

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
Jarrold 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 spouses), 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, Chair

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.)