



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

## **Comprehensive Guidelines**

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

**July 2017**

*Developed by the Office of the Illinois Attorney General in consultation with the Illinois Law Enforcement Training and Standards Board and the Illinois State Police pursuant to Section 15 of the Sexual Assault Incident Procedures Act, 725 ILCS 203/15. Please email [joleary@atg.state.il.us](mailto:joleary@atg.state.il.us) to request a Microsoft Word version of this document.*





**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

July 1, 2017

Dear Law Enforcement Official:

In 2015, my office, along with the Cook County State's Attorney's Office, the St. Clair County State's Attorney's Office, and the Illinois Coalition Against Sexual Assault, created the Joint Sexual Assault Working Group to address troubling statistics that showed only a fraction of sexual assault victims report their assaults to law enforcement authorities. The Working Group, comprised of stakeholders from the criminal justice, victim advocacy, and medical communities as well as state agencies, drafted the Sexual Assault Incident Procedure Act, P.A. 99-801, seeking to improve the response of the criminal justice system to victims of sexual assault and sexual abuse.

The trauma of sexual assault and sexual abuse often leads to severe mental, physical, and economic consequences for the victim. A victim's ability to recover from this trauma has been directly linked to the response of others, particularly the response of law enforcement authorities to a victim who comes forward to report the crime. The response of law enforcement can directly impact a victim's ability to heal as well as her or his willingness to actively participate in a law enforcement investigation.

Improving the response of the criminal justice system to victims of sexual assault and sexual abuse is also critical to the effort to identify and prosecute sexual predators and to prevent offenders from staying in our communities to commit new crimes.

Sexual Assault and Sexual Abuse Response Policy

The Sexual Assault Incident Procedure Act, 725 ILCS 203/15(a), requires that 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 that are consistent with comprehensive guidelines ("Comprehensive Guidelines") developed and made available by the Office of the Illinois Attorney General in consultation with the Illinois Law Enforcement Training and Standards Board and the Illinois State Police.

The Comprehensive Guidelines developed pursuant to Section 15(a) reflect an evidence-based, trauma-informed, victim-centered approach to responding to sexual assault and sexual abuse. To assist law enforcement agencies with the development of a sexual assault and sexual abuse response policy, we have drafted sample policy language consistent with the Comprehensive Guidelines. Law enforcement agencies are not required to adopt language identical to the sample but may use or modify the language to meet the needs of their officers. The Comprehensive Guidelines and sample language are also available at [http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa\\_il.html](http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html).

## Required Protocols

The Sexual Assault Incident Procedure Act also requires agencies to develop protocols to implement certain provisions of the Act. The Act specifically requires:

1. A protocol for providing information to a victim on the storage of sexual assault evidence collected at a hospital and how the victim can consent to the testing of the evidence once she or he has left the hospital. 725 ILCS 203/30(e)
2. A protocol for responding to victims who want to sign a written consent to have sexual assault evidence, currently being stored by the agency, tested. 725 ILCS 203/30(f)
3. A protocol to ensure that victims who requested to be notified prior to the end of the period for storing sexual assault evidence are provided with notice prior to the disposal of the evidence. 725 ILCS 203/30(f)

Thank you for your dedication to the victims of sexual assault and sexual abuse and your partnership in implementing the requirements of the Sexual Assault Incident Procedure Act.

Please contact Jessica O'Leary, Assistant Attorney General, with any questions regarding the Act or to request a Microsoft Word version of these documents at 312-814-1003 or [joleary@atg.state.il.us](mailto:joleary@atg.state.il.us).

Very truly yours,

A handwritten signature in black ink that reads "Lisa Madigan". The signature is written in a cursive, flowing style.

Lisa Madigan  
Attorney General

## Acknowledgements

We gratefully acknowledge the members of the Joint Sexual Assault Working Group – Investigations Subgroup Policy Silo for their expertise and dedication, which made the creation of the Comprehensive Guidelines and sample language possible.

Additionally, we are thankful for the expertise of **Sergeant Joanne Archambault**, Chief Executive Officer of End Violence Against Women International, and **Dr. Kimberly A. Lonsway**, Research Director of End Violence Against Women International, who generously took time to review and provide feedback on the documents throughout the development process.

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*The following Comprehensive Guidelines reflect an evidence-based, trauma-informed, victim-centered approach to responding to and investigating sexual assault and sexual abuse. 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 Comprehensive Guidelines by January 1, 2018.*

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 PURSUANT TO 725 ILCS 203/15(B) (“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, 2018.

## 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 critical 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 retraumatization of sexual assault victims and to ensure referrals for follow-up services are provided to victims and witnesses.

## II. 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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**III. DEFINITIONS**

1. “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]
2. "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]
3. “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]
4. "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]
5. "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 hospital emergency and 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)] Medical forensic evidence collection must be offered by the hospital to the victim up to 7 days after the assault. [77 Ill. Adm. Code 545.60(e)(1)]



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- c. 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” P.A. 99-0801 – Form A. See Appendix. [725 ILCS 203/25(a)(1)]
  - 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.
- 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. 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)]
  - vii. 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

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Having Jurisdiction Form” P.A. 99-0801 – 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. P.A. 99-0801 – Form D may be used. If confirmation is not received, follow up with the law enforcement agency having jurisdiction. [725 ILCS 203/20(d)]

**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.

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

By 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. Provide guidance regarding drug- or alcohol-facilitated sexual assault considerations. See Section 6.
- b. Identify and interview individuals with information relevant to the sexual assault or sexual abuse. [725 ILCS 203/15(b)(12)]
- c. 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)]

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- d. 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)]

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

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.

**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. If a victim declines to consent to testing the evidence, the evidence will be stored for a minimum of 5 years from completion of the medical forensic exam or 5 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” P.A. 99-0801 – 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 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.
    - (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)]
- c. 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” P.A. 99-0801 – Form B may be used. [725 ILCS 203/35] See Appendix.
- d. 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

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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 five 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.
- vi. Notify a victim that once a written consent form for analysis is signed, he or she has 48 hours to revoke consent. [ISP 6-386 (4/16)]

**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. Law enforcement agencies must provide the Statement of Crime Victims’ Rights to victims within 48 hours of initial contact. See Appendix A. [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.

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- 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” P.A. 99-0801 – Form B may be used. [725 ILCS 203/35] See Appendix.

**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 [http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa\\_il.html](http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html).

**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 10.19 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.**



# OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

CRIME VICTIM SERVICES DIVISION

Lisa Madigan  
ATTORNEY GENERAL

## STATEMENT OF CRIME VICTIMS' 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:*

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The right to timely notification of all court proceedings.</li> <li>4. The right to communicate with the prosecution.</li> <li>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.</li> <li>6. The right to be notified of information about the conviction, sentence, imprisonment, and release of the accused.</li> </ol> | <ol style="list-style-type: none"> <li>7. The right to timely disposition of the case following the arrest of the accused.</li> <li>8. The right to be reasonably protected from the accused throughout the criminal justice process.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>12. The right to restitution.</li> </ol> |
|--|---|

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

### Acknowledgment of Rights

Signature: \_\_\_\_\_ Date: \_\_\_\_\_