

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 01/01/03	STANDARD OPERATING PROCEDURE	Revised Date: 02/08/07
Chief of Police: 	Domestic Violence, 55.3	
Cross Reference:		Policy Sections: 55.3.1 Law Enforcement Responsibilities 55.3.2 Limited Law Enforcement Liability

PURPOSE

The purpose of this policy is to establish guidelines for handling domestic violence situations.

POLICY STATEMENT

It is the policy of the Elgin Police Department to treat domestic violence with the same consideration as violence in other enforcement contexts. Consistent with this policy, officers shall combine the use of appropriate community services with enforcement of the law to, (1) break the cycle of domestic violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, or the means to seek support to help assist in their situation. This department supports the provisions of the Illinois Domestic Violence Act.

DEFINITIONS

Family or Household Member: Includes spouse, former spouses, parents, children, stepchildren, and other persons related by blood or marriage, persons who share or formerly shared a common dwelling and persons who have or allegedly have a child in common.

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

PROCEDURES

55.3.1 LAW ENFORCEMENT RESPONSIBILITY

- A. Officers investigating all alleged incidents of abuse, neglect, or exploitation between family or household members shall make a written report of any bonafide allegation.
- B. An Officer may make an arrest without a warrant if the officer has probable cause to believe that a person has committed or is committing a crime, even if the crime was not committed in the presence of the officer.
- C. An Officer shall make an arrest of an offender if probable cause exists, even if the victim does not want an arrest made. In these cases the Officer shall be the complainant on behalf of the State.
- D. Officers shall, with consent, photograph all injuries to the victim and obtain written or tape recorded statements from the victim/witnesses.
- E. Officers shall check to see if an order of protection is in effect.
- F. Officers shall assist the victim by the following if applicable:
 1. Providing or arranging transportation to a medical facility or shelter.
 2. Accompany victim while they gather necessary personal belongings.
 3. Advise the victim their rights under the Illinois Domestic Violence Act and inform them of the officer's badge number and name.
 4. Provide victim with a referral to a local service agency which may be able to assist them.
 5. Arrest the offender when probable cause exists.

6. Inform the victim of the complaint procedure if an arrest is not made.
7. Contacting D.C.F.S. where appropriate.

55.3.2 LIMITED LAW ENFORCEMENT LIABILITY

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.