

## ILLINOIS STATE POLICE DIRECTIVE OPS-008, VICTIM/WITNESS SERVICES

<b>RESCINDS:</b> OPS-008, 2013-070, revised 10-28-2013.	<b>REVISED:</b> 12-20-2018 <b>2018-034</b>
<b>RELATED DOCUMENTS:</b> ENF-006, OPS-037	<b>RELATED CALEA STANDARDS:</b> 41.2.4, 41.2.5, 55.1.1, 55.1.2, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5, 81.2.5, 81.2.7

### I. POLICY

The Illinois State Police (ISP) will:

- I.A. Protect the rights of crime victims and witnesses.
- I.B. Provide referral to appropriate services.
- I.C. Preserve the confidentiality of crime victims and witnesses.
- I.D. Provide a statement and explanation of the rights of crime victims at the initial contact with ISP officers.
- I.E. Provide, at the request of the crime victim, notice of the status of the investigation, subject to the approval of the state's attorney.
- I.F. Advise the crime victim or victim's dependents of the availability of compensation through the Victims of Crime Compensation Act administered by the Illinois Office of the Attorney General.

### II. AUTHORITY

- II.A. Constitution of the State of Illinois, Article I, Section 8.1, "Crime Victims' Rights"
- II.B. 705 ILCS 405/1-1, et seq., "Juvenile Court Act of 1987"
- II.C. 720 ILCS 5/12-3.6 "Disclosing location of domestic violence victim"
- II.D. 725 ILCS 115/1, et seq., the "Bill of Rights for Children"
- II.E. 725 ILCS 120/1, et seq., the "Rights of Crime Victims and Witnesses Act"
- II.F. 740 ILCS 45/1, et seq., the "Crime Victims Compensation Act"
- II.G. 750 ILCS 60/101, et seq. the "Illinois Domestic Violence Act of 1986"
- II.H. 750 ILCS 61/1, et seq. "Address Confidentiality of Victims of Domestic Violence Act"

### III. DEFINITIONS

**NOTE:** Where possible, this section adopts the definitions contained in the Rights of Crime Victims and Witnesses Act, 725 ILCS 120/3.

- III.A. Crime - any of the following that constitute a specified crime:
  - III.A.1. All felonies
  - III.A.2. All misdemeanor crimes against persons or property
  - III.A.3. Upon the recommendation of the responding officer, other crimes
- III.B. Crime victim - a person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon their person or property. Also regarded as victims are:
  - III.B.1. A spouse, child, sibling, parent, or legal guardian of a minor victim

- III.B.2. A spouse, child, sibling, parent, or legal guardian of a homicide victim
- III.B.3. Any person who has suffered personal injury as a result of a violation of 625 ILCS 5/11-501, "Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961, as amended"
- NOTE:** This definition does not include a perpetrator or accomplice to a crime.
- III.C. Violent crime - any felony in which force or threat of force was used against the victim, or any offense involving:
  - III.C.1. Sexual exploitation
  - III.C.2. Sexual conduct or sexual penetration
  - III.C.3. Domestic battery
  - III.C.4. Violation of an order of protection
  - III.C.5. Stalking
  - III.C.6. Any misdemeanor resulting in death or great bodily harm to the victim
  - III.C.7. Any violation of 625 ILCS 5/11-501 that results in personal injury or death
  - III.C.8. Any action committed by a juvenile that would be a violent crime if committed by an adult
- III.D. Witness - a person who has information or evidence relevant to the investigation of a specified crime.
  - III.D.1. When the witness is a minor, the term "witness" includes an appropriate family member.
  - III.D.2. Witness does not include defense witnesses, alleged perpetrator, or accomplice.
  - III.D.3. All victims are potential witnesses.

#### IV. RESPONSIBILITY

- IV.A. Districts/Zones will maintain an updated listing of available victim/witness services within the District/Zone. Districts/Zones will complete an annual documented review of the victim/witness assistance needs and available services. Documentation of the review will be maintained at the District/Zone level. The listing of available services shall include:
  - IV.A.1. Sources of external services that provide general assistance to the Department and the public. These services will include, but not be limited to:
    - IV.A.1.a. Fire departments
    - IV.A.1.b. Ambulances
    - IV.A.1.c. Emergency aircraft
    - IV.A.1.d. Environmental and human services
    - IV.A.1.e. Public transportation
    - IV.A.1.f. Coroner/medical examiner
    - IV.A.1.g. Illinois Department of Transportation (IDOT)
    - IV.A.1.h. Public utilities
  - IV.A.2. External sources providing services to victims and witnesses of crimes (see ISP Directive ENF-006, "Domestic Violence") including the names, locations, and telephone numbers of:
    - IV.A.2.a. Victim hotlines
    - IV.A.2.b. Local shelters

- IV.A.2.c. Victim advocacy centers
- IV.A.2.d. Victim assistance providers
- IV.A.2.e. Emergency medical care
- IV.A.2.f. Local deaf interpreter referral services

**NOTE:** This information will be provided to persons requesting the information in person, by telephone, or by other means.

IV.B. Responding officers will provide:

- IV.B.1. At the scene to crime victim(s), a copy of their rights and referral services to appropriate agencies using the Written Statement and Explanation of Rights form, ISP 1-254 (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>). ISP officers conducting the investigation will provide follow-up referrals on request.
- IV.B.2. To victims of domestic violence, immediate and adequate information that will include a written summary of procedures and relief available and provide (or arrange for) transportation as directed in 750 ILCS 60/304(a)(7).

## V. PROCEDURES

V.A. Calls for general assistance

- V.A.1. The primary duty of an officer responding to an incident at which medical assistance is required is the protection of, and care for, the victim(s) at the scene until professional medical assistance can be obtained.
- V.A.2. The officer will relinquish treatment of the victim(s) to emergency medical personnel, who must identify themselves when they arrive at the scene.
- V.A.3. Subsequently, the officer will take every reasonable precaution to ensure the safety of the victim(s) and attending medical personnel.
- V.A.4. Reports generated will contain the names of attending medical personnel and a brief description of the care rendered at the scene. All reasonable efforts will be made to obtain a medical waiver signed by the victim.
- V.A.5. When a call for service is received and a need for external services is identified, all reasonable efforts will be made to accommodate each call by using the agencies listed at each district/zone.

V.B. Call for assistance to a scene of violence

- V.B.1. Officers coming upon, responding to, or investigating violent crimes, will ensure appropriate services are provided to victims and witnesses, including:
  - V.B.1.a. Any needed protection or medical assistance to the victim and appropriate referrals to external agencies for needed assistance
  - V.B.1.b. The District/Zone's emergency telephone number to report any subsequent related incident, threats, or intimidation by the suspect or suspect's family and friends
  - V.B.1.c. The officer's name, District/Zone address, and business telephone number to report additional information or obtain referral information regarding victim/witness services available through other organizations
  - V.B.1.d. Advising the victim of the importance of preserving evidence, including photographs of the injury or damage and damaged clothing or other property
  - V.B.1.e. Advising the victim, the victim's dependents, or parents/guardians, as appropriate, of the possibility of compensation and inform them of information concerning filing a claim that may be obtained from the Attorney General's Office
  - V.B.1.f. For victims of domestic violence (see ISP Directive ENF-006, "Domestic Violence):

- V.B.1.f.1) Use all reasonable means to prevent further abuse, neglect, or exploitation
- V.B.1.f.2) Arrest the abusing party, when appropriate
- V.B.1.f.3) Seize weapons used (or those in which whose use was threatened) in the offense
- V.B.1.f.4) Advise the victim of their right to request an order of protection and provide a written summary to the victim of the order of protection process
- V.B.1.f.5) Advise the victim of their right to initiate criminal proceedings, including times and places for meeting with the state's attorney or other procedures as established on a local basis
- V.B.1.f.6) Provide a copy of the Illinois Domestic Violence Victim Information, form ISP 5-031C (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>), that includes the field report number, officer's name, and identification number
- V.B.1.f.7) Provide at least one referral to a social service agency, network of services for senior citizens, sign language interpreter or translator, as appropriate to the victim's circumstances and needs

**NOTE:** Providing the victim the telephone number of the national hotline at 1-800-799-7233 (SAFE), or telecommunications device for the deaf (TDD) 1-800-787-3224, the telephone number of the nearest shelter, or making a call on behalf of the victim will meet this requirement.

- V.B.1.f.8) Accompany the victim of domestic violence into their residence for a reasonable period of time to remove necessary personal items
- V.B.1.f.9) Assist the victim (or at the victim's request, any minors or dependents in the victim's care) with transportation to:
  - V.B.1.f.9)a) A medical facility for treatment and/or photographing of injuries
  - V.B.1.f.9)b) A nearby place of shelter or safety

- V.B.1.f.10) Inform the victim that the Attorney General may administer an address confidentiality program for victims of domestic violence.

**NOTE:** An officer may not publish, disseminate or otherwise disclose the location of any domestic violence victim, without that person's authorization.

**NOTE:** After court business hours, contact the state's attorney and provide or arrange for transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency order of protection.

- V.B.2. District/Zone offices will promptly inform the victim/witness if it is learned there is a likely risk of physical danger.
  - V.B.2.a. Responding officers will provide appropriate assistance to victims/witnesses who have been threatened or who have credible reasons for fearing further victimization or intimidation. Any protective services will be coordinated with the state's attorney's office prosecuting the case.
  - V.B.2.b. For domestic violence victims, the District/Zone must notify the local law enforcement jurisdiction (both in and out of Illinois).
  - V.B.2.c. If the victim/witness resides outside the District/Zone, notification will also be given to the District/Zone of residence, as well as notifying all local law enforcement of the risk or danger to the victim/witness. This also applies to victim/witnesses who reside outside Illinois.
- V.B.3. The officer will notify the following agencies when there is a question of neglect or abuse:
  - V.B.3.a. Of a minor child - the Illinois Department of Children and Family Services at 1-800-252-2873 (ABUSE).
  - V.B.3.b. Of a person 60 years of age or older - the Illinois Department on Aging at 1-866-800-1409 (24 hours a day).
  - V.B.3.c. Of a person who is mentally ill or physically or developmentally disabled - the Department of Human Services, Office of the Inspector General at 1-800-368-1463.
  - V.B.3.d. Of a victim of domestic violence - the national hotline at 1-800-799-7233 (SAFE) or for TDD service, call 1-800-787-3224.
- V.B.4. Investigating officers will:
  - V.B.4.a. At the request of the crime victim, provide notice of the status of the investigation, except when the state's attorney determines disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.
  - V.B.4.b. Notify victims/witnesses of the arrest of the suspect, the charges, and custody status.
  - V.B.4.c. Explain to the victim/witness the procedure involved in the prosecution of their case, and their role in those procedures, if the information does not endanger the successful prosecution of the case.
  - V.B.4.d. Arrange with the state's attorney for the prompt return of victim/witness property taken as evidence and determined not essential to the prosecution of the case.
  - V.B.4.e. Schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and in collaboration with the state's attorney.
  - V.B.4.f. Re-contact victim/witnesses within 10 days of the initiation of the investigation and periodically thereafter, as appropriate.
- V.B.5. Crime scene processing by ISP personnel in support of other agencies is exempt from this policy.
- V.C. Officers will request assistance from a department Juvenile Officer, in accordance with ISP Directive OPS-037, "Juvenile Procedures," when the officer takes a child into protective custody or has reasonable cause to believe a child has been subjected to or witnessed abuse or neglect.

| Indicates new or revised items.

**-End of Directive-**