



**Juvenile Division
Victim/Witness
Assistance Program**

Lake County State's Attorney's Office

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Vernon Hills, IL 60061

www.lakecountyiil.gov/StatesAttorney

Purpose of the Victim/Witness Unit

The Victim/Witness Assistance Division of the Lake County State's Attorney's Office was formed to serve the needs of people like you. The division is meant to ensure that the rights of victims are enforced. We feel your input is essential to the progress of our criminal cases.

The victim/witness unit consists of trained and experienced counselors. The primary function of the victim/witness specialist is to serve as the contact person for the victim and/or witness throughout the criminal justice process and to deliver a wide variety of other services. Some of the services the victim/witness unit offers include:

- Orienting and educating the victim/witness to the criminal process in order to decrease the anxiety often associated with the court system.
- Keeping the victim/witness informed about procedures, changes in court dates, and reasons for postponements and delays.
- Providing the victim with the appropriate social service referrals to other community agencies.

Today positive steps are being taken to protect the rights and dignity of the victim. Our main purpose is to help alleviate your concerns and make the criminal justice system as positive an experience as possible. We encourage you to take advantage of our services.

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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.

Under the Juvenile Reform Act of 1998, victims of crimes committed by juvenile offenders have the same rights as victims of crimes committed by adults, as provided by the Illinois Constitution and found in the Illinois Compiled Statutes, 725 ILCS 120. Those rights are contained in the "Rights of Crime Victims and Witnesses Act" and the "Bill of Rights for Children Act." The law requires some of these rights be requested by the victim in writing.

Investigation Process

It is very important for you as a victim or a witness to report a crime to the police. Once a crime has been reported, the police department is responsible for investigating the report. The juvenile investigation process allows a police officer to take one of the following actions:

- Station adjustment and release.
- Release the minor to his/her parents and refer the case to Juvenile Intake and the State's Attorney's Office, for further review to determine if the filing of a delinquent petition is necessary.
- If the officer believes that there is an urgent necessity to keep the minor in custody, the officer will deliver him/her to the Hulse Detention Center.
- Any other appropriate action, such as a branch court citation for local ordinance violations.

Court Process & Definitions

Confidentiality/Closed Courtroom: Confidentiality of juvenile court records/proceedings are limited to: the minor, his or her parents, guardian and counsel, Judges, prosecutors, probation officers and other juvenile court personnel.

A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor charged.

While information contained in juvenile court is confidential and may not be otherwise disclosed, victims and their attorneys may have access to the name and address of the minor and information pertaining to the case.

Due to the confidential nature of court proceedings, court hearings are closed to the general public, however, members of the media are allowed to attend.

Delinquent Minor: Any minor who prior to his or her 17th birthday violates, or attempts to violate, any

federal or state law or county or municipal ordinance. Currently, 17 year olds who are charged with a misdemeanor offense are also prosecuted under the Juvenile Court Act.

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

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

Defense Attorney: A private attorney who represents the minor.

Felony: A criminal offense that is punishable by a sentence in a state prison of one year or more or a term of conditional discharge or probation.

Misdemeanor: A criminal offense that is punishable by a sentence of less than one year in a facility other than a state prison or a term of supervision, conditional discharge or probation.

Station Adjustment: A juvenile police officer's formal or informal handling of an alleged offender outside the juvenile court system.

Juvenile Intake: Division of Juvenile Court Services to which all referrals to the juvenile court system are first directed. The primary responsibility of Juvenile Intake is to hold preliminary conferences with the parents and accused minor with the goal of handling suitable cases outside the court system. Referrals are then passed on to the State's Attorney's Office for further review.

Detention: Housing of a minor who is alleged or adjudicated to be delinquent and who requires secure custody for the protection of the minor and the community.

Detention Hearing: A minor who is alleged to be delinquent and has been taken into temporary custody must be brought before a judge within 40 hours for a hearing to determine if further detention is necessary. If the court finds that there is probable cause to believe that a minor is delinquent and that detention is a matter of immediate and urgent necessity for the

protection of the minor and the community, the judge will order that the minor remain in detention. A judge does not set bond in juvenile cases.

Petition: The State's Attorney's Office may file allegations that the minor is a delinquent and set forth sufficient facts to have the minor appear in court. The court may also, on its own motion, direct the filing through the State's Attorney's Office.

Summons: A document issued by the clerk of the court addressed to the minor, the minor's parent, guardian or legal custodian, which is served by a law enforcement officer, coroner, or probation officer. The summons shall require the listed respondents to appear and answer the petition on the date set for the hearing. Failure to appear could result in a bench warrant issued for the parent/guardian or minor, or both.

Arraignment: The minor will appear personally before the judge, who will appoint an attorney if they do not have one and advise the minor of the charges against him/her, the possible penalties, and his/her constitutional rights.

Pre-Trial Conference: This hearing is to give both the Assistant State's Attorney and the minor's attorney time to discuss the facts and evidence in the case. It is also an opportunity for them to file any motions which they feel are necessary for their case. During this hearing, the minor may change his/her plea of not guilty to guilty.

Subpoena: This is a written summons to court. It is a court order directing someone to be present in court on a specific date. You are required to attend if served with a subpoena.

Trial: A hearing to determine whether the allegations set forth in the petition have been proved beyond a reasonable doubt.

Sentencing Hearing: A hearing held after the minor has pled guilty or been found guilty to determine whether he or she should be made a ward of the court, in which case the court will have jurisdiction

over the minor and impose certain orders on the minor. The minor may be sentenced to supervision, probation, or may be committed to DCFS or a residential placement. The minor may also be sentenced to the Department of Juvenile Justice for an indeterminate period which may not extend beyond his or her 21st birthday. Many factors are taken into account in the hearing, including:

- The punishment the law requires for the crime for which the defendant was found guilty.
- Testimony of people who speak at the sentencing hearing on the defendant's behalf.
- The victim impact statement, which a victim, or a victim representative, may write to explain how the victim's life has been affected by the minor's actions. The victim can explain the emotional, financial, and physical damage they have experienced as a result of the crime. A victim in a delinquency case may present a victim impact statement when the minor is charged with a violent crime. A violent crime is defined as any felony involving the use of force or the threat of force. This includes sex offenses, domestic battery, violation of an order of protection, stalking, or any misdemeanor or DUI which involves death or great bodily harm to the victim. Victim impact statements must be in writing and prepared with the assistance of the State's Attorney's Office.
- Juvenile Probation prepares a **Social Investigation** for the court and the attorneys. It contains information regarding the social history of the minor who is being charged. This report aids the court in sentencing the minor. A restitution report will also be submitted to the courts for review. If you are listed as a victim in the petition, you will be contacted to discuss this information.

Adjudicated a Ward of the Court: The minor has been found guilty of the crime in question and will be ordered by the court to successfully complete the terms and conditions of his or her sentence.

Available Resources

These organizations offer services for victims, witnesses, their families, and others affected by crime. Please do not hesitate to contact any of these organizations – they exist to help you. In an emergency, call 911 before you contact anyone else.

Lake County State's Attorney

(847) 377-3000

18 North County Street, Waukegan, IL 60085

www.lakecountyil.gov/StatesAttorney

Lake County Sheriff

(847) 549-5200 (Voice/TTY)

www.lakecountyil.gov/Sheriff

Lake County Bar Association Lawyer Referral Service

(847) 244-3140, www.lakebar.org/find-a-lawyer

Catholic Charities of Lake County

(847) 782-4000

www.catholiccharities.net/locations/lake_county

Illinois Crime Victims Compensation Program

(800) 228-3368

www.illinoisattorneygeneral.gov/victims

LCHD 24-Hour Psychiatric Crisis Hotline

(847) 377-8088, (847) 360-2905 (TTY)

A Safe Place

(800) 600-SAFE (7233), (847) 249-6557 (TTY)

2710 17th Street, Suite 100, Zion, IL 60099

www.asafeplaceforhelp.org

Child Abuse Hotline & Illinois Department of Children and Family Services

(800) 25-ABUSE ((800) 252-2873)

www.state.il.us/dcf

Zacharias Sexual Abuse Center

(847) 872-7799 (24-hour hotline), or

(847) 244-1187 (Office)

www.zcenter.org

National Dating Abuse Helpline / Love is Respect

(866) 331-9474, (866) 331-8453 (TTY)

www.loveisrespect.org

National Runaway Crisis Line

(800) RUNAWAY ((800) 786-2929)