



Sexual Assault and Abuse Program

Lake County State's Attorney's Office

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Purpose of the Sexual Assault & Abuse Program

As a survivor of sexual assault or sexual abuse, your well-being and input are important to our office.

Cooperation of victims in the investigation and prosecution of crimes can be a leading factor in the reduction of crime. We also want to help you heal throughout the criminal justice process, and we can put you in touch with support for other areas of your life. No matter what the circumstances were, it wasn't your fault. We will advocate for your rights.

Sexual violence is any unwanted sexual contact.

Sexual violence includes such crimes as rape, incest, statutory sexual assault, sexual harassment and sexual assault, or any sexual contact without consent.

Anyone who has been a victim of sexual violence deserves compassion, sensitivity, and caring.



The Sexual Assault and Abuse Program in the Lake County State's Attorney's Office was formed to protect the rights, needs, and dignity of victims. You will primarily interact with our trained and experienced counselors, whose goal is to alleviate your concerns and make the justice system as positive an experience as possible. This includes assistance such as:

- Information regarding the Illinois Crime Victims Bill of Rights
- Explain the criminal process in order to decrease the stress and fear often associated with the court system.
- Accompany you to court to guide and support you during the proceedings.
- Keep you informed about changes in court dates, reasons for postponements and delays, and what happened in court on days you were absent.
- Connect you with and refer you to other community agencies for any extra help or support.

Sexual Assault Investigations

If you have been sexually assaulted, it is important that you seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be injured or at risk of becoming pregnant or acquiring a sexually-transmitted disease.

Once you arrive at the hospital, a doctor or nurse will ask your permission to perform an exam and collect evidence using an ISPECK. **This can only be done with your consent.** It is preferable for a **SANE (Sexual Assault Nurse Examiner)** to collect the evidence.

- An **ISPECK (Illinois State Police Evidence Collection Kit)** is a set of items used by medical personnel to gather and preserve physical evidence following a sexual assault. The kit consists of consent forms, swabs, and envelopes for collecting and storing evidence such as clothing fibers, hairs, saliva, semen or body fluid. DNA evidence can play a crucial role in sexual assault investigations.
- A **SANE (Sexual Assault Nurse Examiner)** is a registered nurse who has been specially trained to provide comprehensive care to sexual assault patients, is highly skilled in conducting forensic examinations, and can testify as an expert witness in court.

Once a crime is reported, it is the local police department's duty to investigate. After an initial report and a detailed investigation, the police will submit the case to the Felony Review Unit of the State's Attorney's Office to determine if the case can be prosecuted. Like all violent crimes, in cases of sexual assault and sexual abuse it is the State's responsibility to prosecute the offender.

Criminal Justice Process

If the State's Attorney's Office approves criminal charges an arrest will be made. A specially trained counselor will contact you to inform you of the case status and provide additional services. Possible steps in the process are:

Bond Hearing: After the defendant is arrested, a judge decides the amount of bond, meaning money or property the defendant must post to the Court to insure that the defendant will appear at future court dates. In most cases, 10% of the amount of bond must be posted in order to be released from jail. If the defendant cannot post bail, he/she must remain in jail. If the defendant does post bond, he/she is released from jail until the court date with restrictions such as not to consume alcohol or drugs and not to have any contact with the victim. If the defendant posts bail but does not return to court, he/she forfeits the bail money and the judge may issue an arrest warrant. Sometimes a defendant is released on his/her own recognizance bond, meaning the defendant may sign his/her name as a promise to return to court. **If the defendant threatens or harasses you in any way, notify the police immediately and, as soon as practical, notify the State's Attorney's Office.**

Arraignment: The defendant appears before the judge, who appoints an attorney if he/she does not have one and advises the defendant of the charges, possible penalties, and his/her constitutional rights.

Grand Jury: A group of people selected to hear evidence against accused persons and decide if there is enough evidence to prosecute the case, which could lead to an indictment.

Indictment: A written statement charging a party with the commission of a crime.

Preliminary Hearing: A judge determines whether there is probable cause, meaning enough evidence to bring an accused person to trial.

Trial: A defendant has the choice of having his/her guilt or innocence decided by a judge or by a jury of 12 citizens. In either case, the attorneys will present evidence in court. It is the jurors' responsibility to evaluate the evidence and determine the defendant's guilt or innocence. The judge's role in a jury trial is to ensure that each attorney follows the rules of law. In a bench trial, there is no jury. All evidence and testimony is presented to a judge, who evaluates the evidence and determines the defendant's guilt or innocence. If a defendant is found guilty in a jury trial or a bench trial, a sentencing date is set.

Sentencing: The court will consider several different factors at sentencing including, but not limited to:

- **Victim Impact Statement:** A statement a victim writes to the court explaining how their life has been affected by the defendant's actions. The victim can explain the emotional, financial, and physical damage they have experienced.
- **Pre-Sentence Investigation (PSI):** An extensive history of the defendant, his/her background, the crime involved, and the events surrounding his/her life. Court Services writes the report and makes a sentencing recommendation to the court.

It is very important to notify our office or the investigating agency if you are relocating or changing telephone numbers. By prosecuting crime we are taking measures to protect you and the citizens of Lake County. Unfortunately, the process takes time. Please know that we realize your time is valuable and we appreciate your cooperation.

Declined Cases: In the event that the State's Attorney's Office is unable to prosecute the offender, it **does not** mean that we do not believe you. There are many factors that must be considered in determining whether or not to charge a criminal case. **If we are unable to prosecute the case, you may still be eligible for Crime Victims Compensation and Sexual Assault Civil No Contact Orders.**

Court System Definitions

Defendant: A person accused of a crime.

Assistant State's Attorney: An attorney who represents the People of the State of Illinois.

Public Defender: A court-appointed attorney for defendants who cannot afford a private attorney.

Defense Attorney: A private attorney who represents the defendant.

Felony: Criminal offense punishable by probation or sentence of one year or more in a state prison.

Misdemeanor: Criminal offense punishable by probation or sentence of less than one year in the county jail.

Subpoena: A court order directing someone to be present in court on a specific date. You are required by law to attend if served with a subpoena.

Sexual Assault Civil No Contact Order: A Court order that requires the offender to stay away from the victim. Any person who is a victim of non-consensual sexual conduct or penetration can petition for this order, even without criminal prosecution. The order can also protect family or household members of the victim, and rape crisis center workers.

DFSA (Drug-Facilitated Sexual Assault): Sexual assault during which the victim was under the influence of drugs, including alcohol, such that the victim's mental faculties were lessened.

Crime Victim Compensation: The Illinois Crime Victims Compensation Program can provide sexual assault victims with financial assistance for expenses incurred as a result of the crime.

VESSA (Victims' Economic Security and Safety Act): Provides an employee who is a victim of sexual violence, or who has a family or household member who is a victim of sexual violence, with up to 12 weeks of unpaid leave per any 12-month period to address issues arising from the sexual violence.

Illinois Crime Victims Bill of Rights

The Illinois Constitution provides that crime victims shall have the following rights:

- The right to be treated with fairness and respect throughout the criminal justice process.
- The right to notification of court proceedings.
- The right to communicate with the prosecution.
- The right to make a statement to the court at sentencing.
- The right to information about the conviction, sentencing, imprisonment and release of the accused.
- The right to the timely disposition of the case following the arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice proceedings.
- The right to be present at the trial and all other court proceedings, unless the victim is expected to testify and the court determines that the victim's testimony will be affected if the victim hears other testimony at the trial.
- The right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.
- The right to restitution.

These rights are provided by the Illinois Constitution and can be found in the Illinois Compiled Statutes, 725 ILCS 120. The law requires that some of these rights must be requested by the victim in writing.



Resources for Victim Support and Protection

- Zacharias Sexual Abuse Center** - (24 hr support line)
(847) 872-7799, www.zcenter.org
- Illinois Coalition Against Sexual Assault**
(217) 753-4117, www.icasa.org
- Illinois Crime Victims Compensation Program**
(800) 228-3368, (877) 398-1130 (TTY)
illinoisattorneygeneral.gov/victims
- Automated Victim Notification System (AVN)**
(866) 5-NOTIFY (866-566-8439)
(877) 502-2423 (TTY)
www.illinoisattorneygeneral.gov/victims/avn.htm
- Lake County Children's Advocacy Center**
(847) 377-3155
www.lakecountyil.gov/StatesAttorney/cac
- Child Abuse Hotline & Illinois Department of Children and Family Services**
(800) 25-ABUSE (800-252-2873)
(800) 358-5117 (TTY), www.state.il.us/dcf
- A Safe Room/D100** – Order of Protection Help
(847) 360-6471, www.asafeplaceforhelp.org/content/orders-protection
- Lake County Bar Assn. Lawyer Referral Service**
(847) 244-3140, www.lakebar.org/find-a-lawyer
- Prairie State Legal Services** – Not-for-profit civil legal help for low-income families and individuals
(800) 942-3940 (Voice/TTY), www.pslegal.org
- Lake County Health Department**
(847) 377-8000, (847) 623-1674 (TTY)
www.lakecountyil.gov/health
- Porchlight** – For college sexual assault survivors
(773) 750-7077, www.porchlightcounseling.org
- Fleet and Family Support Center, Great Lakes** – Assistance for military families
(847) 688-3603, www.ffsp.navy.mil/greatlakes
- National Sexual Assault Hotline**
(800) 656-HOPE (4673)

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