LEGISLATING CULTURAL CHANGE: A MULTIDISCIPLINARY APPROACH TO MAKING BEST PRACTICES THE LAW

Bryan Bartow - Chicago Police Department
Cordelia Coppleson - Illinois Attorney General's Office
Jaclyn Rodriguez - Illinois Attorney General's Office

GRANT FUNDING INFORMATION

U.S. Department of Justice/ Office on Violence Against Women
- Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence and Stalking Grant Program
- CFDA # 16.590
- $750,000
- 10/1/2016 – 9/30/2019

HOW LEGISLATION HAPPENS
POLICY PROCESS

- Formulation
  - Input of information, ideas and research from key people, organizations and interest groups

- Implementation
  - Disseminating information about the adopted policy and putting the policy into action

- Evaluation & Modification
  - Existing policies are revisited and may be amended or rewritten to adjust to changing circumstances

THE START OF A SENATE BILL

- Issue identified
- Bill is drafted
- Legislator from the Senate is identified to introduce and sponsor the bill: Sen. Scott M. Bennett
- Bill is introduced in the Senate (1st Reading)
- Assigned to a committee
ROLE OF THE COMMITTEE

- Center of policy making and public education
- Controlled by the committee chairperson
- Establishes an agenda
- Gatekeeping function
- Conduct hearings
- Make amendments
- If the committee majority votes for the bill, it goes to the whole Senate
- Bill can die in committee

SPONSORS

Chief co-sponsors
- Committee members

Co-sponsors
- Goal = many co-sponsors
- Goal = bipartisan co-sponsors

Alternate
- From the other legislative house

Helps to determine when to call the bill

FROM COMMITTEE BACK TO THE SENATE

- Senate President determines the order in which bills will be debated...
- Senate debates the bill
- If majority votes against...
  - May withdraw before a negative vote
- If a majority votes in favor
  - Goes to the House of Representatives
  - Bill # does not change
ONTO THE HOUSE OF REPRESENTATIVES AND COMMITTEE

- A House Member is identified to introduce and sponsor the bill: Rep. Emily McAsey
- Bill is introduced in the House of Representatives (1st Reading)
- Assigned to a committee
  - Additional hearings and amendment possible
  - If majority votes against...
  - If the committee majority votes for the bill, it goes to the whole House of Representatives.

BACK TO THE HOUSE OF REPRESENTATIVES

- Speaker of the House determines the order in which bills will be debated...
- House of Representatives debates the bill
  - If majority votes against...
  - May withdraw before a negative vote
  - If a majority votes in favor
    - No amendments: Goes to the Governor
    - Amendments: Back to the Senate

AMENDMENTS: BACK TO THE SENATE

- Both houses must approve these changes.
- If they do not approve the changes...
- If approved, the bill goes to the Governor.
THE GOVERNOR: MANY CHOICES

- Veto (reject) the bill
- Legislature can attempt to override
- Amendatory veto
  - Amends the bill and sends it back to the House for approval
  - If the House approves, then it goes to the Senate for approval
  - If both approve, then it becomes a law
- Do nothing
  - After 60 days becomes a law
- Approve (sign) the bill and it becomes a law

LEGISLATION

2 key pieces of legislation passed in Illinois

- Sexual Assault Incident Procedure Act (SAIPA)
  - SB 3096 : PA. 99-0801 : 725 ILCS 203

- Sexual Assault Survivors Emergency Treatment Act (SASETA) Revisions
  - HB 5245 : PA. 100-0775 : 410 ILCS 70

www.ilga.gov

Bi-partisan Support
JOINT SEXUAL ASSAULT WORKING GROUP

- Attorney General Lisa Madigan
- Cook County State's Attorney Anita Alvarez
- St. Clair County State's Attorney Brendan Kelly
- Illinois Coalition Against Sexual Assault Executive Director Polly Poskin
- http://www.illinoisattorneygeneral.gov/

- Chicago Police Department
- Cook County Sheriff's Office
- Illinois Association of Chiefs of Police
- Illinois Criminal Justice Information Authority
- Illinois Department of Healthcare and Family Services
- Illinois Department of Public Health
- Illinois Health and Hospital Association
- Illinois Law Enforcement Training and Standards Board
- Illinois Sheriff's Association
- Illinois State Police
- Illinois State's Attorneys' Association
- Rape Victims Advocates
- The Center for the Prevention of Abuse
- YWCA of Metropolitan Chicago

WHAT NEEDED TO BE ADDRESSED
JOINT SEXUAL ASSAULT WORKING GROUP

SB3096: Public Act 99-0801: Sexual Assault Incident Procedure Act (SAIPA)
- Unanimously passed the Senate (4/21/2016) and House (5/31/2016)
- Signed by the Governor and into law on 8/12/2016
- Went into effect on 1/1/2017
- 725 ILCS 203
  - Amends SASETA 410 ILCS 70, Department of State Law 20 ILCS 2605 and Illinois Police Training Act 50 ILCS 705

THE SEXUAL ASSAULT INCIDENT PROCEDURE ACT

EVIDENCE-BASED, TRAUMA-INFORMED, VICTIM-CENTERED

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 that ensures compassionate and sensitive delivery of services in a nonjudgmental manner.
### STAGGERED DATES FOR IMPLEMENTATION

<table>
<thead>
<tr>
<th>Year</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| 2017 | • Mandatory Report Writing Regardless of Jurisdiction  
      • Third Party Reporting  
      • Health Care Provider Reporting  
      • Patient Options for Evidence Testing  
      • Guidelines for Police Sexual Assault Policy posted  
      • Storage Periods for non-actioned kits extended  
      • Provide Transportation to Hospital  
      • Provide Transportation for No Contact Order |
| 2018 | • All Police Departments must have a Sexual Assault Policy in place pursuant to the Guidelines. |
| 2019 | • Investigators must have received trauma informed victim centered investigation training |

### MANDATORY REPORT TAKING

**Reports by Law Enforcement Officers**

725 ILCS 203/20 (a)

- A law enforcement officer **shall** complete a written police report upon receiving notification, regardless of where the incident occurred.

### OUT OF JURISDICTION REPORT FORM

- **Within 24 hours of taking the report of a sexual assault which occurred in another jurisdiction; the LEA taking the report must submit the report (in person, fax, or email) to the LEA having jurisdiction.**
- **Within 24 hours of receiving a report, the LEA having jurisdiction shall submit a written confirmation, which shall contain the name and contact information so that it can be provided to the victim.**
THIRD PARTY REPORTING

A victim of sexual assault or abuse may give a person consent to provide information to a law enforcement officer, requiring the officer to make a report. The report must be taken unless:

- The person contacting law enforcement fails to provide the name and contact information of the person making the report, (i.e. the 3rd party reporter must be known).
- The person contacting law enforcement fails to affirm they have the consent of the victim to disclose for the victim.

PATIENT OPTION: COLLECT AND TEST OR COLLECT AND HOLD EVIDENCE

- This form is to be completed at the hospital by the healthcare professional or Sexual Assault Nurse Examiner (SANE).
- Victim can remain anonymous.

RETURN TO CONSENT FOR EVIDENCE ANALYSIS

- For victims who initially requested their evidence to be held and later want the evidence tested.
- Law Enforcement must submit the evidence to the Forensic Lab within 10 days.
VICTIM-CENTERED APPROACH

• No law enforcement officer shall require a victim of sexual assault or sexual abuse to submit to an interview.

• No LEA may refuse to complete a written report as required by this section.

MANDATORY SEXUAL ASSAULT POLICY

• Every LEA shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guidelines developed.

• In developing these policies, each LEA is encouraged to consult with other LEAs, sexual assault advocates, and sexual assault nurse examiners with expertise in recognizing and handling sexual assault and sexual abuse incidents.

PROVIDE TRANSPORTATION

• Offer to provide or arrange transportation for the victim to a hospital for emergency and forensic services.

• Offer to provide or arrange 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 after the close of court business hours, if a judge is available.
COLLECTION, STORAGE, AND TESTING OF EVIDENCE

- Agencies have 5 calendar days to pick up the kit and other evidence, once notified by the hospital.
- LEA has 10 business days to submit the kit to the crime lab for testing.
- If a victim does not consent to evidence testing and is an adult, the evidence must be stored for 10 years.
- If a victim does not consent to evidence testing and is under the age of 18, the evidence must be kept for 10 years beyond the victim's 18th birthday.

MANDATORY NOTICE FOR SURVIVORS

When kit is analyzed:
- Law enforcement must notify
  - Date kit sent to lab
  - Date kit returned from lab
- Law enforcement discretion
- DNA results
- Urine toxicology results
STORAGE AND FUTURE TESTING OF SEXUAL ASSAULT EVIDENCE

When kit is stored:
- Provides the victim with contact information for the LEA and a Rape Crisis Center in the event the victim wants to have evidence tested in the future.
- Provided by initial responding officer at the hospital, or during an investigating officers follow-up interview.

ILLINOIS STATE POLICE SEX ASSAULT CHECKLIST

HOW TO HANDLE ANONYMOUS VICTIMS

- A victim is only anonymous on the forms which are released to law enforcement.
- The victim must provide their information to the Health Care Provider when they arrive at the hospital.
- If a victim returns at a later time to initiate an investigation, ask the victim to sign a medical release form. This way you can verify they were the person who participated in the medical forensic exam.
STAGGERED TRAINING REQUIREMENTS

July 1, 2018
Basic Law Enforcement Academies
Training must be presented in all full-time and part-time basic law enforcement academies involving evidence-based, trauma-informed, victim-centered investigations of sexual assault and sexual abuse cases.

January 1, 2019
Investigating Law Enforcement Officer Training
All law enforcement officers who conduct sexual assault and sexual abuse investigations must have received specialized evidence-based, trauma-informed, victim-centered training on investigating these cases. These officers must also receive in-service training on sexual assault and sexual abuse investigations every 3 years.

January 1, 2020
Responding Law Enforcement Officer Training
ALL SWORN OFFICERS must receive evidence-based, trauma-informed, victim-centered training. These officers must also receive in-service training on sexual assault and sexual abuse response and report writing every 3 years.

MANDATORY TRAINING GOALS

- Recognizing the symptoms of trauma;
- Understanding the role trauma has played in a victim’s life;
- Responding to the needs and concerns of a victim;
- Delivering services in a compassionate, sensitive, and nonjudgmental manner;

MANDATORY TRAINING—SWORN OFFICER

- Recognizing the symptoms of trauma;
- Understanding the role trauma has played in a victim’s life;
- Responding to the needs and concerns of a victim;
- Delivering services in a compassionate, sensitive, and nonjudgmental manner;
- Interviewing Techniques;
- Understanding cultural perceptions and common myths of sexual assault; and
- Report writing.
MANDATORY INVESTIGATOR TRAINING

- Report Writing;
- Reporting Methods;
- Victim Interviews;
- Evidence Collection;
- Sexual Assault Medical Forensic Examinations;
- Offender characteristics;
- Suspect interviews;
- Suspect forensic examinations;
- Witness interviews;
- Sexual assault response and resource teams;
- Victim notification;
- Victims’ rights;
- Consideration for specific populations of communities;
- Applicable Illinois sexual assault/sexual abuse laws
- Working with victim advocates;
- Working with prosecutors;

TWO DAY TRAINING EXAMPLE

- RAPE MYTH AND STATISTICS
- NEUROBIOLOGY AND TRAUMA (VIDEO AVAILABLE: TRAUMA AND THE BRAIN)
- INITIAL VICTIM INTERVIEW
- SPECIAL CONSIDERATIONS IN SEXUAL ASSAULT REPORT WRITING
- WHAT IS A RAPE ADVOCATE
- WHAT IS A SANE NURSE
- THE SEXUAL ASSAULT INCIDENT PROCEDURE ACTS & FORMS
- VICTIM INTERVIEW BY INVESTIGATOR
- SOCIAL-DIGITAL MEDIA
- OFFENDER INVESTIGATION
- OFFENDER INTERVIEW
- ISSUES IN FALSE REPORTING
- SEX ASSAULT LAWS IN ILLINOIS

Know how police training gets done in your state!
- Work with the Police Training Board
- Consider using an online platform
- Share
### CHICAGO POLICE DEPARTMENT

**Implementation in a Large Department**

- **≈ 13,000 Sworn Personnel**
- **≈ 1,140 Detectives**

### Sex Crimes Caseload in Chicago

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<tr>
<th>Year</th>
<th>Area Detectives</th>
<th>Special Investigations</th>
<th>Total</th>
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<td>981</td>
<td>2668</td>
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<tr>
<td>2017</td>
<td>1869</td>
<td>992</td>
<td>2861</td>
</tr>
<tr>
<td>2018</td>
<td>1906</td>
<td>964</td>
<td>2870</td>
</tr>
</tbody>
</table>

### CPD POLICY CHANGES IN RESPONSE TO SAIPA

- **WHAT CORDELIA SAID!!!**
- Expansion of mandatory reporting to include **WHEN** as well as **WHERE**.
- No refusals when victim is unable to recall the event or unsure if an assault occurred (i.e. blackout or drug facilitated sexual assault).
- Who will receive the training?
- Training delivered with focus on reducing secondary victimization.
- Limited immunity from prosecution – additional laws modified.
- Notification policies expanded to include consulates/embassies.
SOME CHALLENGES:

- Who ya gonna call?
  - Fax: 312-745-6820
  - Phone: 312-746-9706
  - EMAIL: chicagocsa@chicagopolice.org
- Unfunded Mandates
- Departmental Silos

Hint: It’s not these guys!

CPD IMPLEMENTATION OF TRAINING

- Since July 0f 2017: 2,138 Police Recruits Trained
- 6 Hour Training (Set by State Training Board)
  - Hour 1: Overview/Law
  - Hour 2: Issues Surrounding Sexual Assault
  - Hour 3: Trauma and the Brain
  - Hour 4: Working with Survivors of Sexual Assault
  - Hour 5: Sexual Assault Offenders/DFS
  - Hour 6: Reporting Issues and Resources
CPD IMPLEMENTATION OF TRAINING

- Since May of 2018: 401 Investigators Trained
- 16 Hour Training (CPD Generated/State Board Approved)
  - Module 1: Overview and Scope
  - Module 2: Law and Procedure
  - Module 3: Trauma and the Brain
  - Module 4: Working with Survivors of Sexual Assault
  - Module 5: Sexual Assault Offenders
  - Module 6: Understanding the Role of Advocates
  - Module 7: Sexual Assault Nurse Examiners (SANEs)
  - Module 8: Taking Care of the Investigator
  - Module 9: Case Examples

BUY-IN: TRAUMA IS TRAUMA – TAKE A LOOK AT OURSELVES

911 CALL TO REPORT RAPE
COMPARE WITH POLICE TRAUMA

TRAINING LAW ENFORCEMENT

What has been successful?
- Don’t make assumptions about the officers
- Have a sense of humor
- Take frequent breaks
- No question is wrong
- Videos work
- Relate it to the police experience
- Acknowledge other’s opinions
- Encourage storytelling
- Instructor participation in MDT case review
- LE lead instructors and only LE in the trainings

What have been the challenges?
- That’s not the way we’ve always done it!
- Don’t expect a lot of participation
- Media Cases
- Reality of averages
- Ensuring that this is a LE led training
- Lack of SARTs/MDTs across the state
- State’s Attorney relationship
- Personnel/Timeline
**EVALUATION RESPONSES**

- "I feel vindicated for the way I've been doing things" – CPD Detective
- "I did not want to be here. We just had a murder and an armed robbery this past week. I am so glad I didn't miss it." – Galesburg Investigator
- "Straight forward conversation about very difficult topics. Very helpful." – DuPage Area Detective
- "I'm glad the detective's well-being is addressed. We need to take better care of ourselves." – CPD Detective

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**WHAT'S HAPPENING IN ILLINOIS NOW**

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**CONTACT INFORMATION**

- Det. Bryan Barlow
  Chicago Police Department
  Bureau of Detectives
  Office: 312-746-6288
  Cell: 773-875-3720
  bryan.barlow@chicagopolice.org

- Cordelia Coppleson
  Assistant Attorney General
  Criminal Enforcement
  Law Enforcement Training Project Coordinator
  Office of the Illinois Attorney General
  Office: 312-438-4884
  Cell: 312-519-2133
  jrodriguez@atg.state.il.us

- Jaclyn Rodriguez
  SANE Coordinator
  Office of the Illinois Attorney General
  Office: 312-814-6267
  Cell: 312-519-2133
  jrodriguez@atg.state.il.us
Sexual Assault Incident Notice

Chicago Police Department

Police Report R.D. #: 

Date: 
Beat of Occurrence: 

Chicago Rape Crisis Hotline - 1-888-293-2080

Free and Confidential — Available 24 hours, 7 days a week

If you have been sexually assaulted or abused, require sexual assault services, or need information about sexual assault, please call the hotline for:
- Non-judgmental emotional support.
- Counseling for you, your children and/or non-perpetrating significant other(s).
- Information on education and professional training.
- Information on legal and medical advocacy, including forensic exams, the criminal justice system, and protection orders.

Remember: If you are in IMMEDIATE DANGER, you should immediately call 911.

RIGHTS OF SEXUAL ASSAULT SURVIVORS

Incident Reporting: Survivors of sexual assault or abuse are entitled to:
- Being treated with fairness, respect, dignity, and privacy.
- Having a police report made in Chicago for any sexual assault or abuse incident, including:
  - Incidents perpetrated upon another person but that you witnessed.
  - Incidents occurring in another country or state.
  - When you think you have been sexually assaulted or abused and are not sure.
- By a third party, with your consent.
- Request compensation or receive benefits from the Illinois Crime Victims Compensation program for damages you suffered as a result of the crime by calling 1-800-228-3368.

If there are official criminal proceedings involved with your case, you are also entitled to be notified of court proceedings, communicate with the prosecutor, and make a statement to the court at the judge’s discretion. An advocate may attend court proceedings with you or inform you about the proceedings.

Medical Services/Evidence Preservation:
Survivors of sexual assault should seek medical attention as soon as possible. You may request transportation to a hospital for emergency medical attention and evidence collection. The sooner the medical forensic exam is performed, the more evidence is available for collection.

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; take a bath, shower or douche; use the restroom; eat; smoke; or perform oral hygiene, depending on the nature of the attack. 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.

A hospital must perform a forensic exam and complete an exam kit up to 7 days after the assault if you request it, regardless of your age, but the longer you wait the likelihood of obtaining evidence decreases. The hospital will collect DNA and other biological evidence, will take photographs, and will collect clothing that may contain evidence.

You will NOT be billed for any services provided in the emergency room or for medical forensic services. In addition, if eligible, the hospital will give you a voucher for 90 days of follow-up care. The nearest hospital which 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 ☐

Evidence Testing and Storage:
Hospital personnel will offer you options for reporting the sexual assault and for the collecting and testing of forensic evidence. You must provide written consent to have the collected evidence tested. You can also consent to having a sample of your urine tested for alcohol and all other legal and illegal drugs. Specific information on the consent to testing will be described on the consent form provided by hospital personnel. If you have consented to the testing of the evidence, you are entitled to the following information:

1) The date the Chicago Police Department (CPD) sent the evidence to the Illinois State Police Crime Laboratory for testing. If you request this information by contacting the detective assigned to your case, it must be provided to you within 7 days of the transfer of the evidence to the laboratory by the CPD.
2) Test results provided to the CPD by the laboratory, including but not limited to DNA test results and information about any drugs detected in urine or blood samples. If you request this information, it must be provided to you within 7 days of the CPD receiving the results from the laboratory.

If you have evidence collected but are unsure about allowing law enforcement to test the evidence, the evidence will be stored by the Chicago Police Department (CPD) for 10 years from today’s date, or until your 28th birthday if you are under the age of 18. If you do not sign a written consent to release the evidence for pre-trial testing prior to discharge from the hospital, you will have 10 years to decide to have it tested. If you do decide to have it tested, you may request notification prior to the destruction of the evidence at the end of the 10 year storage period by contacting the detective assigned to your case. Your or your designee must keep the CPD informed of the current location information to whom information should be provided. The evidence collected will not be used to prosecute you for any offense related to the use of alcohol, cannabis, or a controlled substance.

Investigations:
If a Detective does not meet with you at your home, the station, or hospital, he/she will contact you within 3-5 business days of filing the initial police report. Per 725 ILCS 203(20)(e), a victim of sexual assault or abuse shall not be required to submit to an interview. Nevertheless, a report will be completed. If the incident reported to the Chicago Police Department occurred outside of Chicago, the below-listed agency will investigate:

Law Enforcement Agency Name: 
Address: 
Phone Number: 

CIVIL NO CONTACT ORDERS / ORDERS OF PROTECTION
Victims of sexual conduct or assault may petition for a Civil No Contact Order (CNCO) or Order of Protection (OOP) that can order the offender to have no contact with you and stay away from you and away from specific locations, including your residence, your work, or a school you both attend. A person who violates a CNCO or OOP can be arrested.

The CNCO or OOP can be obtained in the criminal case or in civil court at the courthouse at 555 West Harrison St. In Chicago, between 8:30am and 2:30pm. There are no fees for the person requesting the order. While you can obtain a CNCO or OOP 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, the Department will provide or arrange transportation to see a CNCO or OOP.

SOURCES OF ASSISTANCE FOR CHILDREN
If you suspect a child is being abused or neglected, please call the DCF5 Hotline 1-800-25-ABUSE For specialized child and family counseling or advocacy services please call:
- YWCA of Metropolitan Chicago RISE Children’s Center 312-733-2102
- Children’s Advocacy Center 312-492-3700

Reporting Officer’s Name (Print): 
Star No. 
Reporting Officer’s Name (Print): 
Star No. 

CPD-23.404 (Rev. 1/19)-English
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.

<table>
<thead>
<tr>
<th>Law Enforcement Agency That Received the Initial Sexual Assault Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Agency Name: ___________________________</td>
</tr>
<tr>
<td>Initial Agency Contact Name: ________________________</td>
</tr>
<tr>
<td>Title: ___________ Phone: ___________ Fax: ___________</td>
</tr>
<tr>
<td>Email: ________________________</td>
</tr>
<tr>
<td>Date Transferred: ___________ Time Transferred: ___________</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Confirmation of Receipt of Sexual Assault Report to be completed by Law Enforcement Agency with Jurisdiction Receiving Report</th>
</tr>
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<tbody>
<tr>
<td>Agency with Jurisdiction Name: ___________________________</td>
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<tr>
<td>Name of Person Receiving Report: ________________________</td>
</tr>
<tr>
<td>Title of Person Receiving Report: ________________________</td>
</tr>
<tr>
<td>Date Received: ___________ Time Received: ___________</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Law Enforcement Agency Having Jurisdiction Contact Information to be Provided to Victim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency with Jurisdiction Name: ___________________________</td>
</tr>
<tr>
<td>Name of Contact Person: ___________________________</td>
</tr>
<tr>
<td>Title: ___________ Phone: ___________ Fax: ___________</td>
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<tr>
<td>Email: ________________________</td>
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This written confirmation shall be delivered in person or via fax or email to the law enforcement agency that received the initial report.
Medical Forensic Exam and Evidence Collection (patient of any age. If patient is unable to provide consent due to age or mental status, consent may be obtained from parent or guardian, please circle.)

Initial one choice □ I consent to ____ I decline a medical forensic exam and evidence collection. I understand I can stop the exam at any time and can decline any portion of the exam or collection of any sample. I understand that I will not be directly billed for any outpatient portion of the medical forensic exam. If declined, I understand that I can return to any treatment facility within 7 days of the assault and request that a medical forensic exam and evidence collection be completed.

Photographic Evidence (must be 13 years old or older. If under 13 years old, consent may be obtained from parent or guardian, please circle)

Initial one choice □ I consent to ____ I decline the collection of photographic evidence. I understand that these photos may include injuries and photos of my genital area. I understand that law enforcement may request photos independent of the medical forensic exam if I choose to report to law enforcement.

Reporting Decision and Evidence Analysis (must be 13 years old or older. If under 13 years old, consent may be obtained from parent, guardian, law enforcement or DCFS) Choose option A, B, OR C and initial the choice.

Option A - Patient Report

I am choosing to provide information directly to a law enforcement officer. I understand that I may decide how much information I provide and that I may stop the interview at any time.

Patient must also select one of the additional options below.

☐ I give permission for evidence and information gathered during my medical forensic exam to be released to law enforcement and analyzed at the forensic lab. I understand law enforcement will submit the evidence to a lab no later than 10 days after receiving it. I understand if the evidence is analyzed, law enforcement will receive the results for the purposes of investigation(s) and prosecution(s). (PATIENT REPORT AND TEST)

OR

☐ I consent only to the collection and storage of evidence at a law enforcement agency. I understand this means the evidence will NOT be submitted to a forensic lab for analysis. I understand I can change my mind, release the evidence and possibly have evidence analyzed at a forensic lab by contacting law enforcement or a rape crisis center at a later time. I understand law enforcement is only required to hold the evidence for a minimum of 10 years or until the 28th birthday of a patient under the age of 18. (PATIENT REPORT AND HOLD)

Option B - Health Care Provider Report

I am choosing to allow health care providers (HCP) to provide information to law enforcement regarding the sexual assault. I acknowledge that I do not have to speak with law enforcement at this time.

Patient must also select one of the additional options below.

☐ I give permission for evidence and information gathered during my sexual assault exam to be released to law enforcement and analyzed at the forensic lab. I understand law enforcement will submit the evidence to a lab no later than 10 days after receiving it. I understand if the evidence is analyzed, law enforcement will receive the results for the purposes of investigation(s) and prosecution(s). (HCP REPORT AND TEST)

OR

☐ I consent only to the collection and storage of evidence at a law enforcement agency. I understand this means the evidence will NOT be submitted to a forensic lab for analysis. I understand I can change my mind, release the evidence and possibly have evidence analyzed at a forensic lab by contacting law enforcement or a rape crisis center at a later time. I understand law enforcement is only required to hold the evidence for a minimum of 10 years or until the 28th birthday of a patient under the age of 18. (HCP REPORT AND HOLD)

Option C - Non-Report

At this time I am choosing NOT TO REPORT TO LAW ENFORCEMENT OR PARTICIPATE in any investigation.

I consent only to the collection and storage of evidence at a law enforcement agency. I understand this means the evidence will NOT be submitted to a forensic lab for analysis. I understand I can change my mind, make a report to law enforcement and possibly have evidence analyzed at a forensic lab by contacting law enforcement or a rape crisis center at a later time. I understand law enforcement is only required to hold the evidence for a minimum of 10 years or until the 28th birthday of a patient under the age of 18. (NON-REPORT AND HOLD).
Patient Consent: Collect and Test Evidence or Collect and Hold Evidence, Page 2

Contact Information

If you have consented for testing you can receive information about the status of testing and results of your evidence collection kit by contacting the law enforcement agency listed below:

<table>
<thead>
<tr>
<th>Law Enforcement Agency</th>
<th>Report #</th>
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Address | Phone Number
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Mandated Reporter Clause - I understand that pursuant to 20 ILCS 2630/3.2 it is the duty of any physician or nurse to notify the local law enforcement agency of that jurisdiction when it reasonably appears that the person requesting treatment has received any injury sustained in the commission of or as a victim of a criminal offense.

PATIENT TO INITIAL HERE __________

Rape Crisis Center | Phone Number
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Receipt of Information (to be completed by hospital and law enforcement representatives only):

I certify that I have received the following items (check those that apply):

- One sealed evidence collection kit
- Copy of the medical forensic documentation form
- Sealed paper clothing bag(s)
- Sealed urine specimen
- Other (describe) ____________________________

Signature of law enforcement representative receiving information and/or articles ____________________________

Printed Officer ID# and Rank ____________________________ Agency ____________________________

Signature of hospital representative releasing information and/or articles ____________________________

Printed hospital representative name and title ____________________________

Date __________ Time __________ Untested storage period ends __________ (10 years after date of exam or the 28th birthday for a patient under 18)

Return to Consent For Evidence Analysis (To be completed at a later time if evidence initially was on HOLD.)

Form is to be completed by patient and law enforcement or rape crisis center representative. Provide signed copy to law enforcement agency listed above.

I have provided law enforcement with information regarding the sexual assault. I give permission for evidence and information gathered during my medical forensic exam to be released to law enforcement and analyzed at the forensic lab. I understand law enforcement will submit the evidence to a lab no later than 10 days from today. I understand if the evidence is analyzed, law enforcement will receive the results for the purposes of investigation(s) and prosecutions(s).

<table>
<thead>
<tr>
<th>Patient Signature</th>
<th>Date</th>
<th>Witness Signature</th>
<th>Date</th>
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Law Enforcement Representative

Original to law enforcement case file, copy to hospital medical record, copy to patient.

DO NOT SEAL THIS PAGE IN THE EVIDENCE COLLECTION KIT

ISP 6-003 (12/18)
Sexual Assault Checklist

(These checklists do not relieve an officer from other responsibilities mandated by law)

Officers will document the completion of a task by placing their ID# by law)

Responding Officer Duties [725 ILCS 203/15(b)(2)]

- a. Emergency/Initial response. 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)]
- c. Encourage victim to seek a Sexual Assault Forensic Exam if crime happened within 7 days, or longer at their discretion.
- d. Provide victim with following information and document in narrative of the report that the information was provided:
  - i. Mandatory Notice for Survivors of Sexual Assault – Form A [725 ILCS 203/25(a)(1)]
  - ii. Written Statement of Explanation of Crime Victim Rights (Marsy’s Rights) [725 ILCS 120/4(b)]
- e. Assisting the victim:
  - i. Offer or arrange transportation to nearest judge for protective order after hours, if available. [725 ILCS 203/25(a)(3)]
  - ii. Contact agency social worker or victim advocate, if available.
- f. Assess for drug facilitated sexual assault. (If suspected, first urine after sexual assault is preferred.)
- g. Notify investigating officer, if other than responding officer.
- h. Evidence collection, crime scene processing, and chain of custody [725 ILCS 203/15(b)(8)].
  - i. Evidence collection and storage requirements for evidence collected at the hospital
    1. A law enforcement officer from the agency having jurisdiction shall take possession of sexual assault evidence collected by hospital personnel within no more than 5 days of the completion of the medical forensic exam and shall
    2. Evidence shall be stored a minimum of 5 years from completion of medical forensic exam OR 5 years from victim’s 18th birthday. Whichever is longer, to give the victim time to consent.
  - ii. Evidence collection and storage requirements for evidence collected at the hospital
    1. A law enforcement officer from the agency having jurisdiction shall take possession of sexual assault evidence collected by hospital personnel within no more than 5 days of the completion of the medical forensic exam and shall
    2. Evidence shall be stored a minimum of 5 years from completion of medical forensic exam OR 5 years from victim’s 18th birthday. Whichever is longer, to give the victim time to consent.
  - i. Evidence collection and storage requirements for evidence collected at the hospital
    1. A law enforcement officer from the agency having jurisdiction shall take possession of sexual assault evidence collected by hospital personnel within no more than 5 days of the completion of the medical forensic exam and shall
    2. Evidence shall be stored a minimum of 5 years from completion of medical forensic exam OR 5 years from victim’s 18th birthday. Whichever is longer, to give the victim time to consent.
  - ii. Accommodate the victim’s request for a person, advocate, or attorney for the purposes of support or consultation, if possible.
  - iii. Utilize evidence-based, trauma-informed, victim-centered interview questions and techniques.
- i. Mandatory reporting requirements
  - i. Reporting to the Department of Children and Family Services. [325 ILCS 5/4]
  - ii. Reporting to Adult Protective Services or the Department of Public Health. [230 ILCS 20/4 or 210 ILCS 30/4]
- k. Report writing [725 ILCS 203/15(b)(5)]
  - i. A law enforcement officer shall complete a written report upon receiving any report of sexual assault or sexual abuse, regardless of the jurisdiction where the offense occurred and regardless of who is reporting the offense. [725 ILCS 203/20]
  - 1. Shall include, if known:
    1. Any known information regarding the victim, the suspect, witnesses, and the circumstances surrounding the event (names, contact information, time/date, location, etc.)
  - 2. Must include following:
    1. Names of medical professionals who provided medical forensic examination of the victim and any information they provided about the sexual assault or abuse.
    2. Whether a sexual assault kit was completed, the name and contact information for the hospital (staff), and if victim consented to testing of the evidence kit by law enforcement.
    3. Whether a urine or blood sample was collected and if the victim consented to testing of a toxicology screen by law enforcement.
    4. Information the victim related to medical professionals during a medical forensic examination, if victim consented to disclosure to law enforcement.
    5. Date and time sexual assault evidence was picked up from the hospital.
    6. Date and time sexual assault evidence was submitted to lab.
  - i. If the incident occurred in another jurisdiction, a copy of the written report shall be sent to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving the reported information. [725 ILCS 203/20(c)]. You should receive confirmation from the receiving agency of its receipt within 24 hours of sending it. If you do not receive notification, follow up with the law enforcement agency having jurisdiction. [725 ILCS 203/20(d)].
  - ii. Victim is not required to submit to an interview with law enforcement. A report must still be completed even if victim refuses the interview. Reports will be generated even if outside statute of limitations.
MANDATORY NOTICE FOR
SURVIVORS OF SEXUAL ASSAULT*

MEDICAL AND FORENSIC SERVICES

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 10 years or, if you are under the age of 18, until your 28th 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

The nearby hospital below provides emergency medical and forensic services for sexual assault survivors:

<table>
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<th>Hospital Name</th>
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<tr>
<th>Hospital Address</th>
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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:

<table>
<thead>
<tr>
<th>Rape Crisis Center Name</th>
<th>Hotline Number</th>
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**RESPONDING LAW ENFORCEMENT AGENCY**

<table>
<thead>
<tr>
<th>Responding Officer’s Name</th>
<th>Star/Badge Number</th>
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<table>
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<tr>
<th>Responding Law Enforcement Agency Name</th>
<th>Agency Phone Number</th>
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<th>Report Number</th>
<th>Date</th>
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**LAW ENFORCEMENT AGENCY WHICH WILL COMPLETE INVESTIGATION**

<table>
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<th>Law Enforcement Agency Phone Number</th>
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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.

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<td>Phone Number</td>
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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 ten (10) years from today’s date, ________________.

If you are under 18 years of age, this evidence will be stored until your 28th 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.

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<td>Address</td>
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<td>Phone Number</td>
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*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.
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.