

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 204-P

REFERENCE STANDARDS: 55.1.1      55.1.2

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SUBJECT: Victim/Witness Assistance

POLICY: Employees of this department shall exhibit sensitivity, compassion, and professional concern for the needs and welfare of all crime victims and witnesses. Illinois law dictates additional action from the Police Department where dangerous felonies occur. Employees shall comply with these additional State provisions affecting victim and witness rights and shall be aggressive in providing those services. For those services not offered directly by the Police Department, employees shall refer and assist victims in securing assistance from other public and private agencies.

I. Victim/Witness Assistance (55.1.1)

- A. Victim: A person who suffers physical, financial or emotional harm as the direct result of a specific crime that has been committed upon a person or that person's property. A victim, for purposes of this order, is not a person who is involved in an offense as a perpetrator or an accomplice.
- B. Witness: A person who has evidence or information that is relevant to the investigation of a specific crime or offense. This may include victims.
- C. A person will be eligible for assistance if one of the following applies:
  - 1. A person is the victim of a violent crime and sustains physical injuries.
  - 2. A person is a survivor of the victim and was dependent on the victim for support.
  - 3. A person is related to the victim and incurs reasonable funeral and medical expenses.
  - 4. A person who is the parent of a child that was killed or injured as the result of a violent crime.
  - 5. A person who is an Illinois resident who becomes a victim of a violent crime in another state or country that does not have a crime victim's compensation law.
- D. A person will not be eligible for assistance unless:

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**POLICE OPERATIONS MANUAL**

**Dir.#: 204-P**

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**VILLAGE OF HANOVER PARK**

**Rescinds:**

**Auth:**

1. A person reports the crime to the proper authorities within the statute of limitations for the crime incident and the person cooperates fully with law enforcement officials.
  2. The injury or death was not attributable to wrongful conduct or provocation.
- E. The following offenses are covered by the State of Illinois Victim/Witness Program:
1. Arson and Aggravated Arson
  2. Aggravated Assault and Assault
  3. Heinous Battery, Aggravated Battery, Battery
  4. Child Pornography
  5. Aggravated Criminal Sexual Abuse, Criminal Sexual Abuse
  6. Aggravated Criminal Sexual Assault, Criminal Sexual Assault
  7. Driving Under the Influence of Alcohol/Drugs
  8. Exploitation of a Child
  9. Aggravated Kidnapping, Kidnapping
  10. Murder (1st and 2nd Degree)
  11. Involuntary Manslaughter
  12. Reckless Homicide
  13. Sexual relations within families
- F. A victim in the State of Illinois is entitled to the following rights in accordance with 725 ILCS 120:
1. To be informed about their case(s) by law enforcement agencies that are responsible for the investigation of the victim's case.
  2. To be notified by the Office of The State's Attorney for the county in which the case occurred of the filing of any information regarding their case to include the return of an indictment for any violent crime against the victim, or the filing of a petition to adjudicate a minor as a delinquent.

3. Upon the request of the victim, to have the details of any plea or verdict of a defendant charged with any of the sexual abuse or assault statutes of the Criminal Code of 1961 explained to them in non-technical language.
4. Upon request of the victim, to be informed by the Office of the State's Attorney for the county of jurisdiction within a reasonable amount of time, that the defendant charged with any of the sexual abuse or assault statutes is being released.
5. To be notified by the Office of the State's Attorney for the county of jurisdiction of the time, date and location of any hearing in the case.
6. Upon the request of the victim, to be notified by the State's Attorney for the county of jurisdiction, of any plea agreement negotiations and to be advised as the ultimate disposition of the case.
7. Upon request of the victim, to be notified by the State's Attorney for the county of jurisdiction of any appeal filed by the defendant or the State and the time, date and location of any such hearing.
8. Upon request of the victim, to be notified by the State's Attorney for the counties of jurisdiction of any petition for post conviction review that has been filed by the defendant and the date, time and location of such hearing.
9. The victim can request to be informed as to when and where a defendant has been committed to the Illinois Department of Mental Health.
10. To be informed by the State's Attorney's Office or the Victim/Witness Advocates of the county of jurisdiction of social services and financial assistance that is available for victims of violent crimes, to include information on how to apply for these services and assistance.
11. To have any stolen or other personal property that is held by the investigating law enforcement agency for evidence or other purposes to be returned as soon as possible.
12. To be provided with the appropriate employer intercession services by the Office of the State's Attorney or Victim/Witness Advocates for the county having jurisdiction, to ensure that the employers of crime victims will cooperate with the criminal justice system in order to minimize the victim's loss of pay and other benefits resulting from court appearances.
13. To, whenever possible, be provided with a secure waiting area during court proceedings so that the victim is not required to be in close proximity to the defendant(s).
14. To be provided with the services of a translator when necessary.

15. To be notified by the Illinois Department of Corrections in the event of escape from custody. When the escapee is apprehended, the Illinois Department of Corrections will notify the Prisoner Review Board who will in turn notify the victim.
  16. To receive written notice from the Prisoner Review Board not less than 15 days prior to a parole hearing for the subject. [725 ILCS 120/4.5(c)(4)]
  17. In the case of the death of a person, the cause of that death occurring in the same occurrence in which acts were carried out for which a defendant was charged with a crime, the spouse, parent, child or sibling of the deceased will be notified by the State's Attorney's Office having jurisdiction of the date, time and place of the trial for the person or persons allegedly responsible for the death.
  18. To be provided by the State's Attorney's Office for the county of jurisdiction a written explanation in non-technical language of the victim's rights under Illinois Law.
  19. To be informed at the time of sentencing, the minimum amount of time that the defendant may actually be physically imprisoned.
- G. A person who is considered to be a witness is entitled to the following rights in accordance with Illinois Law:
1. To be notified by the State's Attorney's Office in the county of jurisdiction of all court proceedings at which the witness will be required to appear.
  2. To be provided with the appropriate employer intercession services by victim/witness advocates of the State's Attorney's Office which has jurisdiction, to ensure that the 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. To be provided, when possible, a secure waiting area during court appearances that does not require the witness to be in close proximity with the defendant(s).
  4. To be provided with a translator when necessary.

## II. Victim/Witness Intimidation and Threats

- A. Appropriate assistance is determined by the nature of the case and the potential danger that is posed. It may range from an immediate arrest of the person making the threat, arranging for protective custody of the victim/witness that was threatened or referral to the appropriate agency or person.

- B. Any threat to a victim or witness will be documented and forwarded to the Investigations Bureau for follow-up with the possible filing of charges.
- C. The State's Attorney's Office for the county that has jurisdiction should be notified as soon as possible and provided with reports that document the incident. This notification may be by phone, in person or in writing, depending on the circumstances involved.

### III. Preliminary Assistance - Patrol

- A. Patrol Officers will be responsible for providing preliminary assistance to victims/witnesses. Officers will be required to advise the victim of what steps to take should the offender or members of the offender's family or friends attempt to contact, threaten or otherwise try to intimidate them.
- B. Officers will be required to furnish the victim/witness with the report number of the case and the appropriate State's Attorney's Office that will be handling the matter. Provide the victim/witness with the administrative phone number of the department (372-4400), should the victim need to contact the officer and also advise the victim/witness to call 911 should there be any other problems.
- C. Answer any questions that the victim/witness may have to the best of the officer's ability and make the victim/witness aware of services that are available to them if needed.
- D. If the individual is the victim of domestic violence, ensure that the victim is informed of his/her rights under the domestic violence laws and handle the matter in accordance with the department domestic violence protocol.

### IV. Follow-Up Assistance – Investigations Bureau

- A. It may become necessary that a member of the Investigations Bureau conduct the follow-up, in accordance with DIR 484-I, and should include the following:
  - 1. Contacting the victim/witness as necessary to insure that any assistance needed is made available.
  - 2. Explain to the victim/witness the procedures that are involved in the prosecution of the case and the role that they will play in the process. Ensure that the information does not jeopardize the prosecution of the case.
  - 3. Attempt to schedule interviews, line-ups and other required meetings at the convenience of the victim/witness and if necessary, make arrangements for transportation of the individual.
  - 4. As soon as possible, arrange for the return of property that was taken as evidence.

5. Ensure that the victim/witness is aware of the services that are available to them through various local programs and the State's Attorney's Office.

V. Arrest and Post Arrest Victim/Witness Assistance

- A. Crimes that are considered serious in nature, in which the victim was traumatized, sustained great bodily harm or who observed the occurrence of a serious injury or death of an individual, will be notified as soon as possible following the arrest of the subject. This notification will be limited to advising the victim/witness that the subject is in custody and release of the circumstances of the arrest will not be discussed with the victim/witness. Notification will be made by the arresting officer or the detective assigned to the case.
- B. In cases where the offense occurred in another jurisdiction and the subject is arrested by this department, it will be the responsibility of the investigating agency to make the notification.
- C. In the event that an officer or detective has knowledge that a violent subject is going to be or has been released and there is the possibility that the subject may seek revenge, the officer will immediately notify the victim/witness, document same and forward it to the detective handling the case. The safety of the victim/witness is the primary concern.
- D. All other information pertaining to court proceedings and the subject's imprisonment will be directed to the State's Attorney's Office for the county having jurisdiction.

VI. The Deputy Chief of Support Services shall conduct an analysis of victim/witness assistance needs and available services within the agency's service area every three years to address, at a minimum: (55.1.2)

- A. The extent and major types of victimization within the agency's service area;
- B. An inventory of information and service needs of victims/witnesses, to include homicide or suicide survivors, special victims such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers;
- C. Victim assistance and related community services available within the service area;
- D. Identification of needs that are appropriate for the agency to meet and any unfulfilled needs.