

Domestic Violence

310.1 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 the Sheriff's Office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence. It is the policy of the DeKalb County Sheriff's Office to use the Lethality Screen at the scene of a domestic violence incident to identify victims of domestic violence in potentially lethal situations, and follow the established criteria to place those victims in immediate and direct contact with a domestic violence service program hotline advocate. Deputies administering the Lethality Screen shall ask the victim the Lethality Screen and when a victim is assessed as being "High-Danger", call Safe Passage and ask the victim to speak with a hotline advocate.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, which includes an Order of Protection (OOP) that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic Violence/Abuse - Domestic violence is a pattern of coercive behavior characterized by the domination and control of one person over another, usually an intimate partner, through physical, psychological, emotional, verbal, sexual, and/or economic abuse. Domestic Violence is often called "domestic abuse" because it does not necessarily involve physical violence, and some of the tactics may not even be considered a crime.

Abuser - A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim - The person against whom an abuser directs coercive and/or violent acts.

Intimate relationships - An "intimate relationship" is one in which heterosexual or homosexual partners have, or have had, a sexual or emotionally intimate relationship.

Intimate partners - Intimate partners are persons who are, or have been involved, in an intimate relationship who:

1. Are married, separated, or divorced.
2. Live or have lived together.
3. Have children in common; or

Domestic Violence

4. Date, or have dated, but do not live, or never have lived together.

Intimate partner violence - Domestic violence between intimate partners.

Lethality screen - The evidence-based field instrument used by trained practitioners to assess a person who is a victim of intimate partner violence for his/her risk of being killed by an intimate partner.

High danger - A term used for a victim who has been assessed through the use of the LAP and the Lethality Screen as being at the greatest risk of being killed. The victim is said to be at "High Danger".

310.2 POLICY

The DeKalb County Sheriff's Office'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 the Sheriff's Office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

310.4 INITIATING A LETHALITY ASSESSMENT

A. General

1. The responding deputy shall complete the Lethality Screen when he/she responds to a domestic violence complaint involving intimate partners and one or more of the following conditions exist:

a. There is a reason to believe an assault or battery or an act that constitutes domestic violence has occurred, whether or not there is an arrest made.

b. There is a belief or sense on the part of the responding deputy that once the victim is no longer in the care or presence of the responding deputy the potential for assault or danger is high.

c. There are repeated calls for domestic violence complaints at the same location or involving the same parties.

d. The responding deputy believes one should be administered based on his/her training, experience, and instinct.

B. Lethality Screen Questions

Domestic Violence

1. To initiate the Lethality Screen and corresponded LAP response protocol, the responding deputy should:

a. Advise the victim in a positive, supportive tone that he/she will be asked a series of questions to help the deputy determine the immediate potential for danger to the victim.

b. Administer the Lethality Screen outside of the presence, hearing, and awareness of the abusive partner.

c. Ask the questions in the order that they are listed on the form and in the manner that they are written.

d. Ask all of the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

C. Assessing the Responses to the Lethality Questions

1. After the responding deputy asks the questions on the Lethality Screen, he/she shall handle the information as follows:

a. A **single** "yes" or positive response by the victim to questions #1, 2, or 3 reflects a High-Danger situation and automatically triggers the hotline call. Deputies shall still ask the remaining questions, as they will help the deputy gather a more comprehensive understanding of the victim's situation before calling the hotline. Doing so will also allow the victim to assimilate lethality predictors that indicate that he/she is at risk of being killed by his/her intimate partner.

b. If the victim gives negative responses to questions #1-3, but positive responses to four or more of questions #4 thru 11, this reflects a High-Danger situation and triggers the hotline call.

c. "No" or negative responses to all of the assessment questions, or positive responses to less than four of questions #4 thru 11, may still trigger the hotline call if the responding deputy believes it is appropriate. The deputy should ask the victim the following question: "Is there anything else that worries you about your safety? If yes, what worries you?" The response to the question may aid the deputy in his/her assessment.

d. Similar to the subsection above, the deputy may also assess a victim as High-Danger if the deputy believes it is appropriate when:

i. The victim declines to answer all of the questions on the Lethality Screen, or

ii. The victim does not answer one or several of the questions so that the victim does not respond "yes" to enough questions to be assessed at High-Danger according to the protocol.

iii. If the victim's responses do not reflect High-Danger, but the deputy's "read" of the situation indicates High-Danger, the deputy should make the hotline call.

D. Assessing the Responses to the Lethality Questions - non-High-Danger

1. If the victim is not assessed as High-Danger after the Lethality Screen is completed, the deputy shall:

Domestic Violence

- a. Advise the victim that "domestic violence is dangerous and sometimes fatal."
- b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that he/she is at an increased level of danger.
- c. The deputy should volunteer to call the hotline for the victim if the victim would like to speak with the hotline. If the victim agrees, the deputy does not need to remain on the scene during the victim-advocate conversation.
- d. Provide the victim with the case number, the deputy's contact information or the number of another agency contact if the deputy would not be available, in case the victim wants to talk further or needs help.

E. High-Danger Victims and the Hotline Call

1. If a High-Danger assessment is made the hotline call shall be implemented as follows:

A. Advise the victim that his/her situation has indicated to the officer that the victim is at an increased level of danger and that people in the victim's situation have been killed or seriously injured. Convey this information in an understanding manner.

B. Advise the victim that you would like to call Safe Passage and invite the victim to speak with a hotline advocate. In communicating with the victim, be encouraging and supportive.

1. If the victim initially declines to speak with the hotline advocate, the officer shall:

a. Tell the victim that the deputy will still contact the domestic violence hotline to receive guidance on how to proceed with the situation;

b. Tell the victim that he/she may decline to speak with the hotline, but that the deputy would like the victim to reconsider speaking with the hotline advocate; and

c. While the deputy is still on the phone with the hotline advocate, the deputy will ask the victim if he/she has reconsidered and would now like to speak with the advocate.

2. If the victim continues to decline to speak with the hotline advocate, the deputy should do the same thing he/she would do for a victim who was not assessed as High-Danger, including conveying information that the hotline advocate has suggested about safety planning and requesting a safe phone number for an advocate to follow up with the victim.

3. If the victim agrees to speak with a hotline advocate, the deputy shall call the hotline number, introduce himself/herself, and advise the hotline advocate that he/she has made a High-Danger assessment. The deputy shall provide responses to a brief set of questions prompted by the hotline advocate.

C. During the conversation between the hotline advocate and the victim, the deputy shall stay on the scene and allow the victim privacy while he/she speaks with the hotline.

D. At the appropriate time during the conversation between the victim and the hotline advocate, the hotline advocate will ask to speak with the deputy to conclude the call.

Domestic Violence

E. The deputy shall be guided by the discussion with the hotline advocate for further assistance. Deputies shall provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe place.

F. Filing of the Lethality Screen

1. Deputies who have completed Lethality Screens shall submit them with the completed police report by the end of the deputies shift.
2. The original shall be filed with the police report and a copy will be forwarded to the Patrol Lieutenant or designee who will serve as the LAP representative for the Sheriff's Office.
3. The Patrol Lieutenant or designee shall:
 - a. Maintain a file of all Lethality Screens,
 - b. Prepare a report as provided in Section I below, and
 - c. Submit the report to the LAP team coordinator by the 15th of each month for the previous month.

G. LAP Agency Representative

The LAP agency representative shall:

1. Facilitate training;
2. Maintain and report data;
3. Serve as a liaison, communicate, and meet with participating LAP agency representatives and agencies; and
4. Generally, oversee and monitor the progress of the LAP

H. Training

1. LAP training shall be provided by LAP-trained staff to all new entry-level deputies who have not received it in the training academy before the conclusion of their FTO period.
2. In-service LAP training may be provided to deputies every two years.

I. Records Reporting

1. The agency shall prepare and forward reports to the LAP team coordinator by the 15th of each month for the previous month.
2. The reports shall contain the following information:
 - a. How many Lethality Screens were attempted?
 - b. How many victims were assessed as being High-Danger?
 - c. How many victims were not assessed as being High-Danger?
 - d. How many victims did not respond to all of the screening questions?

Domestic Violence

- e. How many victims assessed as being High-Danger spoke to a hotline advocate?

310.5 INVESTIGATIONS

The following guidelines should be followed by deputies 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, deputies 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) Deputies 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. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) 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 Investigation Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies 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.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (725 ILCS 5/112A-30).
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred (725 ILCS 5/112A-30). 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.

Domestic Violence

4. The potential financial or child custody consequences of arrest.
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.

310.5.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim with their rights under the Illinois Domestic Violence Act.
- (c) Provide the victim with VINE (Victim Identification and Notification Everyday) information.
- (d) Refer the victim to Safe Passage and explain how to obtain an Order of Protection.
- (e) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.5.2 IF NO ARREST IS MADE

If no arrest is made, the deputy 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.

310.5.3 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, deputies 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.

Domestic Violence

If the offender is located within a prohibited location of the victim, a deputy 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 a police report and the Electronic Home Monitoring (EHM) Deputy shall be notified.

310.6 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the Sheriff's Office 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 deputy 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.
- (i) Contact the Sheriff's Office Domestic Violence Investigator if appropriate.

310.7 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. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.8 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 deputies 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

Domestic Violence

§ 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.9 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, deputies 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.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

310.10 LEGAL MANDATES AND RELEVANT LAWS

Illinois law provides for the following:

310.10.1 STANDARDS FOR ARRESTS

- (a) Whenever a deputy has reason to believe that a person has been the victim of domestic abuse, the deputy shall immediately use all reasonable means to prevent further abuse including arresting the abusing, neglecting and exploiting party, where appropriate (725 ILCS 5/112A-30).
- (b) Deputies 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).
- (c) Deputies 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)).

310.10.2 REPORTS AND RECORDS

The DeKalb County Sheriff's Office is required to record, compile and report to the Illinois State Police information regarding domestic crimes.

Domestic Violence

- (a) Deputies 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; 725 ILCS 5/112A-29).
- (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 Records Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

310.10.3 SPECIFIC VICTIM ISSUES

Deputies 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).

310.10.4 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-14.5).

If the respondent deputy is employed by the DeKalb County Sheriff's Office, the investigating deputy shall take any necessary enforcement actions, promptly submit the appropriate report and notify the Sheriff of the incident through the chain of command.

If the respondent deputy is not a member of the DeKalb County Sheriff's Office, the investigating deputy shall promptly notify his/her supervisor. The supervisor shall ensure prompt notification to the respondent deputy's department.

310.10.5 SERVICE OF COURT ORDERS

A summons, along with the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued, shall be served at the earliest time possible and take precedence over service of other summonses, except those of a similar emergency nature (725 ILCS 5/112A-5.5; 725 ILCS 5/112A-17.5).

Before serving an Order of Protection, the serving deputy 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 deputy 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).

If the DeKalb County Sheriff's Office receives a copy of an ex parte protective order issued to a person who is in custody, a deputy shall make reasonable efforts to serve the protective order or a short form notification on the person before he/she is released from custody (725 ILCS 112A-22).