

GENERAL ORDER

NUMBER:

55.1



SUBJECT:

VICTIM/WITNESS ASSISTANCE

ISSUE DATE:

SEP 17, 1993

RESCINDS:

DISTRIBUTION:

'A'

EFFECTIVE DATE:

SEP 17, 1993

TERMINATION DATE:

INDEFINITE

AMENDED DATE:

JAN 3, 2019

REFERENCES:

CALEA - 55.1.1, 55.1.2, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5
Also See Page 11

PURPOSE:

To establish procedures which ensure the fair and compassionate treatment of victims and witnesses of criminal acts and increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses who are essential to prosecution.

PROCEDURE:

The Department is committed to the development, implementation, and continuation of victim/witness assistance programs and activities.

I. Goals and Objectives

- A. The goal of the Department's victim/witness assistance program is to ensure that victims and witnesses of crime are treated with fairness, compassion and dignity by all Department personnel.
- B. The objectives of the Department's victim/witness assistance program are:
 1. To provide all Department personnel with an understanding of the victim/witness assistance program by means of in-house training;
 2. To take appropriate steps to ensure that victims and witnesses receive the assistance entitled to them according to Illinois Compiled Statutes, 725 ILCS 120/4 et seq., "Rights of Crime Victims", 725 ILCS 120/5 et seq., "Rights of Witnesses", and 740 ILCS 45 et seq., "Crime Victims Compensation Act"; and
 3. To provide victims and witnesses with accurate information regarding assistance programs available to them.

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II. Victim Services Coordinator

- A. The Victim Services Coordinator has the responsibility and authority for administering and coordinating the department's role in Victim Assistance Programs.
- B. The Victim Services Coordinator will assist crime victims with their concerns in the various related areas. Examples of available assistance include, but are not limited to:
 1. Criminal justice related support and advocacy;
 2. Case status or disposition information and/or appearance notifications;
 3. Assistance with Victim Impact Statements;
 4. Assistance with Victim Compensation forms;
 5. Assistance with Orders of Protection; and
 6. Crisis counseling, personal advocacy, and referral services.
- C. The Victim Services Coordinator is responsible for periodically informing the public and the media about the Department's victim/witness services, and shall report such activity in writing through the chain of command to the Deputy Chief of the Criminal Investigation/Community Services Division.
- D. The Victim Services Coordinator will establish and/or maintain liaison with other criminal justice and social service agencies concerned with victim-related needs and rights. The purpose of the liaison is to:
 1. Ensure that Department referrals of victims to outside sources are based on accurate and up-to-date knowledge of the services offered by those sources; and
 2. Maintain an ongoing channel of communication to offer and receive suggestions about how Department and

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outside resources can more effectively work together in order to better serve victims.

III. Witness Coordinator

- A. The Court Liaison will act as the Witness Coordinator and has the responsibility and authority for administering and coordinating the Department's role in witness assistance programs.
- B. The Witness Coordinator will assist witnesses with their concerns in the various related areas.
- C. The Witness Coordinator will establish and/or maintain liaison with other criminal justice and social service agencies concerned with witness-related needs and rights. The purpose of the liaison is to:
 1. Ensure that Department referrals of witnesses to outside sources are based on accurate and up-to-date knowledge of the services offered; and
 2. Maintain an ongoing channel of communication to offer and receive suggestions about how Department and outside resources can more effectively work together in order to better serve witnesses.

IV. Documented Review of Victim/Witness Assistance Needs

- A. At least once every two years, the Community Services Bureau Sergeant will, in cooperation with the Victim Services and Witness Coordinators, conduct a documented review of victim/witness assistance needs and available services within the Department's service area. The review will include the following, at a minimum:
 1. An overview of the major types of victimization within the Department's service area, and to what extent;
 2. An inventory of information and service needs of victims and witnesses in general (including homicide or suicide situations) and special victims such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and intoxicated motorists;

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3. A listing of victim assistance and related community services available within the area; and
4. Identification of all unfilled victim and witness needs and the identification of those needs which are appropriate for the Department to address.

B. Upon completion, the documented review shall be forwarded through the chain of command to the Chief of Police.

V. Role in Victim/Witness Assistance

A. Implementation and Delivery of Victim/Witness Assistance Services by Department Personnel.

The Department has developed policy and procedure governing the implementation and delivery of victim/witness assistance services throughout this Order. Appropriate services and referrals shall be made on initial contact with victims and witnesses. Personnel involved in follow-up activities shall conduct additional assessments and make further referrals as required. The Victim Services and Witness Coordinators shall be available to victims and witnesses with a need for special intervention, such as homicide or suicide situations, those victimized by domestic violence, abuse and neglect situations involving children and the elderly, sexual crimes, and intoxicated motorists, violent crimes, etc.

B. Confidentiality

The role of victims/witnesses in case development and their records and files will be confidentially maintained to the extent consistent with applicable law.

VI. Training

A. Sworn personnel receive victim/witness assistance training as part of their recruit academy training, and receive specific information on the Department's victim/witness assistance program during the field training process.

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B. The Victim and Witness Coordinators are responsible for informing all personnel about any changes to existing victim/witness assistance services and will conduct training sessions for all Department personnel as needed to ensure that Department referrals are based on accurate and up-to-date information.

VII. Rights of Victims and Witnesses

Victims and witnesses coming in contact with Department personnel will be treated with fairness, compassion, and dignity. The specific rights of victims and witnesses are described in Illinois Compiled Statutes 725 ILCS 120/1 et seq. - *Rights of Crime Victims and Witnesses Act*.

A. Rights of Victims

1. The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
2. The right to notification of court proceedings.
3. The right to communicate with the prosecution.
4. The right to make a statement to the court at sentencing.
5. The right to information about the conviction, sentence, imprisonment and release of the accused.
6. The right to the timely disposition of the case following the arrest of the accused.
7. The right to be reasonably protected from the accused through the criminal justice process.
8. The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.

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9. The right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.

10. The right to restitution.

B. Rights of Witnesses

1. The right to be notified by the State's Attorney's Office of all court proceedings at which the witness presence is required, in a reasonable amount of time prior to the proceeding, and to be notified of the cancellation of any scheduled court proceeding in sufficient time to prevent an unnecessary appearance in court, when possible.
2. The right to be provided with appropriate employer intercession services by the State's Attorney's Office or victim advocate personnel to ensure that employers of witnesses will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
3. The right to be provided, whenever possible, a secure waiting area during court proceedings that does not require witnesses to be in close proximity to defendants and their families and friends.
4. The right to be provided with services of a translator when necessary.

VIII. 24-Hour Victim Witness Assistance

A. The Victim Services and Witness Coordinators are responsible for developing and maintaining a list of victim/witness services.

1. The list shall contain:
 - a. Information regarding victim/witness assistance services provided by the agency; and
 - b. Referral information regarding victim/witness services offered by other organizations and agencies in the area.

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2. The list will be made available to victims and witnesses, either in person or through the Department's non-emergency telephone number, on a 24-hour basis at the Public Information Desk.
 3. Sworn officers will provide a copy of the list to victims and witnesses when applicable and appropriate, and shall document the issuance in the case report.
- B. Victims/Witnesses can contact the On-Duty Patrol Bureau Supervisor on a 24-hour basis for specific questions regarding victim/witness assistance services provided by the Department, as well as available referral information offered in the area by other organizations, by calling the Department's non-emergency phone number. The On-Duty Patrol Bureau Supervisor is the Department's "single point of contact" for victim/witness-related services in the absence of the actual Victim Services and Witness Coordinators.
- C. With supervisory approval, the Victim Services and Witness Coordinators can be contacted on a 24-hour basis to respond in person or by telephone to provide direct or referral services to victims or witnesses in emergency situations.

IX. Threats and Intimidation

- A. The Department will treat threats to a victim/witness or their fear of intimidation with sensitivity and concern. Appropriate assistance will be provided to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.
1. Intimidation of, or threats to a victim/witness will be documented on a new **Incident/Offense Report** with reference being made to the original incident case number.
 2. The level of assistance provided will be consistent with the nature of the case, including, but not limited to:

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- a. Offering words of encouragement;
 - b. Referrals to other agencies; and
 - c. Contacting the State's Attorney's Office for a protective custody hearing.
- 3. Officers who become aware of a threat to a victim/witness will:
 - a. Attempt to contact the victim/witness and advise them of the circumstances and nature of the threat; and
 - b. Attempt to provide assistance consistent with the nature of the case.
- 4. Officers who become aware of a threat to a victim/witness residing in another jurisdiction will:
 - a. Attempt to contact the victim/witness and advise them of the circumstances and nature of the threat; and
 - b. Contact the appropriate law enforcement agency and advise them of the circumstances and nature of the threat.

X. Victim/Witness Assistance During Preliminary Investigation

During the preliminary investigation, the assigned officer will be responsible for:

- A. Providing a written statement and explanation of rights to crime victims as mandated by Illinois Compiled Statutes 725 ILCS 120/4 (b) et seq. The officer shall tender a *Written Statement and Explanation of Rights* form to all "victims" of "violent crime" as defined in Illinois Compiled Statutes 725 ILCS 120/3 (a) and (c) et seq., respectively. The officer will obtain the victim's signature then note the report number and date on the face copy of the form. The second, yellow carbon copy will be retained for submission as a supporting case document for inclusion in the case file maintained by the Records Bureau. Should the victim refuse to provide a signature, or is otherwise incapable of such, the officer

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will document efforts to provide the victim his/her rights in the appropriate police report format.

- B. Providing any other information to the victim/witness regarding applicable rights and services (e.g., counseling, medical attention, availability of Victim Services Coordinator, etc.) wherein a *Written Statement and Explanation of Rights* form are not mandated or necessary;
- C. Advising the victim/witness to contact the Department immediately if the suspect, suspect's associates, or the suspect's family members threaten or otherwise attempt to intimidate them;
- D. Providing the victim/witness with the case number for the incident and explaining the subsequent steps in the processing of the case;
- E. Providing the victim/witness with the Department's non-emergency telephone number, so they can call to report additional information or receive information regarding the status of the case; and
- F. Responding to questions and concerns and attempting to address any special needs of the particular victim/witness.

XI. Victim/Witness Assistance During Follow-Up Investigation

- A. During the follow-up investigative process, the assigned investigator or Victim Services Coordinator is responsible for:
 - 1. Re-contacting the victim/witness of any unusually severe or traumatic event within ten days of the initiation of the investigation, and periodically thereafter, to determine if the needs of the victim/witness are being met, or if additional assistance is needed;
 - 2. Providing the victim/witness with an explanation of the procedures involved in the prosecution of the case and their role in those procedures, as long as

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doing so would not create an endangerment to the successful prosecution of the case;

3. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness whenever possible. If necessary, the Department will provide transportation to the victim/witness for such purposes; and

4. Ensuring that the personal property of a victim/witness held as evidence by the Department is returned to the victim/witness as promptly as possible, when permitted by law, rules of evidence, and Department policy.

B. The Victim Services or Witness Coordinator may be assigned by a supervisor, or assume victim or witness-related advocacy at any time during a follow-up investigation, when it appears there is a reasonable need to provide such services.

XII. Victim/Witness Assistance During Arrest/Post Arrest

The assigned officer or investigator will endeavor to promptly notify the victim/witness of:

- A. The arrest of the suspect;
- B. The charges filed against the suspect;
- C. The suspect's custody status and any changes to the status; and
- D. The initial court date of the criminal proceedings against the suspect.

XIII. Next of Kin Notifications

Notifications involving death, injury, or serious illness will be conducted in accordance with General Order #41.9 - *Notification Procedures*, except that notifications involving death or serious injury to on-duty Department personnel will be handled in accordance with General Order #220 - *Line of Duty Deaths and Serious Injuries*.

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APPENDIX:

'A' - Written Statement And Explanation Of Rights Form

REFERENCES:

General Orders

#41.9 - Notification Procedures

#220 - Line of Duty Deaths and Serious Injuries

Illinois Compiled Statutes

725 ILCS 120/1 et seq. - Rights of Crime Victims and Witnesses Act

740 ILCS 45/1 et seq. - Crime Victims Compensation Act

725 ILCS 120/4 & 120/3 et seq. - Rights of Crime Victims and
Witnesses Act

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APPENDIX 'A' - WRITTEN STATEMENT AND EXPLANATION OF RIGHTS FORM**WRITTEN STATEMENT AND EXPLANATION OF RIGHTS**

Victims of violent crimes have constitutional and statutory rights. These rights apply whether the offender is an adult or a juvenile. Violent crimes include homicide, felony assaults and batteries, kidnapping, sexual assault and abuse, arson, domestic battery, misdemeanors that result in death or great bodily harm, stalking, driving under the influence, and violations of orders of protection, civil no contact orders and stalking no contact orders.

Some of the victims' rights become rights only if you request them. These rights are marked with an asterisk (*). Contact your local state's attorney to request these rights. If you have questions or need referral services in your area, please call the Attorney General's Crime Victims Assistance Line, 1-800-228-3368 (TTY: 1-877-398-1130.)

You may be eligible for financial assistance for your out-of-pocket expenses under the Illinois Crime Victims Compensation Act. For information and applications, contact the Attorney General's Crime Victims Assistance Line at 1-800-228-3368 (TTY: 1-877-398-1130) or visit the Attorney General's website at www.illinoisattorneygeneral.gov/victims/eve.html.

If the Offender is Convicted or Found Not Guilty By Reason of Insanity:

You can make a written statement about how the crime has affected you for sentencing. If you are in the courtroom for the sentencing hearing, you can make an oral statement. Your written victim impact statement can be sent to the Prisoner Review Board.

You can have the prosecutor ask the judge to order the offender to pay restitution for your crime-related expenses.

*You can ask the prosecutor to explain in non-technical terms what the plea, verdict and sentence mean.

*You can get information about the final disposition of charges, whether the defendant appeals the conviction or sentence, and whether the defendant challenges the conviction in other ways.

General Rights:

You should be treated with fairness and respect for your dignity and privacy throughout the criminal justice process.

You can ask the police for information about the status of the investigation. The police must notify you if they reopen a closed case.

You can hire an attorney to represent you.

You have the right to have a translator or sign language interpreter for all court proceedings.

You may have an advocate or support person with you in the courtroom, subject to the rules of evidence.

*You have the right to be notified of court proceedings and when proceedings are cancelled or rescheduled.

You can attend court proceedings.

You can attend the trial, unless the court finds that your testimony will be affected if you hear the testimony at trial.

*You can be notified when the offender is released from custody.

After Charges Are Filed:

You have a right to a prompt disposition of the charges after the arrest of the accused.

You can get information about the charges from the prosecutor.

You can get information about victim services, social services and financial assistance from the prosecutor.

The judge must consider your safety when setting release conditions for the offender.

The prosecutor can assist you in having your property that was seized by police returned to you as soon as possible.

The prosecutor can communicate with your employer to minimize your loss of pay and benefits when you attend court proceedings.

The prosecutor will tell you if there is a secure waiting area during court proceedings so you are not near the offender or the offender's family.

*You have the right to talk to the prosecutor about plea offers before the prosecutor negotiates with the offender, if practical.

After Sentencing:

*If the defendant is sentenced to jail or prison, you can be notified when the defendant is released on parole, mandatory supervised release, electronic detention, work release, or furlough, or when the defendant is discharged or escapes. You can also be notified if the defendant is being considered for parole, submit information for consideration by the Prisoner Review Board, and be notified if parole is granted.

*You can provide information to the Prisoner Review Board for consideration by the Board at proceedings to determine conditions of release and revocation of parole or mandatory supervised release.

*If the defendant was convicted of a felony, you can get a picture of the offender when the offender is released from custody.

*If the defendant goes to a Department of Human Services facility, you can be notified when the court approves passes and when the offender leaves the facility on a pass, leaves on conditional release, escapes or is discharged.

*You can be notified if an offender escapes from custody, is caught after an escape or dies before final discharge.

Acknowledgment of Rights

Victim's Signature: _____

Date: _____

Provided by the Office of the Attorney General Pursuant to 725 ILCS 1420/4(b). This material is available in alternate format upon request.

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NOTE: Size of the *Written Statement And Explanation Of Rights Form* has been reduced for purposes of documentation in this Order.