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OFFICE OF THE
ILLINOIS ATTORNEY GENERAL
NEIL F. HARTIGAN

CRIME VICTIMS DIVISION

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PERSPECTIVE OF THE CRIME VICTIMS DIVISION

CRIME VICTIMS DIVISION

The function of the Crime Victims Division is to administer the Illinois Crime Victims Compensation Act, the Illinois Violent Crime Victims Assistance Act, the Illinois Attorney General's Advisory Council on Crime Victims and the Violent Crimes Advisory Commission pursuant to the Violent Crime Victims Assistance Act.

The Crime Victims Compensation Act provides relief for innocent victims of criminal acts, and for dependents of those victims.

Under the administration of Attorney General Neil F. Hartigan, a careful review of claims processing methods and internal procedures was undertaken in early 1983. The study documented that the average length of time to process a crime victim's claim was 19 months. By the end of 1983, the processing time was reduced by four months. Continuing efforts toward greater efficiency in the processing of claims has reduced the time for 1987 and 1988 to 10.9 months and 10.6 months, respectively.

Hartigan has initiated major legislative amendments to the Compensation Act.

1. The previously imposed \$200 minimal loss requirement was removed for all victims of crime.
2. The maximum amount of compensation was increased from \$15,000 to \$25,000.
3. Loss of earnings and loss of support increased from \$750 to \$1,000 per month.
4. Funeral and burial benefits increased from \$2,000 to \$3,000.
5. Counseling services for victims of violent crime were expanded. Certified social workers, clinical psychologists and psychiatrists are now provided under the Act.
6. Replacement services for permanently injured person which would include the services of a person to cook, clean and provide child care for the victim or victim's family as well as other necessary services are compensable under the Act.
7. Tuition reimbursement is available when the crime victim is unable to continue attendance at his/her particular institution of learning as a result of his/her victimization.

From 1983 to 1988 inclusive, more than 7,800 claims were filed for compensation with more than 4,700 recommended for awards of compensation totaling in excess of \$15 million.

To help create a true victims justice system, Hartigan expanded this Division and initiated Illinois' first Advisory Council on Crime Victims. This Advisory Council was created in June 1983 for the purpose of providing services for crime victims and to provide a victims' lobby group in Illinois. The bipartisan membership includes victim experts from law enforcement, legal, medical, social service and victim/witness communities throughout the State.

This Advisory Council drafted and co-sponsored a Bill which created the Illinois Crime Victims and Witnesses Bill of Rights. Among the victims rights established by this law, is the right to have the details of any plea or verdict explained in non-technical language, the right to be informed of the prisoner's impending release on bond or parole, and the right for the victim or family member to present a victim impact statement at the time of sentencing.

For the first time in Illinois, victims and their families can express to the court how the violence has affected their lives; emotionally, physically and financially.

In 1984, Hartigan, with the support of the Advisory council, was instrumental in obtaining passage of the Illinois Violent Crime Victims Assistance Act, presently administered by the Crime Victims Division. The Act provides funding for agencies serving victims of violent crime.

In fiscal year 1985, the first funding cycle of the Assistance act provided funds for 75 programs with a total funding of \$591,170. These agencies which provide services such as counseling for sexual assault victims, domestic violence shelters and State's Attorney or law enforcement based victim/witness assistance programs have grown in Illinois. In fiscal year 1989, approximately 130 programs received funding in excess of \$2 million. Over \$7 million was granted to programs providing direct service to victims since the passage of the Violent Crime Victims Assistance Act.

In June 1985, Hartigan established a Violent Crime Victims Clearinghouse within the Division. The Clearinghouse serves as a communication link among the state's community based crime victims programs. It has a toll-free number which organizations can call: 1-800/228-3368. If a victim lives in one county but the crime has occurred in another, it is necessary to have cooperation among agencies so that the victim is not lost. Through the Clearinghouse, an agency in one county can find out who to contact in another county and what programs are available to assist the victim.

The Clearinghouse can also assist organizations in developing new programs or expanding existing programs. It can put organizations in contact with each other for the exchange of information.

In 1986, an amendment to the Violent Crime Assistance Act was enacted through lobbying efforts by Hartigan. This amendment provides for a monetary penalty that is assessed on those convicted of certain violent crimes. These funds are then deposited in a special ~~Violent~~ Crime Victims Assistance Fund. This mechanism provides a source of funding for public and private not-for-profit agencies statewide that assist victims and witnesses of violent crimes and their families.

Criminals, not taxpayers, are paying the bill for services to crime victims. Those who do the harm are paying for the rehabilitation.

ILLINOIS CRIME VICTIMS COMPENSATION PROGRAM



NEIL F. HARTIGAN

ATTORNEY GENERAL

STATE OF ILLINOIS

CHICAGO

60601



ILLINOIS CRIME VICTIMS COMPENSATION PROGRAM

The Crime Victim's Compensation Act was passed in 1973 and provides financial compensation to innocent victims of violent crimes and their families. Eligible victims or family members receive reimbursement for out-of-pocket expenses such as medical/hospital bills, loss of earnings, loss of support, counseling expenses and burial/funeral bills.

The Illinois Crime Victims Compensation program does not compensate for pain and suffering or damage or loss of property resulting from a violent crime.

To file a claim, a victim must obtain a Notice of Intent to File a Claim and return it to the Attorney General's Office within six months of the date of injury. Upon receipt of the Notice, the Attorney General's Office will send the applicant an application

for compensation. The application must be returned to the office within one year of the date of injury.

The claim is investigated by the Attorney General's Office and a recommendation to award or deny the claim will be made to the Court of Claims.

If a crime occurred over the one-year deadline, a claimant may file a petition for an extension of time. The Court of Claims may grant an extension, with good cause, for one additional year. The Attorney General's Office has no control over whether or not an extension is granted.

To further assist victims in filing for compensation, the Attorney General has 19 regional offices statewide with staff available to assist victims and/or answer questions relative to the program. Phone numbers and locations of these offices can be found in the white pages under State of Illinois, Attorney General's Office.

Since assuming office in 1983, Attorney General Hartigan has awarded over eleven million dollars to victims of violent crime and/or their dependents.

In 1986, Attorney General Hartigan introduced amendments to the Compensation Act which increased funeral benefits from \$2,000 to \$3,000 and increased the loss of earnings from \$750 to \$1,000 per month.

1. WHO CAN FILE A CLAIM?

- a. Any person who is physically injured as a result of one of the crimes listed in No. 5.
- b. A relative of a deceased victim who pays for reasonable medical and funeral expenses.
- c. A relative who is a dependent of a deceased victim.

2. IS THERE A RESIDENCY REQUIREMENT?

No, a person does not have to be a resident of Illinois.
The crime must have occurred in Illinois.

3. IS THERE A RESTRICTION ON WHAT RELATIVES MAY FILE FOR COMPENSATION?

Yes, only the following relatives specifically listed may file a claim: spouse, mother, father, stepmother, stepfather, son, daughter, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, spouse's parents, nephew, niece, uncle, aunt, half brother or half sister.

4. WOULD A COUSIN OR LIVE-IN BOYFRIEND/GIRLFRIEND BE ELIGIBLE?

Cousins, friends or fiances would not be eligible for compensation.

5. WHAT CRIMES ARE COMPENSABLE?

First Degree Murder

Second Degree Murder

Kidnaping

Aggravated Kidnaping

Assault

Aggravated Assault

Battery

Aggravated Battery

Heinous Battery

Reckless Conduct

Criminal Sexual Assault

Aggravated Criminal Sexual
Assault

Criminal Sexual Abuse

Aggravated Criminal Sexual
Abuse

Sexual Relations within
a Family

Reckless Homicide

Driving Under the Influence -
where the offender has been
convicted of this offense

6. WHAT IS THE MAXIMUM COMPENSATION THAT CAN BE PAID?

The maximum compensation that may be awarded per incident is \$25,000.

7. WHAT TYPES OF COMPENSATION MAY BE PAID?

Compensation can be paid for medical and hospital expenses; paid funeral and burial expenses (maximum \$3,000); loss of earnings and loss of support (up to \$1,000 per month); psychological counseling; replacement services, and tuition reimbursement for full-time students.

8. ARE THERE ANY DEDUCTIBLES?

- a. Claimants are only paid for their unreimbursed medical and hospital expenses. This means that they can only be compensated for portions of their bills not covered by insurance or public aid.
- b. In the case of a claim for funeral and burial expenses or loss of support, the first \$25,000 in life insurance does not count as a deduction. Anything exceeding \$25,000 in life insurance is considered a deduction.
- c. Other deductions include all other insurance benefits besides 9b; Veterans Administration Death Benefit; Social Security Death Benefit; Workers Compensation Act; Dram Shop Act; Federal Medicare Program; State Public Aid Program; any settlement from a civil action; or from any other source not specifically excluded under the Act.

9. ARE MONTHLY SOCIAL SECURITY BENEFITS USED AS A DEDUCTION?

In cases of loss of support, monthly Social Security payments to dependents are not deductible.

10. ARE PENSIONS AND ANNUITIES USED AS DEDUCTIONS?

No.

11. CAN COMPENSATION BE PAID FOR LOSS OR DAMAGE TO PERSONAL PROPERTY?

No.

12. HOW IS PAIN AND SUFFERING COMPENSATED?

No compensation can be paid for pain and suffering.

13. WHAT ARE THE GUIDELINES TO QUALIFY FOR COMPENSATION?

- a. The crime must have been reported to law enforcement authorities within 72 hours.
- b. There must be full cooperation with law enforcement officials in the apprehension and prosecution of the assailant. However, the assailant does not have to be apprehended for the claimant to receive compensation.
- c. The injury to or death of the victim cannot have been attributable to wrongful conduct or provocation by the victim.

d. Living together:

1. Deceased Victim: The victim and assailant cannot be sharing the same household at the time of the crime.
2. Living Victim: The victim and assailant cannot be living together between the time the claim is filed and the time of the final decision.

14. WHAT TYPE OF CONDUCT IS WRONGFUL?

Any activity in which the victim is involved that is illegal. For example, selling drugs, gambling, prostitution, or injury during the commission of a crime (such as armed robbery). Also, if the victim is involved in a mutual fight, he/she may be denied compensation, if he/she provoked the fight.

15. IS THERE A TIME LIMIT TO FILE A CLAIM?

Yes, a Notice of Intent should be filed within six months from the date of the incident. An Application MUST be filed within one year from the date of the crime.

16. WHAT HAPPENS IF THE CRIME OCCURRED OVER ONE YEAR AGO?

A claimant may file a petition for extension of time. With good cause, the court of Claims MAY grant an extension of up to one additional year. The Illinois Attorney General's

Office has no control over whether or not a late filing petitioner is granted permission to file a claim.

17. HOW IS A CLAIM DECIDED?

The Attorney General's Office investigates each claim and submits a report to the Court of Claims detailing the merits of the claim. The Court of Claims renders the final decision based upon the Application and investigatory report.

18. HOW IS THE CLAIMANT NOTIFIED OF THE COURT'S DECISION?

A copy of the Court's opinion will be mailed to the claimant approximately one month after the Attorney General's Office submits its report to the Court.

19. DOES THE CLAIMANT RECEIVE THE AWARD WITH THE DECISION?

No, if an award is made, the Court of Claims will send out the claimant's check approximately 45 days after a decision has been made.

20. WHAT CAN A CLAIMANT DO IF HE/SHE DISAGREES WITH THE COURT'S DECISION?

Each claimant has the right to appeal the Court's decision. The claimant must send a written request for a hearing to

the Court of Claims, 630 South College, Springfield, Illinois 62756, within 30 days of the receipt of the Court's decision.

21. DOES A CLAIMANT NEED AN ATTORNEY TO HANDLE A CRIME VICTIMS CLAIM?

No, it is not necessary for a claimant to have an attorney's assistance. The law clearly states that no fee may be charged by an attorney.

22. DOES THE CRIME VICTIMS PROGRAM ALLOW FOR PSYCHOLOGICAL COUNSELING?

Yes, as of September 23, 1983, the legislation was expanded to cover counseling by a clinical psychologist or a certified social worker. Prior to this date, counseling was covered only if administered by a psychiatrist.

23. HOW ARE LOSS OF EARNINGS AND LOSS OF SUPPORT CONSIDERED?

A victim must have been gainfully employed at any time during the six months prior to the incident. Unemployment compensation, pension benefits, Social Security benefits, and public aid benefits do not constitute earnings.

24. WHAT IS THE MAXIMUM THAT A VICTIM CAN RECEIVE FOR LOSS OF EARNINGS?

Loss of earnings is based on the average net monthly earnings for the six months prior to the crime, or on \$1,000 per month, whichever is less. Benefits are then paid for the duration of the victim's disability period, as specified by a medical doctor, or until the maximum award of \$25,000 is exhausted.

25. WHAT IF THE VICTIM IS SELF-EMPLOYED? CAN HE/SHE FILE FOR LOSS OF EARNINGS OR CAN HIS/HER DEPENDENTS FILE FOR LOSS OF SUPPORT?

Yes, a self-employed individual can substantiate their wages by providing a tax return for the last completed year prior to the incident.

26. DOES SICK PAY OR DISABILITY BENEFITS JEOPARDIZE A CLAIM FOR LOSS OF EARNINGS?

No, but they are considered deductions against a victim's compensable loss of earnings.

27. CAN AN EX-SPOUSE RECEIVE LOSS OF SUPPORT IF SHE WAS RECEIVING ALIMONY FROM THE DECEASED VICTIM?

No, ex-spouses are not related to the victim and, therefore, are not eligible for compensation.

28. CAN EX-SPOUSES OR COMMON-LAW SPOUSES RECEIVE SUPPORT FOR THE VICTIM'S MINOR CHILDREN?

Yes, if the victim was actually supporting the children. Support is not paid based on an assumption of responsibility. The burden of substantiating that the deceased victim was actually supporting his minor children lies with the applicant. (Common-law spouses are not, themselves, eligible for loss of support.)

29. WHAT IS THE BEST WAY TO PROVE LOSS OF SUPPORT?

The last tax return filed by the victim prior to his death is a good way to show loss of support. Also, copies of canceled checks, money orders, or cashiers' checks are helpful.

30. ARE LOSS OF SUPPORT CLAIMS PAID IN A LUMP SUM?

No, monthly awards up to \$1,000 per month or the actual support received, whichever is less, are made until the maximum award of \$25,000 is exhausted.

31. WHAT HAPPENS IF A SPOUSE REMARRIES?

Loss of support is paid until a spouse remarries or until the maximum award of \$25,000 is exhausted, whichever comes first.

32. WHAT IF SOMEONE APPLIES FOR FUNERAL EXPENSES AND THE BILL IS UNPAID? CAN COMPENSATION BE PAID?

No, expenses that are incurred as a result of a victim's death must be paid prior to compensation being made.

33. IN THE CASE OF A LIVING VICTIM, DO THE MEDICAL EXPENSES HAVE TO BE PAID BEFORE COMPENSATION CAN BE MADE?

No, the Court of Claims may order that all or a portion of an award be paid jointly to the applicant and provider of services. This means that the checks are issued in both the claimant's name and the medical vendor's name.

34. CAN HOMEMAKERS RECEIVE COMPENSATION?

Yes, in the case of death or a permanently injured victim, for the spouse or other dependent family members, to hire someone to perform such services as cooking, cleaning, or taking care of the children.

35. CAN COMPENSATION BE MADE FOR AUTOMOBILE ACCIDENTS?

No, accidents are not covered. Two crimes involving motor vehicles which are covered are reckless homicide and driving under the influence, only where the offender has been convicted of this offense.

36. DOES A CLAIMANT HAVE TO APPLY TO OTHER AVAILABLE EXISTING PROGRAMS FOR ASSISTANCE?

Yes, the Crime Victims program is a secondary source of recovery and a claimant must reasonably exhaust all other remedies of recovery. A claim can be denied for failure to exhaust.

37. CAN A MINOR VICTIM APPLY FOR CRIME VICTIMS COMPENSATION?

If the victim is under 18 years of age, the victim's parent(s) or legal guardian must apply for compensation on behalf of the minor victim.

38. CAN A HUSBAND/WIFE FILE FOR COMPENSATION ON BEHALF OF THEIR INJURED (NOT DECEASED) SPOUSE?

No, in the case of an injured victim, that victim must file for compensation on his/her own behalf, unless he/she is a minor as stated above, or is physically incapable of applying himself/herself.

VIOLENT CRIME VICTIMS ASSISTANCE PROGRAM



NEIL F. HARTIGAN

ATTORNEY GENERAL
STATE OF ILLINOIS
CHICAGO
60601



VIOLENT CRIME VICTIMS ASSISTANCE PROGRAM

The Act was drafted and co-sponsored by Illinois Attorney General Neil F. Hartigan's Crime Victims Advisory Council. The Governor vetoed the Bill and a successful veto override was conducted by the Attorney General on November 2, 1983, after which the Bill became law, effective January 1, 1984.

The Illinois General Assembly agreed with the findings of the Attorney General's Advisory Council that when crime strikes, the chief concern of criminal justice agencies has been focused on apprehending and dealing with the criminal, and that the victim or witness is frequently forgotten or further victimized by the criminal justice system. Nevertheless, the single most important determinant of whether a case is resolved is the information and assistance provided by the victim or witness.

It was, therefore, the intent of the General Assembly to provide ways of improving the rapport of victims and witnesses with the

criminal justice system and to provide for faster and more complete victim recovery from the effects of crime through the establishment of victim and witness assistance centers.

Effective January 1, 1984, the Violent Crime Victims Assistance Act was enacted to help create and fund the victim and witness assistance concept. The "Violent Crime ~~V~~ictims Assistance Fund" was designated as a special fund in the state treasury to provide monies for grants to be awarded from fines collected after January 1, 1984, when any person is convicted in Illinois of a crime of violence, felony or misdemeanor, and for certain offenses listed in the Illinois Vehicle Code.

The Illinois Attorney General was charged with the responsibility of administering the program, including the responsibility of selecting applicants who are deemed qualified under this Act for designation to receive funding for the establishment and operation of centers.

The Act also provides for the creation of a fourteen-member Advisory Commission, to be chaired by the Attorney General, for the purpose of acting as a clearinghouse for victims assistance information, conducting outreach efforts and providing the monitoring and evaluation of programs funded by the Act.

Advisory Commission membership is composed of two members of the Senate, two members of the House of Representatives, one police

officer, one State's attorney, one health care service professional, the Director of the Illinois Department of Children and Family Services and five members of the public, one of whom shall be a senior citizen, 60 years old or older; possessing experience and expertise in dealing with victims of violent crime including experience with victims of domestic and sexual violence.

Grants shall be made on a semi-annual basis. The total of grants made and the Attorney General's expenses for any half-year shall not exceed the total amount of funds collected or received in the previous half-year period. The Attorney General may impose matching fund requirements on grant recipients.

To date, over five hundred agencies statewide have received over seven million dollars to provide services to victims and witnesses.

ELIGIBILITY CRITERIA

Any public or private not-for-profit agency may apply to the Attorney General for selection and funding as a victim and witness assistance center under the Act. "Agency" or "agencies" means any federal, state, local or private entity which provides, operates or coordinates victim and witness assistance programs. Each center shall provide one or more of the following services:

1. Coordinate volunteers to work with criminal justice agencies to provide direct victim services or to establish community support;
2. Provide assistance to victims of violent crimes and their families in obtaining assistance through other official or community resources;
3. Provide elderly victims of crime with services appropriate to their special needs;
4. Provide transportation and/or household assistance to those victims participating in the criminal justice process;
5. Provide victims of domestic and sexual violence with services appropriate to their special needs;
6. Provide courthouse reception and guidance, including explanation of unfamiliar procedures and bilingual information;
7. Provide in-person or telephone hot-line assistance to victims;
8. Provide special counseling facilities and rehabilitation services to victims;
9. Provide other services as the Commission shall deem appropriate to further the purposes of this Act;

10. Provide public education on crime and crime victims;
11. Provide training and sensitization for persons who work with victims of crime.

GOALS OF CENTERS/SERVICES PROVIDED

All services and practices of each center shall further or complement the following goals:

1. Assist the criminal justice agencies in giving more consideration and personal attention to victims and witnesses of violent crime;
2. Sensitize law enforcement officials and others who come into contact with crime victims and witnesses;
3. Attempt to decrease the incidence of unreported crimes;
4. Assure that victims and witnesses are informed of the progress of the cases in which they are involved;
5. Encourage public use of the services made available under this Act.

ATTORNEY GENERAL'S GUIDELINES

The Attorney General shall consider the following mandated factors and other factors deemed appropriate in selecting applicants

to receive funds and to be designated as victim and witness assistance centers:

1. Stated goals of applicants;
2. Commitment and ability to provide services described in the eligibility requirements;
3. Number of people to be served and needs of the community;
4. Evidence of community support;
5. Organizational structure of the agency;
6. Maximization of volunteers;
7. Geographic distribution;
8. Population size;
9. Crime rates;
10. Service to minority victims;
11. New versus existing programs;

Each center shall provide the Attorney General with periodic reports on the activities of the center. Submission of any such reports as the Attorney General shall require is a prerequisite to renewal of any grant awarded under this Act.

RESTRICTIONS

No applications will be considered for funding for any of the following purposes:

1. Debt retirement;
2. Capital/building campaigns;
3. Scholarships;
4. Individual service providers;
5. Non-Illinois-based agencies;

APPLICATION PROCESS

Application forms must be completed in their entirety. Substitute forms or forms which do not contain the requested information will not be accepted.

NOTIFICATION PROCESS

An agency which has been designated to receive funding will be notified of the award by letter within ten (10) business days following the decision. Grant payment schedules and conditions will be forwarded to the recipient within thirty (30) days following the award decision.

Agencies will also be notified by letter of the decision to decline to make an award. If there has been substantial change which would affect the evaluation and the decision to decline to make a grant, such changes should be brought to the attention of the Attorney General and the Advisory Commission, in writing, within ten (10) business days after notification of decline.

VIOLENT CRIME VICTIMS CLEARINGHOUSE

In June of 1985, the Attorney General established within the office, a Violent Crime Victims Clearinghouse. The Clearinghouse serves as a communications link between the state's community-based crime victims programs. It has a toll-free number which organizations can call --- 1-800-228-3368.

If a victim lives in one county but the crime has occurred in another county, it is necessary to have cooperation between agencies so that the victim is not lost in a shuffle. Through the Clearinghouse, an agency in one county can find out who to contact in another county and what programs are available to help the victim.

The Clearinghouse can also assist organizations in developing new programs or expanding existing programs, and it can put organizations in touch with each other for exchanging information and other purposes.

CRIME VICTIMS ADVISORY COUNCIL



NEIL F. HARTIGAN

ATTORNEY GENERAL
STATE OF ILLINOIS
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CRIME VICTIMS ADVISORY COUNCIL

In an effort to provide the highest quality of legal and advocacy services to the people of Illinois, as well as to provide assistance to victims of crime, Attorney General Hartigan established a Crime Victim Advisory Council.

Presently, the Advisory Council consists of seventy members representing the various professions which provide victim services, and victims or witnesses from the general public.

The purpose of the Council is to improve and enhance services for crime victims and their families, and to provide them with a state-wide lobby through which they can effect the development of programs and legislation designed for their benefit.

It was this Council that drafted and co-sponsored a Bill which created the Illinois Crime Victims and Witnesses Bill of Rights, which is outlined in the next section of this document.

BILL OF RIGHTS FOR VICTIMS AND WITNESSES OF VIOLENT CRIME



NEIL F. HARTIGAN

ATTORNEY GENERAL
STATE OF ILLINOIS
CHICAGO
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BILL OF RIGHTS FOR VICTIMS AND WITNESSES OF VIOLENT CRIME ACT

PURPOSE

The purpose of this Act is to ensure the fair and compassionate treatment of victims and witnesses of violent crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses of violent crime who are essential to prosecution.

RIGHTS OF VICTIMS

Victims shall have the following rights:

- (1) upon specific request by the victim, to be informed by law enforcement authorities investigating the case 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;

- (2) To be notified by the Office of the State's Attorney of the filing of an information, the return of an indictment by which a prosecution for any violent crime is commenced, or the filing of a petition to adjudicate a minor as a delinquent for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961;
- (3) Upon specific request by the victim, to be informed by the Office of the State's Attorney within a reasonable time, of the release from detention of a minor who has been detained for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961;
- (4) Upon specific request by the victim to have the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961 explained by the Office of the State's Attorney in nontechnical language;
- (5) To be notified by the Office of the State's Attorney, of the date, time, and place of any hearing in the case. Notice shall be given a reasonable amount of time in advance when the victim's presence is required at the hearing. Whenever

possible, notice shall also be given in advance when the victim's presence is not required, and the victim shall be notified of the cancellation of any scheduled hearing in sufficient time to prevent an unnecessary appearance in court. Notice of any sentencing hearing shall include notice of the right to make a victim impact statement as provided by law;

- (6) Upon specific request by the victim, to be notified by the Office of the State's Attorney before the Office of the State's Attorney makes any offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea bargain;
- (7) Upon specific request by the victim, to be notified by the Office of the State's Attorney of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for any offenses defined in Sections 12-13 through 12-16 of the Criminal Code of 1961;
- (8) Upon specific request by the victim, to be notified by the Office of the State's Attorney of any appeal taken by the defendant or the State and of the date, time and place of any hearing concerning the appeal. Whenever possible, notice of the hearing shall be given in advance;

- (9) Upon specific request by the victim to be notified by the Office of the State's Attorney of any petition for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given in advance;
- (10) Upon specific request by the victim, to be informed by the Prisoner Review Board of the prisoner's final discharge, or by the custodian of the discharge of an individual who was adjudicated a delinquent for any offense defined in Sections 13-13 through 12-16 of the Criminal Code of 1961, from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. Upon specific request by the victim, to be informed by the Prisoner Review Board of the prisoners's release on furlough; and where feasible, to be informed at least 7 days prior to a prisoner's furlough of the times and dates of such furlough. Upon specific request by the victim, the State's Attorney shall notify the victim once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Such request shall include the mailing address and telephone number of the victim making the request;

- (11) Upon specific request, where the defendant has been committed to the Department of Mental Health and Developmental Disabilities pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, to be notified by the releasing authority of the defendant's discharge from State custody;
- (12) To be informed by the Office of the State's Attorney or victim advocate personnel of social services and financial assistance available for victims of violent crime, including information on how to apply for these services and assistance;
- (13) To have any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;
- (14) To be provided with appropriate employer intercession services by the State's Attorney or victim advocate personnel to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

- (15) To be provided, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of an offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, and their families and friends;
- (16) To be provided, where necessary, with the services of a translator;
- (17) In the event of an escape from State custody, the Department of Corrections immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. Such notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. Where no such information is available, the Board shall make all reasonable efforts to obtain such information and make such notification. When the escapee is apprehended, the Department of Corrections immediately shall notify the Prisoner Review Board and the Board shall notify the victim;
- (18) The victim of the violent crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit, in writing or in person at the parole hearing, information for consideration by the Prisoner Review Board. The victim shall be notified immediately after the prisoner has

been granted parole and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections;

- (19) In the case of the death of a person, which death occurred in the same transaction or occurrence in which acts occurred for which a defendant is charged with an offense, the spouse, parent, child or sibling of the decedent shall be notified by the Office of the State's Attorney of the date of the trial of the person or persons allegedly responsible for the death;
- (20) To be provided by the Office of the State's Attorney with a written explanation, in nontechnical language, of the victim's rights under this Act;
- (21) To retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case; and
- (22) To be informed at the sentencing hearing of the minimum amount of time during which the defendant may actually be physically imprisoned. The minimum actual imprisonment of a

defendant shall be computed by subtracting any good conduct credit and good conduct credit for meritorious service for which the defendant may be eligible from the sentence set in accordance with Sections 5-8-1, 5-8-2, and 5-8-3 of the Unified Code of Corrections.

RIGHTS OF WITNESSES

Witnesses as defined in this Act shall have the following rights:

- (1) To be notified by the Office of the State's Attorney of all court proceedings at which the witness' presence is required in a reasonable amount of time prior to the proceeding, and to be notified of the cancellation of any scheduled court proceeding in sufficient time to prevent an unnecessary appearance in court, where possible;
- (2) To provide with appropriate employer intercession services by the Office of State's Attorney or the victim advocate personnel to ensure that employers of witnesses will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;
- (3) To be provided, whenever possible, a secure waiting area during court proceedings that does not require witnesses to be in close proximity to defendants and their families and friends;

(4) To be provided, where necessary, with the services of a translator.

VICTIM IMPACT STATEMENT



NEIL F. HARTIGAN

ATTORNEY GENERAL
STATE OF ILLINOIS
CHICAGO
60601



VICTIM IMPACT STATEMENT

PURPOSE: With the recent passage in Illinois of the Bill of Rights for Victims and Witnesses of Violent Crime, victims and witnesses have been afforded expanded rights.

Violent crime victims are defined as persons who are physically injured in Illinois as a result of a violent crime or persons who suffer felonious injury or loss of property as a result of a violent crime.

Additionally, for the first time, the definition of victims of crime is expanded to include family members - spouse, parent, child, or sibling - or a person killed as a result of a violent crime.

One of these expanded rights includes the presentation of a victim impact statement at the time of sentencing. The victim, as defined above, has the right to address the court regarding the psychological, physical, and

economic impact which the defendant's conduct has had upon the victim. This statement must be prepared first in writing in conjunction with the State's Attorney's Office, and then it is presented orally at the time of sentencing.

Illinois is unique in that probation officers are required by law to conduct a pre-sentence investigation which also includes information about the effects of the crime upon the victim(s).

This form can be used for both purposes: to obtain a pre-sentence investigation report and to obtain a victim impact statement.

As a violent crime victim, your voluntary cooperation is required in completing this form. The information supplied will assist the court in weighing all facts prior to imposing the sentence.

PEOPLE OF THE STATE OF ILLINOIS VS. _____

COURT DOCKET # _____

SENTENCING DATE: _____

NAME OF VICTIM: _____

1. As a result of this crime, did you suffer any physical injuries? If yes, please describe the injuries including any temporary or permanent disabilities, medical treatment received, and the length of time treatment was required.

Please indicate the amount of expenses incurred to date as a result of the medical treatment received: \$ _____.

Anticipated expenses: \$ _____.

2. Have you sought any professional counseling (psychologist, social worker, clergy, support group etc.) as a result of this crime? If yes, please describe the length of time you have been or will be participating in counseling.

Please indicate the amount of expenses incurred from the above: \$ _____. Anticipated expenses: \$ _____.

3. Has any family member other than yourself sought counseling due to this crime? If yes, please describe the length of time they have or will be participating in counseling.

Amount of expenses incurred from the above: \$ _____.

Anticipated expenses: \$ _____.

4. Has this crime affected your ability to earn a living, go to school, or run a household? If yes, please describe and be specific.

5. Have you incurred expenses related to your court appearances such as lost wages, transportation costs, babysitting cost, etc.? If yes, please describe and indicate the amount of expense.
6. Were there any financial losses due to repairs or replacement of property incurred because of this crime?
7. Was any part of your losses (medical, psychological, or property) covered by insurance? If so, which costs and how much was covered?
8. Please describe how you or your family's life style has changed since this crime. (For example, change in daily routine, residence, job, hobbies.)
9. Have you or your family changed emotionally as a result of being a victim of this crime? (For example, inability to sleep or eat, nightmares, fear of going out.)
10. Please describe any other effects from this crime not mentioned previously which have been experienced by you or members of your family.

11. Please describe how various sentencing alternatives would affect you and your family.

SIGNATURE

DATE

SPECIFIC QUESTION GUIDELINES

The following guidelines are offered as clarification and elaboration of individual questions contained within the Victim Impact Statement Form. This elaboration may serve as a prompter to encourage conversation and to lead to more complete answers concerning the impact of the crime.

- #1 May victims will experience physical symptoms associated with the victimization process apart from the initial physical injury. for example, they may experience chest pains, headaches, and/or stomach problems. These are legitimate physical symptoms and should be included in any listing of physical injuries.
- #2 Counseling may be ongoing at the time of the interview, and
& consequently, the length of time further counseling will be
#3 required can not immediately be determined.
- #4 Some additional questions to ask here are as follows. Has your job performance suffered as a result of this crime? Have you been passed over for promotions due to lack of concentration or time lost on the job? Has your school performance suffered? Have you been forced to temporarily drop out of school? Have daily household tasks become difficult?

- #8 There may be some overlap in questions 8 and 9. Question 8 is intended to illicit information concerning concrete changes in lifestyle, i.e., changes in residence, job, etc.
- #9 This question is intended to illicit the psychological effects of the crime. For example, has the crime affected the victim's personal relationship with family, friends, and co-workers?
- #11 Before asking this question, the interviewer should be knowledgeable about and should apprise the victim of the various sentencing alternatives applicable in their case.

This question is worded in such a manner so as not to directly ask the victim what sentencing alternative he/she would prefer. A question of that nature would be unfair as, realistically, the victim does not determine the sentence. Instead, the question is intended to illicit how the victim would be affected by various sentencing alternatives such as restitution, probation, or jail sentence.

NOTE: THIS DOCUMENT IS ALSO AVAILABLE IN SPANISH.