



KANE COUNTY
STATE'S ATTORNEY'S OFFICE

ANNUAL
REPORT

HIGHLIGHTS FROM 2014

A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



As your state's attorney, I am guided by two basic principles: justice and fairness. With those always in mind, the dedicated attorneys who work for you in this office can put forth their best effort to protect and serve you, and be sure that they do so with the honesty and integrity

that you demand. A prosecutor's job is to seek justice. We remain focused on that at all times, unwilling to compromise our principles for the sake of a conviction. If we compromise our principles, we will lose the trust of the public we serve.

In 2014 our office continued to face many challenges as we worked to strike a balance between fairness and protecting the public. We must constantly pay attention to the occasional gray area between where the public demands protection and where a defendant deserves an opportunity to show an ability to modify behavior. Often, that is where we can have the most positive affect.

One way we serve you is through open communication. Our ability to connect with you has been invaluable in making Kane County safer for all to live, play and work. This report is a part of that open communication. I look forward to continued successes in 2015. Thank you for the privilege of serving as your state's attorney.

JOSEPH H. McMAHON



Joseph H. McMahon
Kane County State's Attorney

ABOUT THE OFFICE

The Kane County State's Attorney's Office employed 122 attorneys and administrative staff in 2014. The attorneys were assigned to felony, misdemeanor, traffic, abuse & neglect, juvenile, child support and civil courtrooms.

Our 59 assistant state's attorneys are dedicated and highly educated public servants, with most having earned academic honors either during their college studies, law school or both. Several of our attorneys served in the U.S. Armed Forces before attending law school.

The office is the chief prosecuting authority and legal advisor for the County of Kane, its elected officers and state officials when requested.

The office has multiple locations throughout Kane County:

The office has locations throughout Kane County: In Aurora, Elgin, Geneva, and St. Charles.

You can learn more about our office online through our Website at <http://saopublic.co.kane.il.us>, our Facebook page (search for Kane County State's Attorney's Office) or our Twitter page [@KaneSAO](#).

“The (prosecuting) attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.

As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor – indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

– *Berger v. United States*, 1935

Kane County State's Attorney's Office



2014

Annual Report for 2014

The Office of Kane County State's Attorney
Joseph H. McMahon

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2014 in Review

This report is an overview of the responsibilities, achievements and performance of the Kane County State's Attorney's Office in 2014.

As you will read, 2014 was a year of great success in the office. As a result, the effort of the public servants who work in the office went a long way in protecting the community.

State's Attorney Joe McMahon led the office for the fourth year. He is the 24th person to be elected by the people to the position. In 2014, Joe began a statewide initiative to create best practice guidelines for prosecutors in many areas, including witness identification. These practices, which are being put into place nationwide, should reduce the risk of wrongful convictions.

The Criminal Division prosecuted a variety of complex crimes. Overall, the office conducted 433 total trials.

Criminal Division attorneys screened 2,623 felony investigations from 34 police agencies. In all, the office authorized 2,258 new felony files, a three percent decrease from 2013.

A large number of the felony cases were relative to controlled substances. Of the new felony files, there were 452 files in which the most serious charge was possession, possession with intent to deliver or delivery of a controlled substance.

Of the most frequently charged non-drug offenses, there were 311 cases in which the most serious charge was theft or retail theft, and 305 cases of aggravated battery.

We prosecuted 6,060 new misdemeanor cases, a 5.2 percent decrease from 2013.

One notable change from 2013 was the 11 homicides in Kane County. Murder charges were filed against seven people in six of those homicides. It was the most murder cases in a single year since 2010. The remaining five homicides



from 2014, all believed to be gang motivated, are still under investigation.

Of note, in five of the six murder cases from 2014, the victim knew the killer. Also, of the 13 murder cases to be filed in the last three years, 11 of the victims had a domestic relationship with their killer.

We reviewed and took appropriate action on approximately 3,240 alleged probation violations, about 950 of which were new criminal offenses by offenders who had been sentenced to probation.

We improved our outreach to the Kane County community through social media. We saw the combined followers on Twitter and Facebook more than double, from more than 400 at the end of 2013 to more than 1,000 at the end of 2014.

Lastly, the Kane County State's Attorney's Office in FY2014 continued to work in a cost efficient manner. We accomplished our work and finished the year more than six percent under budget.

Felony Trials Bureau

Violent Crime

The Kane County State's Attorney's Office classifies these offenses as violent crimes: murder, attempted murder, armed violence, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault, armed robbery, robbery, arson, aggravated arson, kidnapping, aggravated battery, aggravated discharge of a firearm, aggravated battery – victim younger than 12, aggravated battery – victim older than 60, aggravated battery with great bodily harm, aggravated battery with a firearm, and vehicular hijacking.

Our treatment of these offenses as violent expands upon the statutory definition of violent crime. We have taken a proactive stance to prosecute the most serious offenders and protect the most vulnerable victims.

Last year saw a notable increase in homicides from recent years. The office filed murder charges against seven defendants in six homicides. Five homicides remain under investigation – all are believed to be gang activity. At the end of 2014, the SAO was prosecuting 19 murder cases. Four senior priority prosecutors work with police agencies and the Kane County Major Crimes Task Force during the investigation of violent crimes. Together, police and prosecutors invest the time needed to properly evaluate cases and evidence to make proper charging decisions.

Most violent crimes are committed by people who know their victim. According to the Bureau of Justice Statistics, for example, 78 percent of homicide victims between 1980 and 2008 knew their killer. In Kane County, of the 16 murders charged since 2010, 14 of the victims knew their killers.



NOTABLE DISPOSITIONS IN 2014

- Juan Garnica was sentenced to 30 years in prison after he pleaded guilty to first-degree murder. In January 2013 Garnica struck the victim, 18-year-old Abigail Villalpando of Aurora, multiple times in the head with a hammer. Jose Becerra and Enrique Prado, pleaded guilty to lesser charges in the case.
- Tracy Taylor of Aurora was sentenced to 35 years in prison after he pleaded guilty to aggravated kidnapping. In August 2011 Taylor coaxed the victim, a homeless woman, into his car and then sped off against her will. Taylor finally stopped the car and severely beat the woman before the victim was able to escape. Taylor fled in the car and drove to River Forest, where he abducted a woman, then pushed her out of the car and tried to flee as police arrived. He was sentenced to 45 years in prison in Cook County in that case in 2013.
- Arthur Manning was sentenced to 25 years in prison for a 2008 stabbing murder. Manning stabbed Naromi Mannery of St. Charles three times after an alcohol-fueled argument.
- Maricela Arciga was convicted of solicitation for murder after trying to hire someone to kill her former boyfriend. She is scheduled to be sentenced February 27 and faces a minimum prison sentence of 20 years.

Felony Trials Bureau

Street Gangs

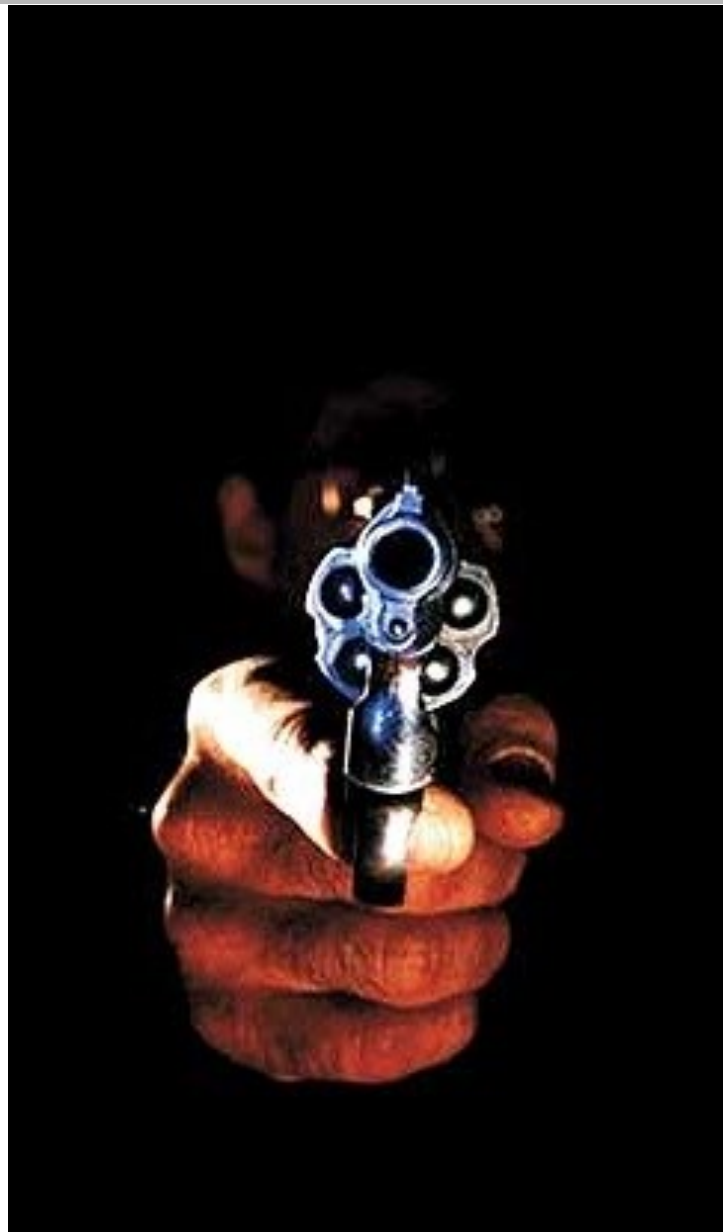
Violent gang related shootings and overall gang activity still present a dangerous challenge in Kane County. However, we continue a positive downward trend from the violent height of the mid- to late-1990s.

There were five homicides in 2014 that are believed to be motivated by gang activity that are still being investigated. Four senior prosecutors continue to work with the police in the evaluation of evidence in an effort to ensure that those responsible for the killings are prosecuted. The gang-imposed code of silence often intimidates witnesses and victims from providing police with essential information to build cases.

The city of Aurora did experience a notable increase in gang shootings in 2014 from 2013. As with the unsolved homicides, our senior prosecutors continue to work with police and evaluate evidence during the investigation of these cases in an effort to prosecute those responsible.

Overall, however, much of the gang-related crime in recent years is now of the nuisance variety.

There are many reasons for this change, including community oriented policing and community involvement.



NOTABLE DISPOSITIONS IN 2014

- Jose Sosa was sentenced to 30 years in prison after he pleaded guilty to first-degree murder. Sosa and three co-defendants shot and killed 38-year-old Donald Franklin, who was with friends on the porch of an Aurora home. Sosa believed Franklin was a rival gang member .
- Jesse Alvarez was sentenced to 88 years in prison after he was convicted of armed violence and five counts of attempted murder. Alvarez believed the victim was a rival gang member.
- Armando Gallardo was sentenced to 30 years in prison after he was convicted of attempted murder and aggravated discharge of a firearm. Gallardo was involved in separate September 2011 gang shootings in Aurora.
- Ryan Fingers was sentenced to 18 years in prison after he pleaded guilty to aggravated battery with a firearm, and Korleone Darby was sentenced to 10 years in prison after he pleaded guilty to aggravated battery in a 2013 gang shooting in which a 16-year-old was injured. A juvenile also pleaded guilty in the case. The trio, all gang members, believed the victim was a rival gang member.

Special Victims

Special Prosecution

The Special Prosecution Bureau prosecutes adult sexual assault, complex financial crimes, automobile theft and child pornography. (The Domestic Violence Unit, highlighted on Page 14, also falls within this bureau.) These crimes are grouped because of their complexities, and also because of the type and volume of evidence required for prosecution. The complex nature of these cases limits the volume of cases the bureau handles.

We take sexual assault cases very seriously to assure that those who commit these crimes are held accountable, and also to assure that those who live, work and play in Kane County can feel safe, whether they are in their homes or out enjoying the many amenities in the community. Assistant state's attorneys assigned to the unit have significant trial experience and experience working with victims to reflect the serious nature of these cases. Three lawyers and three administrative assistants are assigned to the Special Prosecution Unit.

Financial crimes have become more common than in past years as the high tech and digital world becomes more sophisticated, and as more people do their banking digitally.

Child pornography dissemination has become more prevalent in recent years because of the ease with which images can be transmitted over the Internet. Our office often teams with the Illinois Attorney General's Office and even federal agencies to prosecute these crimes. A key part of the process is helping the community to understand that child pornography is not a victimless crime.



Sexual assault cases require special attention because of their complex nature.

NOTABLE DISPOSITIONS IN 2014

- Tyrone Young was sentenced to 25 years in prison after he pleaded guilty to aggravated criminal sexual assault and attempted aggravated criminal sexual assault. In October 2010, Young overpowered and sexually assaulted a woman at a community garden in Aurora. In July 2011 Young attempted to sexually assault a woman in the restroom of a large retail store.
- Martial arts instructor Dean Fuerstenberg of suburban Minneapolis was sentenced to 15 years in prison after he pleaded guilty to criminal sexual assault. Between June 2003 and November 2005, he engaged in sexual acts with two girls at a South Elgin martial arts school.
- Jordan Terry of Indiana pleaded guilty to theft, a Class 1 felony, for stealing from the Geneva law firm where she worked. She was sentenced to four years in prison and ordered to repay the more than \$163,000 she stole.
- Jesus Hernandez of Elgin pleaded guilty to aggravated criminal sexual assault and was sentenced to 16 years in prison. After he offered to let the victim and her four children spend the night at his apartment, Hernandez sexually assaulted the victim.

Crime Narcotics

Narcotics Unit prosecutors oversee cases involving controlled substances and marijuana, as well as drug-related asset forfeitures.

The unit seeks to build a safer community by reducing the availability of illicit narcotics and marijuana. Most drug dealers pose a serious threat within the community. Our goal of holding dealers accountable is important in protecting the community because drugs play a role in most crimes. The unit seeks to remove dangerous drug dealers from the streets. The results – reduced drug-related crime and violence and disrupted sources – means a safer community for all to work, live and play.

Three assistant state’s attorneys and one administrative assistant work in the unit. Drug cases are assigned to all Kane ASAs.

In 2014, we charged 452 felony cases in which the most serious offense was a drug offense such as possession of a controlled substance, possession of a controlled substance with intent to deliver, or delivery of a controlled substance. The 452 cases were an increase from the 412 drug cases charged in 2013. The new cases included 197 involving cocaine, 90 involving marijuana, 63 involving heroin and 53 involved drugs such as prescription opioid painkillers like Vicodin and OxyContin, and prescription psychotropic medications like Xanax.

Although the 63 heroin cases represented a drop from 83 heroin cases in 2013 (71 cases in 2012, 78 cases in 2011, and 88 cases in 2010,) we have no reason to believe Kane County’s heroin problem is abating.

Synthetic drugs such as MDMA and methamphetamine are present in Kane County but not significantly.



In February 2014, a Kane County Sheriff’s sergeant seized 50 pounds of marijuana, \$80,000 in cash, two handguns and cocaine after he stopped a suspected drug trafficker in Interstate 90 in western Kane County.

NOTABLE DISPOSITIONS IN 2014

- Ladell Walker was sentenced to 12 years in prison after he was convicted of unlawful delivery of a controlled substance within 1,000 feet of a school and unlawful delivery of a controlled substance within 1,000 feet of a park. Walker attempted to reduce his own risk of criminal charges by recruiting others to sell the drugs after he made the arrangements..
- Samuel Span was sentenced to 15 years in prison after he was convicted of selling cocaine within 1,000 feet of an Elgin park. Span also has a history of convictions for violent offenses and weapons offenses.
- In all, there were 297 drug-related convictions in 2014. Of those, 100 defendants were sentenced to prison, 88 defendants were sentenced to time in the Kane County jail and probation, 70 received a sentence of probation, and 39 received a sentencing alternative, such as drug rehabilitation court.

Crime Forfeitures

By law, state's attorneys are allowed to seek forfeiture of all assets, including cash, involved in felony drug deals, and vehicles used to commit certain crimes.

The Kane County State's Attorney's Office in April 2014, in conjunction with numerous police agencies in Kane County, reinstated forfeiture proceedings under **Article 36** of the state's criminal code – 720 ILCS 5/36-1.

This statute allows for the police to seize vehicles that have been used, with the knowledge and consent of the owner, in the commission of certain crimes. These crimes include driving while license suspended or revoked for driving under the influence of alcohol, felony driving under the influence, aggravated fleeing and eluding, reckless homicide, stalking, and burglary.

The primary purpose of the statute is to enhance public safety by repressing crimes facilitated by vehicles. Seizing the vehicles removes the crime tools from criminals.

Article 36 Forfeitures in 2014

- 60 vehicles were seized. Thirteen of those forfeiture cases are pending.
- 25 of the vehicles were forfeited to the seizing police agency, either to be used by that agency or sold.
- Seven of the vehicles were returned to a lienholder.
- Twelve of the vehicles were returned to the registered owner under the innocent owner exception.
- Two vehicles were given back to the people from whom they were seized.
- One vehicle was returned to a spouse under the hardship clause.



To deter the use and distribution of illegal drugs in Illinois, the **Drug Asset Forfeiture Procedure Act** allows for the civil forfeiture of property that is used either to facilitate or is proceeds from a violation of felony drug laws. Under this forfeiture statute, police may seize assets that are profits from drug deals, or that were used in the commission of certain drug offenses.

Drug Asset Forfeitures in 2014

- Kane County's 34 police agencies seized more than \$1 million in assets pursuant to the statute.
- More than \$600,000 of the assets seized were forfeited.
- The bulk of the forfeited assets went to the seizing police agency to be used for the enforcement of drug laws.
- Most property seized was cash.
- Vehicles, electronics and jewelry were seized, as well.

Special Victims

Children, Elderly, Disabled

A priority of Kane County State's Attorney Joe McMahon is to protect the most vulnerable in our community – children, elderly and the disabled.

The Child Advocacy Center, located near downtown Geneva, investigates and prosecutes cases of child sexual assault and abuse.

The CAC also helps direct victimized families to services to help them return to a place of safety and move on with their lives.

Statistics show that most child sex abuse victims are abused by someone they know, often by a person entrusted with their care.

The CAC comprises four ASAs, six investigators, three DCFS investigators, three case managers/advocates and one administrative assistant.

In 2014, the CAC conducted 294 investigations and charged 80 cases. We resolved 34 cases by conviction or plea, and closed 282 investigations.

The CAC conducted 549 child forensic interviews, facilitated 55 medical examinations for children, and assisted law enforcement agencies in 47 interviews of children who were victims of or witnesses to other crimes.

Our elder advocates field inquiries and referrals regarding situations that might involve the exploitation of the elderly and disabled.

The advocates also are involved with a large number of community groups and committees that are charged with advocating for better treatment of the elderly and disabled, as well as new laws that are designed to protect the elderly and disabled from harm and exploitation.



The Kane County Child Advocacy Center, located near downtown Geneva, is a unit of the State's Attorney's Office. The CAC investigates prosecutes cases of child sexual assault and abuse.

NOTABLE DISPOSITIONS IN 2014

- Jose Mendoza-Sosa was sentenced to 90 years in prison after was convicted of 20 counts of criminal sexual assault of a 15-year-old child he knew over a lengthy period of time.
- Enrique Ruiz was sentenced to 45 years in prison for preying on and sexually assaulting a young child he knew. The assaults took place over a period of six years. Ruiz, who had been free on bond leading up to the trial, fled shortly before his trial began and was convicted despite his absence. He is believed to have left the United States and is wanted on a warrant.
- Inocencio Hernandez-Reyes was sentenced to 20 years in prison after he pleaded guilty to two counts of criminal sexual assault of two children he knew.
- Regulo Castro was sentenced to 15 years in prison after he pleaded guilty to predatory criminal sexual assault and other related charges for sexually assaulting a young child whom he knew.

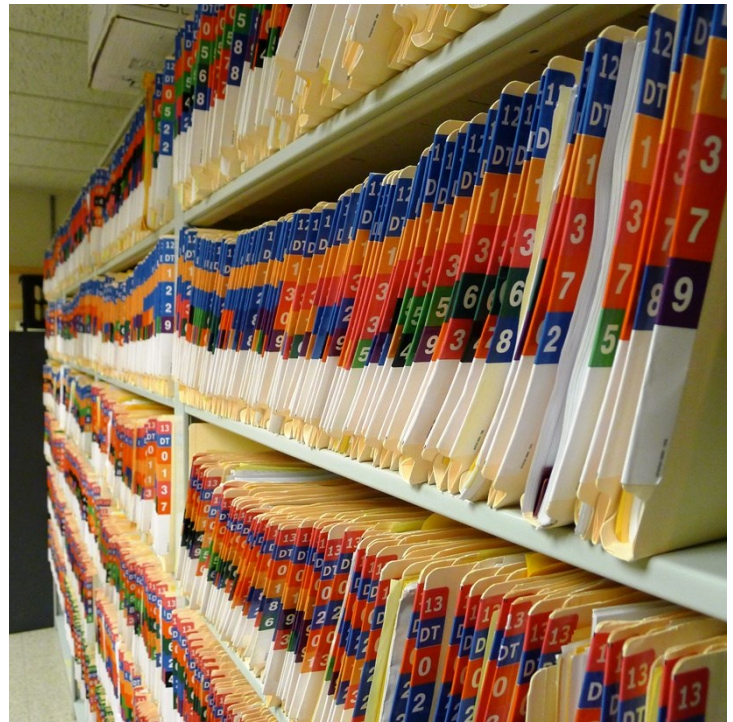
High-volume Courtrooms

Traffic, Misdemeanor & DUI

Traffic and misdemeanor cases represent the largest number of our criminal cases. We staff five courtrooms to handle traffic, misdemeanor and DUI cases: Courtrooms 203 and 217 at the Judicial Center, along with Aurora Branch Court, Elgin Branch Court and Kane Branch Court. Eleven assistant state's attorneys and eight support personnel are assigned to those five courtrooms.

2014 by the numbers

- Charged 5,148 new misdemeanor files, a 4.8 percent decrease from 2013. Of those cases, 1,379 were filed at Aurora Branch Court, 1,192 were filed at Elgin Branch Court and 1,585 were filed in Kane Branch Court.
- Charged 946 new misdemeanor DUI files, down from 1,063 in 2013. DUIs continue to go down nationally.
- Charged 154 new felony cases in which aggravated DUI was the most serious charge.
- Handled the vast majority of the more than 71,000 new traffic citations issued in Kane County. However, many of those cases are prosecuted by the municipality in which the citation was issued.
- Prosecuted 155 traffic citation trials and 52 DUI trials.
- Conducted two No-Refusal initiatives to crack down on drunken driving. The No-Refusal strategy began in 2008 as a response to the estimated 40,000 Illinois drivers annually who unlawfully refuse to submit to chemical testing when reasonably suspected of impaired driving. The 2014 events were March 15 and Nov. 26.



Hundreds of traffic and misdemeanor case files line the shelves in a file room in the Kane County State's Attorney's office. Traffic and misdemeanor cases represent the vast majority of cases handled by the office. Thousands of cases are open at any given time, and as quickly as cases are closed, more are opened.

The same 16 police agencies participated in both, and 17 drivers were charged. Overall, we have held 16 No-Refusal events and 130 drivers have been charged with DUI. We will continue to use the No-Refusal strategy as an incentive to curb drunken driving.

- Kane County courts began using remote alcohol monitoring in 2007 as a sentencing tool and as a condition of bond. The device monitors offenders who have a history of alcohol abuse. Offenders are ordered by a judge to wear the device to ensure they do not consume alcohol. In 2014, 477 offenders were ordered to wear the device. Compliance was 85 percent.

Domestic Violence

Domestic violence received significant attention nationally in 2014 when video surfaced of a professional football player knocking out his girlfriend, whom he later married. In the aftermath, the SAO invited representatives from Kane County's two domestic violence shelters to join us for a public discussion about domestic violence. Other than the notoriety of the offender, his punch is typical of domestic violence. It is representative of the majority of domestic violence cases, and it was far from extraordinary. Domestic violence crosses all social, economic and cultural boundaries.

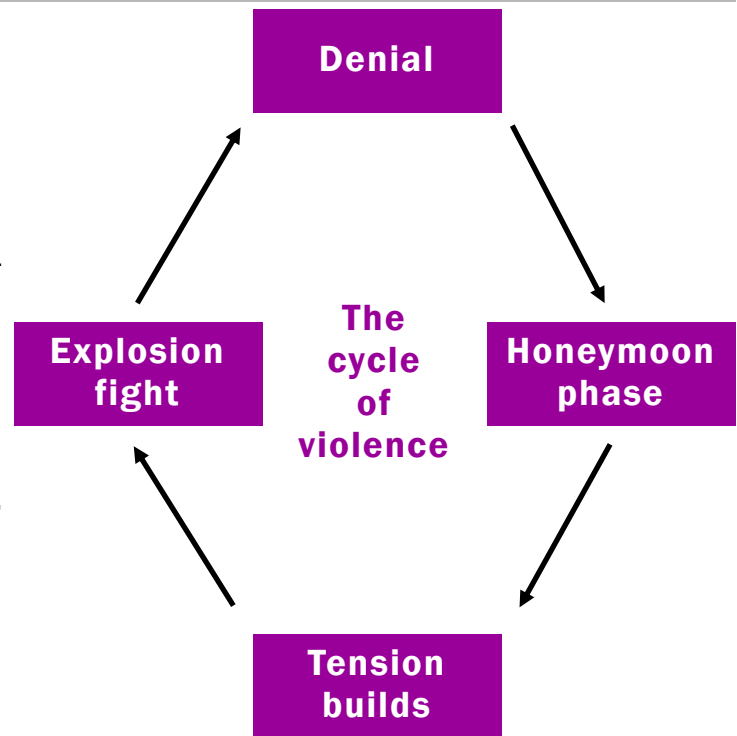
Domestic violence is more than a criminal justice matter. It is a public health matter. According to the Centers for Disease Control, each minute 24 people are victims of rape, physical violence, or stalking by an intimate partner; three in 10 women have experienced rape, physical violence or stalking by a partner; domestic violence resulted in 2,340 deaths in 2007. The annual cost of medical care, mental health services and lost productivity from domestic is estimated at \$9 billion.

In Kane County, in 11 of the 15 murder cases charged since 2011 began, the victim at some point had a domestic relationship with the killer.

Our Domestic Violence Unit comprises six attorneys, two victim advocates and three support staff.

In 2014 the unit had 1,214 new misdemeanor filings, an increase of four percent from 2013, and 194 new felony filings, a decrease of five percent from 2013.

The unit resolved 141 felony cases, had a felony conviction rate of 84 percent and a misdemeanor conviction rate of 46 percent.



A typical cycle of violence in domestic abuse.

NOTABLE IN 2014

- Delbert Cooper was sentenced to 45 years in prison for the December 2011 strangulation and stabbing murder of his girlfriend, 21-year-old Renee Ann Perry of Aurora. The couple were arguing over money. Cooper had a history of violence and addiction issues
- Aurelio Montano was sentenced to life in prison after he was convicted of killing his 35-year-old wife, Lupe, in July 1990. Montano strangled Lupe and then buried her body. Her body was never found. Montano wasn't charged until 2008, 10 years after he was convicted for a pair of 1996 murders.
- Trained law enforcement on domestic violence issues, including new laws
- Assisted 198 victims to obtain emergency Orders of Protection
- Helped 32 victims obtain U-Visas so they could remain in the United States.
- Made contact with 1,009 new DV victims

Court alternatives

Deferred Prosecution

The office offers five deferred prosecution programs targeted at first-time nonviolent offenders. The programs' goals are to provide offenders with an opportunity to avoid a permanent conviction from being entered on their records while holding them accountable.

All programs provide access as appropriate to mental health, substance abuse, and medical treatment, as well as case management, education, housing, and job training. All participants are evaluated to determine future risk of recidivism and appropriate levels of supervision. Requirements vary but typically include community service, program fees, drug testing and restitution, and may include substance abuse or mental health treatment, employment and education.

Upon successful completion, charges are dismissed. For all programs, the completion rate averages 74 percent or greater.

The first program was developed informally in the mid-1970s and formalized in 1995. Deferred prosecution programs have proven to be beneficial to the offenders they restore to society, as well as to the taxpayers by offering financial relief. The program also relieves jail overcrowding and courtroom caseloads. The continued success of the program relies on support from the criminal justice system and the community.

By the numbers

Fiscal year	<u>11-12*</u>	<u>12-13</u>	<u>13-14</u>
Applicants	845	847	889
Graduates	552	545	593
Neg. Term	161	149	159

* Addition of Felony Drug Deferred Prosecution Program

KANE SAO DEFERRED PROSECUTION PROGRAMS

- **Felony/Misdemeanor.** For first-time offenders. Began in 1995.
- **Misdemeanor drug/alcohol.** Program includes intensive drug and alcohol educational program. Began in 2005.
- **Domestic Violence.** Our fastest growing program. Successfully keeps families together safely while requiring offenders to attend counseling. Began in 2010.
- **Solicitation/Prostitution.** Educates about the physical risks of solicitation and prostitution. Began in 2002.
- **Felony drug.** Requires substance abuse education, random drug testing. Began in 2012.

Felony/Misdemeanor

Individuals Diverted Per Year: 275-350

Felony Misdemeanor Deferred Prosecution is designed for first-time, non-violent offenders who have not been previously convicted. It is limited to first-time offenses, and non-violent offenses. Application and program fees are assessed on a sliding scale. Fees range from \$0 to \$1,500 and are collected in monthly installments for the duration of the participant's agreement. Average time of participation is 6-12 months.

Deferred Prosecution

In 2014

- 307 applicants were accepted into the program with 229 graduates and 69 negative terminations. Since its inception 4,327 defendants have successfully completed this program and 1,197 have failed for a cumulative success rate of 78 percent.
- Participants paid \$106,499 in restitution. Cumulatively, more than \$2.5 million in restitution has been collected on behalf of the victims since the inception of the program. Restitution is a requirement of the program and must be paid before the defendant is discharged.
- Collected \$187,387 in application and program fees.
- Participants performed 13,008 hours of community service work at charitable organizations, meaning defendants did work that benefitted the less fortunate citizens of Kane County. Since 1995, participants have completed 421,569 hours of community service.
- Also, 20 participants obtained their high school diploma or GED, 12 enrolled in ESL classes, 34 completed an individual counseling program, 41 completed a substance abuse evaluation and subsequent treatment recommendations, 23 wrote letters of apology, 33 completed the Life Skills Program, 234 completed the Theft Awareness Program, 48 completed the Parenting Support Program, 52 completed the Anger Management Program, and 56 completed the Decisions Pathways Program.

Misdemeanor Drug/Alcohol

Individuals Diverted Per Year: 225-275

Misdemeanor Drug/Alcohol Deferred Prosecution is for a defendant charged with misdemeanor drug and or alcohol offenses for the first time. It is limited to first-time misde-



Deferred Prosecution Director Michelle Halbesma (center) meets with members of the community group that interviews candidates for the office's Deferred Prosecution Program.

meanor offenses and non-violent offenses. Application and program fees are assessed on a sliding scale. Fees range from \$0 to \$1,000 and are collected in monthly installments throughout the agreement. Average length of participation is 6-12 months.

In 2014

- Accepted 207 participants, had 193 graduates, and 60 negative terminations.
- To date, the program has had 1,400 graduates & 428 negative terminations, a cumulative success rate of 77 percent.
- Collected \$122,905 in program fees.

Domestic Violence

Individuals Diverted Per Year: 275-350

Domestic Violence Deferred Prosecution is for a defendant charged with the offense of domestic battery for the first time. It is limited to only first-time misdemeanor offenses. Application and program fees are assessed on a sliding scale. Fees range

Deferred Prosecution

from \$0 to \$400 and are collected in monthly installments throughout the participant's agreement. Average time of participation is 12 months.

In 2014

- Accepted 287 participants, had 109 graduates, and 17 negative terminations.
- To date, the program has seen 326 graduates and 62 negative terminations, giving the program a cumulative success rate of 84 percent.
- Collected \$64,224 in program fees.

Prostitution/Solicitation

Individuals Diverted Per Year: 10-25

Prostitution/Solicitation Deferred Prosecution is for a defendant charged with an act of prostitution or solicitation. It is limited to only first-time misdemeanor offenses, and only non-violent offenses. Application and program fees are assessed on a sliding scale. Fees can range from \$0 to \$1,000 and are collected in monthly installments throughout the duration of the participant's agreement. Average time of participation is 12 months.

In 2014

- Accepted 20 participants, had 9 graduates and 2 negative terminations with a cumulative success rate of 82 percent.
- Collected \$2,228 in program fees.

Felony Drug

Program Start: May 2012

Individuals Diverted Per Year: 60-100

Felony Drug Deferred Prosecution is for a defendant charged with a felony drug offense for the first time. It is limited to first-time nonviolent drug offenses. Application and program fees are assessed on a sliding scale. Fees range from \$0 to

“Our deferred prosecution programs have been successful in restoring low-level offenders to society with the necessary knowledge to keep them from becoming repeat offenders, while at the same time making crime victims whole.”

Kane County
State's Attorney
Joe McMahon

\$1,500 and are collected in monthly installments throughout the participant's agreement. Average time of participation is 12 months.

In 2014

- Accepted 68 participants, had 53 graduates and 11 negative terminations.
- To date, the program has seen 71 graduates and 30 negative terminations, giving the program a cumulative success rate of 71 percent.
- Collected \$49,020 in program fees.
- 56 participants completed the required Drugs of Abuse class

Civil Division

The Civil Division is required by law to represent all county-wide elected officials and serves as legal counsel for the County of Kane and all of its departments. The Civil Division does not represent individual citizens.

In addition, the Civil Division is charged with investigating complaints regarding violations of the Open Meetings Act, violations of the Illinois Environmental Protection Act, labor negotiations, contract review, electoral board representation, presentment of petitions for involuntary commitment, and advising various public boards. These duties include litigation in state and federal court, as well as before various state and federal agencies, and representation of taxing bodies in all tax objection cases.

The division comprises seven attorneys and one administrative assistant.

Included within the Civil Division is a Seniors and Persons with Disabilities Unit, with two case advocates. The unit coordinates with other agencies, nursing homes, and the general public regarding situations that might involve illegally exploiting the elderly and disabled. Matters that might be criminal in nature are referred to the Criminal Division for further action. The case advocates also do initial intake and document preparation on petitions for involuntary commitments to mental health agencies.

The state's attorney, through the Civil Division, represents the people of Illinois in mental health proceedings under the Mental Health Code. The mental health petitions are heard Fridays at Elgin Mental Health Center and Presence St. Joseph's Hospital



in Elgin, and on Tuesdays at Presence Mercy Medical Center in Aurora.

In 2014, 161 Mental Health petitions were filed in Kane County. Of those, 89 were involuntary commitment petitions and 72 were involuntary treatment/medication petitions.

After consultation with psychiatric medical providers, we may petition the court for the involuntary commitment and medication of people who are a danger to themselves or others who are in need of psychotropic medication.

Mental health is a significant public health issue in our community. It requires a multi-faceted approach and response. Beginning in 2015 we have an assistant state's attorney who will be dedicated to working within the court system on mental health related matters.

Children

Child Support

The Child Support Division is responsible for the establishment of paternity and support obligations, the modification and enforcement of existing support obligations, and the collection of unpaid support and maintenance obligations on behalf of the Illinois Department of Healthcare and Family Services.

In Illinois, HFS is responsible for the administration of the child support program as mandated by federal law, Title IV-D of the Social Security Act.

The Child Support Division of the Kane County State's Attorney's Office provides legal representation to HFS in the judicial enforcement of the child support program.

Four attorneys, one administrative assistant, and six paralegals are assigned to the division.

In 2014

- The division collected \$24,270,682.86 on all open Title IV-D child support cases.
- That amount was an increase of \$1,053,674.55 from the \$23,217,008.31 collected in 2013.
- The division has seen a consistent increase in the amount of money collected from noncustodial parents since 2006 when it collected \$12,643,328.73.
- The division received 804 new legal action referrals from HFS for judicial enforcement. Among the new referrals:
 - 181 cases for the determination of paternity
 - 341 cases for the establishment of new support obligations
 - 139 cases for modifications of existing orders
- A large number of miscellaneous legal action referrals, ranging from petitions to intervene in pending family law cases, motions for determination of arrearage and the setting of payments for an arrearage, petitions to extend support beyond the age of 18, and petitions for rule to show cause for the nonpayment of support.
- The division handled 6,803 cases in court, which was an average of 131 cases per week set for hearing
- Additionally, the division collected \$138,718 in cases that resulted in a plea or finding of guilty on pending petitions for rule to show cause for nonpayment of child support.



Delinquency/Abuse & Neglect

The **Juvenile Delinquency** Unit is responsible for prosecuting all felony and misdemeanor offenses committed by minors under age 18. The unit comprises four assistant state's attorneys, including the supervisor, and two administrative assistants.

The unit in 2014 filed 574 new petitions to adjudicate and 10 truancy petitions. Also, 62 new offenses were charged as petitions to revoke and 12 new offenses were aggravation on existing cases. The total of 658 cases was a 3.5 percent decrease from 2013.

In addition, the unit resolved 505 petitions to adjudicate and 786 cases involving petitions to revoke probation or supervision. Of the cases disposed of, 32 files resulted in a juvenile being sent to the Illinois Department of Juvenile Justice, keeping with a state mandate that juveniles be sent to IDJJ only as a last resort, and 27 were sent to a residential treatment program.

A change in 2014 was that all offenders under age 18 are now under the jurisdiction of juvenile court. Previously, only those under 18 who committed misdemeanors and those under 17 who committed felonies were under juvenile court jurisdiction.

Abuse & Neglect Unit cases generally result from an investigation by the Illinois Department of Children and Family Services in which DCFS determines that a child has been abused, neglected or dependent. The unit comprises one supervisor, two attorneys and one administrative assistant.

The Abuse & Neglect supervisor also supervises the delinquency unit because there tends to be a crossover between the units.



Placing these units under a single umbrella allows for better information sharing and consistency when dealing with the juvenile offenders.

In 2014 the unit opened 143 new files, a seven percent increase from 2013. The unit screened 84 family cases, 67 of which were brought in as abuse, neglect or dependency cases at a shelter care hearing.

The unit resolved 87 child cases. Among those, 23 children were adopted, 36 children were returned home, 15 child cases were closed through guardianship, and eight minors gained independence. With those cases, the unit conducted 557 hearings.

Among those hearings, 373 were for permanency review, 63 were for shelter care, 53 were for adjudication, 41 were for disposition and 21 were for parental termination.

Working with police



Kane County First Assistant State's Attorney Jody Gleason addresses police officers, including several chiefs, who are new to Kane County, during a special orientation session in November at the Kane County SAO. The session, one of four held in 2014, was designed to help police familiarize themselves with the Kane County SAO and Kane County courts. The sessions are among the many services offered by the Kane SAO to maintain a strong and productive relationship between the office and the county's nearly three dozen police agencies.

Working with police

Screening and charging

Felony calls by agency

<u>Agency</u>	<u>No.</u>
Aurora P.D.	821
Elgin P.D.	669
Kane County Sheriff	228
Carpentersville P.D.	153
St. Charles P.D.	128
Batavia P.D.	119
South Elgin P.D.	75
Kane County Child Advocacy Center	58
North Aurora P.D.	46
Montgomery P.D.	41
Illinois State Police District 15	38
West Dundee P.D.	37
Geneva P.D.	33
East Dundee P.D.	26
Elburn P.D.	17
North Central Narcotics Task Force	16
Sugar Grove P.D.	15
Algonquin P.D.	12
Other agency	12
Hampshire P.D.	10
Huntley P.D.	9
Sleepy Hollow P.D.	9
Campton Hills P.D.	7
Fox Valley Park District	7
Pingree Grove P.D.	7
Illinois State Police District 2	6
Waubensee Community College P.D.	5
Illinois Gaming Board	4
Kane Co. Forest Preserve Police	4
Elgin Community College P.D.	3
Gilberts P.D.	3
Maple Park P.D.	3
Illinois Secretary of State Police	2

TOTAL **2,623**

Previous Yearly Totals	<u>2013</u>	<u>2012</u>	<u>2011</u>
	2,446	2,781	2,839



Aurora Sgt. Bill Rowley (left) poses with his son and Aurora Police Chief Greg Thomas after Rowley was named the Kane County Police Officer of the Year. Sgt. Rowley was off duty when he came upon a serious car crash. He performed CRP on a two-year-old girl and helped save her life.

In 2014 we partnered with all 34 police agencies in Kane County, as well as outside agencies such as the North Central Narcotics Task Force, the Drug Enforcement Administration, the Department of Homeland Security, the Illinois Gaming Board, and the Illinois Secretary of State Police. Assistant state's attorneys screened more than 2,600 investigations to determine if felony charges should be authorized. Aurora and Elgin police made more than half of the requests, followed by the Kane County Sheriff, Carpentersville, St. Charles and Batavia.

Our thanks to everyone at each of the police agencies we work with. Our many successes would not have been possible without the hard work of all officers, investigators, detectives, command staff, administrators and support staff at each of these agencies.

Victim Services

Victims' Rights Unit

Victims' Rights Unit staff provide services mandated by the Illinois Crime Victims' Bill of Rights through education, information and support of victims of violent crimes in Kane County. The goal is to help crime victims cope with lingering emotional trauma, as well as to ensure they understand and navigate the court system.

In 2014, the unit assisted more than 1,000 crime victims in cases that include murder, criminal sexual assault, driving under the influence, stalking, domestic battery, aggravated battery and arson.

The unit comprises four advocates, including three full-time advocates and one advocate who works with domestic violence victims. One of the advocates is bilingual.

Advocates help victims prepare for sentencing hearings and offer guidance to victims during the criminal court process and trials.

Advocates co-facilitate the homicide support group for family members who have lost their loved ones because of a criminal act.

Advocates conduct presentations in the community to discuss available services. The presentation has been given at Mutual Ground of Aurora, Community Crisis Center in Elgin and Waubensee Community College in Sugar Grove and Aurora.

The unit maintains staff expertise with regular training of current practices, and seeks low-cost ways to attend the training seminars.



Crime victims often feel as though they are alone and confused with no one to trust once a case is part of the court system. The Victims' Rights Unit of the Kane County State's Attorney's Office exists to ensure victims have an advocate who will help guide them through the proceedings.

Illinois voters in 2014 passed Marsy's Law for crime victims and their families. The law includes the right to be free from harassment, intimidation and abuse throughout the trial process, the right to notice and to a hearing before a court ruling on access to any of the victim's records, information or communications, the right to be heard at any post-arraignment court proceeding in which a victim's right is at issue and at any court proceeding involving a post-arraignment release decision, plea or sentencing.

In the community



Kane County Assistant State's Attorney Laura Maglio talks to the public, police and reporters about the new Kane County Peer Jury Program. ASA Maglio and other assistant state's attorneys assigned to the Juvenile Division worked with the Kane County Sheriff's Office to create the countywide program. Peer jury, which is run through the sheriff's office, helps first-time nonviolent youth offenders account for an offense without putting them into the juvenile court system. Studies show that youths are more willing to account for misdeeds when facing their peers than they are when facing adults. Peer jurors are students at Kane County schools. Facilitators are adult volunteers.

In the community

Partnerships

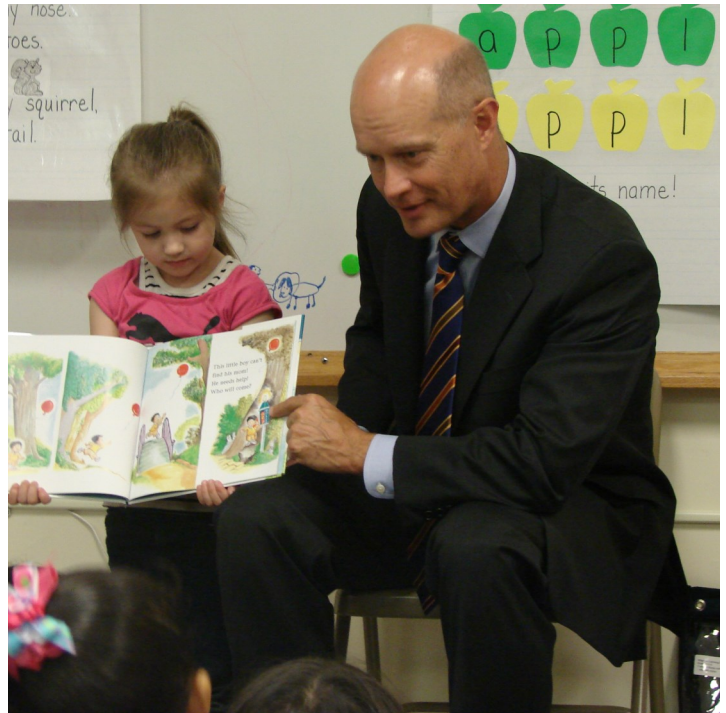
In addition to the 34 law-enforcement agencies in Kane County, our office works with dozens of community groups, agencies inside and outside Kane County, and also makes itself available to the public and private schools in Kane County to help protect the public, provide awareness of the law and to enforce the law.

State's Attorney Joe McMahon, as well as attorneys and support staff alike, talk to groups, students and parents about subjects that include traditional bullying and online bullying, child sex abuse, law enforcement, new laws and protecting children and seniors.

In addition, we maintain strong relationships with community partners such as the Illinois Family Violence Coordinating Council of the 16th Judicial Circuit, which helps respond to incidents of family violence, Mutual Ground of Aurora and Community Crisis Center of Elgin – Kane County's domestic violence shelters – and CASA Kane County, a volunteer group that advocates in court for the rights and needs of hundreds of abused and neglected children.

State's Attorney McMahon is a member of Fight Crime: Invest in Kids, a national organization of law-enforcement professionals and lawmakers that supports and advocates for early childhood education as a means to reduce crime.

We are involved with local groups and agencies such as the Kane County Regional Office of Education, the Quad County Urban League, and the Transitional Alternative Re-entry Initiative, a nonprofit group that works to reduce recidivism



Kane County State's Attorney Joe McMahon reads to school children during a Fight Crime: Invest in Kids event in Aurora. Fight Crime: Invest in Kids is a national organization that supports early childhood education.

among persons who have been a part of the court system.

We work with many state agencies, including the Department of Health and Family Services, the Department of Child and Family Services, the Office of the Illinois Attorney General, the Secretary of State's Office and the Office of the Illinois State's Attorney's State Appellate Prosecutor.

In addition, we maintain strong working relationships with many federal agencies, including the Federal Bureau of Investigations, Immigrations and Customs Enforcement, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the Department of Homeland Security, and the U.S. Attorney for the Northern District of Illinois.

2014 in photos



Kane County State's Attorney Joe McMahon chats with an Elgin youth during the Elgin Police Department's annual National Night Out event in early August 2014.



Elgin Det. Brian Gorcowski (center) poses with Elgin Police Chief Jeff Swoboda and Kane County State's Attorney Joe McMahon after Gorcowski was named Elgin's Officer of the Year for 2013.



Kane County Sheriff Pat Perez, Aurora Mayor Tom Weisner, Aurora Alderman Scheketa Hart-Burns, Aurora Police Chief Greg Thomas and Kane County State's Attorney Joe McMahon joined the 27 graduates of the 2014 Kane County Law Enforcement Youth Academy graduation. The yearly summer academy is the work of Pam Bradley (front, left), an Aurora resident and 15-year employee of the Kane County State's Attorney's Office.

2014 in photos



In March 2014, Kane County State's Attorney Joe McMahon and Kane County Sheriff Pat Perez met with the media to announce a major drug and cash seizure in Aurora. More than \$1.6 million in cocaine and approximately \$260,000 in cash was seized. Agents from U.S. Immigrations and Customs Enforcement and the U.S. Drug Enforcement Administration played a role in the investigation. The case is pending.



On Sept. 3, a delegation of court officials from Beijing, China, met with First Assistant State's Attorney Jody Gleason during a visit to the Kane County Judicial Center. The group, which included prosecutors, judges and other public safety officials, was participating in a three-month program in the United States through the University of Chicago.

2014 in photos



In February 2014, the Kane County State's Attorney's Office sponsored a multi-topic training for police officers. Robert Holley, Special Agent in Charge of the FBI's Chicago Field Office, was the keynote speaker. He talked about his work coordinating and communicating logistics among local, state and federal law-enforcement during the initial investigation of the Boston Marathon bombings in April 2013. The training was held at the Northern Illinois Food Bank in Geneva.



The Kane SAO said goodbye to some notable experience in 2014. ASA Dan Carter (left) retired after a public service career of more than 30 years. Dan worked as a police officer in Itasca, a Cook County prosecutor and an Illinois Assistant Attorney General. He also spent 13 years with the Judge Advocate General of the Army National Guard. ASA Pam Monaco (right) worked for the Kane SAO for nearly 20 years. She was twice named Prosecutor of the Year, in 2008 and 2012.

2014 Awards



Assistant State's Attorney Lori Schmidt was named the Kane SAO's Prosecutor of the Year for 2014. Lori is assigned to the Child Advocacy Center, which prosecutes cases of child sexual abuse. She is highly regarded for her passion for her job and her deep commitment to defending the children of Kane County.



Sherrie Robotham, the administrative assistant for the Kane SAO's Civil Division, was named the office's Employee of the Year for 2014. Sherrie is regarded for her helpfulness and cheeriness. She has been with the office since 1990, and makes no secret that she considers it an honor to serve the people of Kane County.

2014 Awards



ASA Andrew Whitfield (left), and ASA Amy Ballard were the SAO's Ace of Spade Award winners for 2014. The Ace of Spades Award, which annually recognizes courtroom excellence, was divided into two in 2014. One award was given for felony trials and one was given for traffic and misdemeanor trials. The award is based on a number of factors, including the number of trials completed, the complexity of the trials completed, the willingness of the prosecutor to serve as co-counsel to other prosecutors in their trials, the steps taken to improve and develop new trial skills, and the way in which the prosecutor mentors and inspires other prosecutors to try cases.

In memoriam Sue Byrum



In early January 2015, longtime SAO employee Sue Byrum unexpectedly died. She was 77. Sue, pictured here in April 2014 during a celebration of her 45th year with the SAO, joined the office in 1969 and worked for 10 state's attorneys. Sue was loved by all and is dearly missed.

