

DEKALB POLICE DEPARTMENT

Subject: **Crimes Against Persons**

Policy #: **402.3**

Effective Since: 8-21-03

Revision Effective: 1-1-19

FTO Training Task: # 23

Reference Material: ILCS

ILEAP Standards Covered: NA

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PURPOSE: It is the purpose of this policy to provide general guidelines for officers investigating crimes against persons.

POLICY: The department frequently investigates crimes against persons in a variety of situations. As a primary goal of the department to safeguard life and protect persons from injury, it is the policy of the department to thoroughly investigate crimes against persons and take the necessary enforcement action. Education and prevention programs are also in place in an effort to prevent citizens from becoming victims.

DEFINITIONS: definitions for various crimes against persons are found in the Illinois Compiled Statutes (ILCS), generally found in 720 ILCS 5/9, 5/10, 5/11, 5/12, 5/18, 5/23, amongst others.

PROCEDURE:

- A. **Crimes against Persons:** the following is a non-inclusive list of common crimes against persons, as defined and prohibited by the ILCS: murder/homicide/manslaughter, unlawful restraint, child abduction, public indecency, battery, assault, reckless conduct, home invasion, robbery, mob action, unlawful use of weapons, disorderly conduct. Some crimes against persons have a separate policy:
 1. Domestic Battery, 402.4
 2. Hate Crimes, 402.5
 3. Sexual Assault/Abuse, 402.7
- B. Officers should have a working knowledge of the ILCS and charge the appropriate section as necessary, being aware of the elements of the offense, any aggravating factors, and whether the charge is a misdemeanor or felony. Felony charges require authorization from a state's attorney. Officers should also be familiar with state statutes that have been adopted into city ordinance: assault, battery, disorderly conduct, and fighting.
- C. **Officers should follow these general guidelines** when investigating crimes against persons:
 1. Respond promptly; emergency response is authorized when there is the report of someone injured, killed, or otherwise incapacitated, or when there is reported potential for violence that may result in injury or death.
 2. Identify victims; provide or summon medical assistance as needed.
 3. Identify suspects by name and description when possible.
 - a. Lawfully detain suspects on scene for investigation.
 - b. If suspects are not present, identify their name and/or description, last direction of travel, mode of transportation, likely destination, and advise other officers as needed.
 4. Identify, photograph, preserve, and collect any pertinent evidence, to include:
 - a. Victim injuries
 - b. Weapons
 - c. Other evidence left at the scene (see Policy 305.2 for evidence procedures)
 - d. Any video surveillance recordings
 5. Searching and/or seizing the property of another requires a warrant unless there is:
 - a. Clear and voluntary affirmative consent by the owner of the property, whether it be the victim, suspect, or other person;
 - b. Evidence found upon the lawful pat-down search of a person on a "Terry stop";
 - c. Evidence found in plain view, by plain touch, or in open fields;

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- d. Evidence found upon the lawful search of a motor vehicle under a mobile vehicle exception;
- e. Exigent circumstances, such as immediate safety, imminent escape, or imminent permanent loss of evidence;
- f. Inventory searches of seized vehicles or other property;
- g. The property is abandoned;
- h. A search incident to arrest, or as authorized by other constitutional provisions.

For complete department policy on search & seizure, see Policy 402.14.

- 6. For seized evidence that may be returned to its owner at some point, complete an evidence inventory sheet and give a copy to the property owner.
- 7. Evidential property not listed on an evidence inventory sheet must be documented on a property sheet.
- 8. Obtain complete information and a complete account of the incident from the victim, complainant, and/ or witnesses
- 9. Request a written statement when appropriate and possible. Written statements must be completed under the supervision of an officer.
- 10. Conduct a canvass of the area or neighborhood to identify any other potential witnesses or participants.
- 11. Take appropriate enforcement action as applicable, to include arrest and/or obtaining a warrant against the offender.
 - a. Arrest, booking, and bond procedures are located in Policy 404.2
 - b. Complaint and warrant procedures are located in Policy 404.1
- 12. Write a complete report, identifying the persons involved and accurately describing the elements of the offense; determine the proper classification of the incident for records purposes.
- 13. Keep investigations current and follow up on leads.
- 14. Advise the victim of crime prevention strategies that can help prevent future victimization.
- 15. In cases where a child is the victim, to include neglect or abuse, the officer shall make a report as a mandated reported to DCFS, making the hotline telephone call to DCFS (1-800-25ABUSE) and forwarding a report to their office as required. If the officer reasonably believes that the child or children have been the victim(s) of sexual or severe physical abuse, the officer may take the child into protective custody to prevent further abuse.
- 16. In cases where a person aged 60 or older is abused, neglected, or exploited, the officer must make a report to the Illinois Department on Aging, Elder Abuse and Neglect Program, either by calling 1-800-252-8966 or by calling DeKalb Elder Care Services, 758-6550.

- D. **Illinois Crime Compensation Act** , 740 ILCS 45: This act offers financial assistance for victims of violent crime. Victims may be eligible for compensation for medical and hospital expenses, counseling, loss of earnings, tuition reimbursement, prosthetic appliances and accessibility costs, personal property replacement costs, temporary lodging or relocation, funeral expenses, and crime scene clean-up.

- 1. Officers must advise any victim or the victim's family of the Illinois Crime Compensation Act when the victim was injured or killed as a result of the following crimes against persons:
 - a. First degree murder
 - b. Second degree murder
 - c. Involuntary Manslaughter
 - d. Reckless Homicide
 - e. Kidnapping
 - f. Aggravated Kidnapping
 - g. Sexual Relations Within Families
 - h. Exploitation of a Child

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| i. Obscenity | w. Criminal Sexual Assault |
| j. Assault | x. Aggravated Criminal Sexual Assault |
| k. Aggravated Assault | y. Predatory Criminal Sexual Assault of a Child |
| l. Domestic Battery | z. Criminal Sexual Abuse |
| m. Aggravated Domestic Battery | aa. Aggravated Criminal Sexual Abuse |
| n. Battery | bb. Violation of an Order of Protection |
| o. Aggravated Battery | cc. Arson |
| p. Heinous Battery | dd. Aggravated Arson |
| q. Aggravated Battery with a Firearm | ee. DUI |
| r. Aggravated Battery of a Child | |
| s. Reckless Conduct | |
| t. Hate Crime | |
| u. Stalking | |
| v. Aggravated Stalking | |

2. In these cases, the officer "shall inform the victim of the offense or his dependents concerning the availability of an award of compensation and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the office of the Attorney General." [740 ILCS 45/5.1(b)]
3. The victim needs to complete an application available through the Attorney's General Office and can be done on-line at www.ag.state.il.us or requested by phone on the Illinois Victims Assistance Line, 800-228-3368.

E. **Automated Victim Notification (AVN)** . The Illinois Automated Victim Notification System provides victims and concerned citizens with a toll-free number where they can call and get up-to-date information on the custody status and/or case status of an offender. Officers should advise victims about AVN availability. The AVN phone number is 1-866-566-8439. TTY: 1-877-502-2423.

F. **Supervisor's responsibilities :**

1. Ensure officer response to crimes against persons.
2. Assist at significant crime scenes as necessary to ensure proper procedures are followed.
3. Notify Command staff of significant incidents such as robberies, home invasions, homicide, etc.
4. Request detective assistance in significant cases.
5. Review report for completeness and accuracy.

G. **Crime prevention** : Officers are encouraged to advise citizens of crime prevention strategies. Officers may be assigned to assist in community or educational programs designed to educate citizens in protecting themselves from becoming crime victims. See Policy 306.1.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.