



2018

# ANNUAL REPORT

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FROM THE OFFICE OF  
KANE COUNTY STATE'S ATTORNEY  
JOSEPH H. McMAHON

# Annual Report for 2018

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

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**On the cover:** Kenosha, Wis.-based sculptor Bruce Niemi’s stainless steel work entitled Interim I on the southwest side of the Kane County Judicial Center in St. Charles Township. More than 50 of Niemi’s public sculptures are on display across the United States and Europe.

## A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



Joseph H. McMahon  
Kane County State's Attorney



### ABOUT THE OFFICE

The Kane County State's Attorney's Office employed 120 attorneys and administrative staff in 2018. The attorneys were assigned to felony, misdemeanor, traffic, abuse & neglect, juvenile, child support and civil courtrooms.

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

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

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

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



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The role of the Kane County State's Attorney's Office is to ensure that Kane County is a safe place to live and work, and also to prevent people from coming into contact with the criminal justice system at all.

Our work throughout 2018 reflects our commitment to carrying out that role, and to doing so efficiently and with integrity.

We worked to combat violent crime and gang crime, crimes associated with the illegal possession of guns and crimes associated with illegal and dangerous narcotics. We continued to put resources toward the associated effects of domestic violence, which deeply impacts families and reaches into all communities. We stood up for crime victims with the understanding that those who are most impacted by crime must feel they have returned to a place of safety.

We put substantial effort into helping low-level offenders who make poor choices through our diversion programs that focus on rehabilitation so that they are not forced to bear a lengthy burden for a single bad decision, and can be productive community members. We recognized that addiction and mental health issues can play a significant role in how a person comes into contact with the criminal justice system and worked to help them address those concerns.

I am privileged to serve as the state's attorney for Kane County, and I am grateful for the opportunity to be a leader in this growing, thriving county that has been my lifelong home. Serving as the chief legal and law-enforcement officer in Illinois' fifth-most populous county, with its ethnic and economic diversity, has many unique challenges. I and my staff recognize that you expect and deserve a fair and effective criminal justice system that treats everyone fairly. We work hard to keep your trust and prove that there need not be a choice between public safety and a fair criminal justice system.

Another way to maintain your trust is through open communication. This report, which highlights our office's work to keep Kane County communities safe, is part of that open communication. I look forward to continued successes in 2019.

Thank you for the privilege of serving you. I am grateful to oversee this office of 120 hardworking public servants who are dedicated to protecting everyone who lives in, works in and enjoys Kane County.

JOSEPH H. McMAHON

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

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

**– Berger v. United States, 1935**

# Kane County State's Attorney's Office



2018

# 2018 IN REVIEW

This report is a review of the duties, achievements and performance of the Kane County State's Attorney's Office in 2018. The office had many achievements as it worked

toward goals of public safety and justice.

State's Attorney Joe McMahon led the office for the eighth year. He is the 42nd person to serve as state's attorney for Kane County.



As in most years, much of our focus in 2018 was on illegal guns and drugs.

Our office authorized charges against dozens of defendants for the illegal possession of guns. (Pages 8-9)

Our office saw an 8.9 percent increase in the number of new felony illegal narcotics cases. Most of the 487 new cases (55 percent), involved cocaine, which has had an increasing presence in Illinois in recent years, according to the Illinois State Police. About 9 percent of the new cases involved heroin, which continues to have alarming popularity. The coroner reported approximately 70 opiate-related deaths in 2018. (Pages 10-11)

The Kane County Child Advocacy Center conducted 401 investigations and charged 72 cases, increases from 2017. (Pages 14-15)

Criminal Division attorneys reviewed more than 2,750 felony investigations from 34 police agencies (Page 31). In all, we authorized 2,489 new felony files and 4,270 new misdemeanor cases.

The number of new felony filings represents a 3.3 percent increase from 2017 and is the highest number of new felony filings in five years. 2018 marked the third consecutive year that felony filings increased after eight years of steady decline starting in 2008.

The 4,270 new misdemeanor files is a 6.2 percent decrease from 2017. Among those misdemeanors were approximately 1,073 new domestic violence cases, which is a reminder that domestic violence crosses all barriers and requires our constant attention.

The number of homicides in Kane County fell to 7 in 2018 after being in double-digits the previous four years, including 15 in 2017. We filed first-degree murder charges against 6 defendants in the deaths of 7 victims, including one homicide from 2011 and two homicides from 2017. Three 2018 homicides, all believed to be gang and drug motivated, remain under investigation.

Our office had resolutions in 8 first-degree murder cases in 2018. Four defendants were convicted of first-degree murder and sentenced to prison; a fifth, who was convicted in 2015, was sentenced to prison in 2018, and 3 others were convicted of lesser charges. In 2 of the cases charges are pending against additional defendants. (Page 9)

We reviewed 2,120 alleged probation violations, 499 of which involved alleged new criminal conduct by offenders who had been on probation. The remaining violations were for a defendant's failure to complete the terms of the original sentencing order.

We addressed 94 post-conviction matters—cases involving a convicted defendant who is challenging elements of his or her conviction or sentence through the Illinois Appellate Court or Illinois Supreme Court.

We improved our outreach to the community as the followers on our social media pages grew by about 2,700 to more than 7,300.

Finally, our office in FY2018 continued to work in a cost efficient manner. We accomplished our work and finished the year under budget for the eighth year in a row.

# 2018 IN REVIEW



**Life prison sentence**  
**James Melvin**  
For predatory criminal sexual assault. Page 15



**55-year prison sentence**  
**Leon Williams**  
For first-degree murder. Page 9



**Life prison sentence**  
**Timothy Arnold**  
For predatory criminal sexual assault. Page 15



**48-year prison sentence**  
**Jermaine Baker**  
For attempted murder, home invasion. Page 9



**86-year prison sentence**  
**Alberto Sepeda**  
For first-degree murder, home invasion, kidnapping. Page 9



**35-year prison sentence**  
**Chavez Saulsberry**  
For first-degree murder, consecutive to 55 years for previous murder. Page 9



**63-year prison sentence**  
**Christopher Jackson**  
For criminal sexual assault. Page 15



**28-year prison sentence**  
**Jamie Zarate**  
For home invasion, attempted murder. Page 9



**60-year prison sentence**  
**Alfredo Soto**  
For first-degree murder. Page 9



**17-year prison sentence**  
**Scott Turyna**  
For aggravated discharge of a firearm, aggravated domestic battery. Page 13



## VIOLENT CRIME & STREET GANGS

Our office devotes significant resources to cases involving violent crime, much of which centers around street gangs, the illegal narcotics trade and illegal guns. Assistant state's attorneys work with local, state and federal authorities to hold accountable those persons who endanger the community with violent behavior. Our success in prosecuting these cases demonstrates the effective relationships between our office, federal agencies and Kane County police agencies.

Our office considers the following offenses to be violent crimes: murder, attempted murder, armed violence, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault, arson, aggravated arson, robbery, armed robbery, kidnapping, aggravated discharge of a firearm, aggravated battery with a firearm, aggravated battery and vehicular hijacking. Our treatment of these offenses as violent broadens the statutory definition of violent crime because of the harm these crimes causes to victims.

We assign cases involving these offenses to our most experienced prosecutors to assure a just outcome for victims and the community.

### **Homicide**

Kane County police agencies in 2018 reported

7 homicidal deaths. Of those, our office charged 4 defendants with first-degree murder in 4 cases. In addition, our office charged 2 defendants with first-degree murder in 3 homicides from previous years; two homicides were from 2017 and one homicide was from 2011.

Three homicides from 2018 remain under investigation. Prosecutors communicate regularly with police in these ongoing investigations. However, many crimes involve gang-affiliated witnesses who refuse to cooperate with authorities.

The 7 homicides represents a drop compared to previous years: Police reported 15 homicides in 2017, 11 homicides in 2016, 10 homicides in 2015 and 11 homicides in 2014.

Our office in 2018 secured convictions in eight homicide cases. Alberto Sepeda, Alfredo Soto, Leon Williams and Sandra Baumgartner were convicted of first-degree murder and sentenced to prison, and Chavez Saulsberry was sentenced to prison. Ivette Rodriguez, Anthony Bills and Su Won Kil were found guilty of aggravated battery, aggravated kidnapping and second-degree murder, respectively. At year's end, first-degree murder charges were pending in 19 cases.

### **Illegal guns**

Given the frequency with which violent offenders use guns to commit crimes, as well as the



# VIOLENT CRIME & STREET GANGS

correlation between guns and illegal narcotics dealing, our office in 2018 placed a priority on cases that involve the illegal use of guns, particularly those cases in which the offender was illegally in possession of a loaded gun in a public place.

In an effort to reduce the threat that loaded guns pose within the community, as well as to an offender who is in possession of a loaded gun, we identified cases that included the possession and use of a loaded gun.

After reviewing police investigations, our office's Felony Trials Bureau initiated 82 new cases in 2018 for the offenses of aggravated discharge of a firearm, unlawful use of a weapon by a felon, possession of a firearm without a Firearm Owners Identification card, possession of a stolen firearm and armed habitual criminal.

In addition in 2018, the Felony Trials Bureau resolved 59 gun-related cases, some of which were initiated prior to 2018.

Of those 59 cases, 35 offenders were sentenced to prison.

## 2018 CASES

- In February, a judge sentenced **Donnie Davis** of Chicago to life in prison for committing three violent felonies within 20 years. The latest offense was armed robbery with a firearm. He had previously committed aggravated battery with a firearm and home invasion.

- In March, a judge sentenced **John W. Sperry** of Aurora to 7 years in prison for shooting an acquaintance in the face and then leading police on a brief chase.

- In April, a judge sentenced **Jorge Castaneda** of Elgin to 14 years in prison for using a stun gun on a victim and attempting to kidnap her from a Randall Road parking lot late at night.

- In April, a judge sentenced **Javier Prado** to 10 years in prison for trying to rob a 13-year-old girl as she walked home from school in St. Charles Township.

- In May, a judge sentenced **Calvin Sutherland** of Harvey to 4½ years in prison for beating a teacher at IYC-St. Charles while he was a resident there.

- In May, a judge sentenced **Sandra Baumgartner** to 25 years in prison for stabbing to death her sister, Sharon Baumgartner, in their Carpentersville home. She pleaded guilty but mentally ill to first-degree murder.

- In May, a judge sentenced **Leon Williams** of Aurora to 55 years in prison for shooting and killing 19-year-old Daniel Sanchez of Aurora. Sanchez agreed to sell Williams a small amount of marijuana. Williams tried to rob him, Sanchez ran away but Williams chased him,

and then shot and killed him.

- In May, a judge sentenced **Jermaine Baker** to 48 years in prison for breaking into a man's Aurora home and shooting him in the hands, cheek, jaw and forehead to exact revenge because the man was dating his estranged wife.

- In June, a judge sentenced **Luis Palomar** to 16½ years in prison for his role in a 2016 Elgin kidnapping scheme in which the victim was beaten, burned and held against her will. Also sentenced to prison in the scheme were **Ruby Gomez** to 10 years, **Kassandra Delgado** to 9 years and **Gino Moraca** to 2 years. A fifth defendant awaits trial.

- In July, a judge sentenced **Alberto Sepeda** of Elgin to 83 years in prison for an execution-style first-degree murder, and home invasion and kidnapping.

- In July, a judge sentenced **Jamie Zarate** to 28 years in prison for a 2012 attempted murder and home invasion in Aurora.

- In August, a judge sentenced **Claude Jackson** to 29 years in prison for his role in a 2014 shooting at an Aurora KFC that injured three employees.

- In October, a judge sentenced **Alfredo Soto** of Aurora to 60 years in prison for the unprovoked murder of 31-year-old Martiniano Alvarez of North Aurora.

- In December, a judge sentenced **Chavez Saulsberry** to 35 years in prison for first-degree murder. He already is serving a 55-year sentence for a prior murder conviction.



# NARCOTICS & MONEY LAUNDERING

**N**arcotics Unit prosecutions involve violations of Illinois' Controlled Substances Act and Cannabis Control Act, and include drug sales and trafficking, drug-related asset forfeitures and drug-related bulk currency money laundering.

The unit's assistant state's attorneys aggressively prosecute drug dealers to send a clear message that the illegal drug trade is not welcome in Kane County and that there are consequences for participating in it.

## **Drugs and criminal activity**

Drugs are a common element in a large amount of criminal activity, and evidence points to a correlation between street gangs and illegal drug dealing. By reducing trafficking and the supply of illegal drugs authorities reduce drug-related crime and promote a safer community.

The unit also directs certain drug users toward treatment.

The unit comprises two assistant state's attorneys and one administrative assistant. It prosecutes the most serious and most complex cases, such as those involving large quantities of illegal drugs and assets. Drug cases involving lesser quantities are assigned to all ASAs.

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

Although the unit reported an increase in new cases in 2018 — about 8.9 percent more new cases compared to 2017 — it is important to understand that these statistics reflect only known activity, which generally is reflected to law enforcement in arrests and prosecutions.

We charged approximately 487 felony narcotics cases in 2018 in which the most serious offense was a drug offense such as possession, possession with intent to deliver, or delivery of controlled substances and marijuana, or trafficking. Of the new cases, approximately 55 percent involved cocaine, 15 percent involved marijuana, 9 percent involved heroin, 9 percent involved prescription pills and the remaining 11 percent involved MDMA, LSD, synthetic substances and methamphetamine.

We resolved approximately 310 felony narcotics cases in 2018. Of those cases, approximately 48 percent involved cocaine, 17 percent involved

# NARCOTICS & MONEY LAUNDERING

heroin, and 12 percent involved marijuana. The rest involved MDMA, LSD, and meth.

Heroin and opiate use continues to be in the spotlight locally and nationally. The Kane County Coroner's Office expects to report as many as 70 opiate-related deaths for 2018, which is up from 67 opiate-related deaths in 2017, and more than double the number for 2014 and 2015 combined.

In response to heroin's lethal nature, our office

continues to take a hard line on heroin cases. We assess each case to determine if the offender should go to prison or receive treatment.

The Illinois State Police reported in 2018 that submissions of cocaine and methamphetamine to its labs for testing have been increasing in recent years. Evidence shows that cocaine remains significantly present in Kane County, but the same is not true for meth.

## 2018 CASES

<ul style="list-style-type: none"> <li>In January, a judge sentenced <b>Jamari Suggs</b> to five years in prison for possessing 117 grams of marijuana he planned to deliver.</li> </ul>	<p><b>Gilberto Montes</b> to 15 years in prison for possessing 2 kilograms of cocaine he sought to deliver, along with \$15,000 in cash and packaging materials commonly associated with drug dealing. The judge also imposed a fine of \$236,000, the estimated street value of the cocaine.</p>	<p>estimated street value of the heroin.</p>
<ul style="list-style-type: none"> <li>In February, a judge sentenced <b>Angel Arredondo</b> of Aurora to 10 years in prison for the offense of armed violence. Arredondo had kept in his home a loaded 12-gauge shotgun within reach of marijuana that Arredondo admits he sells.</li> </ul>	<ul style="list-style-type: none"> <li>In July, a judge sentenced <b>Charles McGath</b> to 12 years in prison for possessing 255 grams of cocaine inside his Montgomery home that he sought to deliver. McGath also possessed \$3,000 case, as well as a scale and packaging materials commonly associated with drug dealing. The judge also imposed a fine of \$23,000, the estimated street value of the cocaine.</li> </ul>	<ul style="list-style-type: none"> <li>In September, a judge sentenced <b>Aaron Moore</b> of Chicago to 10 years in prison for selling fentanyl-laced heroin to 34-year-old Richard Gregorie of Kaneville. Gregorie ingested the illegal drugs and died as a result.</li> </ul>
<ul style="list-style-type: none"> <li>In February, a judge sentenced <b>Maurice Wheeler</b> to 9 years in prison for possessing, while near an Elgin park, more than 8 grams of cocaine that he sought to sell.</li> </ul>	<ul style="list-style-type: none"> <li>In July, a judge sentenced <b>Javier Ramirez</b> to 10 years in prison for possessing more than 100 grams of heroin inside his Aurora home. Ramirez admitted to police that he sells heroin. The judge also imposed a fine of \$15,930, the</li> </ul>	<ul style="list-style-type: none"> <li>In September, a judge sentenced Elgin heroin dealer <b>Safandre Lindsey</b> to 18 years in prison for selling heroin and cocaine to an undercover police officer. In 3 transactions that occurred over 6 days Lindsey sold a total of about 9 grams of heroin to the officer for \$380.</li> </ul>
<ul style="list-style-type: none"> <li>In March, A judge sentenced <b>Mark G.P. Lewis</b>, a former physician, to 8 years in prison and fined him \$137,000 for possessing 110 marijuana plants and 11,000 grams of marijuana in his Geneva home. In addition, Lewis possessed a handgun and ammunition without a Firearm Owners Identification card.</li> </ul>		<ul style="list-style-type: none"> <li>In September, a judge sentenced <b>Maksim Gokhman</b> of Grayslake to 7½ years in prison for running an indoor marijuana cultivation operation inside an Elburn building he was leasing. At the time of his arrest, investigators found more than 30,000 grams of processed marijuana, more than 200 marijuana plants and items consistent with drug dealing.</li> </ul>
<ul style="list-style-type: none"> <li>In June, a judge sentenced</li> </ul>		

# SPECIAL PROSECUTIONS

## SEX CRIMES, FINANCIAL CRIMES AND DOMESTIC VIOLENCE

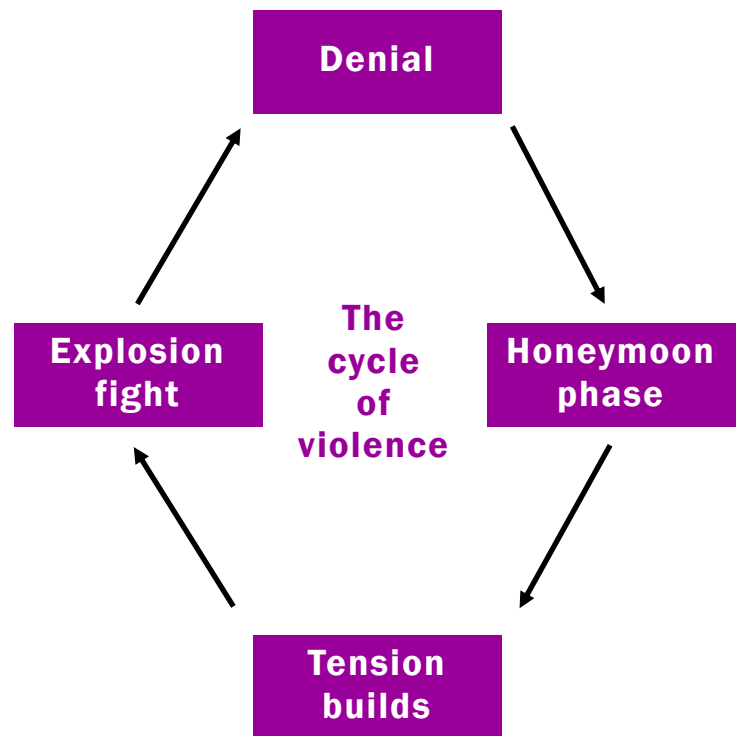
Special Prosecutions Bureau attorneys handle cases that require dedicated attention to particular crimes, or in some instances, cases with defendants needing special attention. This necessitates that bureau attorneys have specialized abilities.

In 2018, the bureau's attorneys continued to prosecute the most serious domestic violence cases, adult sexual assaults and major financial crimes. In addition, the bureau prosecutes defendants who have entered a specialized court – Treatment Alternative Court, Drug Court and Veterans Court.

The bureau in 2018 consisted of nine attorneys – three who prosecuted misdemeanor domestic violence cases and four who prosecuted felony domestic violence cases and major financial crimes. One of those ASAs was responsible for the adult sex crimes. In addition, two ASAs are assigned to the specialized courts. Finally, several advocates with specialized training assist domestic violence and sexual assault victims through the prosecution process, including obtaining orders of protection.

### Domestic Violence

Domestic violence prosecutors tackle some of our office's most daunting challenges. It is common for a domestic violence victim to recant allegations before trial. Despite this, if convinced that a crime occurred, ASAs continue to work to see that the abuser is held accountable by continuing to prosecute the case using available evidence other than the direct testimony of the reluctant victim.



A typical cycle of violence in domestic abuse.

As most crime continues to decline across the country, occurrences of domestic violence offenses remain constant. Misdemeanor domestic violence cases are heard every day in one dedicated courtroom, which typically has a full docket, keeping the bureau ASAs in court throughout the day. This means these ASAs must work into the night and weekends to be prepared for their in-court duties.

Illinois law dictates that certain domestic violence crimes are felonies. When a domestic violence offender causes great bodily harm or strangles the victim, prosecutors charge those crimes as felony aggravated domestic battery. The bureau's felony ASAs prosecute those charges. Also, if a defendant has a prior conviction for certain domestic violence

# SPECIAL PROSECUTIONS

crimes, the offender can be charged with a felony. Those cases are prosecuted throughout the office.

In 2018, we charged 1,073 cases of misdemeanor domestic battery. We charged approximately 345 felony domestic battery cases, which included approximately 182 aggravated domestic battery cases.

## Adult Sex Crimes

Our office in 2018 continued to successfully prosecute sex crimes, including sex crimes against adult victims. Among the sex crimes was our continued prosecution of involuntary sexual servitude charges against persons who attempted to exploit and traffic children for sexual purposes.

The success of this ongoing program among our office and law-enforcement partners such as the Aurora Police Department and the Homeland Security Investigations continues to convict offenders who exploit children for sex.

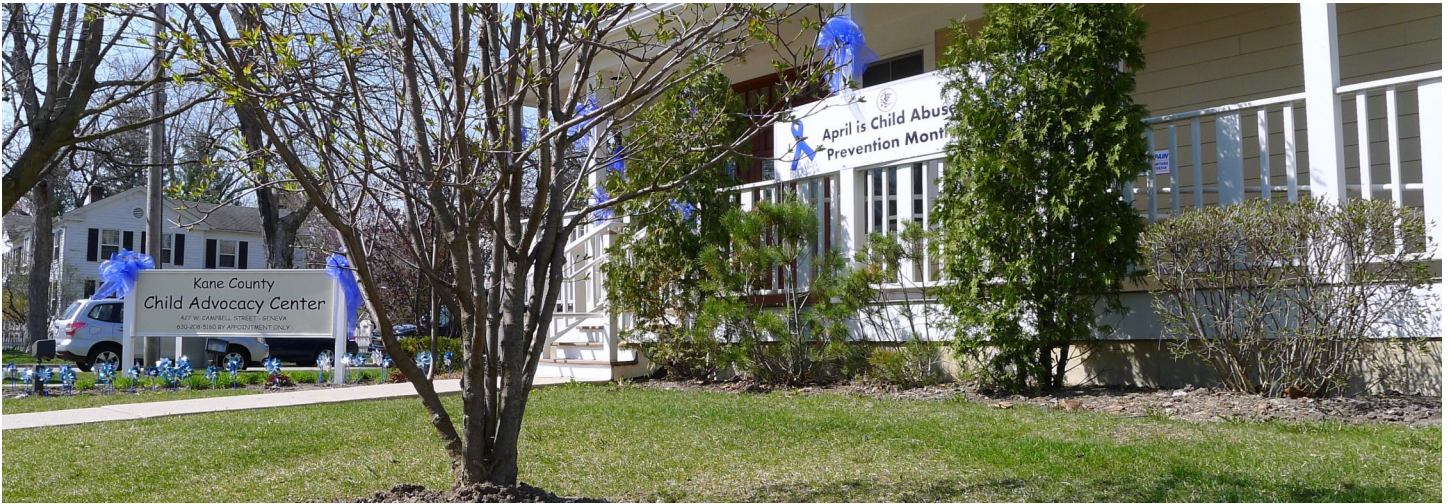
## Financial Crimes

Bureau attorneys prosecute major financial crimes. Financial crimes involve more detailed evidence for conviction, meaning the crime was committed by a person with access to the money, be it an employee or someone in position of trust.

These prosecutions require a high degree of specialization because they often involve a sophisticated pattern of operation, which requires a skill base to prove. Prosecutors must be able to sift through what can be thousands of pages of electronic documents and spreadsheets, and understand how the Internet is used as a tool to commit financial crimes.

## 2018 CASES

- In January, a judge sentenced **Ramesh Gannamani** of Des Plaines to 3 years in prison for traveling to an Aurora motel to have a sexual encounter with what he believed was a minor. Gannamani pleaded guilty to the offense of traveling to meet a minor.
- In March, a judge sentenced state contract worker **Mary Pfingston (aka Mary McMillan)** of Joliet to 5 years in prison for stealing money from an elderly long-term care facility resident in North Aurora. She also was ordered to pay more than \$33,000 in restitution. Pfingston was contracted by the state as the long-term case ombudsman for Kane County.
- In March, a judge sentenced former St. Charles resident **Scott Turyna** to 17 years in prison for beating and shooting at his wife after a dispute over money. Turyna punched her, threatened to kill her, slammed her head into the floor, chased her outside with a .38-caliber revolver and fired multiple shots at her.
- In April a judge sentenced **John C. Hawkins** of Elgin to 15 years in prison for slashing his girlfriend's neck with a serrated knife. The knife wound was within one-quarter inch of the victim's carotid artery.
- In April, a judge sentenced **Marshall Straughter** to 6 years in prison for violating a protective order by contacting a domestic violence victim.
- In June, a judge sentenced **Daniel Hernandez-Gutierrez** and **Jose Vazquez** each to 18 years in prison and **Eric Cruz** to 12 years for their roles in the sexual assault in Elgin of a woman who was barely conscious at the time.
- In September, a judge sentenced **Olatokunbo Olawoye** of Aurora to 3 years in prison for traveling to an Aurora motel to have a sexual encounter with what he believed was a minor. Olawoye pleaded guilty to the offense of



# CHILD ADVOCACY CENTER

Child sexual assault and abuse cases are difficult and complex. This is because of the relationship between the child and the abuser, the emotional nature of the cases, the timing of the disclosure of the abuse, the frequent reluctance of parents or guardians to cooperate in the investigation because of their relationship to the abuser, and language barriers.

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

The staff at the Kane County Child Advocacy Center, which is located in downtown Geneva, is prepared for these complexities as they investigate and prosecute cases of child sexual assault and abuse. The center also helps to direct victimized families to services to help them return to a place of safety.

## **Most victims know their abusers**

National statistics show that the overwhelming majority of child sex assault and abuse victims are exploited by someone they know, often by a person entrusted with their care. In Kane County, records show that number historically hovers around 98 percent.

## **2018 by the numbers**

The CAC in 2018 was staffed by four assistant state's attorneys, including Executive Director Debra Bree, three full-time and two part-time investigators, three DCFS investigators, three case managers/advocates, an administrative assistant and a grant-funded certified forensic investigator.

The CAC in 2018 conducted 401 investigations, a 3 percent increase over the 388 investigations conducted in 2017, and a 21.5 percent increase over the 330 cases investigated in 2016.

The CAC charged 72 cases, a 26 percent increase over the 57 cases charged in 2017. The CAC resolved 42 cases by trial or guilty plea, and closed 274 investigations.

Among the cases resolved were those of four defendants who received significant prison sentences, as noted on the next page. Two offenders — Timothy Arnold and James Melvin — received life sentences, Arturo Sanchez a 68-year sentence and Christopher Jackson a 51-year sentence.

The CAC conducted 581 child forensic interviews, up from 550 interviews in 2017, facilitated 38 medical examinations for children, and assisted law-enforcement agencies in a number of

# CHILD ADVOCACY CENTER

courtesy interviews of children who were victims of or witnesses to other crimes.

In total, outside agencies referred 685 children to the CAC, a 7.5 percent increase from the 637 children referred to the CAC in 2017 and a nearly 30 percent increase from the 528 children referred in 2016.

Although the CAC continues to see an increase in the number of reported allegations of child sexual abuse, we do not believe this is because of an increase in this type of criminal activity. Rather we believe it is the result of greater awareness about how to respond to and report such abuses.

Much of this is because of Erin's Law, which requires public schools to implement a child sex-abuse awareness and prevention program.

In addition, our office, working on its own and also in conjunction with Court Appointed Special Advocates of Kane County, has engaged in numerous public relations campaigns to improve awareness about how to make a report.



Investigator Chris Tunney, who is assigned to the CAC by the Aurora Police Department, was honored by the department for her investigation of Timothy Arnold. Arnold was convicted for repeatedly sexually assaulting two children and sentenced to life in prison.

## 2018 CASES

- In January, a judge sentenced **Ervey Dominguez** to 6 years in prison for sexually assaulting a child he knew.
- In January, a judge sentenced **Timothy Arnold** to life in prison for repeatedly sexually assaulting two young children he knew. The life sentence is mandatory because Arnold was convicted of sexually assaulting multiple children. The crimes took place in Aurora.
- In April, a judge sentenced **Chad Coe** to 7 years in prison for sexually abusing a child he knew from his job as a youth pastor at a West Dundee church.
- In May, a judge sentenced **James Melvin** to life in prison for sexually assaulting a young child he knew. The life sentence is mandatory because Melvin was previously convicted of sexually assaulting a child in 1998.
- In August, a judge sentenced 79-year-old **Inocente Delgado** to 10 years in prison for sexually assaulting a young child he knew.
- In September, a judge sentenced **Arturo Sanchez** to 68 years in prison for sexually assaulting a child he knew over 5 years .
- In October, a judge sentenced **Martin Beyer** of Aurora to 16 years in prison for sexually assaulting 4 children he knew over 4 years.
- In October, a judge sentenced **Ralphael Robinson**, a pastor at Kingdom Church in North Aurora, to 14 years in prison for sexually abusing a child he knew.
- In November, a judge found **Noel Buhay** guilty of sexually assaulting a young child in Sugar Grove. Buhay faces a prison sentence of at least 51 years. He is currently serving a 45-year sentence for a similar offense.
- In December, a judge sentenced **Christopher Jackson** to 63 years in prison for repeatedly sexually assaulting a child he knew over a 2-year period in St. Charles.

# TRAFFIC, MISDEMEANOR & DUI

Assistant state's attorneys assigned to traffic, misdemeanor and DUI courtrooms ensure public safety by holding defendants accountable for misdemeanor offenses, advocating for victims of misdemeanor offenses and advocating for safety on the roads through enforcement of traffic laws. Their work deters criminal behavior and dissuades people from committing more serious offenses.

Twelve ASAs and six support personnel prosecuted these offenses in five courtrooms in 2018: Courtrooms 203 and 209 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 jail: such as remote alcohol monitoring, victim impact panels, alcohol counseling, mandatory urine testing, deferred prosecution and community service.

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



## Misdemeanors

Our office charged 4,270 new misdemeanor cases in 2018. Of the new misdemeanor files, 875 were misdemeanor DUI files. An additional 770 new misdemeanor DUI were prosecuted by the municipality in which they were charged.

We charged 1,073 new misdemeanor domestic violence cases, which are addressed on Pages 12-13.

## Most common offenses

The most common misdemeanor offenses not involving drugs, DUI or domestic battery were resisting a peace officer, retail theft, disorderly conduct, obstructing identification, battery, and criminal damage to property.

## Traffic court

We prosecuted more than 26,300 new traffic citations. More than 36,600 additional traffic citations were prosecuted by the municipality in which the offense occurred.

## 2018 FELONY CASES

- In February, a judge sentenced **Roberto Patino Hernandez** of Aurora to 9 years in prison for his 6th DUI offense.
- In March, a judge sentenced **Anthony Potochney** to 13 years in prison for a 2016 Aurora DUI crash that killed a 9-year-old girl and injured her two friends. He was drunk and traveling 85 mph in a 35 mph zone when he slammed into a minivan.
- In August, a judge sentenced **Richard Broz** to 7 years in prison for his sixth DUI crash. Broz in 2016 was involved in a single-vehicle motorcycle crash in Plato Township. His BAC was .246.
- In July, a judge sentenced **Richard Frost** to 5 years in prison for striking a pedestrian with his car in downtown Aurora. His BAC was .185. It was Frost's fourth DUI conviction.
- In December, **Raphael Peruzza** pleaded guilty to aggravated DUI in a 2017 crash that killed 19-year-old Nicholas Hanson of Geneva. He was sentenced to 8 years in prison.





# FORFEITURES

The law allows state's attorneys to seek forfeiture of all 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 statute allows police to seize vehicles that have been used, with the knowledge and consent of the owner, in the commission of certain crimes. These crimes include driving while license suspended or revoked for DUI, felony DUI, aggravated fleeing and eluding, reckless homicide, stalking and burglary.

The statute's primary purpose is to enhance public safety by repressing crimes facilitated by vehicles. Seizing the vehicles removes a tool criminals use to commit offenses.

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

## **Article 36 Forfeitures in 2018**

- Seized 90 vehicles; 60 of these forfeiture cases are pending

- Forfeited 22 vehicles to the seizing police agency to be used by that agency or sold
- Returned 7 vehicles to a lienholder
- Returned 1 vehicle to the registered owner under the innocent owner exception

To deter the use and distribution of illegal drugs in Illinois, the **Drug Asset Forfeiture Procedure Act** allows for the civil forfeiture of property that is used either to facilitate or is proceeds from a violation of felony drug laws.

Under this forfeiture statute, police may seize assets that are profits from drug deals, or that were used in the commission of certain drug offenses.

## **Drug Asset Forfeitures in 2018**

- Kane County's 34 police agencies seized more than \$679,200 in assets pursuant to the statute
- Nearly \$314,000 in seized assets was forfeited
- The bulk of the forfeited assets went to the seizing police agency to be used for the enforcement of drug laws
- Vehicles, electronics and jewelry were seized, as well

# DEFERRED PROSECUTION

Deferred Prosecution observed its 23rd year in 2018.

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

Deferred Prosecution provides an opportunity for offenders to avoid a permanent conviction from being entered on their records while holding them accountable.

All programs provide appropriate access to mental health, substance abuse, and medical treatment, as well as case management, education, housing, and job training.

Participants are evaluated to determine risk of recidivism and appropriate levels of supervision. Requirements vary but typically include community service, fees, drug testing and restitution, and may include substance abuse or mental health treatment, employment and education.

Upon successful completion, charges are dismissed. Overall, the completion rate averages 74 percent or greater.

## By the numbers

Fiscal year	<u>2016</u>	<u>2017</u>	<u>2018</u>
Applicants	677	579	491
Graduates	432	382	366
Terminated	116	135	131

## 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.

## KANE SAO

### DEFERRED PROSECUTION

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

## In 2018

- 175 applied for the program with 162 graduates and 28 negative terminations. Cumulatively 5,173 defendants have completed this program with an overall success rate of 78 percent.
- Participants paid \$35,136.73 in restitution. Cumulatively more than \$2.63 million in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$114,971 in application and program fees.
- Participants performed 7,590 hours of community service work at charitable organizations. Since 1995, participants have completed 451,774 hours of community service.
- Also: 20 participants obtained high school diploma or GED, 2 enrolled in ESL classes, 22 completed an individual counseling program, 38 completed a substance abuse evaluation and subsequent treatment recommendations, 22 completed the Parenting Support Program, 4 completed the Anger Management

# DEFERRED PROSECUTION

Program, 67 completed the Theft Awareness Program and 52 completed the Decision Pathways Program.

## Misdemeanor Drug/Alcohol

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

Participation averages 6 to 12 months.

### In 2018

- 17 applicants, 12 graduates, 9 negative terminations. Cumulatively the program has had 1,768 graduates with a success rate of 75 percent. This program has seen a sharp drop in participation since a 2017 change to the state's marijuana laws.
- Collected \$7,665.91 in program fees.

## Domestic Violence

For first-time 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 2018

- 222 participants, 151 graduates, 76 negative terminations. Cumulatively the program has had 825 graduates, with a success rate of 75 percent.
- Collected \$58,945.22 in program fees.

## Prostitution/Solicitation

For first-time nonviolent, misdemeanor prostitution or solicitation offenders. Application and program fees are assessed up to \$1,000 and collected monthly throughout the agreement.

Average participation time is 12 months.

*"Deferred Prosecution provides invaluable life skills that teach participants how to make better decisions for themselves, for their families and for their communities."*

**— Kane County State's Attorney  
Joe McMahon**

### In 2018

- 1 applicant, 3 graduates and 1 negative termination. This program has seen a sharp drop in applicants since a supporting federal grant ended in 2014
- Collected \$276 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.

### In 2018

- 76 participants, 38 graduates and 17 negative terminations. Cumulatively, the program has had 230 graduates and a cumulative success rate of 74 percent.
- Collected \$54,015.66 in program fees.
- 13 participants completed the required Drugs of Abuse class

# CIVIL DIVISION

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

In addition, the Civil Division is charged with investigating complaints regarding violations of the Open Meetings Act, violations of the Illinois Environmental Protection Act, labor negotiations, contract review, electoral board representation, presentment of petitions for involuntary commitment, tax-rate objections and advising various public boards.

These duties include litigation in state and federal court, as well as before various state and federal agencies, and representation of taxing bodies in all tax objection cases.

The division comprises eight attorneys and one administrative assistant.

## FOIA

The focus of the Civil Division's emphasis and resources varies from year to year. The division continued to respond to a large number of Freedom of Information Act requests. FOIA requests jumped beginning in 2015 after the Illinois Supreme Court clarified what is eligible for public viewing under the act.

The division processed 66 FOIA requests in 2018, a 53 percent increase from the number of requests filed in 2017. FOIA requests can require the expenditure of significant resources in terms of time and paper. Some requests that were filled in 2018 required multiple days and hours to process.

In addition in 2018, the division responded to a number of lawsuits that required the significant expenditure of resources on litigation that took place in state and federal courthouses.

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

Included in the Civil Division is an advocate who serves victims over age 60 and persons with disabilities. The advocate coordinates with agencies, nursing homes and the general public regarding situations that might involve illegal exploitation of the elderly and disabled.

Most of these cases in 2018 involved financial exploitation and aggravated battery charges.

In addition, the advocate attends monthly meetings held by Senior Services Associates to review difficult cases and also attends quarterly meetings of the Elder Fatality Review Committee.



# MENTAL HEALTH COURT

**M**ental health and mental illness are growing areas of concern and represent significant public health issues across the country. Public health officials estimate that mental illness affects one in five families in the United States.

Left untreated, mental illness often results in serious consequences for the individual, their family and for society as a whole. The overall cost of untreated mental illness in the U.S. is estimated to surpasses \$100 billion annually.

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

## **Treatment works**

Appropriate medication and treatment are highly effective in treating mental illness, and up to 90 percent of individuals who receive treatment have drastically reduced symptoms and an improved quality of life. However, some individuals who suffer from mental illness refuse to be treated. When that happens, the courts — and therefore the state's attorney's office — can become involved.

The state's attorney's office "shall represent the people of the State of Illinois in court proceedings" under the Mental Health and Developmental Disabilities Code and "shall ensure that petitions, reports and orders are properly prepared."

After consultation with psychiatric medical providers, the state's attorney may bring to hearing petitions for the involuntary commitment and medication of people who are a danger to themselves or others who are in need of psychotropic medication.

Mental health petitions are filed either for



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

## **Clear and convincing evidence**

The burden of proof to be met is clear and convincing evidence before a mental health petition can be granted.

We review relevant records and work with psychiatrists, social workers and often the patient's family to prepare for hearings.

In 2018, 235 mental health petitions were filed in Kane County. Specifically, 208 of those were for involuntary admission, 22 were for involuntary administration of psychotropic medication and 5 were for production of records.

# TREATMENT ALTERNATIVE COURT

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

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

## **Treatment options**

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

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

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

## **Mental health, progress and parameters**

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

The treatment team meets once a week before court to discuss the progress of each TAC participant. A lack of funding limits participation to 20 people at any given time. The program has been at capacity since September 2018.

## **2018 by the numbers**

- 49 defendants applied and 10 were accepted
- 6 defendants successfully completed TAC with 4 discharges for failure to complete the program
- There were a total of 25 participants
- There is a wait list of 3
- Many TAC participants carry over from one year to another



# CHILD SUPPORT

The 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 of 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 counties that contracts with HFS to provide local judicial enforcement of child support obligations.

Four attorneys, five 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.

## 2018 by the numbers

- Collected \$27,098,577 from all open Title IV-D cases, up \$126,487 from 2017
- Served 14,173 children in 13,133 families.
- Appeared in court on more than 100 cases each week, for a total of 5,336 court appearances

- Reviewed 805 new cases and filed 613 new pleadings, including 246 complaints for support, 115 petitions to modify existing obligations, 96 new petitions to establish paternity, 58 petitions to intervene and 38 petitions for order to show cause.
- The 805 new cases represents a 12.5 percent decrease from the 906 new cases received in 2017. The decline in new cases is the result of a decline in the number of couples having children nationwide.
- Defended against 106 new pleadings filed by opposing parties
- Filed 73 new Uniform Interstate Family Support Act Complaints and registered 22 foreign judgments for enforcement
- Continued implementing new procedures associated with a change in Illinois law from the percentage of net income to an "income shares" model of child support, which took effect in July 2017. The courts now determine the amount of child support due from both parents by using economic tables that take into account the combined income of both parties, the cost of living and the number of all minor children born to both parties regardless of birth order.



# JUVENILES

The Juvenile Division comprises Juvenile Delinquency and Juvenile Abuse & Neglect. The Juvenile Delinquency responsibilities are to prosecute all felonies and misdemeanors committed by offenders under age 18. In Abuse & Neglect Court, the focus is protecting children who are abused, neglected or dependent on the State of Illinois for care. The division is comprised of 4 assistant state's attorneys and one administrative assistant.

## Loss of EHM

The division in 2018 filed 393 new petitions to adjudicate delinquency, which is a 19 percent increase from the 329 new cases filed in 2017. The increase is largely due to the elimination of Kane County's electronic home monitoring system, which had provided a critical layer of accountability for high-risk minors. After the EHM elimination, offending minors often were released to their parents with no other supervisory means.

In addition, the unit resolved 196 petitions to adjudicate. Also, 147 new offenses were charged as petitions to revoke probation or supervision.

If community-based services to curb the minor's delinquent behavior fail, or if probation is not appropriate, a minor can be sentenced to the Illinois Department of Juvenile Justice, although

such action is rare. In 2018, 7 minors were sent to IDJJ. Under Illinois law, a juvenile can only be sentenced to IDJJ as a last resort.

The Illinois General Assembly in recent years has been committed to reforming the state's juvenile justice system in response to research that shows that juveniles behave more impulsively than they do rationally, that the court should intervene less frequently with juveniles, and that additional protections are needed to prevent juveniles from becoming entrenched in the court system.

## Abuse & Neglect

Abuse & Neglect cases generally result from an investigation by the Illinois Department of Children and Family Services in which it determines that a child has been being abused, neglected or is dependent in the state for care.

The division in 2018 opened 57 new files, and filed 14 new dependency petitions.

All abuse, neglect, and dependency files can remain open for many years while correcting the conditions that could lead to the court removing a minor being from his previous guardians. Cases remain open until the court determines it is safe for the child to return to his or her family or guardians, or a different goal and outcome can be set by the court.





# JUVENILE JUSTICE COUNCIL

The Juvenile Justice Council's mission is 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. As outlined by statute, State's Attorney Joe McMahon is the group's chairman.

The board of directors meets monthly, 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. Although the council makes recommendations to more effectively utilize services, it is not a direct service provider.

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

## 2018 achievements

The council in 2018 engaged in many initiatives designed to ensure that at-risk youths have opportunities to be successful:

- Introduced a series of presentations and trainings to help parents better understand some of the important issues their students face. One presentation addressed internet safety and the other focused on illegal substance use by teenagers.
- Supported law enforcement by offering free mental-health first-aid training and providing resource cards for every Kane County police officer with information about available resources for parents and families in need of assistance.



Maurice Martin (above left), a junior at Dream Academy in Elgin, created the Juvenile Justice Council's new logo (top).

- Supported local grant efforts including the Kane County Health Department's children's mental health grant and a grant that provides funding for the Comprehensive Community Based Youth Services program through Aunt Martha's Health and Wellness.
- Presented its first outstanding student award to recognize a Kane County high school student who overcame adversity to achieve academic and personal success.

# SPECIAL PROSECUTOR



An important role of Illinois state's attorneys is to serve as special prosecutor in other counties to protect those counties from the high costs incurred by hiring private counsel to prosecute criminal cases when a conflict is present.

State's Attorney Joe McMahon was appointed in 2016 to serve as special prosecutor in Cook County in the case of *People v. Jason Van Dyke*, the on-duty Chicago police officer accused of shooting and killing 17-year-old Laquan McDonald in 2014.

State's Attorney Joe McMahon chose a trial team of Kane County Assistant State's Attorney's Jody Gleason, Joe Cullen and Daniel Weiler, as well as Winnebago County ASA Marilyn Hite Ross.

The case, which drew worldwide public interest, went to trial in September 2018. After several weeks of testimony the 12-member jury found the defendant guilty of second-degree murder and 16 counts of aggravated battery with a firearm.



# SPECIAL PROSECUTOR

Our office has served as special prosecutor in other cases in other Illinois counties, although the Jason Van Dyke case was the highest profile of the cases. Our work did not result in increased costs to Kane County taxpayers. Likewise, other state's attorney's offices have assisted our office with prosecutions here.

## **State's Attorney Joe McMahon said:**

"We are pleased to have been successful in our pursuit of justice for Laquan McDonald, for his mother, Tina, and for his family and friends. The outcome provided validation and a sense of justice for many residents of Chicago, and for many African-Americans across this country. I hope Laquan's family believes justice was served.

"I took the case because I believed it was important for it to be handled by a public prosecutor, and because it was important to show the public, particularly those who live in society's margins, that our justice system does stand up for everyone, not just those cases with popular victims or unpopular defendants.

"I am proud to have such talented and dedicated prosecutors in this office who are capable of working such an important and high-profile case. Their work gives the entire community confidence in our justice system and shows the willingness of public prosecutors to pursue justice that is integral to our liberty. I am equally proud of those in our office who make sure that justice continued to be served for the people of Kane County.

"Thank you to the people of Kane County for recognizing the importance of this case and for allowing us to tackle it with the focus it deserved."



Photos courtesy of the Chicago Tribune and the Chicago Sun-Times



## VICTIM SERVICES

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

The unit's six full-time advocates are assigned to handle our office's most violent crimes and vulnerable victims including murder, child abuse, domestic violence, elder exploitation, juvenile delinquency and sexual violence. We also have one part-time advocate who works primarily in the felony violent crimes and Elder & Disability Unit.

The unit in 2018 assisted more than 2,100 crime victims.

### **Homicide Support Group**

The unit has maintained the ability to co-facilitate a homicide support group with the assistance of a licensed clinical psychologist and numerous assistant state's attorneys. The group provides support to family members who have lost a loved

one. We provide this valuable service at no cost to the families.

The unit maintained staff expertise with regular training of current practices. In 2018 we were able to work and train more closely with other social service providers in Kane and surrounding counties, as well as state and federal agencies. Our unit's intent is to maintain and grow our relationships with other service providers to determine where best to provide information about our office's services, as well as to provide complementing services with other providers.

Our office was notified in FY2018 that a grant we had received for more than 20 years would not be renewed.

This financial loss caused the termination of three full-time advocate positions. We have reorganized responsibilities and talents with our 6 full-time advocates and case managers. In the final quarter of FY2018 we obtained a grant for a part-time advocate who is primarily assigned to felony violent crimes.

# SAO TRAINING

The Kane County State's Attorney's Office offers a variety of training both for attorneys and for support and administrative personnel.

Employees receive training for professional development, as well as to remain current on best practices and trends to assure they are able to effectively and efficiently serve the people of Kane County.

Although all employees receive training, most of the training is directed at our office's attorneys, who are required to accumulate continuing legal education credits to remain licensed to practice law in the state of Illinois.

The office coordinates a number of training sessions throughout the year.

The office in 2018 conducted training sessions on a variety of relevant topics, including:

- Illinois' rules of evidence
- Prior statements
- Illinois' speedy trial statute
- Lawyer well-being
- An overview of the office's updated employee handbook
- Bureau of Alcohol, Tobacco Firearms and Explosives gun intelligence
- Child sex abuse prosecutions
- Evidence foundation basics



Kane County Assistant State's Attorney Michele Niermann, the deputy chief of the office's Civil Division, explains changes in the office's employee handbook to SAO staff in one of many training events conducted by the office for its employees in 2018.

# INTERNSHIPS



The Kane County State's Attorney's Office offers internships for law students, undergraduates and high school students. The internships provide hands-on experience in criminal law, municipal law, civil law, public service and government work.

Interns are assigned to a variety of areas, from the criminal courtrooms to the Civil Division and the other units and divisions. Many individuals who have worked in our office as interns have later been hired to work in the office full-time, including a number of current assistant state's attorneys.

Interns work in the office year round with the

bulk of them, including law school interns Reva Ghadge and Mac Beirderman, who are pictured above, working in the summer.

The 2018 summer interns came from the DePaul University College of Law, Northern Illinois University college of Law, the University of Illinois College of Law, the University of Illinois, the Chicago-Kent College of Law, The John Marshall Law School, Michigan State University College of Law, the University of Illinois, the University of Missouri, DePaul University, Truman State University and West Aurora High School.

# SCREENING AND CHARGING

## Felony calls by agency, 2018

<u>Agency</u>	<u>No.</u>
Aurora P.D.	866
Elgin P.D.	606
Carpentersville P.D.	213
Kane County Sheriff	202
St. Charles P.D.	175
Batavia P.D.	111
Kane County Child Advocacy Center	82
North Aurora P.D.	75
Geneva P.D.	66
Montgomery P.D.	49
South Elgin P.D.	48
Illinois State Police District 15	36
West Dundee P.D.	32
East Dundee P.D.	25
Huntley P.D.	22
Sugar Grove P.D.	22
Elburn P.D.	19
Hampshire P.D.	19
North Central Narcotics Task Force	17
Other agencies	12
Algonquin P.D.	11
Pingree Grove P.D.	11
Illinois State Police District 2	8
Campton Hills P.D.	7
Sleepy Hollow P.D.	6
Gilberts P.D.	4
Kane Co. Forest Preserve Police	3
Fox Valley Park District	2
Illinois Secretary of State Police	2
Illinois Gaming Board	2
Wayne	1
Elgin Community College P.D.	1
Bartlett P.D.	0
Maple Park P.D.	0
Waubonsee Community College P.D.	0

**2018 TOTAL 2,755**

<u>Previous</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
<u>Yearly</u>	<b>2,646</b>	<b>2,629</b>	<b>2,533</b>



Bartlett Officer John Maertzig (middle) and Bartlett Chief of Police Pat Ullrich at the 2018 Kane County Officer of the Year ceremony. Maertzig was named the Officer of the Year.

Our office in 2018 worked with all 34 police agencies in Kane County, as well as outside law-enforcement 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. Assistant state's attorneys screened more than 2,750 investigations for felony charges.

Aurora and Elgin police made more than half of the calls to the felony authorization line, followed by Carpentersville, the Kane County Sheriff, St. Charles and Batavia.

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

We extend special thanks to the Kane County Major Crimes Task Force, which is made up of officers and investigators from many Kane County police agencies, for its investigative assistance with complex crimes.

# 2018 IN PHOTOS





# NEW FACES



The Kane County State's Attorney's Office welcomed 14 new assistant state's attorneys in 2018. Front row, from left: Vanessa Colletti, Christopher McCall, Alexandra Benatuil, Tej Shastri, Alexandra Gasparro; back row, from left: Robert Moeller, Erica Marshall, First Assistant State's Attorney Jody Gleason, State's Attorney Joe McMahon, Tyler Cox, Janette Forlini, Andrew Leuchtmann. Not pictured: David Belshan, Amanda Busljeta, Justin Kordys, Patrick McCarthy.

## Previous Page

Kane County State's Attorney Joe McMahon and longtime Elgin resident and historian Ernie Broadnax. Mr. Broadnax is the executive producer of Project 2-3-1, which documents the history and heritage of Elgin's African-American community.

# LIFE IN THE SAO



Longtime Kane County Assistant State's Attorney Sal LoPiccolo left the office in September when he was named a Kane County associate judge. Sal was a Kane County ASA from 1988 to 2008 and again from 2013 to 2018. Sal, a noted Chicago Blackhawks fan, was regarded and respected for his trial preparation, his love for his job and for his willingness to mentor young prosecutors.

# LIFE IN THE SAO



## Victim advocacy

In March, U.S. Representative Peter Roskam of Illinois' 6th Congressional District visited our office to read a proclamation honoring the work of longtime victim advocate Judy Bland. Judy, who worked as a voice for crime victims in Kane County for 2 decades, retired from the office in 2018.

# ACCESS & TRANSPARENCY



State's Attorney Joe McMahon prioritizes access and transparency with the public. To achieve this he conducts monthly meetings with members of the local media, and remains accessible to all news outlets. CLOCKWISE FROM TOP RIGHT: With WTTW's Carol Marin on the set of Chicago Tonight; with Megan Crepeau and Stacy St. Clair of the Chicago Tribune and Chip Mitchell of WBEZ; with author David Bernstein; with ABC 7's Michelle Gallardo; with ABC 7's Leah Hope.

# POLICE TRAINING



## Annual police training

The office in April conducted its annual all-day training for Kane County police officers. About 70 officers attended, TOP: Kane County ASA Bill Engerman (left) and Jeffrey Sallet, the Special Agent in Charge of the FBI's Chicago Field Office. SAC Sallet talked about how the FBI assists local police agencies.

RIGHT: Kane County ASA Kelly Orland talks to police about drug investigations and prosecutions.



# POLICE TRAINING



## Crisis Intervention Team

The Kane County State's Attorney's Office, in partnership with the Kane County Sheriff's Office, conducted five Crisis Intervention Team training sessions in 2018 for Kane County police officers.

More than 100 officers received the week-long training in 2018. Since the state's attorney's office and sheriff's office began CIT training in 2017, more than 150 officers have received the training.

Mental illness, and how law enforcement interacts with those who suffer from mental illness, is one of the most important issues that law enforcement and the criminal justice system face today. CIT training reinforces a de-escalation approach and educates officers on the signs and symptoms of mental illness and a person in crisis to better assess a situation and respond appropriately.

CIT training makes our community safer and helps officers better understand how to protect themselves and how to approach and address a person in crisis.

Thanks to the Fox River Valley Initiative, Kane County Board member Monica Silva, the Kane County Board's Judicial Public Safety Committee, retired Sheriff Don Kramer, Jennifer Wooldridge from the Illinois Law Enforcement Standards Training Bureau, Kane County Assistant State's Attorneys Kaitlin Kerstetter and Dawn Troost, Kane County Sheriff's Lt. Chris Collins, and the Kane County Chiefs of Police Association for their continued support of this worthwhile program.

We look forward to continuing CIT training in 2019 and beyond.

# CHICAGO CRIME COMMISSION



We were honored to attend the Chicago Crime Commission's Stars of Distinction Awards Dinner on Nov. 28. Assistant State's Attorney Christine Bayer was nominated for an award based on her work to combat child sex trafficking and child sexual exploitation. Pictured in the group photo are (back row, left to right) Assistant State's Attorneys Christine Bayer, Vince Coyle and Bill Engerman; (front row, left to right) ASAs Greg Sams, Jody Gleason and Sarah Seberger. Former U.S. Attorney General Jefferson B. Sessions was the event's keynote speaker. State's Attorney Joe McMahon spoke with Sessions before the event.

# HONORS & RECOGNITION



CLOCKWISE FROM TOP: The Quad County Urban League honored State's Attorney Joe McMahon at its annual Equality Gala; Community Crisis Center of Elgin, the domestic violence shelter for northern Kane County, honored Assistant State's Attorney Christine Bayer and Angelica Barbosa-Gomez with its Partners in Peace Award. ASA Bayer has worked for many years on domestic violence and sexual assault cases. Barbosa-Gomez is the domestic violence case manager for the Deferred Prosecution Unit; the Kane County Juvenile Justice Council honored Violet Olvera (front row, center) with its Outstanding Student Award in recognition of her success in the face of personal adversity.





# HONORS & RECOGNITION



The Illinois State's Attorney's Association recognized Kane County State's Attorney Joe McMahon and his special prosecution team in the Jason Van Dyke case with its Outstanding Prosecutor Award. Pictured (from left) are Michele Nierman, Beth Williamson, Vincent Coyle, Sarah Seberger, Christy DeChristopher, Chris Merritt, Kane County State's Attorney Joe McMahon, DuPage County State's Attorney Robert Berlin, Joe Cullen, Jody Gleason and Michelle Katz. State's Attorney Berlin presented the award on behalf of the Illinois State's Attorney's Association.



# OUTREACH & ENGAGEMENT



## Law Enforcement Youth Academy

Forty-one students participated in the Law Enforcement Youth Academy in 2018, the event's 16th year. Participants, who are students at Kane County high schools, work with the Aurora Police Department, the Kane County Sheriff's Office and the Kane County State's Attorney's Office to learn about the physical and mental requirements of a career in law-enforcement. The academy is coordinated by the Kane County SAO's Pam Bradley. Thanks to the Aurora Police Department and the Kane County Sheriff's Office for their valuable contributions and assistance.

# OUTREACH & ENGAGEMENT



## Drug education

State's Attorney Joe McMahon in April joined students from Adlai Stevenson High School in Lincolnshire to help share the many pitfalls about legalized marijuana. All participated in a news conference in Chicago, along with former DEA administrator Peter Bensinger and Lake County Sheriff Mark Curran, and other law-enforcement officials, drug policy experts and addiction experts.

# OUTREACH & ENGAGEMENT



## Drug education

Kane County State's Attorney Joe McMahon on May 2 joined U.S. Rep. Randy Hultgren and Surgeon General Jerome Adams, along with other law-enforcement, public safety and public health leaders, as well as social service providers at Waubensee Community College in Sugar Grove to discuss the issues surrounding the opioid epidemic that has gripped our nation for most of the last decade.

# OUTREACH & ENGAGEMENT



TOP: James Harvey of Elgin was selected as an Illinois Bicentennial Honor 200 honoree by the Illinois Department of Veterans' Affairs. Honorees were chosen based on contributions that have aided, benefitted and provided inspiration to their local communities and fellow veterans. Honorees were recognized Dec. 3 at the Illinois Bicentennial Celebration at the United Center in Chicago. RIGHT: After 26 years with the Elgin Police Department, the last eight as Elgin's chief of police, Jeff Swoboda retired in June to become the chief of police for the city of Fort Collins, Colo.



# OUTREACH & ENGAGEMENT



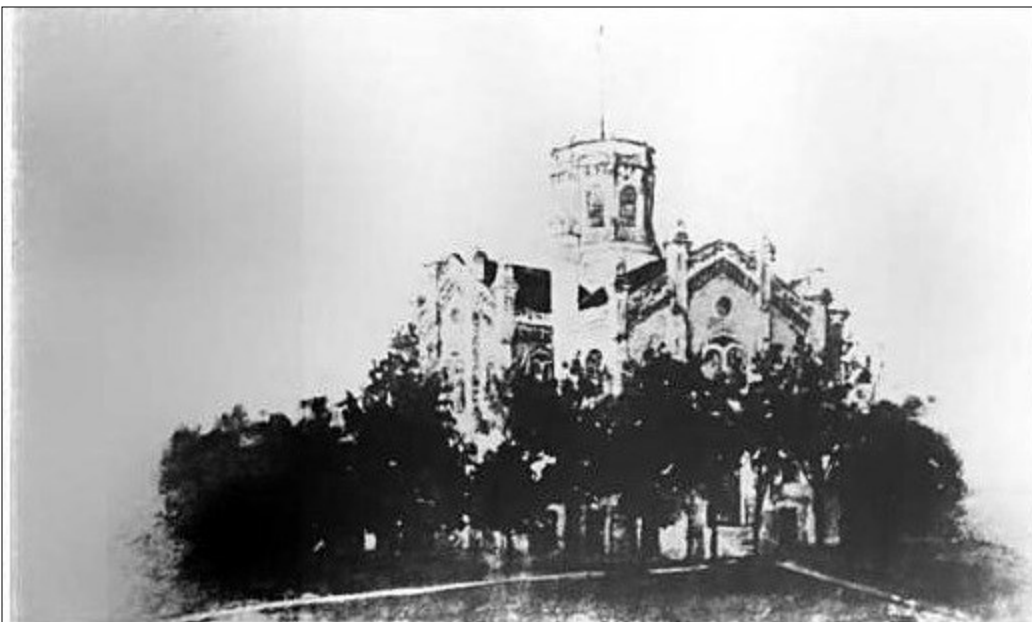
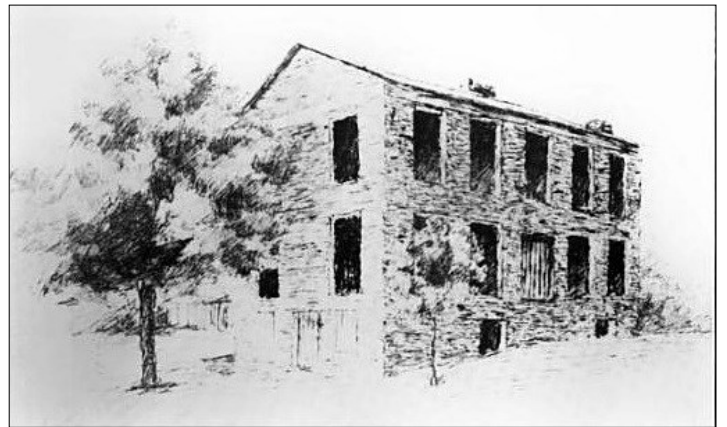
TOP: The Kane County State's Attorney's Office exercises its independence during every election to provide oversight, where needed, if questions about electioneering or illegal activities arise. Voters are encouraged to call the office to report such activities. The office responds by sending a team to the voting precinct in question to inquire about the allegations. In 2018 the office had the complaint line available for the March 20 primary election and the Nov. 6 general election. No major issues arose during either election. The office has had the complaint line available for many years. Pictured are (left to right) Assistant State's Attorneys Michele Niermann, Christine Bayer, Megan Baxter, Reagan Pittman and Dawn Troost. LEFT: Kane County Assistant State's Attorney Sarah Seberger (right) talks with Nancy Mullen, the executive director of Youth Outlook, an Illinois social service agency that offers support and resources to LGBTQ youths. Youth Outlook's supportive services help ensure that LGBTQ youths are able to avoid the court system.

# OUTREACH & ENGAGEMENT



Kane County State's Attorney Joe McMahon in December participated in a Discover-Y career day program at St. Charles East High School. SA McMahon joined several others who work in the legal, civil and public safety arenas in Kane County to talk to St. Charles East students about their jobs and how the students can pursue similar careers.

# KANE COUNTY COURT HISTORY

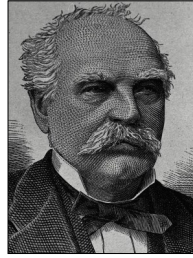


When the Illinois legislature formed Kane County in 1836, the county's first courthouse (top) was James Herrington's Tavern and Inn on North State Street in Geneva. County officials in 1837 moved into the second courthouse (above left), located at 4th and State streets in Geneva. The county quickly outgrew the building, and in 1844 moved into a new quarry stone building on the site of the present Geneva City Hall on Route 31. Rapid growth continued, and the county moved its offices again in 1857 to a three-story limestone building (left) on Third Street in Geneva. The building was designed by leading Chicago architect John M. Van Osdel. Fire destroyed the building in 1890. The current courthouse on Third Street was designed by Chicago architects W.J. Edbrooke and Franklin P. Burnham.

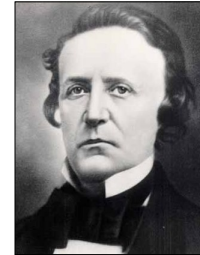


# Kane County State's Attorneys

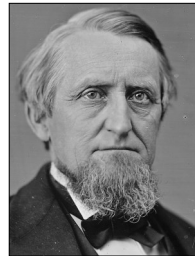
1837 – 1839	Alonzo Huntington
1839 – 1840	Norman H. Purple
1840 – 1841	Onslow Peters
1841 – 1842	Seth B. Farwell
1842 – 1844	Orsamus D. Day
1844 – 1847	Benjamin F. Fridley
1847 – 1851	Burton C. Cook
1851 – 1852	Phineas W. Pratt
1852 – 1853	Amos B. Coon
1853 – 1856	M.F. Boyce
1856 – 1857	Amos B. Coon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



Alonzo Huntington



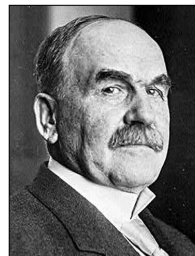
Norman H. Purple



Burton C. Cook



Col. Edward Joslyn



Albert J. Hopkins



Frank M. Joslyn

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

