



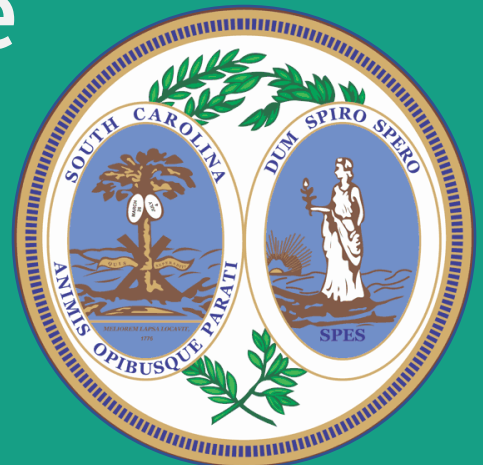
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# S.C. Domestic Violence Advisory Committee

2018 ANNUAL REPORT

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Sara Barber, SCCADVASA Executive Director, Vice Chair

PRESENTED TO:  
Governor Henry McMaster  
S.C. General Assembly



## S.C. Domestic Violence Advisory Committee

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## Introduction

For as long as the Washington, D.C.-based Violence Policy Center has issued an annual report on the rate of women murdered by men, South Carolina has ranked among the 10 worst U.S. states. In fact, as recently as 2015, the Palmetto State topped this ignominious list.

As it did in 2013. And in 2003. And 2000.

Much has taken place in recent years to combat domestic violence in South Carolina. In 2015, then-Governor Nikki Haley formed a Domestic Violence Task Force, which worked to raise awareness, forge cooperation across disciplines and advocate policies that promote the safety of vulnerable populations. The General Assembly passed the Domestic Violence Act of 2015, an overhaul that increased penalties for offenders. It included a mandatory lifetime ban on gun possession for those convicted of domestic violence of a high and aggravated nature.

This work has not been without reward. In its 2018 report, the Violence Policy Center reported a homicide rate of 1.88 per 100,000 females in South Carolina, down from 3.03 when the nonprofit group published its first report, in 1998.

Nonetheless, South Carolina still ranks as the nation's sixth-worst state in this regard, with a domestic-violence homicide rate that is more than one-and-a-half times the national average. There continues to be insufficient victim services in many areas of the state; insufficient awareness about services in some places where they exist; insufficient attention statewide to a related problem, dating violence; and insufficient support for primary prevention education in our schools and communities. Attempts to gain insight into solutions frequently are hampered by inconsistent, unreliable data.

In short, South Carolina has made progress, but much work remains.

The place of the S.C. Domestic Violence Advisory Committee is squarely at the vanguard of this work. This multidisciplinary group was formed by the Domestic Violence Act of 2015 to decrease the incidences of domestic violence by:

- (1) developing an understanding of the causes and incidences of domestic violence;
- (2) developing plans for and implementing changes within the agencies represented on the committee that will prevent domestic violence; and;
- (3) advising the Governor and the General Assembly on statutory, policy, and practice changes which will prevent domestic violence.

This annual report has been compiled toward that end. It begins with a review of recommendations by the Governor's Task Force, issued in August 2015. A subsequent section details developments and innovations that have transpired since the task force concluded its work. Another provides a statistical snapshot of the prevalence of domestic violence in South Carolina and the resources available to victims. That is followed by a list of best practices for stemming domestic violence, gleaned from both task force and committee insights. A set of new recommendations from the committee will suggest how best to build upon the foundation established by Governor Haley, the General Assembly, the Governor's Task Force, and the plethora of contributing agencies and organizations.

## Review of S.C. Domestic Violence Governor’s Task Force recommendations

Seeking to remedy domestic violence in South Carolina, then-Governor Nikki Haley took two key actions in 2015. In January, she established a multidisciplinary task force to expand the focus of reform beyond the limits of legislative reach and address cultural issues that surround domestic violence. The S.C. Domestic Violence Governor’s Task Force was chaired by Haley and composed of representatives from more than 65 state and local government and non-government entities. It issued 50 recommendations for establishing best practices and for further study.

Six months after the task force’s creation, Haley signed into law the Domestic Violence Reform Act, which, among other things, increased penalties for repeat offenders, sought to better protect victims of domestic abuse and created the S.C. Domestic Violence Advisory Committee.

Although the committee does not trace its origins to the task force, it too is a multidisciplinary body, with a similar focus. Indeed, several of its members also played prominent roles on the task force. As such, much of the committee’s initial focus has been on continuing and monitoring progress toward the task force recommendations. The following table lists those recommendations, delineates the entities that would be responsible for implementing them and provides a status update.

To each recommendation, the committee has assigned one of three statuses:

- **Completed.** This indicates the work suggested by the task force is substantially finished. In some instances – for example, recommendations that entail employee training – this work is ongoing by its very nature. However, it was deemed complete if processes have been widely adopted and implemented. Twenty-nine recommendations have been completed.
- **In progress.** This indicates some headway has been made toward fulfilling the recommendation, but some work remains, some obstacle must be overcome, or the practice has not been uniformly adopted by all applicable agencies or organizations. Seventeen recommendations remain in progress.
- **Declined by applicable agency.** This indicates that after considering the recommendation, the agency or agencies affected deemed implementation counterproductive or impractical given available resources. Where this status has been assigned, fuller explanation is provided in the table’s footnotes. Four recommendations have been declined.

In reviewing the task force recommendations, it is useful to bear in mind its mission and the scope of its authority. With regard to the former, the task force was to make budget-neutral recommendations. (The committee will not impose upon itself the same constraint, although it will strive in all instances to make recommendations that are practical and fiscally responsible.) Regarding the latter, task force recommendations were precisely that – recommendations. The body could engender cooperation and expand awareness, but in most matters, it could not compel action or compliance.

<b>STATE ACTIONS</b>			
<b>Recommendation 1</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that the Governor develop and lead a statewide accountability movement using her influence and public pressure to ensure that local or independent entities adopt and implement Task Force recommendations.	Governor's Office	End of Phase III	Completed
<b>Recommendation 2</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that the Governor and Task Force should host a statewide action summit to domestic violence and best practices of cultural changes for local stakeholders.	Governor's Office	Late Spring 2016	Completed
<b>Recommendation 3</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it coordinate with the Department of Administration Office of Human Resources to draft a "State Model Domestic Violence Policy" by utilizing existing resources, policies, and consultation from victims' advocates for approval by the Governor.	Task Force; Department of Administration; Governor's Office	2015-2016	Completed
<b>Recommendation 4</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that state agencies providing direct client services should develop domestic violence informed services (i.e. client-centered and trauma-informed care, up to date trainings for employees, and screening tools for domestic violence) for both potential victims and potential offenders.	Task Force; Governor's Office	2015-2016	Completed
<b>Recommendation 5</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that all victim notification and information forms should be universal and should be used by all agencies statewide. Through collaborative efforts, law enforcement agencies and victims' advocates should create a uniform, functional form for their agencies.	Task Force, Criminal Justice Division	2015-2016	In progress
<b>Recommendation 6</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that technical additional assistance should be provided to victims during the OP process.	Task Force, Criminal Justice Division	FY 2016-2017	Completed

<b>Recommendation 7</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that DSS should review and update the Service and Administrative Standards for Domestic Violence Agencies (2009) to reflect current best practices, meet federal funding requirements, and develop a self-assessment tool for DV organizations to monitor and encourage program development.	Department of Social Services; S.C. Coalition Against Domestic Violence and Sexual Assault	FY 2016-2017	Completed
<b>Recommendation 8</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that South Carolina should eliminate the practice of allowing law enforcement officers to prosecute domestic violence cases in municipal court and Magistrates Court.	Task Force; Governor's Office	End of Phase III	Completed
<b>Recommendation 9</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that there is a need for additional prosecutors as well as collaboration with the Commission on Prosecution Coordination to develop a plan that provides resources in conjunction with accountability measures (i.e. docket management).	Governor's Office; Commission on Prosecution Coordination	FY 2016-2017	Completed
<b>Recommendation 10</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that DAODAS and SCCADVASA should work together to form partnerships and cross-trainings between the agencies and their stakeholders.	Department of Alcohol and Other Drug Abuse Services	Ongoing	In progress
<b>Recommendation 11</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that SLED should explore the possibility of building a bridge to link between SCIEEx and SCIBRS databases with its vendors for the purpose of tracking offenders throughout the system and determining incidents of domestic violence and violence that have occurred over time.	S.C. Law Enforcement Division	FY 2016-2017	In progress
<b>Recommendation 12</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that SLED should consider adding the following relationship fields to SCIBRS: (1) Victim and Offender have a child in common; (2) Victim and Offender are currently cohabitating; and (3) Victim and Offender formerly or had previously cohabitated.	SLED	FY 2016-2017	Completed

<b>Recommendation 13</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that SLED should research options to consider the possibility of moving all law enforcement agencies in the state to the same software programs for one management information system.	SLED; Governor's Office	FY 2016-2017 for first step	In progress
<b>Recommendation 14</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that the Department of Labor, Licensing and Regulation (LLR) will work with the professional occupational licensing (POL) boards to incorporate domestic violence training for professionals and occupations.	Accountability measure for S.C. Labor Licensing & Regulation, and various professional boards	To be adopted by end of 2016	Completed
<b>Recommendation 15</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that LLR work with SCCADVASA to create a resource directory for citizens and professionals that will list all existing, available county services for victims and batterers as well as a step-by-step guide for how citizens and professionals can offer advice and referrals. LLR will make a resource directory for citizens that is online and open to the public.	LLR	end of 2015	Completed
<b>Recommendation 16</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Department of Education should develop a free teacher recertification program about DV and encourage school districts to adopt the training for teachers.	Accountability measure for Department of Education and/or individual school districts	End of 2015	Declined by applicable agency <sup>1</sup>
<b>Recommendation 17</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that the Department of Education develop models for domestic violence curriculum as options for school districts to choose that are best suited to the needs and capacity of the district.	Accountability measure for Department of Education and/or individual school districts	2016	Completed



<b>Recommendation 18</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that there be some level of uniformity and consistency in the way VAWA programming is messaged across higher education campuses.	Accountability measure for Department of Education and/or individual school districts	2016	In progress
<b>Recommendation 19</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends working with legislators to determine how local, county fatality review teams can be afforded the same protections as the State’s fatality review team, the Domestic Violence Advisory Committee.	Task Force leadership	Prior to 2016 Legislative Session	Completed
<b>LOCAL ACTIONS</b>			
<b>Recommendation 20</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for law enforcement agencies to adopt a policy whereby officers are required to file official incident reports on every case of alleged or substantiated domestic violence.	Accountability measure for local law enforcement	2016	In progress
<b>Recommendation 21</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for law enforcement officers to require officers to document and report the presence of children and vulnerable adults residing at locations of domestic violence incidents and to require that these individuals be interviewed.	Accountability measure for local law enforcement	2016	Completed
<b>Recommendation 22</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for law enforcement officers is to document domestic violence cases by taking pictures of the victims, the defendant, and the crime scene.	Accountability measure for local law enforcement	2016	Completed
<b>Recommendation 23</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that all law enforcement officers adopt a best practice whereby they screen for control tactics and coded language, not just for physical evidence that physical violence has occurred.	Accountability measure for local law enforcement	2016	In progress

<b>Recommendation 24</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for local agencies is to rescind policies allowing domestic violence victims to sign drop forms or check drop form questions.	Accountability measure for local law enforcement	2016	In progress
<b>Recommendation 25</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for law enforcement victims' advocates is to be notified as soon as possible of all domestic violence related calls being investigated by law enforcement agencies.	Accountability measure for local law enforcement	2016	Completed
<b>Recommendation 26</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for 911 Call Centers is to consistently provide prosecutors with copies of recordings or store audio records of domestic violence calls for at least one year from the date of the incident.	Accountability measure for local law enforcement	2016	In progress
<b>Recommendation 27</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a best practice for law enforcement agencies is to develop a policy and implement a process requiring mandatory supervisory review of all domestic violence incidents to ensure that all elements of law are present and whether control tactics by the perpetrator were properly documented.	Accountability measure for local law enforcement	2016	In progress
<b>Recommendation 28</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that training for all criminal justice partners should be done locally, regionally, and at the statewide level.	Accountability measure for local law enforcement	End of 2016	In progress
<b>Recommendation 29</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that all local law enforcement agencies should conduct annual in-house best practice domestic violence training based on the jurisdiction's specific data to focus on their specific problems and issues within the jurisdiction.	Accountability measure for local law enforcement	2016	In progress

<b>TASK FORCE ACTIONS</b>			
<b>Recommendation 30</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it should collaborate with members from all divisions to coordinate a statewide PSA slogan and campaign.	Task Force leadership	2016	Declined by applicable agency <sup>2</sup>
<b>Recommendation 31</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study regarding ways to create a type of one-stop shop for domestic violence information.	Task Force, community division	2016	Declined by applicable agency <sup>3</sup>
<b>Recommendation 32</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that a Domestic Violence Response Tool Kit be created and a statewide model policy be developed and made available to law enforcement agencies statewide.	Task Force, law enforcement group	2016	Declined by applicable agency <sup>4</sup>
<b>Recommendation 33</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further cataloguing of batterers' intervention programs and a gathering of data of the counties not currently served with at least one male and one female offender program to be identified.	Task Force, services division	End of Phase III	Completed
<b>Recommendation 34</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that set of best practices be developed to help Solicitors approve batterers' treatment programs to include a set of prescribed standards and generally accepted practice-based methods and curricula.	Task Force, services division and prosecutors group	2016	Completed
<b>Recommendation 35</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it provide information to the Solicitor-led Community Coordinating Councils regarding the data collected during Phase I, including an inventory of emergency shelters and identified gaps.	Task Force, services division	2016	Completed
<b>Recommendation 36</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study operating models from the jurisdictions of Lexington, Sumter, Greenville, and the 14th Circuit to identify specific approaches and best practices on how to prosecute and adjudicate domestic violence cases.	Task Force, prosecutors group	2016	Completed <sup>5</sup>

<b>Recommendation 37</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study of specific approaches and best practices from the jurisdictions of Lexington, Sumter, Greenville, and the 14th Circuit on how to prosecute domestic violence cases in a way that encourages victim participation from arrest to disposition.	Task Force, prosecutors group	2016	Completed
<b>Recommendation 38</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it should further explore how to bring training and uniformity to 911 dispatchers and to explore other creative training options if financial constraints may occur.	Task Force, criminal justice division	End of Phase III	In progress
<b>Recommendation 39</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study as to how to develop domestic violence best practices for all courts, including Family Court. Look towards North Carolina and the practices they have implemented.	Task Force, courts group	End of Phase III	In progress
<b>Recommendation 40</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study how animal control personnel can be brought into the domestic violence arena.	Task Force, criminal justice division	End of Phase III	Completed
<b>Recommendation 41</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it coordinate with stakeholders to develop a standardized form for Act 141 funds and a manner for consistent, uniform reporting and auditing.	Task Force, resources group	FY1617	Completed
<b>Recommendation 42</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it continue to collaborate with local, state, government, and nonprofit entities to develop consensus of what restructuring would look like.	Task Force, resources group	2016	Completed
<b>Recommendation 43</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends using York County as a pilot for developing a blueprint regarding how local coordination should operate.	Task Force, services division	Ongoing monitoring through 2016	In progress

<b>Recommendation 44</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study of the number of victims' advocates, their caseloads from jurisdiction to jurisdiction, and types of advocacy in general.	Task Force, criminal justice and services divisions	2016	Completed
<b>Recommendation 45</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study of best practices or helpful guidelines for current or future shelter operators to assist in increasing shelter capacity and the improvement of services provided.	Task Force, services division	End of Phase III	Completed.
<b>Recommendation 46</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further study regarding how best to develop training or guidelines for grant writing to help nonprofit entities.	Task Force, services division	2016	Completed
<b>Recommendation 47</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it search and compile relevant model policies on domestic violence to share with the South Carolina Chamber of Commerce and the State Chapter of the Society for Human Resource Management (SHRM).	Task Force, community division	End of Phase III	Completed
<b>Recommendation 48</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it should compile a list of enacted laws in other states regarding dating violence and any accompanying data.	Task Force, community division	End of Phase III	In Progress
<b>Recommendation 49</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends that it should further study on how to make the Order of Protection process and subsequent enforcement of Orders more victim friendly.	Task Force, criminal justice division	End of 2015	Completed
<b>Recommendation 50</b>	<b>Responsibility</b>	<b>Original timeline</b>	<b>Status</b>
The Task Force recommends further exploring a partnership between the State and the University of South Carolina to conduct an in-depth victimization survey.	Task Force, data group	FY1617	In progress

## Notes

<sup>1</sup> The Department of Education determined the recommendation was not the best approach for achieving this end.

<sup>2</sup> The committee notes that some organizations mounted awareness campaigns, some of them with a statewide audience. However, there seemed to be only minimal coordination between these efforts and no one designated to organize it. The committee believes it unlikely that a wide coalition of groups would achieve consensus on the messaging for such a campaign and that, even if it did, it could not be executed without significant expense. As such, the committee believes this recommendation should be abandoned.

<sup>3</sup> The [website developed by the task force, https://safeplacesc.sc.gov](https://safeplacesc.sc.gov), is still online, however it has not been updated in some time. Additionally, SCCADVASA's website contains an interactive map information on the services provided and contact information for its member organizations in each county. The State Attorney General's Office has expressed interest in hosting such a page on its site, however, there are concerns about keeping such a resource up to date. Moreover, the committee believes that, at least where victims are concerned, the need for a comprehensive statewide listing is less vital than regional listings accessible through local portals.

<sup>4</sup> It is not clear if an effort to form such a kit was ever mounted. A law-enforcement study group under the committee's auspices could revisit this idea.

<sup>5</sup> The Domestic Violence Advisory Committee will continue to examine operating models from Lexington, Sumter, Greenville and the 14<sup>th</sup> Judicial Circuit, as well as other jurisdiction across the state. An analysis of these reviews will be the subject of future annual reports.

## Recent developments, programs and innovations related to domestic violence in South Carolina

A look at various programs and initiatives that pertain to domestic violence, instituted or expanded since the passage of the Domestic Violence Act of 2015.

### Results of Task Force recommendations

There have been several changes and advancements regarding domestic violence that were either a direct result of work by the Governor's Task Force or for which the task force was the impetus. Among them:

- The S.C. Department of Labor, Licensing and Regulation has developed two policies – one regarding domestic violence and another regarding workplace violence – based upon a model developed by the Department of Administration Office of Human Resources, as prescribed in Task Force Recommendation 3. The Department of Administration policy can be viewed at [http://bit.ly/Domestic\\_Violence\\_Policy](http://bit.ly/Domestic_Violence_Policy).
- The professional occupational licensing boards worked with the Department of Labor, Licensing and Regulation to incorporate domestic-violence training for professionals and occupations, in keeping with Task Force Recommendation 14. The boards approved classes that could count towards statutory learning requirements. LLR hosts a webpage noting these classes for the nine boards -- counselors, dentistry, medical, nursing, occupational therapy, pharmacy, physical therapy, psychology, social work and speech therapy. Other boards have expressed interest. Although the law does not require such courses be taken, the boards have adopted and approved courses that would fulfill requirements already in the statute for other organizations and agencies. An outline of the training can be viewed at [http://bit.ly/LLR\\_Programs](http://bit.ly/LLR_Programs).
- South Carolina Legal Services, which provides free legal assistance in a wide variety of civil legal matters to eligible low-income residents, has developed a "Self Help Order of Protection" form for pro-se petitioners. This form is in response to Task Force Recommendation No. 6, which prescribes additional technical assistance be provided to domestic violence victims during order-of-protection processes. Additionally, SCCADVASA has received funding from the S.C. Bar Foundation to develop a contract-attorney program to assist clients of its member organizations in order of protection hearings, and the S.C. Victims Assistance Network has received funding to expand its legal program to assist victims in these hearings.
- The Department of Education has included domestic- and sexual-violence education in the updated Health and Safety education standards. A list of resources and community organizations that can provide support is available at [http://bit.ly/DOE\\_DV\\_Education](http://bit.ly/DOE_DV_Education) and was developed as a result of Task Force Recommendation No. 17.
- Five or fewer municipalities still allow its law enforcement officers to prosecute domestic violence cases at the magistrate or municipal level. This is in keeping with Task Force Recommendation No. 8 and means officers are no longer pitted in a legal setting against more experienced defense attorneys. The General Assembly provided additional money to Solicitors to handle these cases, which are pulled up to General Sessions Court in many circuits. The Attorney General's Office, which once offered to prosecute these cases, has turned this over to the Solicitors, except in Greer, where city limits fall within two judicial circuits.

- In 2017, the S.C. State Law Enforcement Division began collecting new relationship codes for the S.C. Incident Based Reporting System, or SCIBRS. This allows for more detailed information on non-spousal intimate relationships, beyond the preexisting “Boyfriend/Girlfriend” code. These new codes—cohabitants, ex-cohabitants, and child in common—when used along with existing codes, allow SCIBRS to compile domestic violence statistics that more closely match the current statutory definition. There was no additional cost to SLED to implement these new codes, as they were incorporated into a previously planned system upgrade. Reporting agencies may have incurred a cost in upgrading their local records-management systems, depending on their maintenance agreements with their vendors. In the two years since the changes, 142 agencies have reported more than 5,600 victims to SCIBRS with the new relationship codes.
- The S.C. State Law Enforcement Division is working on a bridge between the S.C. Health Information Exchange and its S.C. Incident Based Reporting Software. SCIEEx is a database that allows participating state law-enforcement agencies to contribute to a repository of incident reports, arrest and booking data, incarceration information, and probation and parole data. This, in turn, becomes a powerful investigative tool to search, link, analyze and share criminal justice information by allowing agencies to detect relationships between people, places, things and crime characteristics, across jurisdictions. SCIBERS is a reporting system that collects statistical data on each single crime incident reported to it from state law enforcement agencies, with an eye toward aggregating data for Uniform Crime Reporting. Work on a bridge between the systems, which is in response to Task Force Recommendation No. 11, should ensure greater reporting compliance and more accurate data. This work neared completion as this report was prepared.
- SCCADVASA and LLR have created a resource directory for citizens and professionals that list all known county services for victims and offenders, as well as a step-by-step guide for how citizens and professional can offer advice and referrals. The directory, which can be viewed at [http://bit.ly/LLR\\_Advocate](http://bit.ly/LLR_Advocate), is online and available to the public. However, the committee notes that LLR is not the proper repository for this information and recommends that this function shift to the S.C. Attorney General’s Office, which should in turn develop a protocol to ensure it is updated at least annually. It should also provide a link or other resource so that the listing can be accessed from multiple websites that people may initially use as they search for help.
- Many law-enforcement agencies recognize that it is a best practice for its officers to document and report the presence of children and vulnerable adults residing at locations of domestic violence incidents and to require that these individuals be interviewed. This is prescribed in Task Force Recommendation No. 21. In addition, SLED’s standardized reporting form now contains fields where these presences can be denoted. Nonetheless, reporting agencies sometimes fail to provide complete and accurate data in a timely manner. Similarly, SLED provides many opportunities to reporting agencies to ensure their data is complete and accurate, including on-site training and data quality analyses, however, there is no requirement for agencies to participate. According to SLED officials, possible future improvements in data collection could include the addition of statutory sanctions for late, incomplete or unacceptably inaccurate reporting to SCIBRS. Currently, there is only a state regulation that requires agencies to report all incidents to SCIBRS. The regulation does not provide any sanctions for failure to comply nor does it set any standards for accuracy. A statutory requirement to report complete, accurate, and timely data to SCIBRS with sanctions for non-compliance would be effective in ensuring reliable data is available to understand domestic violence and other criminal activity in the state.



- Training opportunities in grant-writing for domestic violence programs are widely available through Together SC, Sisters of Charity and other organizations that work to build the capacity of nonprofits. The Division of Grants in the Attorney General's office also provides detailed informational sessions on applying for federal grants administered by their office, in keeping with Task Force Recommendation No. 46.

### York County multidisciplinary coordination

In early 2016, 16th Circuit Solicitor's Office prosecutors in York County, in cooperation with partners in law enforcement and victims services, began a pilot program to improve their efficacy in domestic violence cases. Their strategy was twofold: accelerate the prosecution of domestic violence cases and provide needed services to victims as quickly as possible. The Governor's Domestic Violence Task Force recommended using York County as a pilot for developing a blueprint for local coordination.

Operationally, the pilot program entailed several changes to York County's procedures. Among them:

- The Solicitor's Office took advantage of a provision of the Domestic Violence Reform Act of 2015 that allows the office to assume prosecution of third-degree domestic violence cases and pull them up to General Sessions Court from municipal and magistrate courts.
- Law enforcement officers also were asked to make domestic violence arrests based on their assessment of probable cause, rather than the victim's request or the likelihood that the victim will ultimately cooperate in the prosecution.
- A law enforcement victim advocate (LEVA) contacts victims when law enforcement notifies them that the probable-cause determination is made and an arrest is sought. The advocate provides information about the bond hearing, shelter availability, orders of protection and other needed services. The LEVA also makes a lethality assessment to identify high-risk victims and to connect them with local advocates and services. Finally, the LEVA will pull prior police reports and send them along with bond court conditions, lethality assessments and contact information to the Solicitor's Office Domestic Violence Unit for immediate follow up.
- Initial court appearances for those charged with domestic violence offenses are now scheduled within three to four weeks, rather than the seven to eight weeks typical for other crimes. This acceleration is possible, in part, because the Solicitor's Office runs the General Sessions docket.

Additionally, a multidisciplinary team of prosecutors, law enforcement officers and service providers meet monthly to assess their program and to make recidivism and risk assessments in new domestic violence cases. For cases in which enough evidence exists to pursue charges, the Solicitor's Office seeks one of four options, corresponding to the team's risk assessment. Those options, in ascending order of risk presented, are:

1. Entering the defendant into a diversionary program such as batterer's intervention or Pretrial Intervention. The intervention program was started by the Solicitor's Office as part of the pilot program.
2. Entering the defendant into a counseling program and suspending the criminal sentence;
3. Entering the defendant into a probation program, also piloted in York County and run by the S.C. Department of Probation, Parole and Pardon Services. The program includes intensive monitoring, counseling, substance-abuse restrictions and in-home visits. The default condition of domestic violence probation includes a no-contact order, unless a judge rules otherwise.
4. A prison sentence is sought for the defendant.

Since the program's implementation, its annual "conviction" rate – a percentage of those facing a domestic violence charge who have entered one of these four options – has ranged from 65 percent to 75 percent. The Solicitor's Office goal is to intervene with one of these options in every case in which probable cause exists.

What's more, the attention that the program has brought to domestic violence has reinvigorated efforts to seek remedies through the criminal-justice system. This is reflected in the declining percentage of domestic violence cases that are dismissed or nolle prossed. In late 2015, after the law change, the Solicitor assembled a unit to specialize in domestic violence. In the first year, the dismissal rate dropped from 43 percent to approximately 29 percent. In 2016, all domestic-violence cases, including third-degree domestic violence, were moved into General Sessions Court, and the Solicitor's Office unit added victim advocates and an investigator. The dismissal rate dropped again, to 25 percent. Over the next year and a half, the unit added two more investigators specifically to work with law enforcement. The dismissal rate again fell, to 24 percent.

A new Domestic Violence Diversion program for offenders who pose a low risk for recidivism and harm also has been effective. PTI participants are required to complete 26 weeks of an approved batterer's intervention program. Participants in domestic violence diversion are evaluated and screened, then required to complete the intervention program or a specific counseling regimen prescribed during the evaluation – for instance, a mental-health or substance-abuse program.

The following numbers reflect how many cases successfully completed either diversion program:

- **2016:** 29 PTI/3 DV diversion
- **2017:** 42 PTI/21 DV diversion
- **2018:** 32 PTI/21 DV diversion

### Charleston Dorchester Mental Health Center/Charleston Police Department Family Violence Unit

In 2014, the Charleston Dorchester Mental Health Center embedded a master's level mental health professional with the Charleston Police Department so that children witnessing violence, particularly domestic violence, could be immediately screened for mental health needs related to a potentially traumatic event. In 2017, this Crime Victims Counseling Support Unit expanded, thanks to funding from a federal Victims of Violent Crime Act grant. Four additional mental-health professionals were embedded in the North Charleston and Mount Pleasant police departments, and the Charleston and Berkeley County sheriff's departments. The program now serves the entire family, although most patients are female caregivers and victims.

The overall program strategy is a collaborative effort to provide victims of domestic violence and other violent crime cases (including rape, homicide, burglaries, etc.) with short-term care (usually 12 weeks of treatment), beginning within 24 hours of the trauma. Treatment includes Trauma-Focused Cognitive Therapy (TF-CBT), Cognitive Behavioral Therapy (CBT) and/or Motivational Interviewing. The CVCSU program:

- has been shown to increase the capacity of police officers to help families who are frequently exposed to violence in their homes, school, and neighborhoods;
- offers an immediate, collaborative response removing barriers to receiving services;

- increases the impact of services due to the immediate referrals for the victims who may suffer long-term effects including behavioral issues, PTSD, drug and alcohol abuse, interaction with the criminal justice system, etc.;
- offers therapy services to 100 percent of the victims at the time of the first meeting/intervention.
- benefits the officers in their daily interactions with victims and their families by increasing their understanding of trauma symptoms and reactions. (The Charleston Police Department developed “Domestic Violence Risk Assessment,” a tool to help them conduct screenings and make referrals to mental-health therapists;
- provides anti-stigma and outreach activities at the law-enforcement sites and other community locations where victims receive services, such as child advocacy centers.

Participating law-enforcement agencies employ victim advocates, who provide encouragement to victims and apprise them of their rights under South Carolina law. The advocates work as a team with law enforcement and the mental-health providers to respond immediately to incidents.

The S.C. Department of Mental Health notes that defendants – and by extension, the communities where they live – can also benefit from mental-health treatment. At least one-third of people in the jail today suffer from mental illness, the department says. This VOCA initiative/state expansion is expected to greatly enhance the identification of crime victims needing treatment and divert incarcerations of individuals with mental illnesses across the state.

### 7<sup>th</sup> Circuit’s Operation Home Front

Noting the effect of “offender-focused deterrence” adopted in High Point, N.C., as well as the prevalence of domestic violence in his judicial circuit, 7<sup>th</sup> Circuit Solicitor Barry Barnette launched “Home Front” in 2017. The aim is straightforward: End offenders’ violent behavior by making it clear their crimes will not be tolerated.

#### The High Point model

High Point, a city of about 107,000 people in Guilford County, N.C., for years had one of the state’s highest rates of domestic violence. As writer John Buntin reported in the [March 2016 edition of the journal “Governing the States and Localities”](#):

*Faced with victims who were hard to find or who did not want to press charges, detectives gave up on investigations into “minor” incidents. Typically, there was no follow-up with victims. The police department didn’t work with advocacy groups. Implementation, says High Point Police Chief Marty Sumner, “was poor.”*

The department adopted a new approach in 2011 that incorporated incentives, community engagement, and warnings of jail or prison time. The aim of the offender-focused deterrence model is to discourage first-time abusers from assaulting their partners again, and to dissuade chronic offenders from continuing or escalating their behavior. Offenders are offered help arranged by law enforcement. However, if their assaults persist, the criminal justice system is poised to seek maximum punishment.

The High Point model is itself an adaptation of a strategy that stemmed Boston gang violence in the 1990s. Criminologist David Kennedy, one of the engineers of that strategy, later delved into domestic violence, focusing on intimate-partner homicides. He found that nearly half of those accused of this

offense had been arraigned at some point for another violent crime. Additionally, a quarter had drug offenses or drunk-driving citations. In other words, most had lengthy criminal records and, in many cases, worked their way up to homicide. He thought the focused deterrence concept that curbed gang violence could do the same to curb domestic violence. However, Kennedy, at that time working for the Hewlett Foundation, was met with little enthusiasm when he first presented his research in 2002.

Six years later, High Point Deputy Police Chief Jim Sumner, who at the time led his department's major-crimes unit, revisited Kennedy's work after two domestic-violence murder-suicides in his jurisdiction just weeks apart. Reviewing reports about the city's 17 intimate-partner homicides in the preceding five years, Sumner's findings mirrored those of Kennedy in 2002 – the perpetrators showed an escalating pattern of criminal behavior. Worse, Buntin noted in his "Governing" article, "In every instance, the victim looked for protection and had not gotten it."

In 2009, Sumner's boss, Chief Jim Fealy, gave him the go-ahead to try a focused-deterrence program. Implementation was difficult, however – it required a multidisciplinary approach and thus buy-in from many agencies and stakeholders. The coalition Sumner cobbled together proceeded cautiously, so as not to invite unintended consequences that might spark retaliatory violence by the abuser against the victim. The result was a new system of risk assessment, which has proven successful and which has been adopted almost in its entirety by the 7<sup>th</sup> Circuit Solicitor's Office.

#### Categorization of offenders

As with the High Point program, the 7<sup>th</sup> Circuit Solicitor's Office "Home Front" operates on the premise that, even if the victim of domestic violence is safely separated from his or her abuser – and that cannot always be assumed – the aggressor will almost certainly continue to pose a threat to others. There will be subsequent abusive relationships if the aggressor's behavior is left unmodified. After all, it is the attitude and behavior of the aggressor – not some dynamic unique to a particular relationship – that fuels the abuse. Thus, the Home Front program places the onus on the offender, not the victim, to modify his or her behavior.

With this in mind, Home Front maintains a list of domestic-violence offenders and places them in one of four categories, based upon the number of incidents in which the aggressor has been involved. The list is primarily for the internal use of the Solicitor's Office, however, it can be shared with Home Front partners.

**D level** – Law enforcement has been called to a home, but no one is charged. Nonetheless, an officer circles back the next day to hand-deliver a letter that tells those involved they have been placed on a domestic-violence watch list. The purpose and parameters of the letters were discussed and agreed to by the Home Front partners before the program was launched. However, delivering the letters is the sole prerogative of the law enforcement agencies answering service calls. In other words, they do not act at the behest of the Solicitor's Office, which organized the Home Front project.

**C level** – Offenders are placed in this category upon their first domestic-violence arrest. Of necessity, there is a difference between the way these offenders are handled in High Point and the way they're handled in the 7<sup>th</sup> Circuit. North Carolina law requires that anyone arrested for domestic violence be held for 48 hours; South Carolina law, on the other hand, requires a bond hearing within 24 hours for all defendants. Spartanburg holds bond hearings during several sessions throughout the day. To create a cooling-off period, hearings involving domestic-violence charges are held in a special afternoon session.

This means that no longer can defendants offend at midnight, go to jail at 2 a.m. and be out the door at 10 a.m.

**B level** – Repeat offenders are placed in this category and are called before a special domestic violence board. The board typically includes representatives from the U.S. Attorney’s Office; the Solicitor’s Office; law-enforcement; clergy; and the S.C. Department of Probation, Parole and Pardon Services, whose participation is considered particularly crucial. The lineup for male and female offenders can differ slightly. These meetings began in November 2017, and the Solicitor’s Office intends to hold them quarterly.

The message to the offender is this: We want to help you and will find a program for you; however, if you fail to seek help or offend again, you will be prosecuted to the full extent of the law. This is not a scared-straight talk, but a frank conversation about consequences.

As High Point developed its approach, the board was the feature that gave greatest pause. They wondered: Would an offender called before a board go home and abuse his or her partner in retaliation? After much consideration, the program’s developers determined the key to delivering this message effectively is making it clear to the offender that ramifications for the offender’s behavior will not be dictated or controlled by the victim. The law-enforcement community alone will determine consequences – a point adopted in Spartanburg and reinforced when the circuit stopped allowing victims to sign “do not prosecute” forms.

High Point reports that this approach produced a decline in reported recidivism. In fact, one year into the program, only 9 percent of offenders in the program assaulted again, compared to 20 to 34 percent of abusers nationwide, “Governing” reported. The Spartanburg program is still nascent, but its administrators report similar initially positive results.

**A level** – The most serious offenders – habitual offenders who have resisted treatment or for whom treatment has not worked. Aggressive prosecution and punishment are sought.

#### Additional features of 7<sup>th</sup> Circuit program

In addition to the categorization of offenders, stakeholders in the Home Front initiative hold bi-weekly meetings. Attendees include law-enforcement officers, probation officers, prosecutors, victim advocates and child advocates. They discuss tactics and strategies that are working and those that are not.

In December 2017, the 7<sup>th</sup> Circuit Solicitor’s Office began taking advantage of a 2015 change in state law that allows it to prosecute misdemeanor third-degree domestic violence cases in General Sessions Court. (The exception is for charges originating in the city of Greer, which lies partially in the 7<sup>th</sup> Judicial Circuit and partially in the 13<sup>th</sup> Judicial Circuit. These charges continue to be prosecuted in municipal court.)

#### Federal prosecution

The Solicitor’s Office effort is led by Jennifer Wells, who is a former North Carolina and federal prosecutor. She works for the Barnette’s office but also has status as a Special Assistant U.S. Attorney. This allows her to pursue some cases, particularly those involving firearms, in federal court following review by the Solicitor’s Office and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. In general, federal restrictions on gun ownership by convicted felons are more stringent than in South Carolina law; in particular, the Lautenberg Amendment prohibits shipment, transport, ownership, and

use of guns or ammunition by individuals convicted of misdemeanor domestic violence, or who are under a restraining (protection) order for domestic abuse.

#### Differences between the 7<sup>th</sup> Circuit and High Point programs

Spartanburg's bond court procedures have been noted. In addition:

- In North Carolina, all criminal cases – including misdemeanors and municipal offenses – are handled by district attorneys. In South Carolina, Solicitors Offices are generally limited to the prosecution of felony-level offenses in General Sessions Courts.
- The High Point program was conceived by a law-enforcement agency and implemented in a single jurisdiction. The 7<sup>th</sup> Circuit program was created by a prosecutorial agency, which needed cooperation from 13 law-enforcement agencies.

#### Data challenge

The Solicitor's Office has enlisted students from USC Upstate to collect and analyze data related to domestic violence. However, according to Wells, establishing a baseline to measure the program's success has proven difficult because consistent data measured by pertinent parameters were available only for a year or two prior to the program's implementation.

#### 14<sup>th</sup> Circuit Solicitor's Office Family Justice Center

*Why doesn't she just leave?*

It's a question asked time and again about victims of domestic violence. On average, a battered victim is harmed seven times before deciding to flee the abuser for good. Most contemplate leaving much sooner. However, leaving requires planning and, often, assistance with legal, financial and childcare matters.

Many nonprofit groups and government agencies in the 14th Judicial Circuit provide such assistance. However, those providers are not typically found under one roof. Thus, victims often crisscross their community to arrange shelter at one stop, financial assistance at the next stop and childcare at yet another. For those already in the midst of upheaval, this is more than an inconvenience; it is an obstacle to their safety.

In December 2017, a nonprofit organization formed by the 14<sup>th</sup> Circuit Solicitor's Office purchased a 4.85-acre property in Okatie, S.C., that includes two office buildings and 44,000 square feet of floor space. In addition to a modern headquarters for the Solicitor's Office, Solicitor Duffie Stone is creating what he hopes will become South Carolina's first Family Justice Center, administered according to Alliance for Hope International standards.<sup>1</sup>

The center became operational in November 2018, with six organizations signing memoranda of understanding to provide staff and services. It will provide services to victims in each of the circuit's five counties – Allendale, Beaufort, Colleton, Hampton and Jasper. The center is located in a secure area of the Solicitor's Office headquarters, down the hall from the Special Victims Unit. This team of prosecutors

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<sup>1</sup> A handful of victim centers have been established in South Carolina. However, none have yet earned the "Family Justice Center" designation from the Alliance for Hope. Family Justice Centers are distinguished from other victims services centers by the presence of an integrated and streamlined in-take system, and the participation of criminal prosecutors.

and investigators was formed in December 2017 and funded in part by a \$244,000-per-year federal Violence Against Women Act grant administered by the S.C. Attorney General's Office. The SVU prosecutes criminal sexual conduct charges across the 14<sup>th</sup> Circuit and domestic-violence cases in Beaufort and Jasper counties.

The SVU team includes three attorneys, an investigator and a victims' advocate focused on the prosecution of domestic violence cases in Beaufort and Jasper counties, and criminal sexual assaults across the 14th Circuit. It is led by Hunter Swanson. She has been with the Solicitor's Office since 2007 and was formerly a member of the office's Career Criminal Unit, which prosecutes the most violent and habitual offenders in the 14th Circuit. Entering 2018, Swanson had prosecuted – and won – more Career Criminal cases than any other attorney, past or present.

The Solicitor's Office also seeks a medical director and used a Victims of Crime Act grant administered by the state Attorney General's Office to hire a pediatric sexual assault nurse examiner for the center. They will oversee a medical exam room where sub-acute care and examinations can be given to victims who are outside a 72-hour window from an assault. Victims still within the 72-hour window will still need to be taken nearly two hours up the road to the Medical University of South Carolina for acute care and collection of forensic medical evidence, however, the aim is to eventually partner with a local hospital and thereby reduce the amount of travel necessary for victims.

Additionally, whenever it is determined to be in the child's best interest, Hopeful Horizons will conduct an on-site forensic interview in a specially equipped room. The interviews can be recorded and viewed on closed-circuit television. This means the center can help limit the trauma for victimized children by reducing the number of times they have to repeat their stories, typically to a new room full of strangers each time.

The center will not duplicate services provided elsewhere. Rather, partners such as Hopeful Horizons, the Child Abuse Prevention Association and Lowcountry Legal Aid work collaboratively to better leverage the expertise that already exists across the 14th Circuit. These partners are provided rent-free workspace from the Solicitor's Office in exchange for their services.

Solicitor Stone also envisions a substantial educational component for the Family Justice Center, applying the model of our nation's finest teaching hospitals to law enforcement, social services and legal professions. Also planned is a mock courtroom and classrooms, which will allow us to partner with local higher-education providers to train the next generation of criminal-justice professionals.

#### [State Supreme Court's 2017 Doe v. State decision and Attorney General's opinion](#)

The state Supreme Court decision in *Doe v. State* in 2017 held that the definition of "household member" in South Carolina's Criminal Domestic Violence Act and Protection from Domestic Abuse Act is unconstitutional as applied to Doe and other unmarried, same-sex individuals who are cohabiting or formerly have cohabited. This decision explicitly affords individuals in or formerly in a same-sex relationship the protections granted other "household members" as defined by these statutes when seeking an Order of Protection against an individual with whom the victim is cohabiting or has formerly cohabited.

The South Carolina Commission on Prosecution Coordination purported, based on the Supreme Court's decision, that individuals in or formerly in a same-sex relationship not only may seek an Order of Protection against a same-sex partner, but that similarly situated individuals may pursue a criminal

prosecution for acts of domestic violence where criteria of SC Code §16-25-20 or §16-25-65 are satisfied. Nonetheless, the *Doe v. State* decisions left need for clarification on this question, and the commission sought a state Attorney General's opinion on the matter.

Specifically, the commission asked:

- Does the South Carolina Supreme Court's decision in *Doe v. State*, finding the definitions of "household member" in §16-25-10(3) and §20-4-20(b) unconstitutional as applied to an unmarried same-sex victim of domestic violence who was seeking an Order of Protection also permit criminal prosecution of a same-sex defendant with whom the victim is cohabitating or has cohabitated, per the provisions of §16-25-20 or §16-25-65?
- If so, does either the decision in *Doe* or the language of the relevant statutory provisions provide fair notice to the above-referenced defendant that his or her actions constituted a criminal violation of §16-25-20 or §16-25-65, satisfying due-process requirements?

In its response, which can be read in full here – [http://bit.ly/Attorney\\_General\\_Doe\\_Opinion](http://bit.ly/Attorney_General_Doe_Opinion) -- the Attorney General's Office determined that prosecutions may be initiated under the Domestic Violence Reform Act against the perpetrator of domestic violence by the victim in an unmarried, cohabiting same-sex relationship. The opinion also determined the language of the revised decision in *Doe v. State* constitutes fair notice that the prohibitions of the Domestic Violence Reform Act apply to same-sex, cohabiting partners, as well as to heterosexual cohabiting partners.



## Statistical studies of domestic violence and services

Statistics are lenses that give us different views of the prevalence of domestic violence in our communities. It is important to recognize that victims and survivors may choose to seek assistance from a variety of systems, meaning that service statistics may overlap or be reporting on assistance to different individuals. The majority of victims of domestic violence do not access assistance from any system; all these statistics underrepresent the true scale of the problem in South Carolina.

### SLED

The 2016 edition of Crime in South Carolina contains general information about crime trends, provides crime data at the county level for the most recent year available, and provides descriptive information about crime. (It can be read in full here: [http://bit.ly/SLED\\_crime\\_report](http://bit.ly/SLED_crime_report).) Because the data in this SLED report reflects a period before the 2015 change in South Carolina's domestic violence law was in full effect, it can help establish a useful baseline.

The SLED report does not include a breakout of domestic violence offenses as specifically defined in the S.C. code. However, it contains a nine-page section on "Family and Intimate Violence," as well as information about the relationship of murder victims to offenders and the types of weapons used in murders – data often used to understand and characterize the relative threat of domestic violence. This section indicates that for 2016:

- When a murder involves an intimate partner, a boyfriend or girlfriend was the most frequent target, accounting for 55 percent of the cases. Spouses accounted for the second-highest percentage, 36 percent. (The data does not distinguish the victim's gender. However, multiple other data sources indicate men commit far more homicides than women.)
- When intimate partners are involved in an aggravated or simple assault, boyfriends or girlfriends are again the most frequent target, with spouses again accounting for the second-highest percentage. However, the gap is wider than for murder-related offenses – 65 percent vs. 25 percent for aggravated assault and 64 percent vs. 26 percent for simple assault.
- When intimate partners are excluded, children killed by parents accounted for the highest percentage (31 percent) of murders involving family members. ("Parents" and "other family member" accounted for the next-highest percentage, at 22 percent each.)
- When intimate partners are excluded, children also accounted for the highest percentage of aggravated assault victims (27 percent), followed by "other family member" (25 percent) and siblings (20 percent). Where simple assaults are concerned, parents were the most likely victims (24 percent of incidents), followed by children (22 percent), and "other family member" and siblings (21 percent each).

For the past 20 years, the Violence Policy Center has compiled a state-by-state list of the rates of women murdered by men. As described previously in this report, in each of the 20 years this report has been issued, South Carolina has ranked among the 10 most dangerous states for women, with a femicide rate about the twice the national average. As of September 2018, South Carolina had ranked among the six worst states in each of the past seven years. It was the nation's worst in 2011 and 2013. The state's ranking improved from No. 5 to No. 6 in the latest report (based on 2016 data), although its murder rate ticked up for the second consecutive year, from 1.83 in 2015 to 1.88 in 2016.

The murder statistics reported by SLED are not a direct measurement of domestic violence in general or of domestic violence against women in particular. However, the committee believes them to be a relevant indicator for South Carolina, given that 39.7 percent of its murder victims were acquainted with their offender, 12.5 percent were intimate partners and 8.5 percent were family members. The percentage of murders committed by acquaintances was up nearly three percentage points in the 10-year span since 2006, but the percentage of murders committed by intimate partners and family members declined by a similar percentage over that time.

### [NNEDV census](#)

The S.C. Department of Social Services provides funding to 13 domestic violence organizations to provide holistic services to victims, survivors and their children. Public financial support is significantly supplemented through private donations and grants from foundations and community fundraising. In addition to providing around-the-clock hotlines, these organizations provide victims with:

- emergency shelter;
- transitional housing;
- legal advocacy;
- medical advocacy;
- counseling;
- support groups;
- children's services.

The National Network to End Domestic Violence conducts a nationwide census to see how many individuals seek these types of services in a single 24-hour period. Also recorded are the types of services requested, the number of service requests that went unmet due to a lack of resources, and the issues and barriers that domestic violence programs face as they strive to provide services to victims of domestic violence.

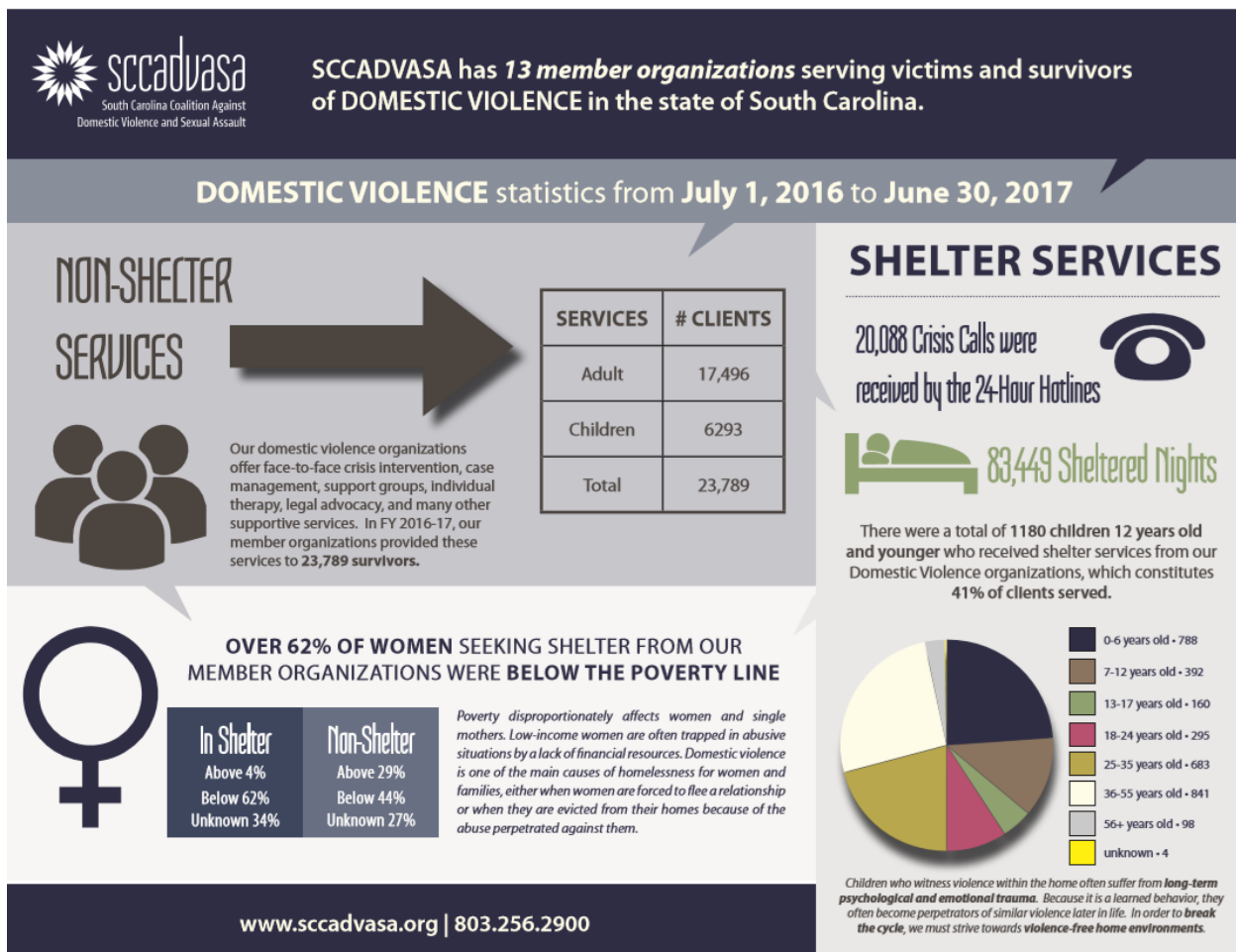
Results are summarized and broken down by state. A summary of the 2017 South Carolina census, which entailed the aforementioned 13 organizations funded by the S.C. Department of Social Services:

- 555 victims were served on census day. Of them, 376 adult and child victims of domestic violence found refuge in emergency shelters or transitional housing provided by local domestic-violence programs.
- 179 adult and child victims received non-residential assistance and services, including counseling, legal advocacy and children's support groups.
- Domestic-violence hotlines answered 109 calls, an average of five per hour. The hotlines provided support, safety planning and other information.
- 18 individuals attended five training sessions provided by local domestic-violence programs. These programs imparted much-needed information on domestic-violence prevention, early intervention and other topics.
- 27 requests for services, or 4.6% of the total, went unmet. Comparatively, 13.6% of requests nationwide went unmet. Fifteen of South Carolina's 27 unmet requests, or 56%, were for housing. Comparatively, 65% of unmet requests nationally were for housing.
- In the year preceding the census, two local programs in South Carolina laid off or did not fill two staff positions. All of these positions were for direct-service providers, such as shelter staff or

legal advocates. By way of comparison, of the 1,077 staff positions nationally were eliminated or unfilled, only 62% were direct-service providers.

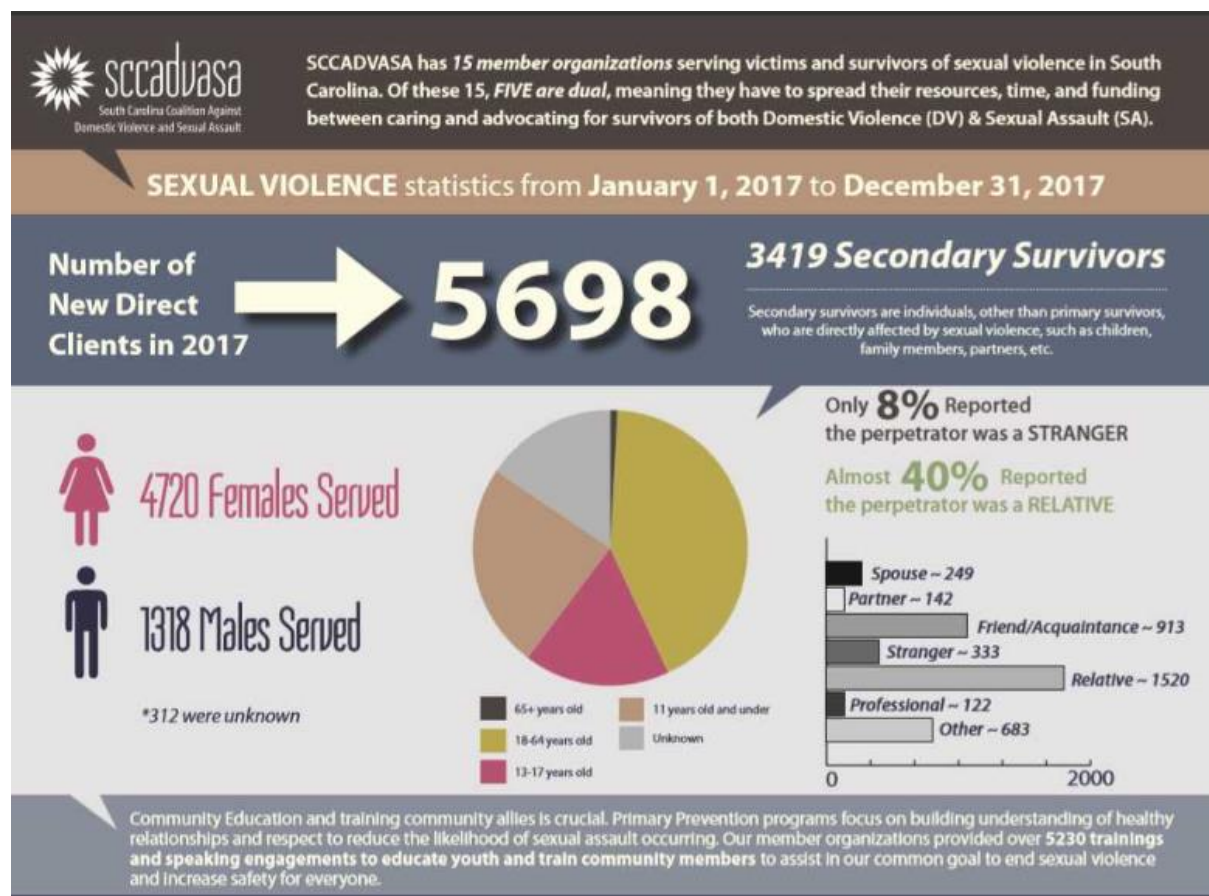
### SCCADVASA domestic violence and sexual violence reports from FY 2017

The NNEDV census provides a 24-hour snapshot into the volume of services provided by community domestic violence organizations. The graphic below, compiled from data reported to the South Carolina Department of Social Services, provides data for service provision during fiscal year 2017. Emergency housing, or shelter, is the service these organizations provide with which we are all familiar, and it is in high demand: 5,493 victims and their children were provided with a safe place of refuge from a violent home. Shelter is more than a noun; it is a word that speaks to the wide array of non-residential services that these organizations provide including counseling, legal advocacy, children’s services, economic support, therapy and emergency hotlines. During this period, more than 23,700 people were provided with these community-based services, and more than 20,000 crisis hotline calls were received.



Sexual violence and coercion is a part of the continuum of abuse making it imperative that we acknowledge the intersections between the two issues if we are to fully understand the true picture and patterns of domestic violence and the necessary steps to effective prevention and intervention

Data from the Center for Disease Control and Prevention indicates that 40% of South Carolina women report at least one experience of sexual violence during their lifetime.<sup>2</sup> Contrary to popular beliefs, the vast majority of victims of sexual violence are assaulted by someone they know rather than a stranger. For many women, the perpetrator is a former or current intimate partner, and in South Carolina the rate of intimate sexual violence is higher than the national average. Women who report being a victim of sexual violence identify a current or former intimate partner as the perpetrator in 50.8 percent of cases.



<sup>2</sup> <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

## Best practices

A number of recommendations made by the Domestic Violence Task Force reflect the ongoing need for systems to adopt and implement best practice responses in interventions. The committee recognizes that the listed status reflects progress up to this date, but that by their nature, best practices evolve over time and recommends continued attention to evidence and practice-based advances in system responses, collaborative efforts and internal policy development.

The following recommendations include language around best practices for systems to adopt:

<b>Task Force recommendation number</b>	<b>Best practice</b>	<b>Responsibility</b>
20	The Task Force recommends that a best practice for law enforcement agencies is to adopt a policy whereby officers are required to file official incident reports on every case of alleged or substantiated incident of domestic violence	Law Enforcement: local and state
21	The Task Force recommends that a best practice for law enforcement officers to require officers to document and report the presence of children and vulnerable adults residing at locations of domestic violence incidents and to require these individuals be interviewed	Law Enforcement: local and state
22	The Task Force recommends that a best practice for law enforcement is to document domestic violence cases by taking pictures of the victims, the defendant, and the crime scene	Law Enforcement: local and state
23	The Task Force recommends that all law enforcement officers adopt a best practice whereby they screen for control tactics and coded language, not just for physical evidence that physical violence has occurred.	Law Enforcement: local and state
24	The Task Force recommends that a best practice for local agencies is to rescind policies allowing domestic violence victims to sign drop forms	Law Enforcement and Prosecution: local and state
25	The Task Force recommends that a best practice for law enforcement victims' advocates is to be notified as soon as possible of all domestic violence related calls being investigated by law enforcement agencies	Law Enforcement: local and state
26	The Task Force recommends that a best practice for 911 Call Centers is to consistently provide prosecutors with copies of recordings or store audio records of domestic violence calls for at least one year from the date of incident	Municipalities and Counties
27	The Task Force recommends that a best practice for law enforcement agencies is to develop a	Law Enforcement: local and state

	policy and implement a process requiring mandatory supervisory review of all domestic violence incidents to ensure that all elements of law are present and whether control tactics by the perpetrator were properly documented.	
29	The Task Force recommends that all local law enforcement agencies should conduct annual in-house best practice domestic violence training based on the jurisdiction's specific data to focus on their specific problems and issues within the jurisdiction.	Law Enforcement: local and state
34	The Task Force recommends that a set of best practices be developed to help Solicitors approve batterers' treatment programs to include a set of prescribed standards and generally accepted practice-based methods and curricula.	Prosecution Commission, with input from SCCADVASA and batterer intervention programs
39	The Task Force recommends further study as to how to develop domestic violence best practices for all courts, including Family Court. Look towards North Carolina and the practices they have implemented.	Domestic Violence Advisory Committee to work with Court Administration
45	The Task Force recommends further study of best practices or helpful guidelines for current or future shelter operators to assist in increasing shelter capacity and the improvement of services provided.	SCCADVASA and the SC Department of Social Services

## Domestic Violence Advisory Committee recommendations

After discussion and study in 2018, the S.C. Domestic Violence Advisory Committee recommends the following actions to reduce the incidences of domestic violence by developing an understanding of its causes; planning and implementing changes within the agencies represented on the committee; and advising the Governor and General Assembly on statutory, policy and practice changes.

### 1. Expand primary domestic-violence prevention education in schools and communities

The Domestic Violence Reform Act of 2015 amended Section 59-32-30 to require that beginning in the 2016-2017 school year “instruction in comprehensive health education also must include the subject of domestic violence” for grades six through eight. The [2017 South Carolina Academic Standards for Health and Safety Education](#) outline grade-level performance indicators including:

- **Describing situations involving bullying, cyberbullying, sexual harassment, sexual abuse, sexual assault, rape, domestic violence, and dating violence**
- **Demonstrating ways to communicate with safe adults about bullying, cyberbullying, sexual harassment, sexual abuse, sexual assault, rape, domestic violence, and dating violence**
- **Accessing valid resources on bullying, cyberbullying, sexual harassment, sexual abuse, sexual assault, rape, domestic violence, and dating violence**
- **Providing support to victims of bullying, cyberbullying, sexual harassment, sexual abuse, sexual assault, rape, domestic violence, and dating violence**
- **Managing conflict in healthy ways**

The South Carolina Department of Education, through the Office of Standards and Learning has also issued guidance that identifies age-appropriate instruction, [providers](#) and [programs](#) related to the requirement in Section 59-32-30 (B) that school districts work with their community partners and local health advisory committees in the selection of instructional material. This guidance was released in the form of a [memorandum](#) supporting districts in the implementation of Erin’s Law which requires age-appropriate instruction in sexual abuse and assault awareness and prevention to all students in four-year-old kindergarten, where offered, through twelfth grade. The dynamics of sexual abuse and domestic/dating violence are similar, and many of the programs identified on this list include instructional information that fulfills the indicators for both issues.

The Committee recognizes that schools cannot be responsible for all prevention efforts aimed at reducing domestic and dating violence. A public health problem of this magnitude requires a multi-pronged approach that focuses on each level of the socioecological model identified by the Centers for Disease Control and Prevention as a framework for prevention. <sup>1</sup> This four-level model allows us to better understand how individual, relationship, community and societal factors interact and influence each other in either putting people at risk for, or protecting them from experiencing or perpetrating violence. By acting across multiple levels of the model, we can increase the possibility of success and potentially sustain prevention efforts over time to create the long-term change we seek in South Carolina’s relationship with domestic violence.

The Committee also recognizes the link between intimate partner violence and child abuse. Children who are exposed to IPV are at greater risk for substance abuse, teen pregnancy, and criminal behavior than those raised in homes without IPV. [Research](#) has also identified that children from violent homes

exhibit signs of more aggressive behavior, bullying, and are up to three times more likely to be involved in fighting . There is evidence that prevention and early intervention efforts are effective in reducing intimate partner violence and child abuse behavior and provide hope for breaking this destructive intergenerational cycle. <sup>2</sup>

**Recommendation:**

- **Potential partners and funding sources (public and private) should be identified to expand primary prevention education on domestic violence in schools and other community arenas. After funding is identified, a competitive RFP process should be established that will include evaluation of programs.**

## 2. Conduct an in-depth victimization study

One of the greatest challenges faced by the Domestic Violence Task Force established by former Governor Haley was in identifying valid and reliable data that demonstrated the scope of the problem and the efficacy of intervention programs. Problems with data were common across all systems. Since then, improvements have been made, primarily through the implementation of new databases or the addition of data fields to existing forms. Many of these improvements – for instance, updates to SLED’s SCIBERS – have been described in this report.

Nonetheless, information gaps remain, as does the wherewithal for deep data analysis. The Task Force recommended exploration of a partnership between the State and the University of South Carolina to conduct an in-depth victimization study. This committee renews that recommendation, noting that a project of a scope necessary to produce actionable results will be cost-prohibitive without significant state and/or private funding. Employing a university research team could economize this work. What follows are initial suggestions from researchers at the University of South Carolina Department of Criminology, whose expertise and advice was sought by the Domestic Violence Advisory Committee.

**Recommendations:**

- **Collect information about domestic-related homicides, to establish a baseline measurement of the incidence of domestic violence and to track changes in its prevalence over time. (Homicides provide the most reliable means of such measurement. Incidents that might result in murder or manslaughter charges, unlike lesser offenses, are almost always reported and almost always investigated thoroughly.)**
- **Evaluate the effect on recidivism of participation in Pre-Trial Intervention (PTI).**
- **Identify who is being referred to PTI (descriptive study).**
- **Measure the nature of the interventions that people experience and the duration of treatment while participating in PTI.**
- **Identify characteristics of participants who complete PTI versus those who do not. Measure recidivism outcomes of completers versus non-completers.**
- **Survey the research literature to understand what other rigorous studies of diversion programs have found.**
- **Describe and count the number/proportion of people who participate in treatment after pleading or being convicted of domestic violence.**
- **Determine whether there is a natural variation in treatment programming as a sentence after plea/conviction that could be used to measure treatment effectiveness.**



- **Survey the research literature for findings pertaining to children who witness domestic 2017).**
- **Survey the research literature for findings on the factors that victims consider when they decide whether to report victimizations to the police.**

3. Expand the definition of “household member” to better protect victims of dating violence.

South Carolina’s domestic violence laws currently limit the definition of “household member” to:

- (a) a spouse;
- (b) a former spouse;
- (c) persons who have a child in common; or
- (d) a male and female who are cohabiting or formerly have cohabited.

*Doe v. State*, 421 S.C. 490, 808 S.E.2d 807 (2017), granted (Nov. 17, 2017) held that this definition was unconstitutional as applied, and requires that same-sex couples who meet the criteria “cohabiting or formerly have cohabited” be afforded protections under § 16-25-20 and § 20-4-20 (Protection from Abuse Act).

Intimate partner violence is not limited to the relationships identified in our current statutes. Persons who experience domestic violence within a dating relationship where there is no cohabitation are unable to access an order of protection and the criminal charges that can be applied do not carry the collateral consequences of domestic violence convictions.

**Recommendations:**

- **Survey other states’ laws to examine how these jurisdictions provide protection orders to individuals in dating relationships, and how dating relationships are codified.**
- **Utilize the information collected to support legislative measures that expand the definition of household member to protect victims of intimate partner violence who cannot currently access legal remedies and assistance.**