



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject:	<i>Domestic Violence</i>	Number:	<i>304-F</i>
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Effective Date:	<i>January 1, 2001</i>	Revised Date:	<i>May 18, 2021</i>
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Rescinds:	<i>009</i>	Dated:	<i>February 24, 1993</i>
	<i>304 Criminal Domestic Violence</i>		<i>January 2, 2001</i>
	<i>304-A Criminal Domestic Violence</i>		<i>June 10, 2006</i>
	<i>304-B Criminal Domestic Violence</i>		<i>November 1, 2010</i>
	<i>304-C Criminal Domestic Violence</i>		<i>June 24, 2011</i>
	<i>304-D Criminal Domestic Violence</i>		<i>January 16, 2017</i>
	<i>304-E Criminal Domestic Violence</i>		<i>June 10, 2019</i>

Approved By:

PURPOSE

- A. South Carolina ranks one of the deadliest for women being killed by men.¹ Law enforcement plays a crucial role in holding abusers responsible for their actions and reaching out to victims. The purpose of this procedure is to establish guidelines and procedures to be followed by law enforcement officers and other personnel involved in the response to domestic violence calls. All responding law enforcement officers are expected to:
1. All officers on scene will activate Body Worn Camera (BWC) while responding to a domestic violence or disturbance call. It will remain on until the conclusion of the call. If the officer's vehicle is equipped with an in-car video system, the officer shall utilize their BWC, as well as the in-car video system.
 2. Establish that there is evidence that the defendant committed the base elements of the crime (physical harm/injury to a household member OR offered/attempted to cause such, see full explanation under definitions).
 3. Take appropriate action if it is learned that the offender is in violation of any orders of protection; make sure it is verified through NCIC.
 4. Take appropriate action if there is probable cause to affect a custodial arrest for the domestic violence.
 5. Afford maximum protection and support to adult and child victims of domestic violence.
 6. Promote the safety of law enforcement personnel, fire department and/or first responders to incidents of domestic violence.

¹ "South Carolina ranked second in nation in rate of women killed by men" The Post and Courier, by Doug Pardue and Glenn Smith, September 8, 2014

7. Provide victim/witnesses of domestic violence with support and assistance through coordinated efforts with community stakeholders to prevent further abuse and/or harassment.

PROCEDURE STATEMENT

This procedure offers a comprehensive, pro-active approach to responding to domestic violence calls for service. The primary focus is on victim's safety, followed closely behind by the offender accountability. If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members, the officer must evaluate each complaint separately to determine who the primary aggressor was.

- A. Domestic violence crimes are classified different than other crimes due to the intimate relationship that exists between the victim and the offender. Traditionally, this very difference served as a basis to treat these crimes as though they were not crimes, but private family matters. Law enforcement must see these incidents for the crimes they are and afford them the same response as they would any other violation of the law.
- B. To accomplish the goals set forth in this procedure, every officer shall:
 1. Make an arrest when authorized by state law, instead of using dispute mediation, separation, or other police intervention techniques;
 2. Treat all acts of domestic violence as criminal conduct;
 3. Respond with the same protection and sanctions for every domestic violence incident, regardless of race, religion, creed, national origin, gender, disability, citizenship, and socio-economic status, including cases where any of the alleged parties may be a law enforcement officer, public official or prominent citizen;
 4. Immediately report all known or suspected cases of domestic violence and abuse, adult abuse, sexual assault, child abuse and/or animal abuse as required by law.

DEFINITIONS (SC Code 16-25-20)

1. Household Member means:
 - a. Spouses or former spouses² OR
 - b. A male and female who are cohabiting or formally have cohabited. OR
 - c. Persons who have a child in common

❖ ² Officers must remember that same sex marriages will fall under the domestic violence statute as household member. It should be documented that they are married (ex. Marriage certificate, pictures on the walls, wedding rings, etc.)

2. Basic element (BE) – Causing physical harm or injury to a household member OR offered or attempted to cause physical harm or injury to a household member.
3. Domestic Violence – The definition of Domestic Violence; is it is unlawful to cause physical harm or injury to a person's own household member; or offer or attempt to cause physical harm or injury to a person's household member with apparent present ability under circumstances reasonably creating fear of imminent peril. Evidence shows the offender committed the basic element. In other words, the offender either inflicted physical harm or injury to a household member OR offered or attempted to cause such harm or injury with the apparent present ability under circumstances reasonably creating fear of imminent damage.
4. Protection Order includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including any temporary or final order issued by a civil or criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law). This is for orders of protection and restraining orders that are from South Carolina or another state.
5. Full Faith and Credit – The Federal Violence Against Women Act (VAWA) requires jurisdictions to give full faith and credit to protection orders issued by other jurisdictions. 18 U.S.C.2265. Full faith and credit means that jurisdictions must honor and enforce protection orders issued by all 50 states, Indian tribal lands, the District of Columbia, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam.
6. Petitioner - the person alleging abuse in a petition for order of protection.
7. Respondent - the person alleged to have abused another in a petition for order of protection.
8. Victim - a person, their family or household member who is the subject of domestic violence and whom a law enforcement officer has determined is not a primary aggressor under the factors set out in the law.
9. Deadly Weapon – Something (such as a firearm, slingshot, metal knuckles, razor, or other instrument) that is used to injure, defeat or destroy. A means of contending against another.
10. Great Bodily injury (GBI) – Bodily injury that causes substantial risk of death or serious, permanent disfigurement or protracted loss or impairment.
11. Moderate Bodily Injury (MBI) – 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.

12. Firearm - Pistol, revolver, shotgun, machine gun, submachine gun or assault rifle designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive, but does not include an antique firearm as defined in 18 U.S.C. 921 (a) (16)
13. Prior conviction of domestic violence – includes conviction of any crime, in any state, containing among its elements those enumerated in, or substantially similar to those enumerated in, Section 16-25-20(A) that is committed against a household member within the 10 years prior to the incident date of the current offense.
14. Domestic Violence Officer - The officer will be responsible for tasks including but not limited to additional investigation and follow ups on all domestic violence incidents. The Domestic Violence Officer will assist the other Family Services Officers, as well as patrol officers and Investigations as needed.

PROCEDURE

1. DOMESTIC VIOLENCE PREVENTION TRAINING

The department will provide ongoing training to every officer and dispatcher on domestic violence and the arrest procedure throughout all phases of their careers.

A. Prevention through collaborative training.

The department will establish and/or maintain ongoing partnerships with local community stakeholders in general as well as victim advocacy organizations. Through collaborative efforts, the department shall develop domestic violence curricula and train officers and dispatchers to enhance their abilities, as well as that of their agency, to respond to domestic violence.

B. Training Topics

Upon implementation of this procedure, all sworn officers and dispatchers shall receive annual comprehensive mandatory instruction covering the following topics:

- 1) Understanding Domestic Violence
- 2) Primary Aggressor Determination
- 3) Departmental Domestic Violence Response Protocol
- 4) Victim safety, to include firearm issues
- 5) Federal Domestic Violence Laws
- 6) Full Faith and Credit for Orders of Protection

C. Ongoing Training

Departments shall use a variety of training techniques including in-service, FTO, briefings, e-mails, and meetings with supervisors and training bulletins to regularly reinforce standards of effective response protocol.

D. Program Evaluation

To enhance the effectiveness of training, this department shall work with internal or external resources to evaluate the training and its impact. For example: collaborating with local universities to conduct research evaluation of impact.

2. INCIDENT RESPONSE PROTOCOLS

A. Communications

Communications officers/dispatchers shall:

- 1) Dispatch will send at least two officers to the scene. The decision as to the priority of the call should be based on the seriousness of the injuries or threatened harm, and whether the assailant is on the premises.
- 2) Attempt to elicit all information from the caller, beyond the standard information gathered on any call for service that may be helpful to the investigating officer(s) in assessing the situation. The following information should be obtained whenever possible but not limited to:
 - a. The immediate safety of the caller.
 - b. The nature of the incident (verbal or physical), nature of injuries, whether violence is ongoing.
 - c. Whether weapons are involved (and type of weapon when appropriate).
 - d. Any other apparent hazards to responders (including animals).
 - e. Whether the offender is present and if they are armed, the offender's description, direction of travel, and mode of travel; if applicable.
 - f. Offender's DOB/SSN, previous history of domestic violence;
 - g. Other persons involved and/or witnesses at the scene, especially children.
 - h. Whether law enforcement has been called before because of this offender and number of times.
 - i. Whether there is currently a protection order against the offender on file.
 - j. Whether there are any outstanding warrants against the offender.
 - k. Whether the offender is under the influence of alcohol and/or drugs.
- 3) Shall not cancel the original call for service even if he/she receives a subsequent request to cancel the original call. He/she shall advise the responding officer(s) of the second call and instruct them to continue to respond, investigate and to assess the situation to assure that all parties are safe.

- 4) Keep the caller on the telephone if the caller is a witness to a domestic violence incident in progress to relay ongoing information provided by the caller to the responding officer(s) and remain aware of victim's safety.
- 5) Make the safety of the domestic violence victims a primary concern. They should address threats of violence, whether immediate or remote, by focusing the victim on possible ways to enhance safety such as waiting for officers at another location or simply leaving the residence if the offender may return.
- 6) Maintain current contact information of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victim.
- 7) Telecommunication Supervisors will provide the recording for all of the 911 call(s) to the Domestic Violence Officer at their request.

3. INITIAL LAW ENFORCEMENT OFFICER RESPONSE

A. When dispatched to a domestic violence call, the responding officer(s) should:

- 1) Approach the scene of a domestic dispute with a high degree of caution. Two officers will respond to a domestic violence call.
- 2) Obtain all available information from the dispatcher before arriving at the scene and then notify the dispatcher upon arrival.
- 3) Avoid the use of emergency lights and sirens when it is not essential.
- 4) Avoid parking their police vehicle in front of the residence or the location of the disturbance when possible.
- 5) Be alert for offender leaving the scene, in trees or forts/stands off the ground and for the deployment of weapons from doors, windows, or nearby vehicles.

B. Upon arrival at the scene, the Investigating Officers should:

- 1) Identify themselves as law enforcement officers, explain their presence, and in the event the incident is at a private residence, request entry into the residence.
- 2) Make contact with all residents of the house, all potential witnesses, victims, or offender. A forced entry is permissible any time there is probable cause to believe that the safety of a potential victim may be in jeopardy. In making this decision, officers may consider everything they personally observe, all physical evidence, and all information learned from witnesses. Officers should consider the credibility of the persons supplying the information and whether there is a reasonable basis for believing the content of the information.

C. Upon Gaining Entry, Investigating Officers should:

- 1) Identify potential weapons in the surroundings.
- 2) Separate the victim(s), offender, children, and witnesses.

- 3) Restrain the offender if necessary, and remove the offender to patrol car if an immediate arrest is warranted.
- 4) Assess for injuries (including inquiry about strangulation or internal injuries), and notify medical services if necessary. Strangulation warrants EMS to be called regardless if the victim wants them or not.
- 5) Identify all occupants/witnesses on the premises.
- 6) Separate occupants/witnesses from the victim and offender, keeping them out of sight and/or hearing range of one another (as safety permits).
- 7) Obtain a comprehensive account of the events from all parties separately.

D. On-Scene Investigation

If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members, the officer must evaluate each complaint separately to determine who the primary aggressor was.

- 1) When there are conflicting stories and law enforcement is determining who, the primary aggressor is the officer must consider the following factors and any other factors that they consider relevant pursuant to SC Code 16-25-70(D):
 - (a) Prior complaints of domestic or family violence;
 - (b) The relative severity of the injuries inflicted on each person needs to be considered, as well as injuries alleged which may not be easily visible at the time of the investigation;
 - (c) The likelihood of future injury to each person;
 - (d) Whether one of the persons acted in self-defense; and
 - (e) Household member accounts regarding the history of domestic violence.
- 2) If the officer determines that one person was the primary physical aggressor, the officer must not arrest the other person accused.
- 3) The responding officer(s) will help secure the victim(s) safety and privacy by interviewing the victim(s) in an area separate from the offender, witnesses, and bystanders. In questioning the victim(s), the officer should ask the victim about previous incidents, their frequency and severity. The officer should inform the victim of all actions he/she intends to take or help they will need to collect all available information.
- 4) Should the victim not want to stay at the residence the officer will call the Family Justice Center Hotline (844-208-0161).
 - a. The victim (to include children) will be screened to determine proper placement.
 - b. If the victim(s) is a female and is deemed:

- **In imminent danger** (with or without children) the female victim will be transported to the Safe House, which is in Georgetown. ** NOTE: Should the Safe House be full, the counselor at the Family Justice Center will advise where the victim should be taken. Males with children will go to a different location.
- **Any victim NOT in imminent danger (DOES NOT have children)** Females will be transported to an approved Woman's shelter. Should this occur after hours, the night staff at the approved Women's shelter will be instructed to take these victims in over-night. They may not have a bed, but they will make them as comfortable as possible. Males will be transported to an approved Men's shelter.
- **Any victim NOT in imminent danger with children** The on duty supervisor or the domestic violence officer will instruct the investigating officer on the protocol of handling the issue for funding, that identifies as temporary housing, on a case by case basis.

***The Woman's, Men's and Family shelters are no longer a safe house for domestic violence victims. However, they are willing to assist if needed.

***During normal hours, officers will refer to contact numbers available in the Communications Center for the woman's shelter. This includes alternative numbers in the event contact cannot be made.

- 5) If the officer observes the base elements necessary for an arrest they shall do so in accordance with 16-25-70(B)³ he/she must be given Miranda warnings before being questioned. If the offender has fled the scene, the officer should solicit information as to the possible whereabouts of the accused.
- 6) The officer should ask the victim about the existence of a protection order, and if there is one in effect, ask if the victim possesses a copy. The officer should also check for the existence of a protection order through dispatch or by whatever departmental means available.
- 7) The officer should interview all witnesses fully as soon as circumstances allow. If witnesses provide information about prior incidents, the officer should document such incidents to establish a pattern.
- 8) Children should be interviewed in a manner appropriate to the child's age. Signs of trauma and any apparent healing of abuse wounds on the child

³This law was amended in June 2015(16-25-70 (B)) making a domestic violence arrest NO LONGER MANDATORY. It is now **discretionary**; a law enforcement officer may not make an arrest if he determines probable cause does not exist after consideration of the factors set forth in subsection (D) and observance that no physical manifestation of injury is present.

should be documented by the officer and reported to child protective services as warranted.

- 9) The officer should collect and preserve physical evidence reasonably necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing, phone cords, etc.), and evidence recording the crime scene. The officer should ensure that photographs are taken of visible injuries and the lack of injuries on the victim as well as visible injuries and lack of injuries on the offender. The officer should inquire about injuries concealed by clothing or otherwise not readily apparent including strangulation. Further visual investigation and photographs of these areas may necessitate the response of an officer of the same sex.
- 10) The officer should ask if the victim wants to be transported to an emergency room.
- 11) Upon making a proactive assessment of the victim's physical condition, the officer should decide whether to summon emergency medical services (EMS) to the scene to check out the victim. When in doubt, the officer should err on the side of safety and summon EMS. In addition, the officer should summon EMS at the request of the victim (whether the officer believes EMS should be summoned or not).
- 12) Due to the inherent potential danger involved in strangulation cases, upon determining that a victim has reportedly been strangled, the officer must summon EMS to have the victim checked out, even if the victim advises they are "OK" and does not need EMS.
- 13) If exigent circumstances have ceased, obtain consent to search for the scene in writing or obtain a search warrant as necessary, per department procedures.
- 14) All physical evidence should be collected in accordance with agency evidence collection guidelines and noted in reports.
- 15) Field supervisors will be responsible for monitoring any domestic violence calls dispatched to the officers under their direct supervision or within their area of responsibility.
- 16) Whenever possible, the supervisor will respond to the location to provide additional safety, monitoring the situation, and being available for advice.

F. The Arrest Decision

- 1) When applicable, officers shall arrest for violation of protection orders.
- 2) If an officer has probable cause to believe that a person has committed a crime involving domestic violence, the officer may make a warrantless arrest, as the law permits.
- 3) If the offender has left the scene and the officer has developed probable cause to believe that the offender has committed a crime, then the officer should obtain a warrant for the offender and insure the offender is entered into NCIC.

- 4) If the officer decides not to arrest, he/she must complete an incident report. The officer will articulate in their report a detailed explanation of the reasons why an arrest was not made and the officer should:
 - a. Explain to the victim the reasons that an arrest is not being made.
 - b. Advise the victim of their rights and explain the procedures for filing a criminal complaint.
 - c. The officer will contact the Family Justice Center Hotline for screening if the victim does not feel safe at incident location. The officer will follow the same procedure as mentioned above.

G. Arrest Is the Appropriate Response with the Primary Aggressor Only.

Officer(s) should not use dual arrests as a substitute for a thorough investigation. When trying to determine, who poses the most serious ongoing threat to whom, officers should consider the following:

- 1) Who uses threats and intimidation in the relationship?
- 2) Does either individual in the relationship isolate their partner?
- 3) Who is emotionally abusive?
- 4) Who minimizes, denies and casts blame in the relationship?
- 5) Who utilizes the children to get their way in the relationship?
- 6) Who is sexually abusive?
- 7) Who utilizes economic abuse?
- 8) Who utilizes coercion and threats?
- 9) Have any threats been carried out?
- 10) Does either party have a history of committing violent crimes?
- 11) What does the premise history tell you about previous calls for service to the residence?
- 12) Is there a history of domestic violence between the parties?
- 13) Is there a physical size difference between the parties?
- 14) Does either party have a protection order against them or a history of protection orders against them?
- 15) Who appears to be more capable of being assaultive?
- 16) What is the severity of injuries to the parties?
- 17) Did either party utilize self-defense?
- 18) Is there potential for violence in the future?
- 19) What types of injuries do the parties have? Are they offensive or defensive in nature?
- 20) Does either party fear the other?
- 21) Is there a likelihood of further abuse? If so, by whom?
- 22) Evidence from witnesses.

- H. If an officer determines, following a thorough investigation, that in fact both parties have utilized equal violence, there was no self-defense involved and there was no primary aggressor, the officer can make a dual arrest.
- J. The investigating officer(s) should not consider the following factors in making arrest decisions (These facts may be used as background information to complete a domestic violence investigation for prosecution):
 - 1) The ownership or tenancy rights of either party.
 - 2) Verbal assurances that the violence will stop.
 - 3) The victim's emotional status.
 - 4) The victim's initial reluctance regarding an officer-initiated arrest.
 - 5) Whether physical injuries are suffered by the victim and can be personally observed at the time of the law enforcement response.
 - 6) A claim by the offender that the victim provoked or perpetuated the violence.
 - 7) Denial by either party that the abuse occurred when there is evidence of domestic violence.
 - 8) Whether there have been any previous law enforcement responses to domestic calls at this address involving the same victim and/or offender.
 - 9) Belief that the arrest may not lead to conviction.
 - 10) Whether a current protection order exists.
 - 11) Adverse financial consequences that might result from the arrest.
 - 12) That the incident occurred in a private place.
 - 13) The racial, cultural, social, political, or professional position, or the sexual orientation, of either the victim or both parties.
 - 14) The use of alcohol and/or drugs by either or both parties.
 - 15) The investigating officer's perception of the willingness of the victim or of a witness to the domestic abuse to testify or participate in a judicial proceeding.

The investigating officer(s) should not:

- 1) Make any statement that would discourage a victim from reporting an act of domestic violence.
- 2) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.
- 3) Base the decision to arrest on the consent or request of the victim.
- 4) Do not threaten to call the Department of Social Services (DSS) if they do not call the police for assistance.

4. ARREST PROCEDURES

- A. The investigating officer(s) should take the offender into custody as soon as the officer(s) determines that an arrest is appropriate. Should the offender flee the scene, the officer(s) should attempt to locate and apprehend him/her. Dispatch should be advised of the offender's description along with pertinent facts of the case so a BOLO can be disseminated. Should the offender not be located, the officer should begin procedures to obtain an arrest warrant for the offender as soon as practical.
- B. If the offender is arrested on scene their criminal history should be obtained and reviewed to charge appropriately.
- C. An arrest report will be completed should the officer be able to charge the offender.
- D. A Uniform Crime Report will be completed before the end of the officers shift. Page 2 of the Incident Report is the Domestic Violence tab; it must be completed as well.
- E. VA forms must be completed.
- F. A copy of the incident report and criminal history needs to be placed in the Domestic Violence Officer's (Family Services) box near dispatch and before bond hearings.
- G. A law enforcement officer who arrests two or more persons for a crime involving domestic or family violence must include the grounds for arresting both parties in the written incident report, and must include a statement in the report that the officer attempted to determine which party was the primary aggressor pursuant to section 16-25-70(D) and was unable to make a determination based upon the evidence available at the time of the arrest.

5. VICTIM SAFETY AND PROTECTION

- A. Many victims of domestic violence feel trapped in violent relationships because they are unaware of the resources available to them. Some are unaware that domestic violence is a crime, and others have been threatened with further violence if they attempt to leave or seek assistance from the criminal justice system. It is imperative to express to the victim that there is a safe place for them to retreat to. The phone call to the Family Justice Center Hotline will determine which facility they will go to. There is a multitude of services that can be offered for the victim(s) of domestic violence to start all over.
- B. Whether an arrest is made, the responding officer(s) shall:
 - 1) Not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated.
 - 2) Verify and enforce temporary and/or full orders of protection.
 - 3) Exercise reasonable care for safety of the officers and parties involved.

- 4) Explain options available to the victim including the prosecution process and protection order process.
- 5) Explain the follow-up procedures that will be made by the Domestic Violence Officer and Victim's Advocate.
- 6) Stand by, upon request, while victims gather their necessities for short-term absences from the home, such as clothing, medication, and necessary documents.
- 7) Offer transportation as well as advise the victim (orally as well as in writing) of the Victim's Assistance Form. The officer(s) shall additionally provide the victim immediate notice of the legal rights and remedies available (see the back of the Victim's Assistance Form).
- 8) Arrange if necessary, for translation of the documents and investigative questions. (For the safety of the victim/children/witnesses, the officer(s) shall not depend on family members to perform translation services).
- 9) Provide the victim with the police incident number, the officer's name, telephone number, Domestic Violence resources and phone numbers, and Victim's Assistance Form.

6. POST INCIDENT FOLLOW-UP

- A. Each shift supervisor will approve the incident report no later than the conclusion of the shift. A copy will be printed and put in the Domestic Violence Officer's (Family Services) Box (located next to dispatch) before leaving for that day or night. If a report is denied, a draft copy will be placed in the Domestic Violence Officers (Family Services) box with reasons for denial.
- B. A criminal history must be attached to the report (for the victim and offender) and placed in the Domestic Violence Officer's (Family Services) box located next to dispatch. **NOTE: This must be done at the end of every shift!!**
- C. Shift supervisor will e-mail a request to the Telecommunications Supervisor's requesting a copy of the 911 call. The Family Services Unit supervisor will be cc'd in this email.
- D. All written statements/paperwork documentation will be scanned into RMS, copies of the documents will be placed in the Domestic Violence Officer's (Family Services) box and originals placed in Property and Evidence.
- E. Pictures will be uploaded into the recording file in RMS and documented in the incident report.
- F. Any video or recordings will be uploaded into the recording file in RMS and documented in the incident report.
- G. Body Worn Camera usage will be documented in the incident report.

NOTE: This must be done prior to the end of every shift.

7. DOMESTIC VIOLENCE OFFICER'S RESPONSIBILITIES (but not limited to):

- A. Domestic Violence Officer will pick up all reports and paperwork daily.
- B. Domestic Violence Officer will review the report and criminal history.
- C. Domestic Violence Officer will advise if charges need to be upgraded, if necessary.
- D. Domestic Violence Officer will attend bond hearings and DV Court.
- E. Domestic Violence Officer will contact the victim.
- F. Domestic Violence Officer will conduct all necessary follow ups to complete the investigation.
- G. Domestic Violence Officer will complete a letter to the victim and offender's home town police department advising of this incident.
- H. Domestic Violence Officer will keep a Domestic Violence spreadsheet.
- I. Domestic Violence Officer will make sure the offender and victim's name records are updated when they are assigned each case.
- J. Domestic Violence Officer may be called on to present related education.
- K. Domestic Violence Officer will work closely with other Family Services Officers as well as the School Resource Officers.

8. FAMILY SERVICES UNIT SUPERVISOR

- A. Review and assign domestic violence cases needing additional follow-up investigation to the domestic violence officer.
- B. Assist with ongoing domestic violence investigations, as needed.

9. VIOLATIONS OF THE FEDERAL GUN LAW

- A. Title 18 USC Section 922(g) (9) – It shall be unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

The following procedures will be followed when an officer observes a person in possession of a firearm or ammunition that has prior conviction(s) for Domestic Violence:

- 1) Confirm the conviction for Criminal Domestic Violence through NCIC Criminal History (ICHS/R). Consider contacting arresting agency for conviction/disposition information if none is listed on NCIC rap sheet.
- 2) Advise the person in possession of the firearm/ammunition that they unlawfully possess it per Federal Law.

***Remember, no South Carolina or City of Myrtle Beach local criminal charge applies for possessing firearms or ammunition upon conviction of Criminal Domestic Violence-this is a Federal Law, therefore, no criminal

charges can be made on the subject for this violation by Myrtle Beach Police Department officers.****

- 3) Seize pursuant to 4th Amendment guidelines all firearms and ammunition in the subject's possession then properly document the seizure via property voucher and incident report-UCR title "Firearm: Other". The seizing officer will complete a follow up.
- 4) If the person in possession of the firearm violates a state law, then make the appropriate charge. ***Remember, Possession of an Illegal Weapon is not an appropriate charge when a firearm is involved.***
- 5) Any General Sessions case or one that can be forwarded for federal prosecutorial consideration can be forwarded to the Investigative Division for follow-up. The Domestic Violence Officer will be notified and will follow up on these cases.

10. COURT PROTOCOL

- 1) The charging officer will attend their scheduled DV Municipal court date. The DV Officer will attend the DV court date as well; unless they are unavailable due to a DV follow up, training, etc.
- 2) The Domestic Violence Officer along with the City Prosecutor will handle all domestic violence cases.
 - a. If pleading not-guilty, the offender will wait for their bench trial.
- 3) If a bench trial is necessary then the State will present their case, the offender will have the opportunity to present their defense and the victim will have their opportunity to speak. The presiding Judge will make their ruling.
- 4) If a bench trial is necessary but the victim wishes no prosecution, then the following steps will be followed:
 - a. The State will present their case. The officers will provide the facts of the case based on their investigation and offer any evidence collected from the incident. The officer will ask the victim to provide testimony. If the victim refuses, he/she will advise the Judge for the record that they wish no prosecution.
 - b. If the victim wishes no prosecution and does not want to speak on the record, the officer will do the same as above, except add that the victim does not wish to speak on the record. The presiding Judge will then make their ruling.
- 5) If the offender does not come to court, then the officer will try the case in their absence. If the victim wishes no prosecution, the State will ask the victim to advise the Judge that they wish no prosecution on the record. The officer will provide the facts of the case based on their investigation and offer any evidence collected.
- 6) If neither party shows up to court, then the case will be tried in their absence.