

KANE COUNTY
STATE'S ATTORNEY'S OFFICE

ANNUAL REPORT

HIGHLIGHTS FROM 2015

A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



Joseph H. McMahon
Kane County State's Attorney

ABOUT THE OFFICE

The Kane County State's Attorney's Office employed 124 attorneys and administrative staff in 2015. 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 state's attorney's office is the chief prosecuting authority and legal advisor for Kane County, its elected officers and state officials when requested.

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

You can learn more about us 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](#).



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It is a pleasure and an honor to serve as your state's attorney, to work to meet your expectations for justice, fairness and public safety, and to oversee this office of more than 100 hard-working public servants who are dedicated to protecting everyone who lives in, works in and enjoys Kane County.

Serving as the chief law-enforcement officer in Illinois' fifth-most populous county and one of the 125 most populous counties in the nation has its unique challenges. However, I am committed to ensuring that those challenges do not interfere with the honesty and integrity that you demand of us and we expect of ourselves.

Law enforcement in 2015 across the country faced heightened scrutiny. In light of that scrutiny, I can assure you that everyone in this office works diligently to ensure that the public's trust is upheld in the pursuit of justice.

One way to earn and maintain your trust is through open communication. This report, which highlights our office's successes and our work to keep Kane County communities safe in 2015, is part of that open communication. I look forward to continued successes in 2016. Thank you for the privilege of serving you as your state's attorney.

JOSEPH H. McMAHON

Annual Report for 2015

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

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Photos on Pages 27-28 are courtesy of James Harvey. The top photo on Page 35 is courtesy of the Kane County Chronicle.

“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



2015

2015 in Review

This report is a review of the duties, achievements and performance of the Kane County State's Attorney's Office in 2015.

The office had many notable achievements in 2015, and our successes went a long way toward our goals of public safety and justice.

State's Attorney Joe McMahon led the office for the fifth year. He is the 42nd person to serve as state's attorney for Kane County. In 2015, SA McMahon continued his leadership in a statewide initiative to outline best practices for prosecutors. We believe these practices will result in a more just criminal justice system and reduce the risk of wrongful convictions.

The Criminal Division prosecuted a wide variety of complex crimes. Overall, the office conducted approximately 450 total trials.

Criminal Division attorneys screened more than 2,500 felony investigations from 34 police agencies. In all, we authorized 2,111 new felony files. In addition we prosecuted 5,646 new misdemeanor cases.

These numbers reflect a national trend of reduced crime. We are proud to know that although the complexities within the criminal justice system are growing, we remain productive in our efforts toward safer communities.

Despite the overall downward trends, the number of new domestic violence cases continues unabated at around 1,200 per year, a reminder that domestic violence crosses all social and economic barriers and requires our constant attention.

A large number of our new felony cases were relative to narcotics. In about 20 percent of the new felony cases the most serious charge was possession, possession with intent to deliver or delivery of a controlled substance.

The most frequently charged non-drug offenses were theft, DUI and aggravated battery.

After a three-year period in which a total of 13 homicides were committed, Kane County has seen a total of 22 homicides the last two years.



In 2015, murder charges were filed against six people in five homicides, one of which occurred in 2014. Seven uncharged homicides from 2015, all believed to be gang motivated, remain under investigation.

Our office resolved nine murder cases in 2015. Seven defendants were convicted of first-degree murder, one defendant was convicted of second-degree murder, and one defendant was found not guilty by reason of insanity and is receiving treatment in the Illinois Department of Mental Health.

We reviewed and took appropriate action on approximately 3,300 alleged probation violations, about 1,000 of which were new criminal offenses by offenders who had been sentenced to probation.

We improved our outreach to the Kane County community as the combined followers on our social media pages grew to more than 2,500 from just more than 1,000.

Lastly, our office in FY2015 continued to work in a cost efficient manner. We accomplished our work and finished the year more than four percent under budget.

Violent Crime and Street Gangs

The office classifies the following offenses to be violent crimes: murder, attempted murder, armed violence, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault, arson, aggravated arson, robbery, armed robbery, kidnapping, aggravated discharge of a firearm, aggravated battery with a firearm, aggravated battery, aggravated battery victim younger than 12, aggravated battery victim older than 60, aggravated battery with great bodily harm, and vehicular hijacking. Our treatment of these offenses as violent expands upon the statutory definition of violent crime.

The office proactively prosecutes the offenders of these crimes by assigning its most experienced prosecutors and devoting the necessary resources to these cases to assure a just outcome. Also of importance is the protection and fair treatment of the community's most vulnerable victims.

In 2015, one of these offenses was the most serious offense in about 12 percent of the cases we charged. The most frequently charged offenses were aggravated battery, followed by armed robbery and criminal sexual assault.

Our office filed first-degree murder charges against six persons in five homicides. (One of the homicides occurred in 2014.) In total, Kane County police agencies reported 11 homicides in 2015. Seven of those homicides remain under investigation.

Kane County's 11 homicides in 2015 was consistent with 2014, which also had 11 homicides. Seven persons have been charged in six 2014 homicides, and five homicides remain under investigation.



The 22 total homicides in 2014 and 2015 marked a notable increase from the three-year period of 2011 to 2013, when 10 persons were charged with first-degree murder. Five cases from 2011, 2012 and 2013 remain under investigation.

Our office resolved nine murder cases in 2015: Juan Vargas, Gareng Deng, Chavez Saulsberry, George Martinez, Nora Leach-Peterson, Paul Johnson, and Shadwick King were convicted of first-degree murder, and Latoya Baines pleaded guilty to second-degree murder. Amy Zuniga was found not guilty by reason of insanity and remains in the custody of the Illinois Department of Human Services.

Although gang activity has abated in Kane County from its peak about 25 years ago, it remains a concern, particularly in Aurora and Elgin, the county's two most populous communities.

Generally, Elgin reported a decrease in

Violent Crime and Street Gangs

gang activity. Aurora took action in early 2015 that resulted in fewer gang gun discharges later in the year. The seven unsolved homicides of 2015 – five in Aurora and two in Elgin – are all believed to be

gang-motivated. The investigations of these homicides have been hampered by victims and witnesses who decline to cooperate with authorities because of their street gang affiliations and loyalties.

NOTABLE DISPOSITIONS IN 2015

- Paul Johnson was sentenced to 50 years in prison after he was convicted of brutally murdering his Elgin neighbor, Lisa Koziol-Ellis, in 2013. Johnson broke into a neighboring condo believing no one was home and was confronted by Koziol-Ellis, who had just moved in with her husband. She was stabbed 55 times in her head, neck, torso and arms. Johnson was on parole at the time.
- Israel Cano was sentenced to 62 years in prison for attempted murder, possessing a gun and possessing more than 5,000 grams of marijuana in his Aurora home. Cano shot a man in the face, nearly killing him and causing great bodily harm.
- Juan Vargas was sentenced to 20 years in prison after he pleaded guilty to the 2005 gang-motivated murder of 17-year-old Tomas Aguilar of Aurora. Vargas shot and killed Aguilar because he believed him to be a member of a rival gang. Vargas is also serving a 31-year sentence for the 2005 gang murder of Jorge Caro.
- George Martinez was sentenced to 20 years in prison for the 2008 murder of a rival gang member, 16-year-old Jaime Benitez, at a 2008 Halloween party. Martinez shot at Benitez seven times, striking him twice. He fled the country when he learned that police sought him in connection with the murder.
- Enrique Torres was sentenced to 25 years in prison for the 2007 attempted murder of a rival gang member. Torres saw the victim in a car, leapt out of his car and fired his gun at the victim's car. Three bullets pierced the headrest and a fourth struck the victim in the thigh. The sentence is served consecutive to a 60-year term Torres received for a 2007 DuPage County murder that occurred the day after the Kane County attempted murder.
- Maricela Arciga was sentenced to 20 years in prison after she was convicted for trying to have her former boyfriend murdered.
- Fatima Robertson was sentenced to 26 years in prison after she pleaded guilty to armed robbery and attempted armed robbery in unrelated incidents in 2014.
- Earnest Jeffries was sentenced to 26 years in prison after he and co-defendant Steve Simmons broke into an Aurora residence in the middle of the night, beat a man who lived there, stole \$2,800 in cash and fled. Simmons previously pleaded guilty to home invasion and was sentenced to 10 years in prison.
- Nikolis Thurnau, who has a long history of violence, was sentenced to 7½ years in prison for shooting someone in the foot during an argument.
- Aleksandr Kirilyuk was sentenced to 15 years in prison after he was convicted on weapons and a variety of other charges, including DUI. Kirilyuk fled before his trial and is wanted on a warrant.
- Several other defendants were convicted of serious violent crimes and are awaiting mandatory prison sentences.

Special Victims Special Prosecution

The Special Prosecution Bureau handles adult sexual assault, complex financial crimes, and child pornography. (The Domestic Violence Unit, highlighted on Page 18, 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 complexities of these cases limits the volume of cases the bureau handles.

Assistant state's attorneys assigned to the bureau have significant trial experience, as well as experience working with victims to reflect the serious nature of these cases. Three lawyers and three administrative assistants are assigned to the bureau, not including the Domestic Violence Unit.

The growth of the high tech and digital worlds over the last decade has fostered an increase in financial crimes and aided in the proliferation of child pornography.

However, technology also exists that, although complex and time-consuming to execute, allows for the tracking and prosecution of offenders of these crimes.

Likewise, sexual assault cases present unique challenges because of their complex and sensitive nature.

The bureau in 2015 prosecuted what are believed to be Illinois' first cases using the Involuntary Sexual Servitude Statute against persons who sought to sexually exploit purported trafficked children. We worked with Homeland Security Investigations and the Aurora Police Department in a sting operation that resulted in charges against 10 persons — six in December 2014 and four in early 2015. Three offenders pleaded guilty, two cases are set for trial and five are pending.



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

NOTABLE DISPOSITIONS IN 2015

- Kyle Muench was sentenced to eight years in prison after he pleaded guilty for possessing multiple forms of child pornography.
- Andres Alonso was sentenced to seven years in prison for arranging to have sex with who he believed to be two girls, ages 14 and 15 years old, but were actually undercover police officers.
- Harry Joslin of North Aurora was sentenced to four years in prison for being in possession of multiple images of children in sexually compromising positions.
- Josh Archer was sentenced to three years in prison for arranging to have sex with who he believed was a 14-year-old girl, but actually was an undercover police officer.

Narcotics & Money Laundering

Narcotics Unit prosecutors oversee cases involving controlled substances and marijuana, trafficking, drug-related asset forfeitures and drug-related bulk currency money laundering.

Drug dealers often pose a serious threat within the community. The unit's goal to reduce trafficking and the availability of illicit narcotics and illegal marijuana by holding dealers accountable is important because drugs play a role in most crimes. The results – reduced drug-related crime, violence and supply – means a safer community.

The unit works in cooperation with federal agencies such as the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, and Homeland Security Investigations, as well as local law-enforcement agencies and police departments, including the North Central Narcotics Task Force.

Three assistant state's attorneys and one administrative assistant work in the unit, which prosecutes the most serious and most complex cases, such as those involving large quantities of illegal drugs and assets. Drug cases involving lesser quantities are assigned to all Kane ASAs.

In 2015 in response to the alarming increased popularity of heroin, which many public safety and public health officials have deemed an epidemic, the office prioritized cases that involved heroin to ensure that those who possess it understand its inherent dangers or receive treatment to become free of addiction.

In 2015 we charged approximately 405



16 kilograms of cocaine worth an estimated \$1.6 million and \$225,000 in cash that were seized from a drug dealer and are being held as evidence.

felony cases in which the most serious offense was a drug offense such as possession, possession with intent to deliver, or delivery of controlled substances and marijuana, or trafficking. Of the new cases, approximately 40 percent involved cocaine, 24 percent involved marijuana, 20 percent involved heroin, and 12 percent involved prescription medications such as opioid painkillers like Vicodin and OxyContin, and prescription psychotropic medications like Xanax and Valium. The remaining cases involved hallucinogenics, methamphetamine and synthetics.

Of the drug cases that were closed, about 30 percent of defendants were sentenced to the Illinois Department of Corrections.

Crime

Narcotics & Money Laundering

Nationally, heroin use continues to be in the spotlight. Heroin is prevalent in Kane County, but its reach can only be estimated. Law enforcement can only track known activity, which generally is connected to arrests and prosecutions. However, available evidence indicates that Kane County's heroin problem is not abating.

Synthetic drugs such as MDMA and methamphetamine are not significantly present.

The U.S. Centers for Disease Control in 2015 issued an advisory regarding an increase in fentanyl-related overdoses among heroin users. Our office has not yet encountered illegal fentanyl.

Evolving drug trafficking techniques mean it is critical that we remain up to date on the latest drug-enforcement advances and technologies.



Nineteen bundles of marijuana with a street value of approximately \$500,000 being held in evidence after being seized by the Kane County Sheriff's Office. The Sheriff's Office in 2015 seized 550 pounds of illegal marijuana with a street value of approximately \$7.4 million.

NOTABLE DISPOSITIONS IN 2015

- Eric Chapa was sentenced to 20 years in prison for possessing a large amount of marijuana and cocaine he planned to sell. While free on bond, Chapa freed himself from a monitoring device and fled. He is wanted on a warrant.
- Fernando Pilar-Lopez was sentenced to 19 years in prison for possessing cocaine worth \$280,000 at his home near Maple Park.
- Ramon Pickens was sentenced to 18 years in prison for gun and drug crimes.
- Modesto Montes was sentenced to 17 years in prison for possessing one kilogram of cocaine he planned to sell.
- Rinnell Mallory was sentenced to 13½ years in prison for selling heroin near an Elgin park.
- Jaime Vasquez was sentenced to 11½ years in prison for transporting approximately \$45,000 worth of methamphetamine from Aurora to Minnesota.
- Michael James was sentenced to 10½ years in prison for selling heroin on four separate occasions in 2014.
- Andrea Nielsen was sentenced to seven years in prison after she was convicted of drug-induced homicide for supplying the heroin that caused a 24-year-old woman to overdose and die.
- Christopher Kanehl was sentenced to nine years in prison after he pleaded guilty for selling heroin on multiple occasions.
- Reyna Garcia-Manzanares and Juan Fernandez each was sentenced to six years in prison for laundering money as part of a larger-scale narcotics operation.

Crime Forfeitures

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

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

This statute allows 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 2015

- 50 vehicles were seized. Nine of these forfeiture cases are pending.
- 27 vehicles were forfeited to the seizing police agency, either to be used by that agency or sold.
- 7 vehicles were returned to a lienholder.
- 15 vehicles were returned to the registered owner under the innocent owner exception.

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 2015

- Kane County's 34 police agencies seized more than \$728,000 in assets pursuant to the statute.
- Nearly \$500,000 in seized assets was forfeited.
- The bulk of the forfeited assets went to the seizing police agency to be used for the enforcement of drug laws.
- Vehicles, electronics and jewelry were seized, as well.

Special Victims

Children, Elderly, Disabled

Child sexual assault and abuse cases are among the most difficult and complex that we prosecute. This is true for many reasons, including the emotional nature of these cases, the timing of the disclosure of the abuse, the relationship of the child to the abuser, and the frequent reluctance of parents or guardians to cooperate in the investigation because of their relationship to the abuser.

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

Cases in which the elderly and disabled have been victimized are complex for similar reasons.

Because of these complexities, because of the vulnerabilities of children, the elderly and the disabled, and because society has a duty to protect its most vulnerable, State's Attorney Joe McMahon has made such cases a priority.

The Child Advocacy Center, located near downtown Geneva, investigates and prosecutes cases of child sexual assault and abuse. The center helps direct victimized families to services to help them return to a place of safety.

The CAC is staffed by four assistant state's attorneys, six investigators, three DCFS investigators, three case managers/advocates and an administrative assistant.

In 2015, the CAC conducted 308 investigations and charged 70 cases. The CAC resolved 38 cases by conviction or plea, and closed 287 investigations.

The CAC conducted 527 child forensic interviews, facilitated 63 medical examinations for children, and assisted



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.

law-enforcement agencies in 48 courtesy interviews of children who were victims of or witnesses to other crimes.

Of the 527 interviews, 348 took place at the Child Advocacy Center and 179 took place at other locations.

All convicted child sex offenders must register in accordance with the Illinois Sexual Offender Registration Act. Some offenders must register for 10 years while most must register for the rest of their lives.

The office has two advocates who field inquiries and referrals regarding situations that might involve the exploitation of elderly and disabled. The advocates also work with our attorneys to advocate for elderly and disabled crime victims.

Special Victims

Children, Elderly, Disabled

In 2015, the office noted a marked increase in the number of Certified Nurses Assistants who have been charged with Theft and Financial Exploitation.

Seven cases were charged and three were successfully prosecuted. The other four cases are pending.

Once a defendant in such a case is found guilty, the conviction is sent to the Illinois Department of Public Health's Health Care Registry and the process to suspend the offender's license begins.

There are 12 such cases pending in court, as well.

In addition, our senior/disabled advocates are involved with 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.

NOTABLE DISPOSITIONS IN 2015

- Robert Schacter was sentenced to 25 years in prison after he pleaded guilty to sexually assaulting a young child for more than two years in his Elgin home.
- Armando Vega was sentenced to 37 years in prison for repeatedly preying on and sexually assaulting a young child he knew.
- Sergio Tinajero was sentenced to 31 years in prison for preying on and repeatedly sexually assaulting a young child he knew.
- Bruce Puchek was sentenced to 12 years in prison for sexually assaulting a child he knew.
- Thomas White was sentenced to 12 years in prison after he pleaded guilty to sexually assaulting a child he knew.
- Miguel Samano was sentenced to 10 years in prison after he pleaded guilty to sexually assaulting two children he knew.
- Baraka Olla was sentenced to 13 years in prison after he was convicted of predatory criminal sexual assault of a child and other counts. The assaults took place for three years. The victim was younger than 13 years old.
- Pedro Valle-Trujillo was sentenced to 10 years for sexually assaulting a child he knew. The victim was younger than 13 years old.

Special Report

Child Advocacy Center



On July 14, Kane County State's Attorney Joe McMahon and Child Advocacy Center Executive Director Debra Bree cut the ribbon on the CAC's new medical examination room, located in the CAC Annex adjacent to the main CAC building.

The ribbon-cutting marked the culmination of several years' worth of work by Bree and the CAC staff.

The exam room adds to the multidisciplinary nature of the CAC, which investigates, prosecutes and provides access to counseling services for child victims of sex abuse.

The medical examination room was necessary to provide child sexual abuse victims

local access to treatment and to reassure the victims that they are healthy.

The exam room is staffed by volunteer doctors and nurses specially trained in child sexual assault from the University of Illinois College of Medicine at Rockford.

Funding for the project came from two sources – a \$25,000 grant from the Aurora-based Dunham Fund, and a \$10,000 grant from Friends of Child Advocacy.

The walls were painted and decorated by Marmion Academy art teacher Lisa Dzuricko and her students.

High-volume Courtrooms

Traffic, Misdemeanor & DUI

The traffic and misdemeanor courtrooms see the greatest volume of our cases, and they are where most of the public is exposed to the criminal justice system.

We staffed six courtrooms in 2015 to handle traffic, misdemeanor and DUI cases: Courtrooms 203, 209 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 six courtrooms.

The primary duty for ASAs assigned to these courtrooms is to ensure public safety by holding people accountable for misdemeanor offenses, to advocate for victims of misdemeanor offenses and to advocate for safety on the roads through the enforcement of Illinois' traffic laws.

In addition, it is in these courtrooms that newer ASAs gain valuable experience as they develop their litigation skills with guidance and supervision from veteran prosecutors.

2015 by the numbers

- Charged 5,646 new misdemeanor files. Of those cases, 1,100 were filed at Aurora Branch Court, 1,070 were filed at Elgin Branch Court and 1,337 were filed in Kane Branch Court.
- Of the new misdemeanor files, 920 were new misdemeanor DUI files. (An additional 319 new misdemeanor DUI files were prosecuted by the municipality in which the offense occurred.)
- The most common misdemeanor offenses not involving drugs, DUI or domestic battery were trespassing, battery, resisting a peace officer, retail theft and disorderly conduct.
- Charged 1,219 new misdemeanor domestic violence cases, which are addressed on Page 18 of this report.
- Filed 176 felony charges in which aggravated DUI was the most serious charge, a 13 percent rise from 2014. These cases are prosecuted in felony courtrooms.
- Handled the vast majority of the more than 65,000 new traffic citations issued in Kane County. Some traffic citations are prosecuted by the municipality in which the offense occurred.
- Prosecuted more than 200 traffic citation trials and 50 DUI trials.
- Conducted three No-Refusal initiatives to crack down on drunken driving. The events were Feb. 1, March 17 and Nov. 25. Fourteen different police agencies participated in these events.



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.

Traffic, Misdemeanor & DUI

A combined 11 drivers were charged. Overall, we have held 19 No-Refusal events with 141 drivers being charged with DUI. 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 suspected of impaired driving. We will continue to use the No-Refusal strategy to curb DUI.

- In 2015, 434 offenders were ordered by

a judge to wear a remote alcohol-monitoring device as a sentencing tool or as a condition of bond. Compliance was 86 percent. Kane County courts began using the remote monitoring device in 2007 on offenders who have a history of alcohol abuse. Offenders are ordered to wear the device to ensure they do not consume alcohol.

- The 434 offenders were monitored for a total of 34,345 days and were compliant 99 percent of those days.

NOTABLE DISPOSITIONS IN 2015

- Joshua Spudich was sentenced to 11 years in prison for killing 65-year-old Susan Gorecki of St. Charles in a 2014 DUI crash. The day after Thanksgiving, Spudich ingested heroin shortly before he got into his car. He drifted over the center line and struck a car being driven by Mrs. Gorecki on Route 31 on the north side of St. Charles, killing her. Tests revealed that Spudich had heroin, marijuana, cocaine, Valium and Xanax in his system. His drivers license was revoked at the time.
- Steven Luellen was sentenced to eight years, nine months in prison after he pleaded guilty to aggravated DUI. Luellen, who had alcohol, cocaine, marijuana and Valium in his system when he crashed his car into another car, killing 35-year-old Miguel Agustin-Tellez of Carpentersville in May 2014. Luellen was traveling at a speed of 67 mph on a residential street at the time of the crash.
- Ronald Martinez was sentenced to 10 years in prison after he was convicted of aggravated DUI. It was his sixth DUI conviction. Martinez was stopped by police for driving 58 mph in a 30 mph zone. He failed all standardized field sobriety tests and acknowledged he had been drinking.
- Corina Mendenhall was sentenced to six years in prison for aggravated DUI. She was stopped by police for driving 51 mph in a 30 mph zone. She failed all standardized field sobriety tests and acknowledged that she had been drinking.
- David Marcial was sentenced to three years in prison after he was convicted of DUI for a second time. Marcial was stopped for driving recklessly. His license was suspended at the time.
- William I. Bush Jr. was sentenced to 3 1/2 years in prison after he was convicted of his fourth DUI. Bush was involved in a crash, and when police arrived at the scene they found him asleep with the ignition running and the car in reverse. Bush's blood-alcohol concentration was .268.
- Stacy Fiebelkorn pleaded guilty to cruel treatment for abusing and neglecting a variety of farm animals that were in her care. She was sentenced to 180 days in jail and two years' probation and barred from owning or possessing any animals. The case, although involving misdemeanor offenses, received attention from animal-rights groups around the world.

High-volume Courtrooms

Domestic Violence

Although statistics show that crime rates are on a downward trend nationally and in Kane County, domestic violence numbers are not following the same pattern. Our records show that the number of new domestic violence cases in Kane County each year has remained relatively constant the last several years.

This underscores the belief that domestic violence requires constant attention, and crosses all social, economic and cultural boundaries.

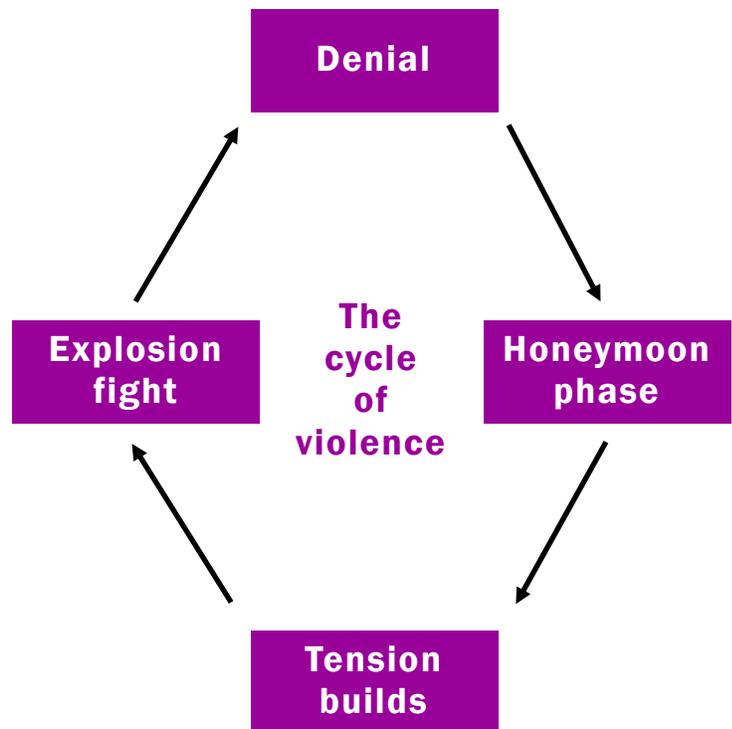
Domestic violence is more than a criminal justice matter. It is a public health matter. The U.S. Centers for Disease Control reports that each minute 24 people are victims of rape, physical violence, or stalking by an intimate partner; three in 10 women have experienced rape, physical violence or stalking 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 abuse is estimated at \$9 billion.

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

2015 by the numbers

- Charged 1,219* new misdemeanor filings, a slight increase from 2014
- Charged 208* new felony filings, a seven percent increase from 2014
- Resolved 144* felony cases and had a conviction rate of 89 percent on felony cases
- Obtained a finding of guilty on 72 percent* of misdemeanor cases.
- Resolved 243 misdemeanor cases through Deferred Prosecution

* – approximate



A typical cycle of violence in domestic abuse.

NOTABLE IN 2015

- Shadwick King was sentenced to 30 years in prison after he was convicted by a jury of murdering his wife, Kathleen King, by asphyxiation in July 2014. King had become enraged after learning that she was emotionally involved with another man.
- Latoya Baines was sentenced to 25 years in prison after she pleaded guilty to second-degree murder for stabbing her former boyfriend to death in 2012. Baines became angry with the victim believing he had made overtures at another woman.
- Assisted 189 victims to obtain Emergency Orders of Protection.

Court Alternatives

Deferred Prosecution

Our Deferred Prosecution program observed its 20th year in 2015.

Formalized in 1995, Deferred Prosecution has proven beneficial to offenders by allowing them to keep a conviction off their records. The program relieves jail overcrowding and courtroom caseloads. The continued success of the program relies on support from the criminal justice system and the community.

Deferred Prosecution provides an opportunity for offenders to avoid a permanent conviction from being entered on their records while holding them accountable. The five programs target first-time offenders.

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

Upon successful completion, charges are dismissed. Overall, the completion rate averages 72 percent or greater.

By the numbers

Fiscal year	<u>12-13</u>	<u>13-14</u>	<u>14-15</u>
Applicants	847	889	767
Graduates	545	593	451
Neg. Term	149	159	175

Felony/Misdemeanor

Individuals Diverted Per Year: 250-350

For first-time, non-violent offenders who have not been previously convicted. Appli-

KANE SAO

DEFERRED PROSECUTION

- **Felony/Misdemeanor.** For first-time offenders.
- **Misdemeanor drug/alcohol.** Intensive drug and alcohol education.
- **Domestic Violence.** Keeps families together safely; requires offenders to receive counseling.
- **Solicitation/Prostitution.** Educates about the risks of both practices.
- **Felony drug.** Requires substance abuse education, drug testing.

cation and program fees are assessed on a sliding scale up to \$1,500 and collected in monthly installments.

Average participation time is 6-12 months.

In 2015

- 267 applicants were accepted with 169 graduates and 73 negative terminations. Cumulatively 4,496 defendants have completed this program with an overall success rate of 78 percent.
- Participants paid \$105,998 in restitution. Cumulatively more than \$2.6 million in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$152,890 in application and program fees.
- Participants performed 9,199 hours of community service work at charitable organizations. Since 1995, participants have completed 430,768 hours of community service.
- Also: 25 participants obtained high school diploma or GED, 11 enrolled in

Deferred Prosecution

ESL classes, 43 completed an individual counseling program, 124 completed a substance abuse evaluation and subsequent treatment recommendations, 36 completed the Parenting Support Program, nine completed the Anger Management Program, 153 completed the Theft Awareness Program and 21 completed the Decision Pathways Program.

Misdemeanor Drug/Alcohol

Individuals Diverted Per Year: 200-250

For first-time, nonviolent misdemeanor drug and alcohol offenders. Application and program fees are assessed on a sliding scale up to \$1,000 and are collected monthly throughout the agreement. Participation averages 6 to 12 months.

In 2015

- 202 participants, 133 graduates, 43 negative terminations. Cumulatively the program has had 1,533 graduates with a success rate of 76 percent.
- Collected \$89,276 in program fees.

Domestic Violence

Individuals Diverted Per Year: 225-300

For first-time misdemeanor domestic battery offenses. Application and program fees are assessed on a sliding scale up to \$400 and are collected monthly. Average participation time is 12 months.

In 2015

- 243 participants, 96 graduates, 38 negative terminations. Cumulatively the program has had 422 graduates, with a success rate of 72 percent.
- Collected \$71,585 in program fees.

Prostitution/Solicitation

Individuals Diverted Per Year: 10-25

For first-time nonviolent, misdemeanor

“Deferred Prosecution continues to effectively help people change their behavior to be more productive in the community.”

— Kane County State’s Attorney
Joe McMahon

prostitution or solicitation offenders. Application and program fees are assessed up to \$1,000 and collected monthly throughout the agreement. Average participation time is 12 months.

In 2015

- Four participants, 18 graduates and 2 negative terminations with a success rate of 90 percent.
- Collected \$2,233 in program fees.

Felony Drug

Individuals Diverted Per Year: 50-100

For first-time nonviolent drug offenses. Application and program fees are assessed on a sliding scale up to \$1,500 and are collected in monthly installments throughout the participant’s agreement. Average participation time is 12 months.

In 2015

- 51 participants, 35 graduates and 19 negative terminations. Cumulatively, the program has had 106 graduates and 49 negative terminations, giving the program a cumulative success rate of 69 percent.
- Collected \$53,453 in program fees.
- 21 participants completed the required Drugs of Abuse class

Deferred Prosecution recidivism study

A new study has concluded that nonviolent offenders who participate in pre-trial diversion programs are highly unlikely to reoffend and return to the criminal justice system.

The study, a joint project of the Kane County State's Attorney's Office, Dr. Brandon Kooi of Aurora University and Christine Devitt Westley of the Illinois Criminal Justice Information Authority, showed that fewer than eight percent of offenders who participated in and successfully completed a Kane County diversion program reoffended.

"I am thrilled with these results, which show that more than 92 percent of offenders who successfully complete our Deferred Prosecution program do not re-offend. It proves what we have believed for a long time – that these programs work, that the benefits are many and that they're worthy of our resources," Kane County State's Attorney Joe McMahon said.

Pretrial diversion began in Kane County in 1995, but evidence of its success was anecdotal. The study provides the empirical evidence that McMahon has long sought.

The study was conducted by Michelle Halbesma, who leads the Kane SAO's Deferred Prosecution program, as her thesis for her masters' degree in criminal justice from Aurora University.

The details

The study looked at cases of 317 felony participants randomly selected from among the 1,070 offenders who participated between 2005 and 2010.

The research, which began late in 2013 and was concluded about a year later, examined the recidivism rates of those 317 participants. It studied the recidivism rate of those who successfully completed the program, along with those who were unsuccessful in completing the program for periods of 12, 18 and 36 months post-completion.

"These results offer empirical evidence that the benefits of our Deferred Prosecution program extend beyond altruism."

— Kane County State's Attorney
Joe McMahon

The study, which defined recidivism as a subsequent conviction, found that 92 percent of those who successfully complete the program don't return to the criminal justice system. In addition, it found that nearly 81 percent of those who start the program but are negatively terminated because they failed to abide by the program's terms, also did not return to the court system.

According to prior research, offenders who receive traditional court sentencing recidivate at a rate between 40 percent and 60 percent.

"I have always been a great supporter of our diversion programs. They give non-violent offenders a chance to make it up to the community without the scarlet letter of a criminal conviction. That's just the right thing to do, and it treats people with the respect and dignity they deserve" McMahon said.

"But these results offer empirical evidence that benefits extend beyond altruism. The rest of the community benefits through cost savings to the judicial system from a reduced court docket that allows court employees to focus on more serious offenses, as well as from a reduced jail population. The community also benefits because it is safer."

Civil Division

The Civil Division is required by law to represent all county-wide elected officials and serve as legal counsel for Kane County and all of its departments. The Civil Division does not represent private 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, tax-rate objections 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.

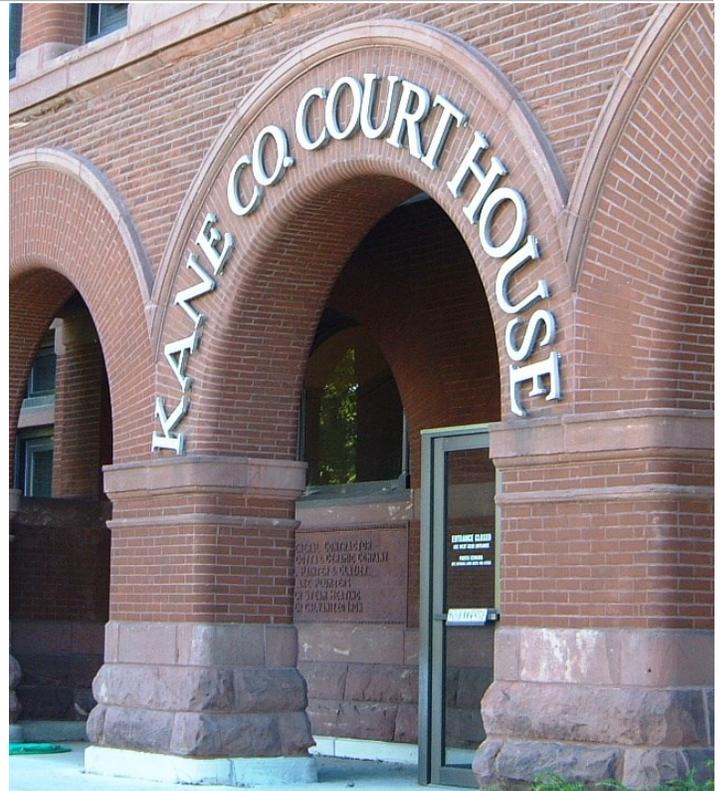
The division comprises seven attorneys and one administrative assistant.

The focus of the Civil Division's emphasis and resources varies from year to year.

The division in 2015 saw an increase in the number of Freedom of Information Act requests it processed because of an Illinois Supreme Court ruling that clarified what is eligible for public viewing under Illinois' Freedom of Information Act.

The division processed 43 FOIA requests in 2015, a large increase from the years prior to the Illinois Supreme Court decision, and a significant increase from 2014. FOIA requests can require the expenditure of significant resources in terms of time and paper. Some requests that were filled in 2015 required multiple days and hours to process.

In addition in 2015, the division saw an increase in lawsuits that required the significant expenditure of resources on litigation that took place in state and federal courthouses.



The Civil Division of the Kane County State's Attorney's Office is in the old Kane County Courthouse in the middle of historic downtown Geneva.

The division also noted an increase in the number of tax-rate objections that were filed against Kane County taxing districts.

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.

Mental Illness

Mental Health Court

Mental health and mental illness continue to be growing areas of concern and a significant public health issue across the country. Public health officials estimate that mental illness affects one in five families in the United States. Left untreated, mental illness often results in serious consequences for the individual, as well for society as a whole. Those same officials estimate that overall cost of untreated mental illness in the U.S. surpasses \$100 billion annually.

The state's attorney's office plays a significant role in helping to address mental health issues in Kane County. The office, through the Civil Division represents the people of Illinois in mental health proceedings under Illinois' Mental Health Code.

Appropriate medication and treatment are highly effective in treating mental illness, and up to 90 percent of individuals who receive treatment have drastically reduced symptoms and an improved quality of life. However, some individuals who suffer from mental illness refuse to be treated. When that happens, the courts – and therefore the state's attorney's office – can become involved. The state's attorney's office “shall represent the people of the State of Illinois in court proceedings” under the Mental Health and Developmental Disabilities Code and “shall ensure that petitions, reports and orders are properly prepared.”

After consultation with psychiatric medical providers, the state's attorney's office 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 petitions are filed either for involuntary admission or for involuntary



administration of psychotropic medication. When possible, pending petitions are heard in the facility where the respondent/patient is hospitalized. In Kane County, this means court is held at Elgin Mental Health Center, St. Joseph's Hospital in Elgin and Mercy Medical Center in Aurora.

The office's obligation is to provide clear and convincing evidence in support of a mental health petition for it to be granted. We review relevant records and work closely with psychiatrists, social workers and often the patient's family to prepare for hearings.

In 2015, 158 mental health petitions were filed in Kane County. Specifically, 98 of those petitions were for involuntary admission and 60 were for involuntary administration of psychotropic medication.

Mental Illness

Treatment Alternative Court

The Kane County Treatment Alternative Court is a specialty court program for criminal defendants with mental illness, co-occurring disorders, or developmental disabilities.

Treatment Alternative Court, or TAC, is intended to be a systematic approach that brings together community-based agencies to address defendants' needs and to provide comprehensive case management to facilitate positive behavioral change ultimately to reduce future criminal activity and incarceration.

Additional objectives of the program are to create effective interactions between mental health and criminal justice systems, improve public safety, and reduce the length of confinement of mentally ill defendants.

TAC participants typically are involved in some form of mental health treatment every weekday, including individual therapy, group therapy, case management meetings, psychiatric appointments and home visits.

To successfully complete the TAC program participants must remain fully engaged in all recommended treatment, make progress in treatment and maintain his or her stability.

The state's attorney's office reviews every TAC application to determine whether a defendant is statutorily eligible and appropriate for TAC based upon the defendant's current offense and criminal history.

An assistant state's attorney who primarily focuses on mental health issues and the cases of defendants who are motivated to engage in criminal activity



Group therapy is an important component to Treatment Alternative Court, which is available to certain Kane County defendants with mental health concerns.

specifically because of mental health concerns is a member of the TAC treatment team, which meets once a week before court to discuss the progress of TAC participants.

TAC is limited to approximately 20 participants at a time.

In 2015, 34 defendants were referred to TAC. Five participants graduated and four were discharged from the program.

There currently are 19 TAC participants.

Children Child Support

The Child Support Division is responsible for the establishment of paternity and support obligations, the modification and enforcement of existing support orders, 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.

2015 by the numbers

- Collected \$25.8 million on all open Title IV-D cases.
- That amount was an increase of \$1.5 million from the \$24.3 million collected in 2014.
- The division has seen a consistent increase in the amount of money collected from noncustodial parents since 2006, when it collected \$12.6 million.
- The division received 1,327 new legal action referrals from HFS for judicial enforcement. Among the new referrals:
 - 275 cases for the determination of paternity
 - 512 cases for the establishment of new support obligations
- 106 cases to modify 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.
- Handled 7,270 cases in court, which was an average of 140 cases per week set for hearing.
- Collected \$153,082 in cases that resulted in a plea or finding of guilty on pending petitions for rule to show cause for nonpayment of child support.



Children 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 2015 filed 566 new petitions to adjudicate delinquency and 17 truancy petitions. Also, 77 new offenses were charged as petitions to revoke and 20 new offenses were aggravation on existing cases. The total of 680 cases was a 3.3 percent increase from 2014.

In addition, the unit resolved 451 petitions to adjudicate and 725 cases involving petitions to revoke probation or supervision.

Of the cases that were closed, 25 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 two were sent to a residential treatment program.

We filed petitions on nine juveniles seeking transfer to adult court and three petitions seeking to have minors declared either a habitual offender or a violent offender against youth.

Abuse & Neglect 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 is dependent on the state for care. 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 2015 the unit opened 139 new files. The unit screened 88 family cases, 72 of which were brought in as abuse, neglect or dependency cases at a shelter care hearing.

The unit resolved 106 child cases. Among those, 17 children were adopted, 23 children were returned home, four child cases were closed through guardianship, and eight minors gained independence.

With those cases, the unit conducted nearly 600 status hearings for permanency review, shelter care, adjudication, disposition and parental termination.

Victim Services

Victims' Rights Unit

Victim advocates work with crime victims and their families to navigate the criminal justice system and the Illinois Crime Victims Bill of Rights, and provide information, support, and education to victims and their families of violent crime in Kane County.

The unit comprises five advocates, including three full-time advocates and two advocates who work with domestic violence victims. Two of the advocates are bilingual. Two advocates are certified by the National Organization for Victim Assistance.

Advocates have a variety of duties. They help victims prepare for sentencing hearings and offer guidance to victims during the criminal court process and trials. They co-facilitate the homicide support group for family members who have lost their loved ones because of a criminal act. They 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 regular communication with the assistant state's attorneys who are prosecuting the cases.

In 2015, the unit assisted more than 800 crime victims in cases that include murder, criminal sexual assault, driving under the influence, stalking, domestic battery, aggravated battery, arson, and aggravated DUI.

In addition staff helped victims with Attorney General compensation applications, emergency orders of



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.

protection, and stalking no-contact orders.

Marsy's Law for crime victims and their families took effect in August 2015. 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.

Many of the requirements already were functions of the office, but other requirements are new and have required the establishment of procedures and protocols for implementation.

Working with police

Screening and charging

Felony calls by agency, 2015

<u>Agency</u>	<u>No.</u>
Aurora P.D.	857
Elgin P.D.	589
Kane County Sheriff	224
Carpentersville P.D.	150
St. Charles P.D.	120
Batavia P.D.	86
South Elgin P.D.	70
Kane County Child Advocacy Center	57
Montgomery P.D.	53
Geneva P.D.	52
North Aurora P.D.	41
East Dundee P.D.	35
Illinois State Police District 15	31
West Dundee P.D.	22
North Central Narcotics Task Force	21
Sugar Grove P.D.	13
Algonquin P.D.	13
Other agency	13
Elburn P.D.	12
Hampshire P.D.	12
Gilberts P.D.	8
Campton Hills P.D.	7
Huntley P.D.	7
Fox Valley Park District	6
Illinois State Police District 2	6
Sleepy Hollow P.D.	6
Illinois Secretary of State Police	4
Kane Co. Forest Preserve Police	4
Elgin Community College P.D.	3
Illinois Gaming Board	3
Pingree Grove P.D.	3
Bartlett P.D.	2
Maple Park P.D.	1
Waubonsee Community College P.D.	1
Wayne P.D.	1
2015 TOTAL	2,533
Previous	
Yearly	<u>2014</u> <u>2013</u> <u>2012</u>
Totals	2,623 2,446 2,781



Illinois State Police Trooper Doug Balder (left) and Aurora Police Officer Sam Aguirre. In 2014 Balder was responding to a disabled vehicle on I-88 when he was struck by a semi-truck. Aguirre, who responded and helped save his life, was named Kane County Officer of the Year in 2015.

In 2015 we partnered with all 34 police agencies in Kane County, as well as outside agencies such as the North Central Narcotics Task Force, Federal Bureau of Investigations, Drug Enforcement Administration, Department of Homeland Security, Illinois Gaming Board, and Illinois Secretary of State Police. Assistant state's attorneys screened more than 2,500 investigations for felony charges.

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 agencies we work with. Our many successes are not possible without the hard work of all officers, investigators, detectives, command staff, administrators and support staff at each of these agencies.

In the community Partnerships



In June 2015 State's Attorney Joe McMahon, members of the Aurora Police Department and city leaders joined citizens at Aurora's Main Baptist Church for a forum called Keeping it Real about how to strengthen relationships between police and the community.

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

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

We maintain 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, Community Crisis Center of Elgin, and CASA Kane County, a volunteer group that advocates in court for

hundreds of abused and neglected children.

We are involved with local 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 among persons who have been a part of the court system.

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

Federally, we work with agencies such as the FBI, 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.

Special Report

Moving Beyond Ferguson



Cecil Smith, the Sanford, Fla., chief of police, talks about some of the issues he's had to confront since taking the job in April 2013. Sanford is where George Zimmerman killed 17-year-old Trayvon Martin. Chief Smith is an Elgin native and spent 25 years with the Elgin Police Department, the last five as the deputy chief. Chief Smith was part of a panel of police chiefs at the May 13 symposium Moving Beyond Ferguson hosted by Kane County State's Attorney Joe McMahon and the U.S. Department of Justice. Photo courtesy of James Harvey.

Trust and communication are the keys to effective relationships between police and the communities they serve, local and federal law-enforcement officials say.

That message was repeated by the participants who made presentations at a symposium hosted by Kane County State's Attorney Joe McMahon in partnership with the U.S. Department of Justice,

the Aurora Police Department, Elgin Police Department and Elgin Community College. The event, held Wednesday, May 13, 2015, at ECC, was designed to ensure effective relationships between police and their communities.

"It is obvious that many members of our community feel their lives don't matter," McMahon said in his introductory remarks. "There is a distrust

Special Report

Moving Beyond Ferguson

and a perception of us versus them. I have a responsibility to start from the beginning and break this perception and mend this broken trust, and today is a small step toward that goal.”

“Moving Beyond Ferguson,” held in ECC’s Seigle Auditorium, featured multiple presentations by the U.S. Department of Justice, presentations about police best practices and effective crowd management, a panel discussion about how police departments can monitor themselves, and a panel discussion about strengthening relationships between police and the community.

Approximately 200 guests were in attendance, including representatives from dozens of police departments, along with elected officials, and community leaders including lawmakers, clergy, school officials, social service agencies, prosecutors, defense attorneys and members of the judiciary.

“My goal for the day is two-fold,” McMahon said. “First, to continue the conversation about law enforcement and criminal justice that already is taking place in many communities across the region about events in Ferguson, New York, Cleveland, about Trayvon Martin and George Zimmerman, and now in Baltimore. But also to highlight some of the good work that our leaders already



Left to right: Michael Nila of Blue Courage, Deborah Spence of the U.S. Department of Justice, former Kane County State’s Attorney Meg Gorecki of the U.S. Department of Justice, Vick Lombardo of the FBI and Kane County State’s Attorney Joe McMahon at Moving Beyond Ferguson.

are engaged in to reach out to the community we serve. Second, to provide information about substantive resources that are available to each of your agencies.

“The motivation behind this event is to stay in front of these issues and set an example in the region that good, aggressive police work and good community relations are not mutually exclusive but go hand in hand with fighting crime and holding criminals accountable,” McMahon said.

The event opened with four presentations from the Department of Justice:

- Deborah Spence on Community Oriented Policing Services and federal assistance for departments
- Vick Lombardo on federal civil rights issues and excessive use of force
- Meg Gorecki on federal training and resources for police and municipalities
- Michael Nila on the Blue Courage program for modern police officers

Gorecki is a former Kane County State’s Attorney who now works for the U.S. Department of Justice as the Midwest Regional Director,

Special Report

Moving Beyond Ferguson



Aurora Police Commander Kristen Ziman (far left) moderated a panel of minority community leaders — left to right, Aurora Alderwoman Scheketa Hart-Burns, City of Aurora Spokesman Clayton Muhammad, Art Velasquez of the Aurora League of United Latin American Citizens, Cynthia Miller of Aurora, retired from the Illinois Department of Corrections, Elgin City Councilwoman Tish Powell, Helen Lopez-Strom of the Elgin League of United Latin American Citizens.

Community Relations Service. Nila is a former Aurora police officer who now is a Bureau of Judicial Assistance consultant.

McMahon then led a panel discussion among Elgin Chief Jeff Swoboda, Aurora Chief Greg Thomas, and Chief Cecil Smith of the Sanford, Fla., Police Department. Smith is an Elgin native and former Elgin deputy chief who became the Sanford chief after unrest surrounding Trayvon Martin's death.

All three said they have had great success by simply talking with – and more important, listening to – the citizens in their communities. Said Swoboda, “All policing is community policing.”

Thomas said, “The right time to build relations is not after the incident but prior to it.”

Attorney Marcia Thompson of the Chicago law firm Hillard Heintze, LLC, then talked about police best practices. Chicago Police Sgt. Larry Snelling followed by sharing information about preparing for, responding to and the differences between demonstrations and riots.

The event closed with a panel discussion among minority community leaders about building and maintaining relationships with the police. The citizen panel comprised City of Aurora Spokesman Clayton Muhammad, Aurora Alderwoman Scheketa Hart-Burns, Aurora resident Cynthia Miller, Arturo Velasquez of the Aurora chapter of the League of United Latin American Citizens, Elgin City Councilwoman Tish Powell and Helen Lopez-Strom of the Elgin chapter of the League of United Latin American Citizens. The panel was moderated by Aurora Police Commander Kristen Ziman.

“Thank you to everyone who participated,” McMahon said. “Their contributions made this event a tremendous success. Thank you to everyone who was in attendance. I hope the event generates further discussion about how we can live in united communities.

“Thanks especially to Dr. David Sam of Elgin Community College for his incredible helpfulness and generosity for the use of Seigle Auditorium,” McMahon said.

Special Report

Best Practices



Prosecutors from across Illinois met April 29 at the Kane County Judicial Center to talk about best practices in law enforcement. The meeting was part of a national effort. More than a dozen states are working to enact best practices for prosecutors.

State's attorneys and senior prosecutors from across Illinois gathered April 29, 2015, at the Kane County Judicial Center to discuss techniques aimed at improving the state's criminal justice system.

The Illinois State's Attorney's Best Practices Committee met to collaborate on issues such as witness and photo identification, custodial statements, post-conviction review, diversion program effectiveness, charging crimes and discretion, plea offer procedures, officer-involved crimes, and working with informants.

Prosecutors from Boone, Champaign, Cook, DeKalb, DuPage, Jackson, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Sangamon, Tazewell, Whiteside and Winnebago counties were in attendance.

"It was good to have the opportunity to talk about these critical issues, and to recognize how to best use them in the pursuit of justice," said Kane County State Attorney Joe McMahon, who

hosted the meeting. "This is a critical time for us because police and prosecutors nationwide are struggling with a crisis of public trust. When the guilty are held accountable through the framework of the constitution and the critical lens of fairness, justice truly is served."

The best practices effort is built to be effective within the broad demographic of Illinois, from its largest county to suburban counties and the many rural and sparsely populated counties.

The effort, which began in 2013, is a product of the nationwide "Best Practices for Justice" initiative being led Kristine Hamann of the Bureau of Justice Assistance. Hamann is a former Manhattan, N.Y., assistant district attorney.

Haman has worked with prosecutors from 15 states in the formation of the committees — Arizona, California, Colorado, Delaware, Idaho, Illinois, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Virginia and Washington.

Outreach and engagement



Law Enforcement Youth Academy

A record 62 students participated in this year's Law Enforcement Youth Academy. Participants, who are students from Kane County high schools, work with the Aurora Police Department, the Kane County Sheriff's Office and the Kane SAO to learn about the physical and mental requirements of a career in law enforcement. The academy is coordinated by Pam Bradley (left) of the Kane SAO. Thanks to the Aurora Police Department and the Kane County Sheriff's Office for their valuable contributions and assistance.



Outreach and engagement



Police training

TOP: Vincent Balbo, assistant special agent in charge of the Drug Enforcement Administration's Chicago Field Division, addresses officers during the Kane SAO's March 12 training session at the Northern Illinois Food Bank. Balbo was the keynote speaker. Balbo talked about his time working in Afghanistan to undercut the international heroin trade. The training was a multi-topic full-day event for Kane County police officers. RIGHT: First Assistant State's Attorney Jody Gleason talks about Kane County court procedures at an orientation for officers new to Kane County police agencies. Our office conducts several training sessions each year for police.



Outreach and engagement



Child Advocacy Center annual Christmas toy & gift drive

The Child Advocacy Center, with assistance from its nonprofit support group Friends of Child Advocacy, collected toys and gifts to be donated to families who receive CAC services. The CAC and Friends of Child Advocacy also collect donations to provide Thanksgiving meals to needy families that the CAC serves.



Outreach and engagement



Policymaking

TOP: Kane County State's Attorney Joe McMahon and other Illinois state's attorneys met with U.S. Senator Mark Kirk of Illinois to discuss issues related to law enforcement and public safety.

RIGHT: Rodger Heaton (left), the Illinois Public Safety Director & Homeland Security Advisor, David Olson (center front), Loyola University Professor of Criminal Justice and Criminology, and Illinois State Sen. Karen McConnaughay (front right), joined the state's attorneys from five of the six largest counties in Illinois — from left: DuPage Co. SA Bob Berlin; Will Co. SA Jim Glasgow; Kane Co. SA Joe McMahon; Lake Co. First Assistant SA Jeff Pavletic; Lake Co. SA Mike Nerheim; and Winnebago Co. SA Joe Bruscato at the Kane County Judicial Center to discuss practices, policies and laws on criminal justice reform and prison population reduction in Illinois.



2015 in photos



ABOVE: Kane County Assistant State's Attorney Greg Sams points at defendant Shadwick King during closing arguments in King's murder trial in March. After about five hours of deliberations, a Kane County jury convicted King of first-degree murder in the July 2014 death of his wife, Kathleen King. Mr. King was later sentenced to 30 years in the Illinois Department of Corrections. The case was prosecuted by current ASAs Sams and Mark Stajdohar. The guilty verdict was one of eight murder convictions for the office in 2015. Photo courtesy Kane County Chronicle.



RIGHT: Civil Division Chief Joe Lulves with Elder/Disabled advocates Mary Moon and Linda Voirin. Mary Moon retired at the end of 2015 after 14 years with the office.

2015 in photos



Aurora psychologist Dr. Tracy Scott spoke in November to Kane County's assistant state's attorneys about implicit bias within the judicial system. Dr. Scott's presentation was one of the many monthly trainings presented by the office to its attorneys as a means to keep attorneys up to date with what's happening in the legal world. The Kane County State's Attorney's Office's training program is one of many Illinois SAO training programs that is accredited for Continuing Legal Education.

2015 in photos



TOP: The office in November celebrated administrative assistant Janet Halsey's 45 years as a Kane County employee.

LEFT: SAO employees who cumulatively have been with Kane County for 20 years or more. Top row, left to right: Lori Anderson, Sal LoPiccolo; second row: Heidi Baxter, Jody Gleason, Linda Hagemann, Michelle Halbesma; front row: Linda Scham, Janet Halsey, Sherrie Robotham, Joseph Cullen.

2015 in photos



TOP: November 2015 marked the last month with the office for Ben Camacho, second from right. Ben, who had worked in the Deferred Prosecution Unit, was selected for the Navy Officer Candidate School for Aviation. Ben spent three months in boot camp in Newport R.I., followed by 12 weeks of officer candidate school 6-12 months of job training. Ben hopes to become a pilot. Here he poses with three of the office's four veterans of the armed forces, from left: Jeff Steele, Joseph Cullen and Sal LoPiccolo. Not pictured: Mark Stajdohar.



LEFT: First Assistant State's Attorney Jody Gleason was named one of 13 Women of distinction by Kane County Magazine. All 13 honorees were deemed inspirational leaders in their Kane County communities. Of Jody, the magazine wrote, "Jody Gleason has dedicated her career to protecting the rights of crime victims. She serves as the first assistant state's attorney for Kane County, and previously served as a special assistant U.S. attorney in the Northern District of Illinois. In the courtroom, Gleason is known for her vast knowledge, her fairness and her dedication to justice. She is an advocate for the rule of the law and a tenacious trial lawyer. Outside of the courtroom Gleason enjoys running and has completed marathons and helped to raise funds for Equine Dreams, a nonprofit group providing free therapeutic horseback rides for children and adults with disabilities.

2015 in photos



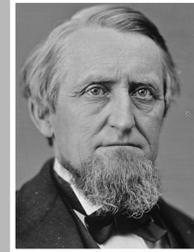
The 2015 SAO award winners with State's Attorney Joe McMahon at the holiday party in early December. TOP: Prosecutor of the Year Bill Engerman (left) and Employee of the Year Michelle Halbesma (right). ABOVE LEFT: Andrew Whitfield won the Felony Ace of Spades; ABOVE RIGHT: Kaitlin Kerstetter won the Traffic/Misdemeanor Ace of Spades Award.

Kane County State's Attorneys

1837 – 1839	Alonzo Huntington
1839 – 1840	Norman H. Purple
1840 – 1841	Onslow Peters
1841 – 1842	Seth B. Farwell
1842 – 1844	Orsamus D. Day
1844 – 1847	Benjamin F. Fridley
1847 – 1851	Burton C. Cook
1851 – 1852	Phineas W. Pratt
1852 – 1853	Amos B. Coon
1853 – 1856	M.F. Boyce
1856 – 1857	Amos B. Coon
1857 – 1861	Col. Edward S. Joslyn
1861	Eugene Canfield
1861	Amos B. Coon
1861 – 1865	Charles J. Metzner
1865 – 1869	Leander R. Wagner
1869 – 1872	Charles J. Metzner
1872 – 1876	Albert J. Hopkins
1876 – 1880	Henry B. Willis
1880 – 1884	Terrence E. Ryan
1884 – 1888	John A. Russell
1888 – 1892	Frank G. Hanchett
1892 – 1900	Frank M. Joslyn
1900	Fred W. Schultz
1900 – 1904	William J. Tyers
1904 – 1908	Frank R. Reid
1908 – 1916	William J. Tyers
1916 – 1928	Charles L. Abbott
1928 – 1936	George D. Carbary
1936 – 1940	Charles A. O'Conner
1940 – 1950	Charles G. Seidel
1950 – 1951	Richard C. Hamper
1951 – 1964	John C. Friedland
1964	Charles L. Hughes
1964 – 1972	William R. Ketcham
1972 – 1976	Gerry L. Dondanville
1976 – 1980	Eugene Armentrout
1980 – 1988	Robert J. Morrow
1988	Robert F. Casey
1988 – 1992	Gary V. Johnson
1992 – 2000	David R. Akemann
2000 – 2004	Mary E. (Meg) Gorecki
2004	M. Katherine Moran (special state's attorney)
2004 – 2010	John A. Barsanti
2010 –	Joseph H. McMahon



Norman H. Purple



Burton C. Cook



Col. Edward Joslyn



Albert J. Hopkins



Frank M. Joslyn

For biographical information about past state's attorneys, visit [our office's Website](#).



