

2019

ANNUAL REPORT

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

Annual Report for 2019

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

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On the cover: The front entrance of the Kane County Judicial Center in spring.

A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



I first took the oath as Kane County's State's Attorney in December 2010 with goals of ensuring our county is a safe place for people to live and work, as well as preventing people from coming into contact with the criminal justice system at all. At that time I challenged my staff to achieve these goals by committing to excellence and high integrity.

The result has been, and continues to be, justice and fairness for all.

Our work in 2019 reflected our continuing commitment to excellence

and integrity, public safety, justice, fairness and efficiency.

Our cases included headline makers like the violent crimes of murder and sexual assault, gang crimes, and crimes involving illegal guns and dangerous narcotics. We also committed resources to crimes like domestic violence, which receives less public attention but deeply affect families and communities of all demographics.

We stood up for crime victims and their families with the understanding that those who are most impacted by crime must believe they will return to a place of safety.

We directed low-level offenders who make poor choices toward 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 mental health issues and substance abuse disorder play a significant role in how a person comes into contact with the criminal justice system and helped them address those concerns.

I am grateful and privileged to have your trust, and also to serve as Kane County's state's attorney for a 10th year, and 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 its unique challenges. I and my staff 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 trust is through transparency. This report, which highlights our work, is part of our efforts to be transparent.

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 fine quality of life. I look forward to continued successes in 2020.

JOSEPH H. McMAHON



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 2019. 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 (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



2019

2019 IN REVIEW

This report is a review of the Kane County State's Attorney's Office's work toward goals of public safety and justice in 2019.



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

As in most years, much of our focus in 2019 was on illegal guns and drugs.

Our office authorized charges against dozens of defendants for the illegal possession of guns. (Pages 8-13)

Our office saw an 6.9 percent increase in the number of new felony illegal narcotics cases. 48 percent of the 523 new cases involved cocaine, which has had an increasing presence in Illinois in recent years, according to the Illinois State Police. About 11 percent of the new cases involved heroin, which continues to have alarming popularity. The coroner reported 90 deaths in 2019 in which opiates were present. (Pages 14-15)

The Kane County Child Advocacy Center conducted 387 investigations and charged 68 cases, decreases from 2018. (Pages 22-23)

Attorneys reviewed more than 2,700 felony investigations from 34 police agencies (Page 33). In all, we authorized 2,604 new felony files and 4,273 new misdemeanor cases.

The number of new felony filings represents a 4.2 percent increase from 2018 and is the highest number of new felony filings since 2012. It was the fourth consecutive year that felony filings increased after eight years of declines starting in 2008.

The 4,273 new misdemeanor files is a slight increase from 2018. Included in those

misdemeanors were 995 new domestic violence cases and 860 new DUI cases.

There were 15 homicides in Kane County in 2019 not related to drug overdoses or vehicles. We filed 1st-degree murder charges against 3 defendants in the deaths of 2 victims, we filed one charge of involuntary manslaughter and one charge of 2nd-degree murder. Six 2019 homicides remain under investigation, and five people were killed in the Feb. 15 shooting at Henry Pratt Co. in Aurora. We filed no charges in the case because police shot and killed their killer.

Our office had resolutions in 7 first-degree murder cases in 2018. Five defendants were convicted of 1st-degree murder—four were sentenced to prison and the fifth awaits sentencing; a sixth was found not guilty by reason of insanity and placed into the custody of the Illinois Department of Human Services for mental health treatment, and a seventh was found not guilty. (Page 9)

We reviewed 1,856 alleged probation violations, 650 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 177 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 nearly 4,000 to about 11,200.

Finally, our office in FY2019 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.

2019 IN REVIEW



181-year prison sentence

Noel Buhay

For predatory criminal sexual assault. Page 15



30-year prison sentence

Ronald Smith

For the offense of armed habitual criminal. Page 9



112-year prison sentence

Carlos Bedoya

For predatory criminal sexual assault. Page 15



25-year prison sentence

Chad Conway

For the offense of armed habitual criminal. Page 9



80-year prison sentence

Kennrith Foster

For attempted murder, armed robbery, armed violence, aggravated battery. Page 9



25-year prison sentence

Gabriel Lopez

For first-degree murder. Page 9



55-year prison sentence

William Ingram

For first-degree murder. Page 9



18-year prison sentence

Fred Hampton

For unlawful possession of marijuana, his 12th felony conviction. Page 11



30-year prison sentence

Keyonn Lovelace

For first-degree murder. Page 9



16-year prison sentence

Mario Betancourt

For possessing 1,200 grams of heroin. Page 11



VIOLENT CRIME & GUNS

Our office devotes significant resources to cases involving violent crimes because of their impact on victims and the community.

Much violent crime centers around street gangs, the illegal narcotics trade and illegal guns. Prosecutors 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 among our office, federal agencies and Kane County police agencies.

We 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 how these crimes affects victims and the community.

We assign these cases to our most experienced prosecutors to assure a just and

fair outcome for victims and the community.

2019 in review

Kane County police agencies in 2019 reported 15 homicidal deaths. Of those, we charged three defendants with first-degree murder in two cases. In addition we charged involuntary manslaughter in one homicide and second-degree murder in one homicide. On Feb. 15 in a mass shooting in Aurora a gunman killed five victims before police shot and killed him. Six homicide cases from 2019 remain under investigation.

The 15 homicides were an increase from the 7 homicides in 2018. Policer reported 15 homicides in 2017, 11 homicides in 2016, 10 homicides in 2015 and 11 in 2014.

Our office in 2019 secured convictions in six homicidal death cases: Gabriel Lopez, Keyonn Lovelace, Marquitte West and William Ingram were convicted of first-degree murder and sentenced to prison; Martin Garcia was convicted of first-degree murder and awaits sentencing; and Ler Htoo pleaded guilty to involuntary manslaughter. John Shenko was found not guilty by reason of insanity and transferred to the custody of the Illinois Department of Human Services for mental health treatment. José Alejandro was found not guilty of first-degree murder.

VIOLENT CRIME & GUNS

Illegal guns

Our office continues to aggressively prosecute cases that involve illegal guns because of how frequently illegal guns are used in crimes. Evidence points to a link between guns and illegal drug dealing, as well as guns and robbery.

Since 2018 we have prioritized cases in which the offender was in possession of a loaded gun in a car or in public, or used a gun to commit a crime.

After reviewing police investigations, our office's Felony Trials Bureau initiated 128 new cases for the offense of aggravated unlawful use of a weapon. In many of those cases the offender also was charged with the offense of unlawful use of a weapon by a felon or unlawful possession of a firearm without a Firearm Owners Identification Card.

The 128 cases is an increase from the 121 cases charged in 2018 and the 116 cases charged in 2017.

Prosecutors look at each case individually and consider facts such as criminal history, why the person was in possession of a gun and where the gun was found.

For more, see pages 10-13.

2019 CASES

- In January, a judge sentenced **Juan Mexicano** of Addison to 7 years in prison for unlawfully possessing 31 weapons, including 5 automatic long guns and a grenade launcher, as well as thousands of round of live ammunition, in an Elgin storage locker.
- In February, a judge sentenced **Keyonn Lovelace** to 30 years in prison for the 2015 shooting death of 19-year-old Daniel Sanchez of Aurora over a small amount of marijuana. A co-defendant was previously sentenced to 55 years in prison in the case.
- In February, a judge sentenced **Damarcus Gilmore** and to 21 years in prison and **Brian Ormond** to 15 years in prison for a pair of armed robberies, one in Hampshire and one in East Dundee, in May 2017.
- In February, **Megan Lino** of Carpentersville was the sixth offender to plead guilty in a 2016 Elgin home invasion and kidnapping. A judge sentenced her to 12 years in prison. The other offenders pleaded guilty in 2018.
- In April, a judge sentenced **Ler Htoo** to 2½ years probation and 180 days in jail for his role in a workplace incident in Hampshire that resulted in the death of a co-worker. He pleaded guilty to involuntary manslaughter.
- In May, a judge sentenced **Chad Conway** of Carpentersville to 25 years in prison for possessing a handgun he was prohibited by law from possessing because of his extensive criminal history. Conway fired the gun twice inside the victim's home in an attempt to intimidate her, then held the gun to her head and threatened to kill her. Conway has been convicted multiple times for violent and drug offenses.
- In July, a judge sentenced **Ronald Smith** to 30 years in prison for possessing a handgun he was prohibited from possessing because of his criminal history. At the time he was arrested he was preparing to commit the offense of armed robbery.
- In July, a judge sentenced **Tyrell Sumling** to 13½ years in prison for committing the offense of home invasion in 2018 in Elgin.
- In August, a judge sentenced **Sweed Strickland** to 9 years in prison for an unprovoked attack that left the victim with severe facial injuries.
- In August, a judge sentenced **Gabriel Lopez** of Elgin to 25 years in prison for his role in the 2017 stabbing murder of Bayron Cruz-Garcia of Elgin. Lopez pleaded guilty to first-degree murder. Murder charges are pending against two others in the case.
- In August, a judge sentenced **Marcus Walker** of Aurora to 8 years in prison unlawfully possessing a gun.
- In September, a judge sentenced **Favio Velazquez** to 3 years in prison for the straw purchase of a Barrett .50-caliber rifle, the ownership of which he unlawfully transferred to someone else.
- In October, a judge sentenced **Anibal Ramos** to 12 years in prison after he pleaded guilty for shooting at a car in downtown Aurora in March 2015. No one was injured in the incident.
- In November, a judge sentenced **William Ingram** to 55 years in prison for the 2015 shooting death of Devonte Turner of Elgin. Ingram is a known drug dealer whose crimes became progressively more violent.
- In November, a judge sentenced **Terry Hunter** to 16 years in prison for being in possession of a loaded gun when he slammed into a car in a Batavia restaurant parking lot.

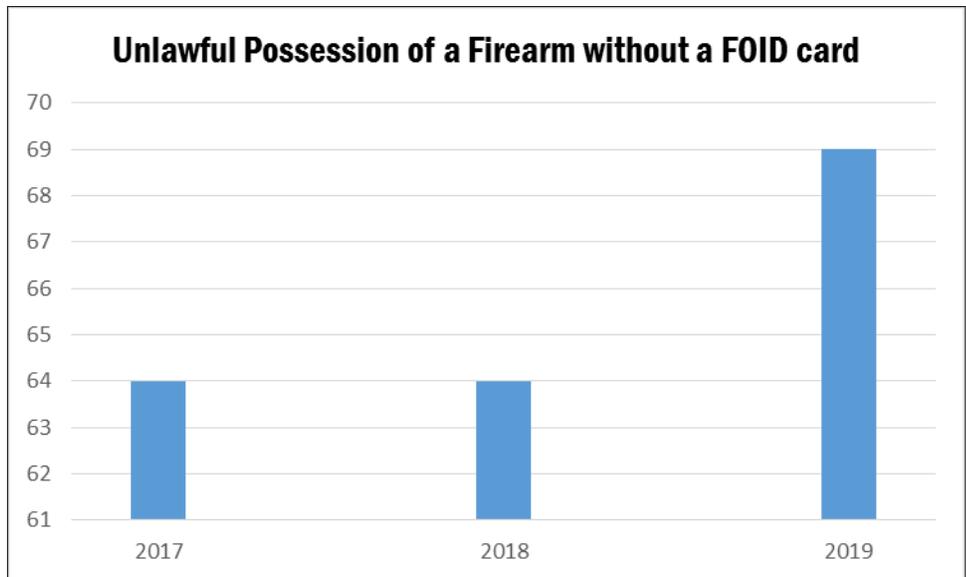
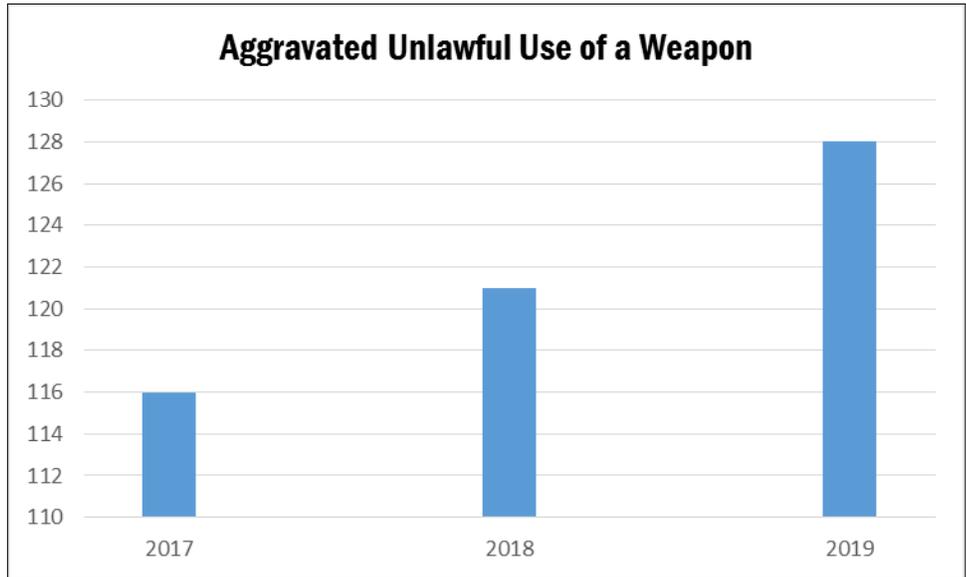
SPECIAL REPORT: GUN CRIMES

Offenders who are in possession of guns, most acquired illegally, continue to be a growing problem in Kane County.

Although guns are used in the commission of a variety of crimes, simply possessing a gun is a criminal offense in many scenarios. For example:

- Gun owners must possess a Firearm Owners Identification card. Failure to do so is a felony if the individual is not eligible for a FOID card.
- If a gun is in a vehicle, it must be unloaded and in a case. A violation of this law is a felony.
- A person carrying a gun on his or her person in public must have a FOID card and a Concealed Carry License or they are committing a felony.
- Gang members and anyone convicted felons are prohibited from possessing guns. Those who do are guilty of Class 2 or Class 3 felony offenses.

The first chart on this page



shows how gun offenses continue to increase, with the number of cases involving the offense of aggravated unlawful use of a weapon growing to 128 in 2019 from 116 in 2017.

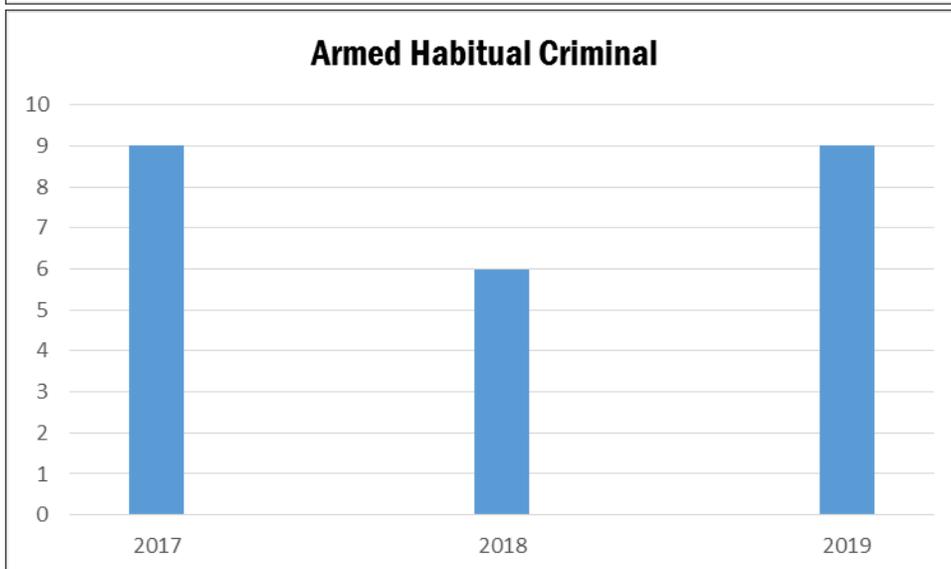
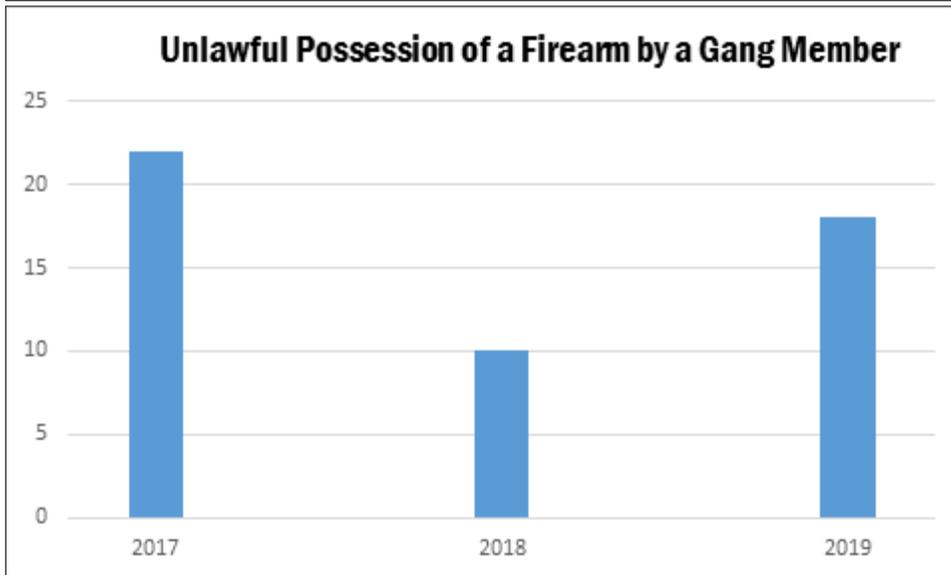
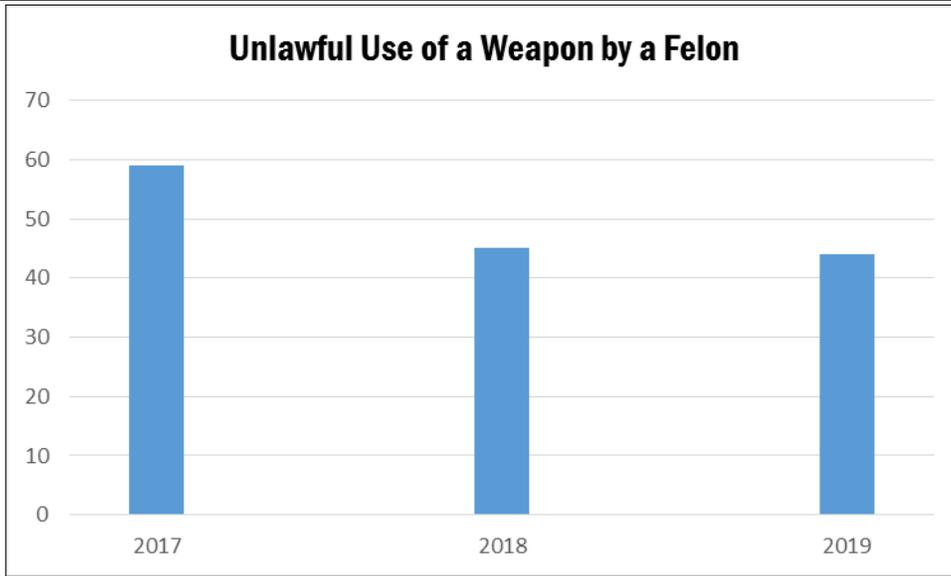
As previously noted, each gun case is individually evaluated before a decision

is made about whether to file criminal charges.

All charges are filed at the discretion of experienced prosecutors.

Our office follows this protocol in an effort to respect state and federal gun laws while also assuring public safety.

SPECIAL REPORT: GUN CRIMES



SPECIAL REPORT: ILLEGAL GUNS

Illegal guns continue to be a problem in Kane County and around the Chicago area. In response, our office works with various local, state and federal agencies in the investigation and prosecution of individuals who unlawfully obtain, sell, and possess guns.

In 2019, our office closed a multi-defendant illegal gun case that began with an investigation in 2016. Officials involved with the case believe that had they not intervened, multiple guns would have been shipped across the southern border to use used in Mexico's illegal narcotics trade.

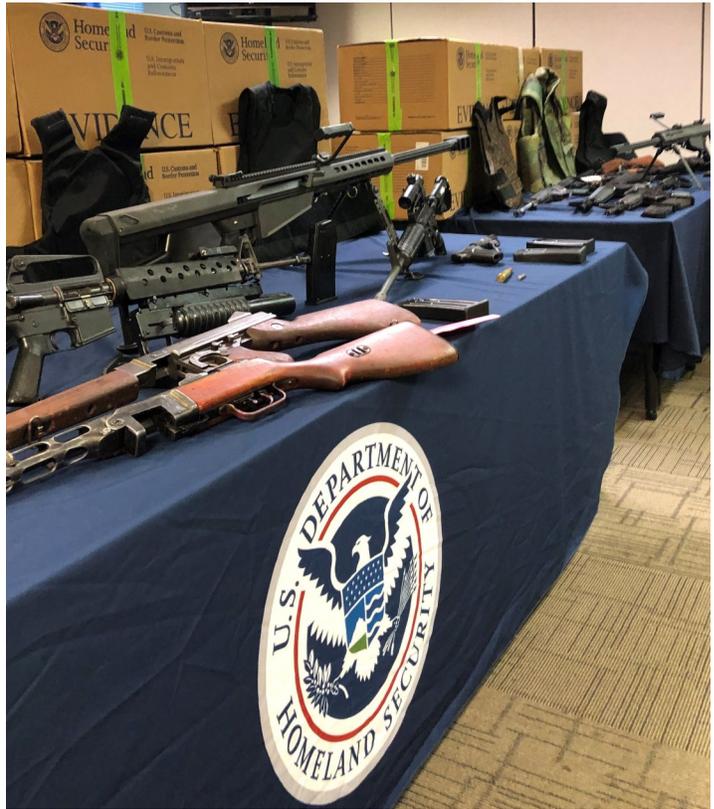
In January, a judge sentenced Juan Mexicano of Addison to 7 years in prison after he pleaded guilty to 9 felony counts of unlawful use of a weapon.

The sentence, which is the maximum allowed under Illinois law, is being served in conjunction with a sentence delivered to Mexicano in federal court in California on a conviction for cocaine distribution conspiracy charges.

In August 2016, Elgin Police, working with agents from Homeland Security Investigations and the Department of Alcohol, Tobacco, Firearms & Explosives, as well as the Kane County Sheriff's Office and the Chicago Police Department, served a search warrant at an Elgin storage locker that Mexicano was renting. Inside they found 31 weapons, including five fully automatic weapons, a grenade launcher and two live grenades, as well as thousands of rounds of live ammunition.

Among the automatic rifles found were a Colt AR15, a World War II-era Schmeisser rifle, and a Thompson sub-machine gun. The investigation revealed that the guns and ammunition were Mexicano's property.

In addition, a judge sentenced Favio Velazquez of Columbus, Ohio, to 3 years in prison after Velazquez pleaded guilty to the felony offense of unlawful purchase of a firearm.



Velazquez had purchased a powerful Barrett .50-caliber rifle, and at the time affirmed as required by law that he was the actual buyer of the gun. However, authorities found the Barrett rifle in the Elgin storage locker being rented by Mexicano. Velazquez had no connection to the locker.

Buying a gun and then providing the gun to another person is an illegal practice known as straw purchasing.

Kane County Assistant State's Attorney Bill Engerman prosecuted the cases.

Two other persons, Dana J. Prouty and Ira A. Burdine, were convicted in Lake County court for offenses related to weapons sales to Velazquez.

Kane County State's Attorney Joe McMahon said:

"Mr. Mexicano is a gun and drug dealer whose capture and prosecution was the result of cooperation across multiple state and federal agencies and the

SPECIAL REPORT: ILLEGAL GUNS



Elgin Police Department. Removing these fully automatic weapons, dozens of other firearms, explosive devices and thousands of rounds of ammunition is a small but important victory against those who engage in violent crime and participate in the deadly and illegal drug trafficking trade.

“Without the diligent work of these agencies to take these weapons off the streets, the guns might have been used to commit acts of violence and to help bring illegal drugs into the United States.”

**Special Agent in Charge of HSI Chicago
James M. Gibbons said:**

“This joint investigation demonstrates that law enforcement can combat emerging and existing transnational criminal organizations by employing the full range of federal, state and local law enforcement authorities and resources in the fight to identify, investigate, disrupt and dismantle these organizations at every level of operation.”

PREVIOUS PAGE AND ABOVE: Some of the 31 firearms that were confiscated from an Elgin storage locker are displayed at a media event in October in Oak Brook. The large guns on tripods are Barrett .50-caliber rifles that are capable of shooting a hole in an engine block. Also found in the locker were ammunition, cash, money counters and bullet-proof vests. Below: Reporter Chuck Goudie of ABC 7 Chicago interviews Kane County ASA Bill Engerman about his work in the investigations and prosecutions related to the illegal guns.





DRUGS & MONEY LAUNDERING



Assistant State's Attorney Kelly Orland is an 18-year prosecutor who has been head of the office's Drug Unit since 2008.

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

We aggressively prosecute drug dealers because of the dangerous criminal elements that tend to accompany drug dealing, drug trafficking and money laundering, and create safety issues within the community.

Drugs and criminal activity

Drugs are a common thread in criminal activity, and evidence points to a correlation between street gangs and illegal drug dealing. By aggressively prosecuting drug dealers and drug traffickers, authorities interrupt the supply chain and limit the access to and supply of illegal drugs, reducing drug-related crime and promoting a safer community.

Some drug offenders, however, suffer from substance use disorder and the unit directs them 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.

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

2019 by the numbers

Although the unit reports an increase in new cases in 2019 — about 6.9 percent more new cases compared to 2018 — it is important to note that these statistics reflect only known activity, which generally is known to law enforcement through arrests, prosecutions and the seizure of illegal drugs.

Our office charged approximately 523 felony narcotics cases in 2019 in which the most serious offense was a drug offense such as

DRUGS & MONEY LAUNDERING

possession, possession with intent to deliver, or delivery of controlled substances and marijuana and trafficking.

Of the new cases approximately 48 percent involved cocaine, 13 percent involved prescription drugs, 11 percent involved heroin, 9.5 percent involved illegal amounts of marijuana, 6 percent involved MDMA (ecstasy), 5.1 percent involved methamphetamine, and 3 percent involved the hallucinogens lysergic acid diethylamide (LSD) or psilocybin mushrooms. Three cases involve other drugs.

We resolved 208 felony narcotics cases.

Although heroin and fentanyl continue to make headlines across the country, cocaine continues to be the dominant illegal drug in Kane County. The Illinois State Police has

reported that submissions of cocaine and methamphetamine to its lab for testing have been on the rise in recent years. In addition, in 2019 methamphetamine had a greater presence in Kane County than in recent years. Until 2019, methamphetamine had not been significantly present in Kane County.

Public health officials report that opiate use nationwide is slowly abating, although heroin and opiates, including fentanyl, remain significantly present locally and nationally. The coroner's office reports that there were 90 deaths in Kane County in 2019 in which evidence of opiates was found during the autopsy.

In addition, the U.S. Centers for Disease Control and Prevention reports that cocaine and methamphetamine-related deaths have been significantly increasing across the country for several years.

2019 CASES

- In April, a judge sentenced **Fred Hampton** to 18 years in prison for possessing 12 grams of marijuana he planned to deliver. Dating to 1988 Hampton has 12 total felony convictions for drug, weapon and violent offenses and has served 10 prior prison sentences.

- In May, a judge sentenced **Mario Betancourt** to 16 years in prison for possessing more than 1,200 grams of heroin he planned to sell. The heroin had a resale value of approximately \$120,000.

- In June, a judge sentenced **Thomas Franzen** of Montgomery to 4 years in prison for possessing more than 42 pounds of THC-infused chocolate that he sought to sell. Authorities became aware of

Franzen discovered a pattern of suspicious packages being delivered to Franzen's home. When police searched his home they found cocaine, leaf marijuana, cannabis hash oil, and items consistent with drug trafficking, such as a digital scale and materials used for drug packaging. Police also found evidence that Franzen had been selling marijuana products and shipping them across North America.

- In June, a judge sentenced **Braham Thomas** to 18 months in prison for selling marijuana.

- In August, a judge sentenced **Karen M. Solomon Bey** to 4 years of probation for selling a total of less than 3 grams of cocaine to an under-

cover police informant on three occasions.

- In October, a judge sentenced **Lamelle Johnson** of Carpentersville to 11 years in prison for possessing 28 grams of cocaine he planned to sell. Johnson also was in possession of 3 digital scales and more than \$8,000 in cash. When officers served a search warrant at Johnson's home, he saw them approach, ran inside his home and began to shove cocaine into his mouth.

- In October, a judge sentenced **Aleksandra Kunicka** to 6 years in prison for burglarizing a Batavia business five times in 2018, stealing more than \$2,600 to support her heroin addiction.



ASSET FORFEITURES

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

This law allows police to seize vehicles that have been used, **with the knowledge and consent of the owner**, in the commission of certain crimes. These crimes include DUI while driving on a suspended or revoked license, felony DUI, aggravated fleeing and eluding, reckless homicide, stalking and burglary.

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

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

Article 36 Forfeitures in 2019

- Seized **113 vehicles**; 71 of these forfeiture cases are pending

- Forfeited **23 vehicles** to the seizing police agency to be used by that agency or sold
- Returned **9 vehicles** to a lienholder
- Returned **10 vehicles** to the registered owner under the innocent owner exception

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

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

Drug Asset Forfeitures in 2019

- Kane County's 34 police agencies seized **\$505,241** in assets in accordance with the law
- **\$380,417.49** 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

TRAFFIC, MISDEMEANOR, DUI



Assistant State's Attorney Joseph Cullen is a 34-year prosecutor who has led the Misdemeanor & DUI Unit since 2012. He previously was a prosecutor in the U.S. Army.

Prosecutors in traffic, misdemeanor and DUI courtrooms work for the public's safety by holding offenders accountable for misdemeanor offenses, advocating for victims of misdemeanor offenses and advocating for traffic safety through enforcement of traffic laws.

Twelve ASAs and six administrative personnel prosecuted these offenses in five courtrooms in 2019: 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 fines and jail: remote alcohol monitoring, victim impact panels, alcohol counseling, mandatory urine testing, deferred prosecution and community service.

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

Misdemeanors

Our office charged 4,273 new misdemeanor cases in 2019. Of those, 860 were misdemeanor DUI files. An additional 842 new misdemeanor DUI were prosecut-



ed by the municipality in which they were charged. We charged 995 new misdemeanor domestic violence cases, which are addressed on Pages 16-17.

Most common offenses

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

Traffic court

We prosecuted 24,572 new traffic citations. In addition, 36,311 traffic citations were prosecuted by the municipality in which the offense occurred.

DUI prevention

Our office worked with Kane County police agencies on two No-Refusal anti-DUI initiatives, on Feb. 3 and Nov. 27. Seven police agencies participated in the Feb. 3 event with 1 arrest. Eight police agencies participated in the Nov. 27 event with 6 arrests.

2019 CASES

- In February, a judge sentenced **Roberto Patino Hernandez** of Aurora to 9 years in prison for his 6th DUI offense.

- In April, a judge sentenced **Duane Moss** to 12 months of court supervision and 50 hours of community service for threatening to begin shooting a gun inside the Aurora business where he worked.

- In November, a judge sentenced **Elizabeth Aguilar** to 18 months of supervision and 150 hours of community service. A jury convicted Aguilar, a teacher at Bardwell Elementary School in Aurora, of failure to report child abuse as a mandated reporter.

- In December, a judge sentenced **Brian Quartuccio** to 6 years in prison. Quartuccio pleaded guilty in October to failure to report an accident with injuries and driving on a revoked license after the pickup truck he was driving struck a 7-year-old girl who was riding her bicycle. Quartuccio fled the scene, failing to render aid.

- A judge in December convicted **Matthew Willigman** of failure to report child abuse as a mandated reporter in 2018. Willigman was the principal at O'Donnell Elementary School at the time. He awaits sentencing.

TRAFFIC, MISDEMEANOR, DUI



The Alliance Against Intoxicated Motorists in August recognized the work of Joe McMahon and the Kane County State's Attorney's Office in prosecuting DUI cases and keeping Illinois' roadways safe.



TRAFFIC, MISDEMEANOR, DUI



In April, State's Attorney Joe McMahon joined members of the Illinois State Police, Kane County police officials and representatives of numerous local safe driving advocacy groups to promote Distracted Driving Awareness Month.

SPECIAL PROSECUTIONS

FINANCIAL CRIMES AND DOMESTIC VIOLENCE



Assistant State's Attorney Greg Sams is a 25-year prosecutor who has led the Special Prosecutions Unit since 2012 and a member of the Priority Prosecutions Unit since 2005.

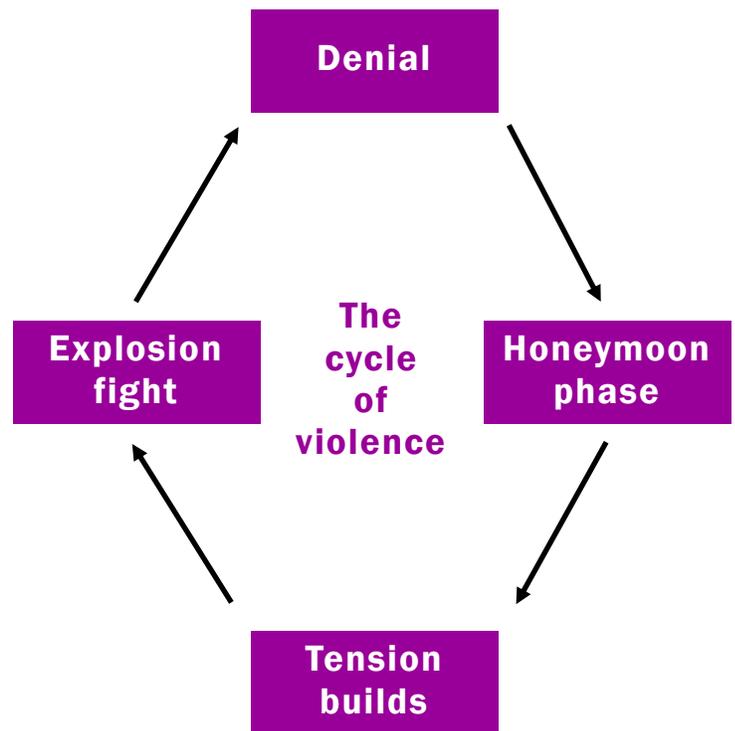
Special Prosecutions Bureau attorneys handle cases that require dedicated attention to particular crimes, or in some instances, cases with **defendants needing special attention**. This necessitates that bureau attorneys have **specialized abilities**.

In 2019, the bureau's attorneys continued to prosecute felony and misdemeanor **domestic violence cases** 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 2019 consisted of eight assistant state's attorneys – three who prosecuted misdemeanor domestic violence cases and five who prosecuted felony domestic violence cases and major financial crimes. One ASA is assigned to the specialized courts. Finally, several advocates with specialized training assist domestic violence 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



A typical cycle of violence in domestic abuse.

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.

As most crime continues to decline across the country, occurrences of domestic violence offenses remain relatively constant, although they did drop in 2019.

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 prepare for in-court duties.

SPECIAL PROSECUTIONS

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

2019 by the numbers

In 2019, our office charged **995 cases of misdemeanor domestic battery**. We charged approximately **235 felony domestic battery** cases, which included approximately **89 aggravated domestic battery** cases, which involve strangulation or great bodily harm.

Financial Crimes

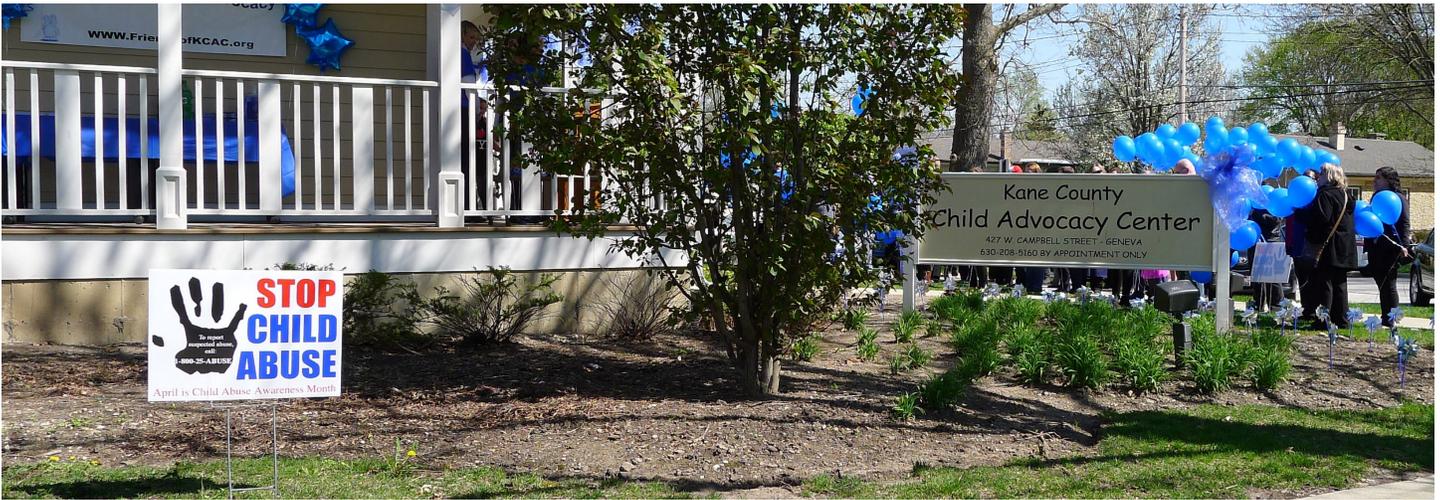
Bureau attorneys prosecute major financial crimes. Financial crimes involve more **detailed evidence** for conviction, meaning the crime was committed by a person with access to the money, be it an employee or someone in position of trust. These prosecutions require a high degree of specialization because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



Michelle Meyer of Mutual Ground, State's Attorney Joe McMahon, and Maureen Manning of Community Crisis Center of Elgin.

2019 CASES

- In January, a judge sentenced **Carlos Zaca** of Aurora to 8 years in prison for attempting to have a sexual encounter with what he believed was a minor, and for possessing child pornography.
- In February, a judge sentenced **William Wood** of Elgin to 2 years in prison for stealing more than \$34,000 from the Elgin police union.
- In February, a judge sentenced **Larry Lawson** of Aurora to 12 years in prison for violently attacking his former girlfriend with a knife after she broke up with him.
- In April, a judge sentenced **Anthony Briden** to 13 years in prison for causing permanent injuries to his girlfriend's infant son.
- In June, a judge sentenced **Franco Marrone** to 4½ years in prison for stealing more than \$75,000 from his Geneva employer.
- A judge in July sentenced **Kelvin Hall** to six years in prison for repeatedly beating and choking his girlfriend, inhibiting her ability to breathe. The domestic battery conviction is Hall's sixth.
- In December, a judge sentenced former Geneva doctor **Mark G.P. Lewis** to 8 years in prison for sexually assaulting a woman he knew in his St. Charles home. The victim was unable to consent.
- In December, a judge sentenced **Kennrith Foster** to 80 years in prison for trying to kill his ex-wife at her job in Sugar Grove.
- A judge sentenced **Tavares Sanders** of Chicago to 6 years in prison for beating his estranged wife, causing great bodily harm.



CHILD ADVOCACY CENTER



Assistant State's Attorney Debra Bree, the Child Advocacy Center's executive director, is a 20-year prosecutor

A number of factors contribute to the complexities of child sexual assault and abuse cases. These factors include the relationship between the child and the abuser, the emotional nature of the cases, the timing of the disclosure, the 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 established guidelines for the function of child advocacy centers to address the child sex abuse cases. These guidelines allow for a **specialized investigative and prosecutorial protocol** that is sensitive to the nature of the cases, the child victims and their relationships with their abusers. The Kane County Child Advocacy Center staff is **prepared** for such complexities as they prosecute these cases. The center also helps to direct victimized families to necessary services to help them return to a **place of safety**.

Most victims know their abusers

Although there is a common belief "stranger danger" poses the **greatest risk to children**, national statistics show that overwhelmingly child sex assault and abuse victims are exploited by **someone they know**, often by a person entrusted with their care. In Kane

County, this number historically hovers around **98 percent**.

2019 in review

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 staffed the Kane County CAC in 2019.

The center in 2019 conducted **387 investigations**, a 3.5 percent decrease from the 401 investigations conducted in 2018, but on par with the 388 investigations conducted in 2017, and a 15 percent increase over the 330 investigations in 2016.

The center **charged 68 cases**, a .6 percent decrease from the 72 cases charged in 2018. The center **resolved 35 cases** with a finding of guilty, either at trial or by plea.

Among the cases resolved were those of two offenders who received significant prison sentences, as noted on the next page. A judge sentenced **Noel Buhay to 181 years** in prison, which is to be served consecutive to a 51-year sentence he is serving for a conviction on similar charges. A judge sentenced teacher and coach **Carlos Bedoya to 112 years** in

CHILD ADVOCACY CENTER

prison. In addition he faces similar charges in multiple pending cases.

Judges sentenced several other offenders to at least 10 years in prison.

In addition to the criminal cases, the center:

- Responded to a total of **662 children** who were referred for inquiry
- Provided advocacy and support services for **1,094 children and adults**
- Conducted **45 courtesy forensic interviews** for other law-enforcement agencies
- Provided **29 specialized child sexual abuse exams** by a board certified pediatrician's group

In October, State's Attorney Joe McMahon named longtime Assistant State's Attorney **Lori Schmidt as the center's assistant director**. ASA Schmidt has worked for the office since 2003, and has been assigned to the Child Advocacy Center since 2008. She has spent her entire legal career working in defense of children, having also been assigned to the office's Juvenile Delinquency and Abuse & Neglect divisions.

Although the center continues to see increasing numbers 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 schools to implement a child sexual-abuse awareness and prevention program.

In addition, our office has engaged in numerous **public relations campaigns** in recent years to **improve awareness** about child sexual abuse and how to make a report.

2019 CASES

- In January, a judge sentenced **Noel Buhay** to 181 years in prison for sexually assaulting a child he knew over 3 years. The sentence is to be served consecutive to a 51-year sentence Buhay is serving for a prior conviction on similar charges
- In February, a judge sentenced **Darius Jones** to 10 years in prison for sexually assaulting a child. The victim was a resident at a juvenile mental health treatment facility, where Jones was employed at the time. The victim's case was assigned to Jones.
- In March, a judge sentenced **Michael Martinez** to 9½ years in prison for sexually assaulting a young child he knew.
- In May, a judge sentenced **Esequiel Gonzalez Banelos** to 15 years in prison for sexually assaulting two children over five years.
- In August, a judge sentenced **Jose Luis Cruz Francisco** of Sleepy Hollow to 14½ years in prison for sexually assaulting a young child he knew. The victim's mother witnessed the assault and immediately called the police.
- In August, a judge sentenced **Marco Herrera** of Aurora to 13 years in prison for sexually assaulting two children he knew over 13 years. One of the victims told an older sibling about the assaults. The older sibling called police.
- In August, a judge sentenced **Jose Barboza-Lopez** to 5 years in prison for exposing himself to children at Elgin's Wing Park Pool.
- In August, a judge sentenced **Jose Luis Cruz Francisco** to 14½ years in prison for sexually assaulting a young child he knew.
- In August, a judge sentenced **Mauricio Herrera** to 13 years in prison for sexually assaulting two children over 13 years.
- In October, a judge sentenced teacher and coach **Carlos Bedoya** to 112 years in prison for sexually assaulting a child he knew.
- A judge sentenced **Lindsay Anderson** to 10 years in prison for sexually assaulting two juveniles who were her former students.

DEFERRED PROSECUTION



Michelle Halbesma has led the Deferred Prosecution Unit its entire 26-year existence. She holds a master's degree in criminal justice.

D eferred Prosecution, formalized in 1995, observed its 24th year in 2019.

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

Deferred Prosecution allows offenders to avoid a permanent conviction from being placed on their records while holding them accountable and teaching life lessons.

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

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

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

By the numbers

Fiscal year	<u>2017</u>	<u>2018</u>	<u>2019</u>
Applicants	579	491	412
Graduates	382	366	320
Terminated	135	131	143

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.

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.

Average participation time is 6-12 months.

In 2019

- 149 applied for the program with 113 graduates and 49 negative terminations. Cumulatively 5,286 defendants have completed this program with an overall success rate of 75 percent.
- Participants paid \$56,653 in restitution. Cumulatively nearly \$2.7 million in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$96,442.84 in application and program fees.
- Participants performed 3,565 hours of community service work at charitable organizations. Since 1995, participants have completed 455,339 hours of community service.
- Also: 24 participants obtained high school diploma or GED, 1 enrolled in ESL classes, 18 completed an individual counseling program, 18 completed a substance abuse evaluation and subsequent treatment rec-

DEFERRED PROSECUTION

ommendations, 12 completed the Parenting Support Program, 9 completed the Anger Management Program, 69 completed the Theft Awareness Program and 40 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 2019

- 11 applicants, 12 graduates, 5 negative terminations. Cumulatively the program has had 1,780 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 \$7,823.14 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 2019

- 163 participants, 143 graduates, 62 negative terminations. Cumulatively the program has had 973 graduates, with a success rate of 75 percent.
- Collected \$59,437.41 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

"Deferred Prosecution's value is in giving people another chance while holding them accountable and teaching them to make better choices."

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

agreement. Average participation time is 12 months.

In 2019

- 0 applicants
- This program has seen a sharp drop in applicants since a supporting federal grant ended in 2014
- Collected \$0 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 2019

- 89 participants, 47 graduates and 27 negative terminations. Cumulatively, the program has had 277 graduates and a success rate of 72 percent.
- Collected \$54,793.65 in program fees.
- 23 participants completed the required Drugs of Abuse class

CIVIL DIVISION



The Civil Division represents 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 investigates complaints regarding violations of the Open Meetings Act and 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.

Freedom of Information Act

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.

The division processed 43 FOIA requests in 2019. FOIA requests can require the expendi-

ture of significant resources in terms of time and paper. Some requests that were filled in 2019 required multiple days and hours to process. In addition, the Civil Division continued to advise elected officials, and county offices and departments on FOIA and Open Meetings Act matters as requested.

In addition in 2019, 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 2019 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.

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 applicant 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. However, TAC is being expanded to 30 participants beginning in 2020

2019 by the numbers

- 42 defendants applied, 10 were accepted
- 6 defendants successfully completed TAC with 1 discharges for failure to complete the program
- There were 21 participants
- Many TAC participants carry over from one year to another



MENTAL HEALTH

Mental health and mental illness represent significant public health issues across the country. Public health officials estimate that mental illness affects one in five adults 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 its Civil Division, represents the people of Illinois in mental health proceedings under the state's Mental Health Code.

Treatment works

Appropriate medication and treatment are highly effective in treating mental illness. 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 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 2019, our office filed 154 mental health petitions in Kane County. Specifically, 140 of those were for involuntary admission, 12 were for involuntary administration of psychotropic medication and 2 were for production of records.

MENTAL HEALTH



Mental health

In September, State's Attorney Joe McMahon joined Elgin community leaders at a groundbreaking ceremony for low-income housing. Some of the housing will be set aside for mental health patients who are transitioning after a mental health crisis. ABOVE: Adrienne McCauley of the Fox River Valley Initiative stands next to a rendering of the project.

CHILD SUPPORT



Heidi Baxter has been an assistant state's attorney for 31 years, and became head of the Child Support Unit in 2018.

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.

2019 by the numbers

- Collected \$27,247,944 from all open Title IV-D cases, up \$149,367 from 2018
- Served 14,190 children in 12,775 families
- Reviewed 976 new cases and filed 860 new

pleadings, including 351 complaints for support, 175 petitions to modify existing obligations, 141 new petitions to establish paternity, 60 petitions to intervene and 31 petitions for order to show cause.

- The 860 new cases represents a 7 percent increase from the 805 new cases received in 2018. The increase in new cases reverses a sharp decrease in cases in 2018 compared to 2017.
- Filed 82 new Uniform Interstate Family Support Act Complaints and registered 34 foreign judgments for enforcement
- Appeared in court on more than 100 cases each week, for a total of 5,310 court appearances
- 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. 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



Bridget Sabbia has been an assistant state's attorney for 15 years. She became head of the Juvenile Division in 2019.



The Juvenile Division oversees Juvenile Delinquency and Juvenile Abuse & Neglect cases. The Juvenile Delinquency responsibilities are to prosecute felonies and misdemeanors committed by offenders under age 18 with a **focus on diversion** to prevent them from becoming fixtures in the court system. In Abuse & Neglect Court, the focus is protecting children who are abused, neglected or dependent on the state for care.

The division is comprised of four assistant state's attorneys and one administrative assistant.

2019 by the numbers

The division in 2019 filed **347 new petitions to adjudicate** delinquency, which is a 12 percent decrease from the 393 new cases filed in 2018. The decrease is attributable to the division's emphasis on diversion. The unit **resolved 221 petitions** to adjudicate. Also, **48 new offenses** were charged as petitions to revoke probation or supervision.

If community-based services fail to curb the minor's delinquent behavior, or if probation is not appropriate, a minor **can be sentenced** to the Illinois Department of Juvenile Justice. In 2019, **11 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 committed to reforming the 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 abused, neglected or is dependent on the state for care.

The division in 2019 opened **110 new files**, and filed **10 new dependency petitions**. These files remain open 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 the court sets a **different goal and outcome**.

JUVENILE JUSTICE COUNCIL

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

Justice system stakeholders comprise the council's board of directors, while the larger council consists of partners from local community agencies and service providers, schools and other community alliances. As outlined by statute, State's Attorney Joe McMahon is the group's chairman.

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

The council's purpose is to support collaboration among agencies and programs to better address juvenile delinquency, as well as develop and implement a plan to prevent juvenile delinquency. 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 Schick, the council coordinator, through our office.

2019 achievements

- More than 780 parents and community members attended five presentations of "Wake Up Call," a program to educate parents on subtle signs their child might be using dangerous or illegal substances
- Presented a training session to local law enforcement about juvenile law, juvenile brain development, and available resources in Kane County
- Co-hosted Children's Mental Health Day
- Trained Kane County educators and community members in restorative practices, and distributed restorative practices resource cards to educators at every school district in Kane County.
- Created and distributed a variety of educational materials for the community to educate on topics such as domestic violence, mental health and Internet safety.



TOP: Sandi Lybert, founder of Your Choice to Live, a prevention and education organization from Oconomowoc, Wis., that seeks to reduce substance use among youths by providing parents with information to raise a drug-free child, addresses parents at Geneva High School. BOTTOM: State's Attorney Joe McMahon tells Geneva High School parents the importance of monitoring their children's activities

JUVENILE JUSTICE COUNCIL



TOP: The Kane County Juvenile Justice Council honored Ivan Carmona (center) of DREAM Academy in Elgin with its Outstanding Student Award. BOTTOM: The JJC honored Marina Salinas (center) of Family Service Association of Greater Elgin with its Youth Service Professional Award. The Juvenile Justice Council works with stakeholders and community partners to create a better environment for at-risk youths and families in Kane County

VICTIM SERVICES



The Kane County State's Attorney's Office's victim advocates, from left: Alma Hidalgo, Julie Pohlman and Dawn Vogelsberg, who are assigned to the Kane County Child Advocacy Center, and Martha Martinez, Linda Hagemann, Beth Williamson and Candace Miller. Martha, Linda and Beth are assigned to the main office, and Candace works with elder victims. Not pictured: Kelly Wallace.

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

The unit's seven full-time advocates work with the most vulnerable and sensitive victims of violent crime, including murder, child abuse, domestic violence, juvenile delinquency and sexual violence.

To better accomplish this goal in 2019, the unit upgraded its part-time felony advocate position to a full-time position.

The unit also has a part-time advocate who primarily works in the Elder & Disability Unit.

2019 accomplishments

In 2019, the Victims' Services Unit assisted more than **2,100 crime victims**. In addition, it **reorganized its Homicide Support Group**, which provides support to surviving family members of the victim. The grant-funded group is co-facilitated

with an advocate and a licensed clinical psychologist. As part of the reorganization, group leaders now present a different discussion topic and activities each session.

The murder **need not have occurred in Kane County**, nor does it have to have been charged for a victim to participate in a group. This is a free service.

The unit maintains staff expertise with **regular training** of current practices. Advocates learned about how immigrants and people who are trafficked are victimized. We seek to cultivate a more accessible atmosphere for victims that often come from a background of violence, inequality and discord.

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

VICTIM SERVICES



The Alliance Against Intoxicated Motorists in October recognized Kane County victim advocate Linda Hagemann for her many years of work on behalf of victims of drunken driving crashes. Linda has been with our office for 40 years.

SPECIAL PROSECUTOR



SPECIAL PROSECUTOR

Illinois state's attorneys occasionally are asked to serve as a special prosecutor in other counties to protect those counties from the high costs incurred by hiring private counsel to prosecute cases when conflicts are present.

From 2016 until 2019, State's Attorney Joe McMahon served as the 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 Laquan McDonald in 2014.

SA McMahon chose a trial team of Kane County First Assistant State's Attorney Jody Gleason, ASA Joe Cullen, ASA Dan Weiler, ASA Michelle Katz, and Marilyn Hite Ross, the First Assistant State's Attorney in Winnebago County (left).

The case went to trial in 2018 and the jury convicted Van Dyke of second-degree murder. In January, the judge sentenced Van Dyke to 6 years and 9 months in prison.

In February SA McMahon and Illinois Attorney General Kwame Raoul asked the Illinois Supreme Court to determine whether the sentence was appropriate or should be returned to the trial court for resentencing. The state supreme court agreed with the trial judge's decision and the sentence stood.

Our office has served as special prosecutor in other Illinois counties. Our work as special prosecutor does not result in increased costs to Kane County taxpayers. Other state's attorney's offices have assisted our office with prosecutions in Kane County.



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 Kane County.

Although all employees receive training, most of the training is directed at our attorneys, who are required to accumulate continuing legal education credits to remain licensed to practice law in Illinois. The office coordinates a number of training sessions each year.

The office in 2019 conducted training sessions on a variety of relevant topics, including:

- Implicit bias and stereotypes
- Case law update
- Pretrial procedure
- Closing arguments and theme development
- Prosecuting drug cases
- Cross examination
- Fundamentals of child sex abuse prosecutions
- Trial strategy preparation
- Direct examination
- Available resources to combat the opioid epidemic



Kane County Assistant State's Attorney Michelle Katz and DuPage County Assistant State's Attorney Lisa Anne Hoffman presented a training session in January about trial procedure. It was one of the many trainings conducted by the office for its employees in 2019.

SAO TRAINING



ABOVE: James DeAno and Jayne Reardon of the Illinois Supreme Court's Commission on Professionalism gave a presentation in January to Kane SAO lawyers about implicit bias. Implicit biases are unconscious attitudes, beliefs and stereotypes that affect our judgment and understanding of other people. The training was to help SAO attorneys to recognize and understand the biases. It was the second implicit bias training presented by the Kane SAO in recent years. RIGHT: Kori Clemons of the Illinois Department of Human Rights presented a training session to all SAO employees about creating and supporting a healthy work environment.



SAO TRAINING



Victim advocates from around the Chicago area came to our office in June for training about human trafficking, what to look for, how to recognize it and what to do.

SCREENING & CHARGING

Felony calls by agency, 2019

<u>Agency</u>	<u>No.</u>
Aurora P.D.	910
Elgin P.D.	597
Kane County Sheriff	241
Carpentersville P.D.	192
St. Charles P.D.	155
Batavia P.D.	97
South Elgin P.D.	65
North Aurora P.D.	56
Geneva P.D.	55
Montgomery P.D.	50
West Dundee P.D.	47
Illinois State Police District 15	33
Kane County Child Advocacy Center	32
East Dundee P.D.	29
Hampshire P.D.	22
Sugar Grove P.D.	21
Elburn P.D.	20
North Central Narcotics Task Force	17
Huntley P.D.	14
Gilberts P.D.	13
Algonquin P.D.	12
Other agencies	11
Illinois State Police District 2	10
Illinois Secretary of State Police	6
Pingree Grove P.D.	5
Campton Hills P.D.	5
Elgin Community College P.D.	4
Illinois Gaming Board	3
Sleepy Hollow P.D.	2
Bartlett P.D.	2
Maple Park P.D.	2
Kane Co. Forest Preserve Police	1
Fox Valley Park District	0
Wayne	0
Waubonsee Community College P.D.	0

2019 TOTAL **2,729**

Previous

<u>Yearly</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
	2,755	2,646	2,626



St. Charles Officer Jennifer Larsen (middle), with St. Charles Police Chief Jim Keegan and State's Attorney Joe McMahon at the 2019 Kane County Officer of the Year ceremony. Larsen was named the Officer of the Year.

Our office in 2019 worked with all 34 police agencies in Kane County, as well as outside agencies such as the North Central Narcotics Task Force, Federal Bureau of Investigations, Drug Enforcement Administration, Department of Homeland Security, Bureau of Alcohol, Tobacco, Firearms and Explosives, Illinois Gaming Board, and Illinois Secretary of State Police. On-call prosecutors screened more than 2,700 investigations for criminal charges, plus 387 Child Advocacy Center investigations.

In addition, prosecutors review investigations from state and federal task forces following long-term investigations.

Our thanks to everyone at all of the police 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



Kane County State's Attorney Joe McMahon and Gretchen Vapnar, the longtime director of Community Crisis Center of Elgin, the city's domestic violence shelter. Gretchen retired from the Crisis Center in 2019 after 45 years. At her retirement party in June the Crisis Center's board announced that it would name the Victorian mansion that houses the shelter in her honor.

SWEARING IN NEW PROSECUTORS



The Kane County State's Attorney's Office welcomed seven new assistant state's attorneys in 2019. CLOCKWISE FROM TOP LEFT: Nick Karayannis, Heena Patel, (left to right) Hannah Thayer, Mara Somlo, Jacob Dennis, Jacqueline Kliment, Brandon Raney



NEW FACES



We welcomed a number of new administrative support personnel in 2019. ABOVE, FRONT ROW: Marissa Cyscon, Martha Martinez, Flora Rodriguez, Rita Meszaros. BACK ROW: Mayra Franco, Andrea Rodriguez, Jessica Orsini, Yesenia Valenzuela, Ariana Cardenas, Darlene Rodriguez. LEFT, TOP ROW : Terra Barnes, Raul Casas, Jennifer Gonzalez, BOTTOM ROW: Brittany Lenz, Dawn Miller, Rocio Miranda. BELOW: Summer interns (from left) Andrea Meltzer, Christian Trujillo, Charlie Blood.



POLICE TRAINING



A key to public safety and obtaining the right outcome in cases is ensuring police are up to date on the law and investigative techniques. Our office continually works with local police to do this. TOP: State's Attorney Joe McMahon talked to Elgin police officers in October about domestic violence. ABOVE: Kane County Assistant State's Attorney Bridget Sabbia, who leads the Juvenile Division, trained police about juvenile laws and investigative practices. Our office also hosted a multi-topic training for officers county wide.

LIFE IN THE SAO



TOP: Assistant State's Attorneys Jody Gleason and Lori Schmidt and others met U.S. Supreme Court Justice Ruth Bader Ginsburg in Washington, D.C. BOTTOM: ASAs Tyler Cox and Katy Karayannis helped a group of Boy Scouts obtain their law merit badges.

PUBLIC ACCESS & TRANSPARENCY



It is a priority for State's Attorney McMahon for the office to be accessible to the media and the public. TOP: Columnist Denise Crosby of the Aurora Beacon-News takes a photo of SA McMahon after an interview. LEFT: SA McMahon talks to reporters after criminal charges are filed against a St. Charles man for fleeing the scene of an accident with injuries. ABOVE: Larry Yellen of Fox 32 Chicago interviews SA McMahon.

PUBLIC ACCESS & TRANSPARENCY



State's Attorney Joe McMahon joined WBEZ's Jenn White (top, center) and National Public Radio's Kelly McEvers (top, right) at the Old Town School of Music in Chicago for a live broadcast of the podcast Embedded to talk about the prosecution of Jason Van Dyke. State's Attorney McMahon was appointed the special prosecutor in the case. The trial took place in September 2018.

OUTREACH AND ENGAGEMENT



Assistant State's Attorney Daniel Weiler joined Elgin Police Commander Frank Trost at the Gail Borden Library in January to talk about stopping hate crimes.

OUTREACH & ENGAGEMENT



TOP: in June, State's Attorney Joe McMahon met with U.S. Health & Human Services Region 5 Director Douglas O'Brien, along with Circuit Judge Clint Hull, to talk about the opioid epidemic and practices to mitigate substance use disorder.

RIGHT: State's Attorney McMahon in April addressed the Illinois Association of Chiefs of Police.



OUTREACH & ENGAGEMENT



State's Attorney Joe McMahon maintains strong relationships with stakeholders who advocate and represent a variety of interests that affect the community and the criminal justice system. ABOVE: SA McMahon met with mental health advocates from the National Alliance on Mental Illness, the Fox River Valley Initiative and the Family Service Association of Greater Elgin; RIGHT: SA McMahon with State Sen. Don DeWitte, State Rep. Dan Ugaste and representatives of Fight Crime: Invest In Kids.



OUTREACH & ENGAGEMENT



Law Enforcement Youth Academy

More than 50 students participated in the Law Enforcement Youth Academy in 2019, the event's 17th 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



In November, SA Joe McMahon spoke to a law class taught by attorney and former Lake County public defender Stephanie Caparelli at Lake Forest College in Lake Forest about his work as the special prosecutor in the Jason Van Dyke case.

FAREWELL TO OUR COLLEAGUES



Jody Gleason, who worked in a number of roles in our office for 27 years, retired in August after she was appointed by the Illinois Supreme Court as a circuit judge for Kendall County, where she lives. Jody had served as our office's First Assistant State's Attorney for the previous 10 years.

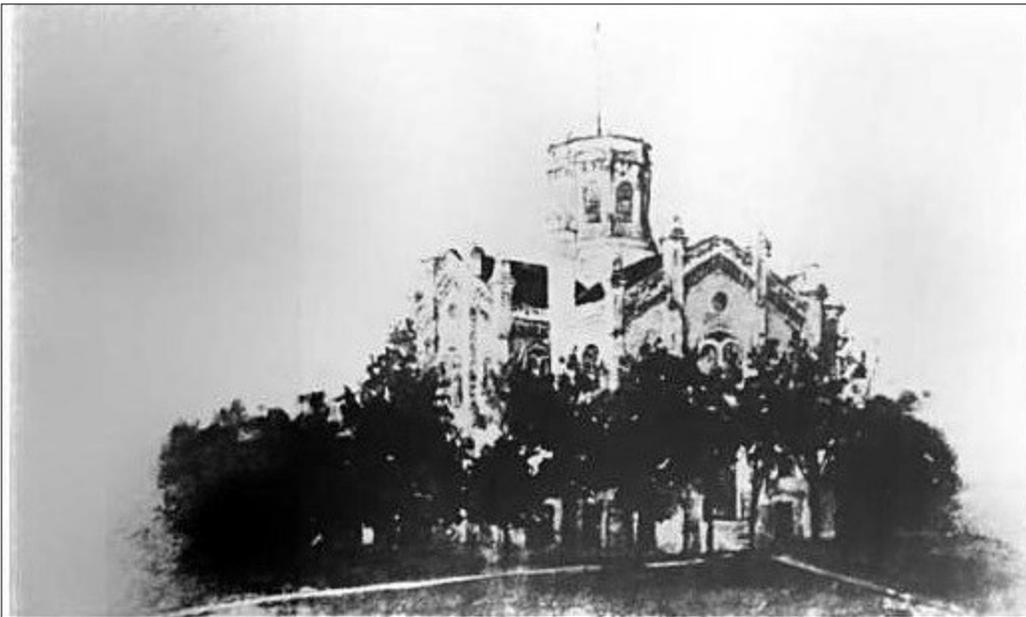
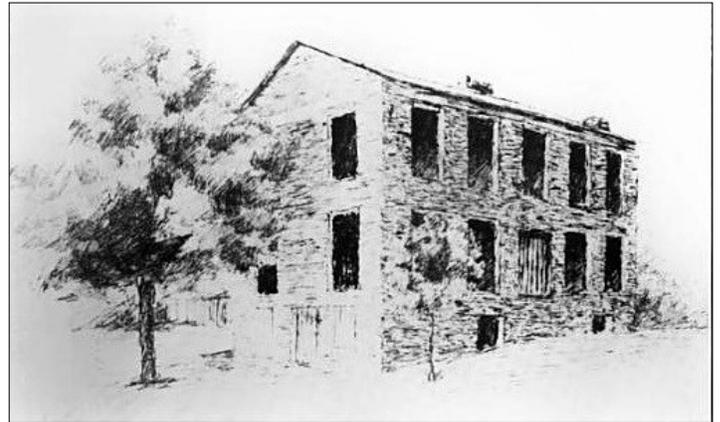
FAREWELL TO OUR COLLEAGUES



TOP: Deb Day, our office's supervisor for support staff for DUI, domestic violence, traffic & misdemeanor and branch courts, died in August after a prolonged illness. Deb worked for the SAO for nine years. Deb played a crucial role in the implementation of the Odyssey court information system in our office. She was named our office's employee of the year for 2011 and 2016. Deb is pictured with her daughter, Christina, a former Kane County assistant state's attorney. RIGHT: Jeff Steele, who maintained our office's file room, retired early in 2019. Before joining our office Jeff served in the U.S. Armed Forces.



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

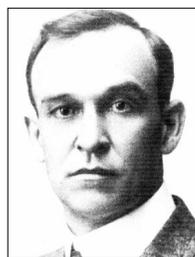
1837 – 1839	Alonzo Huntington
1839 – 1840	Norman H. Purple
1840 – 1841	Onslow Peters
1841 – 1842	Seth B. Farwell
1842 – 1844	Orsamus D. Day
1844 – 1847	Benjamin F. Fridley
1847 – 1851	Burton C. Cook
1851 – 1852	Phineas W. Pratt
1852 – 1853	Amos B. Coon
1853 – 1856	M.F. Boyce
1856 – 1857	Amos B. Coon
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



Benjamin F. Fridley



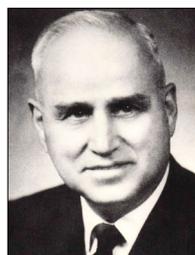
Terrence E. Ryan



William J. Tyers



George D. Carbary



John C. Friedland



Mary E. Gorecki

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

