



Charleston County Sheriff's Office Policy and Procedures Manual

Sheriff Carl Ritchie

9-15 Domestic Violence

- ☐ New
- ☒ Revised
- ☒ Reviewed

ACA Standards Reference:
CALEA Standards Reference: 55.2.2, 55.2.4
NCCHC Standards Reference:
SCLEA Standards Reference: 27.7
SC Minimum Standards:

This policy dated 1/28/2025 replaces prior policies cited above and supersedes all previously issued directives.

I. Purpose:

To establish guidelines and procedures for responding to and investigating domestic violence incidents.

II. Policy:

The Charleston County Sheriff's Office will provide immediate assistance to victims of domestic violence (DV), protect victims from further abuse, and take appropriate action against offenders.

III. Definitions:

A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, etc., and
2. civilian, non-sworn employee.

B. *Employee:* When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

C. *Family/Household Member:* For purposes of this procedure, family / household member means:

1. a spouse;
2. a former spouse;
3. persons who have a child in common; or
4. intimate partners or former intimate partners that are cohabitating or formerly have cohabitated.

D. *Domestic Violence (DV):* Pursuant to §16-25-20(A) of the Code of Laws of South Carolina, 1976, as amended (hereafter the S.C. Code), 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 apparent present ability under circumstances reasonably creating fear of imminent peril."
- E. *3rd Degree Domestic Violence as defined by S.C. Code §16-25-20(D):*
1. "cause physical harm or injury to a person's own household member;
or
 2. offers or attempts 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."
- F. *2nd Degree Domestic Violence as defined by S.C. Code §16-25-20(C):*
1. moderate bodily injury resulted, or the act accomplished by means likely to result in such; or
 2. the defendant violated a protection order and in the process of such commits 3rd degree DV; or
 3. the defendant has one prior conviction of DV within 10 years of current offense: or
 4. the defendant committed 3rd degree DV:
 - a. against a pregnant victim;
 - b. in the presence of, or while being perceived by, a minor;
 - c. during the commission of a robbery, burglary, kidnapping, or theft;
 - d. impeded the victim's breathing or normal blood circulation; or
 - e. otherwise used physical force or threatened the use of physical force to block or interfere with contacting law enforcement or emergency assistance.
- G. *1st Degree Domestic Violence as defined by S.C. Code §16-25-20(B):*
1. great bodily injury resulted, or the act accomplished by means likely to result in such; or

2. the defendant violated a protection order and in process of such, commits 2nd degree DV; or
 3. the defendant has two or more convictions of DV within 10 years of current offense; or
 4. the defendant used a firearm in any manner while causing, attempting, or offering to cause, physical harm or injury; or
 5. the defendant committed 2nd degree DV:
 - a. against a pregnant victim;
 - b. in the presence of, or while being perceived by, a minor;
 - c. during the commission of a robbery, burglary, kidnapping, or theft;
 - d. impeded the victim's breathing or normal blood circulation; or
 - e. otherwise used physical force or threatened the use of physical force, including interfering with calling law enforcement or emergency assistance.
- H. *Domestic Violence of a High and Aggravated Nature (DVHAN):* A person who violates Section §16-25-65(A), of the S.C. Code of Laws, is guilty of the offense of Domestic Violence of a High and Aggravated Nature when one of the following occurs:
1. "commits the offense under circumstances manifesting extreme indifference to the value of human life *and* great bodily injury results;" or
 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. "commits DV-1st *and* violates protection order, as defined, in the process."
- I. Circumstances manifesting extreme indifference to the value of human life include but not limited to:

1. using a deadly weapon (pistol, dirk, slingshot, metal knuckles, razor, or other instrument) which can be used to inflict deadly force as defined in S.C. Code 16-25-10(1);
2. DV against a pregnant women;
3. in the presence of, or while being perceived by, a minor;
4. during the commission of a robbery, burglary, kidnapping, or theft;
5. knowingly and intentionally impeding the normal breathing and circulation of the blood by applying pressure to the throat or neck or by obstructing the nose or mouth and thereby causing stupor or loss of consciousness for any period of time; or
6. other offenses committed using physical force or threatened use physical force, including interfering with calling law enforcement or emergency assistance.

J. Moderate Bodily Injury:

1. physical injury that involves prolonged loss of consciousness or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ; or
2. injury that requires medical treatment when the treatment requires the use of regional or general anesthesia; or
3. injury that results in a fracture or dislocation.
4. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, minor burns, splinters, or other minor injuries that do not ordinarily require extensive medical care.

K. Great Bodily Injury:

1. bodily injury which causes a substantial risk of death; or
2. causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

L. Protection Order: Means an order of protection issued to protect the petitioner or minor household members from the abuse of another family or household member where the respondent has received notice of the proceedings and has an opportunity to be heard. Protection Order can be

any order of protection, restraining order, condition of bond, or any other similar order issued in this State or foreign jurisdiction for the purpose of protecting a household member.

1. Emergency Orders of Protection may be issued pursuant to S.C. Code §20-4-50 within 24 hours after service of petition of defendant.
 2. Emergency Orders of Protection may be issued by a Magistrate Court when the Family Court is not in session, but can only enjoin defendant from abusing, threatening to abuse, or molesting the petitioner pursuant to S.C. Code §20-4-30.
- M. *Violation of Order of Protection:* In accordance with §16-25-20(H) of the S.C. Code, it is unlawful for a person to violate the terms and conditions of an order of protection issued under the *Protection from Domestic Abuse Act*, or a valid protection order related to domestic, or family violence issued by a court of another state, tribe, or territory.

IV. Procedure:

- A. Charleston County Consolidated 9-1-1 Center (911 Center) Responsibilities:
1. The tele-communicator will give domestic violence calls the same priority as other life-threatening calls and will dispatch at least two patrol units to each incident.
 2. An effort will be made to determine and relay the following information to responding Patrol units:
 - a. whether the suspect is present and, if not, the suspect's description and possible whereabouts;
 - b. whether weapons are involved or accessible;
 - c. whether the offender is under the influence of drugs or alcohol;
 - d. whether there are children present;
 - e. current medical status of the victim and/or others present;
 - f. whether the victim has a current order of protection; and
 - g. the complaint history at the dispatched location.

3. Tele-communicators will not cancel agency response to a domestic violence complaint based solely on a follow up call from the residence requesting such cancellation. The dispatcher will, however, advise responding units of the complainant's request to cancel the call.

B. Responding Units' Responsibilities:

1. When responding to a domestic violence call, deputy sheriffs will:
 - 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. assess the need for medical attention and call for medical assistance if indicated;
 - d. identify all persons, including children present in the vicinity of the crime by full name, address, social security number, birth date, sex, height and weight;
 - e. privately interview all parties, including children;
 - f. attempt to take written statements from all witnesses, especially the victim, at the time of the initial response. Deputy sheriffs are required by law to give a copy of a witness' statement to the witness;
 - g. never talk to a victim or child witness within sight or hearing of the suspect; never tell the suspect what a victim or child witness said;
 - h. collect and record evidence to include pulled out hair, weapons, and torn or bloody clothing;
 - i. arrange for photographs whenever there are visible signs of injury to persons or property. Color photographs should include the crime scene, injuries, any weapons, and property damage. Forensic Services will be called out at the discretion of the supervisor;
 - j. complete appropriate crime or incident reports necessary to fully document the deputy sheriff's response whether or not a crime was committed, or an arrest made. Incident reports will

be completed on all domestic calls where complainant or victim contact is made (see §16-25-70(A)). Incident reports should:

- i. accurately describe the emotional state of parties involved, especially the victim;
 - ii. carefully document the physical condition of both victim and suspect, including injuries that may not be visible;
 - iii. accurately document the crime scene;
 - iv. include statements made by persons present, using quotes when possible;
 - v. include prior instances of emotional, physical, or sexual abuse by the suspect, reported by the victim or children at the scene, to include where and when prior incidents occurred;
 - vi. list all persons, using full names, who are present at the scene, including emergency medical, fire, and law enforcement personnel;
 - vii. provide the victim with the OCA/report number and Victim's Advocate and/or Assistance information; and
 - viii. complete the *Domestic Violence Risk Assessment Screening Form (CCSO form-146)* to assist and direct victims to resources provided by My Sister's House. This form should be completed for the victim, with or without children, regardless of if an arrest was made. If an arrest was not made and facts and circumstances lead the deputy to believe the victim may warrant placement, the deputy, not the victim, should complete the form for potential placement.
2. If a deputy sheriff receives multiple complaints of domestic violence from the same household, the deputy shall evaluate each complaint separately to determine who the primary aggressor is. The deputy sheriff shall consider:

- a. prior complaints of domestic or family violence and household member accounts regarding the history of domestic violence;
 - b. the relative severity of the injuries inflicted on each person, taking into account injuries which may not be easily visible at the time of the investigation;
 - c. the likelihood of future injury to each person considering the relative size of the parties, criminal history, and access to weapons; and
 - d. whether one of the persons acted in self-defense, noting if any injuries are consistent with self-defense wounds.
3. If the offender has left the scene and a crime has been committed, deputy sheriffs will:
 - a. obtain information from victims and witnesses as to the offender's physical description, weapons in the offender's possession, the description of any vehicle used by the offender, and where the offender might be;
 - b. conduct a search of the immediate area;
 - c. attempt to locate the offender; and
 - d. remove the complainant and family from the scene if there is the possibility of imminent danger to them.
4. A deputy sheriff must complete an investigation of an alleged violation of DV, DVHAN or violations of orders of protection even if this agency was not notified at the time the alleged violation occurred.
 - a. 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 if probable cause is established.

C. Making Arrests:

1. Deputy sheriffs may issue a Uniform Traffic Citation for the charge of 3rd degree DV, only when the offense was committed in the deputy's presence or was freshly committed. Freshly committed should be

limited to a 3-hour time period. If outside the freshly committed time period, deputies will secure an arrest warrant.

2. Deputy sheriffs will secure an arrest warrant for all 2nd degree, 1st degree DV and DVHAN.
3. Pursuant to the Domestic Violence Reform Act, all DV charges will be sent to General Session Court. (Ref: CALEA 55.2.4 item f)
4. Deputy sheriffs will make an arrest and transport the offender to the Sheriff Al Cannon Detention Center (SACDC) pending a bond hearing when probable cause and legal authority exist to make an arrest. Field release is not permitted in domestic violence cases when grounds for arrest are present.
5. When an existing and current order of protection is violated, an arrest will be made.
6. Deputy sheriffs should attempt to get a written statement from the suspect after advising them of their Miranda warnings.
7. In instances where probable cause and legal authority exist to make an arrest, but the offender has left the scene and cannot be located, the primary unit responding to the domestic violence call will be responsible for securing a warrant. The warrant should be secured as soon as possible, but within 24 hours of responding to the incident. It is incumbent upon the deputy sheriff's supervisor to assure that a warrant is secured when a deputy sheriff is unable to do so.
8. Arresting deputy sheriffs should emphasize to the victim and offender that the criminal action taken is being initiated by the State of South Carolina and not the victim.
9. Domestic Violence warrants that are drawn by patrol units or investigators assigned to the Criminal Investigation Division (CID) may be maintained and served by the case deputy sheriff. However, Domestic Violence warrants must be entered into the appropriate computer systems at the earliest possible time, but within 4 hours of securing the warrant and signed out through the Warrants Unit as soon as possible. All SLED/CJICS and NCIC entries will be made pursuant to SLED and NCIC policy.
10. Pursuant to Section §16-25-70 (B), of the S.C. Code of Laws: "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.”

11. Pursuant to Section §16-25-70 (C), of the S.C. Code of Laws: “In effecting a warrantless arrest under this section, a law enforcement officer may enter the residence of the person to be arrested in order to effect the arrest where the officer has probable cause to believe that the action is reasonably necessary to prevent physical harm or danger to a family or household member.”
12. Pursuant to Section §16-25-70(D), of the S.C. Code of Laws: “If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members involving an incident of domestic or family violence, the officer must evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer must not arrest the other person accused of having committed domestic or family violence.”
13. Pursuit to Section §16-25-70(E), of the S.C. Code of Laws: "A law enforcement officer must not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage a party's request for intervention by law enforcement."
14. Pursuit to Section §16-25-70(F), of the S.C. Code of Laws: “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 this section and was unable to make a determination based upon the evidence available at the time of the arrest.”

D. Victim Assistance/Crime Prevention:

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

1. advise all parties 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 that there is no further threat to the victim;
5. remain on the scene to preserve the peace while one of the parties removes personal property;
6. provide the victim with referral information for legal or social assistance and support; and/or
7. make arrangements to transport the victim and children to a safe place as necessary. (Ref: CALEA 55.2.2)

E. Request for Tapes from the 911 Center:

1. The arresting deputy sheriff will request a copy of all incoming calls received by the 911 Center regarding incidents charged as Domestic Violence 3rd or higher and Domestic Violence of a High and Aggravated Nature. This does not preclude deputy sheriffs from requesting a copy of calls received by the 911 Center on any Domestic Violence or Family Violence arrest in which the deputy sheriff determines that the tape may assist in the successful prosecution of charges.
2. Requests will be made to the 911 Center Manager on forms available through the 911 Center.
3. Requests must be made as soon as possible.
4. The 911 Center Manager will copy the tape and advise the arresting deputy when it is available. The arresting deputy will take possession of the tape and place it into evidence.

F. Training:

Deputy sheriffs will receive initial and annual in-service training regarding domestic violence. (Ref: SCLEA 27.7)