



## MYRTLE BEACH POLICE DEPARTMENT

### ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

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**Subject:** *STALKING*

**Number:** 306

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**Effective Date:** June 26, 2006

**Revised Date:**

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**Rescinds:**

**Dated:**

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Approved By:

### PROCEDURE STATEMENT

- A. It is the procedure of the Myrtle Beach Police Department to accurately report and aggressively investigate all reports of stalking. Any time a victim reports any type of harassing, threatening, or menacing behavior, the responding officer should consider the possibility of stalking. The Police Department's ultimate goal is to increase police awareness of stalking and to take proper police action when stalking is determined.

### DEFINITIONS

- A. The following definitions are stated as they are defined in South Carolina Code of Laws 16-3-1700.
1. Stalking - means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and it is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:
    - a. death of the person or a member of his/her family;
    - b. assault upon the person or a member of his/her family;
    - c. bodily injury to the person or a member of his/her family;
    - d. criminal sexual contact on the person or a member of his/her family;
    - e. kidnapping of the person or a member of his/her family; or
    - f. damage to the property of the person or a member of his/her family.

2. Pattern – means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.
3. Family – means a spouse, child, parent, sibling, or a person who regularly resides in the same household as the targeted person.
4. Electronic contact- means any transfer of signs, signals, writings, images, sounds, data, intelligence, or information of any nature transmitted in whole or in part by any device, system, or mechanism including, but not limited to, a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

## **INDICATORS OF STALKING**

- A. Common stalking behaviors include, but are not limited to;
1. Violations of a protection order;
  2. Repeated harassing, threatening, or obscene telephone calls to the victim;
  3. Mailing of unwelcome or unsolicited cards, letters, email or gifts to the victim;
  4. Spying or monitoring of the victim's activities;
  5. Trespassing;
  6. Unwelcome entry of the victim's house (often there is no forced entry because the stalker may have a key);
  7. Following the victim on foot or in a vehicle;
  8. Showing up at the victim's place of employment or other frequented establishments;
  9. Making repeated slanderous statements or false reports concerning the victim to the victim's work, police or judicial authorities;
  10. Delivery of objects to the victim intended to cause fear to that victim (these objects, taken out of context, may seem innocent or harmless to outsiders);
  11. Threats made to the victim (either direct, veiled, or conditional);
  12. Vandalism or theft of the victim's property, home, vehicle,

workplace, or vandalism to the property, etc., of any friend or family member who helps the victim, especially by allowing the victim to stay at their home;

13. Vandalism affecting the security of the victim's home, such as unscrewing outside lights or disabling the alarm system;

14. Disabling the victim's vehicle(s);

15. Transferring the victim's phone line to another line in order to monitor messages, or disabling the phone or planting listening devices in the victim's home;

16. Filing "change of address" forms at the Post Office under the victim's name in order to "intercept" the victim's mail;

17. Harassing or threatening the victim by use of computers or the Internet.

## **OTHER APPLICABLE LAWS**

A. State statutes: When investigating such crimes as listed below, consider that stalking could be occurring and ask questions to determine if there are such indicators and investigate them:

1. Domestic violence;
2. Protection order/Restraining order;
3. Assault;
4. Harassment;
5. Terrorist threats;
6. Attempted murder;
7. Sexual assault;
8. Kidnapping;
9. Vandalism;
10. Wiretapping or utility theft;
11. Burglary;
12. Theft;
13. Identity theft;
14. Child abuse.

## **PROCEDURE**

A. INCIDENT RESPONSE PROTOCOL

1. Communications officers/dispatchers shall:

- a. When a caller reports a stalking incident, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
- b. The decision as to the priority of the call should be based on the seriousness of the injuries or threatened harm, and whether or not the assailant is on the premises.
- c. Attempt to elicit any and 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:
  - 1) The immediate safety of the caller;
  - 2) Any violence that may have occurred (verbal or physical), nature of injuries, whether violence is ongoing;
  - 3) Whether weapons are involved (any type of weapon when appropriate);
  - 4) Any other apparent hazards to responders (including animals);
  - 5) Whether the suspect is present and if they are armed, and if not, the suspect's description, direction of travel, and mode of travel;
  - 6) Perpetrator's DOB/SSN, previous history of violence;
  - 7) Other persons involved and/or witnesses at the scene, including children;
  - 8) Whether law enforcement has been called before because of this suspect and number of times;
  - 9) Whether there is currently a protection order against the suspect on file;
  - 10) Whether there are any outstanding warrants against the suspect;
  - 11) Whether the suspect is under the influence of alcohol and/or drugs;
  - 12) 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;

- 13) Keep the caller on the telephone if the caller is a witness to the incident in progress in order to relay ongoing information provided by the caller to the responding officers and remain aware of victim's safety.

## B. INITIAL LAW ENFORCEMENT RESPONSE

1. Any time a victim reports any type of harassing behavior, the officer should be thinking about the possibility of stalking. Additional questions should be asked to determine whether this is an isolated incident or repeated conduct (NOTE: It is not uncommon for a victim to put up with harassing behavior for some time before finally calling the police). When a report is made, the officer should suspect the likelihood of prior behavior.

2. Victims of stalking can be either male or female. If the victim expresses a fear of the suspect, these fears should be taken seriously and a detailed inquiry made to determine the origin of the fear. Male victims, in particular, feel that their fears are often minimized by police, which leads to less likelihood of the victim reporting future occurrences.

3. Officers should thoroughly question the complainant about the following:
- a. Prior threats made;
  - b. Actual pursuit of the victim;
  - c. History of violence against the victim or others;
  - d. History of Protection Order violations;
  - e. Uninitiated and annoying phone calls (Except telemarketers);
  - f. Unsolicited correspondence;
  - g. Acts of vandalism or arson;
  - h. Is the victim in fear of the suspect?

## C. INITIAL VICTIM INTERVIEW

The officer should interview the victim and record as much of the following information:

1. Any prior threats made to the victim (direct or indirect). Develop a timeline of the stalking behaviors toward the victim.
2. Any actual pursuit or following of the victim.
3. Is the victim well known to the suspect? Does the suspect know about

the victim's work, home, personal lifestyle, patterns of living, daily comings and goings?

4. Any history of violence against the victim or anyone connected to the victim.
5. Any history of Order of Protections or violations of these orders.
6. Any information regarding the suspect's mental illness, substance abuse problems, or tendency towards emotional outbursts or rage.
7. Suspect's possession of, knowledge of, or fascination with weapons.
8. Any unsolicited harassing phone calls made by the suspect to the victim or anyone connected to the victim.
9. Threats of murder and/or suicide by the suspect.
10. Any acts of vandalism committed by the suspect against the victim or anyone connected to the victim.
11. Is the victim in fear? If the victim is afraid of the suspect, is that degree of fear shared by the victim's friends, family, and colleagues?
12. Has there been an escalation in stalking behavior, including:
  - a. Enlisting others to monitor the victim's behavior (not only the offender's friends, family, and coworkers, but also the victim's friends, family and/or coworkers).
  - b. Increased contact or threats to the victim's friends, relatives, or coworkers?
  - c. Increased following, spying, staking out, or other stalking?
  - d. Increased attempts to communicate by mail or telephone, or through a third party? (These communications do not have to be threats, they can be statements such as, "I was wrong, I didn't know what came over me; Can you ever forgive me; Let's work it out together", messages, or the presentation of messages, flowers, gifts, etc.).
13. Police should advise complainants of the following security measures:
  - a. Stop all contact with the suspect;
  - b. Obtain an Order of Protection/Restraining Order;
  - c. Obtain an answering machine/call I.D.;
  - d. Alter schedule and routes traveled;
  - e. Stay with a friend or relative;
  - f. Obtain protective devices (dog/mace);
  - g. Contact telephone security for tracing procedures;

- h. Change personal email address;
- i. Advise friends, relatives, neighbors, employer, colleagues of the problem and provide a photo to them of the suspect and have them call 911 if the victim is unable to.
- j. Keep a diary of all attempts to contact victim by the suspect, including dates, times, witnesses, evidence, etc.;
- k. Advise the victim to retain all evidence (cards, letters, recordings, etc).

#### D. ARREST DECISIONS

1. General Arrest Powers - Responding officers will arrest the suspect as authorized by law. If an arrest is not made, the incident report must articulate why the suspect was not arrested.
2. Report To Supervisor – In any case where the patrol officer has not made an arrest, but probable cause exists and the suspect is not on the scene, the officer will notify the patrol supervisor and provide the appropriate BOLO.
3. Supervisors must notify the on-duty detective on all stalking cases.

### INVESTIGATIVE SECTION

- A. The Detective Division shall be notified of all stalking cases immediately. The on-duty detective will begin the investigation and forward all information to the unit supervisor. Once the case is assigned, the lead detective shall do the following:
  1. Review of all paperwork prepared by the initiating officer.
    - a. Obtain copies of the 911 tapes when needed.
  2. Contact the victim as soon as possible and conduct a follow-up interview.
    - a. The following additional items should be brought out in the interview.
      - 1) Describe the relationship of the victim/defendant.
      - 2) Prior history of abuse or activity that amounts to stalking.
      - 3) Protection/Restraining Order number and specific instructions on the order.
      - 4) Have the complainant describe any injuries and the exact method used by the suspect to inflict those injuries.

- 5) Any other addresses and phone numbers at which the complainant can be contacted.
  - 6) Whether the suspect or complainant have access to any firearms, legally or otherwise.
3. Take photos of victim's injuries.
  - a. Photograph any injuries of the victim that are visible or complaints of areas bruised/injured as a result of the domestic violence incident. Injuries of the victim may be photographed a day or two after the incident when bruises may be more visible.
4. Communicate with supervisor, relaying all pertinent information regarding the status of an assigned case.
5. Interview all witnesses.
6. Identify the person(s) who have committed the crime.
7. Check domestic violence files for prior history of domestic violence involving the suspect and/or the victim.
8. After identifying the suspect(s) and establishing probable cause, obtain an arrest warrant and take the appropriate steps to arrest the suspect.
9. Have the complainant sign the appropriate medical records release forms or obtain subpoena and obtain medical records to the crime.
10. When appropriate, provide the complainant with referrals to CASA, VA, or Rape Crisis.
  - a. Reaffirm the need for obtaining an Order of Protection/Restraining Order if one is not already in place.
11. Obtain copies of reports for previous reports concerning the complainant/victim.
12. Complete and submit all reports for previous reports in a timely manner, in accordance with current Police Department guidelines.