
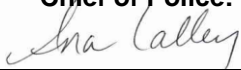
	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 10/08/01	STANDARD OPERATING PROCEDURE	Revised Date: 04/09/25
Chief of Police: 	Victim/Witness Assistance, 55.1	
Cross Reference: SOP 55.2 Sexual Assault and Sexual Abuse Investigations 725 ILCS 120/3 725 ILCS 120/4.5 740 ILCS 45/1 740 ILCS 45/4.2		Policy Sections: 55.1.1 Rights of Victims and Witnesses 55.1.2 Assistance through Phone Contact 55.1.3 Assistance During Preliminary Investigations 55.1.4 Assistance During Follow-Up Investigations 55.1.5 Assistance During Arrest/Post Arrest 55.1.6 Assistance to the Attorney General's Office 55.1.7 Family Member Notifications 55.1.8 Emergency Order of Protection/Karina's Law Appendix A: Statement of Marsy's Rights Appendix B: Victim Services Information Sheet

PURPOSE

The purpose of this policy is to outline the assistance provided to victims/witnesses as defined below.

POLICY STATEMENT

It is the policy of the department to have a designated Social Services Unit which is comprised of professional, licensed social workers who facilitate referral services and when appropriate, provide direct counseling services to victims. The department strives to ensure the victims/witnesses, as defined below, are aware of the services that may be available to them. The department also maintains a relationship with the Cook and Kane County State's Attorney's Office in order to ensure the consistency and appropriateness of victim/witness efforts and to be kept informed of services provided by community partners.

DEFINITIONS

Child: Any person under the age of eighteen (18) years.

Emergency Order of Protection: A court order that protects a petitioner from harm and takes effect as soon as a judge approves the order. Due to the risk of harm, the law does not require the respondent to know about the hearing. The order is effective for 14 to 21 days until the hearing date for a Plenary Order of Protection.

Follow-up Investigation: An extension of the preliminary investigation conducted by responding personnel. The purpose is to gather additional evidence, interview witnesses or suspects, analyze new leads, and conduct further actions in an effort for a final resolve of the case.

Plenary Order of Protection: Issued by a judge after a hearing where the petitioner is required to be present. The respondent is notified of the hearing but may choose not to attend. When granted, the order may be in effect for up to two years.

Preliminary Investigation: Refers to the initial phase of an investigation conducted by personnel after a crime has been reported or is discovered. The purpose of this investigation is to determine whether a crime has occurred, identify potential suspects and/or witnesses, gather basic evidence, and assess the overall circumstances of the incident.

Victim: Per 725 ILCS 120/3, (1) any 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.

Social Services Caseworker: Works under the supervision of the social services supervisor. Provides direct services to crime victims such as trauma informed crisis intervention, case management, advocacy, and ongoing emotional support to the victims of all crimes, with extra attention to crimes that cause a high level of victim trauma.

Social Services Supervisor: Serves as the department's victim/witness' main point of contact and shall be responsible for administering and coordinating the city of Elgin's victim/witness efforts.

Violent Crime: Per 725 ILCS 120/3, (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.

Witness: Per 725 ILCS 120/3, any person who personally observed the commission of a crime and who will testify on behalf of the State of Illinois; or a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

PROCEDURES

55.1.1 RIGHTS OF VICTIMS AND WITNESSES

- A. Victims and witnesses who have contact with the department shall be treated with fairness, compassion, and dignity. Employees shall be familiar with the rights of victims and witnesses as outlined in Illinois Compiled Statutes 725 ILCS Act 120, Rights of Crime Victims and Witnesses Act and 740 ILCS 45/1, The Crime Victim's Compensation Act.
- B. As stated in Section 55.1.3 of this policy, the department provides victims of violent crimes with the Statement of Marcy's Rights, which notifies victims of their rights under the Illinois Constitution and Rights of Crime Victims and Witness Act. The following rights are outlined in the Statement of Marcy's Rights; refer to Appendix A to view the document in its entirety.
 - 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 system.
 - 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.
- C. Employees shall ensure the confidentiality of the records and files of victim/witnesses and their role in case development to the extent possible by law and in accordance with department directives.

55.1.2 ASSISTANCE THROUGH PHONE CONTACT

- A. The department maintains an emergency 911 telephone number and non-emergency number in which victims/witnesses can call to receive assistance. The emergency and non-emergency telephone numbers are publicized. Calls are answered 24 hours per day, seven days per week.
- B. Victims and witnesses may be referred to the department's Social Services Unit. When appropriate, telecommunicators may recommend the below services to the victim/witness:
1. Kane/Cook County State's Attorney Office Victim/Witness Units.
 2. Crisis referral hot lines, including a 24-hour number for counseling and assistance.
 3. Local mental health services.
 4. Illinois Crime Victim's Assistance Line.
- C. Additional protocol pertaining to victims of sexual assault and sexual abuse are listed in Standard Operating Procedure 55.2 Sexual Assault and Sexual Abuse Investigations.

55.1.3 ASSISTANCE DURING PRELIMINARY INVESTIGATION

Police officers shall render the appropriate victim/witness assistance during the preliminary investigation which may include:

- A. The Major Investigations Division supervisor reviewing the police report shall provide notification to the Social Services Unit via email to victimservicesgroup@cityofelgin.org on any case involving:
1. Domestic Violence Incidents.

2. Sexual Assaults.
 3. Death Investigations.
 4. Suicide.
 5. Shootings involving victims or property damage.
 6. Homicides.
- B. Convey information regarding applicable services, counseling, medical attention, compensation of emergency financial assistance, and victim advocacy. This also includes providing for transportation for victims to safe places or medical facilities, when appropriate.
 - C. Provide strategies for when the suspect, suspect's companions or family threatens or otherwise intimidates them. Refer to section 55.1.6 for more information.
 - D. Provide the report number and explain the steps involved in the subsequent processing of the case.
 - E. Provide contact information to report additional information about the case, or to receive information regarding the status of the case.
 - F. Petition for an Emergency Order of Protection, if necessary. [Access the Emergency Order of Protection as approved by the Illinois Supreme Court](#) Refer to Section 55.1.8 for more information on Emergency Orders of Protection.
 - G. Pursuant to 725 ILCS 120/4, within 48 hours of initial contact, the responding police officer shall provide victims of violent crimes with:
 1. The Statement of Marsy's Rights, which shall be dated and signed by the victim acknowledging they have been furnished with a written statement and explanation of the rights of crime victims and compensation. The original shall be attached to the police report.
 2. Victim Services Information Sheet which provides the victim with additional material on available resources and protocol; refer to Appendix B. This is also provided to victims of non-violent crimes within 48 hours of the initial contact.
 - H. Refer to Standard Operating Procedure 55.2 Sexual Assault and Sexual Abuse Investigations for additional assistance and required notifications to the victims of sexual abuse and sexual assault.

55.1.4 ASSISTANCE DURING FOLLOW-UP INVESTIGATIONS

- A. Victim/witness assistance services shall be provided during the follow-up investigation and may include the following services:
 1. In cases where the crime was severe in nature, maintaining contact with the victim/witness to ensure the applicable services are being rendered.
 2. An explanation of the procedures involved in the prosecution of the case, the role of the department and the victim/witness in said prosecution, if not an endangerment to the successful prosecution of the case.
 3. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness, and if necessary and reasonable, provide transportation.
 4. When feasible, promptly returning victim/witness property taken as evidence, except contraband, disputed property, and weapons used in the course of the crime, where permitted by law or rules of evidence.
 5. At the request of the victim, providing 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).

6. Notifying the victim is required when the department re-opens a closed case to resume an investigation, except where the State's Attorney's Office determines that disclosure of such information would unreasonably interfere with the investigation, 725 ILCS 120/4.5(a-5).

55.1.5 ASSISTANCE DURING ARREST/POST ARREST

- A. In cases where the crime was severe in nature or during large scale investigations, the detective or arresting police officer will attempt to notify the victim/witness of the arrest of the offender, charges, custody status and court dates. This information may also be provided by the Social Services Unit when the victim/witness is receiving services from a social worker or anytime a victim/witness makes a request for information.
- B. The notification process may also be completed by other agencies/individuals providing assistance to the victim/witness who are communicating with the department on the case.
- C. Notification is not required on failure to appear warrants.
- D. Any threats to a victim/witness shall be documented and forwarded to an investigations supervisor and the Social Services Unit. Follow-up assistance shall be determined depending on the circumstances and the available resources. Services shall commensurate with the propensity of danger to the victim/witness.
- E. When the victim/witness resides in another jurisdiction, the reviewing supervisor shall ensure the appropriate jurisdiction is made aware of the situation; this communication shall be documented.
- F. The appropriate state's attorney's office shall be advised of the threats received by victims/witnesses. The threats and notification shall be documented and a copy shall be forwarded to the state's attorney's office.

55.1.6 ASSISTANCE TO THE ATTORNEY GENERAL'S OFFICE

- A. Pursuant to the Crime Victims Compensation Act, victims may be eligible for financial assistance for out-of-pocket expenses; this is coordinated by the Attorney General's Office. In making a recommendation for compensation, the Attorney General's Office may request a police report to verify that the requirements of a crime victim's compensation have been met.
- B. Within 15 days of the request from the Attorney General's Office, the department shall provide the full police report and may redact the following items from the report:
 1. Names of confidential sources and informants.
 2. Locations where police officers conduct surveillance.
 3. Information related to national security.
- C. The department and the Attorney General's Office may agree to the redaction of additional items.
- D. If the Attorney General's Office requests additional information, the department shall comply with the request within 15 days.

55.1.7 FAMILY MEMBER NOTIFICATIONS

- A. The department will honor requests to make notifications regarding the death, injury, or serious

illness of a family member. It is preferable that a notification of an injury or serious illness be made by medical authorities who are better equipped to answer medical questions.

- B. The primary police officer is responsible for coordinating the death notification which shall be conducted in person and when possible, by two individuals to preferably include a police chaplain or a person from the Social Services Unit. It is at the primary police officer's discretion to determine which department resources would be most suitable for the circumstances.
- C. The primary police officer shall ensure that a person who can assist the notified party is present or, when possible, immediately available before leaving the notified party.
- D. If the request is made by an outside agency, reasonable attempts to verify the information shall be made prior to any notification.
- E. The release of information shall adhere to all applicable written directives.

55.1.8 EMERGENCY ORDERS OF PROTECTION/KARINA'S LAW

- A. The State of Illinois enacted Karina's law on May 11, 2025, which enables the court system to order the seizure of firearms and parts that could be assembled to make firearms from a respondent during an Emergency Order of Protection. The court's process is explained in [750 ILCS 60/214](#).
- B. As stated in Section 55.1.3 (F), police officers may petition for an emergency order of protection, if necessary and when the court issues the Emergency Order of Protection and remedy 14.5 is selected on the Emergency Order of Protection, the court will prohibit the respondent from possessing firearms and parts that can be used to make a firearm.
- C. When remedy 14.5 is selected on the Emergency Order of Protection, the following occurs:
 - 1. The court will order that any firearms or parts that can be used to make a firearm along with a FOID or CCL be surrendered to law enforcement.
 - 2. If the respondent has the firearm or the parts or their FOID or CCL on their person at the time of service of the Emergency Order of Protection, they shall immediately turn over these items to the agency completing the service. The agency serving the Emergency Order of Protection will be either the Cook or Kane County Sheriff's Office.
 - 3. If the respondent does not have the firearm or parts or their FOID or CCL on their person at the time of service of the Emergency Order of Protection by the Cook or Kane County Sheriff's Office, the respondent shall turn over these items within 24 hours to the department.
 - a. The receiving police officer shall ensure the transaction is documented in a police report and clearly documented on the Firearm Disposition Record. For more information on this process, refer to Standard Operating Procedure 1.6 Firearms Concealed Carry/FOID Revocations.
 - b. Surrendered or seized firearms or firearm parts shall remain secured in the Property Evidence Room until termination of the Order of Protection or upon further order of the court. However, respondents will have the ability to transfer the items at the next court hearing to a 3rd party FOID cardholder that also attends court with the approval of the respective court.
 - 4. The court may issue a search warrant when issuing the Order of Protection if the court finds probable cause that:
 - a. The respondent poses an immediate and presents credible threat to the physical safety of the petitioner protected by the order of protection;

- b. The respondent possesses firearms or firearm parts that could be assembled to make an operable firearm; and
 - c. The firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the Respondent to be searched.
- D. Emergency Orders of Protection may be filed in a civil court or criminal court which are covered below:
 - 1. A criminal Emergency Order of Protection involves a criminal case and is initiated by the state's attorney's office. A search warrant shall be sought by the department at the request of the state's attorney's office and/or the petitioner. The department has up to 96 hours to serve/execute the search warrant and can request an extension of time if needed.
 - 2. A civil Emergency Order of Protection is sought by the victim seeking the court's protection and may not have any law enforcement involvement prior to the court issuing the Emergency Order of Protection. The search warrant may be sought by the petitioner or the department.
 - a. The department has up to 96 hours to serve/execute the search warrant if there was a police report that included information on a credible domestic incident filed within the last 90 days involving the same parties or up to 48 hours to investigate the petitioner's request for a search warrant.
 - b. The department has the ability to report back to the court requesting changes or modifications in either circumstance and can negate the petitioner's request for a search warrant only under the circumstance where there is no credible report of domestic incident in the past 90 days since the parties involved are unknown to the department.
 - c. Afterwards the department has 96 hours to serve the search warrant but can request an extension of time if needed.

APPENDIX A: STATEMENT OF MARSY'S RIGHTS
(Provided to victims of a violent crime)



Lisa Madigan
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

CRIME VICTIM SERVICES DIVISION

STATEMENT OF MARSY'S 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 State's Attorney's Office.

For more information about your rights after criminal charges are filed, call the **Attorney General's Crime Victims Assistance Line** at 1-800-228-3368 (TTY: 1-877-398-1130) or contact your local **State's Attorney's Office**.

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.

Acknowledgment of Rights

Signature: _____ Date: _____

Revised 12/15. Provided by the Office of the Attorney General pursuant to 725 ILCS 170/6(b). This material is available in alternate format upon request.

APPENDIX B: VICTIM SERVICES INFORMATION SHEET (Provided to victims of a violent and non-violent crimes)

Victim Information <i>Complete the boxes below and present this information to the victim.</i>		 ELGIN Police Department	
Officer's Name / Badge Number	Police Report #	Date	Time

Victim Services

All Victim Services at the Elgin Police Department are free and confidential. Victim Services staff are social workers and licensed counselors who are available at the Elgin Police Department to help you assess your needs and to assist you in obtaining court protection orders and victim compensation. They can provide assistance with navigating the criminal justice system and help to ensure your rights as a victim are upheld. They can help you to develop safety plans, and they can provide confidential counseling services to you and your family. In addition, they provide referrals to other resources in the community that can help you to meet your needs. If you have been a victim of a violent or traumatic crime, police officers may request assistance from Victim Services immediately after the incident. Also, Victim Services staff may call and follow up with you soon after the incident to ensure you are getting all the help that you might need. Feel free to call:

- Victim Services: (847) 289-2644 or (847) 289-2977 for help in English.
- Para ayuda en Español (Spanish), se llama (847) 289-2624

Or, visit the Social Services Division website at:
www.cityofelgin.org/socialservices.

Criminal Charges and Bail Bond Provisions

If an arrest has not been made and you wish to seek criminal charges, bring all relevant information, including the police report number and this form, to your local State's Attorney--either Kane County or Cook County, depending on where in Elgin the incident occurred. When a person is charged with a criminal offense, and the victim is a "family or household member", unless otherwise provided by the court, the abuser will be prohibited from contacting or communicating with the victim and from entering at the victim's residence for a minimum of 72 hours.

Victim Compensation

Victims of crime have the right to be compensated for expenses or loss of income incurred by the crime. Obtain and save all receipts for any medical or other expense that you experienced because of this crime. You can apply to be reimbursed for these expenses by filling out the Victim Compensation application available at <http://www.ag.state.il.us/victims/cvc.html>

Victims' Rights and Notification of Court Dates

Illinois has a Victims' Bill of Rights, which the legal system must honor. A full list of your rights is available at http://illinoisattorneygeneral.gov/victims/bill_of_rights_poster.pdf.

Also, see the Marsy's Law, which is provided on the back of this sheet. If an offender has been arrested, you may register online to be notified of court dates and any change in custody status at www.vinelink.com.

Victims of Domestic Violence

For victims of Domestic Violence, Law Enforcement officers are to use all reasonable means to prevent further victimization including:

- ◊ arranging for or transporting the victims to a medical facility or shelter or place of safety and/or accompanying the victim back to the residence to get belongings,
- ◊ arresting the offender where appropriate and completing a police report on all incidents that have a probable cause for arrest. ("Probable cause" means police officers must have some evidence that a crime was in fact committed before they can arrest someone.),
- ◊ advising the victim of his or her right to an order of protection or restraining order and the importance of preserving evidence such as damaged clothing and property and photographs of injuries or damage,
- ◊ requesting assistance from Victim Services as needed at the Elgin Police Department, and
- ◊ making appropriate referrals to additional local programs:
 - ◊ Community Crisis Center, 24/7 Phone Help Line, (847) 697-2380
 - ◊ Illinois Domestic Violence 24/7 Phone Help Line, (877) 863-6338

Protection Orders

If you are a victim of someone you know, you can request a court order for your protection from the offender. Protection orders are granted by a judge. When a judge grants a protection order, the offender is required to have no contact with you for a specific period of time, which can be weeks or up to two years. To obtain a protection order, you will need to fill out a petition and attend court of the county (Kane or Cook) where the incident occurred.

Elgin Police Department | Social Services Unit | 151 Douglas Ave. | Elgin IL 60120 | 847-289-2700 (non-emergency)