



CRIME VICTIM ASSISTANCE



ISSUE DATE:	10 December 2020	EFFECTIVE DATE:	10 December 2020
RESCINDS:	26 November 2013 Version		
INDEX CATEGORY:	Human Rights and Community Partnerships		

I. PURPOSE

This directive:

- A. continues the procedures relative to the Illinois Crime Victims Compensation Act (740 ILCS 45/1).
- B. continues the provisions of the Rights of Crime Victims and Witnesses Act (725 ILCS 120/1) and the use of the Written Statement and Explanation of Rights ([OAG/CV-01/19](#)) form.
- C. outlines the general provisions to provide service and assistance to victims of crime.

II. CRIME VICTIM INTERACTIONS AND ASSISTANCE

- A. Fair, unbiased, and respectful interactions between Department members and victims of crime provide an opportunity to strengthen community trust and foster public confidence in the Department. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property and maintain a courteous, professional attitude in all contacts with the public.
- B. The Department's response to crimes and crime victims can directly impact a victim's satisfaction and recovery, as well as the willingness to participate in the successful adjudication of the criminal offense and the identification of witnesses, offenders, or additional victims. Therefore, Department members will:
 - 1. interact with victims of crime with courtesy, dignity, and respect, including informing victims of the availability of victim assistance and resources.
 - 2. when interacting with individuals with limited English proficiency or individuals with physical, emotional, or developmental disabilities, provide the proper available services, including translation services and other accommodations, consistent with the Department directives titled "Limited English Proficiency" and "People with Disabilities."
 - 3. continue to respond to and investigate crimes consistent with the existing directives including but not limited to the Department directives titled:
 - a. **"Human Rights and Human Resources"**
 - b. **"Preliminary Investigations"**
 - c. **"Hate Crimes and Related Incidents Motivated by Bias or Hate"**
 - d. **"Domestic Incidents"**
 - e. **"Illinois Sexual Assault Incident Procedures Act."**
- C. When appropriate or upon request, Department members will provide victims with the appropriate victim assistance and resources, including, but not limited to, the written information notices, including but not limited to the:
 - 1. Victim Information Notice ([CPD-11.383](#))
 - 2. Sexual Assault Incident Notice ([CPD-23.404](#))
 - 3. Domestic Incident Notice ([CPD-11.443](#))

4. Illinois Attorney General's Written Statement and Explanation of Rights (OAG/CV-01/19).

NOTE: The listed Department forms can be provided as a general resource to the general public and will be provided upon request regardless of previous dissemination, the date/location of the reported incident, or the involvement with a documented crime.

- D. Department members may provide appropriate additional assistance to victims of crime (e.g., transportation to another location, contact with City services, connection to community service organization) when reasonable and consistent with their law enforcement authority and the mission of the Department.

NOTE: Department members will contact their immediate supervisor for additional guidance, when appropriate, or for approval to prolong their assignment for additional victim assistance, including transporting the victim to another location.

- E. Additional information concerning:

1. the Department's victim resources and services is provided via the links to the Department Directives System (<http://directives.chicagopolice.org>) included in this directive and the Chicago Police Department website (www.chicagopolice.org).
2. the Illinois crime victims assistance can be obtained by contacting the Office of the Attorney General at 1-800-228-3368 or online <http://www.illinoisattorneygeneral.gov/victims>.

III. CRIME VICTIMS COMPENSATION ACT

- A. The Illinois Crime Victims Compensation Act (740 ILCS 45/), which is designed to help reduce the financial burden imposed on the victims of crimes of violence and their relatives and dependents, requires any investigating law enforcement agency to inform the victim of the offense or their relatives and dependents about the availability of compensation under this Act.

- B. To qualify for compensation under this Act, the applicant must:

1. report the crime to the proper police authorities within 72 hours of its occurrence. In certain circumstances, the notification may be made after specified time periods or the notification is considered to have been made if the victim takes certain action, such as obtaining an order of protection.

EXCEPTION: Victims of sexual assault, sexual abuse, and human trafficking must report the crime within 7 days of occurrence.

2. cooperate fully with law enforcement officials in the apprehension and prosecution of the offender.
3. file an application for compensation within two years of the occurrence of the crime or within one year after a criminal charge of a person for an offense upon which the claim is based.

- C. Compensation is not available when:

1. the applicant is the offender or the offender's accomplice and the award would unjustly benefit the offender or an accomplice.
2. the injury to or death of the victim was substantially attributable to the victim's own wrongful act or was substantially provoked by the victim.
3. an applicant's claim is not substantiated by the applicant.
4. a person willfully misstates or omits facts relevant to the determination of whether compensation is due.

- D. Upon interviewing the victim or surviving relatives who may be in the eligible dependent category under this Act, the preliminary investigating officer will:
1. make verbal notification of the availability of compensation under the Crime Victim Compensation Act.
 2. ensure that the victim or eligible dependent is given the Victim Information Notice ([CPD-11.383](#)).
- NOTE:** The Victim Information Notice provides the required information concerning this Act.
3. ensure that any additional victims are given the required information in the most expeditious manner possible.
 4. record the name of the person notified and the date, time, and place of notification within the narrative section of the appropriate case report.
- E. If the crime occurred outside the State of Illinois, the resident has the same rights under this Act as if the crime had occurred in this state, upon showing that the location in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.

IV. RIGHTS OF CRIME VICTIMS AND WITNESSES ACT

- A. The purpose of the Rights of Crime Victims and Witnesses Act (725 ILCS 120) is to implement, preserve, protect, and enforce the constitutional and statutory rights guaranteed to crime victims by Article I, Section 8.1 of the Illinois Constitution.
- B. The Act requires that all victims of violent crimes receive a Written Statement and Explanation of Rights ([OAG/CV-01/19](#)) as provided by the Illinois Attorney General's Office within 48 hours of a law enforcement officer's initial contact with a victim.
- C. Violent crimes under 725 ILCS 120/3 (c), include the following offenses:
1. any felony in which force or threat of force was used against the victim;
 2. any offense involving sexual exploitation, sexual conduct, or sexual penetration;
 3. a violation of:
 - a. section 11-20.1, Child Pornography
 - b. section 11-23, Posting of identifying or graphic information on a pornographic internet site or possessing graphic information with pornographic material
 - c. section 11-23.5, Non-consensual dissemination of private sexual images.
 4. Domestic Battery or Stalking;
 5. Violation of an Order of Protection, a Civil No Contact Order, or a Stalking No Contact Order;
 6. any misdemeanor which results in death or great bodily harm to the victim;
 7. any violation of:
 - a. section 9-3 (Criminal Code of 1961 or Criminal Code of 2012), Involuntary Manslaughter and Reckless Homicide,
 - b. section 11-501 Illinois Vehicle Code (or similar provision of a local ordinance) if the violation resulted in personal injury or death,
 8. any action committed by a juvenile that would be a violent crime if committed by an adult.
- D. According to the Act, victims are guaranteed the following rights:
1. The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process;

2. The right to be informed of their rights;
3. 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 that are privileged or confidential by law;
4. The right to timely notification of all court proceedings;
5. The right to communicate with the prosecution;
6. 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;
7. The right to be notified of the conviction, sentence, imprisonment, and release of the accused;
8. The right to timely disposition of the case following the arrest of the accused;
9. The right to be reasonably protected from the accused throughout the criminal justice process;
10. 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;
11. The right to be present at the trial and all other court proceedings, unless the victim is expected to testify and the court determines that the victim's testimony will be affected if the victim hears other testimony at the trial;
12. The right to have present at all court proceedings, including proceedings under the Juvenile Court Act of 1987, subject to the rules of evidence, an advocate or other support person of the victim's choice; and
13. The right to restitution.

E. Responsibilities

1. Field personnel assigned to calls for service for any of the offenses described in Item IV - C will conduct preliminary investigations in accordance with the applicable provisions of Department directives. In addition, field personnel will:
 - a. record the Records Division (RD) number on the Written Statement and Explanation of Rights (Statement)[\(OAG/CV-01/19\)](#).
 - b. have the victim sign and date the bottom of the Statement as acknowledgement that the victim has been furnished with the information; and
 - c. provide the victim with the original (white copy) of the Statement at the time the appropriate report is completed;

NOTE: The Statement will be provided in addition to the Victim Information Notice.

 - d. document within the narrative of the case report that the victim received the Statement.
 - e. retain the (yellow) copy of the completed Statement for records retention.

2. Detectives assigned to an investigation will:

a. at the request of the crime victim, provide notice of the status of the investigation.

EXCEPTION: Notice of the status of the investigation is not required in cases when the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation or until such time as the alleged assailant is apprehended or the investigation is closed.

b. if re-opening a closed case to resume an investigation, notify the victim that the case is being re-opened.

EXCEPTION: Notification of the re-opening of a case is not required in cases when the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

F. Records Retention

Yellow copies of completed Statement will be retained pursuant to the Forms Retention Schedule.

(Items indicated by *italics/double underline* were revised or added.)

Authenticated by: KC

David O. Brown
Superintendent of Police

19-044 RMP/MWK

PHONE BOOK ENTRIES:

1. **Office of the Attorney General**
1-800-228-3368