

	<h2 style="margin: 0;">Horry County Police Department</h2> <h3 style="margin: 0;">General Order</h3>		
	Subject: Domestic Violence	Number: 20-8	Distribution: All Personnel
Effective Date: October 9, 2024	Amends /Rescinds: Previous Version (03/26/20)	Pages: 1 of 5	Re-evaluation: (10/07/2024)
References: SCLEA		Notes:	

I. PURPOSE

The purpose of this directive is to establish procedures for investigating reports of domestic violence incidents, or reports of violations of Orders of Protection issued by a recognized Court of Law.

II. POLICY

It is the policy of the Horry County Police Department (HCPD) to effect an arrest in those cases of domestic violence where an arrest can lawfully be made, attempt to reduce the incidence and severity of domestic violence; protect victims of domestic violence by providing them with support through a combination of law enforcement and community services; and, promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service. All officers are responsible for maintaining a working knowledge of *South Carolina Code of Laws Title 16, Chapter 25* as it pertains to Domestic Violence.

III. DEFINITIONS

Domestic Violence – as defined by *SC Code of Laws SC Code § 16-25-20 (2013)* It is unlawful to:

- (1) Cause physical harm or injury to a person’s own household member; or,
- (2) Offer or attempt to cause physical harm or injury to a person’s own household member with the apparent present ability under circumstances reasonably creating fear of imminent peril.

Household Member – means a spouse (including same-sex couples who are legally married), former spouse, persons who have a child/children in common, or a male and female who are cohabitating or formerly cohabitated.

III. RULES AND PROCEDURES

A. WARRANTLESS ARREST/ARREST AUTHORITY

Pursuant to *SC Code of Laws §16-25-70*, an officer may arrest with or without a warrant, a person at the person’s place of residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed an offense under *SC Code of Laws §16-25-20(A or D)*, *SC Code of Laws §16-25-65*, or *16-25-125*, even if the act did not take place in the presence of the officer. Such an arrest may be made over the objection of the petitioner.

B. ARREST SITUATIONS

1. Officers will make a custodial arrest in domestic violence incidents when:
 - A. There is probable cause that an act of domestic violence as defined in this directive and state law, has occurred; or,

- B. There is probable cause that a violation of an Order of Protection against domestic violence has occurred to the petitioner or household members by:
 - 1) the respondent abusing, threatening to abuse, or molest the petitioner or persons on whose behalf the petition was filed;
 - 2) the respondent communicates or attempts to communicate with the petitioner in any way;
 - 3) the respondent enters or attempts to enter the petitioner's place of residence, employment, education, or other location as the court may order;
2. The decision to arrest and charge does not require the consent of the victim. The arresting officer should emphasize to both the victim and the offender that the legal process is being initiated by the State and not by the victim. The arrest and charge of both parties for domestic violence on each other is strongly discouraged. If both parties are arrested, the officer shall include in the report the grounds for arresting two or more parties.
3. In making a decision to arrest, the officer shall try to determine the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend oneself or another family or household member from domestic violence.

C. LEGAL REQUIREMENTS

1. Each officer responding to an alleged incident of domestic violence will advise the victim if there are services available; assist the victim in obtaining medical treatment if required as a result of the alleged incident being investigated by the officer; give the victim a copy of the HCPD Victim's Rights Form (all officers assigned to the Patrol Division will carry copies of this form while on-duty); have the victim sign the form acknowledging receipt and complete an incident report for any domestic violence case whether or not an arrest is made.
2. Department members will ensure the charging document, case report and Victim's Rights form is completed and uploaded to the RMS System prior to the arrestee's bond hearing so that proper victim notification can be completed. In addition, the Bond Court must be provided the suspect's criminal history prior to the setting of bond.
3. The report must include the following:
 - a. Description of physical injuries observed, if any;
 - b. Medical treatment offered and where treatment was obtained or if medical treatment was refused;
 - c. The reason if an arrest was not made;
 - d. Note that the victim was given a Victim Rights Form and
 - e. Note that the process for obtaining an Order of Protection was explained to the victim.
4. Officers receiving complaints of domestic violence from two or more parties must evaluate each complaint separately to determine whether there is probable cause for an arrest.

D. RESPONDING OFFICER PROCEDURES

1. The responding officer(s) must evaluate each situation in order to determine the appropriate action to be taken as directed by departmental policy and State law.
2. Situations which are not considered domestic violence under the provisions of departmental policy and state law should be reclassified by the responding officer and handled appropriately.

3. Initial response and entry to the scene should be treated as any violent crime in progress. Officers should use tactics designed to ensure the safety of themselves and the victim, preserve the scene, and apprehend the offender.
4. If the suspect is a sworn member of this agency, or another law enforcement or detention agency, the investigating officer will notify a supervisor, who will respond to the scene to ensure that the investigation is handled properly, with emphasis being placed on the victim's safety. The supervisor will also ensure that the investigation is carried out as any other, regardless of the status or employment of the suspect.

E. ON-SCENE INVESTIGATIVE PROCEDURES

1. Officers will use their in-car video recorders and body worn cameras during domestic violence calls. When managing a domestic violence call, officers will adhere to the following procedures:
 - a. Restore order by gaining control of the situation.
 - b. Take control of all weapons used or threatened to be used in the crime.
 - c. Physically, verbally, and, if possible, visually separate the victim from the offender. If circumstances permit, attempt to move them into separate rooms.
 - d. Assess the need for medical attention and call for medical assistance, if indicated.
 - e. Interview all parties involved, including children who may have witnessed the incident.
 - f. After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken.
 - g. It is the supervisor's responsibility to ensure that the officer completes the appropriate paperwork and reports necessary to fully document the officer's actions, whether or not a crime was committed or an arrest was made.
 - h. When possible, photograph injuries after obtaining permission from the victim. Submit the photographs into evidence using proper procedures for submitting photographic evidence.
 - i. Provide the victim with a copy of the case report number, a Victim's Rights Form.
 - j. If the offender has left the scene and a crime has been committed, the officers will:
 - 1) Conduct a search of the immediate area to locate the offender;
 - 2) Obtain information from victims and witnesses as to where the offender might be located;
 - 3) Prepare a warrant affidavit and all other appropriate paperwork, if the offender cannot be located. This case will then be presented to a magistrate within 24hrs.
 - k. Whenever possible, the officer will obtain a written statement from the victim and witnesses concerning the alleged domestic violence. The officer should also have the victim/witnesses swear to their statement by signing the statement. The officer will sign the statement at the bottom of the form as a witness.
 - l. A supervisor will verify that the officer will complete a written report as required, upload the charging document and Victim's Rights Form to the RMS. This will be completed before the end of their tour of duty, unless approved by a supervisor to hold due to exigent circumstances.

- 1) When the investigating officer determines that a Domestic Violence of a High and Aggravated Nature or Domestic Violence in the First degree with serious injury to a victim has occurred, the supervisor will notify the on-duty/on-call Domestic Violence Detective. The notification will be documented in the HCPD Incident Report.
2. In cases where children are additional victims or the parent (s) or guardians are arrested with no other responsible adult available, the Department of Social Services (DSS) will be contacted as soon as possible.

F. DOMESTIC VIOLENCE VICTIM ASSISTANCE

1. Officers will provide the following assistance to victims, and where appropriate, the children:
 - a. Advise all parties about the criminal nature of domestic violence, its potential for escalation, and that help is available;
 - b. Secure medical treatment for victims;
 - c. Ensure the safety of children;
 - d. Remain on the scene until satisfied there is no threat to the victim;
 - e. Remain on the scene to preserve the peace as one party removes needed personal items, to sustain the person overnight;
2. Victim Advocates will provide the following assistance to victims, and where appropriate, the children:
 - a. Provide the victim with referral information for legal or social assistance.
 - b. When appropriate, transport the victim to a safe place or arrange for such transportation; and
 - c. The HCPD Chaplaincy Program is available to domestic violence victims for counseling and assistance when required.
3. Requests for assistance relocating to a domestic violence shelter must include:
 - a. law enforcement offense report
 - b. preauthorization
 - c. police escort

G. VIOLATION OF AN ORDER OF PROTECTION

1. An officer investigating a violation of an Order of Protection against domestic violence will review the document to determine if legal ground for a violation exists.
 - a. The officer will verify that the particular order requires the defendant vacate the premises or otherwise refrain from doing what the defendant is alleged to have done.
 - b. The officer will verify that the subject has been served with the order to prove that the subject knowingly violated the order.
2. If the victim does not have a copy of the order in his/her immediate possession, the officer will verify the order by:

- a. During normal business hours, request the Communication Center contact the Judicial Process Section at the Horry County Sheriff's Office for verification.
 - b. Have the Communications Center check the victim/defendant through NCIC to check for an active order.
3. If a violation of an Order of Protection exists to the petitioner or household members:
- a. A custodial arrest will be made pursuant to the provisions of this directive and state law.
 - b. A UTT may be used and the report should identify the specific provision of the order which has been violated. The report should include the docket number of the order, as well as the name of the judge who issued it. The arrest report should also include any criminal offenses which the suspect committed.
 - c. If the suspect has left the scene or property referenced in the order prior to the officer's arrival and cannot be found, the officer will prepare a warrant affidavit charging the suspect with all criminal offenses committed if probable cause exists. (e.g., assault, battery, violation of an order of protection against domestic violence, etc.).

H. AFTER HOURS ORDERS OF PROTECTION

Family Court has jurisdiction over all proceedings regarding Orders of Protection. During non-business hours or at times when the court is not in session, a petition may be filed with a magistrate. A magistrate may issue an Order of Protection granting only the relief provided by:

SC Code §20-4-60 :

(A) Any order of protection granted under this chapter shall be to protect the petitioner or the abused person or persons on whose behalf the petition was filed and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, or molesting the petitioner or the person or persons on whose behalf the petition was filed.

I. OFFICERS WHO ARE SUBJECT TO AN ORDER OF PROTECTION

Sworn members are prohibited from carrying department approved firearms while the subject of a domestic violence restraining order or other court order that forbids the possession of firearms, even when that order allows possession for official use.

By Order of:

Kris Leonhardt, Chief of Police

Date: 10/09/2024

(Copy on Power DMS® is Signed Electronically)