



2021 ANNUAL REPORT

Office of
Kane County State's Attorney
Jamie L. Mosser



Annual Report for 2021

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Table of contents

A Message from the State's Attorney	3-4
2021 in Review	5-8
Major Crimes	9-10
Illegal Narcotics	11-12
Child Advocacy Center	13-14
Domestic Violence	15-17
Victim Advocacy	18
DUI	19-20
Misdemeanor & Traffic	21
Specialty Courts (Treatment, Mental Health, Forfeitures)	22-24
Juvenile Delinquency	25
Juvenile Justice Council	26
Screening & Charging	27
Deferred Prosecution	28-29
Pre-Arrest Diversion	30
Abuse & Neglect.....	31-32
Civil Division	33
Child Support	34
Community Prosecution.....	35
Restorative Justice	36
2021 in photos	37-47
Expungement & Sealing Seminars	38
2021 SAO Award Winners	39-40

A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



Jamie L. Mosser
Kane County State's Attorney

ABOUT THE OFFICE

The Kane County State's Attorney's Office employed 131 attorneys and administrative staff in 2021. The attorneys were assigned to felony, misdemeanor, traffic, abuse & neglect, juvenile, child support and civil courtrooms.

Our 69 assistant state's attorneys are dedicated and highly educated public servants, with most having earned academic honors either during their undergraduate studies, law school or both. Many of our employees have served in the U.S. Armed Forces.

By state statute, 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.

Visit our office's Website at <http://saopublic.co.kane.il.us>, our Facebook page (search for Kane County State's Attorney's Office) and our Twitter page [@KaneSAO](https://twitter.com/KaneSAO).

My goal as your State's Attorney is to bring true criminal justice reform that is guided by public safety. This means that I want to rehabilitate offenders when possible and aggressively prosecute individuals who engage in violent and destructive criminal activity that harms people and our community. I believe this is what is best for our community. We need not choose between a safe community and a fair judicial system. We can deliver both. We have done this since Day 1 of my administration and we have done so with integrity and transparency.



To achieve this goal, we must recognize that certain historical practices do not work. We cannot incarcerate our way to safer communities. Failing to address the root causes of criminal behavior places offenders on a path that returns them to the criminal courts again and again. The majority of individuals in the criminal justice system are here because of a lack of resources, mental health issues or substance use disorder. Jail or prison will not help these individuals get healthy and get out of the system. In

fact, this may increase trauma and continue the criminality. Compassion and understanding in the form of treatment and access to resources has been proven to help people move in a positive direction.

I am grateful that I came into a fantastic office that had been led by an amazing State's Attorney, Joe McMahon. SA McMahon helped with my transition to the office as he truly cared about the individuals who worked here and the mission of this office. I will be forever grateful to him. I also am thankful for the women and men of this office. They are here to do justice, to be a voice for victims and to keep the community safe. This includes longtime Kane Assistant State's Attorney Christine Bayer, who agreed to become my First Assistant. Christine has always been a truly committed voice for victims and has long served this community by fighting for justice with a passion and perspective that serves the people of Kane County well.

I am also lucky to have judicial partners who are dedicated to the best possible criminal justice system. Sheriff Ron Hain has been instrumental in launching many of the jail's rehabilitative programs on his forward-thinking approach to providing treatment to those who are incarcerated. Public Defender Rachele Conant and Director of Court Services Lisa Aust have been great partners in developing the programming that reduces recidivism. Chief Judge Clint Hull and the judges of Kane County have been open to ideas that we have put forth with the understanding that change is necessary.

Although the COVID-19 pandemic presented its share of challenges, we have been able to implement a number of reforms and lay the foundation for others. This is a non-exhaustive list of our first-year reforms:

Pre-arrest Diversion. Gives police officers discretion to decline an arrest for certain offenses. It instead directs offenders to services that address behavioral concerns such as addiction, mental illness or a lack of resources. Instead of going to jail and waiting months for a result, individuals are immediately directed toward the important help they need.

Victim-centric approach to domestic violence cases: This practice is an ideological shift, focusing on victims and survivors as persons who need resources and assistance instead of treating them as witnesses in a case. We examine each case individually. In addition we recognize that domestic violence often is a learned behavior and that many domestic offenders have experienced their own trauma. With the understanding that most abusers began as victims, we focus on treating their trauma to break the cycle of violence.

Trauma Informed Training: We provided training for prosecutors and advocates on trauma-informed responses with victims and witnesses.

Training: We provided several training seminars on topics such as protocols for law-enforcement and identifying and addressing strangulation. We collaborated with the Family Violence Coordinating Council to create an assessment protocol and treatment options for strangulation offenders.

Citizen's Review Board for officer involved deaths: To improve transparency and public trust, we have empaneled a group that includes the public defender, community activists from Elgin and Aurora, and a law student to help create a protocol and select the members of the Review Board.

Vertical prosecution: This practice is designed to reduce trauma for victims, reduce the length of time it takes to resolve a case and eliminate inconsistencies in resolutions. Prosecutors are trained in specific areas of law, relevant statutes and case law.

Deferred Prosecution expansion: We expanded our deferred prosecution programs to allow more individuals to benefit from earning their way out of a conviction. Convictions have long-term effects that include the inability to become employed, obtain housing or even go to college. In deferred prosecution, offenders take responsibility for their actions and agree to undergo treatment, complete community service hours or participate in other appropriate remedies. If they successfully complete the program, the case is dismissed. We expanded this program to allow individuals whose cases are non-violent or low level and are related to mental health, addiction or a lack of

resources. We also expanded the program to consider the emerging population of individuals ages 18-25.

Restorative Justice: We engaged in restorative justice in several cases including the offenses of aggravated battery to a peace officer, resisting a peace officer, aggravated DUI causing injury, and unauthorized dissemination of private sexual images, commonly known as revenge pornography. Restorative justice allows offenders to be accountable to the victim for their actions and gives victims the chance to be made whole. Each of these cases gave the victim the opportunity to tell the offender how they were affected by the crime. They in turn were able to hear true contrition from the offender. It was a powerful experience that will forever serve as a reminder to the offenders of the consequences of their actions.

Expungement/Sealing clinics: In partnership with Circuit Court Clerk Theresa Barreiro and her office, Sheriff Hain, the Kane County Bar Association and Prairie State Legal Services, we held three clinics teaching individuals how to expunge or seal their criminal records. This allows eligible individuals to have a clean record. Dozens of individuals appeared for the clinics in Elgin, Geneva and Aurora resulting in petitions being filed. This provides equal access to justice in our community.

O-Pod Release: With the work that Sheriff Hain and Nathan Lanthrum from Lighthouse Recovery Center began in the jail, providing addiction treatment and trauma therapy, we have been able to release individuals back into the community and not to prison. These are individuals who have never had access to any type of treatment, let alone a criminal justice system that prioritized rehabilitation over incarceration. Instead of housing them for \$22,000 per year, they are back with their families and have become productive members of our community.

I am grateful for the support and encouragement of the community, public safety stakeholders and our criminal justice partners. It tells me that our reform and accountability efforts are on the right track. I truly believe I was elected to this office because I prioritized these changes for our community. These programs will remain a priority while I am your state's attorney. I look forward to implementing additional reform plans as we move forward.



Kane County State's Attorney

Kane County State's Attorney's Office



2021

2021 in Review

This report is a review of the Kane County State's Attorney's Office's work in 2021.

Jamie Mosser completed her first year as state's attorney. She is the 43rd state's attorney for Kane County.

Our office's goal in 2021 was to bring forth criminal justice reform that was guided by public safety.

To undertake this task, we focused on justice in each individual case:

- How can we hold someone accountable while steering them away from criminal behavior?
- How can we provide the appropriate resources to those defendants in need while maintaining our focus on protecting our community from violent offenders?

We believe it is important to help some people learn to navigate a different path so they don't get stuck in a revolving door that prevents them from living a successful life. With the belief that society cannot incarcerate its way to safety, we have engaged in a number of initiatives designed to produce that result.

Major Crime

- There were 14 homicides committed in Kane County
- We charged eight first-degree murder cases against eight defendants
- We secured eight convictions in eight homicidal deaths from previously pending cases
- Two defendants charged with first-degree murder were found not guilty

Illegal Narcotics

- Charged 494 felony drug cases in which the most serious charge was for intent to deliver, delivery of or possession of illegal drugs.

Child Advocacy Center

- 401 investigations and 65 new cases filed

Domestic Violence

- Filed 955 misdemeanor cases and 313 felony cases
- DV strangulation cases continue to increase as training in recognizing evidence of this



crime is provided to law enforcement

- Assisted 192 victims in obtaining protective orders associated with a pending criminal case

Victim Advocacy

- Assisted more than 1,700 victims
- Accompanied 157 victims to court for trials or hearings
- Filed 192 protective orders for victims

DUI

- 231 new felony DUI cases
- 102 new felony driving while license suspended/revoked cases
- 1,323 new misdemeanor DUI cases
- 14 DUI-related deaths

Traffic & Misdemeanor Unit

- 3,139 new misdemeanor cases
- 16,554 new state traffic cases

Specialty Courts

- Drug Rehabilitation Court – 72 applicants, 18 graduates, and 14 negative terminations
- Treatment Alternative Court – 66 applicants, 18 graduates, and 14 negative terminations
- Veteran's Court – 1 applicant, 1 graduate, 0 negative terminations

2021 in Review

Juvenile Delinquency

- Filed 216 adjudicatory petitions
- Resolved 165 petitions by way of plea agreement or adjudication hearing
- 2 minors were designated as violent or habitual offenders
- 1 minor was transferred to adult court for prosecution

Juvenile Justice Council

- Provided training for restorative justice in juvenile delinquency situations
- Discussed legislation and changes relative to juveniles to the domestic violence statute
- Updated juvenile justice materials

Probation Violations

- Reviewed 920 alleged probation violations
- 211 of the probation violations alleged new criminal conduct

Post-Convictions

- Addressed dozens of post-conviction matters – cases involving a felon, convicted of a violent crime, who is challenging elements of his or her conviction or sentence

Forfeitures

- Seized 60 vehicles, 41 cases
- Seized \$358,583.69 in assets

Felony Screening

- 2,336 felony offenses
- Operated 24 hours a day, 7 days a week, 365 days a year for the people of Kane County

Deferred Prosecution

- Felony – 125 applicants, 57 graduates, 15 negative terminations; collected \$68,395 in program fees
- Felony Drug – 98 applicants, 69 graduates, and 6 negative terminations Collected \$74,615 in program fees
- Misdemeanor – 7 applicants, 2 graduates, 0 negative terminations; collected \$1,203 in program fees
- Domestic Violence – 362 applicants,

113 graduates, 21 negative terminations; collected \$62,552 in program fees

Pre-Arrest Diversion

- Received \$1.71 million in federal, state and local funding grants
- Kane County Sheriff's Office, plus Elgin, and Carpentersville police departments participating
- Began reviewing the program's first applications in November

Abuse & Neglect

- Screened 361 cases involving more than 1,000 children
- Opened 198 new cases
- Conducted 104 shelter care hearings
- Conducted 109 adjudicatory hearings
- Conducted 22 hearings to terminate parental rights

Mental Health Court

- Filed 160 petitions for involuntary commitment
- Filed 20 petitions for involuntary administration of psychotropic medications
- Conducted five hearings

Civil Division

- Complex litigation
- Election reviews
- Reallocation and redistricting legal advice
- COVID-19 related advice including the distribution of COVID funds and ARPA funds
- Representation of county officials
- FOIA representation

Child Support

- Assisted parents and more than 12,000 children in receiving child support
- Collected nearly \$24 million in delinquent payments

Community Prosecution

- Hired a Community Prosecution Coordinator
- Coordinated the annual Law Enforcement Youth Academy in conjunction with the Aurora Police Department

2021 in Review

Restorative Justice

- Conducted six restorative justice meetings, bringing offenders face to face with crime victims to talk about the affects of the crime and what factors led the offender to commit the crime
- Offenses included aggravated battery of a police officer, aggravated DUI causing injury, nonconsensual dissemination of private images (commonly referred to as revenge porn) and retail theft

Expungement Clinics

- Collaborated with the Kane County Circuit Court Clerk's Office and the Kane County Sheriff's Office on three expungement clinics, one each in Aurora, Geneva and Elgin, bringing justice directly to the people

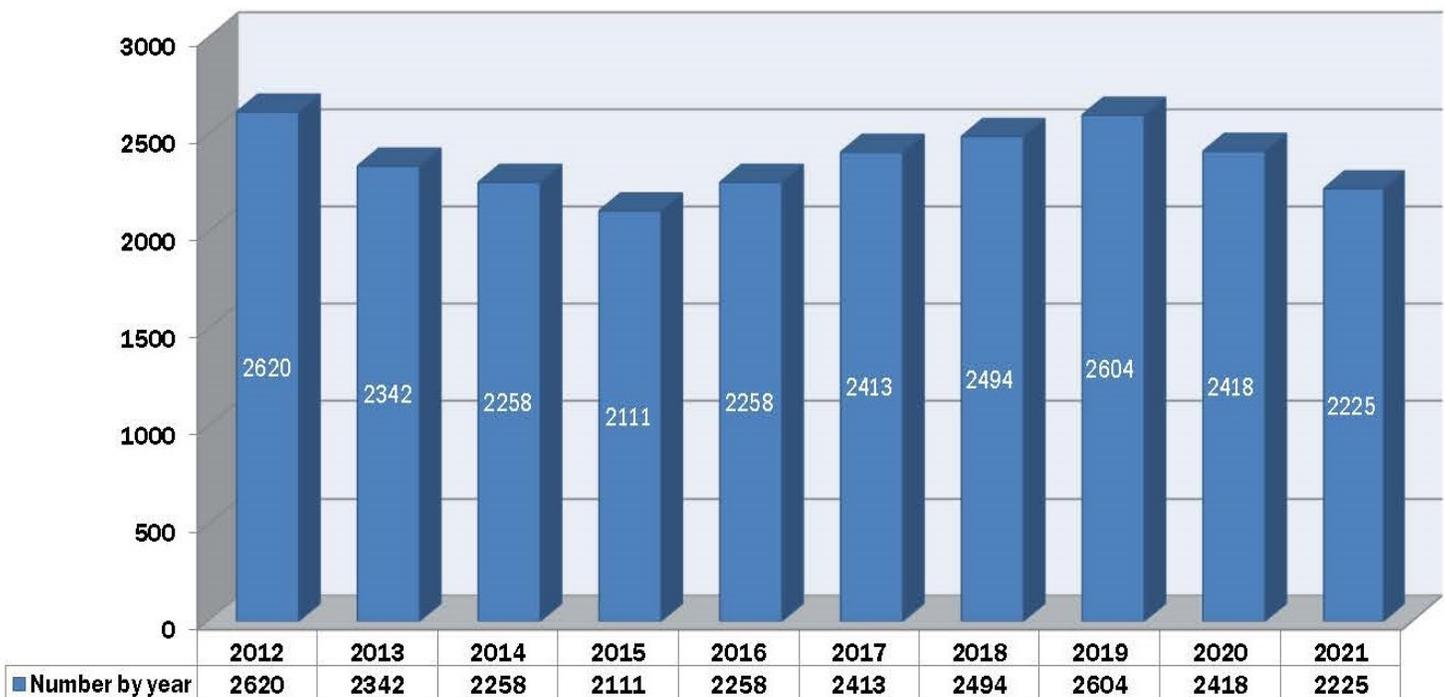
Marijuana Conviction Expungements

- Handled 1,315 cases in 2021 with thousands of cases still requiring attention

2021 SAO Award Winners

- **Lifetime Achievement Award** – ASA Joe Cullen
- **Deb Bree Voice for Victim's Award** – CAC Investigator Kasandra Osorio
- **Co-Prosecutor of the Year** – ASA Kathy Watson
- **Co-Prosecutor of the Year** – ASA Laura Conroy
- **Employee of the Year** – Andrea Rodriguez, Grand Jury
- **Ace of Spades, Felony** – ASA Tyler Cox
- **Ace of Spades, Hearings** – ASA Lark Cowart
- **Ace of Spades, Misdemeanor** – Mara Somlo

New Felony Filings



The number of new felony cases filed each year generally has fluctuated between about 2,100 and 2,600 over the last decade with no sustained increase or decrease. However, because of more consistently available evidence, such as security video and police body camera video, all of which must be reviewed, the time and work required to prepare each case for a resolution has significantly increased during this time.

Major Crimes



Bill Engerman
Deputy Chief of the Criminal Division
Major Crimes supervisor

Our Major Crimes Unit is comprised of four highly qualified assistant state's attorneys who have tried the most difficult and time-consuming cases. These offenses include homicides, home invasion, armed robberies, arson, kidnapping, aggravated battery, and threatening a public official.

These prosecutors work with local, state and federal authorities from the beginning of the investigation until the end of the case. Our success in prosecuting these cases is due in large part to our working relationships with law-enforcement agencies at all levels, in addition to the expertise of our prosecutors.

2021 in review

In 2021, Kane County police agencies reported 14 homicides. Of those, the SAO charged eight defendants with first-degree murder in eight separate cases.

Five of the homicide cases from 2021 remain under investigation, including two suspicious infant deaths that were the result of abusive head trauma.

One homicide was the result of domestic violence in which the suspect killed his paramour and then died by suicide.

In addition to the cases charged above, Major Crimes prosecutors took 10 defendants charged with first-degree murder to trial. These homicides occurred in years past. Prosecutors obtained a conviction in eight of these cases, including five guilty verdicts for first-degree murder. Two defendants were found not guilty. The year ended with 27 homicide cases pending.

Violent crime can occur in any community. Elgin and Aurora, our largest populations in Kane County, experienced violence including homicides. Additionally, police in Carpentersville, Montgomery, Elburn and St. Charles reported homicides in 2021. Among them was a fatal shooting in June outside of a St. Charles nightclub. One man has been charged with first-degree murder and the case is pending.

2021 presented our community with heinous acts of violence, including:

- A June road rage encounter in West Dundee that resulted in a man being beaten to death and three men each being charged with multiple offenses.
- A violent January carjacking in an Aurora parking lot in which four offenders stole a vehicle, shooting and permanently paralyzing the victim in the process.
- A June argument outside a St. Charles apartment complex that resulted in a man having his throat slashed after the offender became angry with the victim and went inside to retrieve a carving knife.

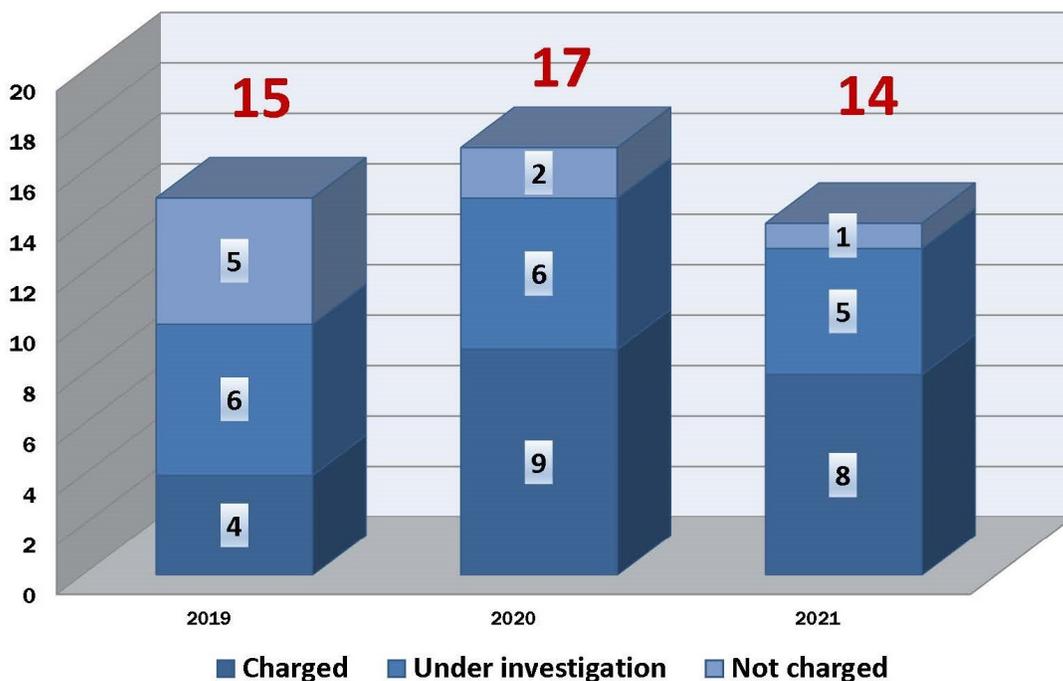


Major Crimes

Notable 2021 Case Resolutions

- In March, a judge sentenced **Alexavier Fuentes 19CF990** of Aurora to 30 years in prison for twice being in possession of a loaded handgun that he was prohibited by law from possessing, and for firing a gun into a vehicle he believed was occupied by members of a rival street gang.
- In March, a judge sentenced **William Lutz 19CF1111** of Ohio to 15½ years in prison for shooting at a semi-truck driver who was seated in his vehicle. The road rage incident took place at a truck stop in Hampshire.
- In April, a judge sentenced **Calvin Taylor 19CF1298** of Chicago to 20 years in prison for carjacking several vehicles at gunpoint. He stole and crashed the first two vehicles in Aurora, stole the third at the Farnsworth Avenue entrance to Interstate 88, and crashed it as he was being pursued by the Illinois State Police.
- In May, A judge sentenced **Cesar Natali-Rodriguez 19CF993** to 16 years in prison for kidnapping and incapacitating a guard at Spring Hill Mall in West Dundee and stealing more than \$10,000 in mobile phones.
- In June, a judge sentenced **Jeffrey Richardson 19CF799** of Elgin to 25 years in prison for robbing an Elgin gas station at gunpoint.
- In July, A judge sentenced **Bobby Heard 16CF1635** of Chicago to 25 years in prison for an armed robbery that left his friend dead. In September 2016, Heard and Kenyon Slater robbed a Carpentersville electronics store at gunpoint. The store owner grabbed a gun, followed them and shot and killed Slater.
- In July, a judge sentenced **Fabian Torres 19CF653** to 38 years in prison for sexually assaulting and trying to kill members of a family that lived in his neighborhood. Torres raped and stabbed the female victim, and then stabbed the male victim when he tried to help his sister.
- In August, a judge sentenced **Khamsaume Xayvong 19CF1340** to 28 years in prison for sexually assaulting a senior woman, who he knew.
- In November, a jury convicted **Travaris Stevenson 18CF198** of first-degree murder and second-degree murder for killing two men who he robbed instead of selling them a pound of marijuana as he agreed. A judge sentenced Stevenson to life in prison plus 45 years.
- In December, a judge sentenced **Devon Coleman 20CF1039** of East Dundee to 20 years in prison for shooting and killing a man during an illegal gun sale.
- In December, a jury found **Serafin Castellanos 18CF198** guilty of first-degree murder and attempt murder for shooting and killing two men and shooting and injuring a third man in Aurora in March 2017.

Homicides



Illegal Narcotics



Kelly M. Orland
Narcotics Unit supervisor



A tiny amount of fentanyl, even a few grains as illustrated above in this Drug Enforcement Administration photo, can be lethal.

The Narcotics Unit was comprised of two experienced prosecutors. Illegal narcotics prosecutions involve violations of Illinois' Controlled Substances Act and Cannabis Control Act, and include illegal drug sales and trafficking. The narcotics prosecutors handle the most serious trafficking cases while the other cases are dispersed among other assistant state's attorneys.

The SAO addresses these cases by those who have addiction issues and those who continue to make our community unsafe through drug sales and drug trafficking.

Those with addiction issues are steered toward treatment programs and helped with greater access to resources so we can break the addiction cycle.

However, those who choose to engage in drug dealing and drug trafficking are prosecuted to the fullest extent allowed. When

Notable 2021 Case Resolutions

- In March, **Alejandro Junco 19CF1468** was sentenced to 10 years in prison for providing heroin and fentanyl to a Batavia man who died of an overdose after ingesting it.
- In June, a judge sentenced **Joseph Pryor 18CF1673** to 12 years in prison for providing heroin and fentanyl to a Campton Township woman, who died of an overdose after ingesting it.

authorities interrupt the supply chain, we are able to reduce drug-related crime and promote community safety.

Narcotics Unit prosecutors work in cooperation with agencies at all levels of government: the Federal Bureau of Investigations, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, Homeland Security Investigations, the Illinois Attorney General's Office and the Illinois State Police's North Central Narcotics Task Force, as well as local law-enforcement agencies and police departments.

2021 in review

Our office charged 494 felony narcotics cases from simple possession to drug trafficking. Of the new cases, approximately 48 percent involved cocaine, 14 percent involved methamphetamine, 11 percent involved illegal quantities of marijuana, 10 percent involved prescription medication, 6 percent involved heroin, and 4 percent involved MDMA (ecstasy). The remaining cases involved hallucinogens, fentanyl and opiate pills. (These numbers do not account for cases in which fentanyl was found in combination with other illegal narcotics, such as heroin and cocaine.)

The unit resolved 238 felony narcotics cases by way of trial, guilty plea or diversion.

Drugs of choice

Cocaine remains the dominant illegal drug involved in criminal cases in Kane County. However, the accessibility of methamphetamine, which was not significantly present in Kane County before 2019, is growing. As stated, meth was found in 14 percent of drug cases in 2021 in Kane County compared to 5 percent in 2019.

Fentanyl continues to be a great concern

Illegal Narcotics

for law enforcement and prosecutors because it is highly concentrated and can be deadly even in small quantities. Pharmaceutical fentanyl was created in 1959 and can be safely used to treat chronic severe pain, as well as by cancer patients in hospice. However, according to the DEA, starting around 2011, fatal overdoses from illicit fentanyl, along with encounters with law enforcement significantly increased.

Kane County authorities most frequently encounter illegal fentanyl in conjunction with counterfeit prescription drugs such as Xanax. Officers have also found fentanyl mixed with drugs such as heroin and cocaine.

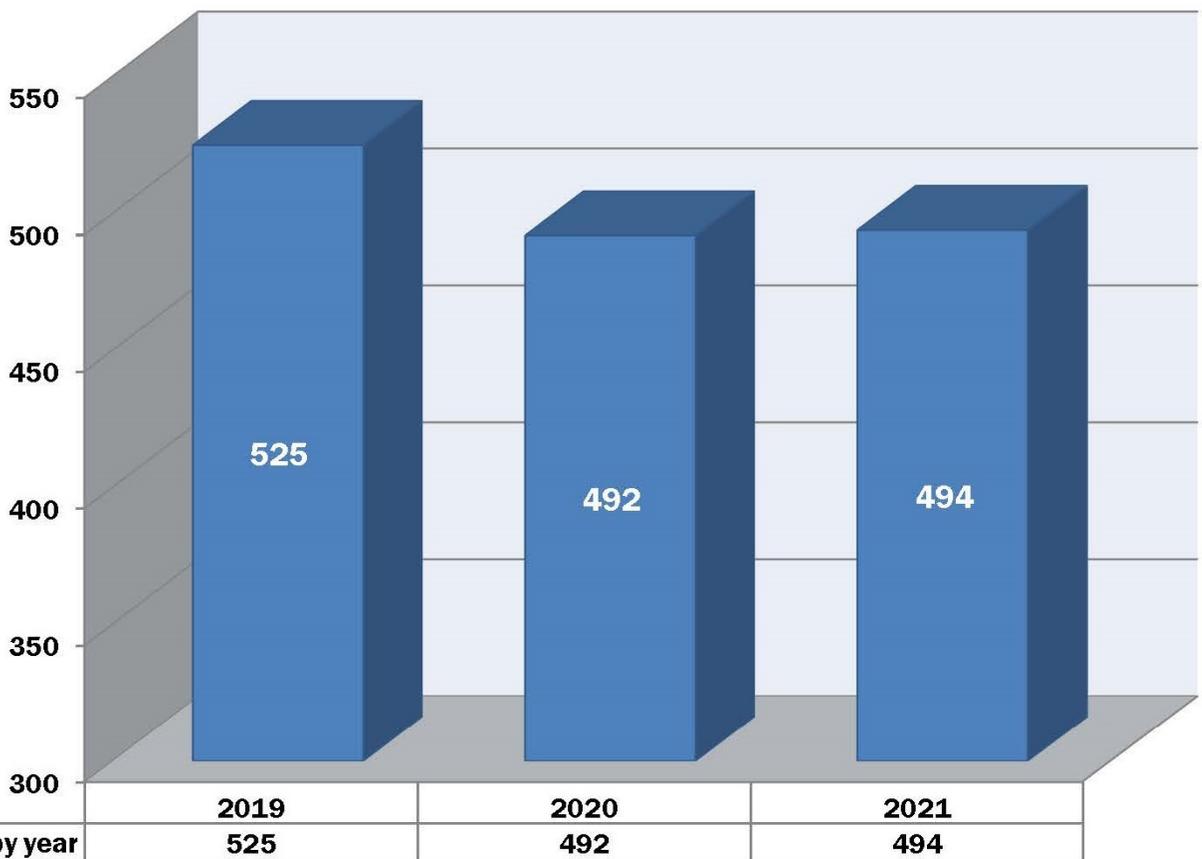
The number of deaths in Kane County in which illicit fentanyl was determined to be related to the cause of death has increased exponentially over the last decade. There was a single case in 2012, increasing to 20 cases in 2016, 46 cases in 2018 and 63 cases in 2021.

New partnerships

The SAO partnered with law enforcement, treatment organizations, and the community to get to the root of criminal behavior. Among our law-enforcement partners who are invested in treatment is Sheriff Ron Hain, the Kane County jail and Nathan Lanthrum, owner of Lighthouse Recovery, who work to provide access to treatment to those who are in custody. Through Sheriff Hain's initiatives, inmates who choose to receive help can do so in the jail's O Pod. Inmates who successfully complete treatment could receive a reduction in their sentence or a modified offer based on their work toward sobriety.

Treatment includes intensive substance use disorder counseling, trauma therapy, moral recognition therapy and individualized services. These inmates are provided an opportunity to take classes through an electronic tablet or through job training opportunities.

Narcotics Cases



Child Advocacy Center



Lori Schmidt
Executive director, assistant state's attorney

Four assistant state's attorneys, four case managers and three investigators are assigned to the Child Advocacy Center to investigate and prosecute sex abuse of children. Additionally, DCFS investigators and other law enforcement work in conjunction with the CAC for the protection of the children.

Many variables contribute to the complexities of CAC cases. These include the relationship between the child and the abuser, the emotional impact on the victim, the timing of the disclosure, and the reluctance of parents or guardians to cooperate in the investigation because of their relationship to the abuser.

The state of Illinois has guidelines for the function of child advocacy centers to address child sex abuse cases. These guidelines allow for a specialized investigative and prosecutorial protocol that is sensitive to child victims and their relationships with their abusers, as well as the nature of the cases.

Our CAC's professional staff is prepared for such complexities, and helps to direct victimized families to appropriate services and service providers as they navigate the criminal justice system.

2021 by the numbers

The CAC conducted 401 investigations, a 23 percent increase from the 307 investigations

it conducted in 2020 but consistent with the 387 it conducted in 2019.

Child welfare experts attribute the drop in investigations in 2020 to the number of children who were confined to their homes because of the COVID-19 pandemic, isolated from mandated reporters of child abuse. The isolation eased in 2021 as children returned to school.

The CAC charged 65 cases, an 18 percent decrease from the 79 cases charged in 2020, but consistent with the 68 cases charged in 2019. The disparity between the number of investigations and the number of cases charged is attributable to multiple variables, among them are uncooperative parents, insufficient evidence, the best interest of the child victim, many of whom are unable to testify in court, or a report that was determined to be unfounded.

The CAC resolved 51 cases with a finding of guilty, either at trial or by plea, nearly double the 28 resolutions in 2020.

In addition to the prosecutions, the CAC:

- Responded to a total of 710 children who were referred for inquiry
- Provided advocacy and support services for 1,285 children and adults
- Conducted 60 courtesy forensic interviews for other law-enforcement agencies
- Provided 34 specialized child sexual abuse exams by a board-certified pediatrician's group

The CAC and the state's attorney's office continue to promote personal body safety to children and those who care for children, often in conjunction with other entities that include Court Appointed Special Advocates (CASA), and the Kane County Regional Office of Education.

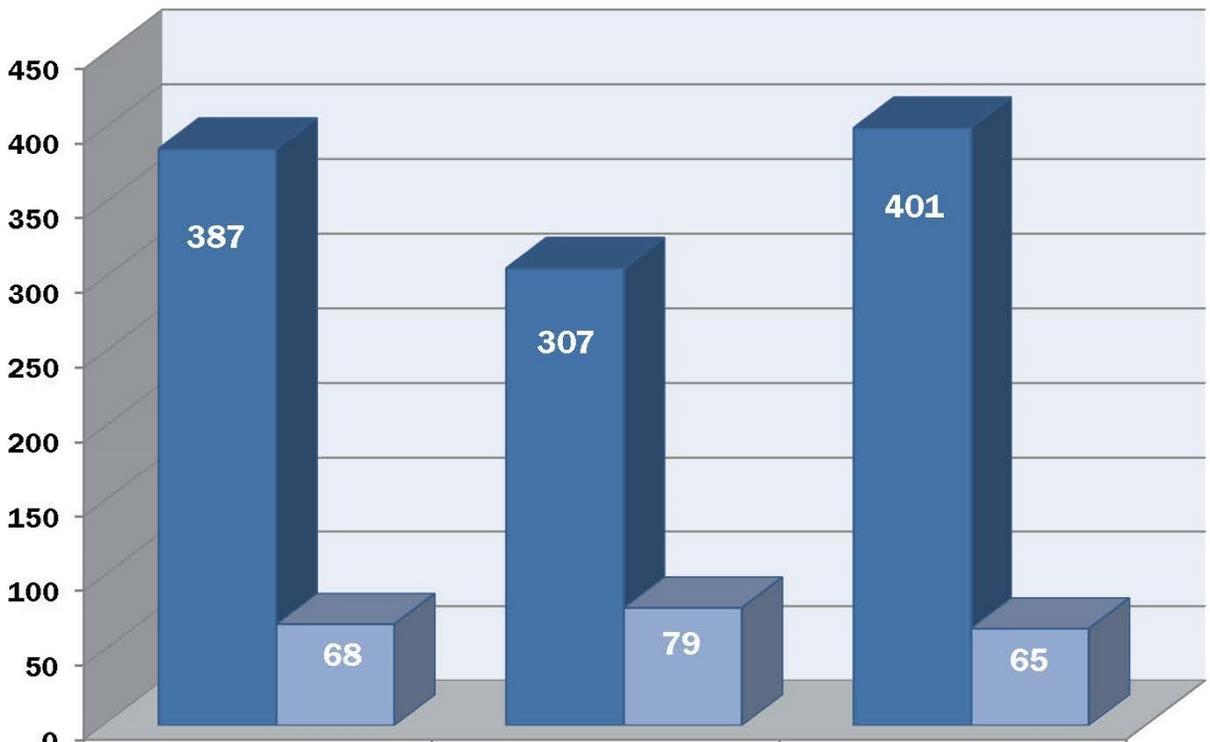
In addition, schools are required by law to teach about personal body safety. This is known as Erin's Law, named for Elgin resident Erin Merryn. Erin, a child sexual assault survivor, is a national advocate for teaching about child sexual abuse and what to do if they believe someone has inappropriately touched them. She is working to get Erin's Law on the books in all 50 states.

Child Advocacy Center

Notable 2021 Case Resolutions

- In February, a judge sentenced **Nelson Ramos 17CF2043** of Carpentersville to 9 years in prison for sexually assaulting a young child he knew.
- In March, a judge sentenced **Jammal Drane 18CF944** of Aurora to 10 years in prison for sexually assaulting a child he knew.
- In May, a judge sentenced **Marcos Chibamba Chibamba 19CF2533** of Aurora to 25 years in prison for sexually assaulting a young child he knew.
- In May, a judge sentenced **Jose Baron 18CF1499** to 15 years in prison for sexually assaulting a young child he knew.
- In May, a judge sentenced **Oscar Rojas 19CF1145** of Aurora to 18 years in prison for sexually assaulting a young child he knew.
- In July, a judge sentenced **José L. Dominguez 18CF2253** to 25 years in prison for sexually assaulting two young children he knew for more than seven years.
- In August, a judge sentenced **José L. Godinez 18CF1444** to 18 years in prison for sexually assaulting a child a knew. Godinez posted bond and did not appear in court for his trial and sentencing hearing.
- In October, a judge sentenced **Carlos Bedoya 17CF1370**, a former substitute teacher and classroom aide, to 60 years in prison for sexually abusing 12 Carpentersville elementary school students. A judge in 2019 sentenced Bedoya to 112 years in prison after he was found guilty of 8 counts of predatory criminal sexual assault, a total sentence of 172 years in prison.
- In December, a judge sentenced **Mark Hampton** to 20 years in prison for sexually assaulting a young child he knew.

Child Advocacy Center



■ Investigations	387	307	401
■ Charged cases	68	79	65

Domestic Violence



Laura Conroy
Domestic Violence supervisor

The Domestic Violence Unit focuses on prosecuting cases involving intimate partner violence and violence between family and household members. These cases include misdemeanors and felonies and range from domestic battery to attempt first-degree murder.

The unit has four misdemeanor and six felony ASAs. Each misdemeanor ASA is responsible for more than 300 files. Each felony ASA is responsible for more than 100 files.

Domestic Violence affects all communities everywhere. It affects people of every race, religion, culture and socioeconomic status. Offenders typically learn this behavior from being witnesses to or victims of domestic violence as children. Ending these generational cycle of violence is imperative in stopping domestic violence.

The unit works tirelessly to prioritize justice. It takes into consideration the individual experiences of victims and abusers, the need to protect the community and the safety of victims.

Additionally, domestic violence calls can be the most volatile and lethal for police. Of all types of calls made to police, police are most likely to be injured during a domestic violence call.

Domestic violence in Kane County



The unit in 2021:

- Re-engaged with community partners, focusing on referring victims to domestic violence shelters, counseling, civil legal services and other resources with a warm hand-off.
- Revised all printed hand-outs provided to victims, and now provides local resources to all victims.
- Participated with several countywide multidisciplinary teams to improve our response to victims, outcomes in sentencing, and focus on educating police regarding strangulation.
- With the help of other community partners, developed a strangulation pilot program to address a growing number of strangulation cases and improve our response.

Training, training and more training

We focused on training police officers, prosecutors, victim advocates and other staff. We offered trainings on trauma-informed advocacy, immigration law, domestic violence basics, trial techniques and orders of protection,

Domestic violence

and we organized a training for courthouse personnel about how to interact with the public in a trauma-informed way.

In proving our cases, the unit uses all available evidence. Unit prosecutors typically gather police reports, 911 calls, reports to emergency medical services, medical records, DCFS records, photographs and police body-worn camera footage.

When possible and appropriate, a case may be proven without the victim's participation. In some instances, offenders try to influence victims not to testify in court.

When this occurs, we often authorize additional charges against the offender or proceed without the victim's participation.

It is not uncommon for domestic violence victims to refuse to cooperate. Prosecutors and police are trained to understand the reasons for a victim becoming uncooperative. Every victim deserves that we treat their case and their experience as unique and obtain their input on what justice means to them.

In 2021, we contacted every misdemeanor and felony domestic violence victim, and asked questions guided by the ODARA lethality risk assessment to assist in determining the danger level of the victim's situation.

We responded to victims' requests for services and referrals, and we obtained their opinion as to a proper offer in the case. We provided transportation to victims who did not have the means to get to court.

Strangulation Cases

In 2021, unit staff attended a five-day training with the Strangulation Institute, and we facilitated several law-enforcement agencies in participating in this training. The unit developed new trial techniques and new motions to use in

these cases. The unit identified expert witnesses who can be called to testify in these cases.

The training we received as a unit was shared with other prosecutors in our office, including our felony authorization team. The result is that our office now has a consistent method of reviewing these cases for possible attempt first-degree murder charges.

2021 by the numbers

Although the World Health Organization reports that instances of domestic abuse globally rose during the pandemic, our office saw this trend only in some areas.

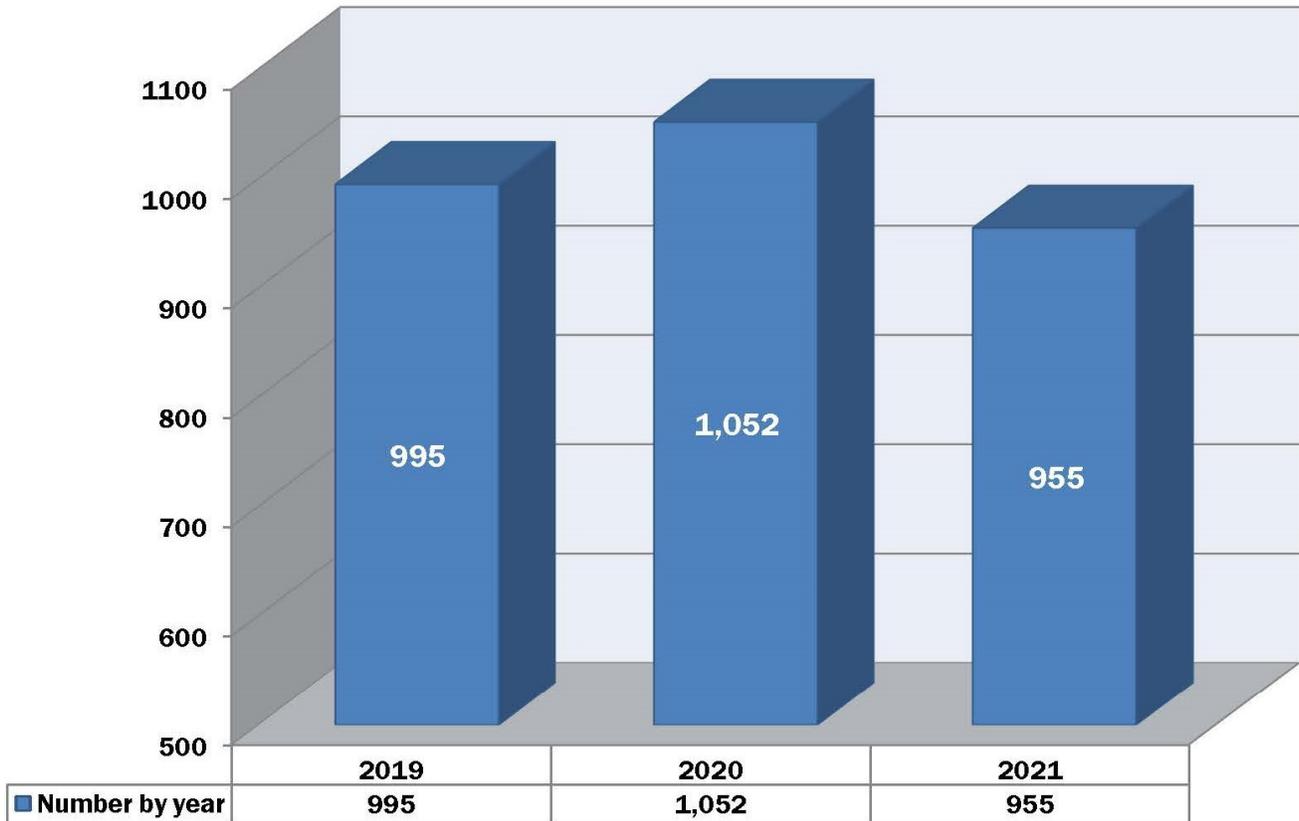
The number of misdemeanor domestic violence cases in Kane County decreased slightly in 2021, to 955 from 1,052 in 2020, a decline of about 9 percent.

We did, however, experience an increase in new felony domestic battery cases, up 7 percent to 313 from 292 cases in 2020. Included in that number is an increase in cases involving strangulation, up 11 percent to 75 from 67 cases in 2020. (See the tables on the following pages.)

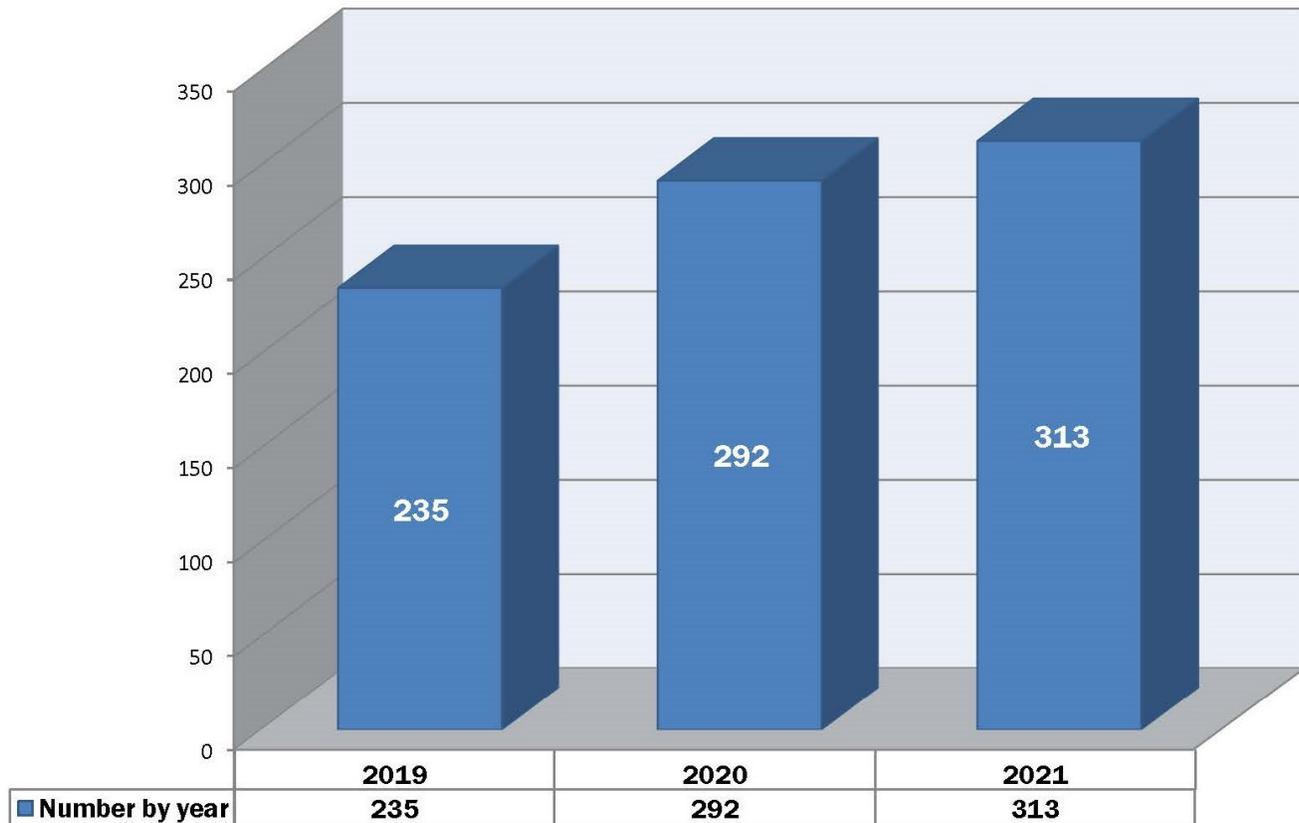
Notable 2021 Case Resolution

- In May, a judge sentenced **Steven LeMons 20CF293** to 6 years in prison. LeMons, a serial domestic abuser, took his girlfriend's car without her permission and then drove off with her clinging to it before she fell off, suffering minor injuries.

Misdemeanor Domestic Violence Cases



Felony Domestic Violence Cases



Victim Advocacy



Rose Mendez
Victim Services supervisor

The Illinois Crime Victims' Bill of Rights requires our office to provide services to victims of violent crimes. Victim advocates ensure that victims of violent crime can navigate and understand the often daunting criminal court process.

Our advocates work with the most vulnerable and sensitive victims of violent crime, including murder, domestic violence, juvenile delinquency and sexual violence, as well as elder and disabled victims. Advocates also work with survivors and family members of victims of DUI crashes.

Further, a resource directory posted on our office's Website is our guide to local nonprofit and government resources for issues regarding mental health, addiction, domestic violence and other concerns. This list is updated as new resources emerge.

2021 accomplishments

Advocates assist victims weekdays during office hours at the Judicial Center, and we make accommodations for victims at Aurora Branch Court and via remote access. During the COVID-19 pandemic, we have had multiple

advocates available. All walk-ins were referred by Mutual Ground, Community Crisis Center, Courtroom 149 and police departments throughout Kane County.

Advocates assisted victims seeking orders of protection, no-stalking orders, civil orders of protection, bond call information, victim assertion of rights packets, and provided information on local agencies that provide additional resources. The unit opened 818 new domestic violence and sexual assault cases, assisted 1,743 victims and accompanied 157 victims to court for trials. We helped 192 victims obtain criminal orders of protection, up from the 27 orders obtained in 2020. The number of orders was down in 2020 because of the COVID-19 pandemic.

Advocates provided services in Spanish, Mandarin, Polish, Urdu, Hindi, Igbo, Ukrainian and Quiche, as well as for the hearing impaired.

We helped to safety plan with most victims, and advocates from Mutual Ground and Community Crisis Center were present in the office to help with crisis intervention. We added features to our Website to help victims more quickly obtain orders of protection by submitting information on-line.

The Domestic Violence advocates updated paperwork for police departments for domestic violence and sexual assault victims. The new paperwork updated contact information and links to help victims more quickly obtain orders of protection. All safety planning, domestic violence and sexual assault paperwork is now provided in Spanish.

Elderly/disabled victim advocacy

Our office's elderly/disabled advocate handled 50 new cases, a modest increase from the 45 new cases in 2020. Most new elder/disabled cases generally involve financial exploitation and aggravated battery charges.

The Kane County State's Attorney's Office's Victim Services team



Linda Hagemann



Alma Hidalgo



Martha Martinez



Candace Miller



Nancy Sebastian

Driving Under the Influence



Jessica Finley
DUI supervisor



Deaths caused by impaired driving have been on the decline across the United States for four decades. However, these cases remain tragic for the families left to deal with the aftermath of the decision to drive while intoxicated.

For example, according to the most recent data available from the National Highway Transportation Safety Administration, in 2019, DUI-related deaths reached their lowest percentage since 1982.

However, as NHTSA points out, there still were 10,142 DUI deaths in 2019, the most recent data available. All of these deaths were preventable.

Because impaired driving can cause so much harm in the community, and because it is the result of a conscious decision, DUI cases

remain a priority in our office. When possible and appropriate we utilize community resources and a variety of testing options to correct this behavior. Otherwise we seek prison.

2021 by the numbers

There were 1,323 new misdemeanor DUI cases. That is a 17 percent increase from the 1,093 new DUI cases reported in 2020. (See the tables on the following pages.) This is in line with a national trend that has seen a rise in impaired driving and traffic fatalities since the COVID-19 pandemic began early in 2020. Experts are unsure if there is a correlation between the pandemic and the increase in DUI-related traffic fatalities.

The DUI trend reversal comes despite the popularity of ride-sharing applications Uber and Lyft that offer additional options for safe transportation.

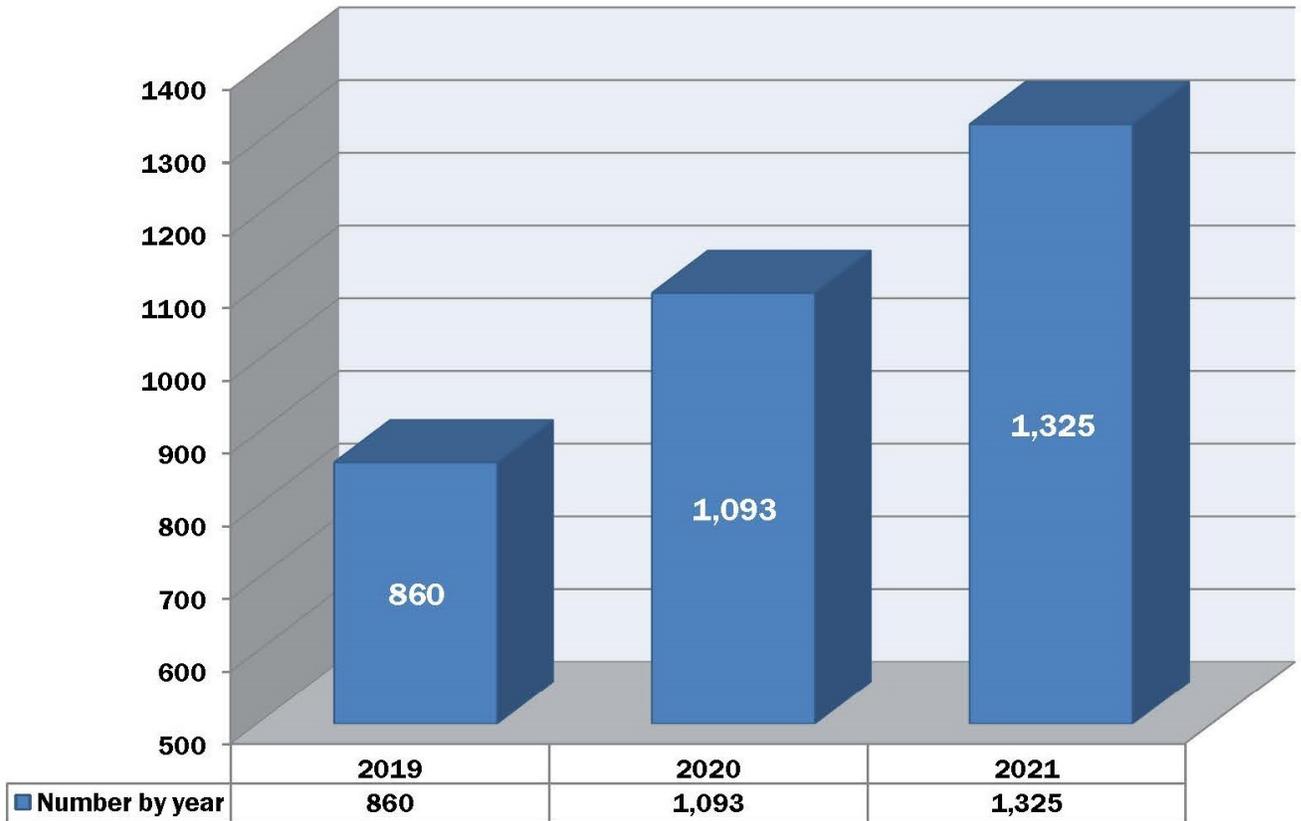
We charged 231 new felony DUI cases. A DUI becomes a felony based on the lack of license for the driver or prior DUI's on the driver's history.

As part of our effort at a more intensive push toward rehabilitation, a DUI rehabilitative treatment courtroom is expected to begin late in 2022. The court will focus on treating addiction and substance use disorder among repeat offenders.

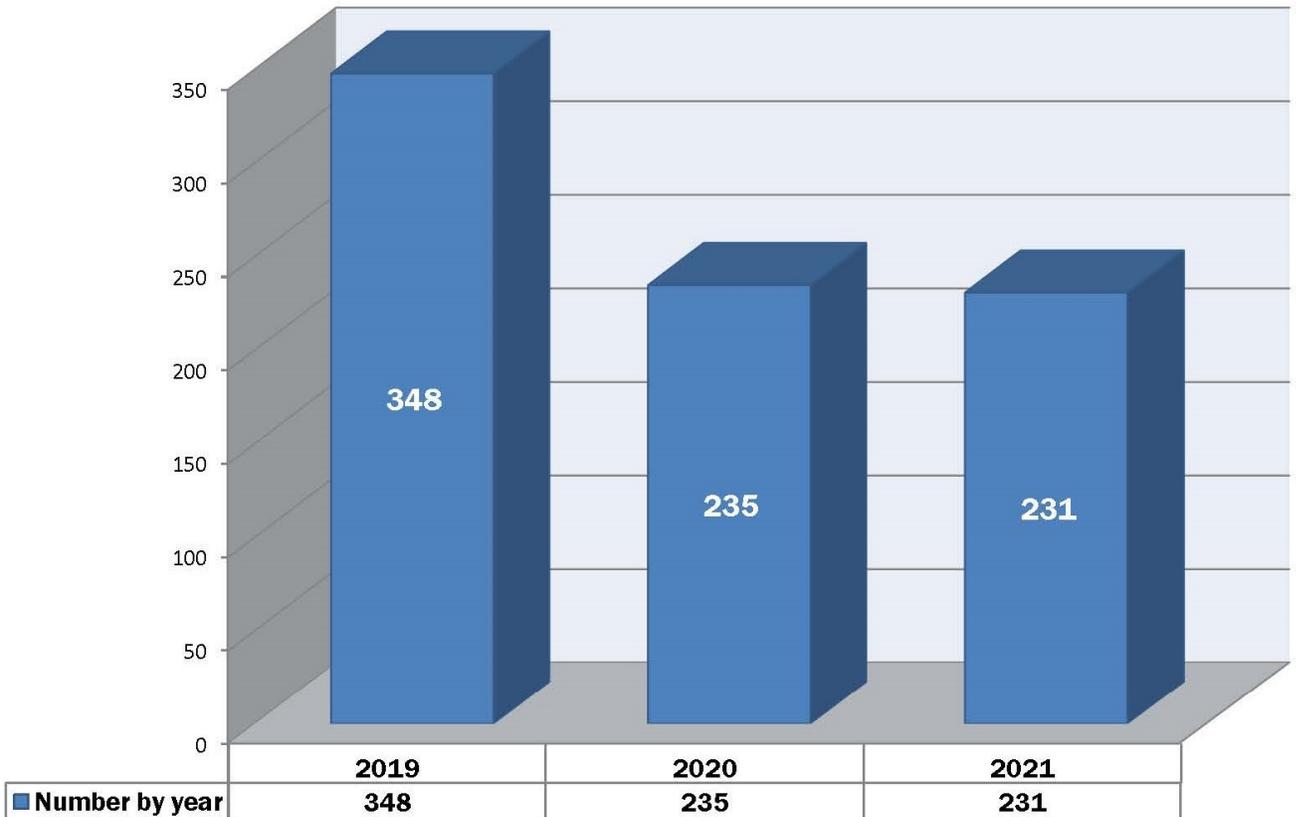
Notable 2021 Case Resolutions

- In March, a judge sentenced 23-year-old **Joshua Hernandez 17CF2012** of Elgin to 5½ years in prison for a 2017 DUI crash that killed the front seat passenger in his car. His blood-alcohol concentration was .118 percent and he was traveling at at least 61 mph in a posted 30 mph zone.
- In June, a judge sentenced **Jesus Diaz-Garcia 17CF815** to 6 years in prison for a 2017 DUI crash that caused permanent paralysis to the driver of the vehicle he struck when he crossed the center line of Route 31 in South Elgin. Diaz-Garcia was under the influence of alcohol at the time.

Misdemeanor DUI Cases



Felony DUI Cases



Misdemeanor & Traffic



Danielle Bechtold
Misdemeanor & Traffic supervisor

Prosecutors in traffic and misdemeanor courtrooms hold offenders accountable for misdemeanor offenses, advocating for victims of misdemeanor offenses and advocating for traffic safety through enforcement of traffic laws.

Nine prosecutors and three administrative personnel addressed these offenses in four courtrooms in 2021: Courtroom 203 at the Kane County Judicial Center, along with Aurora Branch Court, Elgin Branch Court and Kane Branch Court. These courtrooms see the greatest volume of cases, and are where the public has the most access to the criminal justice system.

Offenders in these courtrooms face many

sentencing options in addition to fines and jail: alcohol monitoring, victim impact panels, substance use counseling, chemical testing, deferred prosecution and community service. In addition, new prosecutors gain experience in these courtrooms developing litigation skills with guidance and supervision from veteran prosecutors.

Misdemeanors

Our office in 2021 charged 3,139 new misdemeanor cases, down nearly 24 percent from 4,146 new misdemeanor cases in 2020. Among the 3,139 new cases were 1,325 misdemeanor DUI cases. Misdemeanor cases have been on a steady decline for more than a decade as a result of changes in numerous laws and growing local DUI prosecutions.

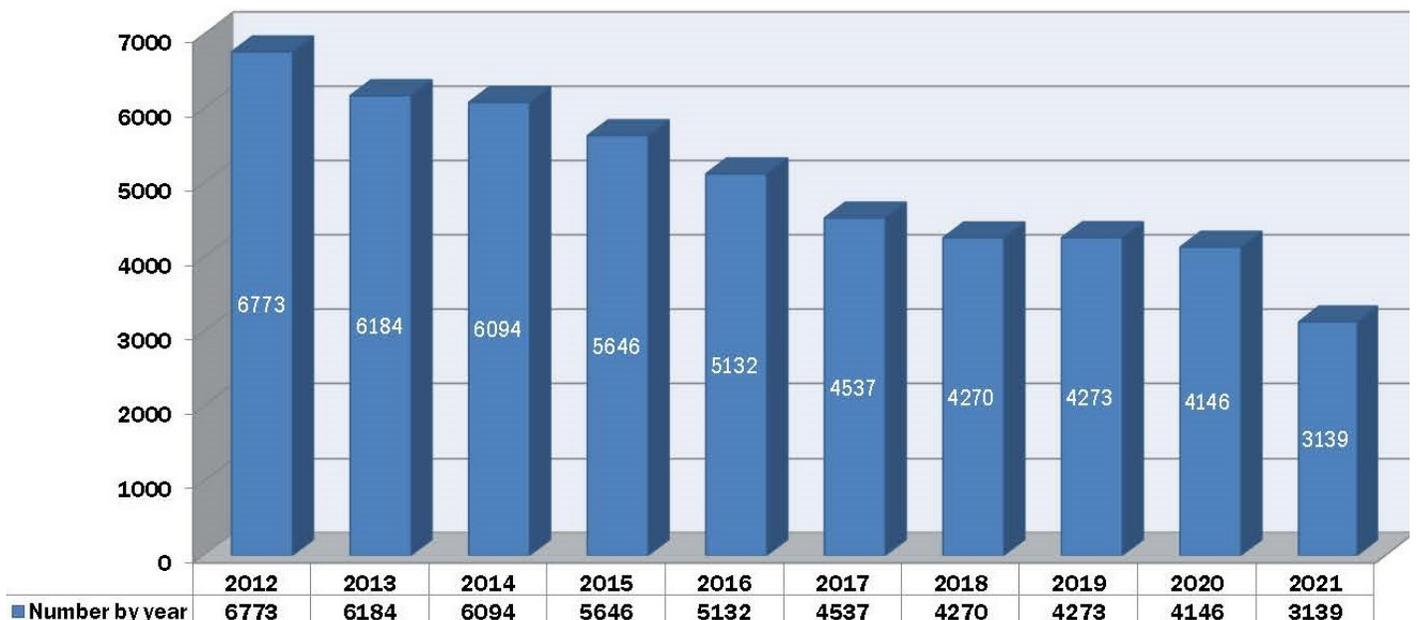
Most common offenses

The most common misdemeanor offenses in 2021 not involving drugs, DUI or domestic battery were resisting a peace officer (474 counts), criminal damage to property (241 counts), disorderly conduct (227 counts), battery (220 counts), and possession of drug paraphernalia (215 counts.)

Traffic court

We prosecuted 16,554 new traffic citations. This does not include 19,683 traffic citations that were prosecuted by the municipality in which they occurred. (Our office may allow individual municipalities to prosecute traffic and misdemeanor DUI cases upon request.)

New Misdemeanor Filings



Specialty Courts



Aimee Snow
Specialty Courts supervisor

Treatment Courts

The 16th Judicial Circuit offers three treatment courts to offenders who require a specialized approach in place of incarceration to prevent recidivism.

Our office plays an important role in each of these courts.

Drug Rehabilitation Court

For defendants whose criminal behavior is linked to substance use disorder. Drug court seeks to curb drug use and criminal behavior by providing tools to address addiction.

Substance use professionals and local social service programs collaborate with justice professionals in a non-adversarial approach. The judge and probation team closely supervise each participant.

Among requirements are weekly court appearances, successful treatment, employment and random, biweekly testing.

In 2021 – 72 offenders were sentenced to drug court, 30 with a heroin addiction and 28 with a cocaine addiction. (Most participants are sentenced to between 20 and 30 months in drug court.) There were 18 graduates and 14 who were unsuccessfully terminated and resentenced.

Treatment Alternative Court

A specialty court program for defendants with mental illness, co-occurring disorders or

developmental disabilities. TAC is intended to be a systematic approach in which community-based agencies collaborate to address defendants' needs and provide comprehensive case management to facilitate positive behavioral change with the objective of reducing future criminal activity and incarceration.

Additional program objectives 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.

Our office reviews each applicant to determine whether a defendant is statutorily eligible and appropriate.

An assistant state's attorney who primarily focuses on mental health disorders and the cases of defendants who engage in criminal activity because of a mental health disorder is a member of the TAC treatment team.

In 2021 ...

- 66 defendants applied
- 34 were accepted
- 18 participants successfully completed TAC with 14 unsuccessful terminations
- 6 applications pending at the end of 2021
- Most TAC participants carry over from one year to the next

Veterans Court

For U.S. Armed Forces veterans who have been diagnosed with a mental health condition or substance use disorder.

This is the newest of the specialty courts.

Participants engage in treatment while under close supervision, are required to complete all necessary treatment and are regularly and randomly tested for drug and alcohol use. Participants must appear before the judge frequently for progress review.

In 2021 – 1 offender was admitted to the program and 1 participant successfully completed the requirements

Specialty Courts

Mental Health Court

Mental illness is a significant issue in the United States. According to the National Institute of Mental Health, nearly one in five adults live with a mental illness. That's nearly 53 million Americans, according to the most recently available statistics.

Left untreated, mental illness often results in serious consequences for the individual, their family and for society. Mental Illness Policy Org. estimates that nearly half of all Americans with mental illness receive no treatment. The National Alliance on Mental Health estimates that untreated mental illness in the U.S. costs as much as \$300 billion every year in lost productivity.

Illinois Mental Health Code

Our office plays a significant role in helping to address mental health issues in Kane County. We represent the people of Illinois in mental health proceedings under the state's Mental Health Code (405 ILCS 5.)

Appropriate medication and treatment are highly effective in treating mental illness. According to the National Alliance on Mental Illness, as many as 90 percent of individuals who receive treatment experience 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 the state's attorney's office can become involved.

Clear and convincing evidence

By law, the state's attorney's office represents the people in court proceedings.

After consultation with psychiatric medical providers, the state's attorney may petition for the involuntary commitment and medication of people who are a danger to themselves or others. Petitions are filed for

involuntary admission or for involuntary administration of psychotropic medication. When possible, petitions are heard where the patient is hospitalized – at Elgin Mental Health Center, St. Joseph's Hospital in Elgin and Mercy Medical Center in Aurora.

Our office must present clear and convincing evidence before a mental health petition can be granted. We review records and work with psychiatrists, social workers and often the patient's family to prepare for hearings.

2021 by the numbers

In 2021, mental health facilities in Kane County filed 160 petitions for involuntary admission, and 20 petitions for involuntary administration of psychotropic medication.

Of the involuntary admission petitions, 66 patients agreed to be hospitalized without a hearing, 81 patients were discharged from the hospital, 11 patients were transferred out of Kane County and 2 petitions were withdrawn.

Of the medication petitions, 3 patients agreed to voluntarily take medication without a hearing, 5 were granted by the judge 4 were discharged and 8 were withdrawn.

To better address mental health concerns in Kane County, State's Attorney Mosser asked the Kane County Board for funding, which it granted, to add 2 dedicated assistant state's attorneys to the staff to handle mental health petitions.



Specialty Courts

Automobile, Property Drug & Cash Forfeitures

Illinois law allows state's attorneys to seek forfeiture of assets, including cash, involved in felony drug deals, as well as vehicles used to commit certain crimes. Our office works in conjunction with police agencies on forfeiture proceedings under 720 ILCS 5/36-1, or Article 36.

This law 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 DUI while driving on a suspended or revoked license, felony DUI, aggravated fleeing and eluding, reckless homicide, stalking and burglary.

The law's primary purpose is to ensure public safety by curbing crime facilitated by vehicles. Seizing the vehicles removes a tool criminals use to compromise public safety.

We use this law in conjunction with the criminal courts and criminal charges. We return property seized by law enforcement when we find evidence of innocent ownership.

Article 36 Forfeitures in 2021

- Seized 60 vehicles; 41 of these forfeiture cases are pending
- Forfeited 10 vehicles to the seizing police agency to be used by that agency or sold
- Returned 5 vehicles to a lienholder
- Returned 4 vehicles 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.



In late November 2021, the new DuKane Sheriff Task Force had its first major seizure when a Kane County detective assigned to the task force stopped a vehicle in Interstate 88 near Route 59. After establishing probable cause, the detectives found more than 6 pounds of cocaine, nearly 6 ounces of crack cocaine, 1.3 ounces of fentanyl, 1½ pounds of marijuana and \$5,000 cash. The contraband was found in aftermarket hidden compartments in the car.

Drug Asset Forfeitures in 2021

- Seizure and Forfeiture Reporting Act, 5 ILCS 810/1
- Kane County's 34 police agencies seized \$358,583.69 in assets in accordance with the law
- \$163,319 in seized assets was forfeited (a portion of the assets forfeited was seized in previous years)
- The bulk of the forfeited assets went to the seizing police agency to be used for the enforcement of drug laws

Juvenile Delinquency



Debra Conforti
Juvenile Delinquency supervisor

Juvenile Delinquency attorneys prosecuted felonies and misdemeanors committed by offenders under age 18 with a focus on rehabilitation to prevent them from becoming fixtures in the court system. In addition, the division prosecuted sex-related crimes committed by juveniles.

Juvenile jurisdiction continues for those placed on probation until the individual is 21.

The Juvenile Delinquency division was comprised of three full-time assistant state’s attorneys and one administrative assistant. Kane County Sheriff Ron Hain provided money from

his budget to fund one of the full-time positions.

2021 by the numbers

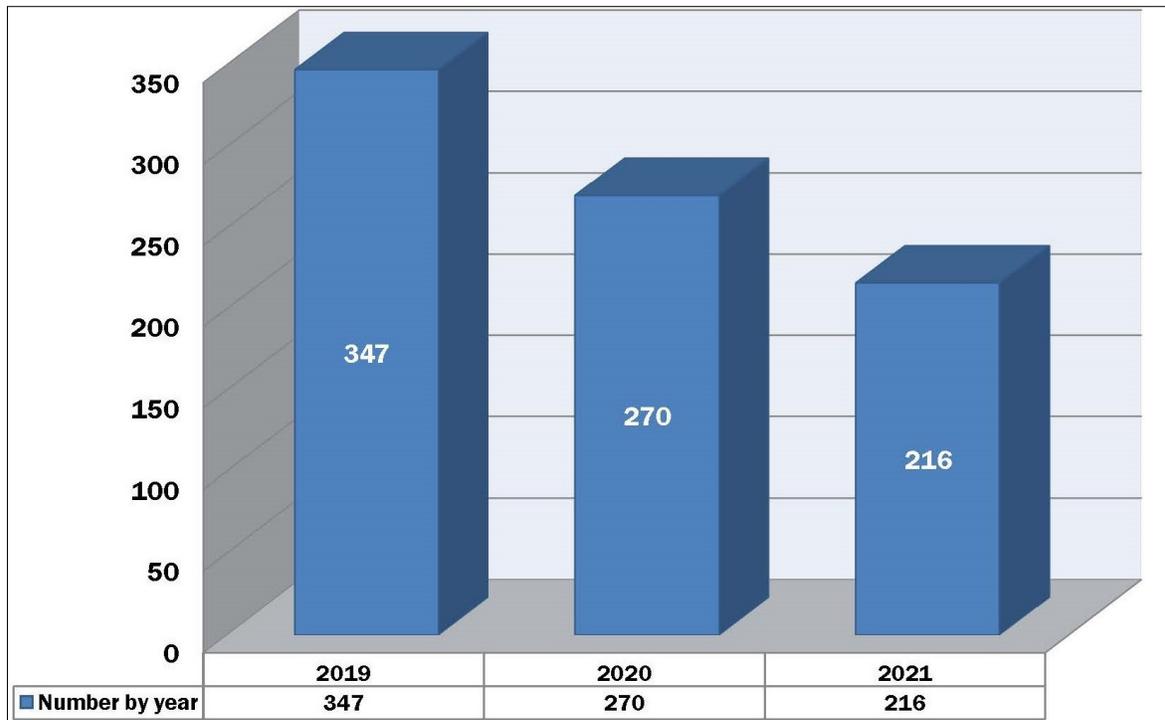
The division filed 216 petitions to adjudicate delinquency. This is a 20 percent decrease from 270 petitions in 2020 and a 38 percent decrease from the number of petitions filed in 2019.

The division worked 165 juvenile files through to adjudication. Also, 8 new offenses were charged as petitions to revoke probation or supervision, 2 minors were designated violent or habitual offenders, and 1 minor was transferred to adult court for criminal prosecution.

If community-based services fail to curb delinquent behavior, or if probation is not appropriate, a minor can be sentenced to the Illinois Department of Juvenile Justice. In 2021, 2 minors were sent to IDJJ. Under Illinois law, a juvenile only can be sentenced to prison as a last resort.

In addition, 9 minors received a sentencing designation that allows a judge to deliver a juvenile sentence that can be lifted and replaced with a sentence in the Illinois Department of Corrections if prosecutors prove the juvenile failed to meet terms of the original juvenile sentence. Four offenders were re-sentenced to serve time in adult prison under these terms.

Juvenile Delinquency Petitions



Juvenile Justice Council



Julie Schick
Juvenile Justice Council coordinator



The Juvenile Justice Council is a body of stakeholders from inside and outside the juvenile court system that works collaboratively to improve juvenile justice related issues in Kane County.

Justice system stakeholders comprise the council's board of directors, while the larger council consists of partners from local community agencies and service providers, schools and other community alliances.

The board of directors meets monthly, while the full council meets quarterly and subcommittees meet as needed.

The council's purpose is to support collaboration among agencies and programs to better address juvenile delinquency, as well as

develop and implement a plan to prevent juvenile delinquency. The council makes recommendations to more effectively utilize services, but it is not a direct service provider.

Anyone interested in addressing other concerns should direct inquiries, along with supporting evidence, to Julia Schick, the council coordinator, through our office.

2021 achievements

- Increased capacity to offer restorative practices training by coordinating and funding a training of trainers virtual session for 10 individuals to become certified facilitators in the curriculum and begin offering the training more regularly within their own organization and upon request from other community partners.
- Collaborated with the West Aurora Student Equity Advisory Council to bring youth perspective to the board of directors and initiate ongoing conversations.
- Offered support to law enforcement through an article discussing considerations around adolescent domestic battery to the state's attorney's office police newsletter and offering a training opportunity to explore effective strategies for interacting with adolescents.
- Engaged in strategies to address inequities within the juvenile justice system by maintaining a workgroup to examine data from decisions made as a case was pending, coordinating a presentation for stakeholders to review trends in data related to racial and ethnic disparities, and participating in the Illinois Racial Justice and Equity Committee, with the JJC Coordinator serving as co-chairman.
- Convened a workgroup to explore and address adolescent domestic battery, specifically related to youths being placed in detention when accused of this offense.
- Finalized Family Court Guides for both Juvenile Delinquency Court and Child Protection Court in English and Spanish to be provided to families that are involved in either court system to assist in understanding the processes and accessing resources.
- Updated expungement materials to align with new state guidelines for standardized forms.

Screening & Charging



Steve Sims
Felony Screening supervisor

Most criminal cases begin with a police investigation. Police have the discretion to authorize misdemeanor charges. However, prosecutors must approve felony charges. When police believe they have gathered sufficient evidence, they contact an on-call prosecutor, who screens the case and determines whether felony charges are appropriate.

The office created the Felony Screening Unit in 2021. The unit comprises three assistant state’s attorneys who focus exclusively on this element of the police-prosecutor relationship. Assistant State’s Attorney Steve Sims supervises the unit.

Our office works 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, Bureau of Alcohol, Tobacco, Firearms and Explosives, Illinois Gaming Board and Illinois Secretary of State Police.

We also work with the Kane County Major Crimes Task Force and the Kane County Accident Reconstruction Team. Both groups are comprised of officers and investigators from police agencies around the county under the umbrella of the Kane County Chiefs of Police Association. Upon request they assist departments in investigations, adding experience and expertise to assure all possible evidence is collected for an accurate picture of a crime.

Our prosecutors in 2021 screened more than 2,300 investigations for criminal charges. Additionally, Kane County Child Advocacy Center prosecutors conducted 401 investigations into alleged child sexual abuse.

In addition, prosecutors review investigations from state and federal task forces, such as the North Central Narcotics Task Force after long-term investigations.

Our thanks to everyone at the police agencies we work with. Our successes are not possible without the hard work of all officers, investigators, detectives, evidence technicians, command staff, administrators and support staff at these agencies.

Felony calls by agency, 2021

<u>Agency</u>	<u>No.</u>		
Aurora P.D.	782		
Elgin P.D.	495		
Kane County Sheriff	260		
Carpentersville P.D.	145		
St. Charles P.D.	117		
Batavia P.D.	78		
Montgomery P.D.	68		
North Aurora P.D.	55		
South Elgin P.D.	54		
Geneva P.D.	42		
West Dundee P.D.	33		
Illinois State Police District 15	33		
Huntley P.D.	26		
East Dundee P.D.	24		
Hampshire P.D.	20		
Sugar Grove P.D.	18		
Elburn P.D.	15		
North Central Narcotics Task Force	15		
Other	12		
Algonquin P.D.	10		
Pingree Grove P.D.	9		
Illinois State Police District 2	6		
Sleepy Hollow P.D.	5		
Gilberts P.D.	3		
Campton Hills P.D.	2		
Kane Co. Child Advocacy Center	2		
Elgin Community College P.D.	1		
Wayne P.D.	1		
Maple Park P.D.	1		
Illinois Gaming Board	1		
Kane Co. Forest Preserve Police	1		
Illinois Secretary of State Police	1		
Fox Valley Park District P.D.	1		
Bartlett P.D.	0		
Waubonsee Community College P.D.	0		
2021 TOTAL	2,336		
Previous			
Yearly	<u>2020</u>	<u>2019</u>	<u>2018</u>
	2470	2,729	2,755

Deferred Prosecution



Michelle Halbesma
Deferred Prosecution supervisor



The Deferred Prosecution community panel has met remotely for the last two years because of the COVID-19 pandemic. The panel, comprised of community members, must approve each program participant. The state's attorney has the final approval.

Deferred Prosecution, formalized in 1995, observed its 26th year in 2021.

Our Deferred Prosecution program has proven beneficial to participants by allowing them to keep a conviction off their permanent records while holding them accountable and teaching life lessons to reduce recidivism.

The program's continued success relies on support from the criminal justice system and the community.

All programs provide access to mental health, substance use disorder, 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, adequate employment and education.

Upon successful completion, charges are dismissed. Overall, the completion rate averages 70 percent or greater.

Participation

Fiscal year	2019	2020	2021
Applicants	412	287	592
Graduates	320	245	241
Terminated	143	57	42

Felony/Misdemeanor

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

Application 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 2021

- 125 applied for the program with 57 graduates and 15 negative terminations. Cumulatively 5,458 defendants have completed this program with an overall success rate of 76 percent.
- Participants paid \$68,395 in restitution. Cumulatively \$2.76 million in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$74,634 in application and program fees.
- Participants performed 720 hours of community service work at charitable organizations. Since 1995, participants have completed 457,649 hours of community service.
- 9 participants obtained high school diploma or GED, 1 enrolled in ESL classes, 4 completed an individual counseling program, 12 completed a substance abuse evaluation and subsequent treatment recommendations, 13 wrote letters of apology, 43 completed the Theft Awareness Program, 25 completed Parenting Support Program, 37 completed Decision Pathways Program, and 56 completed Anger Management Program

Misdemeanor Drug/Alcohol

For first-time, nonviolent misdemeanor drug and

Deferred Prosecution

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

In 2021

- 7 applicants, 2 graduates, 0 negative terminations. Cumulatively the program has had 1,786 graduates with a success rate of 75 percent. This program has seen a sharp drop in participation since a 2017 change in marijuana laws.
- Collected \$1,203 in program fees.

Domestic Violence

For misdemeanor domestic battery offenders. Application and program fees are assessed on a sliding scale up to \$400 and are collected monthly.

Average participation time is 12 months.

In 2021

- 362 participants, 113 graduates, 21 negative terminations. Cumulatively the program has had 1,186 graduates, with a success rate of 78 percent.
- Collected \$62,552 in program fees.

Felony Drug

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.

KANE SAO DEFERRED PROSECUTION PROGRAM

Felony/Misdemeanor
For first-time participants

Misdemeanor drug/alcohol
Includes intensive drug and alcohol education

Domestic Violence
Keeps families together; requires participants to receive counseling

Felony drug
Requires substance-abuse education

In 2021

- 98 participants, 69 graduates and 6 negative terminations. Cumulatively, the program has had 377 graduates and a success rate of 73 percent
- Collected \$74,615 in program fees.
- 30 participants completed the required Drugs of Abuse class

The Deferred Prosecution Program team



Ariana Cardenas



Mayra Franco



Liz Guerrero



Jessica Orsini

Pre-arrest Diversion



Martha Paschke
Pre-Arrest Diversion coordinator

The implementation of a Pre-Arrest Diversion unit, which emphasizes rehabilitation over incarceration, was a priority of State's Attorney Jamie Mosser that began to take shape shortly after she assumed leadership of the office late in 2020.

Pre-Arrest Diversion provides support and services to individuals who struggle with mental health issues, substance use disorder and/or lack of resources, with a goal of self-sufficiency instead of jail. The initiative, which is a significant sea change in the public safety arena, seeks to improve public safety by building on relationships with community-based organizations and local mental and behavioral health service providers. It ultimately will reduce the number of people entering the criminal legal system by helping them get otherwise elusive access to resources.

The initiative is based on Seattle's Law Enforcement Assisted Diversion (LEAD) model, which has demonstrated a significant reduction in recidivism, as well as associated public safety cost savings.

Grant funded

Pre-Arrest Diversion Coordinator Martha Paschke began by seeking and applying for funding grants. Her work proved wildly successful in the form of \$1.71 million in grants from federal, state and local sources:



Interns (from left) Jazmin Aguilar and Grace Nuam, along with case manager Tatum Butler-Hill, were the first staff to be assigned to the Pre-Arrest Diversion unit.

- A \$1.2 million U.S. Department of Justice grant
- A \$350,000 Community Project Funding Initiative grant through U.S. Rep. Lauren Underwood of Illinois
- A \$152,000 State of Illinois grant
- A \$15,000 Kane County Health Department grant

The grants make up the majority of the cost to administer the initiative. Kane County provides funding only for the program coordinator.

At year's end there were three full-time staff and two interns assigned to the unit. The staff will grow significantly in 2022.

Participating police agencies

The initiative, which was launched in October 2021, is currently operating through the Elgin Police Department, the Kane County Sheriff's Office and the Carpentersville Police Department. The grants will allow the office to further expand the initiative to additional Kane County police agencies. We are working to eventually have participation from all Kane County police agencies.

Abuse & Neglect



Lark Cowart
Abuse & Neglect supervisor

The purpose of the Abuse & Neglect unit is to protect the children of Kane County.

Three lawyers and two administrative assistants are assigned to the unit.

Cases generally are initiated in court at a temporary custody proceeding after an investigation by the Illinois Department of Children and Family Services determining a child to be abused, neglected or dependent. Minor children typically are then placed in a foster home (either with a relative or traditional) until the parents can rectify the issues that brought the minor into care.

After the shelter care hearing, the case proceeds to an adjudicatory hearing, where the court determines whether the child is abused, neglected or dependent.

Next is the dispositional hearing, where the court determines if the parents are unfit, unwilling or unable, and whether it is in the minor child's best interest to be named a ward of the court.

After the initial three hearings (shelter care, adjudication and disposition) the case is reviewed by the court every six months at a permanency review hearing.

The purpose of these reviews is to monitor progress, or lack of progress, that parents are making toward the goal of returning

the child home to their care.

The overriding goal of this courtroom is family reunification. If this cannot occur, the court must consider other options for permanency.

At the permanency review hearing the court can keep the goal at return home based on the parents' progress or change the goal to something else including, termination of parental rights and adoption.

A&N hearings generally are complex, time consuming, and require painstaking preparation.

2021 by the numbers

(Statistics are for March 1 – Dec. 31)

- Screened 361 family cases involving more than 1,000 children
- Opened 198 new files
- Conducted 104 shelter care hearings
- Conducted 109 adjudicatory hearings
- Conducted 109 dispositional hearings
- Conducted 22 hearings to terminate parental rights

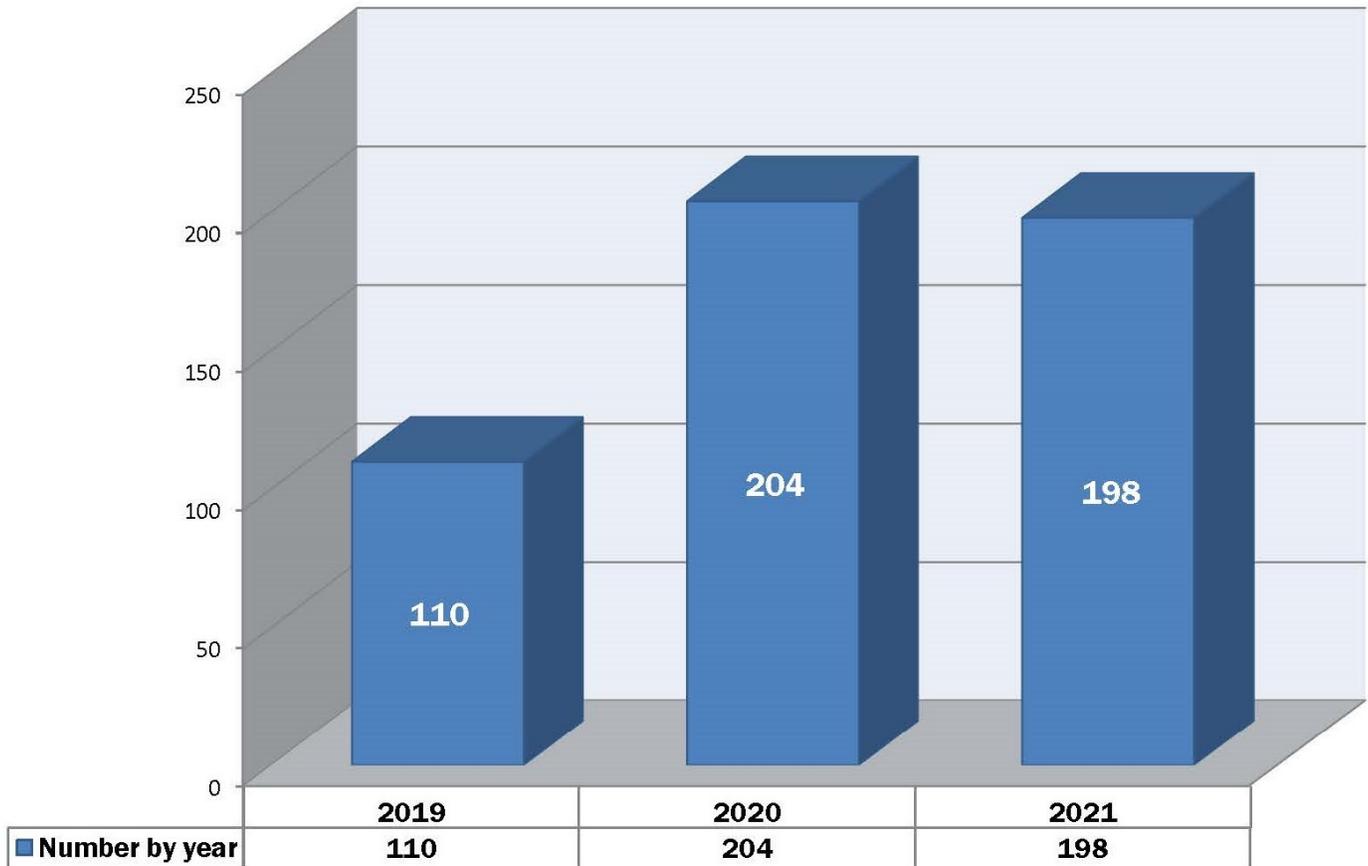
The 198 new files over the last 10 months of 2021 is somewhat consistent with the 204 new files in 2020, but a dramatic jump from the 110 new files in 2019 and 57 new files in 2018. (See the accompanying chart on the following page.)

The number of new files in any year tends to fluctuate based on multiple variables.

We recently have seen an increase in new files likely resulting from increased family life stressors because of the COVID-19 pandemic.

Increases in the emergence of mental health issues, domestic violence and substance use, combined with loss of a job and income, and many people isolated together at home all contributed to an increase in child neglect and violence directed toward children.

Abuse & Neglect Petitions



The DCFS role with the SAO in Abuse & Neglect cases

The Illinois Department of Children and Family Services plays an integral role in the investigation and resolution of Abuse & Neglect cases. The process is laid out by state law, 325 ILCS 5/1.

All Abuse & Neglect cases begin with a report to DCFS that the child is being abused, neglected or isn't in a safe situation. DCFS then assigns the case a priority level that determines the time in which it must respond, and investigates the allegations. If DCFS determines further action must be taken, it can take protective custody of the child, refer the case for intact family services, or close the file, which may be subject to appeal.

If protective custody is taken, DCFS contacts our office and works with an Abuse & Neglect attorney, who determines whether our office will pursue the case. Cases typically are brought to court only when DCFS or the state seek removal from the parents. If protective custody is taken there must be a temporary custody hearing within 48 hours of the removal of the children from the

home. DCFS must make a good-faith effort to notify the parents/guardians of the proceeding, although the hearing may take place in the absence of a parent/guardian. However, additional efforts must be made to notify a parent/guardian.

At the hearing the judge will determine whether the matter is of such urgency that the children be removed from the home. The court will consider DCFS's efforts to avoid the need for removal of the children. If the court finds probable cause, as well as urgent and immediate necessity, the most common result is that DCFS takes temporary custody. DCFS then will seek to place the child outside of the home. DCFS is required to look at family first, and then non-biologically related persons who have a close connection to the family. If neither is available DCFS will place the child in a traditional non-relative foster home. DCFS makes every effort to keep siblings together and to find a placement that speaks the same language as the child.

Civil Division



Michele Niermann
Civil Division Chief



The Civil Division represents all county-wide elected officials and serves as legal counsel for Kane County and all of its departments. The division does not represent private interests.

Civil Division attorneys investigate complaints regarding Open Meetings Act and Illinois Environmental Protection Act violations, and provide representation in labor negotiations, contract review and electoral board issues. They advise various public offices and boards, litigate in state and federal court, as well as before various state and federal agencies, and represent taxing bodies in all tax-objection cases.

The division comprised eight lawyers and one administrative assistant in 2021.

2021 in review

Division attorneys faced a number of additional complex and time-consuming responsibilities. They worked with the county board on the redrawing of election precinct

boundaries and county board representative district boundaries. Both projects are required after the release of the newest U.S. Census data, from the 2020 U.S. census.

The start of both projects was delayed because the census data release was delayed, so they had to be finished in a shorter time frame.

The division assisted Kane County with its COVID-19 response. It worked with the health department, sheriff's office, coroner's office and county board on a number of relief and recovery projects, such as:

- The county-run mass vaccination sites
- Establishing vaccine clinics
- Providing legal advice to the county board as it established its American Rescue Plan Act committee to distribute Congressional funding

The division won an important ruling from the Illinois Appellate Court Second District. The appellate court upheld a trial court ruling on a motion to dismiss in a case ASA Kathy Watson handled on behalf of the sheriff's office. The family of a driver sued the sheriff's office after the driver fled from a sheriff's deputy, crashed her car and died.

The court agreed with ASA Watson's argument that state law immunizes a public official from liability for employees acting within the scope of their duties when their acts are not willful or wanton.

ASA Watson has been praised by other local government attorneys who now are able to cite the decision when officers are sued for pursuing a suspect.

The division continues to respond to the large volume of Freedom of Information Act requests, processing 50 requests to the SAO in 2021, and providing legal advice to county and elected officials' offices.

FOIA requests can require the expenditure of significant resources, and can take multiple days to process.

Child Support



Heidi Baxter
Child Support supervisor

Our office's Child Support Division provides services to families with dependent children regardless of income under Title IV-D of the federal Social Security Act of 1975.

The division works to establish paternity and support obligations, modify and enforce existing support orders, and collect unpaid support and maintenance obligations on behalf of the Illinois Department of Healthcare and Family Services.

The Kane County State's Attorney's Office is one of 13 Illinois prosecutor's offices that contracts with HFS to provide local judicial enforcement of child support obligations.

The practice of using locally based attorneys, as opposed to private attorneys or the Office of the Illinois Attorney General to handle child support cases allows our office to work directly with our clients for more efficient, timely, less costly and personalized service for

the people of Kane County.

Four attorneys, four paralegals and one administrative assistant work in the division. The federal government provides the majority of the unit's funding with the balance being provided by the state of Illinois through HFS.

2021 by the numbers

- Saw an increase in new cases and services provided compared to 2020 as the state of Illinois better coped with the COVID-19 pandemic. Still, new case referrals were down almost 30 percent from pre-pandemic numbers.
- Collected \$23,800,566 from all open Title IV-D cases, a 6 percent decrease from the \$25,340,648 collected in 2020.
- Served 12,098 children in 11,271 families.
- Reviewed 617 new cases and filed 519 new pleadings, including 204 complaints for support, 110 petitions to modify existing obligations and 60 new petitions to establish paternity.
- The number of new cases represents a 14 percent increase from the 532 cases received in 2020, an increase after a significant dip a year ago because of the COVID-19 pandemic.
- Filed 68 new Uniform Interstate Family Support Act Complaints and registered 30 foreign judgments for enforcement.



The 2021 Child Support unit: (left to right): Pam Bradley, Sue Harrod, ASA Mike Korwin, Kim Mavigliano, ASA Heidi Baxter, Tammy Peterson, Brittany Lenz, ASA Betsy Bellario



Community Prosecution



Pamela Bradley
Community Prosecution coordinator

The Community Prosecution unit returned to the office late in 2021. It had existed in Aurora from 2001 until 2011, when it was discontinued after the federal government discontinued the grant that funded our work with the initiative.

The Kane County Board generously granted funding in 2021, allowing us to reestablish the unit.

Community prosecution is viewed by many in the public safety arena as an effective way to develop relationships with a goal of better relationships between prosecutors and communities, and improved public safety.

According to the U.S. Department of Justice:

“Community prosecution strategies signal a major milestone in changing the culture and role of the prosecutor by developing partnerships and collaborative, problem-solving approaches with the community to improve the quality of life and safety of citizens. The most innovative community prosecution initiatives pose fundamental questions about the function of the prosecutor, the ways in which the prosecutor seeks justice, and the organization and operation of the prosecutor’s office. These strategies suggest an important shift in traditional prosecutorial philosophy, as prosecutors emphasize community-focused crime strategies and adapt values and methods of other community justice innovations,

particularly those relating to community policing, court, corrections, and restorative justice initiatives.”

Community prosecution is an area in which prosecutors work proactively versus reactively. The increased visibility of the state’s attorney’s office is seen as an effective strategy to reduce crime and build strong relationships.

Community prosecution coordinator Pam Bradley brings together community groups, local agencies, schools, elected officials and law enforcement to collaborate in an effort to intervene and prevent crime.

Pam previously oversaw the community prosecution initiative and was thrilled to see it begin again.

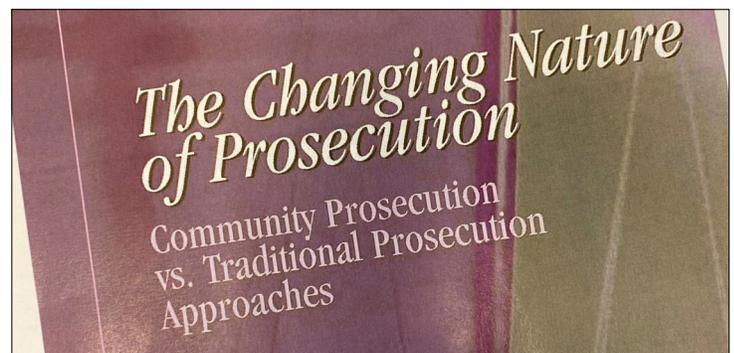
The plan is modeled after our previous iteration of community prosecution.

Our initial efforts are establishing roots in Aurora, Montgomery and North Aurora. We expect to eventually expand to other Kane County communities.

With Pam serving as liaison, volunteers from the state’s attorney’s office, lawyers and support staff alike, will work with police and community stakeholders to address the needs and concerns of the residents. An important part of the initiative is to be sure the residents know what resources we have available to help them.

We plan to be available to attend neighborhood meetings, community events, and school and police events, such as National Night Out.

We anticipate addressing issues such as gangs, drugs, Internet safety, nuisance properties and nuisance businesses.



Restorative Justice

Restorative justice involves a face-to-face meeting between the defendant and the victim. During this meeting the victim talks about how the defendant's criminal conduct affected them. Often, seeing the harm caused by the defendant has more of an impact than jail. Further, the victim will get more closure from hearing directly from the defendant and what caused them to make their decision.

Our office implemented this practice in 2021, using it in a half-dozen cases. The decision to have a restorative justice meeting is based on the facts of the case and the victim. During the meetings, the victim explains how the crime affected them whether emotionally, psychologically, financially or physically. The defendant then may share why they committed the crime and what they have done since to avoid similar conduct.

Although participating in the meeting could be a condition of a plea agreement, it is not a substitute for a sentence. A restorative justice meeting could be a condition of a plea offer on a lesser offense, however.

Howard Zehr, a pioneer of restorative justice, wrote these principles about the practice:

Crime is a violation of people and relationships.

Crime hurts individual victims, communities and offenders and creates obligations to put things right. Restoration means repairing the harm done and rebuilding relationships in the community.

Victims and the community are central to the justice process. *All parties should be a part of the response to a crime – victim (if he or she chooses to be involved), community and the offender.*

A primary focus of a justice process is to assist victims and address needs. *The victim's perspective is key to determining how to repair the harm resulting from the crime.*

The secondary focus is restoring the community to the degree possible. *The offender has a personal responsibility to victims and to the community for wrongs committed. Parties involved in the restorative justice process share responsibility for repairing harm through partnerships for action. The*

community has a responsibility for the well-being of all its members.

All human beings have dignity and worth. *Victim and offender both are able to move forward with respect and dignity.*

Notable restorative justice meetings:

Nonconsensual dissemination of a sexual image – The victim and defendant took consensual photos of one another while they were dating. When the relationship ended, the defendant sent the photos to a friend, who posted them online. The victim wanted a direct apology and an understanding that the defendant knew what he did was wrong. In the meeting, the investigator, the SAO, and the defense attorney, the defendant apologized and accepted responsibility in a written statement.

Aggravated DUI – The defendant was driving while intoxicated when she struck the victim, who was riding a motorcycle. The victim broke both legs and was hospitalized. The defendant had no criminal history and was a nurse. The victim wanted to know why she was driving drunk. The meeting involved the defendant and her husband, the defendant's attorney, the victim and his wife, an AAIM victim advocate and the SAO. The victim showed pictures of his slow recovery and the effects of the crash. The defendant expressed remorse and explained how she made her terrible decision. The victim understood it was unlikely to reoccur and agreed to misdemeanor conviction.

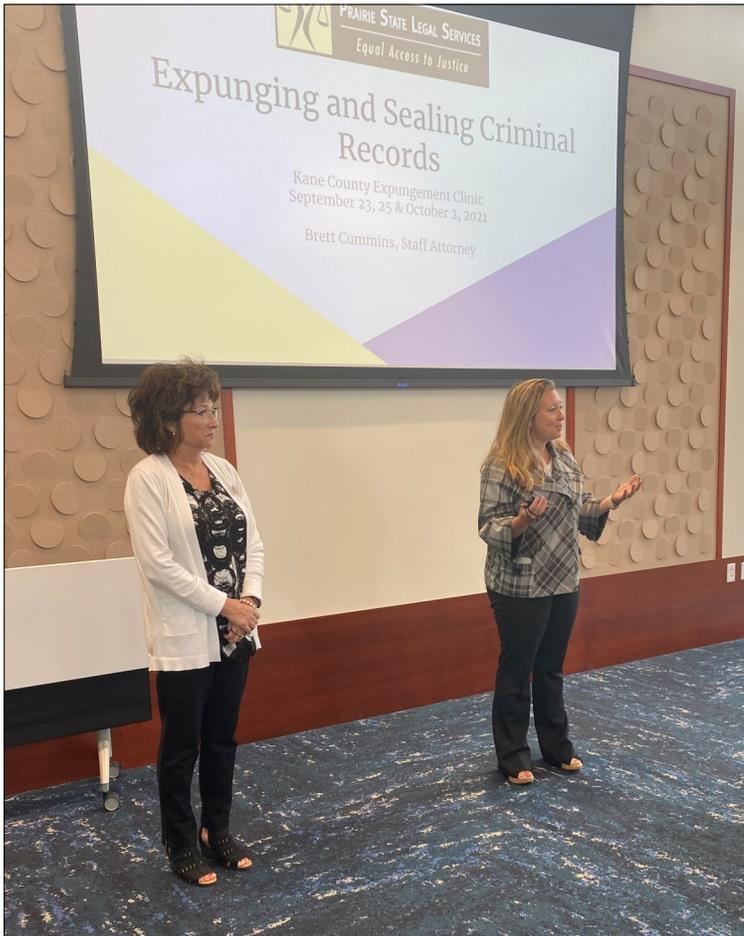
Aggravated battery to a police officer – At the height of the pandemic, the defendant was a passenger in a car that had been pulled over. The driver was being arrested and the officer asked for the defendant's information. The defendant refused to cooperate. As the defendant was being arrested for obstruction, she spit in the officer's face. She had no criminal history and was in her late teens. She voluntarily engaged in anger management and alcohol treatment. During the meeting, the officer told her that he worried he would die, transmit COVID to his fellow officers or to his family. She was visibly upset during the discussion and explained how the treatment helped her understand her anger issues. She apologized, and the officer, seeing her regret, agreed to a misdemeanor conviction.

Theft – The defendant had been doing false returns at the retail store where she worked. She kept the proceeds of the returns. She had no criminal history, and told police she stole so she had rent and food money. In the meeting, she paid full restitution and discussed her situation. She worked with the SAO to find stable housing, a job and to get into school so she could follow her dream to become a lawyer. After the meeting we dismissed the case with the business' OK.

2021 in photos



Expungement & sealing seminars



PREVIOUS PAGE: Kane County State's Attorney Jamie Mosser (center) with DuPage County State's Attorney Bob Berlin (left) and Will County State's Attorney Jim Glasgow.

ABOVE: In fall 2021, State's Attorney Mosser, Kane County Circuit Clerk Theresa Barriero, and Kane County Sheriff Ron Hain, along with the Kane County Law Library, the Kane County Bar Association and Prairie State Legal Services presented clinics in Aurora, Elgin and Geneva about how to expunge criminal records. These clinics will continue in 2022 and beyond.

2021 award winners

Lifetime Achievement Award, Pursuit of Justice



Assistant State's Attorney Joseph Cullen

Debra Bree Voice for Victims Award



Kasandra Osorio
Child Advocacy Center investigator

Co-Prosecutors of the Year



Assistant State's Attorney Kathy Watson,
Civil Division



Assistant State's Attorney Laura Conroy,
Domestic Violence Unit supervisor

2021 award winners

Employee of the Year



Andrea Rodriguez,
Grand Jury administrator

Ace of Spades Most felony trials



Assistant State's Attorney Tyler Cox,
Child Advocacy Center

Ace of Spades Most hearings



Assistant State's Attorney Lark Cowart,
Abuse & Neglect supervisor

Ace of Spades Most misdemeanor trials



Assistant State's Attorney Mara Somlo
Domestic Violence Court

2021 in photos



In June, the State's Attorney's Office, the Public Defender's Office and the Kane County Judiciary played a round-robin softball tournament. Thanks to Wasco Fastpitch for hosting the event. The tournament will expand to include additional teams in 2022.

2021 in photos



After a one-year hiatus because of the COVID-19 pandemic, the Law Enforcement Youth Academy took place again in 2021. The academy, first held in 2002, is coordinated by the Kane County SAO's Pam Bradley with assistance from the Aurora Police Department and the Kane County Sheriff's Office. Participants are students from all over Kane County.

2021 in photos

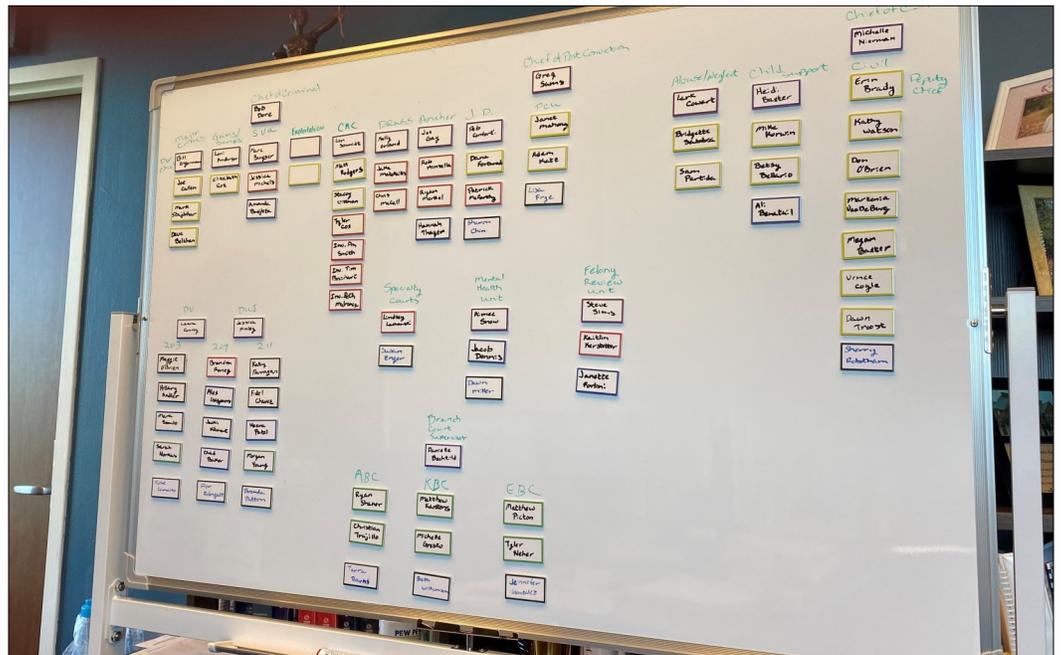


SAO staff exchanged holiday gifts as part of a secret co-worker event. Among the participants were (clockwise from top left) Andrea Rodriguez, Marc Bangser, Christine Bayer, Ariana Cardenas and Susan Enger with the toilet brush).

2021 in photos



TOP: SAO employees were asked to submit a baby photo and then see how many of their co-workers they could identify in their early childhood. BOTTOM: State's Attorney Jamie Mosser and First Assistant Christine Bayer implemented a "vertical prosecution" structure in 2021. It ensures that cases stay with the original prosecutor through the resolution, that resolutions are consistent and that cases are resolved quicker.



2021 in photos



Kane County Court Security provided training to all employees in the Kane County court system about what to do in the event of an armed intruder in the building.



State's Attorney Jamie Mosser contracted with a local business that promotes healthy lifestyles. She believes, and studies show, that healthy practices lead to happy and highly productive employees.

2021 in photos



It is a priority to State's Attorney Jamie Mosser to maintain an open relationship with the news media to ensure that the public has access to the information it needs. In 2021 she spoke with Chicago-area media on multiple occasions about issues that resonate with the public.

2021 in photos



State's Attorney Mosser toured a new affordable housing complex in Elgin early in 2021. A lack of affordable housing is a major factor in criminal activity and in mental health issues. The Fox River Valley Initiative and a national nonprofit housing advocacy group worked with Elgin leaders to address this issue, and in 2021 saw the completion of an affordable housing complex off Larkin Avenue near the old Larkin Center and Larkin High School.

