
For more information

To learn more about crime victims' and witnesses' rights and responsibilities, or about the Illinois Bill of Rights for Victims and Witnesses of Violent Crimes, contact your local state's attorney's office, the Illinois Attorney General's Office or the Illinois Criminal Justice Information Authority.

Information for Crime Victims

Victim Justice:



A New Day Dawns



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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What do you do if you are a victim of a crime, or if you are a witness to a crime? What will the criminal justice system do for you? This brochure outlines the steps a case goes through in the criminal justice process. It explains the roles of crime victims and witnesses in that process and explains the responsibilities of the criminal justice system to crime victims and witnesses.

Report the crime

If you are the victim or a witness of a crime, **call the police**. They will investigate the case to collect evidence and, if possible, arrest a suspect. If the police arrest a suspect, they will file a report with the state's attorney, or the **prosecutor**.

The prosecutor will review the case and may convene a grand jury, which will decide whether to issue an **indictment** charging the suspect. Otherwise, the prosecutor may file a complaint with a judge requesting an **information** (based on a statement from the victim or witness) charging the suspect.

If a suspect is not already in custody, a judge may issue a **warrant**. This will allow the police to arrest the suspect. If the prosecutor decides to file an information rather than seek an indictment, a **preliminary hearing** will be held to determine whether there is **probable cause** (enough evidence) to charge the suspect with the crime.

The court will hold a **bond hearing** to determine how much bail money the accused should deposit with the court to remain free until the trial. If the accused does not pay the bail, he or she will be kept in custody until the trial.

If the judge finds that there is probable cause to charge the suspect with the crime, or if a grand jury returns an indictment, the suspect will be brought before a judge, **arraigned** (charged with a crime), and asked to plead guilty or not guilty. If the **accused**, also called the **defendant**, pleads not guilty, a trial date will be set.

The case may take several months to come to trial. During this time, the prosecutor will notify you when the state begins **prosecuting** the defendant and any time you are required to be present for a hearing. If the defendant is a juvenile being tried as an adult the proceedings are handled the same as if the defendant were an adult. In other instances, you should ask the prosecuting attorney what information you may receive.

Before the trial

After the accused has been charged with a crime and before the trial, the defendant's attorney will try to discover information to help in preparing the defendant's case. The attorney will probably ask for, and generally receive, your name and address. However, you are not required to talk to the defendant's attorney if you do not want to. If you are not sure, talk to the prosecutor first.

If the defendant tries to talk to you, threaten you or interfere with you in any way, **notify the police**. It is a crime for the defendant to do anything to stop you from testifying at the trial.

Before the actual trial, the defendant will make various court appearances. The prosecutor will notify you of any appearance that you should attend. During this time, the defendant may

take action to delay his or her trial. Even though delays and continuances can be frustrating, it is important that you continue to appear in court when the prosecutor advises you to be there.

During the trial

By the time the trial takes place, you will have had several opportunities to tell your story. The prosecutor handling your case will help you prepare for the trial by telling you what questions to expect him or her to ask, and what questions the defendant's attorney will probably ask when you are **cross-examined**. Remember that the prosecutor has experience in court and has decided how to handle the case. You can help by cooperating.

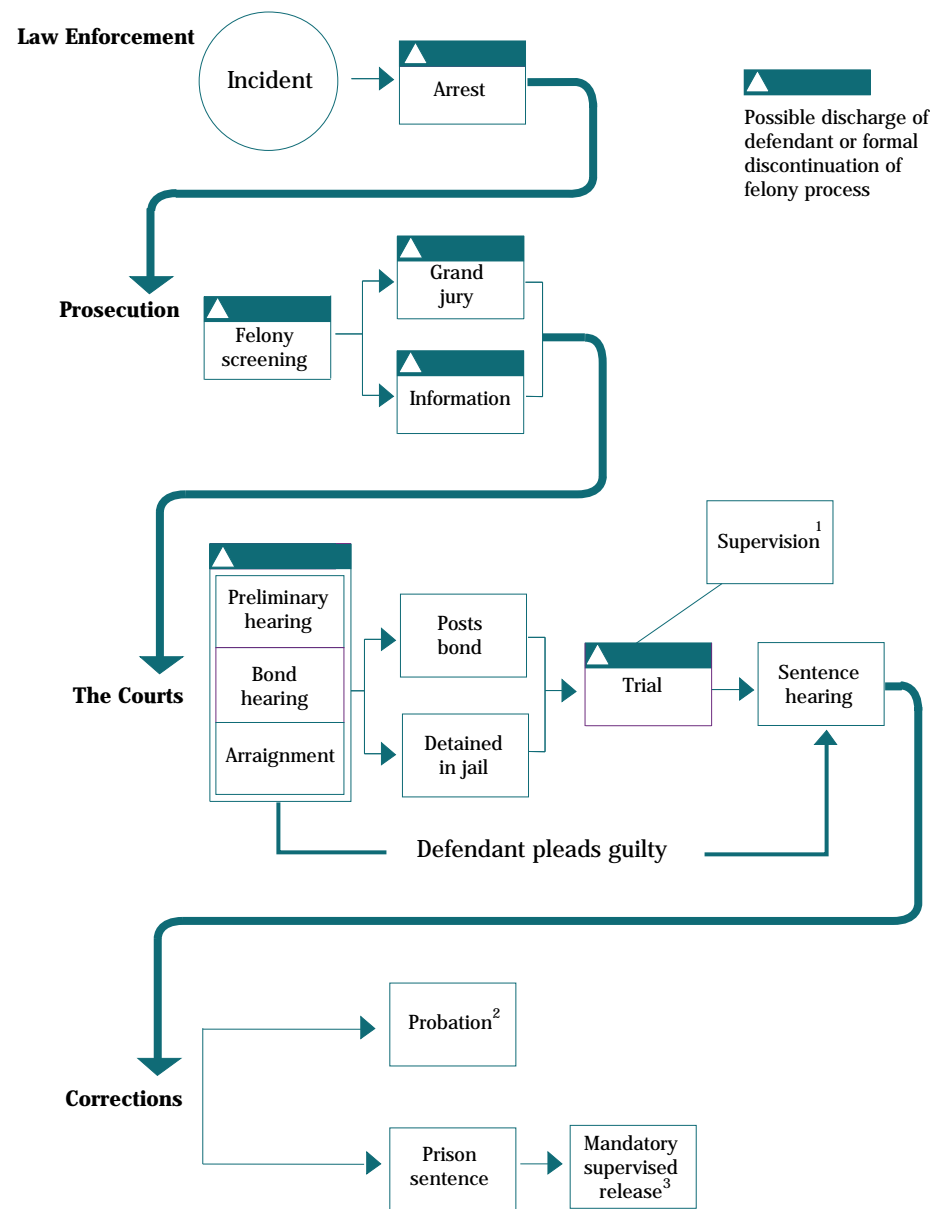
If the defendant is found guilty, the judge will schedule a **sentencing hearing** at a later date. The judge usually has several sentence choices: imprisonment or probation, payment of a fine or restitution, or a combination of any of those four.

Probation is the most frequently imposed sentence. Probation allows a convicted offender to be released under the supervision of a probation officer.

Unless tried as an adult, juvenile offenders are treated differently. Instead of being convicted of a crime, juveniles are found to be **delinquent**, and their records are not usually made available to the public.

After the defendant is sentenced, it is a crime for him or her to harass or threaten to harm you or a relative, or to communicate with you either directly or indirectly in a way that causes emotional or mental stress.

An Overview of Felony Processing in Illinois



¹ After successful completion of court supervision, charges may be dismissed

² Or other form of court supervision, such as conditional discharge

³ Or other conditional release from prison

Your responsibilities

There are several things that you can do to aid in the arrest and successful prosecution of the offender:

- ⑥ Report the crime as soon as possible to your local law enforcement department.
- ⑥ Cooperate fully with law enforcement officials and the state's attorney's staff through all stages of the investigation, prosecution and trial.
- ⑥ Testify as a witness for the state at the criminal trial if you are asked to do so.
- ⑥ If you change your address, promptly inform the police department to which you reported the crime.

Know your rights

The Illinois Constitution (Article I, Section 8.1) guarantees certain rights for crime victims. Generally, victims have rights to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process and to obtain certain information from the criminal justice system.

The Rights of Crime Victims and Witnesses Act (725 ILCS 120), commonly referred to as the Illinois Bill of Rights for Victims and Witnesses of Violent Crime, implements, preserves, and protects those rights guaranteed by the constitution.