
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 41.8

SUBJECT: DOMESTIC VIOLENCE

EFFECTIVE DATE: 10/01/09

REVISED DATE: 05/11/25

REFERENCE ILEAP: OPR.12.01

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PURPOSE:

The purpose of this policy is to establish clear procedures for responding to domestic violence incidents in accordance with the Illinois Domestic Violence Act.

POLICY STATEMENT:

It is the policy of this Department to provide immediate and effective assistance to victims of domestic violence, ensure their safety, and take appropriate enforcement action against offenders. The Department recognizes domestic violence as a serious crime that impacts both individuals and the broader community. Officers shall respond to domestic violence incidents with the same urgency, diligence, and commitment as they do with all other requests for police assistance.

DEFINITIONS:

Abuse: Means physical abuse, harassment, intimidation of a dependent, interference with personal liberty, willful deprivation, or any property crime directed at the victim. Abuse does not include objectively reasonable direction or physical discipline of a minor by a parent or person with legal parental authority.

Domestic Battery: A person commits domestic battery if he or she intentionally or knowingly, without legal justification by any means, causes bodily harm to or makes contact of an insulting or provoking nature with any family or household member.

Domestic Violence: Means attempting to cause or causing abuse of a family member, household member, or high-risk adult with disabilities, or attempting to cause or causing neglect or exploitation of a high-risk adult with disabilities which threatens the adult's health and safety.

Family or Household Member: Includes spouses, former spouses, parents, children, stepchildren, or others related by blood, persons related by present or former marriage, persons who share or formerly shared a common dwelling, persons who allegedly have a child in common, persons who allegedly share a blood relationship through a child,

persons who have or have had a dating relationship, and persons with disabilities and their personal assistants.

Harassment: Means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the circumstances; would cause a reasonable person emotional distress and does cause emotional distress to the petitioner.

The following types of behavior shall be presumed to cause emotional distress:

- a. Creating a disturbance at a place of employment or school.
- b. Repeatedly telephoning a place of employment or residence.
- c. Repeatedly following a person in a public place.
- d. Repeatedly keeping a person under surveillance by remaining outside his/her home, school, place of employment, vehicle, or other place occupied by the victim, or by peering in the person's windows.
- e. Improperly concealing a minor child from the person.
- f. Repeatedly threatening to remove a minor child from the physical care of the person or making a single threat following an actual or attempted improper removal or concealment.
- g. Threatening physical force, confinement, or restraint.

High-Risk Adult with Disabilities: A person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

Interference with Personal Liberty: Committing or threatening to commit physical abuse, harassment, intimidation, or willful deprivation so as to compel another to engage in conduct from which he or she has a right to refrain from, or refrain from conduct in which he or she has a right to engage.

Intimidation of a Dependent: Subjecting a person who is dependent because of age, health, or disability to participation in or the witnessing of physical force against another or physical confinement or restraint of another.

Physical Abuse: Includes sexual abuse and:

- a. Knowing or reckless use of force, confinement, or restraint.

- b. Knowing, repeated, and unnecessary sleep deprivation.
- c. Knowing or reckless conduct which creates an immediate risk of physical harm.

Willful Deprivation: Means willfully denying another person who because of age, health, or disability requires medication, medical care, accessible shelter or services, food, therapeutic device, or other physical assistance and thereby exposing that person to the risk of physical, mental, or emotional harm.

Stalking: A person commits stalking when he or she, knowingly and without legal justification, follows another person or places the person under surveillance or any combination thereof and:

- a. At any time transmits to that person a threat of immediate or future bodily harm, sexual assault, confinement, or restraint; or
- b. Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint.

Aggravated Stalking: A person commits aggravated stalking when he or she, in conjunction with committing the offense of stalking, also does any of the following

- a. Causes bodily harm to the victim;
- b. Confines or restrains the victim;
- c. Violates a temporary restraining order, an order of protection, or an injunction prohibiting the behavior described in subsection (b) (1) of Section 214 of the Illinois Domestic Violence Act.

Unlawful Visitation Interference: If one party is in violation of a valid court order relating to child custody by detaining or concealing a child with the intent to deprive another person of his or her rights to visitation. (Note: The statute says a Notice to Appear shall be issued. Offenders may not be arrested or taken into custody for this offense).

Violation of Bail Bond: It is unlawful for any person arrested for domestic battery to have contact with the victim within 72 hours of the arrest. During arraignment, this may be extended until the case is resolved. Contact in and of itself is a violation and the offender is arrestable even if the victim allowed the offender to return.

Probable Cause: Means the combination of facts that leads a police officer to believe a crime has been committed. The probable cause standard applied to domestic violence is no different than the standard applied to all other crimes. An officer should not consider the following factors when determining probable cause:

- a. The marital status or living arrangements of the parties involved.
- b. The existence of an order of protection (unless it is being violated).
- c. The disposition of previous police calls or reports involving the same parties.

- d. The victim's unwillingness to prosecute or the officer's belief that the victim will not prosecute.
- e. Verbal assurances by either party that the violence will stop.
- f. Denial by either party that the violence occurred when there is evidence of domestic violence.
- g. The race, ethnicity, sexual preference, social class, or occupation of either party.
- h. Whether either or both parties are under the influence of alcohol.

The Illinois Domestic Violence Act protects the following persons:

- a. Any person abused by a family or household member.
- b. Any minor child or dependent adult in the care of such person.
- c. Any person residing or employed at a private home or public shelter that is housing an abused family or household member.

POLICY:

41.8.1 ON SCENE INVESTIGATION

- A. The investigation of domestic violence cases frequently places officers in emotionally charged and potentially hazardous situations. This policy is not intended to override the responsibility of officers to exercise due caution and sound judgment in ensuring the safety of all officers and individuals involved.
- B. An officer conducting an on-scene investigation into a domestic violence allegation shall:
 - 1. Secure the scene and restore order by separating the parties involved.
 - 2. Take control of all weapons used or within easy access of the parties.
 - 3. Evaluate the physical condition of the subjects and render first aid, and if necessary, request emergency medical assistance.
 - 4. Interview all parties, including witnesses. These interviews should be conducted separately.
 - 5. Determine if there are prior incidences of domestic violence involving the involved parties, both through the on-scene investigation and records checks.
 - 6. Attempt to locate and interview potential witnesses who have not come forward, particularly when the victim is uncooperative. This includes attempting to contact neighbors when necessary and/or appropriate.

7. Collect and record evidence as in any other case involving physical harm. When possible, include photographs of injuries sustained and photographs of the premises, which serve to corroborate the alleged incident.
 8. Advise the victim of the importance of preserving evidence, such as permitting the officer to photograph signs of abuse and property damage. Follow-up photographs of the victim should be taken later as injuries may not immediately appear. These photographs may be initiated in any of the following ways:
 - a. The victim contacts the department with the notification that injuries are now visible, and an officer is dispatched to take photographs of the injuries. The officer is responsible for preparing a supplemental police Public Safety Records Management Software (PSRMS) report to document the incident.
 - b. The victim arrives at the department to report visible injuries. An officer will be requested to take the photographs. The officer is also responsible for preparing a supplemental PSRMS report to document the incident.
 - c. Whenever possible, the originally assigned officer shall take photographs of the victim's injuries.
 9. If injuries require medical treatment, have the victim sign a medical release.
 10. If both parties are injured, do the following:
 - a. Determine whether one of the parties acted in self-defense.
 - b. If neither party acted in self-defense, arrest both parties.
 11. If either party is a Department employee, a supervisor shall be summoned to the scene, and the on-call patrol lieutenant will be notified.
- c. When an offense has been committed in the presence of an officer.
 - d. When an officer has confirmed the existence of a valid Order of Protection which has been properly served and is police enforceable.
 - e. It has been determined that a valid 72-hour no contact provision is in effect.
2. In all other cases, an arrest should be made if probable cause exists that an offender has committed an act of domestic violence which constitutes a criminal offense.
 3. If there is reason to believe that the suspect may be a threat to the victim or family members, and the suspect is not present, a reasonable effort shall be made to locate and arrest the suspect.
 4. If an arrest is made, the use of a Notice to Appear is not routinely permitted. A Notice to Appear may be issued only when exigent circumstances exist, steps are taken to ensure the safety of the victim(s), and a supervisor has authorized its use. The reason for the issuance of the Notice to Appear shall be documented in the corresponding PSRMS report.
 5. When an arrest is made against the wishes of the victim, the officer should emphasize to the victim that the State's Attorney's Office has the ability to pursue prosecution even without the cooperation of the victim.
- B. If no arrest is made, the PSRMS report must include either the rationale behind that decision or the reason why an arrest could not be made. The victim's reluctance or refusal to cooperate alone is not reason to decide against an arrest.
 - C. The PSRMS report must also include the victims' statements as to the history, frequency, and severity of prior abuse or calls for police assistance.
 - D. In the event children witnessed the incident, or there is any question of neglect or abuse of a minor child, ensure that the Department of Children and Family Services is notified. Specific statutory duties are imposed under the Abused and Neglected Child Reporting Act, 325 ILCS 5/1, pertaining to incidents of domestic violence or abuse involving children as victims.
 - E. If the officer has a reasonable belief that the offender poses a clear and present danger to themselves or others, especially if the offender possesses a Firearms Owners Identification (FOID) card or Concealed Carry License (CCL), the officer shall:
 1. Document the circumstances leading to the determination that the person poses a clear and present danger in the PSRMS report.
 2. Complete the ISP – Person Determined to Pose a Clear and Present Danger form and ensure the form and PSRMS report are submitted to the

41.8.2 DUTIES OF OFFICERS

- A. It is the duty of a law enforcement officer to take all reasonable steps to prevent further abuse. Every officer investigating an alleged incident of abuse between family or household members shall prepare a written report using the Public Safety Records Management Software (PSRMS) detailing the allegation and the disposition of the investigation. This report should include the names, ages, and schools of any minor children in the household.
1. In cases involving domestic violence, an officer shall make an arrest without a warrant when probable cause exists under the following circumstances:
 - a. When a felony has been committed.
 - b. When a weapon has been used to inflict injury or to intimidate or threaten the victim.

Illinois State Police Law Enforcement Portal. Policy 14.1, FOID CCL and Clear and Present Danger, outlines additional information on the reporting requirement and associated processes.

F. Based on the totality of the circumstances, a supervisor should be contacted to:

1. Confiscate a weapon(s) for safekeeping when the officer can articulate an immediate threat.
2. Determine if the officer should complete a Verified Petition for a Firearms Restraining Order or an Emergency Firearms Restraining Order. Policy 13.1, Firearms Restraining Orders, outlines information on completing this process.

41.8.3 ASSISTANCE BY OFFICERS

A. Whenever an officer has reason to believe that a person has been abused by a family member, the officer shall immediately use all reasonable means to prevent further abuse, including:

1. Advising all parties of the criminal nature of family violence, its potential for escalation, and the help that is available.
2. Arresting the abusing party when appropriate and possible. An arrest should be made whenever probable cause exists and it is physically possible to arrest the suspect.
3. Accompanying the victim to the place of residence for a reasonable period of time to remove necessary personal belongings.
4. Offering the victim immediate and adequate information in written form. Each potential victim shall be given a Domestic Violence Form, which contains information about obtaining an order of protection, and the form must include the PSRMS incident number and the name of the reporting officer.
5. Providing the victim with at least one referral to an accessible social service agency.
6. Advising the victim about seeking medical attention and preserving evidence, specifically photographs of injury or damage.
7. Providing or arranging transportation for the victim and any dependents in the victim's care to a medical facility for treatment or to a nearby place of shelter or safety.
8. When a victim of abuse chooses to leave the scene of the offense, it shall be presumed to be in the best interest of any dependents or minors in the victim's care to remain with the victim or a person designated by the victim.
9. Whenever an arrest is not made, the officer, in addition to all the above, shall advise the parties involved:

- a. The PSRMS report will be forwarded to the State's Attorney's Office for review.
- b. The victim need not sign a complaint at the time of the incident for further action by the State's Attorney's Office.
- c. Of the victim's right to request the initiation of court proceedings.
- d. Of the victim's right to contact the State's Attorney's Office to express a desire for prosecution.

10. Officers should be aware that domestic violence situations are traumatic to children and that the officer is often the only responder in a position to assist the child. Officers shall not leave children in the custody of the offender if the victim requires medical treatment, nor should the offender receive a Notice to Appear solely because of the presence of children. If the victim cannot care for the children and the offender has been arrested, the officer should take protective custody or find a relative to care for the children.

11. If an officer has reason to suspect that a family or household member aged 60 or older is abused, neglected, or exploited, then the officer shall make a report to the Illinois Department on Aging, Elder Abuse Hotline by calling 1-800-252-8966. In all cases, a PSRMS report documenting suspected abuse shall be written.

41.8.4 ORDERS OF PROTECTION

A. A person who has been abused by a family or household member may seek an Order of Protection. A guardian may seek an Order of Protection on behalf of an abused minor or dependent adult. The Order of Protection may provide protection for additional household or family members.

B. Service of Process:

1. Any action for an Order of Protection is a distinct civil cause of action and requires that a separate summons be issued and served.
2. The summons shall be served by the Sheriff or other law enforcement officer at the earliest time and shall take precedence over another summons except those of a similar emergency nature.

C. Entry into LEADS:

1. The sheriff's office shall be responsible for entering all Orders of Protection into LEADS on the same day the court issues the order, whether or not the order has been served.
 - a. Officers must determine whether the respondent has been served with a copy of the order or has actual knowledge of it before an arrest can be made.
 - b. If the respondent denies knowledge of an order and the denial is credible, the officer

should advise the respondent of the existence and content of the order. The officer shall request a sheriff's deputy to serve the order. If a representative of the sheriff's office is unavailable to respond to serve the order, then the officer should complete the Short Form Notification document and issue it to the respondent. A copy of the completed Short Form Notification document shall be attached to the PSRMS report, and the document shall be forwarded to the sheriff's office and the Circuit Court Clerk.

D. Enforcement of Orders of Protection:

1. A person violates an Order of Protection by knowingly violating any of the following remedies that are listed in the Order of Protection:
 - a. Prohibition of Abuse.
 - b. Prohibition from entering or remaining in any protected residence or household.
 - c. Stay away order.
 - d. Prohibition of entry prohibits the respondent from entering or remaining in the residence or household when he or she is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of the petitioner and children.
2. If an Order of Protection grants exclusive rights to a residence to the petitioner, the court may allow the respondent access to remove items of clothing and personal property used only by the respondent. This can be done only once and must be in the presence of an agreed-upon third party or law enforcement officer.
3. If probable cause exists to believe that a Violation of an Order of Protection has been committed and the suspect is present, an arrest shall be made. If the suspect is not present and there is reason to believe that the suspect may be a threat to the victim or other family members, then reasonable efforts should be made to locate and arrest the suspect.
4. If no arrest is made for a Violation of the Order of Protection, the reasons why shall be documented in the officer's PSRMS report.
5. If an arrest is made but the respondent will not be detained due to the circumstances, a Notice to Appear shall be issued, and the reasons why shall be documented in the officer's PSRMS report.
6. An officer who has probable cause to believe that a defendant has violated a "no contact or communication" condition of his or her pretrial release as provided for in the Illinois Domestic Violence Act (720 ILCS 5/32-10) shall arrest that defendant without a warrant.

41.8.5 KARINA'S LAW

- A. The Department shall act in accordance with Karina's Law (725 ILCS 5/112A-14.5) to protect victims of domestic violence by enforcing firearm prohibitions as specified in Emergency, Interim, and Plenary Orders of Protection. Officers are required to execute firearm seizures within the mandated time frames and shall document all efforts thoroughly in a PSRMS report.
- B. Orders of Protection in domestic violence situations are frequently issued on an emergency ex parte basis in an attempt to ensure the petitioner's safety. In that regard, officers must be prepared to act quickly to comply with the deadlines set by Karina's Law.
- C. Karina's Law mandates that respondents must surrender all firearms and firearm parts directly to law enforcement. Transfers to private individuals are prohibited to prevent unauthorized access.
- D. Karina's Law provides explicit authority to the petitioner in a civil order of protection case and the State's Attorney, in addition to law enforcement, to seek a search warrant to seize firearms, firearm parts, FOID, and/or CCL from the respondent under the Order of Protection proceedings based on the allegations outlined in the petition for the Order of Protection.
- E. Karina's Law provisions apply to emergency, interim, or plenary orders of protection. Once an Order of Protection is entered, regardless of the type, the following will occur:
 1. The respondent is prohibited from possessing firearms and firearm parts.
 2. The Court shall order that any firearms, firearm parts, and FOID or CCL be surrendered to the sheriff's office or local law enforcement.
 - a. The sheriff's office or local law enforcement agency is responsible for serving the Order of Protection.
 - b. If the respondent has a firearm, firearm parts, and FOID or CCL on them at the time of service, they shall be immediately surrendered to the serving agency.
 - c. If the respondent does not have a firearm, firearm parts, or FOID or CCL on them at the time of service, they shall be turned over to the service agency within twenty-four (24) hours of service.
 3. The Court shall issue a search warrant at the time the Order of Protection is issued if the Court finds probable cause that:
 - a. The respondent presents an immediate and present danger to the petitioner's physical safety;
 - b. The respondent possesses firearms or firearm parts that could be assembled to make an operable firearm;

- c. The firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent; and
 - d. The threat to the petitioner is both credible and immediate.
- 4. The search warrant must clearly define the scope of the search and the location to be searched and direct the law enforcement agency to seize the respondent's firearms, firearm parts, FOID Card, and CCL of the respondent.
- 5. When a search warrant is issued, the Petitioner shall prepare an information sheet for law enforcement to include, if known:
 - a. Contact information for the Petitioner;
 - b. A physical description of the respondent, including approximate age, height, weights, race and hair color;
 - c. Days and times the respondent is likely to be at the property to be searched;
 - d. Information regarding any other individuals likely to be present at the property to be searched.
- 6. The clerk of the issuing judge shall, or the petitioner may, on the same day that the warrant is issued, transmit the warrant and information sheet to the law enforcement agency to which the warrant is directed.
 - a. If the court determines a credible domestic violence report was made in the previous 90 days, the law enforcement agency will have 96 hours to execute the warrant.
 - b. If the court finds there was no credible report in the previous 90 days, the law enforcement agency will have 48 hours to evaluate the warrant and seek corrections. If changes are made, then law enforcement will have 96 hours from the correction to execute the warrant.
 - c. A search warrant return must be filed within 24 hours of execution, detailing all items seized and actions taken.
- 7. Officers should examine warrants upon receipt for compliance with applicable law, upon the discovery of any defects Officers shall petition the Court to correct the warrant, requests for modification may extend the time to execute the search warrant for up to no more than 96 hours.
- 8. Surrendered or seized firearms and firearm parts shall remain with the local law enforcement agency until the termination of the Order of Protection or a further order of the Court.

- a. The respondent is responsible for requesting the return or reinstatement of any FOID Card or CCL.
- b. The respondent is responsible for requesting the return of seized or surrendered firearms, which must be returned within 14 days of the request if the respondent is lawfully eligible to possess firearms.
- c. If the Order of Protection is expired, but the firearms cannot be returned because: (1) the respondent did not request the return, (2) the respondent cannot be located or does not respond to three or more request to retrieve the firearms, or (3) is not lawfully eligible to possess the firearms, the local law enforcement agency can petition the court for permission to destroy the firearms, or to use them for other appropriate law enforcement purposes.

41.8.6 HOPE CARDS

- A. Pursuant to 750 ILCS 60/219.5, Hope Cards may be issued to the petitioner of a plenary order of protection for the petitioner to distribute to any individual who may need to be aware of the order.
- B. Officers encountering an individual who has been granted a plenary order of protection shall be aware that the Hope Card has the same effect as the underlying plenary order of protection.
- C. Per statute, a Hope Card:
 - 1. Is laminated and wallet-sized.
 - 2. Contains identifying information about the respondent of a plenary order of protection, including a photograph, the active dates of the order, the case number, and any other pertinent information contained in the order.

41.8.7 TRAINING

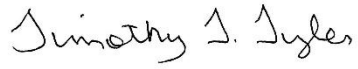
- A. Pursuant to 725 ILCS 5/112A-27 and 750 ILCS 60/301.1, in the initial training of new recruits and every five years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects.

41.8.8 LIMITED LAW ENFORCEMENT LIABILITY

- A. Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing the Illinois Domestic Violence Act shall not impose civil liability upon the law enforcement officer or his/ her

supervisor or employer, unless the act is a result of willful or wanton misconduct (750 ILCS 60/305).

ISSUING AUTHORITY

A handwritten signature in black ink that reads "Timothy T. Tyler". The signature is written in a cursive style with a large initial 'T'.

Timothy T. Tyler
Police Chief
Champaign Police Department

