Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Crystal Lake Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Crystal Lake Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint an employee of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Crystal Lake Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 PRELIMINARY ASSISTANCE

1. The Police Department shall provide 24-hour access to victim/witness assistance information, to include:

(a) Assistance by the Department directly. Should a victim/witness call the Police Department for assistance, they will be connected with SEECOM for dispatching of an officer. The victim/witness will be advised to contact 911 in the event they are accidentally disconnected.

(b) Services offered by other agencies for victims/witnesses in need of assistance.

2. The Crystal Lake Police Department does not have a dedicated Social Services component, victims/witnesses shall be referred to appropriate outside service agencies for medical attention, counseling, shelter and financial assistance. Any required information associated with the referral such as police reports and/or LEADS information shall be done in accordance with what is allowable by State Statue and/or current Department Policy.

3. Victims in need of shelter can be transported to an open PADS (Public Action To Deliver Shelter) facility. A listing of available PADS sites will be kept in SEECOM.

4. Law enforcement officers are required by statute to inform crime victims of the Crime Victims Compensation Act. Victims who meet the following criteria will be referred to the Attorney General's Office:

(a) A person is the victim of a violent crime.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

(b) A person is a survivor of a victim of a violent crime and they were dependent on the victim for support.

(c) A person is related to the victim and incurs reasonable funeral and/or medical expenses.

(d) A person is the parent of a child that is a victim of a violent crime.

(e) A person is an Illinois resident who becomes a victim of a violent crime in another state or country that does not have a compensation fund for crime victims.

(f) A person under the age of 18 whose immediate family member is a victim of violent crime.

(g) The crime must have been reported to law enforcement authorities within 72 hours, unless prevented by exceptional circumstances, and the victim must cooperate fully with law enforcement officers.

(h) The victim must not have contributed to his or her injury by engaging in wrongful conduct or provocation.

5. Responding officers will inform the victim/witness of their rights to have a criminal complaint filed, when appropriate.

6. Officers shall advise victims of what steps should be taken if the offender or members of the offender's family attempt to contact, threaten or otherwise try to intimidate them.

7. Officers shall furnish the victim/witness with the report number of the case, the officer's name and badge number and the appropriate State's Attorney's Office that will be handling the case. The officer will also provide the victim/witness with the administrative phone number of the Police Department should the victim/witness need to contact the officer. The officer will also advise the victim/witness to call 911 should there be any other problems.

8. Officers shall answer any and all questions that the victim/witness may have to the best of the officer's ability and ensure the victim/witness is aware of available services.

9. If the individual is a victim of domestic violence, officers shall ensure the victim is informed of his/her rights under the domestic violence laws and handle the matter in accordance with the Department's domestic violence policy.

336.3.2 VICTIM AND WITNESS INTIMIDATION AND THREATS

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

Officers referring a subject to an outside agency for assistance shall document the referral within a police report. Any required information associated with the referral such as police reports and/or LEADS information shall be done in accordance with what is allowable by State Statue and/or current Department Policy.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

2. Any threat to a victim or a witness will be documented and immediately forwarded to the Investigations Unit for follow-up and possible charges.

3. The State's Attorney's Office with jurisdiction in the matter will be notified as soon as possible and will be provided with the reports that document the incident. This notification may be made by phone, in person or in writing depending on the circumstances of the case.

336.3.3 FOLLOW-UP ASSISTANCE

1. In some cases, it will be necessary for a follow-up investigation to be conducted. This follow-up will include the following assistance at a minimum:

(a) Recontacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the agency, the impact of a crime on a victim/witness has been unusually severe and has triggered above average need for victim/witness assistance.

(b) Explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case.

(c) Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the agency, providing transportation, if feasible.

(d) Returning promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence if feasible.

(e) Working with the State's Attorney's Office with assigning a victim advocate, if available, to the victim/witness during follow-up investigation.

336.3.4 ARREST AND POST ARREST VICTIM/WITNESS ASSISTANCE

1. In cases of crimes 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, the victim 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; the release of the circumstances surrounding the arrest of the subject will not be released.

2. The arresting officer or the detective assigned to the case will be responsible for making the notification.

3. In cases where the offense occurred in another jurisdiction and the subject is arrested in this jurisdiction, notification will be the responsibility of the investigating jurisdiction.

4. In the event an officer or detective has knowledge that a violent subject is going to be released or has been released and there is a possibility the subject may seek revenge, the officer or detective will immediately notify the victim/witness. The officer or detective will also complete a police report and forward it to the appropriate supervisor. The safety of the victim/witness is of primary concern.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

5. All other information that pertains to court proceedings and the imprisonment of the subject will be directed to the appropriate State's Attorney's Office having jurisdiction over the matter.

336.3.5 NOTIFICATION NEXT OF KIN

1. Department employees may deliver emergency messages or make death or injury/illness notifications with the approval of a supervisor when other reasonable efforts from other agencies or persons have been exhausted. In all notifications these guidelines should be followed:

(a) Obtain as much information from the requesting party as may be necessary to answer questions that may be asked by the person being notified

(b) Obtain the name and telephone number of the person that the party being notified should contact for additional information

(c) Attempt to contact a third party who may act as a support to the person being notified

(d) Answer only those questions that can be answered with facts

(e) The notification shall be made in person if possible

2. Normally, a representative of the hospital administering aid to the injured or ill person should make notification of the next of kin in situations involving hospitalized persons. However, notification requests from a hospital will be honored when all other practical means have failed.

3. Next of kin notifications in the case of a Crystal Lake Police Department member shall be made in accordance to the Line of Duty Death policy.

336.3.6 SPECIFIC DUTIES

The Crystal Lake Police Department will ensure that all officers (725 ILCS 120/4.5; 725 ILCS 120/7):

(a) Responds to victim requests regarding the status of investigations, as authorized.

(b) Notifies victims when an investigation is reopened, as appropriate.

(c) Maintains the confidentiality of victim and witness contact information.

(d) Upon request, provides a victim with a free copy of any related report within 5 business days of the request (725 ILCS 120/4).

(e) Provides the Illinois Attorney General’s office with a police report (redacted as necessary) within 15 days of receipt of a written request needed for a crime victim’s compensation application (740 ILCS 45/4.2).

(f) Responds in a timely manner to requests from victims of sexual assaults for information related to evidence testing, including information about the Illinois State Police sexual assault evidence tracking system (725 ILCS 203/35).

336.4 CRIME VICTIMS

Officers shall provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers who are not able to provide a victim with victim information handouts shall ensure that the forms are provided to the victims within 48 hours of the initial contact.

Officers shall also provide a victim with an acknowledgement form for the victim to sign and date to verify receipt of the information, as required by 725 ILCS 120/4.

336.4.2 PUBLIC AND MEDIA INFORMATION

The Department will make available to the public and the media information on the various services available to the community. This will be accomplished through pamphlets distributed or made available in the Police Department Lobby and during neighborhood and/or community meetings, news releases and on the City website. The following will be available to all personnel for referral programs.

McHenry County Mental Health Board, Helping Numbers

McHenry County Crisis

McHenry County State's Attorneys Office

Pioneer Center for Human Services to include Child, Adolescent and Family Services

Turning Point Domestic Violence

Senior Services Associates Crystal Lake

Illinois Attorney General's Office, Victim Assistance Program

336.4.3 VICTIMS RIGHTS

The purpose of the Rights of Crime Victims and Witnesses Act (725 ILCS 120/2) is to implement, preserve and protect the rights guaranteed to crime victims by the Illinois Constitution, to ensure that crime victims are treated with fairness and respect for their dignity and privacy throughout the criminal justice system and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the witnesses of violent crime who are essential to prosecution.

All police personnel will treat the victims or witnesses of criminal activity with compassion, dignity and fairness and will be familiar with the rights of victims and witnesses as outlined in this policy in accordance with the law in the State of Illinois. To the extent consistent with applicable state and federal laws, employees will strive to ensure the confidentiality of victims and witnesses and their role in case development.

The Rights of Crime Victims and Witnesses Act (725 ILCS 120/ may be found at:

http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1970&ChapterID=54

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

336.4.4 VICTIMS OF SEXUAL ASSAULT

At the time of first contact with the victim of a sexual assault, officers shall provide him/her with the appropriate victim information handouts, offer to arrange transportation to a hospital for treatment or evidence collection, and offer to arrange transportation to apply for an emergency civil no contact order or order of protection. If the sexual assault report is taken through a third-party representative, that representative shall be given the handouts and asked to deliver them to the victim (725 ILCS 203/25).

Officers shall also provide the appropriate handout to a victim of a sexual assault who has undergone a forensic examination at a hospital but who has not yet consented to release the evidence for testing (725 ILCS 203/30).

336.5 VICTIM INFORMATION

The Deputy Chief of Administration or designee shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number, and any applicable case or incident number.

(k) A written statement from the Illinois Attorney General about crime victim compensation and an explanation of victim's rights as required by 725 ILCS 120/4 and 725 ILCS 120/4.5, which includes the rights afforded victims under Article I, Section 8.1(a) of the Illinois Constitution.

(l) Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation, or escape.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

(m) Specific contact information for the Illinois Attorney General's Office regarding compensation and victim assistance resources.

(n) Information regarding the Illinois Automated Victim Notification system, including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and register for automatic notification when a person is released from jail.

(o) Information regarding the Violent Crime Witness Protection Program Fund (725 ILCS 173/10).

(p) Information and state forms for sexual assault victims prepared by the Illinois Attorney General and notice for victims who may be the subject of an outstanding arrest warrant regarding waiver requests (725 ILCS 5/107-2; 725 ILCS 203/25).

(q) Information for those sexual assault victims who have undergone a forensic examination at a hospital but who have not yet consented to release the evidence for testing as provided by 725 ILCS 203/30.

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.7 WITNESS INFORMATION

The Deputy Chief of Administration or designee shall ensure that witness information handouts are available and current. Handouts should include information regarding:

(a) The Violent Crime Witness Protection Program Fund (725 ILCS 173/10).

(b) Witness rights, which include (725 ILCS 120/5):

1. Notification of all court dates where the witness will be required.
2. Access to employer intercession services.
3. Availability of a secure waiting area during trial.
4. Availability of translation or sign language services as necessary.
5. The right to submit a written request to receive notice of post-conviction relief sought, discharge information involving the accused, notification of any escape, parole or other supervised release.

Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation or escape.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department

336.8 OUTSIDE AGENCY AND ORGANIZATION RELATIONSHIPS

1. The Crystal Lake Police Department is committed to maintaining an ongoing channel of communication by which to offer and receive suggestions about how the Department and the service agencies can more effectively work together in order to better serve the victim/witnesses.

2. All offered suggestions by agency personnel or received suggestions from outside agencies or organizations shall be forwarded to the Community Relations Officer. The Community Relations Officer shall review all suggestions with Administration to determine the best method of addressing and implementing the suggestion.

336.9 VICTIM/WITNESS ASSISTANCE REVIEW

The Deputy Chief of Administration or designee will complete a documented review of victim/ witness assistance needs and available services within the agency's service area at least once every two years.

Copyright Lexipol, LLC 2022/07/27, All Rights Reserved.
Published with permission by Crystal Lake Police Department