

# PROJECT SAFE 14 PROGRAM DESCRIPTION



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## **I. Introduction**

Project Safe 14 is a program under the auspices of the Department of Justice's Project Safe Neighborhood that aims to leverage federal and state resources to focus on prosecuting the area's most prolific offenders.

The "neighborhood" in question is the 14<sup>th</sup> Judicial Circuit – five contiguous counties in South Carolina's Lowcountry. The circuit spans more than 3,700 square miles and has a population of more than a quarter of a million people. One of the counties, Beaufort County, is the second wealthiest county in the state, as measured by median income. It houses Hilton Head Island, the PGA Tour's Heritage golf tournament and seemingly endless tourism. Allendale County is also in this jurisdiction. Unless you are from South Carolina, you probably have never heard of it. It is the second-poorest county in the state, with a 30% poverty rate according to the most recent census figures. By way of comparison, the average poverty rate in South Carolina is 16.6%. In fact, three other Fourteenth Circuit counties have poverty rates exceeding the state average. Some areas of the circuit are somewhat densely populated and fast-growing; most of the circuit is rural and sparsely populated. There is a wide variety of racial and ethnic people. This area is a microcosm of South Carolina and, in many ways, the United States.

The Project Safe 14 program is a partnership between the United States Attorney's Office in the District of South Carolina and the Fourteenth Circuit Solicitors office. The Solicitor's Office employs approximately 30 prosecutors and 30 support staff. Nationally speaking, it is a little larger than an average-sized prosecution office; and therefore, it is a good example of what can be accomplished in almost any jurisdiction.

## **I. Case Study**

On August 16, 2016, in the small town of Allendale South Carolina, the Allendale Police Department was summoned to the scene of a domestic dispute. The victim alleged that she was being assaulted by her boyfriend and that he had a gun. When police arrived, they saw the defendant, Earl T. Frazier, fire a .45-caliber handgun into the air. Frazier dropped the gun at the sight of law enforcement and was arrested without incident.

Two weeks earlier, Frazier had been released from the South Carolina Department of Corrections after serving 11 years for armed robbery. He was a member of the Gansta Disciples street gang and was given the gun he brandished on that August night as a “get out of prison present.” The gift was provided by fellow gang member Joey Barfield.

By most accounts Joey Barfield is a career criminal. In April 2003, he was convicted of killing a dog. In November of the same year, he was convicted of burglary. For these charges, he received two years’ probation. In November of 2004, he committed another burglary, then a month later, three more. For these latest offenses, he received a 10-year sentence.

The Gangsta Disciples street gang to which Barfield and Frazier belong, as Barfield’s common-law wife describes it, “has been involved in a few shootings here and there and are also active in the drug trade.” When state and local officials raided Barfield’s house, they found a .45-caliber pistol loaded with eight rounds, one round in the chamber and the hammer cocked. They found a .223-caliber AR 15 rifle. It was also loaded with 30 rounds. There was a black “Gerber Baby” backpack that held a .40-caliber Glock pistol loaded with 10 rounds. The assault rifle and the backpack were within three feet of a 3-year-old toddler’s bed. Also in the house, agents found two .12-gauge shotguns, a flashlight stun gun, a knife and a small amount of cocaine.

Although he was a repeat offender who was housing an arsenal in his home, Joey Barfield had not violated South Carolina law. His previous offenses are classified in South Carolina statutes as “nonviolent” offenses and, accordingly, there was no state prohibition against him possessing the guns. Ordinarily, Barfield would be prosecuted for the drugs, an offense that carried a maximum two-year sentence, and in all likelihood, receive a nominal sentence.

However, four years before the search of Barfield’s house, the Fourteenth Circuit Solicitor’s Office and the Department of Justice entered into an agreement to share intelligence and personnel, and create a program that targets career criminals in the circuit’s five counties. This program includes an intelligence unit housed in the Solicitor’s Office and a full-time Special Assistant United States Attorney (SAUSA) housed in the US Attorney’s Office. The SAUSA, Carra Henderson, is trained and supervised by the United States Attorney and has full access to the federal investigative grand jury, as well as all federal criminal and procedural statutes. She is

one of only two full-time SAUSAs in South Carolina. The Solicitor's Office pays the cost for Henderson and the Intelligence Unit.

As a result of this partnership, Joey Barfield and others like him are now off the street. When local authorities arrested Frazier, Dylan Hightower, an intelligence analyst with the Solicitor's Office, referred to information gleaned from that arrest to SAUSA Henderson and agents with Alcohol Tobacco and Firearm (ATF). Henderson eventually indicted Barfield, and he is now serving a 10-year federal sentence.

## **II. Career Criminal Prosecution Theory**

Project Safe 14 is, in many ways, an extension of a Fourteenth Circuit Solicitor's Office program that preceded it, the Career Criminal Unit. This team was assembled based on the concept that a relatively small number of criminals are responsible for a disproportionate number of crimes. These crime drivers are usually repeat offenders, have spent time in prison, and repeatedly violate their probation or parole. Further, these people do not specialize in any specific crime. They commit crimes that are considered by state law as violent and non-violent. They commit thefts, assaults and drug crimes. This career criminal theory suggests that in order to reduce all types of crime prosecution should focus all available resources on these people.

In Italy in 1900 Wilfredo Pareto, an economist, discovered that 80 percent of the land in Italy was owned by 20 percent of the population. In the 1940s this 80/20 concept was used as a management tool and was aptly named the "Pareto Principal." It applies to other disciplines, as well. For instance, wealth and activity are not evenly distributed throughout the population. Typically, 20% of the people possess 80% of the wealth. Eighty percent of the action (both good and bad) is performed by 20% of the population. This has obvious ramifications for the criminal justice system.

In 2011, the University of South Carolina conducted a crime study of Allendale County, one of the counties in the 14th Judicial Circuit. The study first examined general crime statistics and found that Allendale County exceeded the United States' crime rate in every category except motor vehicle theft. Allendale County exceeded crime rates in South Carolina in every category except motor vehicle theft and forcible rape. Specifically, rates of robbery, aggravated assault, burglary,

and larceny were substantially higher in Allendale than in South Carolina as a whole, or in the United States on average. Allendale's aggravated assault rate was five times greater than the United States and exceeded South Carolina's rate threefold. Allendale's robbery and burglary rates were more than two times greater than South Carolina or national crime rates. Even larceny rates were higher in Allendale, by 20 to 35%.

Just as important was what the study said about who was committing the crime. The following is taken from the 2011 study:

### Repeat Suspects

Criminologists have long recognized that crime is not equally distributed across offenders or victims. In fact, a relatively small number of repeat offenders typically account for a disproportionately high percentage of total crime. Suspects were identified for 345 out of the 593 incidents (58%) reported during the one-year study period. Because 38 incidents involved multiple suspects, the total number of suspects identified is higher—370.

A relatively small portion of all suspects were involved in more than one incident. In total, 137 individuals—37% of all suspects—were identified in two or more incidents. Together, they accounted for nearly one-quarter (23%) of all incidents reported. Figure 1, which shows the distribution of their involvement, reveals that the vast majority of these individuals (91%) were suspected of less than four crimes.

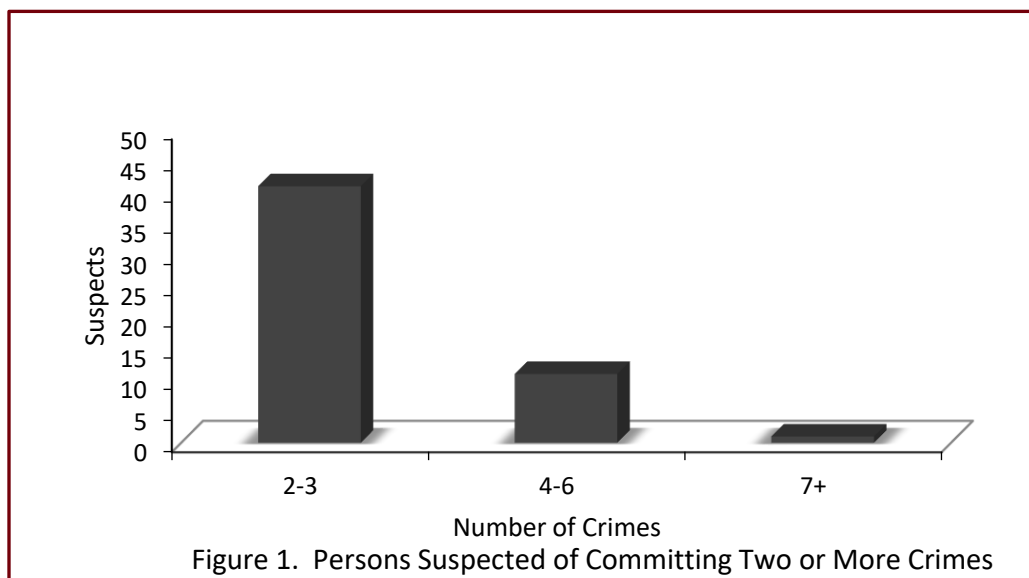


Table 2. Most frequent repeat suspects.

<b>Name</b>	<b>Incidents</b>
Williams, Kenneth Alexander	3
Brant, Rickey Jaquan	4
Brown, Eric	4
Crumley, Kenyaune Jafray	4
Frederick, Jonathan	4
Hicks, Sharockcaly Leander	4
Riddle, Kareem Jabbar	4
Williams, Markeith Antonio	4
Zarata, Junior	4
Breeland, Tyrell Antron	4
Graham, Tyquan Maurice	6
Stevenson, Lonnie Dennis	6
Brown, Byron Lakenric	7

Table 2 lists suspects who were identified in three or more incident reports. These thirteen individuals were suspected of committing nearly 10% of the reported crime in Allendale. It is likely that these individuals are well known to the criminal justice professionals serving the Town of Allendale.

It is notable that most of these suspects did not specialize. That is, by and large, each person faced charges on various crimes across the one-year study period. Only two individuals were identified in multiple incident reports for the same types of crimes—drug possession and distribution, and larceny theft. The remaining suspects were implicated in incidents including robbery, aggravated assault, weapons charges, other violence, burglary, larceny, drug possession and distribution, traffic offenses, and resisting arrest.

This crime study again shows that the Pareto Principal is at work. However, few state laws take this into consideration. Instead, there are cracks in the criminal justice system that let repeat offenders like Joey Barfield slip through because his prior crimes, though numerous, were not on a specific list deemed “violent.”

It should be noted that the Career Criminal Unit operates in a criminal-specific manner, rather than a crime-specific one. This prosecution program does not focus on one type of crime because few career criminals specialize, as the crime study also shows. Career criminal prosecution focuses on the repeat offender regardless of whether the offender's prior record consists of crimes that the state considers “violent” or “non-violent.” Joey Barfield, after all, was

not prohibited from possessing firearms by South Carolina law because although he committed five burglaries these were considered “non-violent” and therefore not serious enough to prohibit him from having weapons.

### **III. Process**

#### **a. Intake and identification**

The first step in implementing Project Safe 14 is identifying the area’s prolific offenders. This job is performed by the Solicitor’s Office Intelligence Unit using objective information. The office brings in approximately 5,000 new warrants every year. Each morning, intake specialists working in the Intelligence Unit contact all five jails in the circuit and gather identifying information on all recent arrests. They then run full background checks on each arrestee. This research includes a criminal-history check, a check of national and local gang databases, and an internal search to determine if the defendant has another case pending on our docket. Intake specialists then assign cases to the appropriate prosecutors and put the cases into the office case management system.

Our intake specialists then send out the daily booking report. Generated by our case management system, this report shows all of the new arrests and any old booking information. It shows if any of the new arrestees are currently out on bond or on probation. This allows the prosecutor to get this information to the bonding judge or to file for a bond revocation, whichever is appropriate. This report goes out to all law enforcement agencies in the circuit, as well. This allows the law enforcement agencies to know who has been arrested in a neighboring jurisdiction in case a witness in the new case can provide evidence in a pending one.

Early efforts at identifying the main crime drivers consisted of periodic meetings with local law enforcement and assembling a list of the criminals whom the agencies knew. This was problematic because the information lacked any real objectivity. Further, criminals in the circuit rarely stayed in any one county or city. Most offenders frequently committed crimes in multiple jurisdictions which kept them from staying on the radar of any one agency. Finally, this information needed to be updated more regularly than it could in periodic meetings in order to keep up with the ever-changing movement of criminals. It needed to be updated daily.

Now, the unit coordinates with South Carolina's Fusion Center, which is run by the State Law Enforcement Division (SLED), and 21 different state and federal law enforcement agencies. Through the state's Fusion Center, the office has access to a large number of public documents, such as incident reports, criminal records and driving records. It also provides access to facial-recognition software, the Pen Link system for analyzing telephone records and computer programs that collect data on gangs. This is used daily in the process of identifying, arresting and prosecuting the area's criminals. The unit also conducts additional investigation on offenders and the facts surrounding their arrest.

#### **b) Federal Prosecution Process**

There are a number of scenarios in which career criminals can be prosecuted federally by the 14<sup>th</sup> Circuit SAUSA. If a career criminal possesses a gun or drugs and state law is inadequate, our Intelligence Unit will make a direct referral to the SAUSA. The case is flagged in our shared case management system, and the SAUSA sends it to the Federal Task Force Officer (TFO) to begin their review of the evidence. If the TFO decides that it is a good case for federal intervention, they will write a report and submit it to the SAUSA and her supervisor for a final decision. These are almost exclusively Alcohol Tobacco and Firearms (ATF) cases. When Frazier's arrest came into the intake division of the Solicitor's Office Intelligence Unit, analyst Hightower relayed this information to Henderson. Hightower also forwarded the information to ATF agents, who worked with state and local law enforcement to obtain a federal search warrant, search Barfield's house and arrest him.

Local law enforcement may reach out directly to the TFO or our Intelligence Unit for either assistance with an investigation or, after arrest, for assistance in prosecution. The review process is the same. The SAUSA may prosecute the case if the case originated as a federal investigation taking place in the 14<sup>th</sup> Circuit. This usually occurs in overdose deaths and other drug cases. Other, less-common scenarios include cases originating in the United States Attorney's Office but in another division. These cases usually start by federal law enforcement agencies investigating bank robberies, thefts from FFLs, straw purchases, etc.



Finally, the FBI Violent Crimes Task Force can go directly to the SAUSA with a case to adopt or open, even if the case is outside of the 14<sup>th</sup> Circuit, so long as there is a connection to criminal activity in the circuit. Barfield, for example, was living outside of the 14<sup>th</sup> Circuit but was supplying guns to fellow gang members in Allendale.

### **I. Project Safe 14 Results**

Since the inception of this program, Henderson has successfully prosecuted 44 defendants on federal charges. Over a three-year period, this program has removed a yearly average of 14 repeat offenders from 14<sup>th</sup> Circuit streets. However, the program's success should not just be measured solely by numbers. The program has had the additional effect of better communication between the Solicitor's Office and the US Attorney's Office, as well as between the Solicitor's Office and its state and local partners in law enforcement.

In 2017, this open dialog led to a federal RICO Act investigation and prosecution that dealt a major blow to street gangs operating in several Lowcountry counties in and around the 14<sup>th</sup> Circuit. Tameaka Legette, another SAUSA in our office, worked shoulder-to-shoulder with the Department of Justice, state and local law-enforcement agencies and the 9<sup>th</sup> Circuit Solicitor's Office, and earned convictions against 17 members and associates of the Wildboys and Cowboys gangs. This was in addition to the work performed by Henderson.

In 2016, the Solicitor's Office Intelligence Unit also helped solve an armed robbery case after an ATF agent called Hightower for information on gangs in the area. Not only was Hightower able to supply the names of gang members, he also found, on the social media page of one of the gang member's sister, a photograph of a baby in a crib surrounded by cash that still had the band used by the store clerk to secure the money before it was stolen.

Project Safe 14 has proven to be the most effective way to foster cooperation among federal, state and local law enforcement agencies. The program has undoubtedly improved communication, focused resources in the correct places and most importantly, improved the lives of citizens in the 14<sup>th</sup> Circuit.