



Public Safety and Criminal Justice Section

Overview:

This section includes domestic violence related data pertaining to public safety and criminal justice for the fiscal year ending on June 30, 2015 and for the calendar year 2015. Trend data is included for comparison purposes. Data is from five out of seven local police jurisdictions and the Mecklenburg County Sheriff's Office. Domestic violence related data for the court system follows and is from the NC Administrative Office of the Courts. Definitions and End notes conclude the section.

Law Enforcement:

Police Jurisdictions

There are seven police jurisdictions in the county: one in the City of Charlotte and six in the surrounding towns. For this report, six out of seven police jurisdictions provided data. The Charlotte-Mecklenburg Police Department collects this data on behalf of the Town of Davidson Police Department. In this table, Davidson and Charlotte's counts are rolled together and reported. The police jurisdiction for Cornelius did not report data for this report.

Table 1: Criminal Incident Reports where a Domestic Violence Relationship is noted

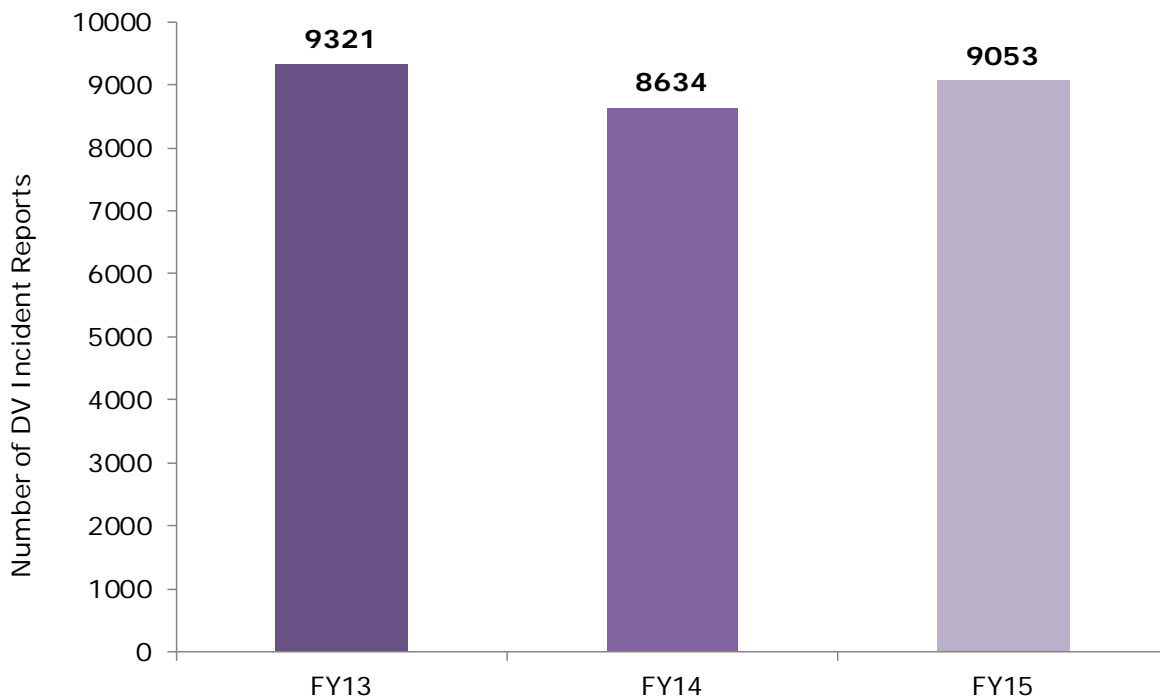
Charge Type ¹	Charlotte-Mecklenburg Police ^{2,3} FY15	Cornelius Police FY15 ⁴	Huntersville Police FY15	Mint Hill Police FY15	Matthews Police FY15	Pineville Police FY15	Total Reports FY15
Homicide	12	-	0	0	0	0	12
Rape	68	-	1	2	12	2	85
Robbery	52	-	0	0	14	0	66
Aggravated Assault	809	-	15	4	114	12	954
Negligent Manslaughter	0	-	0	0	0	0	0
Assault on a Female	0	-	0	0	0	40	40
Non-Aggravated Assault	0	-	90	57	0	43	190
Simple Assault	4946	-	0	0	0	0	4946
Sex Offenses	0	-	0	2	0	0	2
Forcible Fondling	173	-	0	0	0	0	173
Forcible Sodomy	14	-	0	0	0	0	14
Sexual Assault w/ Object	5	-	0	0	0	0	5
Harassing Phone Calls	445	-	10	1	38	9	503
Stalking	22	-	4	1	0	3	30
Communicating Threats	1061	-	18	11	88	26	1204
Kidnapping	122	-	1	1	0	0	124
50-B Violations	372	-	10	2	0	5	389
Domestic Violence - 15A-534.1 (2090)	0	-	0	0	300	3	303
Other Offenses	0	-	6	7	0	0	13
FY15 Total DV-Related Incident Reports Filed⁴	8101	-	155	88	566	143	9053
FY14 Total DV-Related Incident Reports Filed	8040	-	134	146	113	121	8634
Variance from previous year	61	-	21	-58	453	22	419

Table 1 shows a list of various charges by incident reports filed with a respective police jurisdiction for the fiscal year ending on June 30, 2015. (See the Notes for definitions for “Domestic Violence” and “Personal Relationship”) Because there is no state statutory charge code for domestic violence, the Domestic Violence Community Leadership Team (DVCLT) built consensus around this list of charges to serve as a proxy measurement(s) of domestic violence activity in the county. For example, the Charlotte-Mecklenburg Police Department reports 12 homicides in the context of a domestic violence relationship for FY2015. There could be more homicide incident reports for FY15, but 12 occurred in relation to domestic violence.

The total number of police jurisdiction incident reports filed with a domestic violence relationship is 9,053. This is an increase of 419 reports from prior fiscal year. The increase is not a “bad” sign; it could mean more individuals are reporting domestic violence related crimes to their police departments. Of the total, Charlotte-Mecklenburg Police Department represents about 89.4 percent of incident reports filed. It is important to note that the City of Charlotte is the largest police jurisdiction in the county and reports a city population count of 809,958 as of July 1, 2014. Matthews Police Department follows and reports 566 incident reports with a domestic violence relationship for FY15. The US Census Bureau reports a population count of 30,008 for the Town of Matthews as of July 1, 2014.

From the charge perspective, *Simple Assaults* within a domestic violence relationship is the most common charge type listed in the incident report(s) and totals 4,946 for FY15. *Communicating Threats* in the context of a domestic violence relationship follows at 1,204 incidents.

Graph 1: Three-year Summary on Total Number of DV Incident Reports⁵



Graph 1 shows a three year trend of the total number of incident reports with a domestic violence relationship filed with the reporting local police jurisdictions. The trend is consistent for the three-year period.

Mecklenburg County Sheriff's Office (MCSO)

The Mecklenburg County Sheriff's Office (MCSO) is responsible for serving protective orders to perpetrators of domestic violence and for seizing and destroying any weapons that may be found in the home of individuals impacted by domestic violence. These law enforcement activities are ordered by a local judge in the county's court system. ("Protective Order" is defined in the Notes.)

Table 2 lists three years of calendar data for the Mecklenburg County Sheriff's Office. The three-year trend for Domestic Violence Orders received and served is consistent. There is variation in the activity related to weapon data in the context of domestic violence. The trend line for the number of weapons seized and stored in the context of domestic violence over the three years is increasing.

Table 2: Three-year Mecklenburg County Sheriff's Office Data Summary for Domestic Violence⁶

	<u>2013</u>	<u>2014</u>	<u>2015</u>
DV Orders Received	3551	3395	3727
DV Orders Served	2890	2889	2889
Weapons Seized ⁷	122	115	59
Weapons Destroyed ⁸	100	7	0
Weapons Released ⁹	47	99	39
Seized Weapons Currently Stored by MCSO ¹⁰	203	315	376

NC Administrative Office of the Courts, District 26:

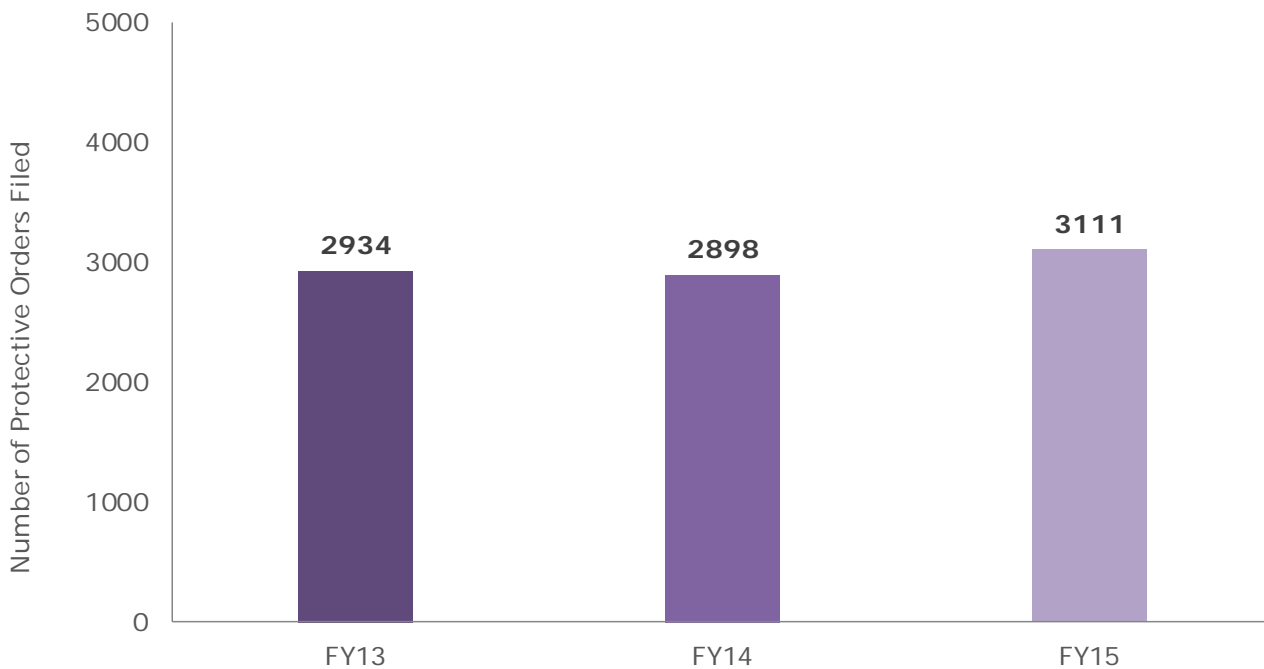
The North Carolina Administrative Office of the Courts (AOC) is charged with collecting data on case filings and dispositions in criminal and civil courts at the district and superior court levels. Domestic violence protective orders are filed and adjudicated in district civil court. Violations of the protective order are settled in criminal court at either the district or superior court levels.

Table 3: Summary of Protective Order Case Filings in 26th Judicial Civil District Court¹¹

<u>Number of Case Filings</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>
Protective Order	2,934	2,898	3,111

Table 3 shows three fiscal years of Protective Order case filings in the 26th Civil District Court, which is Mecklenburg County. The number of Protective Order filings increased from the prior fiscal year. Overall, the trend line is consistent for three years.

Graph 2: Protective Order Filings in 26th Judicial Civil District Court



Graph 2 shows the slight increase in the number of Protective Order filings in the 26th Judicial Civil district court from FY14 to FY15.



Notes for Public Safety and Criminal Justice

“Domestic Violence” (NC GS 50B-1) means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
- (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

A **"Personal Relationship"** [domestic violence relationship] (NC GS 50B-1) means a relationship wherein the parties involved:

- (1) Are current or former spouses;
- (2) Are persons of opposite sex who live together or have lived together;
- (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
- (4) Have a child in common;
- (5) Are current or former household members;
- (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

A **“Protective Order”** [DV Order] (NC GS 50B-3) restrains the defendant from further acts of domestic violence and may include any of the following types of relief:

- (1) Direct a party to refrain from such acts.
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
- (3) Require a party to provide a spouse and his or her children suitable alternate housing.
- (4) Award temporary custody of minor children and establish temporary visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and pursuant to subsection (a1) of this section if the order is granted after notice or service of process.
- (5) Order the eviction of a party from the residence or household and assistance to the victim in returning to it.
- (6) Order either party to make payments for the support of a minor child as required by law.
- (7) Order either party to make payments for the support of a spouse as required by law.
- (8) Provide for possession of personal property of the parties, including the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- (9) Order a party to refrain from doing any or all of the following:
 - a. Threatening, abusing, or following the other party.
 - b. Harassing the other party, including by telephone, visiting the home or workplace, or other means.
 - b1. Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
 - c. Otherwise interfering with the other party.
- (10) Award attorney's fees to either party.
- (11) Prohibit a party from purchasing a firearm for a time fixed in the order.



- (12) Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission.
- (13) Include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child.

Table 1: Criminal Reports where a Domestic Violence Relationship is noted

¹ These charges were selected by the Domestic Violence Community Leadership Team as trend indicators for domestic violence. Please bear in mind that if multiple victims/offenders were involved, the incident is categorized by the highest incident in a report hierarchy established by the FBI's national crime reporting programs [Uniform Crime Reporting (UCR) and National Incident-Based Reporting System (NIBRS)]. However, the domestic relationship may be related to one of the lesser offenses involved in the incident. Data is from each police jurisdiction's case management operational system.

² Data was extracted from incident reports by CMPD and the Davidson Police Department in CMPD's online records management system. Data in this system is subject to change if individual reports are subsequently updated, corrected or reclassified to other offenses during investigation. Cases that have been marked "unfounded" after investigation are not included in this data. Relationships in the reports summarized here are not manually verified and may include data entry errors. Data in this chart therefore may not match "domestic" crime data extracted or published using other criteria or definitions of domestic violence or compiled at a later date.

³ Charlotte-Mecklenburg Police data includes DV-related incident reports filed in the Town of Davidson. CMPD counts intimate partner and non-intimate partner relationships in its total.

⁴ Data for Cornelius police jurisdiction is not included for FY15. Attempts to contact this jurisdiction were made with no response.

Graph 1: Three-year Summary on Total Number of DV Incident Reports

⁵ Reporting police jurisdictions include CMPD, Davidson PD, Huntersville PD, Mint Hill PD and Matthews PD. Data is not included for Cornelius and Pineville police departments for FY15.

Table 2: Three-year MCSO Data Summary for Domestic Violence

⁶ Data is by calendar year and from the MCSO OMS data management system. Data on the most current count is reported.

Criteria for a seized weapon to be released by the MCSO under a judicial order.

1. File a motion for the return of weapons with the clerk of court in the county in which the protective order was entered. The form motion, "Motion for Return of Weapons Surrendered under Domestic Violence Order" AOC-CV-319, is available from the office of the clerk of court.
2. The motion must be filed no later than 90 days after the expiration of the Order that required you to surrender the firearms.
3. The motion for the return of the weapon(s) must be filed within 90 days after the expiration of the Domestic Violence Protective Order. The Sheriff may seek an order from the Court to dispose of the weapon(s) if the motion is not filed within 90 days after the expiration of the Domestic Violence Protective Order.
4. The motion must be granted and the order to return the weapon(s) must be issued/signed by a Judge.
5. Obtain a Handgun Purchase Permit from the Registration Division (715 E 4th Street Charlotte, NC 28202) within 30 days prior to the release of weapon(s).

6. All seized weapons are assessed a one-time \$25 administration fee (per weapon) and an additional \$1 per day (per weapon) storage fee. Ammunition (over 50 rounds) will also be assessed an additional \$1 per day storage fee. All storage fees are assessed beginning immediately upon collection of the weapon(s) and/or ammunition, through the date the weapon(s)/ammunition are returned by order to the owner.
7. The owner must obtain all necessary documentation for return of the weapon(s)/ammunition (including without limitation, a court order for return of the weapon(s)/ammunition) and pay all of the above fees in full before weapon(s)/ammunition will be released.
8. Once all of the required paperwork (including the court order for the release of the weapon(s)/ammunition, as well as the required Handgun Permit) is obtained, Jim Cathey must be contacted at (980) 314-5849 to schedule an appointment to pick up the weapon(s)/ammunition ordered to be released. Weapon(s) are released between 9:00 AM and 11:00 AM by appointment only. At the time the appointment is made, the total administration and storage fee charges that are owed (through the date of the appointment) is given. Failure to pick up the weapon(s)/ammunition at the designated time will cause all applicable storage fees to continue to accrue.
9. In order to satisfy all monetary obligations, the person the weapons are ordered returned to must bring cash (United States currency), money order, or bank certified check made out to Mecklenburg County Sheriff's Office. Failure to pick up the weapons(s)/ammunition within the statutorily permitted time frame will result in forfeiture of your weapon(s)/ammunition and the Mecklenburg County Sheriff's Office following NC law with regard to disposition of your forfeited weapon(s)/ammunition.
10. The "Order to Release", Handgun Permit, valid photo identification, and storage fee payment must be presented at the Sheriff's Office location as instructed for pick up. The required items listed above will be approved by an on duty Sheriff's Deputy prior to releasing the weapon(s)/ammunition.

⁷⁻¹⁰ Data related to weapons seized, destroyed, released and stored means the MCSO has been directed by the courts to complete these tasks as part of a judicial order related to DV.

Disclaimer: These are the numbers that are reflected in the MCSO Paper Process System. The actual service numbers are somewhat fluid since there are carry over papers from prior year and at any time the report is run, there are outstanding processes pending service or other disposition. Also "Unserviceable" papers are one that are issued where no address is provided for the defendant. The Defendant may very well be listed as Homeless or with an unknown address and there is no record of employment, prior arrests, etc. to follow up on.

Table 3: Summary of Protective Order Case Filings in Civil District Court

¹¹ Data is from the NC Administrative Office of the Courts VCAP system or civil data management system.