

**JACKSON COUNTY  
STATE'S ATTORNEY'S OFFICE**



**REPORT AS OF JULY 2016**

**MICHAEL C. CARR  
STATE'S ATTORNEY**

## **GUIDING PRINCIPLES FOR PROSECUTION OF CASES IN JACKSON COUNTY**

*The duty of a public prosecutor is to seek justice, not merely to convict. "The state's attorney in his official capacity is the representative of all the people, including the defendant, and it was as much his duty to safeguard the constitutional rights of the defendant as those of any other citizen." People v. Cochran, 313 Ill. 508, 526 (1924). The interest of the state's attorney's office 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, 295 U.S. 78, 88, 79 L. Ed. 1314, 1321, 55 S. Ct. 629, 633 (1935).*

With these principles as our policy, the following guidelines apply:

1. Prosecutors in our office may only bring charges in instances where it would be reasonable, based upon admissible evidence, including both direct and circumstantial evidence, for a jury to conclude that the evidence supports a conviction, beyond a reasonable doubt. Conjecture and speculation is inadmissible and may not be a basis for bringing a charge.
2. In determining what charge to bring against an adult in a non-traffic case, when an offense involves: a crime of violence; a crime committed by a prior felon; a drug offense involving violence or a firearm; a residential burglary; a serious property offense; an offense involving a child, a disabled or elderly person; or a public corruption offense; prosecutors should file the highest, readily provable offense, and any other charge which may reasonably support an alternative theory of guilt.
  - a. If a minimum mandatory sentence is called for by statute, that charge, if provable, should be filed and prosecuted and may not be dismissed or negotiated below the minimum mandatory sentence without approval of the State's Attorney.
  - b. If the reports and available evidence do not support bringing a charge pursuant to the principles established herein, no charge may be filed. If an arrest has been made under such circumstances, every effort should be made to immediately determine the existence of any evidence not mentioned in a report to support a charge, or, if none exists, to authorize the release of the person arrested.
3. In instances where the offense is not serious, prosecutors should avoid filing enhanced charges, or making allegations which would cause the charge to become a felony.
4. Except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, prosecutors should refrain from making extrajudicial comments that pose a serious and imminent threat of heightening public condemnation of the accused and exercise reasonable care to

prevent investigators, law enforcement personnel, employees or other persons assisting or

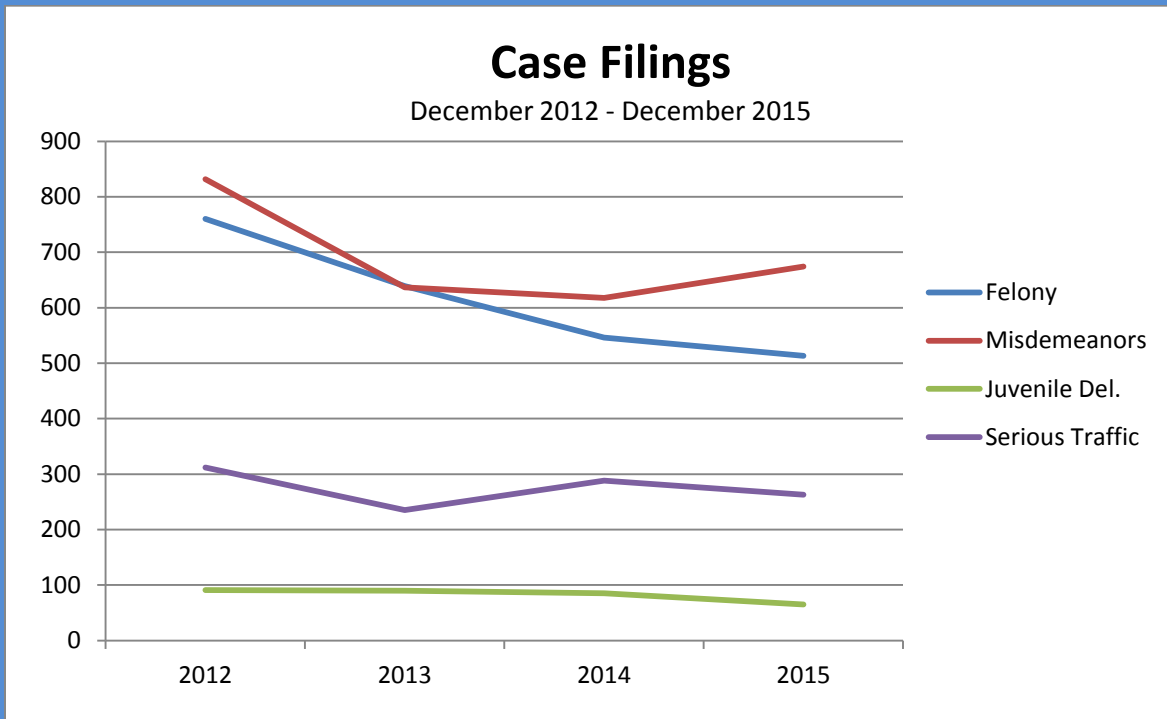
associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Illinois Supreme Court Rules 3.6 or 3.8.

- a. Any statement by our office indicating that a person has been charged with a crime must include a statement that *the charge is merely an accusation and that the defendant is presumed innocent unless proven guilty.*

### Case Filing Trends

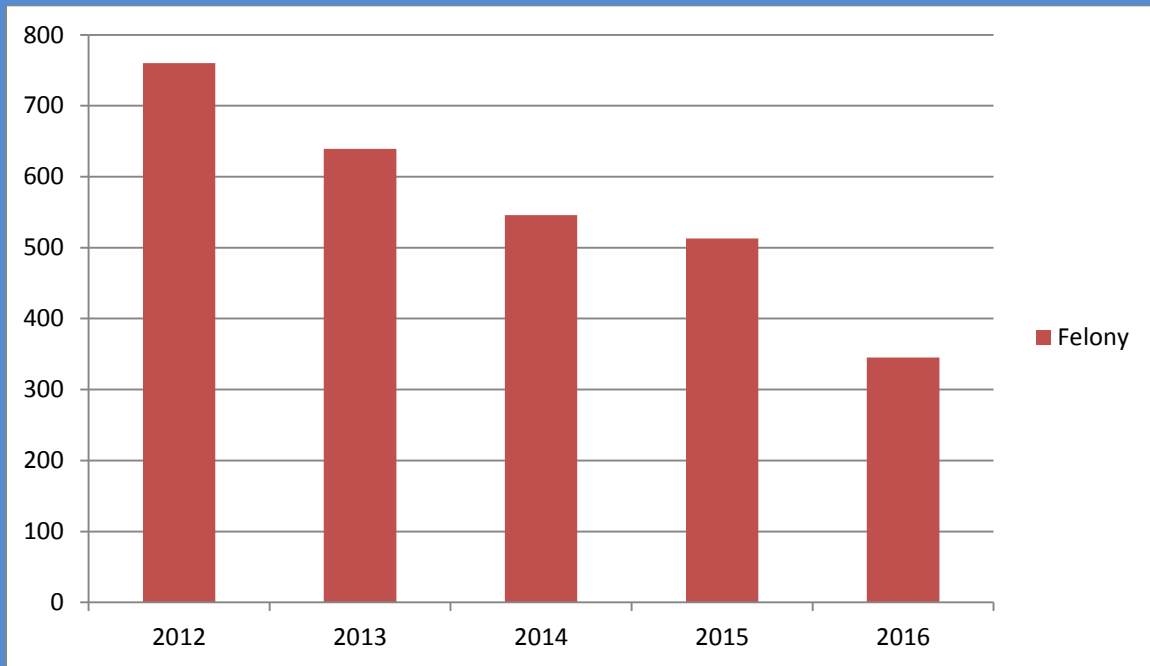
Felony and Misdemeanor case filings have declined overall since 2012. Juvenile delinquency filings, traffic and serious traffic cases have remained relatively the same over the same period. The filings as of July 31, 2016, are listed below:

Year	Felony	Misdemeanors	Juvenile Del.	Serious Traffic	Traffic
2012	760	832	91	312	9079
2013	639	637	90	235	9015
2014	546	618	85	288	9054
2015	513	674	65	263	7192
2016 Cases	345	404	73	163	4384

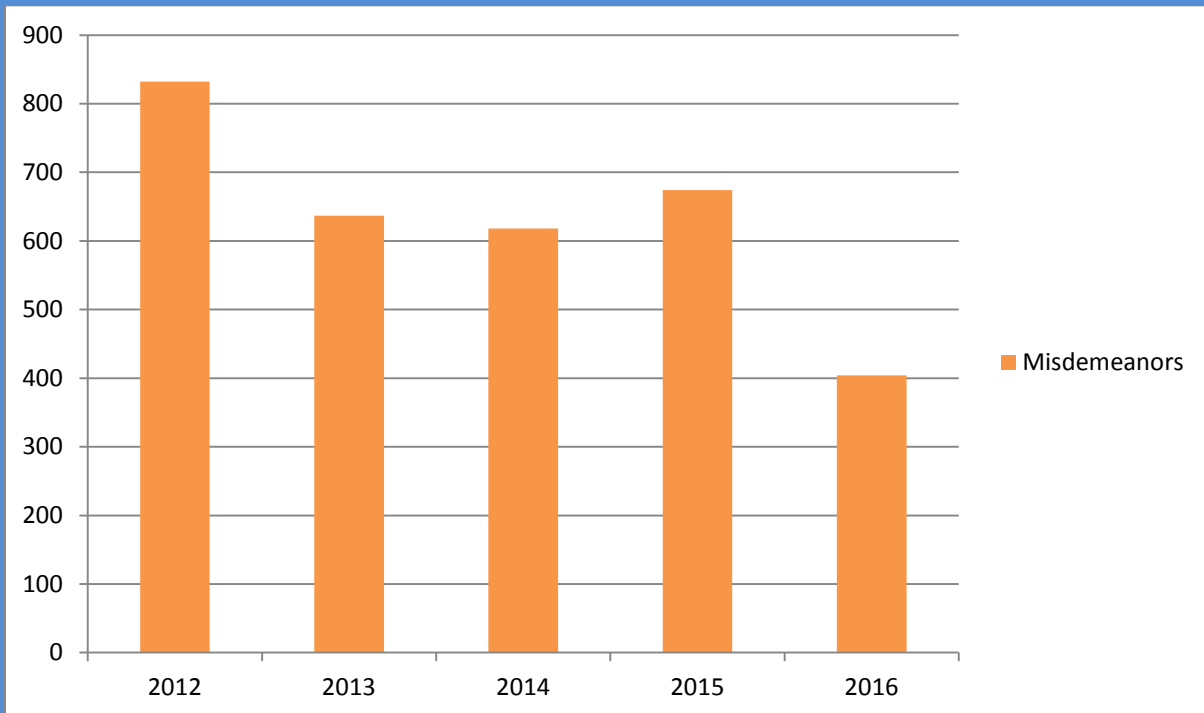


## Breakdown of Case Filings

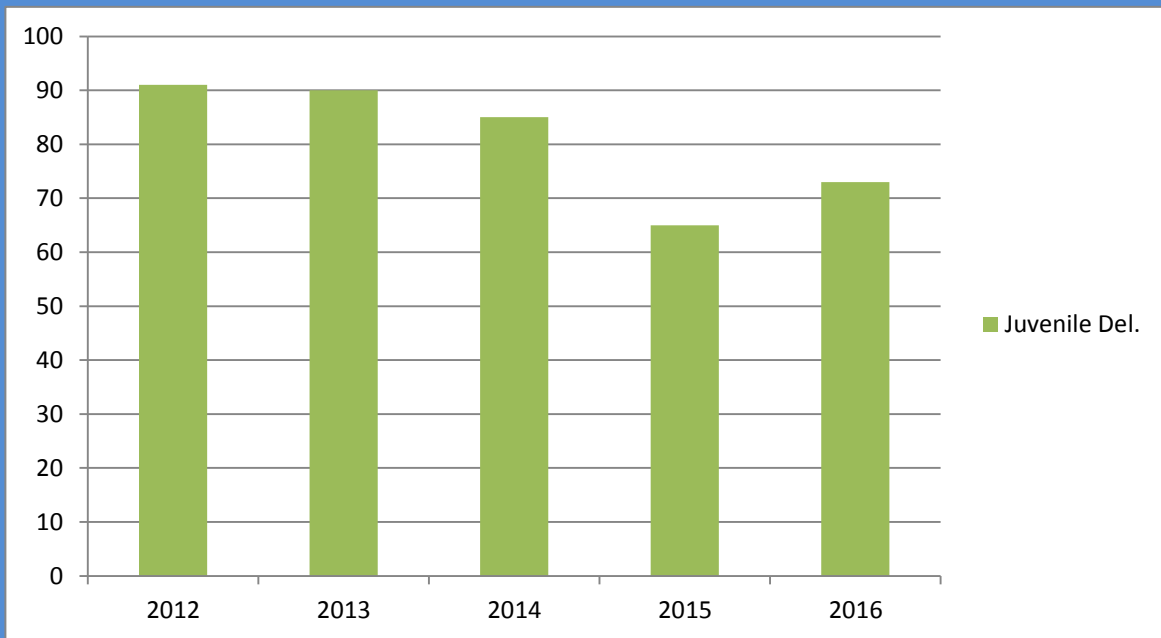
### FELONY CASES:



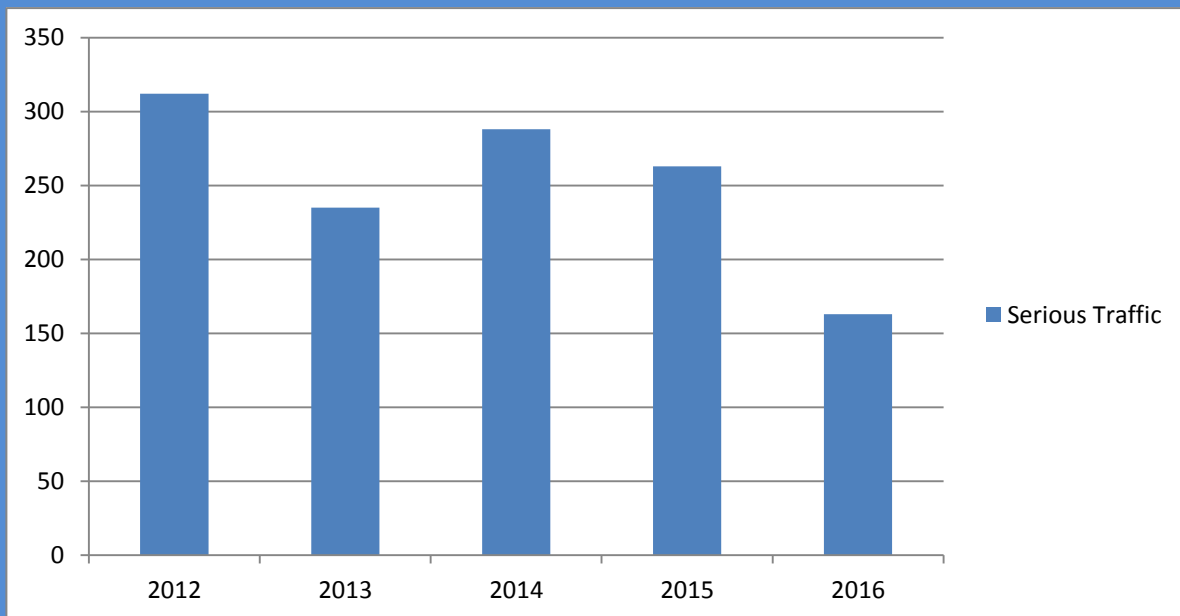
### MISDEMEANORS:



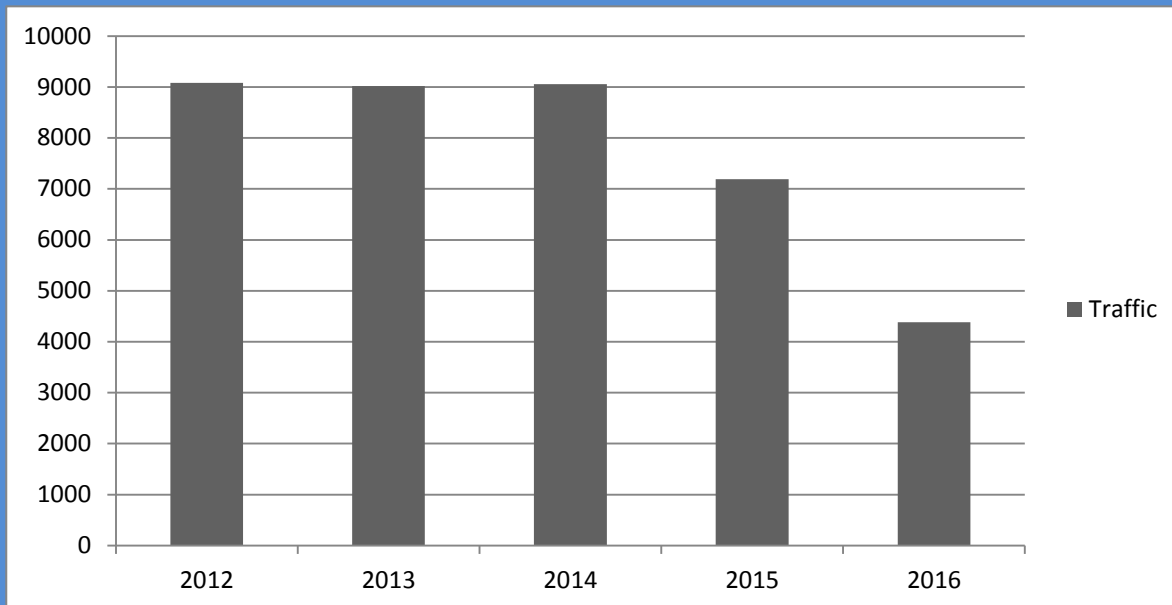
**JUVENILE DELINQUENCY:** These cases reflect criminal charges which were filed against juveniles. The number of cases filed since 2012 has remained relatively constant.



**SERIOUS TRAFFIC OFFENSES:** These are the most serious traffic offenses and include Aggravated DUI, DUI, Driving While Revoked, Leaving the Scene of an Accident and Fleeing. The number of cases has remained close to the same for three years.



TRAFFIC OFFENSES: These are the least serious traffic cases and include petty offenses and business offenses such as speeding, no insurance, too fast for conditions and traffic sign violations. The volume alone is staggering for one assistant to handle so the more serious offenses are being handled by an additional ASA. Each of these cases represents potentially one to three or more appearances in court before the case is completed. The numbers have remained relatively constant with the exception of this year.



## PRISON SENTENCING

The state legislature has determined that the most serious offenses committed by offenders against the public justify mandatory minimum sentences. These offenses include among others: Murder, Armed Robbery, Sexual Assaults, Home Invasions, Kidnapping, and Home Burglaries. When we believe that such an offense can be proved, our office will file and not reduce that charge or negotiate it in a way that would cause the sentence to be below the minimum sentence called for by the legislature.

In addition to mandatory minimum sentences, our office has also focused on offenders who have recently been released from prison. According to research released by the Bureau of Justice Statistics, about two-thirds (67.8%) of released prisoners were arrested for a new crime within 3 years, and three-quarters (76.6%) were arrested within 5 years.<sup>1</sup> So, we have focused on those charges committed by offenders who have already been convicted before.

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<sup>1</sup> Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010, Alexia D. Cooper, Ph.D., Matthew R. Durose, Howard N. Snyder, Ph.D., April 22, 2014 NCJ 244205, <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

Our office does not impose sentences but does have the ability to influence sentences through recommendations to the court and by not dismissing or reducing serious charges which carry mandatory sentences.

- **Between December 1, 2012, and July 31, 2016, 60 violent offenders have received prison sentences of over 10 years (125, 120, 80, 75, 74, 40, 40, 30, 30, 27, 26, 26, 25(x4), 22, 21, 20(x4), 18, 18, 15(x3), 14, 14, 13, 12(x6) and 10(x24).**
- **67 violent offenders received sentences of between 5-10 years.**
- **93 violent offenders were sentenced to one to five year terms of imprisonment.**

Below is a list of people who, through their own decisions and actions, caused themselves to be removed from Jackson County for violent offenses or for felon in possession of weapons offenses since December 1, 2012:

<b>IDOC Sentencing of Violent Crime Cases December 2012 to July 2016</b>		
<b>Case Number/ Name</b>	<b>Charge</b>	<b>Total Year Sentenced</b>
2015-CF-73 Godfrey, Terrance	Criminal Sexual Assault x3 Aggravated Battery Attempt Disarm PC Officer Escape	125
2013-CF-113 Arbuckle, Kely Y.	Murder/Intent to Kill Aggravated Discharge Firearm Conspiracy to Deliver Delivery of Cannabis	120
2012-CF-255 Rudder, Jarrod W.	Murder	80
2014-CF-261 Pleasant, Robert	Predatory Criminal Sexual Assault	75
2014-CF-94 Sutton, Marquis	Home Invasion/Cause Injury Robbery	74
2014-CF-94 Nelson, Richard L.	Home Invasion/Cause Injury Robbery	40
2012-CF-712 Wells, Brenden J.	Aggravated Battery	40
2014-CF-491 Starett, Anthony	Predatory Criminal Sexual Assault	30

2014-CF-440 Beal, Bryan	Child Pornography	30
2014-CF-94 Mix, Ariel D.	Home Invasion/Cause Injury Robbery	27
2014-CF-546 Hale, Jordan	Armed Robbery	26
2014-CF-531 Steele, Marshawn	Armed Robbery	26
2014-CF-522 Sanford, Melvin	Home Invasion	25
2012-CF-329 Cooper, Maurice	Aggravated Battery	25
2012-CF-542 Collins, Ian T.	Home Invasion/Armed	25
2014-CF-34 Tinsley, Omari	Aggravated Battery w/Firearm	25
2013-CF-590 Barnes, Dontriel J.	Armed Robbery	22
2015-CF-224 Harris, Christopher	Armed Robbery	21
2013-CF-602 Etherton, Randy	Residential Burglary	20
2013-CF-154 Graham, Gregory T.	Burglary	20
2013-CF-467 Keene, Charles O.	Residential Burglary	20
2015-CF-38 McLendon, Christian M.	Home Invasion	20
2015-CF-76 Reiman, Richard	Home Invasion Aggravated Unlawful Restraint	18
2012-CF-347 Westmoreland, Jeremy	Armed Robbery	18
2014-CF-456 Westberry, Christopher	Robbery	15
2014-CF-455 Westberry, Christopher	Robbery	15
2014-CF-369 Kelley, Ronald E. Jr.	Attempted Burglary Burglary	15
2015-CF-360 Noble, Kristopher	Burglary	14



2013-CF-586 Gaston, Willie	Aggravated Criminal Sexual Abuse	14
2013-CF-183 Scales, Shamar	Criminal Sexual Assault	13
2015-CF-127 Brearley, Justin	Aggravated Arson	12
2012-CF-1 Maurice Harper	Unlawful Possession of a Controlled Substance	12
2012-CF-423 Johns, Bryan L.	Residential Burglary	12
2014-CF-46 White, David E.	Financial Institution Robbery	12
2014-CF-262 Pleasant, Bethany R.	Criminal Sexual Assault	12
2014-CF-271 Patterson, Charleton	Robbery	12
2016-CF-166 Delmore, Robert	Aggravated Battery to Peace Officer Threatening Public Official Aggravated DUI	10 years and 6 months
2016-CF-106 Branch, Victor	Burglary	10
2015-CF-330 Hinkle, Douglas	Aggravated Criminal Sexual Assault	10
2015-CF-495 Peterman, Garrett	Residential Burglary Stalking	10
2009-CF-86 Lacy, Elijah	Home Invasion	10
2015-CF-295 Christian, Bryson	Unlawful Manufacture/Delivery of a Controlled Substance	10
2015-CF-179 Branch, Vincent	Residential Burglary	10
2013-CF-617 Solebo, Ameen	Residential Burglary	10
2014-CF-28 Smith, Drake	Armed Robbery	10
2012-CF-623 Brown, Michael L.	Felon Possession/Use of Firearm	10
2012-CF-352 Finney, Billy J.	Felon Possession/Use of Weapon	10
2013-CF-339 Murray, Jermaine	Armed Robbery	10

2013-CF-339 Crispin, Cody	Armed Robbery	10
2013-CF-273 Blair, Robert L.	Robbery	10
2013-CF-232 Campbell, Donnelle	Aggravated Battery	10
2014-CF-28 Santos, Marlon Abel	Armed Robbery	10
2014-CF-10 Bowman, Irving J.	Felon in Possession/Use of Firearm	10
2014-CF-235 Bowman, Irving J.	Residential Burglary	10
2014-CF-236 Bowman, Irving J.	Residential Burglary	10
2014-CF-499 Godfrey, Terrance	Residential Burglary	10
2015-CF-119 Lies, Mark O.	Burglary	10
2015-CF-61 Williams, Jerry L.	Aggravated Criminal Sexual Abuse	10
2015-CF-68 Lies, Mark O.	Burglary	10
2015-CF-201 Campbell, Donnelle	Felon in Possession/Use of Firearm	10
2015-CF-276 Snooks, Anthony	Residential Burglary	9
2013-CF-419 Nolan, Ronald	Aggravated Criminal Sexual Abuse Aggravated Battery	9
2015-CF-205 Mix, Matthew D.	Criminal Sexual Assault	9
2012-CF-670 Joplin, Jamarea	Armed Robbery with Firearm	9
2014-CF-212 Cohen, Stanley	Armed Robbery	9
2015-CF-51 Davis, Deandrelin D.	Residential Burglary	9
2013-CF-116 Travis, Jamelle E.	Residential Burglary	8 years and 4 months
2016-CF-74 Stephanidis, Michael	Aggravated DUI	8

2015-CF-360 Noble, William	Burglary	8
2015-CF-5 Johnson, Clifton	Unlawful Possession of a Controlled Substance	8
2015-CF-357 Bigelow, Dylan	Residential Burglary	8
2013-CF-148 Davis, Adrian Monroe	Aggravated Discharge Firearm	8
2013-CF-109 Moutria, Robert J.	Burglary	8
2013-CF-139 Anderson, Michael L.	Burglary	8
2013-CF-320 Burke, James M.	Burglary	8
2014-CF-22 Beck, Kojo A.	Aggravated Robbery	8
2015-CF-95 McCollum, Raymond	Aggravated Robbery	8
2012-CF-115 Swope, Charles	Residential Burglary	8
2015-CF-294 Gill, Antonio	Unlawful Delivery of a Controlled Substance	7
2015-CF-197 Jacquot, Robert	Criminal Sexual Assault	7
2012-CF-249 Welch, Dewayne	Aggravated Criminal Sexual Abuse	7
2012-CF-629 2012-CF-630 Brown, Deangelo	Robbery	7
2012-CF-629 Bratcher, Dionta	Robbery	7
2013-CF-486 Kleinhans, Brian E.	Aggravated Domestic Battery	7
2013-CF-447 Boler, Brian William	Aggravated Robbery	7
2013-CF-504 Williams, Jerry L.	Aggravated Criminal Sexual Abuse	7
2014-CF-512 Harris, Adrian	Robbery	7
2014-CF-513 Harris, Adrian	Robbery	7

2014-CF-454 Hall, Jermaine L.	Aggravated Battery/Police Officer	7
2011-CF-287 Trapper, Michael	Aggravated Criminal Sexual Abuse	7
2014-CF-46 Whitehead, Jonathon	Financial Institution Robbery	6 years and 6 months
2016-CF-92 Ortiz, Ada	Bringing Contraband into a Penal Institution	6
2014-CF-366 Gordon, Armanda	Criminal Sexual Assault	6
2015-CF-288 Jackson, Myron	Armed Robbery	6
2012-CF-172 Stout, Jamie L.	Residential Burglary	6
2012-CF-581 Launius, Eric D.	Aggravated Battery	6
2013-CF-352 Chapman, Chance C.	Burglary	6
2013-CF-329 Johnson, Daniel	Residential Burglary	6
2013-CF-340 Crispin, Cody	Robbery	6
2013-CF-340 Murray, Jermaine	Robbery	6
2014-CF-349 Clemons, Armond	Aggravated Robbery	6
2014-CF-543 Eagan, Dustin	Burglary	6
2015-CF-85 Lewis, Joshua O.	Armed Robbery	6
2015-CF-87 Lewis, Joshua O.	Armed Robbery	6
2015-CF-183 Simon, Clifton	Domestic Battery	6
2016-CF-37 Smith, Dontae	Attempted Armed Robbery	5
2015-CF-71 Ekoi, Munang	Unlawful Use of Weapon by Felon	5
2016-CF-65 Moultrie, Stephen	Unlawful Use of Weapon by Felon	5

2015-CF-357 Harris, Jarrid	Residential Burglary	5
2015-CF-288 Blaisdell, Crystal	Aggravated Battery	5
2009-CF-295 Bastien, Amanda	Child Pornography	5
2012-CF-217 Pearson, Donovan M.	Aggravated Battery	5
2012-CF-646 Bratcher, Dionta	Aggravated Battery	5
2012-CF-470 Watts, Anthony J.	Domestic Battery	5
2012-CF-477 Kubitz, Dexter S.	Burglary	5
2012-CF-510 Smith, James L.	Burglary	5
2012-CF-321 Cobin, Samuel C.	Felon in Possession of Weapon	5
2012-CF-380 Miller, Montez A.	Residential Burglary	5
2012-CF-693 Jackson, Myron R.	Residential Burglary	5
2012-CF-529 Clover, Blake A.	Burglary	5
2013-CF-379 Wright, Benjamin	Aggravated Domestic Battery	5
2013-CF-109 Bastien, Kenneth D. R.	Burglary	5
2013-CF-464 Brown, Claude H.	Burglary	5
2013-CF-316 Davis, Dewayne	Felon in Possession/Use of Weapon	5
2014-CF-500 Moutria, Dylan J.	Burglary	5
2013-CF-5 Giron-Guzman, Marcos	Criminal Sexual Assault	5
2015-CF-307 Moore, Diovionne	Burglary Possession of Stolen Motor Vehicle	5
2014-CF-487 Loyd, Seth	Aggravated DUI	4 years and 7 months

2016-CF-45 Ortiz, Ada	Unlawful Possession of a Controlled Substance	4
2016-CF-16 Peak, Justin	Burglary	4
2016-CF-13 Gonzalez, Jonathan	Conspiracy to Commit Identity Theft Possession of Counterfeit Debit Card	4
2015-CF-512 Brandon, Richardo	Aggravated DUI	4
2015-CF-390 Peak, Justin	Burglary	4
2015-CF-370 Holmes, Dayshawn	Burglary	4
2015-CF-271 Gibbs, Nanshon	Burglary	4
2015-CF-243 Wilmington, Dwight	Residential Burglary	4
2015-CF-243 Lewis, Branden	Residential Burglary	4
2015-CF-364 Whittington, Donald	Failure to Register as Sex Offender	4
2015-CF-379 Plasters, Jason	Intimidation	4
2014-CF-427 2014-CF-381 Ross, Alexis	Aggravated Battery	4
2015-CF-213 Hinson, Robert H.	Failure to Register as Sex Offender	4
2012-CF-23 Valliant, Jeremy	Aggravated Criminal Sexual Abuse	4
2012-CF-729 Bell, Darius M.	Residential Burglary	4
2012-CF-729 Tabb, Martin E.	Residential Burglary	4
2012-CF-729 Townsel, David L. Jr.	Residential Burglary	4
2012-CF-380 Miller, Charvell K.	Residential Burglary	4
2012-CF-549 Koger, Albert L. IV	Residential Burglary	4
2012-CF-549 McLachlan, Jamal J.	Residential Burglary	4

2013-CF-516 Nolan, Ronald W.	Aggravated Battery	4
2013-CF-391 Shaw, Sidney	Aggravated Robbery	4
2013-CF-304 Fajardo, Kevin	Burglary	4
2013-CF-443 Mayo, Kintae E.	Burglary	4
2014-CF-318 Coleman, Calvin	Aggravated Battery Threatening Public Official	4
2014-CF-400 Johnson, Tony	Aggravated Battery	4
2014-CF-22 Miller, Eric L. C.	Aggravated Robbery	4
2014-CF-31 Gentry, Jo Lynn	Armed Robbery/ Use of Firearm	4
2014-CF-406 Garner, Danny S.	Felon in Possession/Use of Firearm	4
2014-CF-242 Childress, Iesha	Attempted Arson	3 years and 6 months
2012-CF-561 Nichols, Christopher L.	Felon in Possession/Use of Firearm	3 years and 6 months
2012-CF-712 Wells, Brenden J.	Aggravated Battery	3 years and 4 months
2016-CF-193 Parson, Nicholas	Burglary	3
2016-CF-136 Benson, Matthew	Unlawful Use of Weapon by Felon	3
2016-CF-84 Smith, William	Possession of a Stolen Motor Vehicle	3
2016-CF-30 Langley, Jacob	Aggravated Battery of a Child	3
2016-CF-32 Bastien, Christopher	Retail Theft	3
2015-CF-358 Wilson, Ashley	Escape of Felon from Penal Institution	3
2015-CF-226 Muhammad, Ibrahim	Unlawful Manufacture/Delivery of a Controlled Substance	3
2015-CF-121 Gray, Joshua	Threatening a Public Official	3

2014-CF-439 Stephens, Joshua	Unlawful Possession of Methamphetamine Manufacturing Materials	3
2013-CF-115 Salazar, Raymond	Burglary	3
2012-CF-550 Rogers, Timothy	Failure to Register as Sex Offender	3
2013-CF-127 Cripps, Aaron	Aggravated Criminal Sexual Abuse	3
2012-CF-315 Johnson, Otis	Domestic Battery	3
2012-CF-434 Hamilton, Ralph D.	Aggravated Battery	3
2012-CF-201 Valliant Ellis, Ijereon M.	Burglary Possession of Stolen Motor Vehicle	3
2012-CF-573 Bulliner, Shaquille D.	Burglary	3
2012-CF-588 Reed, Billy J.	Burglary	3
2012-CF-580 Bulliner, Shaquille D.	Burglary	3
2012-CF-530 Jones, Derrick L.	Felon in Possession/Use of Firearm	3
2013-CF-83 Hooks, Brian A.	Aggravated Battery	3
2013-CF-84 Huiras, Nicole R.	Aggravated Battery	3
2013-CF-468 Joiner, Joseph D.	Aggravated Battery	3
2013-CF-293 Morehouse, Cameron L.	Aggravated Unlawful Use of Weapon	3
2013-CF-112 Ross, Danya M.	Aggravated Battery	3
2013-CF-221 Fisher, Kaleb D.	Burglary	3
2013-CF-21 Posey, Kaelan	Attempted Residential Burglary	3
2014-CF-15 Buster, Daniel L.	Aggravated Battery	3
2014-CF-78 Johnson, Tony	Aggravated Battery	3



2014-CF-91 Marks, David J.	Aggravated Domestic Battery	3
2015-CF-210 Myers, Quovadis D.	Robbery	3
2015-CF-293 Kyles, John W.	Felon in Possession/Use of Firearm	3
2012-CF-6 Higgins, Alphonzo	Aggravated Battery	3
2012-CF-710 Parnell, Casey M.	Involuntary Manslaughter	3
2012-CF-174 Griffin, Michael	Burglary	3
2016-CF-248 Stephanidis, Michael	Aggravated Driving While License Revoked	2
2016-CF-187 Archer, Jermaine	Unlawful Possession of a Controlled Substance	2
2016-CF-68 Oaks, Bacaree	Unlawful Use of Weapon by Felon	2
2016-CF-69 Anderson, Mack	Criminal Damage to Property	2
2016-CF-42 Wooley, Michael	Unlawful Use of Weapon by Felon	2
2015-CF-1 Webb, Nicholas	Unlawful Use of Weapon by Felon	2
2015-CF-131 Runion, Brian	Driving While License Revoked	2
2015-CF-23 Hale, Jeffery	Unlawful Possession of Methamphetamine	2
2015-CF-404 Anders, Marcus	Unlawful Use of Weapon by Felon	2
2015-CF-416 Rayford, Antone	Aggravated Unlawful Use of Weapon by Felon	2
2015-CF-349 Butcher, Keith	Unlawful Possession of Weapon by a Felon	2
2013-CF-111 Smith, Destany L. C.	Aggravated Battery Mob Action	2
2014-CF-431 Johnson, Michael	Unlawful Restraint	2
2012-CF-68 Higgins, Eunice A.	Aggravated Battery	2

2013-CF-296 Wright, Benjamin R.	Aggravated Battery	2
2013-CF-423 Bryant, Aviance E.	Aggravated Battery	2
2013-CF-336 Sanders, Ronald E.	Reckless Discharge of a Firearm	2
2013-CF-98 Carter, Chad A.	Felon in Possession/Use of Firearm	2
2013-CF-291 Tulloch, Demetrius X.	Felon in Possession/Use of Weapon	2
2014-CF-399 Melton, Robert	Mob Action	2
2014-CF-129 Johnson, Tony A.	Resisting a Police Officer	2
2014-CF-199 Spencer, Daniel A.	DUI Bodily Harm	2
2013-CF-151 Chism, Jeffrey	Failure to Register as Sex Offender	2
2013-CF-153 Perisee, Marcus	Failure to Register as Sex Offender	2
2016-CF-137 Benson, Matthew	Driving While License Revoked	1
2013-CF-490 Shanklin, Manuel C.	Aggravated Unlawful Use of Weapon	1

### **Nonfatal Domestic Violence**

Domestic violence cases, by nature, continue to present challenges to the resources of police departments, the courts, our office and the county jail. By statute, police officers in Illinois are required to provide assistance to a victim of domestic violence whenever there is “reason to believe that a person has been abused by a family or household member and to use all reasonable means to prevent further abuse. . . .” 725 ILCS 5/112A-30. In most instances, law enforcement has interpreted this statute to mean that an arrest is mandatory, despite the fact that other alternatives listed in the statute are available. As a result, although there may be reasonable cause to make an arrest, in many instances there is insufficient evidence to support charges or convictions and the person who has been arrested must be released. This practice has led to a large number of arrests which cannot be sustained because they inevitably end up pitting one party’s word against the other’s without sufficient corroboration to support either version beyond a reasonable doubt.

<b>Totals</b>	
<i>December 2012- July 2016</i>	
<b>Domestic Battery</b>	
<b>Convictions</b>	242
<b>Declinations</b>	837
<b>Dismissals</b>	693
<b>Acquittals</b>	7
<b>TOTAL:</b>	<b>1779</b>

On some occasions, officers have become frustrated at the inability to determine who the perpetrator was and have arrested both parties involved in the domestic violence incident. This practice has been condemned by domestic violence professionals and state’s attorneys throughout Illinois because of the inability to obtain testimony from witnesses who are both charged defendants in the same incident. From a safety perspective, a victim who has been arrested after calling for help in a domestic violence incident will be less likely to report future acts of violence against her if she believed that it will result in her arrest. Since we know that in most instances the victim is a woman, and that this type of offense will happen again, an officer’s decision to arrest both parties is seldom a good idea.

Our office, in conjunction with a clinical professor from SIU School of Law who has specialized in Domestic Violence Victim Advocacy, has recently embarked on a program designed to provide law enforcement with training in this area and we plan to continue to do so. It is the policy of this office to support lawful arrests by law enforcement but assistants have been instructed not to file a criminal case in circumstances where the evidence does not support a charge or conviction or in instances where the victim has requested that no charges be filed. Our victim witness advocate has been trained in advising and assisting victims with orders of protection as an alternative to prosecutions.

### Case Filing Trends

The number of misdemeanor Domestic Violence cases filed has declined since 2012.<sup>1</sup>

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<sup>1</sup> See “Special Report” *Nonfatal Domestic Violence, 2003-2012*, Jennifer L. Truman, Ph.D., and Rachel E. Morgan, Ph.D., BJS Statisticians, U.S. D.O.J., Office of Justice Programs, *Bureau of Justice Statistics*, for national trends. <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>

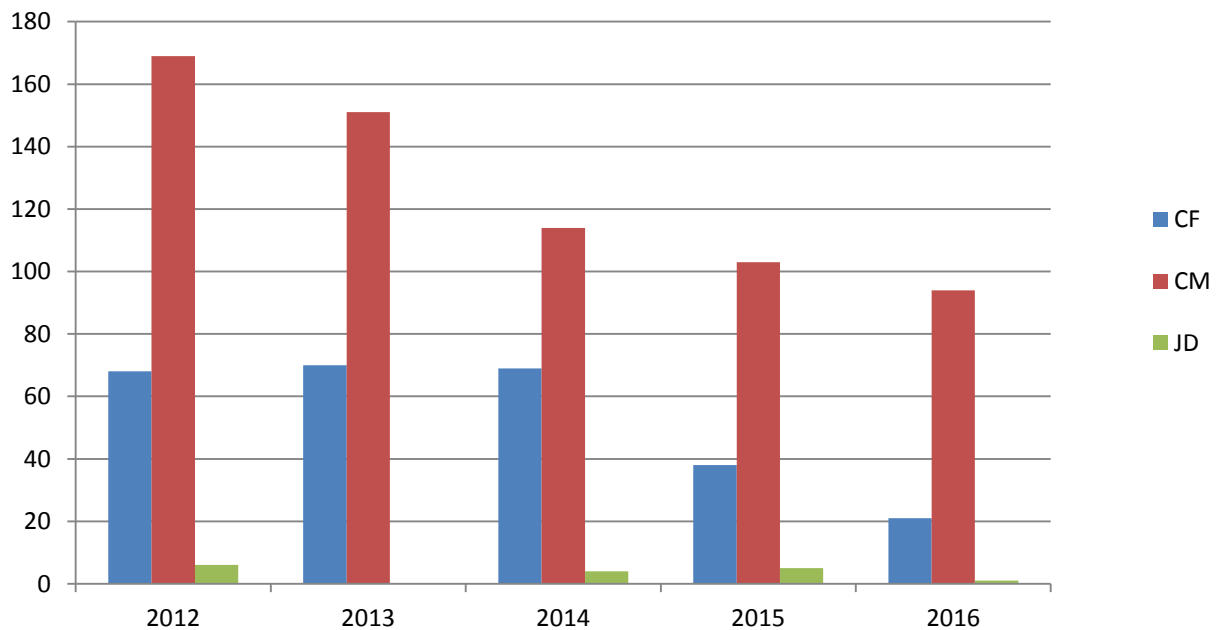
## Domestic Violence

Convictions, Dismissals, and Acquittals divided in groups by Felonies (CF), Misdemeanors (CM), and Juvenile Delinquent (JD). Any cases pending are not included in this chart.

<i>Year</i>	<b>CF</b>	<b>CM</b>	<b>JD</b>	<b>TOTAL</b>
<i>2012</i>	68	169	6	243
<i>2013</i>	70	151	0	221
<i>2014</i>	69	114	4	187
<i>2015</i>	38	103	5	146
<i>2016</i>	21	94	1	116
<b>TOTAL</b>	266	631	16	

\*Some cases included in this chart were filed before December 2012, but decided after December 2012.

### Domestic Violence Filed Cases



## Dismissals and Declinations of Domestic Violence Prosecutions

The overwhelming majority of the cases submitted to our office in this category involve minor or no injuries at all and are declined (before filing) or dismissed (after filing) at the victim's request or because the offense cannot be proven beyond a reasonable doubt. Many declinations involve reports submitted by officers who have not made an arrest because the officer cannot make a determination about who the aggressor was. Of the 1779 cases submitted to our office by police agencies for review since December 2012, 837 have been declined before filing and 693 cases have been dismissed after filing. Of those which have been filed in court, 242 have resulted in convictions and only 7 have resulted in acquittals. Dismissals of cases after arrests have declined steadily since 2012.

### DISMISSALS

2012 (December only)	188
2013	163
2014	126
2015	119
2016 (as of July)	97

The numbers of Domestic Violence cases which were declined are set out below by year. Declinations were not tracked by number prior to December 2012. For the last month of December 2012, they were tracked and there were 24 declinations. It appears that over the next three years that the numbers have declined:

### DECLINATIONS

2012 (December only)	24
2013	210
2014	304
2015	156
2016 (as of July)	143

## Domestic Battery Program

The Carbondale Police Department has developed a volunteer program to deal with minor, first time domestic violence offenders. Our office has agreed to recommend first time offenders, where the injury is minor and with the consent of the victim, to participate in the program with the understanding that no charges will be filed upon successful completion of the program. The Deluth Model is being used by the Carbondale Police Department.