colleton, Dorchester, Fairfield, Richland, and Sumter) of 46 (15.2%) indicated that all of the agencies responding from within their jurisdictions conduct their own yearly domestic violence training. Of the other 39 counties responding, thirteen (Abbeville, Aiken, Allendale, Berkeley, Charleston, Cherokee, Edgefield, Florence, Georgetown, Marlboro, McCormick, Oconee, and Pickens) had 50%-75% of their responding agencies indicate that such in-house training is conducted, while 26 counties indicated that less than 50% of their responding agencies conducted their own yearly domestic violence training. Of these 26, eleven counties (Barnwell, Beaufort, Calhoun, Darlington, Jasper, Kershaw, Lancaster, Lee, Marion, Orangeburg, and Saluda) had none of their responding agencies indicate that they conduct in-house annual domestic violence training.

Survey Question 15

Does the agency provide training for officers on how to prosecute domestic violence cases?

Of the responding counties, only eight (Calhoun, Chester, Dillon, Dorchester, Edgefield, Fairfield, Lee, and Union) of 46 (17.4%) indicated that all of the agencies responding from within their jurisdictions provide training for officers on how to prosecute domestic violence cases. Of the other 38 counties responding, eighteen (Allendale, Bamberg, Berkeley, Charleston, Cherokee, Florence, Georgetown, Greenwood, Hampton, Kershaw, Lexington, Marion, Marlboro, Newberry, Oconee, Pickens, Saluda, and Sumter) had 50%-71% of their responding agencies indicate that such training is conducted, while 20 counties indicated that less than 50% of their responding agencies conducted prosecution training for officers relative to domestic violence cases. Of this latter group of 20 counties, eleven (Barnwell, Beaufort, Clarendon, Colleton, Jasper, Lancaster, Laurens, McCormick, Orangeburg, and Williamsburg) had none of their responding agencies indicate that they conduct this kind of prosecution training for officers.

Survey Question 16

Are officers trained in evidence based prosecutions as opposed to prosecuting based solely on testimony?

Of the responding counties, only sixteen (Anderson, Calhoun, Charleston, Cherokee, Chester, Clarendon, Colleton, Dorchester, Edgefield, Fairfield, Georgetown, Kershaw, Lee, Marlboro, Pickens and Williamsburg) of 46 (34.8%) indicated that all of the agencies responding from within their jurisdictions provide training for officers in evidence-based prosecutions as opposed to prosecuting based solely on testimony. Of the other 30 counties responding, 26 (Abbeville, Aiken, Allendale, Bamberg, Barnwell, Berkeley, Chesterfield, Darlington, Dillon, Greenville, Greenwood, Hampton, Horry,

Jasper, Lancaster, Lexington, Marion, Newberry, Oconee, Orangeburg, Richland, Saluda, Spartanburg, Sumter, Union and York) had 50%-80% of their responding agencies indicate that such training is conducted, while four counties (Beaufort, Florence, Laurens, and McCormick) indicated that less than 50% of their responding agencies conducted evidence-based prosecution training for officers. Of this latter group of four counties, two (Beaufort and McCormick) had none of their responding agencies indicate that they conduct evidence-based prosecution training for officers.

Survey Question 17

Are 911 operators and agency call takers included in domestic violence training?
Of the responding counties, none of the 46 (0%) indicated that all of the agencies responding from within their jurisdictions include 911 operators and call takers in domestic violence training. Of the 46 counties responding, four (Calhoun, Chester, Colleton, and Oconee) had none of their responding agencies indicate that 911 operators and call takers were included in this type of training. This particular question generated some interesting responses from many agencies in that they responded that the question was "not applicable" to what they do. It is uncertain if this means that their agencies do not use these types of dispatchers, or if the agencies felt that domestic violence training was not applicable or germane to what 911 operators/call takers do. In any event, six counties (Charleston, Clarendon, Darlington, Laurens, Lee, and Williamsburg) had all their responding agencies classify this question as "not applicable." Nine counties (Allendale, Berkeley, Dorchester, Edgefield, Fairfield, Jasper, Marlboro, Pickens, and Sumter) had 50% of their responding agencies indicate that domestic violence training was made available for 911 operators/call takers. Thirteen counties (Aiken, Anderson, Bamberg, Chesterfield, Florence, Georgetown, Greenville, Horry, Lancaster, Lexington, Newberry, Union, and York) had less than 50% of their responding agencies indicate that domestic violence training was made available for 911 operators/call takers. The balance of the counties responding had some combination of no training provided and "not applicable" responses.

Survey Question 18

Are officers required to complete a lethality assessment to identify potential dangers to victims and officers?
Of the responding counties, only four (Fairfield, Hampton, Lee, and Williamsburg) of 46 (8.7%) indicated that all of the agencies responding from within their jurisdictions require officers to complete a lethality assessment to identify potential dangers to victims and officers. Of the other 42 counties responding, sixteen (Allendale, Anderson, Barnwell, Beaufort, Berkeley, Charleston, Cherokee, Dorchester, Edgefield, Greenwood, Jasper, Lexington, Marion, Marlboro, Pickens, and Sumter) had 50%-80% of their responding agencies indicate that such an assessment is required, while 26 counties indicated that less than 50% of their responding agencies required such an assessment. Of this latter group of 26 counties, eleven (Calhoun, Chester, Clarendon, Colleton, Darlington, Florence, Kershaw, Laurens, McCormick, Oconee, and Saluda) had none of their

responding agencies indicate that they require the completion of lethality assessments to identify potential dangers to victims and officers.

Survey Question 19

Do officers use any specific screening tools/checklists to document acts of strangulation in domestic violence calls?
Of the responding counties, none of 46 (0%) indicated that all of the agencies responding from within their jurisdictions use any specific screening tools/checklists to document acts of strangulation in domestic violence calls. Of the 46 counties responding, eleven (Aiken, Allendale, Bamberg, Berkeley, Charleston, Cherokee, Dorchester, Fairfield, Kershaw, Marion, and Pickens) had 50%-66.67% of their responding agencies indicate that such screening tools/checklists are used by agencies, while 35 counties indicated that significantly less than 50% of their responding agencies used the screening tools/checklists to document strangulation. Of this latter group of 35 counties, 29 had none of their responding agencies indicate that they require the use of screening tools/checklists completion to document acts of strangulation in domestic violence calls.

Survey Question 20

Do officers notify the agency's victim advocate for all domestic violence calls?
Of the responding counties, nineteen (Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Chester, Chesterfield, Clarendon, Colleton, Dillon, Dorchester, Edgefield, Fairfield, Florence, Greenwood, Hampton, Kershaw, Marlboro, and Oconee) of 46 (41.3%) indicated that all of the agencies responding from within their jurisdictions notify the agency's victim advocate for all domestic violence calls. Of the other 27 counties responding, 21 (Aiken, Anderson, Berkeley, Charleston, Cherokee, Darlington, Georgetown, Greenville, Horry, Jasper, Lancaster, Laurens, Lexington, Marion, Newberry, Orangeburg, Saluda, Spartanburg, Sumter, Union, and York) had 50%-83% of their responding agencies indicate that the agency's victim advocate is notified for all domestic violence calls, while six counties indicated that significantly less than 50% of their responding agencies made such notification. As a matter of fact, of this latter group of six counties, five (Lee, McCormick, Pickens, Richland, and Williamsburg) had none of their responding agencies indicate that they notify the agency's victim advocate for all domestic violence calls.

Survey Question 21

Are victim advocates required to respond to all domestic violence calls?
Of the responding counties, only one (Chester) of 46 (2.2%) indicated that all of the agencies responding from within its jurisdiction require victim advocates to respond to all domestic violence calls. Of the other 45 counties responding, only three (Allendale [50%], Dillon [67%] and Florence [60%]) had as many as 50% of their responding agencies indicate that the agency's victim advocate is required to respond to all domestic violence calls, while 42 counties indicated that significantly less than 50% of their responding agencies had such a requirement. Of this latter group of 42 counties, 34 had

none of their responding agencies indicate that victim advocates are required to respond to all domestic violence calls.

Survey Question 22

Does the victim advocate or other dedicated individual conduct interviews with children at a domestic violence incident?

Of the responding counties, only eight (Bamberg, Chester, Clarendon, Colleton, Dorchester, Fairfield, Marion, and Oconee) of 46 (17.4%) indicated that all of the agencies responding from within their jurisdictions have victim advocates or other dedicated individual conduct interviews with children at a domestic violence incident. Of the other 38 counties responding, eighteen (Aiken, Allendale, Anderson, Berkeley, Charleston, Cherokee, Chesterfield, Edgefield, Greenville, Greenwood, Hampton, Kershaw, Lexington, Marlboro, Pickens, Spartanburg, Sumter, and Union) had 50%-75% of their responding agencies indicate that their agency's victim advocate or other dedicated individual conducts interviews with children at domestic violence scenes, while eighteen counties indicated that significantly less than 50% of their responding agencies conducted these interviews. Of this latter group of eighteen counties, eleven (Barnwell, Beaufort, Calhoun, Jasper, Laurens, Lee, McCormick, Richland, Saluda, Williamsburg, and York) had none of their responding agencies indicate that victim advocates or other dedicated individuals conduct interviews with children at domestic violence incidents.

Survey Question 23

Do domestic violence victims receive follow up care and services through the department's victim advocate?

Of the responding counties, 37 of 46 (80.4%) indicated that all of the agencies responding from within their jurisdictions state that domestic violence victims receive follow-up care and services through the department's victim advocate. Of the other nine counties responding, seven (Dorchester, Florence, Greenville, Laurens, Newberry, Orangeburg, and York) had 50%-83% of their responding agencies indicate that domestic violence victims receive such services through the agency's victim advocate, while two counties (Anderson and Barnwell) indicated that significantly less than 50% of their responding agencies indicate that such follow-up services are provided.

Survey Question 24

Is the victim advocate a law enforcement agency employee or are they contract employees through another entity?

Of the responding counties, 23 (Allendale, Bamberg, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Clarendon, Colleton, Darlington, Hampton, Jasper, Kershaw, Lancaster, Lee, Marion, Marlboro, Oconee, Pickens, Richland, Sumter, and Williamsburg) of 46 (50%) indicated that all of the agencies responding from within their jurisdictions have victim advocates as a law enforcement agency employee. Of the other 23 counties responding, eighteen (Abbeville, Aiken, Anderson, Barnwell, Chesterfield, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Horry,

Lexington, McCormick, Orangeburg, Saluda, and Spartanburg) had 50%-80% of their responding agencies indicate that their agency's victim advocate is an agency employee, while five counties indicated that significantly less than 50% of their responding agencies used victim advocates who were agency employees, with two counties (Laurens and Union) having none of their responding agencies indicating that the victim advocates used by the agencies were agency employees.

Survey Question 25

Is the victim advocate a full time or part time employee?
Of the responding counties, 28 of 46 (60.1%) indicated that all of the agencies responding from within their jurisdictions have victim advocates as full-time employees. Of the other 18 counties responding, sixteen (Aiken, Allendale, Anderson, Bamberg, Chesterfield, Greenville, Horry, Kershaw, Lexington, Marlboro, McCormick, Newberry, Orangeburg, Pickens, Spartanburg, and York) had 50%-89% of their responding agencies indicate that their agency's victim advocate is a full-time employee, while two (Barnwell and Hampton) had less than 50% of their responding agencies with full-time victim advocates.

Survey Question 26

Does the agency collect and retain domestic violence related data?
Of the responding counties, 23 (Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Dillon, Dorchester, Fairfield, Greenville, Greenwood, Laurens, Lee, Marion, Marlboro, Newberry, Oconee, Saluda ,Sumter, and Williamsburg) of 46 (50%) indicated that all of the agencies responding from within their jurisdictions collect and retain domestic violence-related data. Of the other 23 counties responding, nineteen (Allendale, Anderson, Bamberg, Barnwell, Darlington, Edgefield, Florence, Hampton, Horry, Jasper, Kershaw, Lancaster, Lexington, McCormick, Orangeburg, Pickens, Spartanburg, Union, and York) had 50%-83% of their responding agencies indicate that they collect and retain domestic violence data. Four counties (Abbeville, Aiken, Georgetown, and Richland) had significantly less than 50% of their responding agencies indicating that they collect and retain domestic violence data.

Survey Question 27

If "yes" to the previous question, does the agency utilize the data collected to create enforcement and response strategies to reduce domestic violence incidents?
Of the responding counties, only four (Clarendon, Colleton, Fairfield, and Lee) of 46 (8.7%) indicated that all of the agencies responding from within their jurisdictions indicated that they used domestic violence data collected to create enforcement and response strategies to reduce these type incidents. Of the other 42 counties responding, only one (Newberry) had as many as 80% of its agencies using data to create strategy development, while one (Bamberg) had 75% of its agencies using data to create strategy development, and three (Dillon, Hampton, and Union) had 67%. Nine (Allendale, Berkeley, Charleston, Cherokee, Dorchester, Jasper, Marlboro, Saluda, and Sumter) had

50% of their responding agencies indicate that they use this data to develop enforcement and response strategies. The other 28 responding counties had significantly less than 50% of their responding agencies indicating that they utilize collected domestic violence data to create strategy and response development for domestic violence intervention. Twelve counties (Beaufort, Calhoun, Chester, Edgefield, Florence, Kershaw, Lancaster, Marion, McCormick, Oconee, Pickens, and Williamsburg) of this latter group of 28 had none of their responding agencies indicate that they utilize collected domestic violence data to create strategy and response development for domestic violence intervention.

Survey Question 28

Do your officers prosecute their own criminal domestic violence first (CDV 1st) cases?

Of the responding counties, only thirteen (Allendale, Barnwell, Calhoun, Colleton, Darlington, Dillon, Dorchester, Fairfield, Jasper, Kershaw, Lee, Marlboro, and Union) of 46 (28.3%) indicated that all of the agencies responding from within their jurisdictions have their officers prosecute their own domestic violence first (CDV 1st) cases. Of the other 33 counties responding, 22 (Abbeville, Aiken, Anderson, Beaufort, Cherokee, Chesterfield, Florence, Greenville, Greenwood, Hampton, Lancaster, Laurens, Lexington, Marion, McCormick, Newberry, Orangeburg, Pickens, Richland, Spartanburg, Sumter, and York) had 50%-89% of their responding agencies indicate that they have their officers prosecute their own domestic violence first cases. Eleven counties (Bamberg, Berkeley, Charleston, Chester, Clarendon, Edgefield, Georgetown, Horry, Oconee, Saluda, and York) had significantly less than 50% of their responding agencies indicating that they have their officers prosecute their own criminal domestic violence first offense cases, while eight of these counties (Berkeley, Charleston, Chester, Clarendon, Edgefield, Oconee, Saluda, and Williamsburg) had no responding agencies indicate that they do so.

Survey Question 29

If "yes" to previous question, are officers allowed by the summary court to prosecute their criminal domestic violence first (CDV 1st) cases if victims fail to appear or refuse to testify?

It should be noted that only 38 counties responded to this question, since response was contingent upon the response to Survey Question 28. Of the responding counties, 24 (Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Calhoun, Cherokee, Chesterfield, Colleton, Darlington, Dillon, Dorchester, Fairfield, Georgetown, Greenville, Greenwood, Lancaster, Lee, Marion, Marlboro, Pickens, Sumter, and York) of 38 (63.2%) indicated that, within all of the agencies responding from within their jurisdictions, their officers are allowed by the summary court to prosecute their CDV 1st cases if victims fail to appear or refuse to testify. Of the other fourteen counties responding, ten (Florence, Hampton, Horry, Kershaw, Lexington, McCormick, Newberry, Orangeburg, Spartanburg, and Union) had 50%-86% of their responding agencies indicate that their officers are allowed to prosecute the domestic violence first cases if victims fail to appear or refuse to testify, while four counties (Aiken, Jasper, Laurens, and Richland) had significantly less than 50% of their responding agencies

indicating that their officers are allowed to prosecute these case in the absence of the victim or the refusal of the victim to testify, with one of these counties (Jasper) having no responding agencies indicating that they are allowed to do so.

Data Analysis by County - Summary

The county data above seem to be consistent with the overall statewide picture painted in the first portion of this document's analysis. There appears to be such great variety in the way that counties and agencies within counties respond to the crime of domestic violence, that it is difficult to assess which counties are doing well in addressing the problem, and which are not. Certainly county, municipal, and even state law enforcement agencies have challenges relative to financial and human resources, training issues, proper utilization of personnel, standardization of protocols, adoption of best practices, adoption of evidence-based practices, and in processing domestic violence criminals from the arrest phase to a reasonable and just adjudication.

The above being said, it should be noted that the survey clearly indicates that there are positive interventions and responses to criminal domestic violence occurring in each county of the state. However, if more uniformity of intervention/response can be achieved, this would certainly improve the overall state response to this criminal activity.

Also, in terms of assessing the implementation of "best practices" relative to criminal domestic violence in the state from the survey itself, it should be noted that most of the questions designed for law enforcement were written in such a way that a "yes" response would indicate possible "best practice" in terms of addressing domestic violence issues. Questions 3-10, 12-23, 26-27, and 29 fall into that category. However, two questions, Questions 11 and 28, appear to indicate that a "no" response may be "best practice." Question 11 asks if an agency has a policy that allows a domestic violence victim to complete or submit a statement indicating that they do not want a case prosecuted. A negative answer to this question may be "best practice," since many victims endure and develop a never-ending cycle of bizarre dependency on domestic violence situations and the abusers themselves. The absence of a policy might ensure that legitimate cases have a chance to be tried and adjudicated without allowing for victims to be negatively persuaded by their abusers or by their own established dependency on a negative environment. Also, Question 28 asks if agencies allow their officers to prosecute domestic violence first offense cases. While law enforcement officers do an admirable job of prosecuting cases in summary courts in the state (i.e., DUI cases, domestic violence, etc.), it is not considered "best practice" for this to occur for a number of reasons, the greatest of which is the possibility of having to prosecute cases against seasoned defense attorneys before judges who may have no more than a high school education. Therefore, for these two questions, "no" responses would be considered "best practice."

Additionally, there are two questions, Questions 24 and 25, which ask if victim advocates are agency employees or non-agency employees and if they are full-time or part-time. For the sake of "best practice" determination it would seem logical that victim advocates should be full-time agency employees. Additionally, a non-response to Question 29 would also be considered "best practice," since response was required only if answering "yes" to Question 28. It has already been established above that "best practice" would call for a "no" answer to Question 28.

Conclusions

The two survey instruments utilized for this study are by no means perfect vehicles for attempting to establish the "state of the state" in terms of criminal domestic violence issues facing the great state of South Carolina. However, the surveys do seem to paint some very clear pictures regarding the good things that are happening around the state and the gaps that may exist in the state's response to criminal domestic violence, particularly in terms of agency policy, training, protocols, on-scene response, expanded utilization of victim advocates, prosecution, and data collection/utilization. Therefore, it is clearly beneficial to study and analyze the information that has been collected through the two surveys. The patterns that emerge may give guidance to and inform the improving of criminal domestic violence response in the state.

It should be acknowledged that, by any standards, the response to the surveys was outstanding, particularly in terms of 100% of the county law enforcement agencies responding to the survey instrument. This response in itself may be a definite sign that law enforcement agencies and 911 Call Centers are eager to move South Carolina off of the top of the national list relative to the occurrence of criminal domestic violence.

The gaps observed in the survey responses are obvious at both the state and county levels. Lack of uniformity in the use of protocols/checklists, failure to adequately access training opportunities relative to on-scene response and prosecution issues, and the lack of use of data to inform policy development and strategies/responses to criminal domestic violence are all clear areas in which improvement can be made. Some of the inconsistencies/gaps are due to the nature of certain agencies and their assigned disciplines. Some state agencies, such as the SC Department of Probation, Parole, and Pardon Services are not tasked with responding to active domestic violence incidents. Additionally, agencies such as the SC Department of Public Safety's Highway Patrol Division and the SC Department of Mental Health's law enforcement division have very defined areas of responsibility that may not often lead to direct response to domestic violence calls. Other factors contributing to inconsistencies/gaps are agency size, budget, number of personnel, and the availability of resources. These factors can vary from region to region of the state and from counties to municipalities. Among agencies of similar duties and responsibilities, there can be significant differences in responses to similar issues.

It should be noted, though, that of benefit to South Carolina is the existence of a centralized law enforcement training academy. The size of our state contributes to South Carolina being able to operate and sustain such an academy where there is consistency of information, standards, and performance training. Law enforcement officers in general start off on a solid foundation,

attending a twelve-week Basic Law Enforcement (BLE) curriculum. The centralization of this training allows for every law enforcement officer in South Carolina to receive the exact same training regardless of the agency or the specific duties thereof. With regard to domestic violence training while attending the twelve-week BLE curriculum, the South Carolina Criminal Justice Academy has an extensive and comprehensive program, totaling almost 80 instructional hours, that addresses issues such as statutes, law enforcement response, interviewing, investigation, victim services and prosecution. A recent review of the Academy's curriculum by the South Carolina House of Representatives Domestic Violence Reform Committee indicated a highly favorable assessment of the high standards and best practices which the Academy promotes.

South Carolina is unique in that most states do not utilize a centralized academy system and location. Centralized training is found in other states, and the training is standardized; however, large states often utilize multiple training locations spread statewide to accommodate training needs. Other states rely on community college systems to provide prospective officers an opportunity to obtain law enforcement certification. Those certification programs can be diverse in their materials and training and may lead to inconsistency among those graduates hired as officers. South Carolina clearly has an advantage in the way law enforcement training is delivered, and this can be one avenue through which to address the gaps that exist in our state relative to dealing with criminal domestic violence.

This report is the beginning of much discussion regarding paths that may be taken to improve domestic violence in South Carolina. The Law Enforcement Sub-Committee of the Governor's Domestic Violence Task Force looks forward to further analysis, study, dialogue, and planning as we seek to move this state forward and make it a safer place in which to live and move about for all its citizens and visitors. The Sub-Committee is excited about the prospect of developing plans and making recommendations which will serve the overall public good in our state.

REPORT OF THE

PROSECUTORS WORKING GROUP

OF THE

CRIMINAL JUSTICE DIVISION

OF THE

GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

TABLE OF CONTENTS

OPERATIONS AND LOGISTICS ..... PAGE 148

PARTICIPATING MEMBERS ..... PAGE 148

OVERVIEW OF DATA COLLECTION PROCESS ..... PAGE 149

DATA ANALYSIS AND CONCLUSIONS ..... PAGE 149

CONCLUSION ..... PAGE 152

ATTACHMENTS:

VICTIMIZATION RATES ..... PAGE 153

DOMESTIC VIOLENCE CHECKLIST ..... PAGE 158

SURVEY RESULTS ..... PAGE 160

DOMESTIC VIOLENCE SURVEY ..... PAGE 168

TASK FORCE AGENDA ..... PAGE 172

Domestic Violence Task Force – Working Group Information Summaries

Operations and Logistics:

- Name or Focus Area of the Working Group; **Prosecutors Working Group**

- Name, title, and organization of Chair or Co-Chairs, if applicable; **14th Circuit Solicitor Duffie Stone**

- List of all Participating Members and/or Staff, including names, titles, and organizations;

  SCCPC Executive Director David Ross, 3rd Circuit Assistant Solicitor Margaret Held, 13th Circuit Assistant Solicitor William Timmons, 12th Circuit Assistant Solicitor Catherine Wyse, Assistant Attorney General Megan Grisham, Deputy Attorney General Heather Weiss, Taineshia Brooks (Administrative Coordinator-S.C. Department of Alcohol and Other Drug Abuse), Jan Nobles (Victim Advocate-City of Columbia), Charles Bradberry (Director of Research and Statistics-S.C. Department of Corrections).

- Number of Meetings, including the length of each meeting in hours/minutes; **The Prosecutors Working Group had a meeting on March, 10, 2015 that lasted approximately 2 hours.**

- Number and Location of Public Hearings, including the length of each hearing in hours/minutes and the number of speakers; **No Public Hearings**

- Include separate attachments of meeting agendas and minutes/notes, if applicable, for every Meeting and/or Public Hearing. **See Attached**

Overview of the Data Collection Process:

- Short Summary of Goals and Objectives – i.e. What were the major goals or objectives the Working Group was trying to accomplish? What is the Task Force's data need that the Working Group was trying to fulfill?

- Description of Data Collection Methodology – i.e. What kind of data was collected? How was the data collected? Who or what entities were sampled and how many? Was data collected from every county? If not, explain.

- Credibility of Findings and Problems with Incomplete Data – i.e. Why does the Working Group trust or not trust the data? What holes or gaps still exist in the data, if any? What other challenges affected the outcome and integrity of the Working Group's data collection and analysis?

- Lessons Learned and Challenges Ahead – i.e. What overall lessons did the Working Group take away from the data collection and analysis process? From beginning to end, what surprised the Working Group the most about the data results? What challenges still remain for the Working Group's focus area of domestic violence related data collection?

- Include separate attachments of written surveys/questionnaires, if applicable.

Data Analysis and Conclusions:

- Analysis – Provide analyzed data showing trends, ratios, geographic, or demographic information including visuals in the form of charts, graphs, or maps. Qualitative data should also be presented in an analyzed or summarized form, such as bullets or flow charts. Raw data may be included on a limited basis.

- Conclusions – Based on the analysis, what conclusions can be drawn? Specifically, what conclusions can be drawn about domestic violence in South Carolina in reference to your Working Group's focus area?

Overview

The prosecution subcommittee's objective is to identify and recommend methods of reducing South Carolina's domestic violence through the criminal justice system. Although there is an abundance of anecdotal and empirical data on the subject of domestic violence, there is little hard data as to the means of its effective reduction.

Domestic Violence Trends

The Department of Public Safety and the South Carolina Department of Corrections provided the subcommittee with comprehensive domestic violence information from all 46 counties from 2004 to 2012. Thus we are able to analyze where and if domestic violence has trended upward over time. Likewise, we can analyze any downward trends. Comparing that information to local efforts aimed at curbing domestic violence, we hope to determine which policies were effective.

Domestic Violence Prosecution Procedures

Domestic violence first-offense cases are prosecuted in various ways throughout the state. Some are in municipal court, others in magistrate's court and some partially in general sessions. On this level there is no uniformity. Prosecutors can be an attorney general, a solicitor, a private attorney, a special prosecutor or the arresting officer. For second- offense cases and other domestic violence-related crimes, the jurisdiction is always general sessions court. To analyze the different procedures for handling first-offense domestic violence cases, the subcommittee developed a survey and sent it to each of the state's 16 solicitors.

The survey is attached to this report along with a grid indicating responses received to date. The grid will be updated as additional information becomes available.

Evidence Checklist

The subcommittee also wants to review what evidentiary elements, if any, are common to successful domestic violence prosecutions. For the purpose of analysis, success is defined as any outcome other than a dismissal, a not-guilty verdict, directed verdict of not guilty or a nolle prose. The subcommittee circulated a case checklist to be filled out on all degrees of domestic violence cases. This checklist includes references to both physical and testimonial evidence. The checklist is attached.

The checklist will be filled out on disposed cases from April 1 to June 30, 2015. Responses will be organized into two categories, successful and non-successful prosecutions. The subcommittee will analyze the checklists to determine common factors.

Sentences for domestic violence offenders

The committee is also interested in the sentencing of convicted domestic violence offenders. Each checklist has a section addressing sentencing.

Sentencing questions apply to both magistrate level and general sessions level cases.

Recidivism

Finally, in order to properly assess the effectiveness of programs and approaches used throughout the state, we must know the recidivism rate for offenders whose cases were handled either in the courts or in deferral programs. In order to establish recidivism rates, criminal records checks must be run on offenders who have been through batterers programs, probation, jail or prison sentences, or been fined or found not guilty. The subcommittee hopes to develop

an efficient procedure for gathering this data.

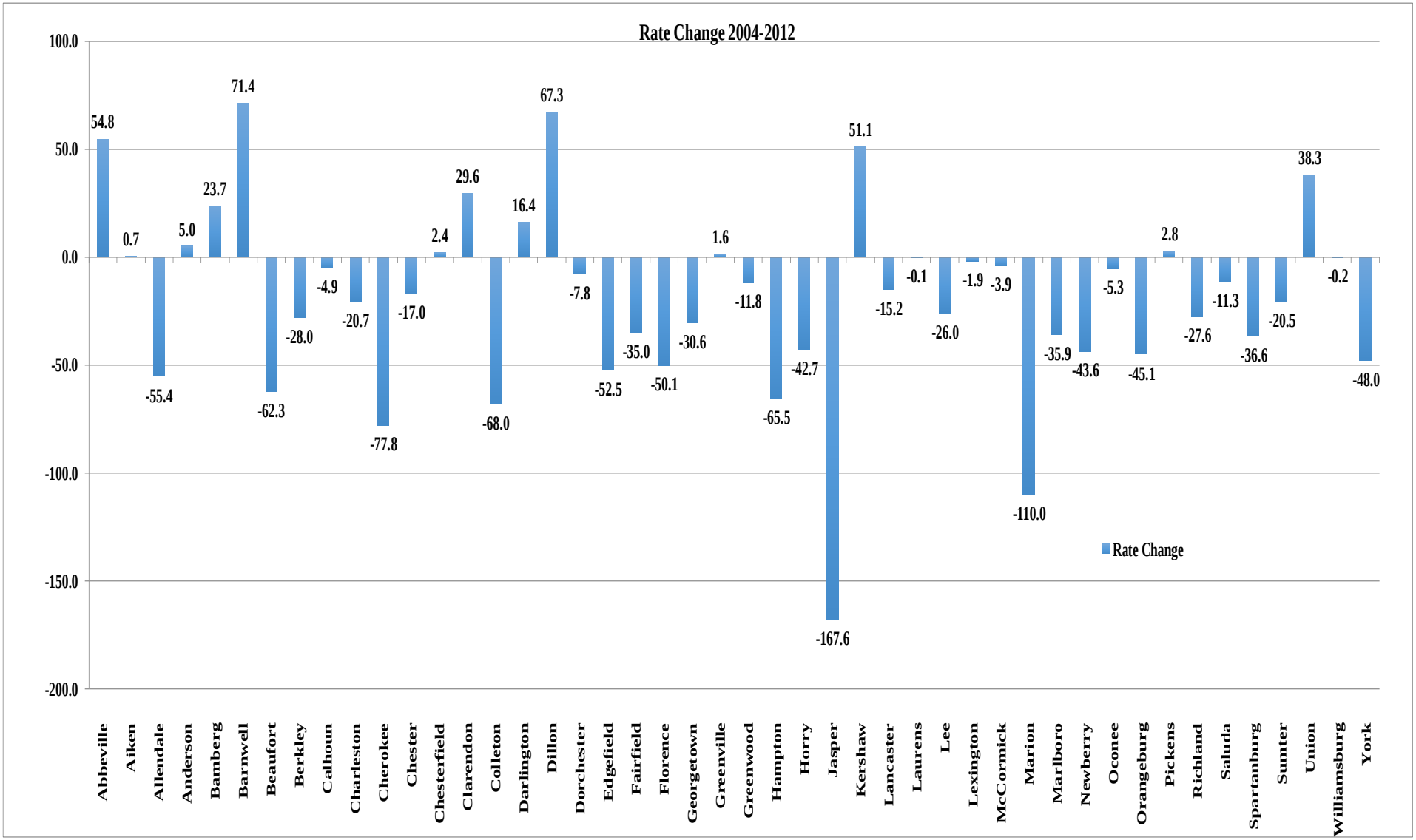
Conclusion

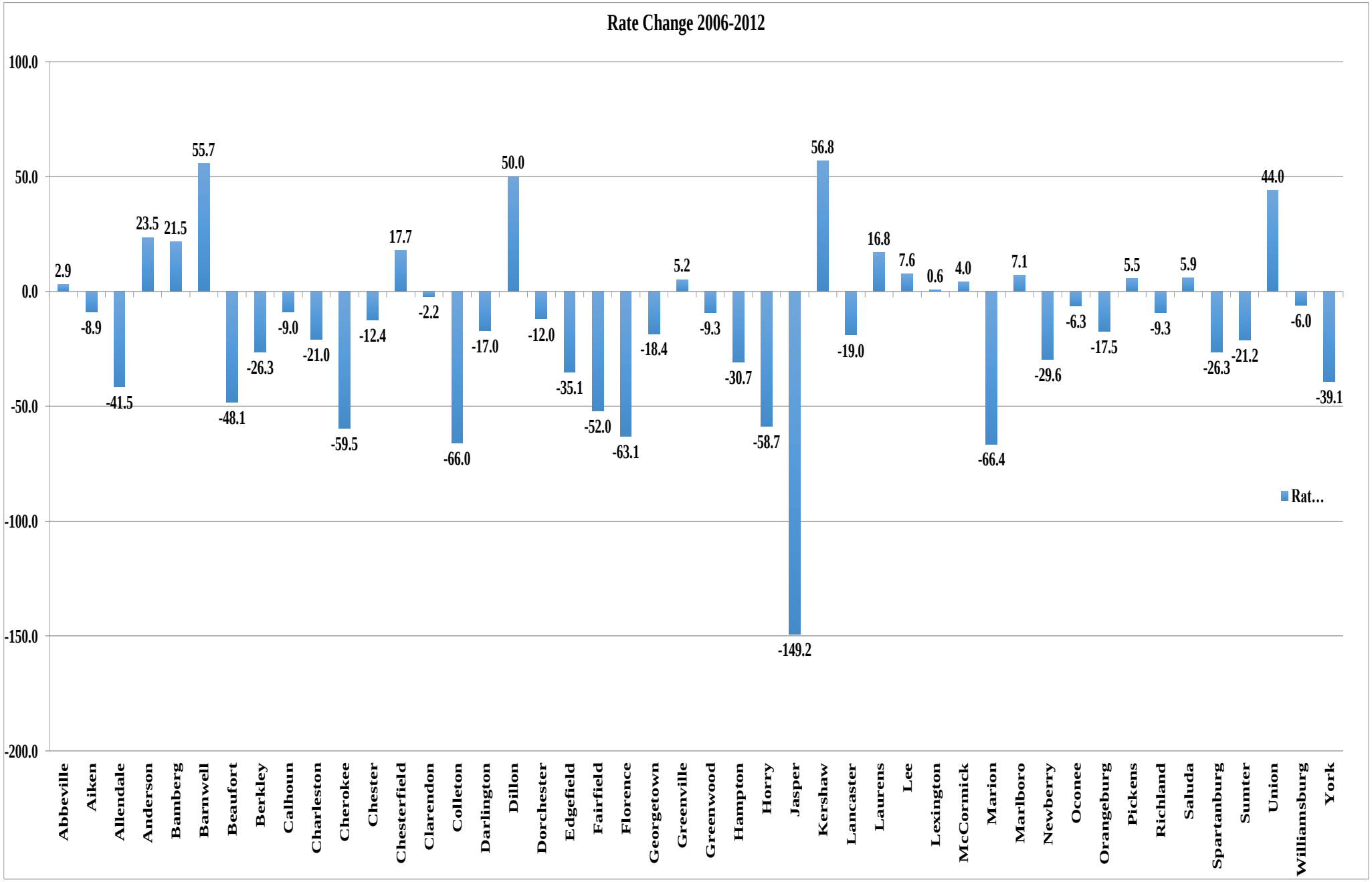
The data gathered for this report should provide useful correlations between approaches taken to address domestic violence and those counties that have successfully reduced the rate of domestic violence. At this point we do not know what conclusions can be drawn. We must gather all of the evidentiary and procedural information and compare it to the individual counties before we can make any evidence-based observations. This will take at least three more months as the surveys will not be complete until June 30.

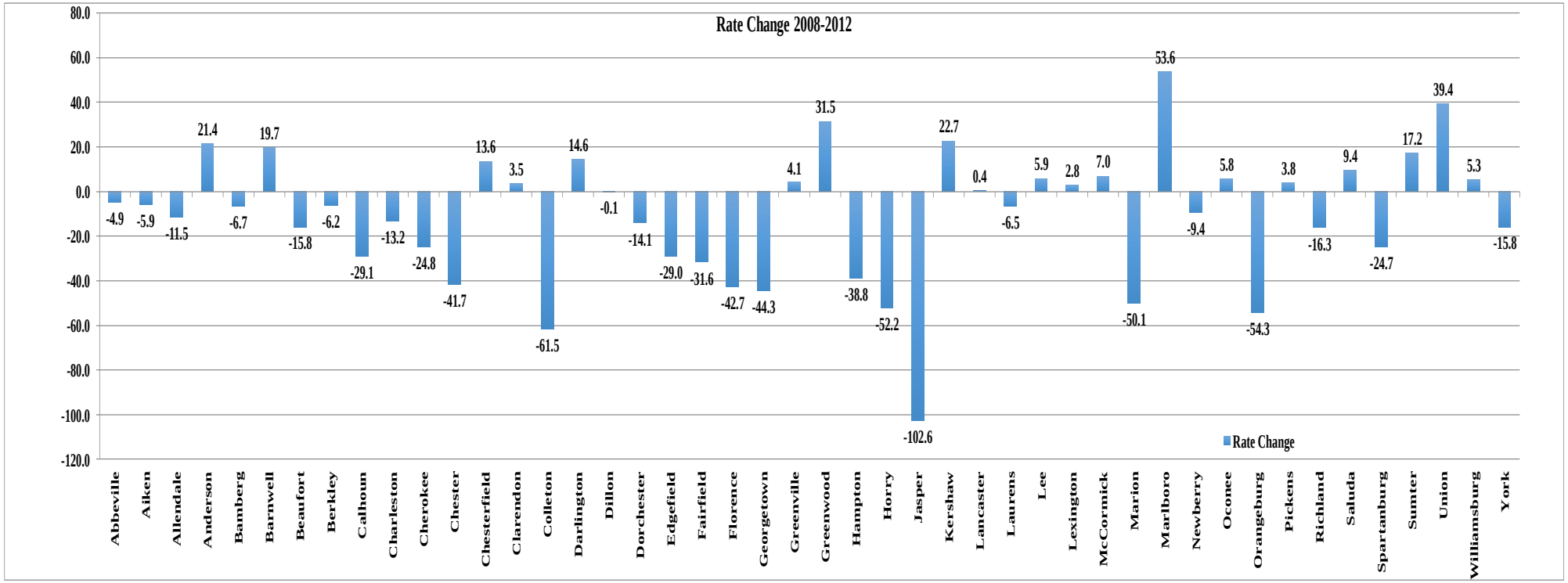
Victimization Rates

COUNTY	2012 DV Victimization Rate	2012 DV Victimization Rank	2011 DV Victim Rate	2011 DV Victim Rank	2010 DV Victim Rate	2010 DV Victim Rank	2009 DV Victim Rate	2009 DV Victim Rank	2008 DV Victim Rate	2008 DV Victim Rank	2007 DV Victim Rate	2007 DV Victim Rank	2006 DV Victim Rate	2006 DV Victim Rank	2005 DV Victim Rate	2005 DV Victim Rank	2004 DV Victim Rate	2004 DV Victim Rank	1999 DV Victim Rate	1999 DV Victim Rank
Abbeville	83.3	38	66.0	44	73	41	82.9	38	88.2	38	88.4	38	80.4	43	89.6	44	28.5	46	161.1	15
Aiken	91.3	33	89.6	34	92.8	33	95.8	33	97.2	34	97.2	36	100.2	32	120.1	35	90.6	37	105.2	34
Allendale	87.1	37	101.2	28	114	20	98.1	31	98.6	32	127.2	23	128.6	20	151	21	142.5	19	104.4	35
Anderson	147.1	8	149.7	9	142.9	13	136.3	14	125.7	21	130.4	21	123.6	24	168.9	17	142.1	20	162.6	14
Bamberg	114.2	18	106.4	23	139.6	14	151.3	12	120.9	22	114.5	27	92.7	35	104.3	41	90.5	38	84	43
Barnwell	197.2	2	177.1	6	167.6	6	167.9	11	177.5	6	154.2	12	141.5	17	174	15	125.8	23	143.6	22
Beaufort	103.8	24	101.6	27	114.9	19	119.9	21	119.6	23	133.7	20	151.9	12	197.7	9	166.1	11	149.2	19
Berkley	97.7	29	114.0	20	109.2	23	121.2	20	103.9	27	113.7	28	124	22	145.9	25	125.7	24	137.7	26
Calhoun	105.3	23	132.1	14	93.8	31	117	23	134.4	18	145.1	15	114.3	27	140	29	110.2	28	131.7	27
Charleston	88	35	96.6	30	100.1	26	103.5	27	101.2	30	112.7	29	109	29	140.1	28	108.7	29	142.7	24
Cherokee	78.9	39	76.5	41	67.7	42	79.1	42	103.7	28	128.5	22	138.4	18	181.3	13	156.7	14	143.1	23
Chester	153.3	6	178.9	5	166.4	8	200.2	1	195	2	167.3	9	165.7	9	159.6	20	170.3	7	179.4	8
Chesterfield	101.5	27	102.2	26	106.9	25	117.8	22	87.9	39	101.7	33	83.8	39	125.8	32	99.1	33	127	28
Clarendon	143.8	9	132.5	13	128.8	16	131.6	16	140.3	16	137.7	18	146	15	150.1	22	114.2	27	119.4	30
Colleton	138.7	10	185.7	2	181.7	2	182.4	6	200.2	1	209.4	1	204.7	3	242.8	5	206.7	5	240.6	3
Darlington	183.6	4	179.8	4	158.8	11	177.4	7	169	8	178.1	5	200.6	4	250.5	4	167.2	9	126.5	29
Dillon	153	7	162.5	8	183.6	1	195.1	2	153.1	12	159.1	10	103	30	124.8	34	85.7	40	178.1	9
Dorchester	111.9	20	107.1	21	126.7	17	122.4	18	126	20	124.9	26	123.9	23	149.2	24	119.7	26	147.8	20
Edgefield	52	46	68.6	42	60.1	44	70.3	44	81	43	73	43	87.1	38	132.4	31	104.5	30	163	12
Fairfield	131.8	13	132.8	12	167.1	7	171.4	8	163.4	10	158.5	11	183.8	7	231	6	166.8	10	262.8	2
Florence	102.5	25	117.5	19	110.7	21	121.6	19	145.2	13	168.2	8	165.6	10	188.4	11	152.6	16	150.6	18
Georgetown	100.4	28	127.4	16	133.2	15	130	17	144.7	14	140.4	16	118.8	26	149.7	23	131	22	163	13
Greenville	93.5	31	94.7	31	89.3	36	92.6	35	89.4	37	87.5	39	88.3	37	116.3	37	91.9	36	93.7	40
Greenwood	**211.5**	**1**	**195.7**	**1**	**179.1**	**3**	**184.6**	**5**	**180**	**5**	**199.3**	**3**	**220.8**	**1**	**290.1**	**1**	**223.3**	**4**	**275.8**	**1**
Hampton	96	30	105.2	24	110.6	22	74.7	43	134.8	17	125.2	25	126.7	21	145.8	26	161.5	13	111	32
Horry	110.9	21	129.8	15	151.5	12	135.6	15	163.1	11	170.8	7	169.6	8	178.7	14	153.6	15	211.6	5
Jasper	66.2	44	86.9	39	92.2	35	136.5	13	168.8	9	178.5	4	215.4	2	280.3	2	233.8	2	183.1	7
Kershaw	112.9	19	106.6	22	92.5	34	106.6	26	90.2	36	71.4	45	56.1	46	64.7	46	61.8	45	97	38
Lancaster	110.1	22	94.5	32	95.5	28	113.5	24	109.7	25	126.9	24	129.1	19	166.6	18	125.3	25	155.9	16
Laurens	168.2	5	184.7	3	174.5	4	170.5	9	174.7	7	137.2	19	151.4	13	202.1	8	168.3	8	171.1	11
Lee	119.5	16	92.7	33	107.8	24	94.3	34	113.6	24	105.9	32	111.9	28	142	27	145.5	17	147.8	21
Lexington	101.6	26	100.9	29	95.2	29	101.9	28	98.8	31	112.3	30	101	31	119.1	36	103.5	31	111.1	31
McCormick	68.4	42	53.8	46	54.7	45	48.3	46	61.4	45	72.5	44	64.4	44	82	45	72.3	44	106.3	33
Marion	131.9	12	148.0	10	169.8	5	187.9	3	182	4	200.4	2	198.3	5	230.2	7	241.9	1	142	25
Marlboro	194	3	164.9	7	163.4	9	168.2	10	140.4	15	138.4	17	186.9	6	266.4	3	229.9	3	215.9	4
Newberry	92.1	32	87.0	38	99.2	27	98.5	30	101.5	29	112.2	31	121.7	25	166.4	19	135.7	21	92.2	41
Oconee	75.7	40	87.6	37	80.4	40	82.6	39	69.9	44	83.9	41	82	41	103.4	42	81	42	89.9	42
Orangeburg	131.6	14	144.2	11	160.8	10	186.3	4	185.9	3	174.3	6	149.1	14	194.8	10	176.7	6	207.3	6
Pickens	88.1	34	88.0	35	87.3	38	83.7	37	84.3	41	100.9	34	82.6	40	113.4	38	85.3	41	94.4	39
Richland	71.2	41	86.3	40	88.9	37	98	32	87.5	40	87.4	40	80.5	42	107	39	98.8	34	101	36
Saluda	67.4	43	66.9	43	47.2	46	58.1	45	58	46	62.6	46	61.5	45	105.5	40	78.7	43	97.1	37
Spartanburg	65.9	45	62.1	45	66	43	88.1	36	90.6	35	96.3	37	92.2	36	97.7	43	102.5	32	172	10
Sumter	124.3	15	104.8	25	94.7	30	101.1	29	107.1	26	153.9	13	145.5	16	170.3	16	144.8	18	77.2	44
Union	137	11	124.5	17	93.4	32	79.7	41	97.6	33	100	35	93	34	125	33	98.7	35	60.2	45
Williamsburg	87.4	36	87.7	36	85	39	79.8	40	82.1	42	80.3	42	93.4	33	133.7	30	87.6	39	45.1	46
York	117.1	17	123.7	18	122.5	18	110.2	25	132.9	19	145.4	14	156.2	11	184.1	12	165.1	12	154.8	17

Source: Department of Public Safety reports entitled, "The Rule of Thumb: A Five Year Overview of Domestic Violence in South Carolina," which is located at: http://www.scdps.gov/ohsjp/stats/DomesticViolence/index_CDVinSC.html


Rate Change 2004-2012
100.0
50.0
0.0
-50.0
-100.0
-150.0
-200.0
54.8
0.7
-55.4
5.0
23.7
71.4
-62.3
-28.0
-4.9
-20.7
-77.8
-17.0
2.4
29.6
-68.0
16.4
67.3
-7.8
-52.5
-35.0
-50.1
-30.6
1.6
-11.8
-65.5
-42.7
-167.6
51.1
-15.2
-0.1
-26.0
-1.9
-3.9
-110.0
-35.9
-43.6
-5.3
-45.1
2.8
-27.6
-11.3
-36.6
-20.5
38.3
-0.2
-48.0
Rate Change
Abbeville
Aiken
Allendale
Anderson
Bamberg
Barnwell
Beaufort
Berkley
Calhoun
Charleston
Cherokee
Chester
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Fairfield
Florence
Georgetown
Greenville
Greenwood
Hampton
Horry
Jasper
Kershaw
Lancaster
Laurens
Lee
Lexington
McCormick
Marion
Marlboro
Newberry
Oconee
Orangeburg
Pickens
Richland
Saluda
Spartanburg
Sumter
Union
Williamsburg
York


Rate Change 2006-2012
100.0
50.0
0.0
-50.0
-100.0
-150.0
-200.0
2.9
-8.9
-41.5
23.5
21.5
55.7
-48.1
-26.3
-9.0
-21.0
-59.5
-12.4
17.7
-2.2
-66.0
-17.0
50.0
-12.0
-35.1
-52.0
-63.1
-18.4
5.2
-9.3
-30.7
-58.7
-149.2
56.8
-19.0
16.8
7.6
0.6
4.0
-66.4
7.1
-29.6
-6.3
-17.5
5.5
-9.3
5.9
-26.3
-21.2
44.0
-6.0
-39.1
Rat...
Abbeville
Aiken
Allendale
Anderson
Bamberg
Barnwell
Beaufort
Berkley
Calhoun
Charleston
Cherokee
Chester
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Fairfield
Florence
Georgetown
Greenville
Greenwood
Hampton
Horry
Jasper
Kershaw
Lancaster
Laurens
Lee
Lexington
McCormick
Marion
Marlboro
Newberry
Oconee
Orangeburg
Pickens
Richland
Saluda
Spartanburg
Sumter
Union
Williamsburg
York


Rate Change 2008-2012
80.0
60.0
40.0
20.0
0.0
-20.0
-40.0
-60.0
-80.0
-100.0
-120.0
Rate Change
Abbeville -4.9
Aiken -5.9
Allendale -11.5
Anderson 21.4
Bamberg -6.7
Barnwell 19.7
Beaufort -15.8
Berkley -6.2
Calhoun -29.1
Charleston -13.2
Cherokee -24.8
Chester -41.7
Chesterfield 13.6
Clarendon 3.5
Colleton -61.5
Darlington 14.6
Dillon -0.1
Dorchester -14.1
Edgefield -29.0
Fairfield -31.6
Florence -42.7
Georgetown -44.3
Greenville 4.1
Greenwood 31.5
Hampton -38.8
Horry -52.2
Jasper -102.6
Kershaw 22.7
Lancaster 0.4
Laurens -6.5
Lee 5.9
Lexington 2.8
McCormick 7.0
Marion -50.1
Marlboro 53.6
Newberry -9.4
Oconee 5.8
Orangeburg -54.3
Pickens 3.8
Richland -16.3
Saluda 9.4
Spartanburg -24.7
Sumter 17.2
Union 39.4
Williamsburg 5.3
York -15.8

Domestic Violence Checklist

Domestic Violence 1st Offense Procedural Checklist
(Check all that apply)

County/City_____

Prosecuted by:

- □ Attorney General/Solicitor
  □ Trial □ Bench □ Plea
- □ Special Prosecutor/Private Attorney
  □ Trial □ Bench □ Plea
- □ Law Enforcement Officer
  □ Trial □ Bench □ Plea

Court:

- □ Transfer Court
  □ Trial □ Bench □ Plea
- □ Specialized CDV Court
  □ Trial □ Bench □ Plea
- □ Hybrid CDV Court/General Sessions
  □ Trial □ Bench □ Plea
- □ Magistrate/Municipal Court
  □ Trial □ Bench □ Plea

Specific Issues:

Can a subpoena be issued for in county witnesses: □ yes □ no
Can a subpoena be issued for out of county witnesses: □ yes □ no
Can a Bench Warrant be issued for Defendant: □ yes □ no

Other: _____

_____

Survey Results

PROCEDURAL SURVEY RESULTS ON 1ST OFFENSE CDV FOR GOVERNOR'S DOMESTIC VIOLENCE TASK FORCE

Circuit	County	City	1st Offense CDV Prosecuted By *KEY: P = Attorney General/Solicitor/City Prosecutor; SP = Special Prosecutor/Private Attorney; L = Law Enforcement Officer*									1st Offense CDV Prosecuted In *KEY: T= Transfer Court; DV = Specialized CDV Court; M = Magistrate or Municipal Court; H = Hybrid CDV Court/General Sessions*												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
1																														
	Calhoun				X			X			X				X				X				X	X		X		X		
		St. Matthews			X			X			X				X				X				X	X		X		X		
	Dorchester				X			X			X		X				X				X			X		X		X		
		Summerville		X				X			X		X				X				X			X		X		X		
	Orangeburg		X			X			X						X		X		M		X		M	X		X	X	X	X	
		Orangeburg	X	X		X	X		X	X			X				X				X		X	X		X	X	X	X	
2																														
	Aiken		X			X			X						X		X				X			X			X	X		
		Aiken	X			X			X						X				X				X	X			X	X		
		Burnettown			X			X			X				X				X				X	X			X	X		
		N. Augusta	X			X			X						X				X				X	X			X	X		
	Bamberg		X	X		X			X					X	X		X	X			X	X		X			X	X	X	Magistrate has centralized CDV Court for county cases & city cases from Bamberg PD, Denmark, Olar and Ernardt
		Bamberg	X	X		X			X						X		X				X			X			X		X	
		Denmark	X	X		X			X						X		X				X			X			X		X	
		Ernardt	X	X		X			X						X		X				X			X			X			
		Olar	X	X		X			X						X		X				X			X			X		X	
	Barnwell				X			X			X				X				X				X	X			X	X		
3																														Is able to subpoena LEOs who have moved within the state to other LEAs; not able to get subpoenas for other out-of-county witnesses; city cases handled in magistrate
	Clarendon		X			X			X															X		X	X	X		
	Lee		X			X			X						X				X				X	X		X	X	X		
		Bishopville	X			X			X						X				X				X	X		X	X	X		
		Lynchburg	X			X			X						X				X				X	X		X	X	X		
	Sumter		X			X			X						X				X				X	X		X	X	X		
		Sumter	X			X			X						X				X				X	X		X	X	X		

Circuit	County	City	1st Offense CDV Prosecuted BY KEY: P = Attorney General/Solicitor/City Prosecutor SP = Special Prosecutor/Private Attorney L = Law Enforcement Officer									1st Offense CDV Prosecuted IN KEY: T= Transfer Court DV = Specialized CDV Court M = Magistrate or Municipal Court H = Hybrid CDV Court/General Sessions												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
	Williamsburg		X			X			X						X				X				X	X		X	X	X		court with county cases
		Hemingway	X			X			X						X				X				X	X		X	X	X		
		Kingstree	X			X			X						X				X				X	X		X	X	X		
4																														
	Chesterfield		X			X			X				X				X				X			X			X	X		
	Darlington				X			X			X		X				X				X			X			X	X		
	Dillon		X			X			X				X				X				X			X			X	X		
	Marlboro		X			X			X				X				X				X			X			X	X		
		Bennettsville	X			X			X				X				X				X			X			X	X		
5																														
	Kershaw		X			X			X						X				X				X		X		X		X	
		Bethune			X			X			X				X				X				X							
		Camden		X				X			X				X				X				X		X		X		X	
		Elgin			X			X			X				X				X				X							
	Richland		X			X			X				X				X			X	X	X		X			X	X		
		Columbia	X			X			X				X				X			X	X	X		X			X	X		
6																														
	Chester		X	X		X	X		X	X			X		X		X		X		X		X	X		X		X		
		Chester			X			X			X				X				X				X							
	Fairfield		X	X		X	X		X	X			X		X		X		X		X		X	X		X		X		
		Winnsboro	X	X		X	X		X	X			X				X				X			X		X		X		
	Lancaster		X	X		X	X		X	X			X		X		X		X		X		X	X		X		X		
		Lancaster			X			X			X				X				X				X	X		X		X		
7																														
	Cherokee		X		X	X		X	X		X				X				X				X	X			X	X	X	BW for Defendant only if convicted at TIA
	Spartanburg		X			X			X				X		X		X		X	X	X		X	X			X	X	X	
8																														
	Abbeville		X			X		X	X		X				X		X		X		X		X	X			X	X		

Circuit	County	City	1st Offense CDV Prosecuted BY KEY: P = Attorney General / Solicitor / City Prosecutor SP = Special Prosecutor / Private Attorney L = Law Enforcement Officer									1st Offense CDV Prosecuted IN KEY: T = Transfer Court; DV = Specialized CDV Court; M = Magistrate or Municipal Court; H = Hybrid CDV Court / General Sessions												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
		Abbeville			X			X			X				X				X				X	X			X	X		
	Greenwood		X			X		X	X		X				X		X		X		X		X	X			X	X		
		Greenwood		X			X			X					X				X				X	X			X	X		
		96			X			X			X				X				X				X	X			X	X		
	Laurens		X			X		X	X		X				X		X		X		X		X	X			X	X		
		Laurens			X			X			X				X				X				X	X			X	X		
	Newberry		X	X	X	X		X	X		X				X		X		X		X		X	X			X	X	X	
		Newberry			X			X			X				X				X				X	X			X	X		
9																															
	Berkeley		X			X			X				X		X		X		X		X		X	X		X		X		
		Bonneau			X			X			X				X				X				X							
		Goose Creek		X			X			X					X				X				X							
		Hanahan		X			X			X					X				X				X							
		Moncks Crnr			X			X			X				X				X				X							
		St. Stephen			X			X			X				X				X				X							
	Charleston		X			X			X				X				X				X			X		X		X		
		Charleston		X			X			X			X				X				X			X			X	X		
		Folly Beach		X				X			X				X				X				X	X		X		X		
		Isle of Palms		X			X			X					X				X				X	X			X	X		
		N. Charleston		X				X			X				X				X				X	X			X	X		
		Sullivan's Island		X				X			X				X				X				X	X		X		X		
10																															
	Anderson		X			X			X			X		X	X	X		X	X	X		X	X	X		X		X		
		Anderson		X							X				X				X				X	X		X		X		
		Belton		X							X				X				X				X	X		X		X		
		Honea Path		X							X				X				X				X	X		X		X		
		Iva		X							X				X				X				X	X		X		X		
		Pelzer	X						X						X				X				X	X		X		X		

Circuit	County	City	1st Offense CDV Prosecuted BY KEY: P = Attorney General / Solicitor / City Prosecutor SP = Special Prosecutor / Private Attorney L = Law Enforcement Officer									1st Offense CDV Prosecuted IN KEY: T= Transfer Court DV = Specialized CDV Court M = Magistrate or Municipal Court H = Hybrid CDV Court / General Sessions												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
		Pendleton	X						X						X				X				X	X		X		X		
		Starr	X			X			X						X				X				X	X		X		X		
		West Pelzer		X							X				X				X				X	X		X		X		
		Williamston		X							X				X				X				X	X		X		X		
	Oconee		X			X			X			X		X	X	X		X	X	X		X	X	X		X		X		
		Salem	X		X			X			X				X				X				X	X		X		X		
		Seneca	X		X			X			X				X				X				X	X		X		X		
		Walhalla			X			X			X				X				X				X	X		X		X		
		Westminster			X			X			X		X				X				X			X		X		X		Out-of-county subpoenas may be mailed & no enforcement. BW issued for defendant only if in contempt of court.
		West Union			X			X			X				X				X				X	X		X		X		
11																															
	Edgefield		X			X			X						X				X				X	X		X		X		
		Edgefield	X			X			X						X				X				X	X		X		X		
		Johnston	X			X			X						X				X				X	X		X		X		
	Lexington			X			X			X			X		X		X				X			X		X	X	X		
		Batesburg/ Leesville	X					X			X				X				X				X	X		X	X		X	
		Cayce		X				X			X				X				X				X	X		X		X		
		Chapin		X			X			X					X				X				X	X			X	X		
		Gaston	X		X	X		X	X		X				X				X				X	X		X		X		
		Irmo	X					X			X				X				X				X	X		X		X		
		Lexington			X			X			X				X				X				X	X		X		X		
		Pelion			X			X			X				X				X				X	X		X		X		
		Pine Ridge			X			X			X				X				X				X	X		X		X		
		S. Congaree	X					X			X				X				X				X	X		X		X		

Circuit	County	City	1st Offense CDV Prosecuted BY KEY: P = Attorney General/Solicitor/City Prosecutor SP = Special Prosecutor/Private Attorney L = Law Enforcement Officer									1st Offense CDV Prosecuted IN KEY: T= Transfer Court DV = Specialized CDV Court M = Magistrate or Municipal Court H = Hybrid CDV Court/General Sessions												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
		Springdale			X			X			X				X				X				X	X		X		X		
		Swansea			X			X			X				X				X				X	X		X		X		
		W. Columbia		X	X			X			X				X				X				X	X		X	X		X	
	McCormick		X			X			X						X				X				X	X		X		X		
		McCormick	X			X			X						X				X				X	X		X		X		
	Saluda		X			X			X						X				X				X	X		X		X		
		Saluda	X			X			X						X				X				X	X		X		X		
12																														
	Florence		X			X			X				X				X				X			X		X		X		
	Marion		X			X			X				X				X				X			X		X		X		
		Marion			X			X			X				X				X				X							
		Florence		X			X			X					X				X				X	X			X	X		
13																														
	Greenville		X			X			X				X		X		X		X	X	X		X	X			X	X		
		Fountain Inn		X			X	X		X	X				X				X				X	X			X	X		
		Greenville		X			X	X		X	X				X				X				X	X			X	X		
		Greer		X			X	X		X	X				X				X				X	X			X	X		
		Mauldin		X			X	X		X	X				X				X				X	X			X	X		
		Simpsonville		X			X	X		X	X				X				X				X	X			X	X		
		Traveler's Rest		X			X	X		X	X				X				X				X	X			X	X		
	Pickens		X			X			X		X				X				X				X	X			X	X		
		Central	X			X			X		X				X				X				X	X			X	X		
		Easley		X			X			X	X				X				X				X	X			X	X		
		Liberty	X			X			X		X				X				X				X	X			X	X		
		Pickens		X			X			X	X				X				X				X	X			X	X		
		Six Mile									X				X				X				X	X			X	X		
14																														
	Allendale		X			X			X						X				X				X	X						

Circuit	County	City	1st Offense CDV Prosecuted BY *KEY: P = Attorney General / Solicitor / City Prosecutor* *SP = Special Prosecutor / Private Attorney* *L = Law Enforcement Officer*									1st Offense CDV Prosecuted IN *KEY: T= Transfer Court DV = Specialized CDV Court* *M = Magistrate or Municipal Court* *H = Hybrid CDV Court / General Sessions*												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
	Beaufort		X			X			X					X				X				X		X						
		Beaufort	X			X			X						X				X				X	X				X		
	Colleton		X			X			X					X				X				X		X						
	Hampton		X			X			X						X				X				X							
	Jasper		X			X			X					X				X				X		X						
		Bluffton	X	X		X	X		X	X					X				X				X	X						
		Hilton Head	X	X		X		X	X		X				X				X				X	X						
		Port Royal			X			X			X				X				X				X	X						
15																														
	Georgetown		X			X			X			X	X		X	X	X			X	X		X	X		X			X	
		Andrews			X			X			X				X				X				X	X		X		X		
	Horry		X			X			X						X		X				X		X	X		X		X		
		Conway		X						X					X				X				X	X			X	X		
		Myrtle Beach	X			X		X	X						X				X				X	X			X	X		
		N. Myrtle Bch.		X			X			X					X				X				X	X		X		X		
		Surfside		X				X		X					X				X				X	X				X		
16																														
	Union				X			X			X				X				X				X	X			X	X		Court won't issue out-of-county subpoenas because cannot enforce
		Jonesville			X			X			X				X				X				X	X		X		X		Will issue out-of-county subpoenas but cannot enforce them
		Union			X			X			X				X				X				X	X		X		X		
	York		X			X			X						X		X		X		X		X	X		X		X		
		Clover			X			X			X				X				X				X	X		X		X		
		Fort Mill		X				X			X				X				X				X	X		X		X		
		Rock Hill	X			X		X	X						X				X				X	X			X	X		

Circuit	County	City	1st Offense CDV Prosecuted BY KEY: P = Attorney General/Solicitor/City Prosecutor SP = Special Prosecutor/Private Attorney L = Law Enforcement Officer									1st Offense CDV Prosecuted IN KEY: T= Transfer Court DV = Specialized CDV Court M = Magistrate or Municipal Court H = Hybrid CDV Court/General Sessions												Specific Issues						Other
			Jury Trial			Bench Trial			Plea			Jury Trial				Bench Trial				Plea				Subpoena can Issue for In-County Witness		Subpoena can Issue for Out-of-County Witness		BW can be Issued for D		
			P	SP	L	P	SP	L	P	SP	L	T	DV	H	M	T	DV	H	M	T	DV	H	M	Y	N	Y	N	Y	N	
		Tega Cay			X			X			X				X				X				X	X		X		X		
		York		X				X			X				X				X				X							

Domestic Violence Survey

I. Domestic Violence Survey

Defendant: _____
Charge: (cdv1st, 2nd, etc) _____
Additional charges: _____
County/City: _____
Date of incident: _____ Date of arrest: _____ Date of disposition: _____

II. Evidence Checklist (check all that apply)

- □ Victim Cooperation
  - □ Beginning of prosecution
  - □ Conclusion of prosecution
  - □ Drop sheet or affidavit of dismissal signed? What date: _____
  - □ Did victim testify
    - □ For state □ For defense
  - □ Victim statement
    - □ Recorded? If so, please check corresponding box below:
      - □ Written □ Verbal to officer and in report □ Video □ Audio
- □ Third Party Witness
  - □ Statement
  - □ Confirmed name, address
  - □ Telephone number
- □ Child Witnesses Present
  - □ Statement from children
  - □ Written
  - □ DSS called
- □ Defendant's Statement
  - □ Recorded? If so, please check corresponding box below:
    - □ Audio □ Visual □Written
- □ Physical Evidence of injuries
  - □ Photographs
    - □ Victim
      - □ Not available □ Not applicable
    - □ Defendant (for defensive wounds)
      - □ Not available □ Not applicable
  - □ Medical records
    - □ Not Available □ Not applicable
  - □ EMS reports
    - □ Victim □ Defendant
- □ Photos of Scene
- □ Physical evidence from scene
- □ Nature of incident/injuries
  - □ Victim was pregnant at time of incident
  - □ Children present during incident
  - □ Weapons used? What kind: _____
  - □ Strangulation utilized

□ Defendant interfered with victim's ability to call for help

□ Officer audio/video evidence

□ Body Mic □ Body Camera □ Dash cam on

□ 911 Call

□ Defendant's Jail Calls

□ Confession via conversation

□ Threats to victim or others

□ Letters to victim

□ Letters from victim

III. Judicial proceedings (check all that apply)

□ Bond Hearings

□ Were conditions set?

□ No contact □Don't return to Incident location □Electronic Monitoring

□ How was the victim notified of the bond hearing?

□ Phone call □ At scene □ In writing □ Not notified

□ Victim present

□ Order of Protection

□ Granted? What date? _____

□ Who went with victim to proceeding?

□ Private Attorney □ LEVA □ Other _____

□ Court proceedings

□ Were bond conditions violated?

□ Violations presented to court? □ Bond revoked □ Other Repercussion

□ Not presented? Please explain _____

□ How was the victim notified of court appearances?

□ Phone □ Mail □ At the scene by LEO □ Did Victim appear?

□ How was victim notified?

□ Who is present at the court sessions?

□ Counseling representative □PTI representative □ LEO □ Victim Advocate □ Other? Please list _____

IV. Disposition (check all that apply)

□ Not guilty

□ Bench trial

□ Jury Trial

□ Directed verdict

□ Pretrial judicial dismissal

□ Nolle prosse

□ Guilty

□ Bench trial

□ Jury trial

□ Plea (as charged)

□ No contest or *Alford* plea (as charged)

□ Reduction

Sentence:_____

_____

□ PTI
□ Other diversionary adjudication: Please explain briefly

_____

_____

□ Are original sentences enforced when treatment program isn't completed?

Please fill this sheet out to the best of your ability. Any information you provide is incredibly helpful. Thank you for your assistance.

March 10, 2015

Task Force Agenda

South Carolina Domestic Violence Task Force
Criminal Justice Division
Prosecutors Subcommittee Meeting

March 10, 2015
11:00 a.m. – 1:00 p.m.
1st Floor Conference Room, Wade Hampton Building

AGENDA

I. What do successful outcomes have in common? (Success is defined as an outcome other than dismissal, not guilty or nolle prose.)

   a. Evidence
      i. Victim cooperation
      ii. Body microphones or cameras
      iii. Independent Witnesses
      iv. 911 call
      v. Documented injury

   b. Procedure for Criminal Prosecution
      i. Where?
         1. Specialized CDV Court
         2. Hybrid CDV Court/General Sessions
         3. Magistrate Court
      ii. By Whom?
         1. Attorney General/Solicitor
         2. Special Prosecutor/Private Attorney
         3. Police Officer

   c. Procedure for Family Court non-criminal (Is anyone assisting the victim for Orders of Protection etc. in Family Court?)
      i. Attorney General/Solicitor
      ii. Victim Advocate
      iii. Guardian Ad Litum

II. What are the Sentences for the convicted offenders?
   a. Magistrates
   b. CDV Court Judges
   c. Circuit Court Judges

III. What is recidivism rate for outcomes?
    a. Batterers Programs
    b. PTI
    c. Probation
    d. Prison
    e. YOA Sentence
    f. Fine/Time Served
    g. Not Guilty