



# Improving Response to Sexual Assault and Sexual Abuse Crimes in Illinois

## Sample Policy Language

### For Law Enforcement Policies on Responding to and Investigating Sexual Assault and Sexual Abuse

July 2017

*The following sample policy language is consistent with the Comprehensive Guidelines and has been made available to assist agencies with the development of a sexual assault and sexual abuse response policy. Law enforcement agencies are not required to adopt this sample language, but may use or modify the language to meet the needs of their officers. Please email [ccoppleson@atg.state.il.us](mailto:ccoppleson@atg.state.il.us) to request a Microsoft Word version of this document.*



## SEXUAL ASSAULT AND SEXUAL ABUSE INVESTIGATIONS

### 100.1 PURPOSE AND SCOPE

The trauma of sexual assault and sexual abuse often leads to emotional, physical, and economic consequences for the victim. The diminished ability of victims to recover from their sexual assault or sexual abuse has been directly linked to the response of others to their trauma. The response of law enforcement can directly impact both a victim's ability to heal and his or her willingness to actively participate in the investigation by law enforcement.

Victim participation is critical to the successful identification and prosecution of sexual offenders, which can prevent new victimization. For this reason, improving the criminal justice system's response to victims of sexual assault and sexual abuse is critical to protecting public safety.

### 100.2 POLICY

The >>insert agency name<< will:

1. Treat sexual assault and sexual abuse as criminal conduct.
2. Respond to sexual assault and sexual abuse calls for assistance without unnecessary delay.
3. Take all reasonable steps to prevent retraumatization of sexual assault victims and ensure referrals for follow-up services are provided to victims and witnesses.

### 100.3 AUTHORITY

1. 55 ILCS 80/3, Child Advocacy Advisory Board
2. 210 ILCS 30/4
3. 320 ILCS 20/4, Reports of abuse or neglect
4. 325 ILCS 5/4, Persons required to report; privileged communications; transmitting false report
5. 410 ILCS 70/1a, Definitions
6. 720 ILCS 5/11-1.10(f-g), General provisions concerning offenses described in Sections 11-1.20 through 11-1.60
7. 720 ILCS 5/11-1.20, Criminal sexual assault
8. 720 ILCS 5/11-1.30, Aggravated criminal sexual assault
9. 720 ILCS 5/11-1.50, Criminal sexual abuse
10. 720 ILCS 5/11-1.40, Predatory criminal sexual assault of a child
11. 720 ILCS 5/11-1.60, Aggravated criminal sexual abuse
12. 720 ILCS 5/11-1.70, Defenses with respect to offenses described in Sections 11-1.20 through 11-1.60
13. 725 ILCS 120/4, Rights of crime victims
14. 725 ILCS 120/4.5, Procedures to implement the rights of crime victims
15. 725 ILCS 200/1, Lie detector tests
16. 725 ILCS 202/10, Submission of evidence
17. 725 ILCS 203/1 *et seq.*, Sexual Assault Incident Procedure Act
18. 740 ILCS 45/5.1(b)
19. 77 Ill. Adm. Code 545.60(e)(1), Treatment of sexual assault survivors
20. ISP 6-386 (4/16), Illinois State Police Toxicology Screening Information For Drug Facilitated Sexual Assaults: Patient Information Sheet

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**100.4 DEFINITIONS**

“**Consent**” means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused will not constitute consent. The victim’s manner of dress at the time of the offense will not constitute consent. A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct. [720 ILCS 5/11-1.70]

“**Evidence-based, trauma-informed, victim-centered**” means policies, procedures, programs, and practices that have been demonstrated to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role that trauma has played in a sexual assault or sexual abuse victim's life and focusing on the needs and concerns of a victim to ensure compassionate and sensitive delivery of services in a nonjudgmental manner. [725 ILCS 203/10]

“**Law enforcement agency having jurisdiction**” means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred. [725 ILCS 203/10]

“**Sexual assault evidence**” means evidence collected in connection with a sexual assault or sexual abuse investigation, including, but not limited to, evidence collected using the Illinois State Police Sexual Assault Evidence Collection Kit as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act or a urine sample collected when there is reasonable cause to believe that a person has consumed a controlled substance without his or her consent. [410 ILCS 70/1a; 725 ILCS 203/10]

“**Sexual assault or sexual abuse**” is defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. An act of nonconsensual sexual conduct or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012. [725 ILCS 203/10]

**100.5 PROCEDURES**

Procedures for responding to and investigating allegations of sexual assault and sexual abuse.

**100.5.1 DISPATCH/CALL TAKER RESPONSE**

Telecommunicators will provide a trauma-informed response to victims of sexual assault and sexual abuse in accordance with standards established by the Office of the Statewide 9-1-1 Administrator pursuant to 20 ILCS 2605/2605-53(a)(1) and should implement the following procedures when receiving allegations of sexual assault and sexual abuse:

- 1. Assess immediate safety of victim and need for emergency medical services.
- 2. Gather vital information for responding officers.
- 3. Provide information to the victim on preserving evidence.

**100.5.2 INITIAL RESPONDING OFFICER DUTIES**

Responding to initial reports of sexual assault or sexual abuse:

- 1. Contact victim as soon as possible and address safety concerns.

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2. Assess need for hospital emergency and forensic services and summon emergency medical assistance, if needed, or offer to provide or arrange for transportation. [725 ILCS 203/25(a)(2)]
  - a. If the victim consents to a medical forensic exam, the officer will not be present during the physical exam, unless requested by the victim.
  - b. An officer may conduct a joint interview with health care providers, with victim consent.
3. Provide victim or third-party reporter with the “Mandatory Notice for Survivors of Sexual Assault Form” (P.A. 99-0801 - Form A) and document in the narrative of the report that the form was provided. [725 ILCS 203/25(a)(1); (b)] See Appendix.
4. Provide victim or third-party reporter with the Statement of Crime Victims’ Rights within 48 hours of initial contact to inform victims of their rights under the Illinois Constitution, the Rights of Crime Victims and Witnesses Act, and the Crime Victims Compensation Act and document in the narrative of the report that the form was provided. [725 ILCS 120/4(b)] See Appendix.
5. Assist victim.
  - a. Inform the victim that he or she does not need to make a decision about participating in the criminal justice process at this time.
  - b. If the responding officer speaks with the victim after the close of court business hours and if a judge is available, the officer will offer to provide or arrange accessible transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency civil no contact order or an order of protection. [725 ILCS 203/25(a)(3)]
  - c. Contact an agency social worker or victim advocate, if available, or identify other resources for the victim, including the National Sexual Assault Hotline (1-800-656-4673).
  - d. Determine the best way to contact the victim for follow-up based on the victim’s concerns about privacy, confidentiality, and safety.
6. Assess for drug-facilitated sexual assault. See Section 100.5.6.
7. Notify an investigating officer, if other than the responding officer. After January 1, 2019, the investigation will be assigned to an officer trained in sexual assault and sexual abuse investigations pursuant to Section 10.21(d) of the Illinois Police Training Act. If no trained investigating officer is available, the agency will seek assistance from another law enforcement agency with officers trained in sexual assault and sexual abuse investigations pursuant to Section 10.21(d) of the Illinois Police Training Act pursuant to >>insert agency policy name or number<<. [725 ILCS 203/20(g)]
8. Follow evidence collection, crime scene processing, and chain of custody policies and protocols. See Section 100.5.6.
  - a. Preserve crime scene, if possible.
  - b. Follow >>insert agency policy name or number<< on crime scene processing, documentation of evidence collected, and chain of custody.
  - c. Look for evidence suggesting co-occurring, serial, and/or interconnected crimes.
9. Conduct preliminary/initial victim interview utilizing evidence-based, trauma-informed, victim-centered interview questions and techniques.
  - a. Determine the primary language of victim and any translation needs. If the interview is conducted at a hospital, the officer may request interpretive services from the hospital. [725 ILCS 203/25(c)] If the interview is conducted at another location, refer to agency policy regarding the use of interpreters. Use of friends and family as interpreters should be avoided, if at all possible.
  - b. Victim will not be required to submit to an interview. [725 ILCS 203/20(e)]

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- c. Victim will not be asked or required to submit to a polygraph examination or any form of a mechanical or electrical lie detector test. [725 ILCS 200/1]
  - d. A private location should be secured, if possible.
  - e. A victim's request for a person, advocate, or attorney for the purposes of support or consultation should be accommodated, if possible. If such person is needed but not available, the interview should be paused to allow the victim to contact the National Sexual Assault Hotline (1-800-656-4673) for immediate support.
  - f. Utilize a Children's Advocacy Center for a forensic interview of a child victim, when available, in accordance with the Children's Advocacy Center's written operational protocol as required by Section 3(c) of the Children's Advocacy Center Act. [55 ILCS 80/3(c)]
  - g. Concerns or needs of specific populations/communities should be taken into consideration. See Section 100.5.10.
10. Fulfill mandatory reporting requirements and document any notifications made in the narrative of the report.
- a. If responding to report of sexual assault or abuse of a child, a Children's Advocacy Center will be notified, if available in the jurisdiction.
  - b. Suspected abuse or neglect of any child will be immediately reported to the Department of Children and Family Services at 1-800-252-2873. [325 ILCS 5/4]
  - c. If responding to a report of sexual assault or abuse, which has occurred within the previous 12 months, of an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation, who because of a disability or other condition or impairment is unable to seek assistance for himself or herself, the officer will report this suspicion, within 24 hours, to >>insert contact information for local social service agency designated to receive such reports<< or the Department on Aging at 1-866-800-1409. [320 ILCS 20/4]
  - d. Officer will immediately report any long-term care facility resident subjected to abuse or neglect, with whom the officer has had direct contact, to the Department of Public Health at 1-800-252-4343. [210 ILCS 30/4]
11. Identify potential conflicts of interest and respond in accordance with >>insert agency policy name or number regarding conflicts of interest<<.
12. Complete a written report. See Section 100.5.3.
13. Send a copy of the written report, if the incident occurred in another jurisdiction, to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving the reported information using the "Confirmation of Transfer of Sexual Assault Report to Law Enforcement Agency Having Jurisdiction Form" (P.A. 99-0801 – Form D). [725 ILCS 203/20(c)] See Appendix. If confirmation from the law enforcement agency having jurisdiction of its receipt of the report is not received within 24 hours of sending the report, the agency will follow up with the agency having jurisdiction. [725 ILCS 203/20(d)]

**100.5.3 MANDATORY REPORT WRITING**

1. Reporting methods. A written report will be completed when receiving information about a sexual assault or sexual abuse crime from the following:
  - a. A victim. [725 ILCS 203/20(b)(1)]
  - b. Hospital or medical personnel. [725 ILCS 203/20(b)(7)]
  - c. A witness. [725 ILCS 203/20(b)(6)]
  - d. A third-party reporter who has the consent of the victim. [725 ILCS 203/22]
    - i. The name and contact information of the third-party reporter will be documented in the report.
    - ii. The reporter's affirmation that he or she is reporting with the consent of the victim will be documented in the report.

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2. Documentation of facts in the report. The report will include information required by 725 ILCS 203/20(b), if known, whether provided at the time of initial report or obtained through investigation and should:
  - a. Include documentation of signs of physical and psychological trauma to the victim.
  - b. Include documentation of any aggravating factors present included in 720 ILCS 5/11-1.30; 11-1.40; 11-1.60 or other relevant statutes.
  - c. Detail and describe the victim's lack of consent, with documentation of the victim's subtle and overt actions. Silence does not imply consent.
  - d. Clearly document, if a consensual encounter turned non-consensual, the details of how and when the suspect's behavior changed and how the victim expressed or demonstrated non-consent to the continued acts.
  - e. As accurately as possible, use the victim's, witness's, and/or suspect's own words in writing. The language used by the victim will not be sanitized or cleaned up.

**100.5.4 DUTIES OF OFFICERS INVESTIGATING SEXUAL ASSAULT AND SEXUAL ABUSE**

Prior to January 1, 2019, all investigations of sexual assault and sexual abuse should be assigned to an officer who has completed training in sexual assault investigations pursuant to Section 10.21(d) of the Illinois Police Training Act, if one is available. After January 1, 2019, all investigations of sexual assault and sexual abuse will be assigned to an officer who has completed the required training. [725 ILCS 203/20(g)]

Investigating sexual assault and sexual abuse cases:

1. Determine the primary language of the victim, witnesses, and suspects and any translation needs. If a victim interview is conducted at a hospital, the officer may request interpretive services from the hospital. [725 ILCS 203/25(c)] If the interview is conducted at another location, refer to >>insert agency policy name or number regarding the use of interpreters<<. Use of friends and family members as interpreters should be avoided, if at all possible.
2. Interview the victim utilizing evidence-based, trauma-informed, victim-centered interview questions and techniques.
  - a. Victim will not be required to submit to an interview. [725 ILCS 203/20(e)]
  - b. Victim will not be asked or required to submit to a polygraph examination or any form of a mechanical or electrical lie detector test. [725 ILCS 200/1]
  - c. A comprehensive follow-up interview should be conducted after the victim has been medically examined and treated and personal needs have been met.
  - d. A victim should be allowed to complete at least two full sleep cycles before an in-depth interview occurs, if at all possible; however, a victim's request to complete the interview sooner should be honored.
  - e. A private location should be secured, if possible.
  - f. A victim's request for a person, advocate, or attorney for the purposes of support or consultation should be accommodated, if possible. If such person is needed but not available, the interview should be paused to allow the victim to contact the National Sexual Assault Hotline (1-800-656-4673) for immediate support.
  - g. The role or impact of drugs or alcohol should be taken into consideration.
  - h. Sources of additional evidence during the victim interview, including electronic communications or knowledge of prior victims, should be explored.
  - i. Concerns or needs of specific communities/populations should be taken into consideration. See Section 100.5.10.
  - j. Officers should be aware of possible defense strategies, including denial, identity, alibi, and consent, and document the relevant information provided.

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- k. Officers should be conscious of the timing of releasing information to the victim or the public if the use of a photo array is possible.
- l. A case should not be automatically closed following a recantation by the victim; additional inquiry is necessary to determine the cause of the recantation.
- m. When concluding the follow-up victim interview, the officer should:
  - i. Inform the victim about the next steps in the investigation. Let the victim know when he or she can expect to be contacted again.
  - ii. Encourage the victim to contact the officer if he or she remembers any additional information or evidence and assure the victim that it is common to remember additional information with the passage of time.
  - iii. Help the victim develop a safety plan, if there are safety concerns, and encourage the victim to call the police if the suspect violates any criminal or court orders, or if the suspect (or the suspect's family or associates) contacts the victim in any way (in person, by phone, through social media, etc.).
  - iv. Encourage the victim to work with an advocate to assess future needs.
- 3. Conduct witness interviews.
  - a. Identify and interview individuals present during assault.
  - b. Identify and interview individuals who witnessed pre-assault or post-assault conduct or statements of the suspect or the victim.
  - c. Identify and interview outcry (disclosure) witnesses.
  - d. Identify and interview prior victims for evidence of the suspect's propensity to commit sexual abuse or sexual assault.
- 4. Conduct suspect investigations.
  - a. Prior to contacting the suspect, officers should attempt to:
    - i. Conduct a background check and criminal history for victim and officer safety.
      - (a) Look for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
      - (b) Conduct LEADS or NCIC search that shows all law enforcement contacts.
    - ii. Evaluate sources of digital evidence. See Section 100.5.4(5).
    - iii. Consider conducting pretext communications with consideration given to minimizing the emotional impact on the victim. Consult the state's attorney's office regarding legal requirements.
    - iv. Develop a timeline of pre- and post-assault behaviors and communications.
  - b. Assess the circumstances for either a noncustodial interview or a custodial interview.
  - c. Conduct suspect interviews.
    - i. Attempt to interview every suspect identified.
    - ii. Audio and video record the entire interview.
  - d. Consider a suspect medical forensic exam.
    - i. Immediately after the preliminary suspect interview, determine whether a forensic sexual assault examination should be obtained for the suspect.
    - ii. Consider legal requirements.
      - (a) Obtain a search warrant to collect any evidence from the body of the suspect, take photographs of any findings on the body, or collect clothing; or
      - (b) Obtain consent from the suspect to collect any evidence from the body of the suspect, take photographs of any findings on the body, or collect clothing. If an exam is conducted with the suspect's consent, document that the suspect was informed of his or her right to decline any part of the examination and to leave at any time.

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- iii. Collect evidence.
  - (a) If a health care provider is conducting the forensic examination of the suspect, a law enforcement officer will be present at all times.
  - (b) If in custody, the suspect will be given a Miranda warning before being asked medical history questions by the health care provider or investigator.
- e. When possible, enter information into the FBI Violent Criminal Apprehension Program Database or forward to the appropriate agency for entry.
- f. Identify potential modus operandi when suspect is unknown.
- 5. Evaluate sources of digital evidence including photographs, video, social networking sites, blogs or forums, hidden video recording devices, and computer spyware programs for information related to the sexual assault or sexual abuse. Look for evidence of, investigate, and document any monitoring, surveillance, targeting, and grooming behaviors employed by the suspect through technological means.
- 6. Follow evidence collection, crime scene processing, and chain of custody policies and protocols. See Section 100.5.6.
- 7. Complete mandatory report writing requirements. See Section 100.5.3.
- 8. Consult with State's Attorney's Office to determine what additional information is needed.

**100.5.5 SUPERVISOR DUTIES**

Supervisors should have an understanding of the impact of trauma on a victim and proper trauma-informed responses by officers. Officers supervising officers responding to and investigating sexual assault and sexual abuse cases should:

- 1. Ensure that officers responding to and investigating sexual assault and sexual abuse utilize evidence-based, trauma-informed, victim-centered policies, procedures, programs, and practices.
- 2. If requested by an officer, or when deemed necessary, respond to assist officers investigating sexual assault and sexual abuse.
- 3. Review all sexual assault police reports for accuracy, consistency, and victim-centered responses.
- 4. Provide officer mentoring and accountability.
- 5. Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.
- 6. Ensure officers and investigators understand case coding and appropriately clearing sexual assault cases.
- 7. Review all sexual abuse or sexual assault cases cleared by exception or unfounded to ensure cases were not prematurely closed. A case should not be cleared by exception or unfounded until the results of the sexual assault evidence testing are returned and all evidence is reviewed.
- 8. Suspend, inactivate, or otherwise remove cases not cleared by arrest, cleared by exceptional means, or unfounded from an officer's active caseload when all leads have been exhausted and no further investigation is possible.
- 9. Ensure officer and investigator training requirements are met.

**100.5.6 EVIDENCE COLLECTION, CRIME SCENE PROCESSING, AND CHAIN OF CUSTODY**

- 1. An officer will take possession of sexual assault evidence collected by hospital personnel within no more than five days of the completion of the medical forensic exam and document the possession of the evidence in the report. [725 ILCS 203/30(a); 725 ILCS 203/30(b)]



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2. If a victim declines to consent to testing the evidence, the agency will store evidence for ten years from completion of medical forensic exam or ten years from victim's 18th birthday, whichever is longer.<sup>1</sup> [725 ILCS 203/30(d)]
  - a. The victim or the victim's designee will be provided the following information pursuant to >>insert protocol name or number<<. "Storage and Future Testing of Sexual Assault Evidence Form" P.A. 99-0801 - Form C may be used. [725 ILCS 203/30(e)] See Appendix.
    - i. The evidence will be stored at >>insert agency name and address where evidence will be stored<<. [725 ILCS 203/30(e)(1)]
    - ii. The victim may provide consent for testing at a later date by [725 ILCS 203/30(d)]:
      - (a) Contacting >>insert name and address of agency having jurisdiction<<.
      - (b) Working with a sexual assault advocate at >>insert name and address of local rape crisis center<<.
      - (c) Providing verbal consent with follow-up verification by email, mail, or fax to >>insert name and address of agency having jurisdiction<<.
    - iii. >>insert the name, phone number, and email address of agency having jurisdiction<<. [725 ILCS 203/30(e)(3)]
    - iv. >>insert name and address of local rape crisis center<<. [725 ILCS 203/30(e)(4)]
  - b. Pursuant to >>insert agency protocol name or number<<, the agency will notify:
    - i. A victim or victim's designee if the agency's storage period for sexual assault evidence exceeds ten years or the victim's 28<sup>th</sup> birthday. [725 ILCS 203/30(f)(g)]
    - ii. A victim or victim's designee that the storage period for their sexual assault evidence will be ending soon, if such notice has been previously requested by the victim, in order to provide the victim sufficient time to decide whether to consent to testing the evidence.
3. If a victim consents to testing the sexual assault evidence, the officer will:
  - a. Submit evidence, including but not limited to the Illinois State Police Sexual Assault Evidence Collection Kit, urine specimen, clothing, and crime scene evidence such as condoms, tissue, and bedding, for testing within 10 days of receipt of consent pursuant to the Sexual Assault Evidence Submission Act and document the submission in the case report. [725 ILCS 202/10; 725 ILCS 203/30(b)] No law enforcement agency having jurisdiction may refuse or fail to send sexual assault evidence for testing that the victim has consented to be tested. [725 ILCS 203/30(c)]
  - b. Provide the victim or victim's designee with written information informing the victim of his or her right to request information regarding the submission and results of the testing. "Mandatory Notice of Victim's Right to Information Regarding Sexual Assault Evidence Form" P.A. 99-0801 - Form B may be used. [725 ILCS 203/35] See Appendix.
4. Follow >>insert protocol name or number<< for responding to victims who want to sign the written consent to test sexual assault evidence after the evidence has been transferred to agency. [725 ILCS 203/30(f)]
5. Drug- and alcohol-facilitated sexual assault.
  - a. If a drug- or alcohol-facilitated sexual assault is suspected, it is recommended that urine be collected as soon as possible after the assault.
    - i. If possible, transport the victim to a facility where the sample can be taken.
    - ii. If the first urine has been voided, urine collection should still be encouraged up to 120 hours (five days) after the sexual assault has occurred, as it could still have evidentiary value.

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<sup>1</sup> A law enforcement agency having jurisdiction may adopt a storage policy that provides for a period of time exceeding ten years. 725 ILCS 203/30(d)

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- b. No sample analysis may be performed unless the victim returns a signed written consent form after the sample was collected. [720 ILCS 5/11-1.10(g)] The victim has ten years after the sample was collected to consent to testing. [725 ILCS 203/30(d)]
  - c. If samples are taken by the hospital for medical purposes, the officer should not request the hospital personnel to test a victim's blood or urine without the consent of the victim.
  - d. With the victim's consent, any blood or urine samples collected will be submitted to an Illinois State Police Crime Laboratory or other appropriate laboratory (Northeastern Illinois Regional Crime Laboratory or DuPage County Forensic Science Center) for analysis. [725 ILCS 202/10]
  - e. A victim should be notified that once a written consent form for analysis is signed, he or she has 48 hours to revoke consent. [ISP 6-386 (4/16)]
  - f. An officer should check for digital evidence corroborating the narrative, such as video, credit card purchases, mobile phone records, and receipts.
  - g. An officer should obtain a warrant, when appropriate, to search the home(s) of the suspect(s) for drugs and paraphernalia and conduct searches of computers of the suspect(s).
6. DNA
- a. When evidence analysis indicates an association with an individual (CODIS hit), the Illinois State Police Crime Laboratory or other appropriate laboratory will request that the law enforcement agency obtain a confirmatory buccal swab (reference standard) from the suspect.
  - b. Every effort should be made to locate the suspect to obtain a confirmatory swab.

**100.5.7 VICTIMS' RIGHTS AND VICTIM NOTIFICATION**

- 1. Officers will provide the Statement of Crime Victims' Rights to victims within 48 hours of initial contact, informing victims of the rights provided by the Illinois Constitution, the Rights of Crime Victims and Witnesses Act, and the Crime Victims Compensation Act. [725 ILCS 120/4(b)]
- 2. Officers will advise victims of the availability of crime victim compensation and that any information concerning the Crime Victims Compensation Act and the filing of a claim may be obtained from the Office of the Attorney General. [740 ILCS 45/5.1(b)]
- 3. Crime victims have 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. [725 ILCS 120/4(a)(1)]
- 4. At the request of the crime victim, officers will 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)]
- 5. Officers will provide notice to a victim if a closed case is reopened to resume the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation. [725 ILCS 120/4.5(a-5)]
- 6. Victims may have a person, advocate, or attorney with them for the purposes of support or consultation.
- 7. A victim has a right to request information regarding the submission and testing of forensic evidence. Upon the request of the victim who has consented to the testing of sexual assault evidence, officers will provide the following information in writing [725 ILCS 203/35(a)]:
  - a. The date the sexual assault evidence was sent to an Illinois State Police Crime Laboratory or other appropriate laboratory (Northeastern Illinois Regional Crime Laboratory or DuPage County Forensic Science Center), within seven days of submitting the evidence to a laboratory.

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- b. Any test results provided to the law enforcement agency by the laboratory, within seven days of receipt of the results by the agency, including, but not limited to whether:
  - i. a DNA profile was obtained from the testing of the sexual assault evidence from the victim's case;
  - ii. the DNA profile developed from the sexual assault evidence has been searched against the DNA Index System or any state or federal DNA database;
  - iii. an association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided that disclosure would not impede or compromise an ongoing investigation; and
  - iv. any drugs were detected in a urine or blood sample analyzed for drug-facilitated sexual assault and information about any drugs detected.

#### **100.5.8 WORKING WITH THE PROSECUTOR**

Pursuant to >>insert agency policy name or number<<, an officer should contact the >>insert local county state's attorney's office name<< for assistance with an investigation or felony review, when appropriate.

#### **100.5.9 FOLLOW-UP INVESTIGATIVE PROCEDURES**

1. Forensic and offender hits (CODIS matches) relating to sexual assault and sexual abuse cases from Illinois State Police Crime Laboratories or other laboratories are to be received by >>insert centralized unit, commanding officer, supervisor responsible for following up in hit<< who/which should:
  - a. Log receipt of hit information from laboratories;
  - b. Assign an officer to investigate the CODIS hit and potential impact on the investigation;
  - c. Document all investigative steps taken as a result of the CODIS hit; and
  - d. Consult with the local state's attorney's office about the results of the investigation following the CODIS hit.
2. Victim Notification.
  - a. If the status of a cold case changes, including instances where a case is reopened to resume investigation, a crime lab has notified law enforcement of a DNA database "hit," or an offender has been arrested on a warrant, notice to the victim will be provided unless it would unreasonably interfere with the investigation. [725 ILCS 120/4]
  - b. Prior to notification and communication with the victim, officers should consult with the agency social worker or rape crisis advocate. Notification to the victim should be coordinated with the social worker or rape crisis advocate to permit the social worker or advocate to be present if possible. Officers should attempt to notify the victim at a time, place, and manner that provides as much privacy as possible.

#### **100.5.10 CONSIDERATION FOR SPECIFIC POPULATIONS/COMMUNITIES**

Each agency should demonstrate a commitment to making sure all officers have the best training and skills necessary to provide services to every community. Resources regarding specific populations/communities can be found at [http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa\\_il.html](http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html).

#### **100.5.11 AGENCY PARTNERSHIPS WITH VICTIM ADVOCATES AND SEXUAL ASSAULT RESPONSE TEAMS (SARTS)**

1. Victim Advocates. Officers responding to and investigating sexual assault and sexual abuse cases should be aware of victim advocate resources available within the agency's jurisdiction and how to contact an advocate for assistance.
2. (Included only if applicable) Sexual Assault Response Teams.

>>INSERT AGENCY NAME<<

Sexual Assault and Sexual Abuse Response Policy

- a. The >>insert agency name<< is a member of the >>insert SART name<<.
- b. The >>insert agency name<< regularly attends scheduled team meetings and shares resources and expertise.
- c. Cases should be referred to the >>insert SART name<< in accordance with >>insert agency policy name or number regarding participation on a SART<<.

# APPENDIX

## **Sexual Assault Incident Procedure Act – Policy Requirements**

(725 ILCS 203/15)

Sec. 15. Sexual assault incident policies.

(a) On or before January 1, 2018, every law enforcement agency shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guidelines developed under subsection (b) of this Section. In developing these policies, each law enforcement agency is encouraged to consult with other law enforcement agencies, sexual assault advocates, and sexual assault nurse examiners with expertise in recognizing and handling sexual assault and sexual abuse incidents. These policies must include mandatory sexual assault and sexual abuse response training as required in Section 10.19 of the Illinois Police Training Act and Sections 2605-53 and 2605-98 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(b) On or before July 1, 2017, the Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police, shall develop and make available to each law enforcement agency, comprehensive guidelines for creation of a law enforcement agency policy on evidence-based, trauma-informed, victim-centered sexual assault and sexual abuse response and investigation.

These guidelines shall include, but not be limited to the following:

- (1) dispatcher or call taker response;
- (2) responding officer duties;
- (3) duties of officers investigating sexual assaults and sexual abuse;
- (4) supervisor duties;
- (5) report writing;
- (6) reporting methods;
- (7) victim interviews;
- (8) evidence collection;
- (9) sexual assault medical forensic examinations;
- (10) suspect interviews;
- (11) suspect forensic exams;
- (12) witness interviews;
- (13) sexual assault response and resource teams, if applicable;
- (14) working with victim advocates;
- (15) working with prosecutors;
- (16) victims' rights;
- (17) victim notification; and
- (18) consideration for specific populations or communities.

(Source: P.A. 99-801, eff. 1-1-17.)

# MANDATORY NOTICE FOR SURVIVORS OF SEXUAL ASSAULT\*

## MEDICAL AND FORENSIC SERVICES

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Survivors of sexual assault should seek medical attention as soon as possible. You may request transportation to the hospital.

### Services Available

If you request medical forensic services, the hospital must offer a general medical exam, treat injuries, evaluate the need for medications, and collect forensic evidence. Upon request, a hospital must perform a forensic exam and complete an evidence kit up to 7 days after the assault regardless of your age.

### Evidence Preservation

You may not be sure whether or not you want to participate in the criminal justice process right now, but it is important to know that critical evidence may be lost if you change clothes; bathe, shower or douche; use the restroom; eat; smoke; or brush teeth or gargle, depending on the nature of the attack.

The sooner the medical forensic exam is performed, the more evidence is available for collection.

### Storage of Evidence

If evidence is collected from you, but you are unsure about allowing law enforcement to test the evidence, the evidence will be stored for 5 years or, if you are under the age of 18, until your 23<sup>rd</sup> birthday. You can consent to test the evidence at any time during this period.

**You will NOT be billed for any services provided in the emergency room.** In addition, if you are eligible, the hospital will give you a voucher for 90 days of follow-up care.

## HOSPITAL INFORMATION

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The nearby hospital below provides emergency medical and forensic services for sexual assault survivors:

Hospital Name
Hospital Address

This hospital employs a Sexual Assault Nurse Examiner:    Yes / No / Unknown    (Circle One)

\*This form must be provided by the responding law enforcement agency at time of initial contact pursuant to 725 ILCS 203/25(a). This requirement is effective January 1, 2017.

## CIVIL NO CONTACT ORDERS / ORDERS OF PROTECTION

Survivors of sexual assault may petition for a Civil No Contact Order (CNCO) or an Order of Protection (OP) that can order the offender to:

- Stay away from you and away from specific locations, such as your residence, your work, and your school
- Have no contact with you

The CNCO or OP can be obtained in civil court at a local courthouse. You will not pay a fee for requesting the order. While you can obtain a CNCO or OP on your own, it is best done with the assistance of an advocate or attorney. If the courthouse is closed but a judge is available, you may request that the officer provide or arrange transportation to the judge.

*You may be able to obtain sexual assault support services for free. These services include advocacy, counseling, assistance with information about the medical forensic exam, understanding the criminal justice system, and obtaining a Civil No Contact Order or an Order of Protection. You are encouraged to contact:*

Rape Crisis Center Name	Hotline Number
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## RESPONDING LAW ENFORCEMENT AGENCY

Responding Officer's Name	Star/Badge Number
Responding Law Enforcement Agency Name	Agency Phone Number
Report Number	Date

## LAW ENFORCEMENT AGENCY WHICH WILL COMPLETE INVESTIGATION

Law Enforcement Agency Name
Law Enforcement Agency Address
Law Enforcement Agency Phone Number



## **MANDATORY NOTICE OF VICTIM'S RIGHT TO INFORMATION REGARDING SEXUAL ASSAULT EVIDENCE TESTING\***

You have consented to the testing of sexual assault evidence collected in your case.

This law enforcement agency must provide you with the following information regarding the testing of the evidence, at your request. You may designate another person to receive this information on your behalf.

### You are entitled to the following information:

1. The date the sexual assault evidence was sent to an Illinois State Police Crime Laboratory or other appropriate laboratory by this agency. If you request this information, it must be provided to you within seven (7) days of the transfer of the evidence to a lab by this law enforcement agency.
2. Test results provided to this agency by the laboratory, including, but not limited to:
  - DNA test results, and
  - whether any drugs were detected in a urine or blood sample and information about any drugs detected.

If you request this information, it must be provided to you within seven (7) days of this law enforcement agency receiving the results from the laboratory.

### Requesting the Information

You may submit a request for this information at this time or by contacting this law enforcement agency at the address or phone number below at a later date.

Law Enforcement Agency	
Address	
Phone Number	Email (if available)
Report Number	

You or your designee must keep the law enforcement agency informed of the name, address, phone number and email of the person to whom information should be provided and any changes to that information.

\* This form must be provided by a law enforcement officer to a victim who has signed a consent form to test evidence at the hospital, either at the hospital or during the investigating officer's follow-up interview. This form must also be provided to a victim who signs a consent form to test sexual assault evidence at the law enforcement agency or with the assistance of a rape crisis advocate pursuant to 725 ILCS 203/35(c). This requirement is effective January 1, 2017.

## STORAGE AND FUTURE TESTING OF SEXUAL ASSAULT EVIDENCE\*

A consent form to test the sexual assault evidence collected today must be signed before law enforcement can send this evidence to a laboratory to be tested. You have indicated that you do NOT want to sign the consent for testing at this time.

If you are an adult, this evidence will be stored by law enforcement for five (5) years from today's date, \_\_\_\_\_.

If you are under 18 years of age, this evidence will be stored until your 23rd birthday.

You may request to be notified prior to the destruction of the evidence at the end of the storage period. This evidence will be stored at the law enforcement agency list below.

**A consent form for the testing of this evidence may be signed at any time during the storage period.** This can be done by contacting the law enforcement agency listed below or by working with an advocate from a rape crisis center.

Law Enforcement Agency
Address
Phone Number
Report Number

Rape Crisis Center
Address
Phone Number

\*This form shall be provided by a law enforcement officer to a victim who has not signed a consent form to test evidence at the hospital, either at the hospital or during the investigating officer's follow-up interview, pursuant to 725 ILCS 203/30(e). This requirement is effective January 1, 2017.

**Confirmation of Transfer of Sexual Assault Report  
to Law Enforcement Agency Having Jurisdiction**

Within 24 hours of receiving a sexual assault report of an incident in your jurisdiction from another law enforcement agency, you must provide that agency with the following information.

**Law Enforcement Agency That Received the Initial Sexual Assault Report**

Initial Agency Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Initial Agency Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Date Transferred: \_\_\_\_\_ Time Transferred: \_\_\_\_\_

**Confirmation of Receipt of Sexual Assault Report to be completed by  
Law Enforcement Agency with Jurisdiction Receiving Report**

Agency with Jurisdiction Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Name of Person Receiving Report: \_\_\_\_\_

Title of Person Receiving Report: \_\_\_\_\_

Date Received: \_\_\_\_\_ Time Received: \_\_\_\_\_

**Law Enforcement Agency Having Jurisdiction Contact Information to be Provided to Victim**

Agency with Jurisdiction Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

**This written confirmation shall be delivered in person or via fax or email to  
the law enforcement agency that received the initial report.**

## **STATEMENT OF CRIME VICTIMS' RIGHTS**

*This form is available only in PDF format at*  
<http://www.illinoisattorneygeneral.gov/victims/Marsys%20Rights.pdf>