



**Subject:** Victim/Witness Assistance

**General Order:** 15-101R

**Section Code:** I-13

**Issued:** December 21, 2015

**Effective Date:** December 21, 2015

**Rescinds:**

**Termination Date:**

**Reference CALEA Standards:**

**Amended Date:** May 28, 2019

Chapter 55

This order supersedes all previous written and unwritten guidelines and policies of the Mundelein Police Department on the above written topics.

**TO:** All Personnel

**PURPOSE:** The purpose of this General Order is to establish guidelines for providing victims of crime and witnesses with consistent, professional services. The fundamental design of this general order is to protect the rights of victims/witnesses, provide support, and promote enhanced cooperation during the investigative and judicial processes.

**POLICY:** It is the policy of the Mundelein Police Department to treat victims/witnesses of crimes with fairness, compassion and dignity in accordance with constitutional rights, the Illinois Compiled Statutes Bill of Rights for Victims and Witnesses of Violent Crime Act, and recognized professional public service standards. The Mundelein Police Department is committed to the development, implementation, and continued involvement of victim/witness programs and services to protect victims/witnesses from harm, reduce traumatization, reduce victim recidivism through education and enhance cooperation and assistance in investigating and prosecuting the case.

I. Definitions

- A. Victim – as defined by Illinois Compiled Statutes (ILCS) 725-120/4-a...or any person who is deemed to have suffered physical, emotional, or financial harm as a direct result of a specific crime committed upon his person, property or a significant other of the primary victim.

Note: this excludes any person involved in a crime as a perpetrator or accomplice.

- B. Witness – as defined by ILCS 725-120/4-b...or any person who has information or evidence relevant to the investigation of a specified crime.

Note: when a witness is a minor, the term shall include appropriate family members. Not included in this definition are defense witnesses or witnesses involved in the crime as a perpetrator or accomplice.

II. Procedure

- A. Administration of function/authority

The Chief of Police holds authority and responsibility for administering and coordinating the victim/witness assistance function. All members of the

department will be familiar with the agency and individual roles of responsibility in providing victim/witness assistance.

- B. Delivery of services for victims/witnesses
1. The role of the Mundelein Police Department is to provide service to individuals, families, victims and witnesses involved in situational incidents which come to the attention of the police department and are identified as requiring professional counseling or referrals which are beyond the scope of what police officers can provide in the individual law enforcement role. When possible and appropriate, officers will refer victims/witnesses to the police social worker. Social service shall be offered for incidents including, but not limited to the following situations:
    - a. Domestic violence/marital problem
    - b. Mental health
    - c. Involuntary commitment
    - d. Sexual assault
    - e. Suicide attempt
    - f. Overdose
    - g. Drug abuse
    - h. Alcoholism
    - i. Consultation
    - j. Homeless or indigent
    - k. Individual or community post traumatic stress cases
    - l. Delinquent minors
    - m. Minors requiring authoritative intervention (MRAI)
    - n. Dependent/neglected juveniles
    - o. Elder abuse/neglect
  2. Police social workers will provide appropriate assistance or referral. Services available through the police social worker include but are not limited to:
    - a. Crisis intervention
    - b. Safety planning
    - c. Assistance with OOP's
    - d. Assistance with active criminal cases
    - e. Information and advocacy regarding crime, victims' rights
    - f. Community referrals
  3. Supervisors and investigators shall ensure assistance has been offered. Services should not be duplicated when a victim/witness can be referred to a more appropriate provider.
  4. Resources and referrals include, but are not limited to the following:
    - a. Social service agencies
    - b. Support groups
    - c. Confidential counseling

- d. Emergency financial assistance
  - e. Health screening
  - f. Homebound services
  - g. Notice regarding U-Visa and T-Visa application process
5. Records involving victim/witness role in case development will be confidential to the extent consistent with applicable law.
  6. The support services supervisor or his designee will periodically inform the public and the media about the victim/witness assistance program.
  7. Appropriate information will be posted and available in the lobby of the police department.
- C. 24-hour information availability
1. A current list of victim/witness assistance resources can be obtained on a 24-hour basis via the department's non-emergency telephone number. The police social worker is available on a full-time basis to provide timely services to victims/witnesses. If an inquiry of this kind is made via 911, it will be transferred to the department's non-emergency telephone number.
  2. The on-duty watch commander will act as the single point of contact for all other available information, pending assignment of the case for further investigation.
  3. In addition to the above referral procedures, department personnel should be aware that the Illinois Attorney General's Office has established Victim/Witness Service Centers that provide varied services such as special counseling facilities, rehabilitation services, additional services to meet the special needs of elderly victims, as well as many other services. Additional information about these Victim/Witness Service Centers can be obtained from the police social worker.
  4. Additionally, the Victim/Witness Assistance Division of the Lake County State's Attorney's Office employs victim/witness assistants as well as many part-time individuals who may supplement the police social worker with victims and witnesses of crimes. In general, they contact all victims and witnesses in felony cases.
- D. Preliminary investigative assistance
1. All crime victims and/or witnesses will be provided with the following information at a minimum:
    - a. Advising the victim/witness about what to do should the suspect or the suspect's companions or family threatens or otherwise intimidates him or her.
    - b. Informing the victim/witness of the case number, if known, and subsequent steps in the processing of the case.

- c. Providing a department telephone number that the victim/witness can call to report additional information about the case or to receive information about the status of the case.
    - d. Responding to the victim's/witness' questions and concerns to the best of the officer's abilities and informing the victim/witness of the additional services that are available to address any special needs the victim/witness may have.
  - E. Follow-up investigative assistance
    - 1. Victim/witness assistance services that are provided during the follow-up investigation will, at a minimum, include the following:
      - a. Re-contacting the victim/witness of any unusually severe or traumatic incident on a periodic basis to determine if the needs of the victim/witness are being met.
      - b. Explaining to the victim/witness the procedures involved in the prosecution of the case and their role in those procedures provided such disclosure does not jeopardize the successful prosecution of the case.
      - c. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness whenever possible, to include a provision for transportation if necessary.
      - d. Returning evidence or the personal property of the victim/witness whenever possible and as permitted by law or the State's Attorney's Office.
      - e. Assigning, whenever possible, a designated victim advocate to the victim/witness during follow-up investigations.
  - F. Arrest/post-arrest victim/witness assistance
    - 1. The investigator or designee will promptly notify the victim/witness of the following:
      - a. The arrest of the offender.
      - b. The charges placed against the offender.
      - c. Any changes to the arrestee's custody status. Victims may be referred to the IL Automated Victims/Witnesses Notification system when applicable.
  - G. Victim/witness assistance – intimidation and threats
    - 1. Threats to victims and/or witnesses will be documented and forwarded to the officer of record assigned to an active case or to the investigations unit supervisor in all other incidents.
    - 2. Appropriate assistance in these cases will be consistent with the type of situation and may range from offering advice to the threatened person and/or making referrals to other agencies, to placing the threatened victim/witness in protective custody.

3. The State's Attorney's Office will be advised promptly of threats received by victims or witnesses. Notification may be made either verbally or in writing.

#### H. Training

1. Sworn personnel shall receive training relative to ILCS at the police academy. In addition, during field training, officers shall receive training on Illinois State Law, General Orders/Standard Operating Procedures, available resources, and responsibilities as first responder. The police social worker will receive training relevant to the practice of social worker pursuant to state licensing standards.

#### I. Victim/witness assistance services

1. The Mundelein Police Department maintains a listing of available social services in Lake and northern Cook Counties. This listing is available to all personnel through the communications unit. Additionally, the supervisor of support services or his designee will complete a review of victim/witness needs and available services every three (3) years. The review will take into account the following:
  - a. The extent and major types of victimization within the service area.
  - b. An inventory of information and service needs of victims and witnesses in general, including homicide and suicide survivors, and 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 department service area.
  - d. Identification of all unfulfilled needs and the selection of those that are appropriate for the department to meet.

#### J. Liaison with external agencies

1. Based upon the review of victim/witness assistance needs, the supervisor of support services or his designee will maintain liaison with other criminal justice agencies, governmental or private sector agencies, and organizations. The purpose of this liaison will be:
  - a. To ensure that victim/witness referrals to outside sources are based on accurate assessments of the services provided by these sources.
  - b. To maintain an open channel of communication to offer and receive suggestions about how to improve joint efforts to provide quality services to victims and witnesses.

2. Liaison may be initiated by letter, telephone, or in person.

#### K. Rights of Crime Victims and Witnesses Act (725 ILCS120/4)

1. Pursuant to the above act, mandatory notification will be made to victims of their rights by law enforcement personnel. Officers are required to provide victims with "A Written Statement and Explanation of the Rights of Crime Victims" (Addendum A) within 48 hours of investigating/reporting incidents covered by this act. Incidents covered by this act include the following:
    - a. Any felony in which force or threat of force was used against the victim.
    - b. Any offense involving sexual exploitation, sexual conduct or sexual penetration.
    - c. Child pornography (11-20.1)
    - d. Domestic battery
    - e. Violation of an Order of Protection
    - f. Stalking
    - g. Any misdemeanor that results in death or great bodily harm to the victim.
    - h. Involuntary manslaughter and reckless homicide (9-3).
    - i. D.U.I or similar provision of a local ordinance if the violation resulted in personal injury (Type A injury) or death.
    - j. Any offense committed by a juvenile for the above offenses.
  2. Officers will need to provide victims with a copy of the "Crime Victims Rights in Illinois" and a "Written Statement and Explanation of Rights." Officers will need to retain a copy of the Written Statement and Explanation of Rights (Addendum A) signed by the victim to attach to the report.
  3. Information that officers may need to explain to victims include information about crime victim compensation, contact information for the Illinois Attorney General's Office, and referral information for local victim services. Please refer victims to police social worker and/or Lake County State's Attorney Office for additional support.
- L. United States citizenship and immigration services
1. Victims of qualifying crimes, attorneys or reputable non-profit legal service may submit a petition for U nonimmigrant status.
  2. Certification will be limited to cases that occurred within the last seven (7) years.
  3. The Chief of Police will review all petitions and will be the sole authorized signature for approval/denial.
  4. Petitions containing inaccurate information or that do not include all required information may be returned to the petitioner for clarification or revision. Petitions containing false information are subject to denial.

5. Petitions must be completed as much as possible before submitting and include a stamped return envelope.
6. The petitioner must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal act or have information concerning a qualifying criminal act.
7. The petitioner has been helpful, is being helpful, or is likely to become helpful in the investigation or prosecution of a crime.
8. The criminal activity must have violated the laws of the United States or have occurred in the United States.
9. The process to complete a U-Visa certification should take no longer than thirty (30) calendar days from the date it is received. The petitioner should be advised of any delays beyond thirty (30) days.
10. All petitioners requesting certification will be checked through the department's records management system and LEADS to determine prior contacts and possible criminal activity. Individuals with arrests and/or convictions for crimes, other than minor traffic offenses, will be subject to further screening. Special consideration will be given based on the severity of the crime they were arrested/convicted for, number of incidents and elapses time from the arrest. Requesting parties that have current warrants for their arrest will not be certified unless special circumstances exist. The review process may also include a consultation with the Village of Mundelein legal department, the State's Attorney's Office or the department employee(s) involved in the investigation.
11. The petitioner will be advised of the final decision.

**BY ORDER OF:**



Eric J. Guenther  
Chief of Police  
Village of Mundelein

# ADDENDUM A



**Office of the Lake County State's Attorney**

**Michael G. Nerheim**

**Lake County State's Attorney**

**Felony Review Division**

**Robert H. Babcox Justice Center**

**20 S. County Street**

**Waukegan, IL 60085**

**[lcsao.org](http://lcsao.org)**

On January 1, 2013 a new provision of the Rights of Crime Victims and Witnesses Act (725 ILCS 120/4) (Public Act 97-0815) went into effect regarding the mandatory notification to victim of their rights by law enforcement personnel. Officers are now required to provide victims with "a written statement and explanation of the rights of crime victims" within 48 hours of investigating/reporting incidents covered by this act. This form fulfills the requirement. Incidents covered by this act include the following:

1. Any felony in which force or the threat of force was used against the victim
2. Any offense involving sexual exploitation, sexual conduct or sexual penetration
3. Child Pornography (11-20.1)
4. Domestic Battery
5. Violation of an Order of Protection
6. Stalking
7. Any misdemeanor that results in death or great bodily harm to the victim
8. Involuntary Manslaughter and Reckless Homicide (9-3)
9. D.U.I. or similar provision of a local ordinance if the violation resulted in personal injury (Type A injury) or death
10. Any offense committed by a juvenile for the above offenses

Officers will need to provide victims with a copy of the "Crime Victims Rights in Illinois" and a "Written Statement and Explanation of Rights." Officers will need to retain a copy of the Written Statement and Explanation of Rights signed by the victim to attach to the report.

Information that officers may need to explain to victims include information about crime victim compensation, contact information for the Illinois Attorney General's Office, and referral information for local victim services. Please refer victims to Lake County State's Attorney Office for additional support.



OFFICE OF THE STATE'S ATTORNEY, LAKE COUNTY, ILLINOIS **ADDENDUM A**  
**WRITTEN STATEMENT AND EXPLANATION OF RIGHTS (725 ILCS 120/1-10)**

Victims of violent crimes have constitutional and statutory rights. These rights apply whether the offender is an adult or a juvenile.

**General 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 Lake County State's Attorney's Office.

The Victim/Witness Assistance Division of the Lake County State's Attorney's Office was created to ensure that the rights of the victims are enforced. If you have any questions about your rights as a victim or the criminal case, please contact the Victim Witness Coordinator assigned to your case at the Lake County State's Attorney's Office at (847) 377-3000. Below is a list of local resources available for victim support:

A Safe Place: (847) 249-4450	Zacharias Sexual Abuse Center: (847) 872-7799	Automated Victim Notification System: (866) 566-8439
Catholic Charities: (847) 782-4000	Order of Protection Assistance (D100): (847) 360-6471	(TTY): (877) 502-2423
L.C. Health Dept.: (847) 478-5510	Elder Abuse Hotline: (866) 800-1409	Illinois Attorney General's Office
Noah's Rest: (847) 764-6624	National Domestic Violence Hotline: 1 (800) 799-SAFE	Crime Victim Services: (800) 228-3368
		(TTY): 1 (877) 398-1130

**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](http://www.illinoisattorneygeneral.gov/victims/cvc.html).

Acknowledgment of Rights: Victim's Signature:		Date:	
Agency Name	Agency Phone Number ( )	Report Number	Officer Name/Star/Badge Number
Narrative:			



# OFICINA DEL FISCAL DEL CONDADO DE LAKE DEL ESTADO DE ILLINOIS **ADDENDUM A**

## DECLARACIÓN ESCRITA Y EXPLICACIÓN DE DERECHOS CL

Víctimas de crímenes violentos tienen derechos constitucionales y estatales. Estos derechos aplican aunque el acusado sea menor de edad o un adulto.

### Derechos Generales

*Si usted es víctima de un crimen violento, la Constitución de Illinois y el acta de los derechos de las víctimas de delitos y testigos le da los siguientes derechos:*

1. El derecho de ser tratados con igualdad y respeto por su dignidad y su privacidad y estar libres de acoso, intimidación y abuso durante todo el proceso de la justicia penal.
2. El derecho a un aviso y a una audiencia ante un tribunal de sentencia sobre una solicitud de acceso a cualquiera de los registros de la víctima, información o comunicaciones que son privilegiados o confidencial por la ley.
3. El derecho a una notificación razonable de los procedimientos judiciales.
4. El derecho a comunicarse con la fiscalía.
5. El derecho a ser oído en cualquier procedimiento de corte en la que es el derecho de la víctima en cuestión y cualquier procedimiento judicial que este implica una acusación posterior, decisión de liberación, declaración o sentencia.
6. El derecho de información sobre la condena, sentencia, encarcelamiento y liberación del acusado.
7. El derecho a la disposición oportuna del caso tras la detención del acusado.
8. El derecho a protegerse razonablemente del acusado durante el proceso de la justicia penal.
9. El derecho a la seguridad de la víctima y la familia de la víctima en negar o ajustar la cantidad de la fianza, determinar si liberar al acusado y establecer condiciones de liberación después de la detención y condena.
10. El derecho a estar presente en el juicio y otros procedimientos sobre la misma base del acusado, a menos que la víctima tenga que declarar y el tribunal determine que el testimonio de la víctima se vería sustancialmente afectado si la víctima escucha otro testimonio en el juicio.
11. El derecho a tener presente en todo procedimiento, sujeto a las reglas de evidencia, un abogado y otra persona de apoyo de la elección de la víctima.
12. El derecho a la restitución.

Mientras que la policía está investigando el crimen, puede pedir información sobre el estado de la investigación.

También puede solicitar reunirse con el fiscal, si la policía reenvía el caso a la oficina del Lake County State's Attorney.

La División de Asistencia de Víctimas y Testigos de la Oficina del Fiscal del Condado de Lake del Estado de Illinois fue creada para asegurar que los derechos de las víctimas sean aplicados. Si tiene alguna pregunta sobre sus derechos como víctima o de un caso criminal, por favor contacte al Coordinador de Víctimas y Testigos asignado en su caso en la Oficina del Fiscal del Condado de Lake del Estado de Illinois al (847) 377-3000. Debajo hay una lista de los recursos locales disponibles para el apoyo a las víctimas.

A Safe Place: (847) 249-4450	Zacharias Sexual Abuse Center: (847) 872-7799	Automated Victim Notification System: (866) 566-8439 (TTY): (877) 502-2423
Catholic Charities: (847) 782-4000	Order of Protection Assistance (D100): (847) 360-6471	Illinois Attorney General's Office Crime Victim Services: (800) 228-3368 (TTY): 1 (877) 398-1130
L.C. Health Dept.: (847) 478-5510	Elder Abuse Hotline: (866) 800-1409	
Noah's Rest: (847) 764-6624	National Domestic Violence Hotline: 1 (800) 799-SAFE	

### Asistencia Financiera

Usted puede ser elegible para ayuda de compensación económico bajo la ley de El Acto del Estado de Illinois para Compensación hacia Víctimas. Para más información y formularios, favor de comunicarse con la **Procuraduría del Estado de Illinois** línea de apoyo para víctimas al número 1-800-228-3368 (TTY: 1-877-398-1130) o visite la página de la internet al [www.illinoisattorneygeneral.gov/index\\_span.html](http://www.illinoisattorneygeneral.gov/index_span.html).