



GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 238

GENERAL ORDERS

DOMESTIC VIOLENCE

PURPOSE:

It is policy of the Greenville County Sheriff's Office to provide immediate assistance to victims of domestic violence, protect victims from further abuse, and take appropriate action against offenders. To facilitate its efforts in combating domestic violence, the Sheriff's Office maintains a Family Violence Unit in the Specialized Investigations Division.

Due to the high rate of incidents of domestic violence and the prevalence of these incidents escalating to fatalities, it is the policy of the Sheriff's Office to aggressively investigate these offenses and prosecute offenders whenever probable cause and legal authority exists under SC Code 16-25-20.

LEGAL OVERVIEW:

Definitions – For purposes of this directive, Family/Household member means:

1. Spouses
2. Former spouses.
3. Persons who have a child in common
4. A male and female who are co-habiting or formerly co-habited.

Moderate Bodily Injury - Physical injury that involves prolonged loss of consciousness, temporary or moderate disfigurement, fracture or dislocation, or temporary loss of the function of a bodily member or organ that results in the need for medical treatment requiring the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

Great Bodily Injury - Bodily injury that causes substantial risk of death or serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

BASE ELEMENTS OF DOMESTIC VIOLENCE: *pursuant to §16-25-20 of the Code of Laws of South Carolina, 1976 as amended (hereafter the S.C. Code:*

(A) *It is unlawful to:*

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

Domestic Violence of a High and Aggravated Nature pursuant to S.C. Code 16-25-65:

(A) *A person who violates Section 16-25-10(A) is guilty of the offense of domestic violence of a high and aggravated nature when one of the following occurs. The person:*

- (1) *commits the offense under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim results;*
- (2) *commits the offense, with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death; or*
- (3) *violates a protection order and, in the process of violating the order, commits domestic violence in the first degree.*

Protection Order – *Pursuant to SC Code 16-25-10 of the Code of Laws a protection order means any order of protection, restraining order, condition of bond, or any similar order issued in this State or another state or foreign jurisdiction for the purpose of protecting a household member.*

1. Order of Protection is issued through Family Court, or through Magistrates Office when Family Court is closed.
2. An Order of Protection and Restraining Orders are kept on file in the warrant division and entered on NCIC. These orders are normally valid for six months to one year.
3. An Order of Protection issued by another County, State, Tribe, or Territory is afforded full faith and credit if it is valid on its face. It is valid on its face when parties are named, it has a Judge's signature, and it has not expired. A copy is sufficient, or its entry on NCIC showing a valid expiration date.

South Carolina no longer requires a “mandatory arrest” for incidents of domestic violence; nevertheless **it is the policy of the Sheriff’s Office to make an arrest where there exists probable cause and legal authority under SC Code 16-25-20.**

§16-25-70 (A) Warrantless Arrest –

*A law enforcement officer may arrest, with or without a warrant, a person at the person’s residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of §16-25-20, 16-25-65, or 16-25-125 even if the act did not take place in the presence of the officer. The officer may, if necessary, verify the existence of probable cause related to a violation pursuant to the provisions of this chapter by telephone or radio communication with the appropriate law enforcement agency. A Law Enforcement Agency must complete an investigation of an alleged violation of this chapter, even if they were not notified at the time the alleged violation occurred. The incident **MUST** be documented on an incident report form which must be maintained by the investigating agency. If an arrest warrant is sought, the Law Enforcement Agency must present the results of the investigation and any other relevant evidence to a Magistrate who may issue an arrest warrant.*

Note: physical manifestation of injury means evidence that supports an allegation that the injury occurred, whether or not the injury is visible.

**COMMUNICATIONS
SPECIALISTS’
RESPONSIBILITIES:**

Communications specialists are to give domestic violence priority over other routine calls for service, and dispatch at least two deputies to each incident when possible.

An effort is to be made to determine and relay the following information to the responding deputies:

1. Any serious injury requiring EMS.
2. Whether the suspect is present, the suspect’s description, vehicle description and possible whereabouts.
3. Whether weapons are involved or accessible.
4. Whether the suspect is under the influence of drugs or alcohol.
5. Whether there are children currently present in the home.
6. Whether the victim has a current Protection Order or Restraining Order.
7. The complaint history at the dispatched location.

A communications specialist is not to cancel response to a domestic violence complaint based solely on a follow up call from the residence requesting cancellation. The complainant's request to cancel the call is aired to the responding deputy.

**RESPONDING UNIT'S
RESPONSIBILITIES:**

When responding to a domestic violence call, deputies will make every effort to:

- Use caution when approaching the incident location.
- Restore order by gaining control of the situation.
- Take control of all weapons used or threatened for use in the crime.
- Assess the need for medical attention and call for medical assistance, if indicated.
- Identify all persons, including children present during the crime by full name, address, social security number, birth date, sex, race, height, and weight.
- Privately interview all parties, out of sight and sound of each other. Never tell a suspect what a victim or child witness said.
- Attempt to take written statements from all witnesses, especially the victim, at the time of the initial response.
- Collect and record evidence to include pulled out hair, weapons, torn or bloody clothing, telephones pulled from the wall, and any other pertinent evidence.
- Arrange for photographs whenever there are visible signs of injury to persons or property to include the victim and the suspect, and any evidence at the scene showing the conditions of the incident. If photographs are obtained by division personnel in lieu of responding forensics, the images will be uploaded to the photo kiosk located outside of Property and Evidence no later than the end of the deputy's next scheduled shift.
- Incident reports will be completed on all allegations of domestic violence.
- Make an arrest when appropriate. If suspect is gone on arrival and cannot be located, obtain arrest warrant without delay.

Incident reports should, if possible:

1. Include the five factors used to determine primary aggressor according to 16-25-70.
2. Describe the relationship between the victim and subject.
3. Accurately describe emotional state of parties involved.
4. Document physical condition of both the victim and suspect, including alleged injuries that may not be visible.
5. Accurately document the crime scene.

6. Include verbal statements made by persons present using quotes when possible. Include the person's name who made the statement, as well as others who may have heard the statement. Take written statements if possible.
7. Include prior instances of emotional, physical or sexual abuse by the suspect reported by victim or children at the scene to include where and when prior incidents occurred.
8. Include information of weapons used, any evidence seized, photographs taken and by whom.
9. Include documentation if EMS is called to the scene, or if victim refused medical treatment. Include if a safe haven was offered.
10. Document all persons present at the scene, using full names, and unit numbers to include emergency medical, fire, and law enforcement personnel.
11. Document giving the victim a report case number, victim assistance form, and order of protection instruction form.

**MULTIPLE
DOMESTIC VIOLENCE
COMPLAINTS:**

Pursuant to S.C. Code §**16-25-70**, if a deputy receives multiple complaints of domestic violence from the same household, the deputy is to evaluate each complaint separately to determine who is the **primary aggressor**. If the deputy determines that one person was the primary physical aggressor, the deputy must not arrest the other person accused of having committed domestic violence or family violence. A deputy who arrests two or more persons for the crime of domestic violence (stemming from the same incident) must include in the incident report the grounds for arresting both parties and a statement that the deputy attempted to determine which party was the primary aggressor but could not.

In determining primary physical aggressor, the deputy is to consider:

1. *Prior complaints of domestic violence or family violence.*
2. *The relative severity of the injuries inflicted on each person, taking into account injuries alleged which may not be easily visible at the time of the investigation.*
3. *The likelihood of future injury to each person; considering the relative size of the parties, criminal history, and access to weapons;*
4. *Whether one of the parties acted in self-defense, noting if any injuries are consistent with self-defense wounds;*
5. *Household member accounts regarding the history of domestic violence.*

Pursuant to **16-25-70**, a deputy must not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage a party's request for intervention by law enforcement.

**OFFENDER GONE
ON ARRIVAL:**

If the offender left the scene and a crime has been committed, deputies are to attempt the following, if possible:

1. Obtain information from victims and witnesses as to the offenders physical description, full name, birth date, social security number, weapons in the offenders possession, description of any vehicle used by the offender, and location where the offender might be.
2. With existence of imminent danger, remove the complainant and family from the scene.
3. Conduct a search of the immediate area.
4. Attempt to locate offender.
5. Review details and evidence of the case, and make all appropriate charges. (Other possible charges of burglary, pointing/presenting firearm, malicious damage, etc.)
6. If the offender cannot be located and probable cause exists, the deputy is to immediately seek a magistrate and obtain the appropriate arrest warrant. The signed warrant is to be placed in Judicial Services. If a magistrate is unavailable, it is incumbent upon the deputy to notify his/her supervisor who will ensure a warrant is secured.
7. If injuries to the victim are of a serious nature (such as attempted murder) or a number of witnesses or victims are present requiring multiple interviews, the on call investigator for Family Violence can be called to the scene at the discretion of a supervisor.

ARRESTS:

When probable cause and legal authority exist to make an arrest, deputy sheriffs are to make the arrest and transport the offender to the Detention Center for arraignment. If a magistrate is not available, the offender is placed in the Detention Center on a temporary commitment. Unless extenuating circumstances exist deputies are prohibited from recommending a personal recognizance bond on behalf of the offender. The extenuating circumstances are to be noted in the incident report.

In complying with the Victim's Bill of Rights, notify the victim of the offender's arrest. If victim requests to be present at the bond hearing, notify the Magistrate so arrangements can be made in the courtroom.

Deputies should attempt to get a written statement from the offender. (Remember Miranda requirements)

Arresting deputies should emphasize to the victim and the offender that the criminal action taken (i.e. the arrest) is being initiated by the State of South Carolina, not the victim.

**VICTIM ASSISTANCE &
CRIME PREVENTION:**

Many domestic violence victims feel trapped in violent relationships because they are unaware of the resources available to help them or that domestic violence is a crime. Additionally, the offender may have threatened further violence if the victim attempts to leave or seek assistance. Deputies are therefore required to provide the following assistance to victims, batterers, and where appropriate, the children:

1. Whenever possible, all parties should be advised about the criminal nature of family violence, its potential for escalation, and that help is available.
2. Secure medical treatment for victims.
3. Ensure the safety of children.
4. Remain on the scene until satisfied there is no further threat to the victim.
5. Remain on the scene to preserve the peace while one of the parties removes necessary personal items such as medicine, change of clothing, change of clothing for the children, etc.
6. Provide the victim with referral information for available shelters, (*the phone number, not the address*) legal aid, social assistance, assistance through the Victims Assistance Fund, and support available through the Family Court System.
7. If necessary, make arrangements to transport the victim and children to a safe place.

**COMMUNICATIONS
CENTER**

TAPE REQUESTS:

With supervisor approval, the arresting deputy is to request a copy of incoming calls received by the Communications Center regarding incidents charged as Domestic Violence 1st, 2nd, or 3rd degrees, Domestic Violence of a High and Aggravated Nature and/or Assault and Battery with Attempt to Kill. This does not preclude a deputy from requesting a copy of calls received by the Communications Center on any domestic violence arrest in which the deputy determines the tape may assist in the successful prosecution of the charges.

Requests are made to a communications supervisor on a **Tape Search Request Form** available through the Communications Center. This form requires a supervisor's approval. Because tapes are only available for 60 days from date of call, requests are to be made as soon as possible.

A Communications Center supervisor will copy the tape and notify the requesting deputy when the tape is ready. When retrieving the tape, the deputy is to have the Communications supervisor that copied the tape sign a property sheet to maintain chain of custody. This copy will be marked as the "original copy" and will be placed in P&E. This tape will be marked with the case number and signed by the person pulling the tape.

Tapes stored in Property and Evidence are to include the following documentation on the Property and Evidence sheet:

1. Identity of the Communications Specialist that answered the telephone call.
2. Date and time of the call.
3. Identity of the person who made the copy
4. A statement indicating the tape is a true and accurate copy of the original call.

**EMPLOYEE
DOMESTIC
MISCONDUCT:**

Domestic issues involving employees directly affect an employee's work performance. Due to the nature of law enforcement, employee work performance is not only vital to that employee, but to those working with the employee. In more serious cases, domestic issues can result in disruptions at work, workplace safety issues, and events which could compromise the morale of the agency. In extreme cases, the stress of domestic issues could lead to an employee making grave decisions they would not make under normal conditions.

**DOMESTIC
MISCONDUCT
DEFINED:**

For purposes of this policy, domestic misconduct is defined as *an incident of assault, battery, stalking, intimidation, or other criminal act involving an employee of the Sheriff's Office with a spouse, another household member, a current or former co-habitant, an individual whom the employee has a child in common, or currently or previously involved in an intimate relationship.*

**REQUIRED
REPORTING:**

Whether an employee is a victim or suspect, a Sheriff's Office employee is required to report to his or her supervisor:

1. Incidents of actual or potential domestic misconduct.
2. Service of any type of order of protection or restraining order.
3. Contact with law enforcement regarding domestic issues.

NOTE – Employees are to report any contact with law enforcement outside of their job function. Additionally, employees are required to immediately report any criminal allegations or the imminent arrest of an employee to the Office of Professional Standards.

The Office of Professional Standards will be notified and respond to any allegation of Domestic Misconduct when the suspect is a member of this office.

NO CONTACT ORDER: In certain situations, a supervisor or OPS official may deem it necessary to issue an Administrative No Contact Order; see Appendix A. An Administrative No Contact Order can be used in most circumstances, except those involving married or co-habiting individuals. In these situations, OPS has the latitude to modify the order. Administrative No Contact Orders may be modified to be used in cases other than domestics.



Hobart Lewis, Sheriff

Appendix A

ADMINISTRATIVE NO CONTACT ORDER

You are the subject of a personnel complaint relating to your alleged misconduct regarding _____ . An administrative investigation into this allegation is being conducted. You are ordered to immediately refrain from any contact, direct or indirect, with the above listed individual. This encompasses any communication; being oral, written, telephonic, or electronic.

You are further ordered to refrain from visiting the above listed individual's home, place of employment, friends or relatives homes, or any other location the above listed individual may be located. Should you find yourself in a location or situation which subjects you to a violation of this order, you are ordered to immediately notify your supervisor and the Office of Professional Standards.

You are also to refrain from any indirect attempt to communicate with the above listed individual through intermediaries other than a member of the Office of Professional Standards.

This order shall remain in effect until rescinded in writing by a member of this agency with competent authority. Violation of the terms of this order can result in disciplinary action for insubordination.

Employee Signature

Date

Supervisor or OPS Investigator

Date