

# **General Order**

## **Victims with Disabilities**

### **Purpose:**

To establish \_\_\_\_\_ Police Department policy and procedures for responding to calls involving victims with disabilities.

### **Policy:**

It is the policy to treat crimes against people with disabilities as a priority and to respond both professionally and compassionately to victims with disabilities. In addition, it is mandated that:

- A. Reports of crimes against people with disabilities be fully investigated regardless of the victim's disability and regardless of the relationship between the victim and the suspect(s).
- B. Reports of domestic violence and sexual assault of people with disabilities be fully investigated whether or not the officer thinks the victim can or will testify.
- C. Officers treat all persons with disabilities with dignity and respect - including the person's right to self-determination. Self-determination is a person's right to make his or her own decisions, including the right to privacy and to refuse well-intended interventions.
- D. Immediate, effective assistance and protection to victims with disabilities be provided and appropriate action against offenders is taken. Further, the implementation of these solutions should not result in increased risk to the victim and should not exacerbate the situation.
- E. Officers shall seek to determine needed accommodations/resources for victims with disabilities to ensure the victim has equal access to the investigative process.
- F. Officers, in an effort to improve their response to victims with disabilities, participate in coordinated efforts with other appropriate agencies, including criminal justice, prosecutors, victim services, disability service organizations, and abuse/neglect investigative entities.
- G. Document the type and extent of the victim's disability to help in determining the appropriate charge level as well as possible accommodations/supports necessary

for equal access to the criminal justice system. It is best practice to use the accommodation preferred by the victim when possible.

H. Officers shall expeditiously provide reports to partner agencies when an incident is confirmed as abuse, neglect, or financial exploitation (including non-criminal acts) to the appropriate state reporting entity for people with disabilities (i.e., Adult Protective Services, IDHS Office of the Inspector General or Illinois Department of Public Health).

## **Criminal Statutes/People with Disabilities:**

### **ACT 5. CRIMINAL CODE OF 2012**

#### **ARTICLE 9. HOMICIDE**

##### **5/9-1 First Degree Murder**

Section 5/9-1(b)(17) sets forth that it is an aggravating factor if “the murdered individual was a person with a disability and the defendant knew or should have known that the murdered individual was disabled person with a disability.” “Person with a disability” is defined in subsection (b)(17) to mean a person who suffers from a permanent physical or mental impairment resulting from disease, injury, or a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or person care. Prior to the repeal of the death penalty in Illinois, this factor in aggravation could result in the imposition of a sentence of death.

#### **ARTICLE 10. KIDNAPPING AND RELATED OFFENSES**

##### **5/10-1 Kidnapping**

Section 10-1(b) provides that “a person with a severe or profound intellectual disability” is confined against his or her will for purposes of this statute if such confinement is without the consent of such person’s parent or legal guardian.

##### **5/10-2 Aggravated Kidnapping**

Section 10-2(a)(2) elevates a kidnapping offense from a Class 2 Felony under Section 10-1 to a Class X Felony if a person commits the offense of kidnapping and “takes as his or her victim ... a person with a severe or profound intellectual disability.”

#### **ARTICLE 11. SEX OFFENSES**

### **5/11-1.20 Criminal Sexual Assault**

Section 11-1.20(a)(2) provides that a person commits the offense of Criminal Sexual Assault if that person “commits an act of sexual penetration and ... knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.”

### **5/11-14.1 Solicitation of a Sexual Act**

The offense of Solicitation of a Sexual Act is committed when a person offers another person who is not his or her spouse any money, property, token, object, article or anything of value for that person or any other person who is not his or her spouse to perform any act of sexual penetration or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification. The sentence is elevated from a Class A misdemeanor to a class 4 felony when the sexual act is solicited from a person who is under the age of 18 or who is a person with a severe or profound intellectual disability.

### **5/11-1.30 Aggravated Criminal Sexual Assault**

The offense of Criminal Sexual Assault is elevated from a Class 1 Felony under Section 11-1.20 to a Class X Felony if, under Section 11-1.30(a)(6) “the victim is a person with a physical disability” **or** under Section 11-1.30(c) “a person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.”

### **5/11-1.50 Criminal Sexual Abuse**

Section 11-1.50(a)(2) provides that a person commits the offense of Criminal Sexual Abuse if that person “commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.”

### **5/11-1.60 Aggravated Criminal Sexual Abuse**

The offense of Criminal Sexual Abuse is elevated from a Class A Misdemeanor or Class 4 Felony under Section 11-1.50 to a Class 2 Felony if, under Section 11-1.60(a)(4) “the victim is a person with a physical disability” **or** under Section 11-1.60(e) “a person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.”

### **5/11-9.5 Sexual Misconduct with a Person with a Disability**

A person commits the offense of Sexual Misconduct with a Person with a Disability when he or she is an “employee” and knowingly engages in sexual conduct or sexual penetration with a person with a disability who is under the care and custody of the Department of Human Services at a State-operated facility. “Employee” is defined to include any person employed by the Illinois Department of Human Services, any person

employed by a community agency providing services at the direction of the owner or operator of the agency on or off site, or any person who is a contractual employee or contractual agent of the Department of Human Services or the community agency including payroll personnel, contractors, subcontractors, and volunteers. The offense may also be committed when a person who is an employee of a community agency funded by the Department of Human Services knowingly engages in sexual conduct or sexual penetration with a person with a disability who is in a residential program operated or supervised by a community agency. A person who convicted of committing such an offense will be guilty of a Class 3 Felony.

#### **5/11-11 Sexual Relations within Families**

The offense of Sexual Relations within Families is committed when a person commits an act of sexual penetration with another person who he or she knows is related to him or her. Prohibited relations include siblings, parents, stepparents, aunts, uncles, grandparents, and great grandparents. The offense is a Class 3 felony.

#### **5/11-14.4 Promoting Juvenile Prostitution**

Provides that it is a Class 1 Felony where a person knowingly “advances prostitution as defined in Section 11-0.1, where the minor engaged in prostitution, or any person engaged in prostitution in the place, is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense” (Subsection (a)(1)) or knowingly “profits from prostitution by any means where the prostituted person is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense” (Subsection (a)(2)). If the child or a person with a severe or profound intellectual disability is confined against his/her will by force or by threat of force or by administering any alcoholic intoxicant or other drug, Subsection (a)(4) elevates this offense to a Class X Felony with an extended sentencing range of 6-60 years in the Department of Corrections.

#### **5/11-18.1 Patronizing a Minor Engaged in Juvenile Prostitution**

Despite the name of this offense, the provisions of this statute apply equally if the person commits the acts described with a person with a severe or profound intellectual disability as if the acts had been committed with a person under the age of 18.

### **ARTICLE 12. BODILY HARM**

#### **5/12-2 Aggravated Assault**

The offense of Assault is elevated from a Class C Misdemeanor under Section 12-1 to a Class A Misdemeanor under Section 12-2(b)(1) if the offender knows the victim is a person with a physical disability or is person 60 years of age or older.

### **5/12-3.05 Aggravated Battery**

The offense of Battery is elevated from a Class A Misdemeanor under Section 12-3 to a Class 3 Felony under Section 12-3.05(b)(2) if the defendant knowingly causes “bodily harm or disability or disfigurement” to any person with a severe or profound intellectual disability. In cases of “great bodily harm or permanent disability or disfigurement” to such victims, the offense is further elevated by Section 12-3.05(b)(1) to a Class X Felony, with yet further sentencing enhancements if a firearm is used in the commission of the offense.

The offense of Battery is elevated from a Class A Misdemeanor under Section 12-3 to a Class 3 Felony under Section 12-3.05(d)(2) if the individual knows the victim is pregnant or has a physical disability.

### **5/12-4.4a Abuse or Criminal Neglect of a Long Term Care Facility Resident; Criminal Abuse or Neglect of an Elderly Person or Person With a Disability**

Provides that it is a Class 3 Felony for certain specified types of caregivers (see statute for definitions) to knowingly endanger the life or health of a resident of a long-term care facility, elderly person, or person with a disability, or to perform acts causing such person’s pre-existing mental or physical condition to deteriorate, or to fail to perform acts necessary to maintain or preserve the life or health of such person, or abandons such person.

With regard specifically to elderly persons or persons with disabilities, one who knowingly “physically abuses, harasses, intimidates, or interferes with the personal liberty of the person” (Subsection (b)(1)(D)) or “exposes the person to willful deprivation” (Subsection (b)(1)(e)) also commits this offense.

If commission of this offense results in the death of the victim, the offense is elevated to a Class 2 Felony, for which a prison sentence of not less than three years nor more than 14 years must be imposed (Subsections (d)(1) and (d)(2)).

### **5/12-7.1 Hate Crime**

This statute elevates a number of specified misdemeanor offenses to Class 4 Felony offenses (or Class 2 Felony for second and subsequent offenses) if the offense is committed “by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, *physical or mental disability*, or national origin of another individual...” (emphasis added).

### **5/12-7.2 Educational Intimidation**

Provides that it is a Class C Misdemeanor for one to interfere with the right of any child who is or is believed to be afflicted with a “chronic infectious disease” to attend or

participate in schools by various specified means.

**5/12c-10 Child Abandonment**

Section 12c-10(b)(3) provides that, for purposes of determining “whether the child was left without regard for the mental or physical health, safety, or welfare of that child,” one factor to be considered is the “special needs of the child, including whether the child is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications.”

**ARTICLE 16. THEFT AND RELATED OFFENSES**

**5/16-30 Aggravated Identity Theft**

Subsection 16-30(b)(1) provides that a person who commits the offense of Identity Theft against a person 60 years of age or older or a person with a disability commits Aggravated Identity Theft. The precise classification of this offense varies based on the amount of financial loss to the victim and the prior record of the offender, but Aggravated Identity Theft is generally one class of offense higher than an Identity Theft with otherwise similar factual circumstances.

**ARTICLE 17. DECEPTION AND FRAUD**

**5/17-56 Financial Exploitation of an Elderly Person or a Person with a Disability**

The offense of Financial Exploitation of an Elderly Person or a Person with a Disability is committed when a person who “stands in a position of trust or confidence” with an elderly person or person with a disability and by deception or intimidation obtains control over his or her property or illegally uses the assets or resources of an elderly person or a person with a disability. The offense is a felony, but the precise classification of the offense varies based on the amount of financial loss to the victim, and, in the case of an elderly person, on the actual age of the victim.

**ARTICLE 18. ROBBERY**

**5/18-1 Robbery**

The offense of Robbery is elevated from a Class 2 Felony offense under this Section to a Class 1 Felony offense if the victim is 60 years of age or over or is a person with a physical disability.

**5/18-4 Aggravated Vehicular Hijacking**

The offense of Vehicular Hijacking is elevated from a Class 1 Felony under Section 18-3

to a Class X Felony under Section 18-4(a)(1) if the person from whose physical presence the motor vehicle is taken is a person with a physical disability or a person 60 years of age or over. Such an act will constitute Aggravated Vehicular Hijacking.

## **Mandated/Required Reporting/Adults with Disabilities**

### **Where to Report Abuse of People with Disabilities**

There are three primary agencies with responsibility to receive and investigate allegations of abuse, neglect and exploitation, depending on **where the person resides and/or receives services**.

1. For individuals with mental illness and/or developmental disabilities who reside in state-funded community settings or facilities, the Illinois Department of Human Services Office of the Inspector General (OIG) is designated to receive reports and investigate abuse, neglect and exploitation. Examples of community services would include Psychosocial Rehabilitation Services, Developmental Training Program or CILA services. In general, if a person receives services from a behavioral health, mental health or developmental disability organizations, reports go to **OIG at 1-800- 368-1463**.
2. For individuals with disabilities who reside in domestic settings (e.g., with family members, their own apartments/homes), the **Illinois Department on Aging (IDOA)** is the reporting and investigative entity. Effective July 1, 2013, the hotline number to call is **1-866-800-1409 and the TTY is 1-888-206-1327**.
3. For individuals who reside in long term care facilities (e.g., Intermediate Care Facilities, nursing homes, or who are receiving treatment in the hospital), the Illinois Department of Public Health (IDPH) is the reporting and investigative entity. IDPH receives reports **at 1-800-252-4343**.

### **Responsibility to Report—Law Enforcement to State Disability Investigators**

Even if the investigating officer does not believe the evidence rises to the level of a crime, a report must still be made to the designated state disability investigative organization. The level of evidence required of the state disability investigative organization to substantiate abuse is generally less than that of a crime.

Law enforcement is mandated to report all allegations of abuse, neglect, or financial exploitation of individuals with disabilities to the designated agency with statutory responsibility to receive and investigate such allegations. This does not relieve law enforcement's responsibility to investigate the complaint to determine if criminal violations have occurred.

## **Responsibility to Report—State Disability Investigators to Law Enforcement**

Office of the Inspector General is to report criminal acts within 24 hours after determining that there may be credible evidence indicating that a criminal act may have been committed or that special expertise may be required in an investigation. The Inspector General shall notify the Department of State Police or other appropriate law enforcement authority, or ensure that such notification is made. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, sexual assault, or other felony by an employee. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

For individuals living in the community, not in a licensed setting, the Adult Protective Services provider agency's case worker will consult with the program supervisor, inform the individual that a criminal act may have been committed and immediately report the evidence of crime(s) to law enforcement. The APS provider agency will provide the law enforcement agency with case records in the investigation, upon request, with the exception of the reporter's identity. When an APS provider agency has reason to believe that the death of an individual may be the result of abuse or neglect, the agency must promptly report the matter to both law enforcement and the coroner or medical examiner.

The Illinois Department of Public Health is to report criminal acts within 24 hours after determining that there may be credible evidence indicating that a criminal act may have been committed or that special expertise may be required in an investigation. The Department of Public Health shall notify the Department of State Police or other appropriate law enforcement authority, or ensure that such notification is made. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, sexual assault, or other felony by an employee. All investigations conducted by the Department of Public Health shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.



## **Training:**

All law enforcement personnel should receive ongoing training regarding the implementation of the protocol for victims with disabilities.

Training will include:

- laws impacting the response to victims with disabilities
- myths and facts about people with disabilities
- attitudes about people with disabilities
- language and sensitivity
- the Americans with Disabilities Act and using accommodations
- indicators of violence in the lives of people with disabilities
- offender characteristics
- risk factors
- interviewing techniques; i.e., victim interviewing vs. offender interviewing
- investigative strategies
- evidence collection
- violence against people with disabilities who depend on Personal Assistants/Individual Providers
- and joint investigation procedures with state investigative entities (i.e., APS, DHS – OIG and IDPH)
- Trauma training

Like any profession, continuing education is critical for the development of expertise. Law enforcement, tenured and recruits will participate in ongoing education opportunities. Persons with disabilities will be utilized as trainers when possible.

## **Response Procedures**

### **Pre-investigation**

The officer will:

1. Know the prosecution standards set by the State's Attorney's office for accepting criminal cases against persons with disabilities.
2. Maintain on-going collaborative commitment to working with all agencies responding to crimes against persons with disabilities.
3. Understand the role of police work in responding to crimes against persons with disabilities.
4. Understand the role of sexual assault, domestic violence, and disability service agencies in supporting victims with disabilities.

In order to have a successful interview, the officer must establish rapport and respectful communication with the victim. A key element of this is approaching the individual with the framework of presumed competence. Presumed competence means the officer would presume the victim is able to participate in an interview and the criminal justice process. When possible, the officer will want to gather some initial information before interviewing the person:

1. Determine if the victim has any kind of disability. (e.g., did the person attend Special Education classes in school? Does the person participate in services with a disability organization?).
2. Find out how this disability *may* affect the interview process; each person is unique so further information will be gathered when you meet the person.
3. Determine if the victim uses any adaptive equipment, such as a hearing aid, crutches or a wheelchair?
4. Determine if the victim has any attention difficulties.
5. Determine how the victim best communicates their wants and needs.
6. Determine what makes it easiest for the victim to understand what others communicate.
7. Assure the setting for the interview is accessible to the victim.
8. Arrange for a victim advocate to be present to support the victim, if possible.

While reviewing information from the report may assist in preparing or making arrangements for the investigative interview, asking the victim with a disability about how you can best work together is essential. The person with the disability is the expert on their situation.

## **Working with Adult Victims who have a Guardian**

Some adults with disabilities have a legal guardian to help them make decisions. There are many types of guardians and the court order outlines the authority and responsibility of each guardian. Some guardians have limited authority and may only make decisions on specified situations. It is important to remember that people who have guardians can still be competent to testify in court and can participate in the criminal justice process. It is best to presume that each person has the ability to remember and communicate what has happened to them.

Some people with disabilities have been trained to be compliant with those in authority. Even as adult, some people live and work in very controlling environments. In these situations, people with disabilities are highly influenced by others and try very hard to please them. Recognizing when the victim is heavily influenced by a family member, caregiver, or other person is very important in investigating and prosecuting crimes. It is advisable to observe the victim closely when in the presence of others; looking for indicators that the victim is under the influence of someone else and may not be speaking for themselves. Here are some tips to reduce the effects of undue influence:

1. Interact directly with the victim
2. Interview the victim alone or with an advocate
3. If the guardian is a suspect or a protector of the suspect, do not engage with the victim with the guardian present
4. Work with APS, OIG or IDPH to access support services and plan a collaborative investigation
5. Communicate with the victim that you want them to be safe and that you are there to help
6. Establish rapport with the victim and take your time
7. Provide any accommodations needed so the victim can fully participate

### **Officer's Responsibility at the Scene:**

The responding officer will:

1. Safely and quickly respond to the complaint.
2. Assure necessary accommodations needed by the individual to participate in the investigative process.
3. Ensure the safety of the victim; if assistance is needed, notify the appropriate medical, law enforcement, or social service personnel. In cases of suspected abuse, neglect, or financial exploitation, submit a report to the entity authorized to investigate for persons with disabilities.
4. If the person has been mistreated by a Personal Assistant (PA) or Individual Provider (IP) , assist the person in getting the key to their home from the PA/IP
5. Create a safe and non-judgmental environment that encourages honesty and sharing. Allow the victim to share what happened to them before asking for a lot of details.
6. The preliminary victim interview only needs to establish the following: Establish that the elements of a crime are met; Evaluate the need for a forensic examination;

Identify the crime scene and any related evidence, witnesses, and the suspect(s); and establish the identity of the suspect, and contact information, if known.

7. Conduct a thorough preliminary investigation including: victim, suspects, and witnesses identification; identify and preserve the crime scene; inform the victim what will be expected of them in the investigation, i.e., hospital, evidence collection, in-depth interview, etc.
8. In cases of trauma, conduct an in-depth interview with the victim after he/she has completed 2 sleep cycles, eaten and gotten some initial support. This is especially important in sexual assault cases which may impact the memory significantly until the victim has had 2 sleep cycles.
9. Comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. It is helpful to have copies of a Victims' Rights Card in large print and Braille for victims who have low vision or blindness.
10. Reduce the number of investigators that have contact with the victim. It may take a while to establish trust and open communication.
11. Complete the necessary reports, secure evidence, and ensure departmental notifications are made. Further, ensure information is provided to the officer/investigator who may be assigned to the case.

## **Evidence Collection**

A good investigation is key to a successful prosecution and gathering evidence can prove a crime was committed with or without a participating victim. The following steps shall be taken:

1. Always interview the victim without the presence of family, staff and people with undue influence. Document the interview in detail.
2. Locate and interview ALL potential witnesses. Assess and preserve the crime scene as in any other investigation.
3. Identify all possible evidence, depending on the nature of the crime, and conduct a thorough evidence search. Secure 911 tape when applicable and any facility log sheets. Photograph and/or videotape crime scene, when indicated. A Crime Scene Investigator (CSI) may be requested.
4. Complete the necessary reports, including documents to transfer evidence, and transfer information for the follow-up investigation, if applicable.
5. In situations where there may be physical evidence on the victim's mobility device or communication equipment, the device/equipment will need to be processed and

returned to the victim quickly. It is imperative to have a discussion with the victim to determine if the device/equipment can be easily exchanged or if the victim needs to leave with the device/equipment. If the device/equipment is standard issue, it may be possible to obtain a replacement for the person by contacting the community Center for Independent Living or a medical supply company. Some devices/equipment are needed for daily survival and should never be confiscated. It may be necessary to contact the State Police Crime Scene Technicians if more resources are needed to collect the evidence from a victim's device/equipment.

6. In domestic and sexual violence investigations, it is essential to establish/explore course of conduct which includes Pre-Assault behavior, Violent Incident and Post-Assault behavior. Documentation of pre-assault behavior might include the isolation of the victim, manipulation, threatening or grooming behavior or forced compliance. Documentation surrounding the violent incident includes description of behaviors and/or statements which indicate no consent, i.e. victim cried, closed eyes, tightly held legs together, laid still throughout the assault; in other words, documentation describing how the victim said "no." Post-assault behavior includes indicators which may present immediately following the assault as well as those occurring days, weeks or months later. Reports from the victim, family members and friends demonstrating changes in the victim's behavior, such as, can't sleep, weight gain/loss, not attending work or school, putting locks on the door, afraid to answer telephone or door or moving is critical evidence that prosecutors can use in establishing lack of consent. Think about these changes in behavior, do they speak to consensual sex or a non-abusive relationship?

**In sexual assault investigations it is important that officers be aware of the following:**

- In Illinois, individuals with Guardians have the right to consent to the sexual assault forensic examination. If the physician determines the individual does not have 'decisional capacity' to consent, the investigating law enforcement officer **may** be asked to provide consent. (See [§70/5\(b\)](#) of the Sexual Assault Survivors Emergency Treatment Act (SASETA), 410 ILCS 70/1, *et seq.*) Of course, an exam would never occur if the individual expressed they did not want the exam, or resisted or refused the procedure.
- Some victims with disabilities require a different position for the sexual assault forensic exam to be completed. The victim knows their body best and can usually direct the nurse about what position adjustments and assistance are necessary.
- Victims of sexual assault may have impaired memory immediately following the sexual assault. Research indicates that the person can provide more detailed and complete information after two sleep cycles and some other self-care.

**If the victim lives in a group home, institution, or participates in a day program, here are some evidence collection tips:**

- It is typically not recommended that a staff member sit in on a victim interview - the staff member may be someone the victim is not comfortable speaking openly in front of, the staff person may interject their own opinions and ideas influencing the victim, or the staff member could defend the suspect (or possibly be the suspect).
- Explain to the staff that the victim must be interviewed alone to ensure an interview that will hold up in court.
- Ask the facility about any sign-in and sign-out procedures/logs for the persons receiving services.
- Ask about any 'staff logs' or 'communication logs' that might be in use.
- Review progress notes about the victim for supporting documents referencing the incident and secure relevant documents.
- Many group homes, institutions, hospitals and residential settings have procedures to document that all individuals have been accounted for at specified time frames (often called 'rounds'). Ask for documentation of these activities.
- Some sites have video camera surveillance so video footage may be available. If so, secure tapes immediately.
- Some residential programs have a procedure to conduct and document a body search when someone has been away from the facility. Verify if this is a procedure that is in place and request these documents.
- Most organizations document known injuries to an individual. An Injury Report Form typically describes what happened and includes a front and back picture of a body to mark the location of any physical complaints/injuries. Obtain these documents.
- It may be helpful to see work schedules and/or time sheets for employees to determine suspect and witness locations.
- Some agencies have visitor logs which can have valuable information.
- It can be helpful to interview other individuals served by the organization/facility that the alleged offender had access to in an attempt to identify other possible victims or MO (modus operandi).

- If the offender is a staff member, ask about training standards, records, and certifications.
- Follow-up with individual staff members later to clarify their previous statement and to ascertain if they recalled anything further. If a staff member states they do not believe the victim and that the victim is a liar, proceed with the investigation anyway. Why? People with a reputation for telling lies are at increased risk to be victimized and/or the staff member may be part of a cover-up; concerned about liability, be the perpetrator, etc.

## **Follow-Up**

### **Continuing Investigation**

1. Respect and protect the confidentiality and the wishes of the victim regarding the notification and participation of others throughout the investigation.
2. Keep the victim informed about the investigation, arrest status, etc.
3. Consult with the responding officer and any evidence collectors.
4. Determine the elements of the crime to prove due to individual having a disability.
5. Conduct in-depth interviews with the victim, offender, and witnesses. Insure effective contact information is received for follow-up interaction with victim, offender, and witnesses, as needed.
6. Insure that all evidence has been identified, collected, properly stored, and processed from the crime scene, the victim, the offender, and other sources.
- 7.
8. Insure the victim has been referred to chosen disability organization or social service provider. or support services, as needed.
9. Conduct a joint investigation with the Adult Protective Services organization which has jurisdiction over the case.
10. Complete and forward the necessary reports to the State's Attorney's office or appropriate prosecutor.

It is important to follow-up with crime victims in order to:

1. Check in to see if the victim feels safe
2. Inform the victim of the status of the investigation
3. Check in to see if there has been any attempted or real retaliation

4. Check in to see how accommodations are working/if new ones are needed

### **Victim Services:**

Law enforcement agencies should have written networking agreements with local service providers. Local services may include, but not be limited to:

1. Hospital emergency rooms
2. Disability service providers
3. Center for Independent living
4. Local sexual assault centers
5. Local domestic violence services
6. Local American Sign Language Interpreters

It is advisable to work with the local Center for Independent Living to proactively obtain accessible materials such as Braille, large print documents, and a list of American Sign Language Interpreters.

Law enforcement agencies should provide written and verbal referrals to the victim for local services. Law enforcement agencies should work with local service providers to develop written information for police to distribute to victims with disabilities.

**This order shall be reviewed at least every 2 years and updated as needed.**

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