
Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Abuse - Abuse means physical abuse, harassment, intimidation of a dependant, interference with personal liberty or willful deprivation. Abuse does not include reasonable direction of a minor by a parent or person in loco parentis.

Family or Household Members - Those persons as defined under the Illinois Domestic Violence Act (IDVA) as being protected under that Act. This includes, spouses, individuals who were formerly spouses; parents, children, step-children, other persons who are related by blood, marriage, or prior marriage; individuals, sharing or formerly sharing a common dwelling; persons who allegedly have children in common; persons who have or have had a dating or engagement relationship and persons with disabilities and their personal assistants.

Harassment - Harassment means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress and does cause emotional distress to the victim. This may include but is not limited to: telephone harassment, repeatedly following the victim about in public places, creating a disturbance at the victim's place of employment, keeping the victim under repeated surveillance, making threats or attempts to remove or conceal a child. For further on this see the Illinois Domestic Violence Act.

311.2 POLICY

The Urbana Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede

Urbana Police Department

Policy Manual

Domestic Violence

the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense.
- (d) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the the Police Department in the event that the injuries later become visible. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (e) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (f) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (g) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served and the provision of the order that the subject is alleged to have violated. When reasonably available, the officer should attach a copy of the order to the incident or arrest report.
- (h) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Decision not to arrest should be based on the totality of the circumstances. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.

Urbana Police Department

Policy Manual

Domestic Violence

5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

311.4.3 ENHANCED DOMESTIC VIOLENCE PROTOCOL (EDVP)

If an officer encounters an individual who has been identified as meeting the EDVP criteria of three or more previous domestic related incidents, then the current Enhanced Domestic Violence Protocol should be followed.

311.4.4 ELECTRONIC SURVEILLANCE ALERTS

Certain individuals released after a violation of an order of protection may be subject to electronic surveillance by GPS as a condition of release, probation or conditional discharge (725 ILCS 5/110-5(f); 730 ILCS 5/5-8A-7).

Upon being dispatched in response to an electronic surveillance alert, officers should make a reasonable attempt to locate the domestic violence victim who is being protected and assist the victim in providing for his/her safety. A reasonable attempt to locate the offender should also be made.

Urbana Police Department

Policy Manual

Domestic Violence

If the offender is located within a prohibited location of the victim, an officer should consider whether an arrest for a violation of the conditional discharge, bail, supervision or order of protection is appropriate.

Each response to an electronic surveillance alert shall be documented in an incident or arrest report.

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

Domestic Violence

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order. (See internal web for current guidelines on No Contact Orders)
- (c) Check with METCAD for the validity of the order and to contact any outside jurisdictions to verify the order.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.8.1 UNLAWFUL VISITATION INTERFERENCE

Officers may be faced with a Domestic Violence situation where one party is violating a court order for child custody or visitation. These situations are to be handled under the Illinois Unlawful Visitation Interference Law. If there is a specific court order for visitation and one party is violating that order, officers shall issue a Notice to Appear for the violation. Offenders shall not be arrested or taken into custody under this law, 720ILCS5/10-5.5d.

311.8.2 ORDERS OF PROTECTION

Before serving an Order of Protection the serving officer should conduct an inquiry to determine whether the respondent has been issued a concealed carry license (CCL). If the respondent is found to be in possession of a CCL, the officer shall seize the CCL and forward the notification of the order and license to the Illinois State Police within seven days of the date the order was served (430 ILCS 66/70).

311.9 LEGAL MANDATES AND RELEVANT LAWS

Illinois law provides for the following:

311.9.1 STANDARDS FOR ARRESTS

- (a) Whenever an officer has reason to believe that a person has been the victim of domestic abuse, the officer shall immediately use all reasonable means to prevent further abuse including arresting the abusing, neglecting and exploiting party, where appropriate.
- (b) Officers investigating reports of domestic violence should consider the appropriate charges, including Domestic Battery, Aggravated Domestic Battery and Interfering with the Reporting of Domestic Violence (720 ILCS 5/12-3.2; 720 ILCS 5/12-3.3; 720 ILCS 5/12-3.5).

Urbana Police Department

Policy Manual

Domestic Violence

- (c) Officers investigating a domestic violence incident, who encounter an individual on bail or bond for a domestic violence arrest, should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition or bond or bail by making contact or communicating with the victim, or by entering or remaining at the victim's residence within 72 hours following the defendant's release (725 ILCS 5/110-10(d)).

311.9.2 REPORTS AND RECORDS

The Urbana Police Department is required to record, compile and report to the Illinois State Police information regarding domestic crimes.

- (a) Officers shall include in their reports the victim's statements as to the frequency and severity of prior incidents of domestic violence by the person and the number of prior calls for law enforcement assistance to prevent domestic violence (750 ILCS 60/303).
- (b) Reports must also include information regarding the victim, suspect, date and time of the incident, any injury inflicted, any weapons involved, and the relationship between the victim and the suspect so that the Police Services Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

311.9.3 SPECIFIC VICTIM ISSUES

Officers should:

- (a) Provide or arrange for accessible transportation for the victim (and, at the victim's request, any minors or dependents in the victim's care) to a medical facility for treatment of injuries or to a nearby place of shelter or safety (750 ILCS 60/304).
- (b) Provide the victim with one referral to an accessible service agency (750 ILCS 60/304).

311.9.4 COURT ORDER RELATED TO PEACE OFFICERS

If the respondent in an Order of Protection is a peace officer, the investigating officer shall determine if the order prohibits the peace officer from possessing any firearms during the duration of the order (725 ILCS 5/112A-14(b)(14.5)).

If the respondent officer is employed by the Urbana Police Department, the investigating officer shall take any necessary enforcement actions, promptly submit the appropriate report and notify the Chief of Police of the incident through the chain of command.

If the respondent officer is not a member of the Urbana Police Department, the investigating officer shall promptly notify his/her supervisor. The supervisor shall ensure prompt notification to the respondent officer's department.