

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 10/08/01	STANDARD OPERATING PROCEDURE	Revised Date: 09/17/18
Chief of Police: 	Victim/Witness Assistance, 55.1	
Cross Reference: SOP 55.2 Sexual Assault and Sexual Abuse Investigations Criminal Code of 1961, Section 9-3 625 ILCS 5/11-501 725 ILCS 120/3 725 ILCS 120/4 725 ILCS 120/4.5	Policy Sections: 55.1.1 Rights of Victims and Witnesses 55.1.2 Assistance through Phone Contact 55.1.3 Assistance During Preliminary Investigations 55.1.4 Assistance During Follow-Up Investigations 55.1.5 Assistance During Arrest/Post Arrest 55.1.6 Assistance to Threatened Victim/Witness 55.1.7 Next of Kin Notifications Appendix A: Statement of Marsy's Rights Appendix B: Victim Services Information Sheet	

PURPOSE

The purpose of this policy is to outline the assistance provided to victims/witnesses as defined below.

POLICY STATEMENT

It is the policy of the Elgin Police Department to employ a Social Services Unit which is comprised of professional, licensed social workers and case workers. The social services coordinator and case workers facilitate referral services and when appropriate, provide direct counseling services to victims. The department strives to ensure that the victims/witnesses, as defined below, are aware of the services that may be available to them. This may be accomplished through the use of social media or other means, as determined by the department. The department also maintains a relationship with the Cook and Kane County State's Attorney's Office in order to ensure the consistency and appropriateness of victim/witness efforts and to be kept informed of the activities and services of other organizations.

DEFINITIONS

Child: Any person under the age of eighteen (18) years.

Follow-up Investigation: An extension of the preliminary investigation. The purpose is to provide additional investigation in order to close a case, arrest an offender, and/or recover stolen property.

Preliminary Investigation: Generally, it is the activity that begins when officers arrive at the scene of an incident.

Victim: For the purposes of this directive means (1) a person physically injured in this state as a result of a violent crime perpetrated or attempted against that person; (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person; (3) the spouse, parent, child, or sibling of a person killed as a result of a violent crime perpetrated against the person killed; or the spouse, parent, child, or sibling of any person granted rights under the "Rights of Crime Victims and Witnesses Act" who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child, or sibling is also the defendant or prisoner; (4) any person against whom a violent crime has been committed; (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code (Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds.), or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961 (Involuntary manslaughter and reckless homicide), as amended. (6) a person who has been victimized by any type of crime that has the potential to cause emotional trauma.

Social Services Coordinator: Serves as the department's victim/witness advocate and shall be responsible for administering and coordinating the city of Elgin's victim/witness efforts.

Violent Crime: Per 725 ILCS 120/3, means any felony in which force or threat of force was used against

the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

Witness: Any person who personally observes the commission of a violent crime, as defined above, and who will testify on behalf of the State of Illinois in the criminal prosecution of the violent crime.

PROCEDURES

55.1.1 RIGHTS OF VICTIMS AND WITNESSES

- A. Victims and witnesses coming in contact with the Elgin Police Department shall be treated with fairness, compassion, and dignity. Employees shall be familiar with the rights of victims and witnesses as outlined in Illinois Compiled Statutes 725 ILCS Act 120, Rights of Crime Victims and Witnesses Act.
- B. Employees shall ensure the confidentiality of the records and files of victim/witnesses and their role in case development to the extent possible by law and in accordance with department directives.

55.1.2 ASSISTANCE THROUGH PHONE CONTACT

- A. The department maintains an emergency 911 telephone number and non-emergency number in which victims/witnesses can call to receive assistance. The emergency and non-emergency telephone numbers are publicized. Calls are answered 24 hours per day, seven days per week.
- B. Victims and witnesses may be referred to the police department's social services coordinator. When appropriate, telecommunicators may recommend the below services to the victim/witness:
 - 1. Kane/Cook County State's Attorney Office Victim/Witness Units.
 - 2. Crisis referral hot lines, including a 24 hour number for counseling and assistance.
 - 3. Local mental health services.
 - 4. Illinois Crime Victim's Assistance Line.
- C. Additional protocol pertaining to victims of sexual assault and sexual abuse are listed in Standard Operating Procedure 55.2 Sexual Assault and Sexual Abuse Investigations.

55.1.3 ASSISTANCE DURING PRELIMINARY INVESTIGATION

Officers shall render the appropriate victim/witness assistance during the preliminary investigation which may include:

- A. Notification to the social services coordinator regarding the case, if appropriate.
- B. Convey information regarding applicable services, counseling, medical attention, compensation of emergency financial assistance, and victim advocacy.

- C. Provide strategies for when the suspect, suspect's companions or family threatens or otherwise intimidates them. Refer to section 55.1.6 for more information.
- D. Provide the report number and explain the steps involved in the subsequent processing of the case.
- E. Provide contact information to report additional information about the case, or to receive information regarding the status of the case.
- F. Within 48 hours of initial contact, victims of violent crimes shall be provided with:
 - 1. The Statement of Marsy's Rights, which shall be dated and signed by the victim acknowledging that he or she has been furnished with a written statement and explanation of the rights of crime victims and compensation. The original shall be attached to the police report. Refer to Appendix A to view the Statement of Marsy's Rights.
 - 2. Victim Information Sheet which provides the victim with additional material on available resources and protocol.
- G. The Victim Information Sheet shall also be furnished to victims of non-violent crimes; this shall be provided within 48 hours of initial contact.
- H. Refer to Standard Operating Procedure 55.2 Sexual Assault and Sexual Abuse Investigations for additional assistance and required notifications to the victims of sexual abuse and sexual assault.

55.1.4 ASSISTANCE DURING FOLLOW-UP INVESTIGATIONS

Victim/witness assistance services shall be provided during the follow-up investigation and may include the following services:

- A. In cases where the crime was severe in nature, maintain contact with the victim/witness to ensure the applicable services are being rendered.
- B. Explain the procedures involved in the prosecution of the case and the department's role in said prosecution, if not an endangerment to the successful prosecution of the case.
- C. Schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness, and if necessary and reasonable, provide transportation.
- D. Depending on the circumstances, it may be necessary to facilitate assistance from the social services coordinator.
- E. At the request of the victim, provide notice of the status of the investigation, except where the state's attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed, 725 ILCS 120/4.5(a).
- F. The victim shall be notified when the department re-opens a closed case to resume an investigation, except where the State's Attorney's Office determines that disclosure of such information would unreasonably interfere with the investigation, 725 ILCS 120/4.5(a-5).

55.1.5 ASSISTANCE DURING ARREST/POST ARREST

- A. The investigator or the arresting officer shall attempt to notify the victim/witness of the following:
 - 1. The arrest of the offender.
 - 2. Charges.

- 3. Custody status.
- 4. Court dates.
- B. The notification process may also be completed by other agencies/people providing assistance to the victim/witness.
- C. Notification is not required on failure to appear warrants.

55.1.6 ASSISTANCE TO THREATENED VICTIM/WITNESS

- A. Any threats to a victim/witness shall be documented and forwarded to an investigations supervisor and the social services coordinator. Follow-up assistance shall be determined depending on the circumstances and the available resources. Services shall commensurate with the propensity of danger to the victim/witness.
- B. When the victim/witness resides in another jurisdiction, the reviewing supervisor shall ensure the appropriate jurisdiction is made aware of the situation; this communication shall be documented.
- C. The appropriate state's attorney's office shall be advised of the threats received by victims/witnesses. The threats and notification shall be documented and a copy shall be forwarded to the state's attorney's office.

55.1.7 NEXT OF KIN NOTIFICATIONS

- A. The Elgin Police Department may be asked to notify citizens of the death, injury, or serious illness of a family member. It is the department's policy to honor such requests.
- B. The officer executing the police report shall be responsible for providing the death notification or facilitating such notification. Notifications shall be made in person and when possible, conducted by two people, preferably the police chaplain or social services coordinator.
- C. If the request is made by an outside agency, reasonable attempts to verify the information shall be made prior to any notification.
- D. The notifying officer shall ensure that a friend, neighbor, or family member is present or immediately available before leaving the notified party.
- E. Attempts to notify next of kin should be exhausted prior to such information being released to the news media. The public information officer or designee and the reviewing supervisor are authorized to release such information.
- F. It is preferable that notification of injury or serious illness be made by medical authorities who are better equipped to answer medical questions. Notification shall be made in person when medical authorities are unable to assist. It is at the officer's discretion as to what assistance the department will provide; the next of kin may be referred to the social services coordinator.

APPENDIX A: STATEMENT OF MARSY'S RIGHTS
(Provided to victims of a violent crime)



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

CRIME VICTIM SERVICES DIVISION

STATEMENT OF MARSY'S RIGHTS

If you are the victim of a violent crime, the Illinois Constitution and Rights of Crime Victims and Witnesses Act give you the following rights:

1. The right to be treated with fairness and respect for your dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
2. The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.
3. The right to timely notification of all court proceedings.
4. The right to communicate with the prosecution.
5. The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
6. The right to be notified of information about the conviction, sentence, imprisonment, and release of the accused.
7. The right to timely disposition of the case following the arrest of the accused.
8. The right to be reasonably protected from the accused throughout the criminal justice process.
9. The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
10. 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.
11. The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice.
12. The right to restitution.

While police are investigating the crime, you can ask them for information about the status of the investigation.

You can also request to meet with the prosecutor, if the police forward the case to the State's Attorney's Office.

For more information about your rights after criminal charges are filed, call the **Attorney General's Crime Victims Assistance Line** at 1-800-228-3368 (TTY: 1-877-398-1130) or contact your local **State's Attorney's Office**.

Financial Assistance


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 toll-free 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/cvc.html.

Acknowledgment of Rights

Signature: _____ Date: _____

Revised 12/15. Provided by the Office of the Attorney General pursuant to 725 ILCS 120/6(b). This material is available in alternate format upon request.

APPENDIX B: VICTIM SERVICES INFORMATION SHEET (Provided to victims of a violent and non-violent crimes)

Victim Information <i>Complete the boxes below and present this information to the victim.</i>		 ELGIN Police Department	
Officer's Name / Badge Number	Police Report #	Date	Time

Victim Services

All Victim Services at the Elgin Police Department are free and confidential. Victim Services staff are social workers and licensed counselors who are available at the Elgin Police Department to help you assess your needs and to assist you in obtaining court protection orders and victim compensation. They can provide assistance with navigating the criminal justice system and help to ensure your rights as a victim are upheld. They can help you to develop safety plans, and they can provide confidential counseling services to you and your family. In addition, they provide referrals to other resources in the community that can help you to meet your needs. If you have been a victim of a violent or traumatic crime, police officers may request assistance from Victim Services immediately after the incident. Also, Victim Services staff may call and follow up with you soon after the incident to ensure you are getting all the help that you might need. Feel free to call:

- Victim Services: (847) 289-2644 or (847) 289-2977 for help in English.
- Para ayuda en Español (Spanish), se llama (847) 289-2624

Or, visit the Social Services Division website at:
www.cityofelgin.org/socialservices.

Criminal Charges and Bail Bond Provisions

If an arrest has not been made and you wish to seek criminal charges, bring all relevant information, including the police report number and this form, to your local State's Attorney--either Kane County or Cook County, depending on where in Elgin the incident occurred. When a person is charged with a criminal offense, and the victim is a "family or household member", unless otherwise provided by the court, the abuser will be prohibited from contacting or communicating with the victim and from entering at the victim's residence for a minimum of 72 hours.

Victim Compensation

Victims of crime have the right to be compensated for expenses or loss of income incurred by the crime. Obtain and save all receipts for any medical or other expense that you experienced because of this crime. You can apply to be reimbursed for these expenses by filling out the Victim Compensation application available at <http://www.ag.state.il.us/victims/cvc.html>

Victims' Rights and Notification of Court Dates

Illinois has a Victims' Bill of Rights, which the legal system must honor. A full list of your rights is available at http://illinoisattorneygeneral.gov/victims/bill_of_rights_poster.pdf.

Also, see the Marsy's Law, which is provided on the back of this sheet. If an offender has been arrested, you may register online to be notified of court dates and any change in custody status at www.vinelink.com.

Victims of Domestic Violence

For victims of Domestic Violence, Law Enforcement officers are to use all reasonable means to prevent further victimization including:

- ◊ arranging for or transporting the victims to a medical facility or shelter or place of safety and/or accompanying the victim back to the residence to get belongings,
- ◊ arresting the offender where appropriate and completing a police report on all incidents that have a probable cause for arrest. ("Probable cause" means police officers must have some evidence that a crime was in fact committed before they can arrest someone.),
- ◊ advising the victim of his or her right to an order of protection or restraining order and the importance of preserving evidence such as damaged clothing and property and photographs of injuries or damage,
- ◊ requesting assistance from Victim Services as needed at the Elgin Police Department, and
- ◊ making appropriate referrals to additional local programs:
 - ◊ Community Crisis Center, 24/7 Phone Help Line, (847) 697-2380
 - ◊ Illinois Domestic Violence 24/7 Phone Help Line, (877) 863-6338

Protection Orders

If you are a victim of someone you know, you can request a court order for your protection from the offender. Protection orders are granted by a judge. When a judge grants a protection order, the offender is required to have no contact with you for a specific period of time, which can be weeks or up to two years. To obtain a protection order, you will need to fill out a petition and attend court of the county (Kane or Cook) where the incident occurred.

Elgin Police Department | Social Services Unit | 151 Douglas Ave. | Elgin IL 60120 | 847-289-2700 (non-emergency)