



Cook County State's Attorney 2020 Election Guide

**Candidate:
Bill Conway**



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Questions

Please answer the following questions in 400 words or less.

1. There has long been talk of eliminating or revamping the Felony Review Unit. Should the CCSAO maintain the Felony Review Unit? If you would eliminate, please explain why. If you would maintain a Felony Review Unit at the CCSAO, describe how you would structure the Unit to: (a) encourage, rather than shut down, thorough police investigations when survivors have requested such investigations; (b) ensure that perpetrators of gender-based violence are charged with offenses that reflect the severity of their violence; (c) ensure the process is sensitive to the needs of victims and witnesses participating in the investigation?

The felony review unit serves a vital purpose in making sure there is enough evidence before individuals are charged with a felony. However, felony review is operating years behind, is cumbersome for law enforcement, and burdensome on victims.

As an initial matter, Preliminary Hearing ASAs can use the Grand Jury to subpoena documents, and if probable cause is found, the defendant can be held to stand trial. We should make offers on all cases at the preliminary hearing level, recognizing the SAO has not yet had to expend many resources on the case, keeping cases out of the State Police laboratories to reduce backlog, and bringing justice to victims more swiftly.

On violent felonies, we should use felony review, but move all ASAs to 26th Street and suburban district courthouses. Law enforcement works up their case, takes video statements, and then police bring their case or remotely submit for felony review. If police have not made an arrest yet, the case can still fully be reviewed for an arrest warrant or direct indictment. This will prevent victims and witnesses from telling their accounts over and over again and would likely allow for one ASA to handle a case from start to finish.

On violent felonies, we should make offers prior to indictment that reflect the amount of resources saved at that point if the defendant will plead guilty. Pleas can be taken in Branch 66 or can be transferred to a courtroom judge so they can follow any probations. The presiding judge may establish a special call for these pleas, which would reduce the caseload and backlog in criminal trial courtrooms. Cases would go to trial more quickly which reduces the time defendants sit in Cook County Jail, victim and witness accounts are more fresh in their minds, and it brings justice more swiftly.

The key to holding perpetrators of gender-based violence accountable with accurate charges is allowing the dedicated ASAs in SADV to handle those cases. We must ensure that ASAs in SADV are there because they want to be there to handle the felony review of all gender-based and intimate partner domestic violence. With proper staffing, felony

domestic violence cases could be felony reviewed at the domestic violence courthouse, which would allow victims to receive a multitude of services, including the advocates and detectives.

2. The Illinois Criminal Code has established certain crimes as "domestic" based on the relationship between the offender and victim and therefore subject to more stringent penalties. It is currently a concern of advocates that ASAs utilize discretion to reduce charges and plead down charges in a significant number of domestic violence cases, and often do so without consulting victims. What will you do as State's Attorney to ensure domestic violence cases are prosecuted as charged? What are your intentions regarding deferment or diversion for domestic violence cases?

The current administration allows ASAs to reduce charges on domestic violence related crimes without talking to a supervisor. At the misdemeanor level, ASAs are often only 2-3 years out of law school, do not have much trial experience, and are in no position to determine if a domestic violence case should be reduced to a non-domestic violence related offense without the input of more seasoned attorneys. At the very least I would require ASAs to get supervisor approval before reducing charges on a domestic violence case.

The other side of this is shown by two victims, Amy Pudlo and "Gina," in the below article who bravely came forward to report continued domestic violence by their boyfriend only to have one of the cases dismissed and another reduced to simple battery. The perpetrator in that case, James Mather, was subsequently found with an arsenal of illegal guns. For these reasons Amy and "Gina" are both supporters of our campaign.

<https://blockclubchicago.org/2019/10/11/man-caught-by-cops-with-arsenal-of-weapons-also-battered-his-exes-they-say-but-states-attorney-gave-him-a-misdemeanor-plea-deal/>

3. What protocol would you establish to ensure that victims of domestic violence who were acting in self-defense during a violence incident are not charged with a crime by your office?

This is an issue that must be tackled as early as possible in the criminal justice system. The SAO could be a leader in this area by partnering with the largest defense attorney network, the public defender's office. At the misdemeanor level, the ASAs often suspect the offender is actually the true victim based on a number of factors, primarily where the alleged victim has prior allegations of domestic abuse against them. But it takes on average seven instances of abuse before the victim will call the police for the first time, so we are proceeding on far too many cases where the true victim is the charged offender in a misdemeanor domestic violence case.

At the felony level, we most often see survivors of domestic violence charged with the murder of their abuser, in a way that is not reflective of our laws on second degree murder, self-defense and involuntary manslaughter. With proper training, the SAO can be the thought leader nationally on using our discretion in whether to file charges as well as what charges to file while recognizing the role that domestic violence plays in these instances.

The felony review of these cases should be conducted by the SADV ASAs who can call upon their specialized training to ensure victims of domestic violence are not charged as offenders. In misdemeanors, with public defenders being properly trained and acting as our partner in this regard, we can ensure that we are not proceeding on misdemeanor cases where the true victim is the one charged. At the misdemeanor level, this is often just another form of domestic violence used by abusers to further control their victims by using the criminal justice system against the true victim.

4. Under your leadership how do envision the State's Attorney's role in maintaining a relationship with the Chicago Police Department in prioritizing the investigation of domestic violence, sexual assault, and human trafficking? How do you see this role balanced with holding law enforcement accountable for officer- involved domestic violence, human trafficking and/or sexual assault?

First, the SAO must repair its strained relationship with CPD and other law enforcement agencies. Second, the SAO needs to engage the leadership of CPD and all LEAs on domestic violence, sexual assault and human trafficking to the same extent we engage them on gun and murder offenses. Additional multidisciplinary teams need to be established to bring us together, again with the SAO at the lead demonstrating that gender-based violence is equally important as all other crimes. Because gender-based violence often involves violence against women and children, by not including these crimes in the focus areas of reducing crime in our communities, we are sending the message to citizens, offenders and victims that gender-based crime is not as important and can be carried out with impunity.

It is vital to understand that law enforcement officers wield much power and have contact with very vulnerable individuals. As such, there are members of law enforcement that abuse their power and commit crimes of domestic violence, sexual violence and human trafficking themselves. One reason is the nature of the work law enforcement officers do and the toll that takes on them. We must work with our LEAs to bring in trainings and encourage assistance when the work they do leads to violence against those they protect. In the end, we must hold them accountable in the same swift manner we work to hold all offenders accountable. Officer involved gender-based violence cases should be worked up by SADV in the same manner as other offenders and brought to stand charges in the same swift manner.

We know when an offender has access to a gun, the risk of intimate partner homicide increases significantly. We must work with CPD and LEAs to make sure officers involved in gender-based violence offenses have a cooling off period without access to their gun while still remaining in a paid status in most instances.

5. When it comes to prosecuting prostitution-related crimes, 9 of 10 people prosecuted in Cook County are prostituted people while only 1 out of 10 who face any criminal penalties are buyers of sex or traffickers. Does this reflect your beliefs about how to best address commercial sexual exploitation? Please explain.

All instances of prostitution, no matter how many prior convictions, should be seen for the underlying issue at hand. Often times that is untreated mental health, drug addiction, lack of educational resources, or cognitive delays. We should work with not only specialized courts but also with community-based initiatives and programs to provide the help that is needed to change the lives of these individuals outside of jails and even outside of treatment courts.

At the same time, it is equally important to hold those accountable that are preying on these individuals by buying sex or trafficking them. We should help establish laws that make victim impact panels mandatory for those convicted of any such offense, whether on probation or in IDOC. We need to engage more partners in the fight against human trafficking as it is exceedingly difficult to get these victims to come forward. There may be additional laws we can pursue to bring these offenders to justice in ways that do not rely on the victim to testify, as that often precludes a case from being filed. Some options might be financial crimes or criminal enterprises based on banking and monetary records.

6. Data are an important part of the advocacy process that helps the advocacy community to better assess and meet the needs of victims. How will you ensure that the advocacy community has access to comprehensive and understandable data? Specifically, what data will you share to demonstrate the efficacy of various initiatives? How will you track the number of sexual assault cases that are reduced to lesser charges? How will you provide overall data on charging versus final disposition?

The data portals in the SAO are outdated and difficult to use. Right now SADV is understaffed so their cases are split between SADV and the trial division. If all SADV cases were handled by SADV, a database could be established to collect and share the data that is important to the advocacy community, and is important to make sure best practices are being followed. Some of the data points that need to be kept are 1)How many cases are reviewed and charged where the victim is unable to consent to sex based on drugs/alcohol versus based on a mental disability, 2)How many cases are reviewed and charged where English is not the victim's first language, 3)How many cases are reviewed and charged

where the victim self-identifies as LGBTQ or transgender (transgender persons are particularly subjected to forms of gender based violence), 4)How many sex cases are reviewed and approved, 5)How many cases are reviewed and charged involving victims under 13, victims 13-17, victims 18-35, and over 35, 6)How many cases are reviewed and charged where the victim is a person of color, 7)How many of the charged sex cases result in a conviction on a sex offense. The current administration provides the raw data on their website just so they can say they are transparent, but 99% of the public cannot understand that raw data, so in reality there is currently no transparency. Data is important in every field, and we must be willing to share data so the public can understand so they can know if their government is working in the public's best interest.

Currently, an annual report is done that provides information on the nine most commonly charged cases, such as gun cases and retail theft, and this report includes murder, even though murder is not one of the most commonly charged offenses. Murder is included because it is so important to the community. Sex cases should be included in this data release to 1)allow the SAO to be the leader showing sex cases are important to the community, 2)to show victims the SAO takes these cases very seriously to further encourage victims to come forward, and 3)to allow the SAO to be held accountable for the work we do in this arena and to ensure best practices are always being followed.

7. In what ways do you believe the criminal justice system is failing victims of gender-based violence? How will you provide oversight to misdemeanor domestic violence and sexual assault cases that meet standards for felony charges but are charged as misdemeanors? How will you ensure safety of victims that are interacting with the criminal legal system?

The criminal justice system is failing by not filing charges where charges should be filed, reducing charges instead of holding offenders accountable, re-traumatizing victims by making them repeat their account of abuse, and having multiple ASAs handle the prosecution of a case.

SADV training needs to take place for everyone reviewing gender-based violence cases, not just for ASAs. Often ASAs want to approve a case only for their supervisor to give conflicting advice from the SADV training. SADV ASAs are on call and must be called on every sex and intimate partner domestic violence case. SADV ASAs must also consult a SADV Supervisor on any case they want to reject.

The police can charge misdemeanors without SAO approval and sometimes this results in sex cases being charged inappropriately as misdemeanors. I want to make sure our misdemeanor ASAs are well equipped to recognize when cases should be upgraded to felonies where possible.

Also, we can stop the re-traumatization of victims by changing the felony review system so victims don't have to repeat their abuse multiple times. Allow the police to videotape victim and witness statements, and then bring those to one ASA who will review that along with all of the evidence. Sex cases will be vertically prosecuted, allowing victims to work with the same ASA in SADV.

To ensure the safety of victims, we should include advocates and get orders of protections at the earliest stages. We should support and encourage LEAs to contact advocates when victims come into the police station to be interviewed on gender-based violence cases. If felony review rejects a charge, the ASA should call the victims to explain instead of the police.

The SAO should be the leader in setting up a program to allow police to obtain orders of protection for victims through an online system with judges on a 24/7 basis. Victims should not have to worry about missing work or securing childcare to get to the courthouse or wait for normal work hours to get an order of protection, especially when the most dangerous time for a domestic violence victim is when they call the police or attempt to leave.

8. What do you identify as the biggest challenge in prosecuting cases of gender-based violence where the victim wants prosecution? How will you specifically address the challenges in prosecuting reported cases of:

a. Domestic Violence?

The single biggest challenge is keeping victims engaged in the process, and developing ways to get orders of protection would greatly assist victims. Requiring all reducers to go through SADV supervisors will help keep victims engaged by ensuring a senior level staffer is reviewing their case and providing all possible assistance. The Target Abuser Call program needs to get back to the program it was four years ago. The TAC program was one of the first multi-disciplinary domestic violence programs in the country showing that when agencies work together, victims are engaged, are provided wrap-around services, and are safer. We need to bring TAC back to what it was and expand it.

b. Sexual Assault?

The single biggest challenge in sexual assault cases is the criminal justice system not believing the victims. This starts with the police officer who takes the police report, the medical staff in the hospital who take care of the victim, the detective who investigates the case, the felony review ASA who reviews the case for charges, the prosecuting ASA, and ultimately the judge or jury. The SAO needs to be the leader and show that we start by believing victims and we prosecute whenever possible. We need to routinely use experts in trials to explain victim behavior because judges and juries need more education in this regard. We expect to see the

same type of evidence in acquaintance cases which make up 85% of cases that we see in stranger-danger cases, which make up 15% of cases, and that is not realistic and it means the vast majority of sex crimes victims are not getting justice.

c. **Human Trafficking?**

The single biggest challenge in human trafficking cases is finding a way to engage with victims to end the abuse they are enduring. These victims are often pumped full of drugs such that they cannot see the abuse they are in, and these victims often left abusive environments in the first place so they don't see any options better than the environment they are in. We need to work more with advocates to engage with and assist victims. And as a last resort, we can't shy away from charging the abusers as Financial Crimes perpetrators if needed.

9. We want to hear more about your priorities as they relate to violence against women and girls.

a. **Will you have a Policy Director focused exclusively on these issues? If not, why not? If yes, what do you see as the first three priorities they will work on?**

I will commit to having a seasoned policy director to work on gender-based violence who understands the myriad of complex issues faced by these victims and the advocates who work tirelessly to assist them. The SAO should be the leader of the gender-based violence community and not removed from them. The first policy initiatives should be changing felony review to allow for one ASA to review the SADV cases from start to finish, getting orders of protection for SADV victims at the earliest point possible, and getting guns out of domestic violence offenders' hands.

b. **What will your legislative priorities be? Will you commit to actively collaborating with the GBV community on priority issues?**

We need a law that says a person cannot consent to sex during a licensed exam. Currently, we can only proceed on a force-based argument for sex crimes committed by doctors, dentists, and massage therapists. By changing the law, we can proceed on these crimes for what they are, the victim/patient/client is not able to consent during such an exam.

We should also change the sex offender registration laws, which often result in sex cases being pled down. We need a system that allows defendants to be placed into risk levels that can be changed over time as treatment is sought. As risk changes, so can the levels of restrictions. This would take the sex offender registration out of the plea negotiations in sex cases and result in offenders getting the help they need, victims getting justice, and our communities being kept safer.

I would also advocate changing gun laws to allow for higher penalties for gun offenders who have prior crimes of domestic violence. Federal law already states persons convicted of domestic battery and violations of orders of protection cannot legally possess guns, but when these offenders are arrested with guns, they are rarely prosecuted federally and there are no sentence enhancements under the state laws. We should establish a legislative team that meets routinely with SADV advocates to pursue or support legislation to end violence against women and children.

c. How will you increase funding for specialized positions addressing gender-based violence in your Office? Will you collaborate with service providers on joint grant submissions?

We will increase funding by staffing SADV at levels where all sex and intimate partner domestic violence cases are handled within SADV. We should create a bureau for SADV recognizing the importance of the issues facing women, children, and the LGBTQ community. This SADV bureau should encompass sexual assault, intimate partner domestic violence, human trafficking, and stalking. We will look for grants to collaborate with advocacy partners on all these issues.

10. Cook County has long benefitted from a partnership between advocates and the State's Attorney to develop model programs that prevent and appropriately intervene in domestic violence, sexual assault and human trafficking. How specifically will you partner with advocates to sustain current programming and expand legal protections and services for victims of domestic violence? What are three things you hope to partner with in the upcoming term?

We will work closely with the advocacy community and look for the opportunity to expand those relationships whenever possible through grants or inviting the advocates to meet with the SAO to provide invaluable input on programming decisions. Three areas to bring advocates into greater partnerships with the SAO are 1) find programming to have advocates present at bond court and first court dates with victims on felony sex cases, intimate partner domestic violence cases, human trafficking, and stalking cases. This will encourage greater victim engagement, all remedies are pursued at these earliest stages to keep victims safe, and will ensure victims' rights are not only met but embraced, 2) create a legislative team to work to support victims of gender-based violence, 3) create a gun task force to find ways to not only get the guns out of domestic violence offenders' hands, but to prevent them from getting guns in the first place, and 4) create programming to stop survivors of domestic violence from being charged with crimes for trying to end the abuse in their relationship.

11. What do you see as additional barriers to prosecuting cases with survivors who want prosecution in the following communities? What do you see the role of the CCSAO in assisting in overcoming these barriers?

For all victims, we should better understand how the SAO is effective as well as ineffective in our handling of victims' cases. We should routinely do satisfaction surveys at every point we have contact with victims from the screening room through the disposition of a case. This will help us identify areas of improvement for all victims of the criminal justice process.

a. Communities of Color

Communities of Color are largely untrusting of the criminal justice process. Victims of domestic violence make up the largest number of misdemeanor cases, yet have no voice in whether their case is reduced. Families of victims of domestic violence homicide see the male offenders charged with involuntary manslaughter while female survivors of abuse are charged with first degree murder when fighting for their lives in abusive environments. The SAO needs to not just have ASAs volunteering in communities, but we need to engage in our official capacity in those communities. Communities of Color experience a high rate of violent crime and we need to find ways to make those residents safer, to know their options in the criminal justice process. The young people in those communities have ideas and need to be heard.

b. Immigrant Communities

Immigrant communities are particularly vulnerable because the victims are afraid to engage the criminal justice process for fear the victims themselves will be targeted for immigration consequences. The CCSAO needs to engage those communities and work as one so victims know we are there to help them, not further victimize them.

c. LGBTQ Communities

Members of the LGBTQ Communities are particularly vulnerable in crimes of domestic violence and sexual violence. They are often afraid to come forward because they have not gone public with their relationship. Further, violent offenders target them for reasons based in hate. The SAO should have a team within SADV that solely handles such cases involving LGBTQ victims to better understand and connect with their trauma.