

# Putnam County State's Attorney FAQ

**Q:** What should I do if I am a victim of a crime and wish to pursue charges?

**A:** If no arrest has been made as a result of the incident, you must first file a police report with the police agency in the jurisdiction in which the incident occurred before contacting the State's Attorney's Office. Once a police report is filed, the reporting agency forwards a copy of the report to the State's Attorney's Office. You may phone the State's Attorney's Office to confirm that a copy of the police report has been received.

If the police have already made an arrest, you do not need to come to the State's Attorney's Office immediately. You will receive a victim's letter in the mail.

If you are seeking compensation for any injuries or losses, you should bring supporting documentation, if you have it. Should the State's Attorney conclude that enough evidence exists to prove the charge(s) beyond a reasonable doubt, criminal charges may be filed. The State's Attorney's Office cannot provide you with personal legal advice.

**Q:** What should I do if I am a victim of a crime and no longer wish the case be pursued?

**A:** Only the State's Attorney's office can make the decision to drop or pursue charges. If the case has already been charged you must contact the State's Attorney's Office. It is the State's Attorney's decision on whether or not to pursue a charge. There may be serious consequences to you for your lack of cooperation. You should not assume that by ignoring correspondence or subpoenas a case will be dropped. Victims wanting to drop charges should fill out an affidavit at the State's Attorney's Office requesting that the State's Attorney discontinue prosecution. Please note: Filling out an Affidavit does not guarantee the State will not continue charging a case.

**Q:** What are my rights as a victim of a crime?

**A:** The Illinois Constitution and Illinois statutes have provisions for victim's rights.

The purpose of the Crime Victims and Witnesses Act is to implement, preserve and protect the rights guaranteed to crime victims by Article I, Section 8.1 of the Illinois Constitution. This is to ensure that crime victims are treated with fairness and respect for their dignity and privacy throughout the criminal justice process and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the witnesses of violent crime who are essential to prosecution.

Under this act, you are a crime victim if you are:

1. a person who is physically injured in this state as a result of a violent crime perpetrated or attempted against you; or
2. a person who suffered damage to or loss of property as a result of a violent crime perpetrated or attempted against you; or
3. a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act, who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner; or
4. a person against whom a violent crime has been committed; or
5. a person who has suffered personal injury as a result of another person driving under the influence of alcohol, other drug or combination thereof, or of involuntary manslaughter or reckless homicide;

If you are a crime victim as defined above you shall have the following rights:

- (1) The right to be treated with fairness and respect for dignity and privacy throughout the criminal justice process.
- (2) The right to notification of court proceedings.
- (3) The right to communicate with the prosecution.
- (4) The right to make a statement to the court at sentencing.
- (5) The right to information about the conviction, sentence, imprisonment and release of the accused.
- (6) The right to the timely disposition of the case following the arrest of the accused.
- (7) The right to be reasonably protected from the accused through the criminal justice process.
- (8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim

hears other testimony at the trial.

- (9) 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.
- (10) The right to restitution.
  - (b) A statement and explanation of the rights of crime victims set forth in paragraph (a) of this Section shall be given to a crime victim at the initial contact with the criminal justice system by the appropriate authorities and shall be conspicuously posted in all court facilities.

**Q:** What are my responsibilities as a victim of a crime?

**A:** We cannot prosecute cases without the cooperation of crime victims and witnesses. Your cooperation is necessary because we carry the burden of proof beyond a reasonable doubt.

**Q:** Do I need to be present for every court date of the defendant?

**A:** No, you do not need to be present at every court appearance for the defendant. You are welcomed to attend any and all court appearances if you wish. You will be notified by our office when you are needed. If you have any questions about what will happen at a particular court appearance you may contact the victim/witness advocate.

**Q:** What should I do if the defense lawyer wants to talk to me?

**A:** The attorney for the defense has the right in a criminal case to interview all witnesses. However, whether or not you speak to a defense attorney is up to you. If you would feel more comfortable having the State's Attorney who is handling the case present, arrange to have him or her there during the interview. Do not feel obliged to sign or say anything without first speaking to the prosecutor who is handling your case.

**Q:** How can I get an order of protection?

**A:** An order of protection is a court order issued by a judge to a victim of domestic violence. It orders a person to stay away from the victim and stop any violence, threats of violence or any type of harassment. To be eligible for an order of protection the person must be a spouse, former spouse, roommate, family member or one whom you have dated. There is no cost for an order an order of protection and there are agencies that will assist you in filing the necessary paperwork.

**Q:** Is the State's Attorney's Office my lawyer?

**A:** The State's Attorney's Office represents the People of the State of Illinois in criminal matters. Our duty is to seek justice. We are not the lawyer for individual victims. Although we will seek restitution in appropriate cases the amounts recoverable may not equal a victim's total loss. If you feel that you need additional recovery or more relief than what the criminal case can provide, you should consider consulting with private counsel. Although we cannot recommend specific lawyers our victim/witness advocate will be happy to assist you in finding resources available to assist you.