

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 202-P

REFERENCE STANDARDS: 55.2.1      55.2.2      55.2.3  
                                 55.2.4      55.2.5

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SUBJECT:    Domestic Violence Procedure

POLICY:    It is the policy of this department to provide immediate, effective assistance and protection to victims of domestic violence and to take appropriate action against offenders. It is also the policy of this department that officers shall treat all acts of domestic violence as criminal conduct. Domestic violence incidents shall be treated in the same manner as all other requests for police assistance in cases where there has been physical violence or the threat thereof.

PURPOSE:    The purpose of this order is to establish policies and procedures for responding to domestic violence calls in compliance with the Illinois Domestic Violence Act of 1986.

## I.        DEFINITIONS

For the purpose of this policy, the following definitions apply:

### A.        Domestic Violence or Abuse

1. An act of physical violence (e.g., slapping, or choking), harassment, or interference with personal liberty by a family or household member; or
2. The intimidation or willful deprivation of a dependent person by a household member. However, these terms exclude reasonable discipline of a minor child by a parent or person in loco parentis.

### B.        Family or Household Members

1. Spouses,
2. Ex-spouses,
3. Persons living together,

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**POLICE OPERATIONS MANUAL**

**Dir.#: 202-P**

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**VILLAGE OF HANOVER PARK**

**Rescinds: 204-P**

**Auth:**

4. Persons who formerly lived together,
  5. Parents,
  6. Children,
  7. Stepchildren,
  8. Parents of a child in common,
  9. Persons related by blood or marriage,
  10. Persons who have or have had a dating or engagement relationship,
    - a. For purposes of this definition, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship, and
  11. Persons with disabilities and their personal assistants.
- C. Order of Protection - A final, preliminary, or temporary order granted by the court which may include any or all of the remedies outlined in the Illinois Domestic Violence Act of 1986. (720 ILCS 60/214)(725 ILCS 5/112A1 – 5/112A31).
- D. Emergency Order of Protection - An emergency order issued without notice and expiring within fourteen (14) days unless extended.
- E. Petitioner - The person who requests the action or relief in an Order of Protection.
- F. Respondent - The person to whom an Order of Protection is directed.

## II. PROCEDURES

- A. Communications - Communications personnel, upon receipt of a call for service involving violence, shall assess the situation as thoroughly as possible and dispatch the necessary units. Communications personnel will obtain minimal response information, which shall include, but not be limited to:
1. Caller's identity,
  2. Exact location (street, house or apartment number),
  3. Injury,
  4. Weapons description,
  5. Disputant's identity, and

6. Presence of the assailant at the scene
- B. Communications personnel should check the name and address reported in the call against available cross-referenced information to determine whether there are previously reported incidents involving the same parties and/or same address. From such a check, the probable danger involved in responding to the call should be determined.
- C. Officer's Response - Officers will respond to and investigate complaints of persons who are victims of domestic violence in a safe and expeditious manner. All such calls should be regarded as potentially "high risk" calls for police officers.

### III. OFFICERS RESPONSIBILITIES UNDER THE ILLINOIS DOMESTIC VIOLENCE ACT OF 1986

The Illinois Domestic Violence Act of 1986 required officers to assist the victim, to arrest the abuser where appropriate, and to report the incident.

- A. Assistance to the Victim (55.2.3a) - If the officer determines that a person has been abused by a family or household member, the officer will take all reasonable steps to prevent further abuse, including, but not limited to, the following:
  1. Transporting or arranging for transportation of the victim to a medical facility if treatment is necessary.
  2. Transporting or arranging for transportation of the victim to a shelter or safe home.
  3. Accompanying the victim to his or her residence to remove necessary personal items.
  4. Furnishing the victim with information which advises the victim of:
    - a. Their rights under the Illinois Domestic Violence Act of 1986;
    - b. Information about appropriate service agencies that can provide 24-hour assistance for victim(s) in need of temporary housing, medical attention, victim advocacy, and emergency assistance;
    - c. The investigating officer's name, badge number, and the case incident number; (55.2.3c)
    - d. The phone number to the police department where the victim can report additional information or receive additional information about the status of the case. (55.2.3d)
  5. Advise the victim(s) of the importance of reporting any incident of intimidation or threats by the abuser or their family or friends to the appropriate law enforcement agency. (55.2.3b)
  6. Advise the victim(s) of the police department's incident investigating process. (55.2.3c)

7. Whenever known and when feasible, provide information to the victim(s) pertaining to the charges against the abuser/arrestee, the arrestee's custody status and changes thereto. (55.2.5)

#### IV. HUMAN SERVICES PERSONNEL AND POLICE CHAPLINS

- A. The Human Services personnel should be offered to the victim in a follow-up role for counseling and comfort to the victim(s). The wishes of the victim, if and /or how they desire follow-up contact by Human Services, should be documented in the report to avoid further endangering the victim of abuse. If there is an immediate need for Human Services assistance, these services can be offered, however, Human Services personnel will not be used to diffuse a domestic situation.
- B. Police Chaplains should not be used as a counselor or mediator during or immediately following a domestic dispute.

#### V. ARREST

- A. Officers can make an arrest without a warrant if they have probable cause to believe a person has just committed a criminal offense, e.g., battery against the victim.
- B. Officers can make an arrest without a warrant if they have probable cause to believe the person has violated one of the provisions of an Order of Protection prohibiting threats and/or abuse or granting exclusive possession of the dwelling to the victim, etc. (Note: A nonconsensual, warrantless entry into the home of an individual for purpose of arrest requires exigent circumstances. Also, officers must determine that the offender has been served with a copy of the Order of Protection or has actual notice of the order. The officer should check victim's copy of the Order of Protection or verify provisions of the order by radio or telephone communications with LEADS system).
- C. If the abusive person is not arrested, the officer is required to do the following:
  1. Complete a report providing information on the nature of the incident and the outcome of the investigation.
  2. Inform the victim that he or she can initiate criminal proceedings at a later time and provide the victim with information about the particulars of filing a criminal charge, including time and location.
  3. Advise the victim of the importance of preserving evidence.
- D. When probable cause exists, an officer shall make an arrest in cases involving domestic violence under the following circumstances:

1. When a felony has been committed. (When an officer has probable cause to believe that an offender has committed a felony, he should contact the felony-screening assistant of the State's Attorney's Office and follow standard procedures required for screening and approval of felony arrests).
2. When a misdemeanor has been committed and the victim has visible signs of injury (see exception in Definitions, Section II.A.2., for minor child), or when any weapon has been used to inflict injury or to intimidate or threaten the victim.
3. When a misdemeanor has been committed, and the officer is aware that the abuser has committed other acts of domestic violence in the past.
4. When an offense is committed in the presence of the officer.
5. When an officer has confirmed that a valid Order of Protection is in effect, and the offender has violated a condition of the order. (Note: Officers must determine that the offender has been served with a copy of the Order of Protection or has actual knowledge of it. The officer should check victim's copy of the Order of Protection or verify provisions of the order by radio or telephone communications with L.E.A.D.S.)
6. An officer shall have the discretion to seek review of the circumstances of a domestic violence case where a mandatory arrest pursuant to Sections VI.D.2. or VI.D.3. is not sought by the officer and the complainant. If an officer determines that the circumstances of a domestic violence case are such that an arrest at that time is inappropriate or unwarranted, the officer shall contact his or her supervisor for approval of such a decision. The supervisor shall review the circumstances of the case and, upon approval by the supervisor, no arrest will be made.

E. Bond Restrictions

1. Supreme Court Rule 528(d) effective April 15, 1997 states that no bail is established for the offense of Domestic Battery, a violation of an Order of Protection, or similar violation of a local ordinance. The court pursuant to statute will set bail for these offenses.
2. Any person charged with the above offenses/violations will be brought before the next available judge in the county of venue or transferred to the county jail to await a bond hearing. In the event an Emergency Judge is contacted to arrange bail by phone, the officer accepting bond will issue the Addendum to Bail Bond and explain the statutory limitations associated with it.
3. The use of an Emergency Judge will only be considered if circumstances exist that prohibit the detention of the subject in the department's holding facility, i.e.: serious medical condition and/or the county jail refuses to accept the arrestee. The Shift Supervisor will ensure that this procedure is used only in the most extreme cases.

F. Special Arrest Considerations

1. If probable cause exists and the arrest is mandated pursuant to Paragraph D. above, the officer shall sign the complaint if the victim is unwilling or reluctant to do so.
2. In discretionary arrest cases, where the officer determines that an arrest is appropriate because probable cause exists, the officer shall sign the complaint if the victim is reluctant to do so.
3. If an arrest is made, the officer shall charge pursuant to the Illinois Compiled Statutes and will follow appropriate departmental guidelines as outlined in current Directives that cover the processing of arrested persons.
4. If another crime has been committed during the violation of the Order of Protection, that crime should also be charged as an additional felony or misdemeanor complaint.
5. No officer shall decline to arrest an offender because of certain factors, including, but not limited to:
  - a. Parties living together;
  - b. Parties having sought civil remedies;
  - c. Victims having been previously unwilling to participate in the complaint or arrest process;
  - d. Verbal assurances that the violence will cease.

#### VI. VICTIM/WITNESS INTIMIDATION AND THREATS

- A. The Department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgement of the Department, express specific, credible reasons for fearing intimidation or further victimization. Appropriate assistance is determined by the nature of the case and the potential danger that is posed. It may range from an immediate arrest of the person making the threat, arranging for protective custody of the victim/witness that was threatened, or referral to the appropriate agency or person. (55.2.2)
- B. Any threat to a victim or witness will be documented and forwarded to the Investigative Bureau for follow-up and the possible filing of charges.
- C. The State's Attorney's office for the county of venue should be notified as soon as possible and provided with reports that document the incident. This notification may be by phone, in person, or in writing dependent upon the circumstances involved.

#### VII. INCIDENT REPORTING AND DOCUMENTATION

- A. Whenever an officer receives a report or allegation of any offense committed between family or household members, an Incident/Offense Report must be prepared, whether or not an arrest is made.

- B. Every officer investigating an incident of abuse between family or household members shall prepare a written report that includes the following:
  - 1. Disposition of the allegation;
  - 2. Victim statement as to frequency and severity of prior incidents by the same family member;
  - 3. The number of prior requests for police assistance.
- C. If an arrest is not made, the officer should clearly document his or her reasons in the Incident/Offense Report. The supervising officer shall review all Incident/Offense Reports where no arrests are made.
- D. Every officer shall complete a DOMESTIC VIOLENCE SUPPLEMENTAL REPORT on all domestic violence cases resulting in an arrest and forward a copy to the State's Attorney's Office. (Appendix A)
- E. A copy of each domestic violence case report will be forwarded to the Human Services Coordinator.
- F. Every officer shall make notification to Family Shelter Services prior to the end of the tour of duty on all reported cases of Domestic Violence occurring in DuPage County, whether an arrest is made or not.
  - 1. Notification will be made by telephone to the Family Shelter Services Crisis Line at (630) 469-5650.
  - 2. The reporting officer will be prepared to provide the information identified on Appendix B – Police Response Form, during the telephone contact.
  - 3. The reporting officer will document this notification in the narrative of the Incident/Offense report, including the time of the notification and the name of the call taker.
- G. Officers shall complete the Domestic Violence Supplemental Report (Appendix B) prior to the end of their tour of duty for all cases involving a domestic violence arrest in DuPage County. One copy of the form shall be submitted with the complaint to the DuPage County Sheriff's Office jail personnel, who will forward the form to the bond court prosecutor for use in setting appropriate bond. One copy of the form shall be placed in the Court Case Folder for inclusion in the police reports.

#### VIII. MISCELLANEOUS INFORMATION

- A. Section 305 of the Illinois Domestic Violence Act of 1986 (750 ILCS 60/305) limits an officer's and this department's liability: "*Any act of omission or commission by any law*

*enforcement officer acting in good faith and rendering emergency assistance or otherwise enforcing this Act shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer unless the act is a result of willful or wanton misconduct."*

B. Emergency Relief (55.2.3)

1. A petition for Emergency Relief Orders of Protection may be filed whenever a police officer has reason to believe that a family or other household member has abused the victim, petitioner, or any minor children. Whenever there is an "immediate" and "present" danger of such abuse, the petitioner may request such an order.
2. The victim advocacy services of Cook/DuPage County shall be contacted for 24-hour assistance in applying for emergency Orders of Protection.
3. Emergency Orders of Protection can be obtained by contacting the Duty State's Attorney of either county.
4. If the victim has been taken to a shelter, the complainant will complete the petition with the assistance of the victim advocate, and the victim will be instructed to take the petition to:
  - a. DuPage County Circuit Clerk's Office in Wheaton at 8:30 a.m., Monday through Friday.
  - b. Cook County State's Attorney Victim/Witness Section

C. The County Sheriffs shall be responsible for placing all Orders of Protection into the LEADS system.

1. When an officer responds to a domestic violence call, an inquiry should be instituted through LEADS to determine if there is an Order of Protection in effect. LEADS will provide all the information contained in the protection order.
2. If no Order of Protection is in effect, the victim should be informed of his or her rights. If an Order of Protection has been issued, the officer shall determine through LEADS whether or not the order has been served, when it expires, and what, if any, remedies have been granted. (Note: Officers must determine that the offender has been served with a copy of the Order of Protection or has actual notice of the order. The officer should check the victim's copy of the Order of Protection or verify provisions of the order by radio or telephone communications with LEADS system).

IX. EVIDENCE COLLECTION

- A. The officer shall complete a written report of his or her observations of the victim, abuser, visible injuries, the presence of weapons, and all other circumstances and facts pertinent to the incident.



- B. If possible, the officer should photograph any personal injuries or property damage sustained by the victim.
- C. The officer should interview the parties separately so that the victim can speak freely without being intimidated by the presence of the offender.
- D. The officer should take into his or her possession articles that can be used to corroborate the occurrence of violence (e.g., pieces of broken glass, torn clothing, any articles that are bloodstained, or any damaged personal possessions of the victim) or take photographs of such articles.

X. FOLLOW-UP INVESTIGATIONS (55.2.4)

- A. When a follow-up investigation is deemed to be appropriate, the assigned police officer shall make every reasonable effort to provide the following victim/witness assistance:
  1. In cases when the impact on the victim/witness is unusually severe and has triggered above average need for assistance, and it is known that additional contact will not endanger them, recontact the victim or witnesses within a reasonable amount of time to determine whether further assistance is required. (55.2.4a)
  2. Explain the procedures for the prosecution of their case and the importance of their continued participation in the prosecution effort. (55.2.4b)
  3. Schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness, and with the proper permission of the direct supervisor, provide transportation when needed. (55.2.4c)
  4. Promptly return the victim/witness property held by the department as evidence where permitted by law and rules of evidence. (55.2.4d)
  5. Refer the victim/witness to the Victim/Witness Assistance Unit of the appropriate State's Attorneys Office for the purpose of assignment of a Victim Advocate. (55.2.4e)
  6. Ensure copies of incident and supplemental reports are forwarded to the appropriate prosecutor's office, if required. (55.2.4f)

XI. ELDER ABUSE REPORTING

- A. In cases of domestic violence involving the elderly, the officer will follow the above procedures. Domestic violence cases involving elderly victims will be responded to and processed as any other domestic violence incident. Assistance of victim advocates for the elderly is also available, and the guidelines for contacting an advocate set out above shall apply when responding to domestic violence incidents involving the elderly. Family

Shelter Service, Inc., should be contacted when emergency shelter is necessary as in any other domestic violence incident.

- B. Law enforcement personnel must report within 24 hours any suspected abuse, neglect, or exploitation of an older person to the Department on Aging's Elder Abuse and Neglect hotline. The telephone numbers for reporting these occurrences are: (55.2.1)
  - 1. 1-800-252-8966 (Monday thru Friday, 8:30 am to 5:00 pm)
  - 2. 1-800-279-0400 (Monday thru Friday, 5:00 pm to 8:30 am, all weekends and holidays)

## XII. CHILD ABUSE REPORTING

- A. Specific statutory duties are imposed under the Abused and Neglected Child Reporting Act (705 ILCS 405/2-3) where incidents of domestic violence or abuse involve child victims. The officer is mandated to report such incidents to the Department of Children and Family Services hotline (1-800-25-ABUSE) and fulfill certain other statutory duties. In addition to these statutory requirements, the responding officer should follow appropriate departmental guidelines as outlined in current Directives that govern the reporting procedures pertinent to child abuse cases.
- B. In effecting an arrest of the offender in cases involving child victims, the guidelines as set forth in Sections I. through XI. apply. The officer should note, however, that the definition of domestic violence and abuse for the purposes of this policy excludes reasonable discipline of a minor child by a parent or person in loco parentis. (See Definitions, Section II.A.) If an arrest is made for aggravated battery to a child (720 ILCS 5/12-4.3) or any other related offense, the report must still be made to the Department of Children and Family Services.

## XIII. DOMESTIC STANDBY/ESCORT

- A. All requests for domestic standby/escorts at any location within the community must be made by the citizen in person at the police department. In the event that a request is made in any other form, the requester will be instructed to go to the police department.
- B. Before the request is honored, a LEADS inquiry will be made by the Records Clerk/Receptionist and provided to the assigned officer. The inquiry will be to determine if a valid Order of Protection exists involving the citizen requesting this service, any person(s) at the standby location, or designating the location as a protected address. The records personnel will instruct the citizen to remain at the department until the assigned officer arrives.
- C. The assigned officer will meet with the citizen and make the following determinations:

1. Identify the citizen, preferably by photo ID, determine the address of the standby, reason for the standby, and estimate the time needed to complete the contact.
2. The officer will review the LEADS printout and any other applicable documents to ensure that the request does not violate any condition of any valid Order of Protection, Bail Bond Addendum, or any other court order.
3. The officer will attempt phone contact with the person to be contacted for the purpose of advising them of the intended service.
4. The officer will escort the citizen to the location with the citizen providing his or her own transportation.
5. The officer will prepare an Incident/Offense Report documenting the occurrence, including at a minimum, that all of the above were performed and any problems encountered.
6. The only exception for the above will be if the on-duty supervisor has met with the citizen at the department, and after completing steps 1, 2, and 3 of section C, authorizes the standby prior to the assigned officer's arrival. The officer directed to respond to the standby location will document the supervisor's authorization in the report.

#### XIV. INCIDENTS INVOLVING DEPARTMENT EMPLOYEES

- A. All department employees are to be treated fairly with equal protection under the law.
- B. All incidents involving department employees will be documented.
- C. All personnel may be subject to evaluation for fitness for duty in incidents involving domestic violence outside the scope of their employment.
- D. Responding to Domestic Violence incidents involving employees within jurisdiction.
  1. The on-duty supervisor will be notified and respond to the scene.
  2. After assessing the circumstances, the on-duty supervisor will notify the Deputy Chief of the involved employee's Division who will direct further action.
- E. Incidents involving sworn personnel residing outside of the department's jurisdiction.
  1. Upon notification, the on-duty supervisor will immediately begin an inquiry to learn the circumstances of the incident.
  2. The on-duty supervisor is to determine:
    - a. Allegations of criminal wrongdoing involving arrestable situations;
    - b. Employee's immediate fitness for duty; and

- c. Notifying the Deputy Chief of Operations for further review.
  - 3. Within a reasonable amount of time, but no longer than three working days, an employee must report to the Chief of Police, on the initial filing or notice of filing, on an action, either civil or criminal, in court against or on behalf of the employee.
    - a. Notification to the Chief of Police shall be in writing in a confidential manner.
- F. Incidents involving sworn personnel from other jurisdictions.
  - 1. Incidents are to be documented as mandated by the Illinois Domestic Violence Act.
  - 2. Notification will be made to the on-duty supervisor who will converse with the officers on the scene for:
    - a. Allegations of criminal acts;
    - b. Displayed behavior that might affect the officer's ability to perform their duties; and
    - c. Notification to a supervisor from the employing jurisdiction.
- G. Referrals - All employees, as well as their families, are afforded the services available for assistance.
  - 1. Employee Assistance Program
  - 2. Social Service Unit
- H. Orders of Protection and Court Dispositions
  - 1. Provisions outlined in any judicial order will be followed as indicated.
  - 2. Affected employees are subject to all provisions of the Illinois Domestic Violence Act and any court litigation resulting.
  - 3. All personnel will be subject for review by the Office of the Chief of Police when they are the topics of Orders of Protection, Bail Bond Addendums, court dispositions, etc. on incidents involving domestic violence and their ability to perform the duties of their sworn position.



**RISK ASSESSMENT**

Has offender substance abuse increased?    y    n

Has offender recently acquired a firearm?    y    n

Has offender made specific threats of serious injury  
or death in recent past?    y  
n

Has offender been violent toward pets?    y  
n

Has physical violence increased?    y    n

Has offender strangled victim in recent past?    y  
n

Officer:

Star:

# HANOVER PARK POLICE DEPARTMENT

## Domestic Violence Supplemental Report POLICE DEPARTMENT REPORT NUMBER:

**Note: The arresting officer MUST complete this form when a domestic violence arrest is made. The DuPage County State's Attorney MUST receive a copy of this form to assist in the setting of bail.**

Victim's Name:	Location of Incident:	Date and Time of Incident:
Offender's Name:	Relationship to Victim:	Do the Victim and Offender Reside Together?: Yes <input type="checkbox"/> No <input type="checkbox"/>
Has there even been an order of protection issued? Yes <input type="checkbox"/> No <input type="checkbox"/>		Were Children Present? Yes <input type="checkbox"/> No <input type="checkbox"/>
List Prior Incidents:		

***The victim is to be asked the following:***

<b>Has the offender previously:</b>	
<input type="checkbox"/> Hit, Slapped, or kicked you or someone else?	<input type="checkbox"/> Threatened to harm you if you called the police?
<input type="checkbox"/> Choked you?	<input type="checkbox"/> Threatened to harm the police if you called them?
<input type="checkbox"/> Threatened to kill you?	<input type="checkbox"/> Threatened to kill him or herself?
<input type="checkbox"/> Fantasized about harming or killing someone?	<input type="checkbox"/> Threatened you with a weapon?
<input type="checkbox"/> Prevented you from seeking assistance?	<input type="checkbox"/> Harmed or threatened to harm pets or other animals?
<input type="checkbox"/> Other:	

<b>Does the offender have access to firearms?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Does the offender have a FOID card?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>What type of firearms does the offender have access to and where are they located?</b>	
<b>Do you have children?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>What are their ages?</b>
<b>Have they ever witnessed the abuse?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Has your family ever had contact with DCFS?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Have any of the parties experienced any recent changes?</b> <input type="checkbox"/> Separation/Divorce <input type="checkbox"/> Job Loss <input type="checkbox"/> Death of a family member or friend? <input type="checkbox"/> Other:	
<b>Does the offender abuse alcohol or drugs (including prescription)?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Please list type and frequency:</b>

<b>Medical Treatment Provided to Victim:</b> <input type="checkbox"/> None <input type="checkbox"/> Refused <input type="checkbox"/> Will see own doctor <input type="checkbox"/> Paramedics called/treated on scene
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Paramedics transported to hospital    Hospital name: \_\_\_\_\_

**Offender's Action (check all that apply)**

- Injured Victim       Injured child       Threatened Victim       Threatened Children  
 Threatened Witnesses     Disabled/removed telephone     Prevented Victim/Witness from seeking assistance  
 Forced entry       Took Property       Damaged property       Followed/ Stalked  
 Threatened or attempted suicide       Other (*specify in comments below*)

**Comments:**

**Officer's Signature:** \_\_\_\_\_

**Officer's Badge Number:** \_\_\_\_\_

**Supervisor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_