

The following Revised Comprehensive Guidelines reflect an evidence-based, trauma-informed, victim-centered approach to responding to and investigating sexual assault and sexual abuse, including responding to victims who are under 13 years of age at the time the sexual assault or sexual abuse occurred. Under the Sexual Assault Incident Procedure Act, all Illinois law enforcement agencies must develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse that are consistent with these Revised Comprehensive Guidelines.

Pursuant to 725 ILCS 203/15(a), every law enforcement agency shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with these guidelines by January 1, 2021.

PURPOSE AND SCOPE

The trauma of sexual assault and sexual abuse often leads to significant 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 a victim's ability to heal as well as his or her willingness to actively participate in the investigation by law enforcement.

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

I. POLICY

Each law enforcement agency will:

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

II. AUTHORITY

1. 50 ILCS 705/10.21, Sexual assault training requirements for law enforcement
2. 55 ILCS 80/3, Child Advocacy Advisory Board
3. 210 ILCS 30/4, Mandatory reporting of abuse in long term care facilities
4. 320 ILCS 20/4, Reports of abuse or neglect
5. 325 ILCS 5/4, Persons required to report; privileged communications; transmitting false report
6. 410 ILCS 70/1a, Definitions
7. 410 ILCS 70/5(a), Minimum requirements for medical forensic services provided to sexual assault survivors by hospitals and approved pediatric health care facilities.
8. 410 ILCS 70/6.5, Written consent to the release of sexual assault evidence for testing
9. 720 ILCS 5/11-1.10(f-g), General provisions concerning offenses described in Sections 11-1.20 through 11-1.60
10. 720 ILCS 5/11-1.20, Criminal sexual assault
11. 720 ILCS 5/11-1.30, Aggravated criminal sexual assault
12. 720 ILCS 5/11-1.50, Criminal sexual abuse
13. 720 ILCS 5/11-1.40, Predatory criminal sexual assault of a child
14. 720 ILCS 5/11-1.60, Aggravated criminal sexual abuse
15. 720 ILCS 5/11-1.70, Defenses with respect to offenses described in Sections 11-1.20 through 11-1.60
16. 725 ILCS 120/4, Rights of crime victims
17. 725 ILCS 120/4.5, Procedures to implement the rights of crime victims
18. 725 ILCS 200/1, Lie detector tests
19. 725 ILCS 202/10, Submission of evidence
20. 725 ILCS 202/50 Sexual assault evidence tracking system
21. 725 ILCS 203/1 *et seq.*, Sexual Assault Incident Procedure Act
22. 740 ILCS 45/5.1(b), Notification of crime victim compensation

23. 77 Ill. Adm. Code 545.60(e)(1), Treatment of sexual assault survivors
24. ISP 6-713, Consent to Toxicology

III. DEFINITIONS

1. "Acute sexual assault" means a sexual assault that has recently occurred. For patients under the age of 13, "acute sexual assault" means a sexual assault that has occurred within the past 72 hours. For patients 13 years old or older, "acute sexual assault" means a sexual assault that has occurred within the past 168 hours. (410 ILCS 70/1a)
2. "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 manner of dress of the victim 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]
3. "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]
4. "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]
5. "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]
6. "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]

IV. PROCEDURES

1. **Dispatch/Call Taker Response** [725 ILCS 203/15(b)(1)]
 - a. Assess immediate safety of victim and need for emergency medical services.
 - b. Gather vital information for responding officers.
 - c. Provide information to the victim on preserving evidence.

- d. Provide a trauma-informed response to victims in accordance with standards established by the Office of the Statewide 9-1-1 Administrator pursuant to 20 ILCS 2605/2605-53(a)(1).

2. Initial Responding Officer Duties [725 ILCS 203/15(b)(2)]

- a. Contact victim as soon as possible and address safety concerns.
- b. Assess need for medical forensic services and summon emergency medical assistance if needed or offer to provide or arrange for transportation if needed. [725 ILCS 203/25(a)(2)]
- c. Inform victim a medical forensic examination must be offered to acute sexual assault survivors who present themselves for such services at an Illinois Department of Public Health approved treatment facility. A medical provider in discussion with a victim can offer medical forensic examinations outside the acute time frame based on history and clinical assessment. [410 ILCS 70/]
- d. Provide victim or third-party reporter with the following information and document in the narrative of the report that the information was provided.
 - i. “Mandatory Notice for Survivors of Sexual Assault Form” (Form A). [725 ILCS 203/25(a)(1)] See Appendix.
 - ii. Statement of Crime Victims’ Rights. [725 ILCS 120/4(b)] See Appendix.
- d. Assist victim.
 - i. 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 under the Civil No Contact Order Act or an order of protection under the Illinois Domestic Violence Act of 1986 after the close of court business hours, if a judge is available. [725 ILCS 203/25(a)(3)]
 - ii. Contact agency social worker or victim advocate, if available.
- e. Assess for drug- or alcohol-facilitated sexual assault. If suspected, it is recommended that urine is collected from the victim as soon as possible. However, urine collection should be offered up to 120 hours (5 days) after the assault. See Section 6. [410 ILCS 70/1a]
- f. Notify investigating officer, if other than the responding officer. [725 ILCS 203/20(g)]
- g. Ensure evidence collection, crime scene processing, and chain of custody. See Section 6.
- h. Conduct preliminary/initial victim interview. [725 ILCS 203/15(b)(7)]
 - i. Determine primary language of victim and translation needs. If interview is conducted at a hospital, you may request interpretive services from the hospital. [725 ILCS 203/25(c)]
 - ii. Victim will not be required to submit to an interview. [725 ILCS 203/20(e)]
 - iii. Secure a private location, if possible.
 - iv. Accommodate the victim’s request for a person, advocate, or attorney for the purpose of support or consultation, if possible.
 - v. Utilize evidence-based, trauma-informed, victim-centered interview questions and techniques.
 - vi. Victim has the right to be treated with fairness and respect during the investigatory process, including the right to be free from deception, which is the knowing communication of false facts about evidence [725 ILCS 120/4(a)(1.1)].
 - vii. 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)]
 - viii. Take into consideration concerns or needs of specific communities/populations. See Section 9.

- i. Fulfill mandatory reporting requirements.
 - i. Report suspected abuse or neglect of any child immediately to the Department of Children and Family Services. [325 ILCS 5/4]
 - ii. Report 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 a local social service agency designated to receive such reports or the Department on Aging. [320 ILCS 20/4]
 - iii. Report any long-term care facility resident subjected to abuse or neglect, with whom the officer has had direct contact, immediately to the Department of Public Health. [210 ILCS 30/4]
- j. Complete written report. [725 ILCS 203/15(b)(5)]
 - i. A law enforcement officer will complete a written report upon receiving a report of sexual assault or sexual abuse, regardless of the jurisdiction where the offense occurred. [725 ILCS 203/20] See Section 3.
 - ii. If the incident occurred in another jurisdiction, a copy of the written report will be sent to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving the reported information. “Confirmation of Transfer of Sexual Assault Report to Law Enforcement Agency Having Jurisdiction Form” (Form D) may be used. See Appendix. [725 ILCS 203/20(c)] The initial agency should receive confirmation of receipt from the receiving agency within 24 hours. Form D may be used. If confirmation is not received, follow up with the law enforcement agency having jurisdiction. [725 ILCS 203/20(d)]
- k. Fulfill documentation requirements in the sexual assault evidence tracking system (CheckPoint) in accordance with 725 ILCS 202/50 and ISP guidance.
- l. Identify and disclose to a supervisor any potential conflict of interest between the responding officer and the victim or suspect. [50 ILCS 705/10.21]
- m. Screen victim for possible human trafficking. [50 ILCS 705/10.21]

3. Mandatory Report Writing [725 ILCS 203/15(b)(5)]

- a. Reporting methods. [725 ILCS 203/15(b)(6)] A written report must be completed when receiving information about a sexual assault or sexual abuse from the following:
 - i. A victim. [725 ILCS 203/20(b)(1)]
 - ii. Hospital or medical personnel. [725 ILCS 203/20(b)(7)]
 - iii. A witness. [725 ILCS 203/20(b)(6)]
 - iv. A third-party reporter who has the consent of the victim. [725 ILCS 203/22]
 - (a) Document the name and contact information of the third-party reporter in the report.
 - (b) Document the reporter’s affirmation that they are reporting with the consent of the victim.
- b. Documentation of facts in the report.
 - i. Information required by 725 ILCS 203/20(b), if known, whether provided at the time of the initial report or obtained through investigation. [725 ILCS 203/20(b)]
 - ii. Any aggravating factors present. [720 ILCS 5/11-1.30; 11-1.40; 11-1.60]
 - iii. Document signs of physical and psychological trauma to the victim.
 - iv. Document the victim’s subtle and overt actions indicating consent or lack of consent.

Silence should not be construed as consent.

- v. As accurately as possible, use the victim's, witness's, and/or suspect's own words in written reports. Do not sanitize or clean up the language used by the victim.
- vi. Document any conflicts of interest.

4. Duties of Officers Investigating Sexual Assault and Sexual Abuse [725 ILCS 203/15(b)(3)]

After January 1, 2019, all investigations of sexual assault and sexual abuse will be assigned to an officer who has completed training in evidence-based, trauma-informed, victim-centered investigations. [725 ILCS 203/20(g)]

- a. Interview victim.
 - i. Utilize evidence-based, trauma-informed, victim-centered interview questions and techniques, including allowing a victim to complete at least 2 full sleep cycles before an in-depth interview, when possible.
 - ii. Determine the primary language of the victim and any translation needs. If an interview is conducted at a hospital, you may request interpretive services from the hospital. [725 ILCS 203/25(c)]
 - iii. Victim will not be required to submit to an interview. [725 ILCS 203/20(e)]
 - iv. 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]
 - v. Take into consideration the concerns or needs of specific communities/populations. See Section 9.
 - vi. Secure a private location, if possible.
 - vii. Accommodate the victim's request for a person, advocate, or attorney to be present in the interview for the purpose of support or consultation, if possible.
 - viii. Victim has the right to be treated with fairness and respect during the investigatory process, including the right to be free from deception, which is the knowing communication of false facts about evidence [725 ILCS 120/4(a)(1.1)].
 - ix. Provide guidance regarding drug- or alcohol-facilitated sexual assault considerations. See Section 6.
- b. Collaborate with Children's Advocacy Center, if available, when the victim is under the age of 18.
- c. Identify and interview individuals with information relevant to the sexual assault or sexual abuse. [725 ILCS 203/15(b)(12)]
- d. Investigate and interview possible suspects, focusing on suspect conduct, behavior, and statements made before, during, and after the assault. [725 ILCS 203/15(b)(10)]
- e. Arrange for suspect medical forensic exam, if appropriate. A search warrant or suspect consent will be needed to collect any evidence from the body of the suspect, to take photographs of the body of the suspect, or to collect clothing or other evidence. [725 ILCS 203/15(b)(11)]
- f. Fulfill documentation requirements in the sexual assault evidence tracking system (CheckPoint) in accordance with 725 ILCS 202/50 and ISP guidance
- g. Identify and disclose to a supervisor and document any potential conflict of interest between the investigating officer and the victim or suspect. [50 ILCS 705/10.21]

5. Supervisor Duties [725 ILCS 203/15(b)(4)]

- a. Supervisors will ensure that officers responding to and investigating sexual assault and sexual abuse utilize evidence-based, trauma-informed, victim-centered policies, procedures,

programs, and practices. Supervisors will ensure responding and investigating officer training requirements are met.

- b. Upon receiving a disclosure of a conflict of interest from either an officer or a victim, supervisors shall evaluate the situation and determine appropriate steps to manage the conflict.
- c. Ensure the law enforcement agency fields in CheckPoint Evidence Tracking Site are entered and updated, as appropriate in accordance with 725 ILCS 202/50 and ISP guidance.

6. Evidence Collection, Crime Scene Processing, and Chain of Custody [725 ILCS 203/15(b)(8)]

- a. A law enforcement officer from the agency having jurisdiction will take possession of sexual assault evidence collected by hospital personnel within 5 days of the completion of the medical forensic exam and shall document the possession of the evidence in the report. [725 ILCS 203/30(a); 725 ILCS 203/30(b)]
- b. Survivors age 13 or older may sign their own written consent to allow evidence to be released for testing. (410 ILCS 70/6.5)(a)(1)
- c. For survivors under age 13, a parent, guardian, or someone with healthcare power of attorney may provide written consent to release the sexual assault evidence for testing. If no authorized adult is available or willing, the State’s Attorney or Attorney General may ask a court to authorize the release for testing (410 ILCS 70/6.5)(a)(2).
- d. If the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, the consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault or sexual abuse. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release.
- e. If a victim consents to testing the sexual assault evidence:
 - i. Submit the evidence for testing within 10 days of receipt of the consent pursuant to the Sexual Assault Evidence Submission Act and document the submission in the 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)]
 - ii. 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” (Form B) may be used. [725 ILCS 203/35] See Appendix.
- f. Fulfill documentation requirements in the sexual assault evidence tracking system (CheckPoint) in accordance with 725 ILCS 202/50 and ISP guidance including the date the law enforcement agency took possession of the sexual assault evidence from the health care facility, another law enforcement agency or the victim as well as the law enforcement agency complaint number [725 ILCS 202/50] See Appendix - CheckPoint Quick Reference Guide Law Enforcement Agency.
- g. If a victim declines to consent to testing the evidence, the evidence will be stored for a minimum of 10 years from completion of the medical forensic exam or 10 years from the victim’s 18th birthday, whichever is longer, to give the victim time to consent to testing. [725 ILCS 203/30(d)]
 - i. The agency will provide the following information to the victim or their designee pursuant to the agency’s protocol. “Storage and Future Testing of Sexual Assault Evidence Form” (Form C) may be used. [725 ILCS 203/30(e)]

- (a) Storage location of evidence. [725 ILCS 203/30(e)(1)]
- (b) How to provide written consent for testing at a later date. [725 ILCS 203/30(d)]
 - (i) At law enforcement agency having jurisdiction.
 - (ii) By working with a sexual assault advocate.
 - (iii) Through verbal consent with follow-up verification
 - (iv) Agencies may use Sexual Assault Patient Return to Consent for Evidence Analysis (Form E) to document when a victim returns at a later date to provide consent for testing of evidence. This documentation should be maintained in agency files.
- (c) Contact information for law enforcement agency having jurisdiction. [725 ILCS 203/30(e)(3)]
- (d) Contact information for local rape crisis center. [725 ILCS 203/30(e)(4)]
- ii. The agency will develop a protocol to ensure that victims who want to be notified or have a designee notified prior to the end of the storage period for sexual assault evidence are provided notice. [725 ILCS 203/30(f)]
- iii. If the agency adopts a policy that exceeds the required storage policy, the victim or victim's designee must be notified of the extended storage policy. [725 ILCS 203/30(g)]
- h. If a victim provides written consent for testing held evidence, 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" Form B may be used. [725 ILCS 203/35] See Appendix.
- i. Drug- and alcohol-facilitated sexual assault.
 - i. If there is reasonable cause to believe that a person has been delivered a controlled substance or alcohol without his or her consent, the law enforcement officer will advise the victim about seeking medical treatment and preserving evidence. [720 ILCS 5/11-1.10(f)] An officer will not require that a urine sample be provided.
 - ii. If a drug- or alcohol-facilitated sexual assault is suspected, it is recommended that urine is collected from the victim as soon as possible. However, urine collection should be offered up to 120 hours (5 days) after the assault. The urine sample must be refrigerated.
 - iii. No sample analysis may be performed unless the victim returns a signed written consent form after the sample is collected. [720 ILCS 5/11-1.10(g)] The victim has 10 years after the sample was collected to consent to testing. [725 ILCS 203/30(d)]
 - iv. If samples are taken by the hospital for medical purposes, the officer may not request that the hospital test a victim's blood or urine without consent of the victim.
 - v. With victim consent, any urine samples collected should be sent to an Illinois State Police Forensic Science Laboratory or other appropriate laboratory (Northeastern Illinois Regional Crime Laboratory or DuPage County Forensic Science Center) for analysis.

7. Victims' Rights and Victim Notification [725 ILCS 203/15(b)(16); (17)]

- a. Victims have rights provided by the Illinois Constitution, the Rights of Crime Victims and Witnesses Act, and the Crime Victims Compensation Act. These rights include:
 - i. 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)]
 - ii. Crime victims have the right to be treated with fairness and respect during the investigatory process, including the right to be free from deception, which is the knowing communication of false facts about evidence [725 ILCS 120/4(a)(1.1)].
 - iii. Law enforcement agencies must provide the Statement of Crime Victims' Rights to

victims within 48 hours of initial contact. [725 ILCS 120/4(b)].

- b. Agencies will provide information concerning the availability of crime victim compensation and advise the victim to contact the Attorney General’s office for more information and to file a claim. [740 ILCS 45/5.1(b)]
- c. Agencies will advise the victim of the right to information regarding the status of the investigation from the law enforcement agency having jurisdiction unless disclosure of such information would unreasonably interfere with the investigation. [725 ILCS 120/4.5(a)]
- d. Victims have the right to request information regarding the submission and testing of forensic evidence. [725 ILCS 203/35]
 - i. Upon the request of the victim who has consented to the testing of sexual assault evidence, provide the following information in writing:
 - (a) the date the sexual assault evidence was sent to an Illinois State Police Forensic Science Laboratory or other appropriate laboratory (Northeastern Illinois Regional Crime Laboratory or DuPage County Forensic Science Center), within 7 days of submitting the evidence to a laboratory;
 - (b) test results provided to the law enforcement agency by the laboratory, within 7 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.
 - ii. When a victim has signed a consent form to test sexual assault evidence, provide the victim with written information informing the victim of his or her right to request this information. “Mandatory Notice of Victim’s Right to Information Regarding Sexual Assault Evidence Form” (Form B) may be used. [725 ILCS 203/35] See Appendix.
- e. At the request of the victim, the law enforcement agency having jurisdiction shall provide a free copy of the police report concerning the victim's incident, as soon as practicable, but in no event later than 5 business days from the request. [725 ILCS 120/4(b-5)].

8. Working with the Prosecutor [725 ILCS 203/15(b)(15)]

Develop a relationship with the county state’s attorney’s office to create procedures for investigations, arrests, and prosecution decisions.

9. Consideration for Specific Populations/Communities [725 ILCS 203/15(b)(18)]

- a. Each agency should commit to making sure all officers have the best training and skills necessary to provide services to every community. Each community must feel that their needs are understood and respected or their confidence in law enforcement personnel to meet these needs may be diminished. Lack of confidence in law enforcement can adversely impact cooperation in reporting and providing information regarding sexual assault and sexual abuse.
- b. Resources regarding specific populations/communities can be found at

<https://www.nsvrc.org/6-1-2/>.

- 10. Agency Partnerships with Victim Advocates and Sexual Assault Response Teams (SARTs)**
[725 ILCS 203/15(b)(13); (14)] Agencies are encouraged to partner with community organizations and advocates to create a more supportive atmosphere for victims throughout the reporting and investigation process.

Adapted from the International Association of Chiefs of Police, National Law Enforcement Leadership Initiative on Violence Against Women, *Sexual Assault Response and Investigation Policy and Training Content Development Guidelines*, 2015.

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 10.21 of the Illinois Police Training Act and Sections 2605-51 and 2605-53 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(a-5) On or before January 1, 2021, every law enforcement agency shall revise and implement its written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guideline revisions developed under subsection (b-5) of this Section.

(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.

(b-5) On or before January 1, 2020, the Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police, shall revise the comprehensive guidelines developed under subsection (b) to include responding to victims who are under 13 years of age at the time the sexual assault or sexual abuse occurred. (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17.)

Sexual Assault Incident Procedure Act – Forms

Victim notices to be provided by law enforcement per the Sexual Assault Incident Procedure Act: can be found at <https://illinoisattorneygeneral.gov/Safer-Communities/Responding-to-Sexual-Assault/Improving-Law-Enforcements-Response-to-Sexual-Assault-Crimes-in-Illinois/>

Mandatory Notice for Survivors of Sexual Assault (Form A)

Pursuant to 725 ILCS 203/25(a), at the time of first contact with a victim, a law enforcement officer shall advise the victim of the information on this form, written in a language appropriate for the victim or in Braille, or communicate this information in appropriate sign language.

Mandatory Notice of Victim's Right to Information Regarding Sexual Assault Evidence (Form B)

Pursuant to 725 ILCS 203/35(c), this form must be provided by a law enforcement officer or the hospital providing emergency services and forensic services to a victim who has signed a consent form to test evidence 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.

Storage and Future Testing of Sexual Assault Evidence (Form C)

Pursuant to 725 ILCS 203/30(e), 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.

Confirmation of Transfer of Sexual Assault Report to Law Enforcement Agency Having Jurisdiction (Form D)

Pursuant to 725 ILCS 203/20(c), a law enforcement agency which receives a report of an incident occurring in another jurisdiction must prepare a written report and send the report to the agency having jurisdiction in person or via fax or email within 24 hours.

Pursuant to 725 ILCS 203/20(d), the law enforcement agency that receives a report from another jurisdiction must confirm receipt in person or via fax or email within 24 hours.

Sexual Assault Patient Return to Consent for Evidence Analysis (Form E)

This form may be used to document when a victim returns at a later date to provide written consent for testing of held evidence.

Rights of Crime Victims and Witnesses Act

(a) "Crime victim" or "victim" means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim's representative. In no event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim. [725 ILCS 120/3(a)]

(c) "Violent crime" means: (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 Section 11-20.1, 11-20.1B, 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (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; or (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. [725 ILCS 120/3(c).]

Any law enforcement agency that investigates an offense committed in this State shall provide a crime victim with a written statement and explanation of the rights of crime victims under this amendatory Act of the 99th General Assembly within 48 hours of law enforcement's initial contact with a victim. [725 ILCS 120/4(b)]

The Statement of Crime Victims' Rights can be found at <https://illinoisattorneygeneral.gov/Safer-Communities/Supporting-Victims-of-Crime/Statewide-Victim-Assistance-Program/>.

Medical Forensic Exam Brochure

The Illinois Attorney General's Sexual Assault Nurse Examiner (SANE) Program, in consultation with qualified medical providers, created uniform materials that all hospitals and approved pediatric health care facilities are required to give patients and non-offending parents or legal guardians, if applicable, regarding the medical forensic exam procedure, laws regarding consenting to medical forensic examinations, and the benefits and risks of evidence collection, including recommended time frames for evidence collection pursuant to evidence-based research. The Medical Forensic Exam Brochure is available in multiple languages and can be found at <https://illinoisattorneygeneral.gov/Safer-Communities/Responding-to-Sexual-Assault/SANE/>.

Illinois State Police Resources

Checkpoint Evidence Tracking Site* <https://isp.illinois.gov/Forensics/SexualAssaultEvidence>

*includes LEA Quick Reference Guide

Forensic Forms <https://isp.illinois.gov/Forensics/Forms>