

KANE COUNTY STATE'S ATTORNEY
JAMIE L. MOSSER

ANNUAL REPORT

HIGHLIGHTS FROM 2020



Jamie Mosser is joined by her family while 16th Circuit Chief Judge Clint Hull swears her in Dec. 1, 2020, as Kane County State's Attorney.

Annual Report for 2020

Office of Kane County State’s Attorney

Jamie L. Mosser

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On the cover: Daylilies on display on the Kane County Judicial Center grounds.

A MESSAGE FROM THE KANE COUNTY STATE'S ATTORNEY



Jamie L. Mosser
Kane County State's Attorney



When I began my campaign for Kane County State's Attorney, I spoke to a room filled with former colleagues, police officers, defense attorneys and friends. I spoke about the need for change in our criminal justice system. I spoke about diverting those with mental health and substance use disorder issues away from our jails and into treatment. I spoke about creating a bridge between the community and law enforcement.

During the next 18 months, I heard from people who believed that criminal justice reform meant opening the doors to the jail, and I met people who believed that individuals who possess drugs should never be arrested and prosecuted. I have maintained that the criminal justice system needed reform but only when it was done through the lens of public safety.

I never intended to seek elected office. But after working for 12 years as a prosecutor – 10 as a Kane County Assistant State's Attorney – and for five years on behalf of domestic violence and sexual assault survivors, I learned how the criminal justice system could change, and I believed I could play a leading role in making the system better. Among my goals are to strengthen the relationship between law enforcement and the community by providing transparency, open communication and training opportunities.

There has been much talk around the concept of "defunding the police." I campaigned on a reform platform, but I do not endorse eliminating police. We need police to keep our communities safe, to respond to emergencies, and to be community leaders. We in public safety must work better within the community to provide access to mental health and substance use services to find the safest and most appropriate resolutions.

I am privileged and honored that you elected me to be Kane County's 43rd state's attorney. I am grateful for the trust you have placed in me to lead this office, to be our county's top law enforcement official, and to guide efforts for a just and fair criminal justice system. I am here to help. To be back at this office and a part of the mission of public safety, to again work for the people of Kane County is a great honor. I look forward to maintaining your trust.

JAMIE L. MOSSER

ABOUT THE OFFICE

The Kane County State's Attorney's Office employed 120 attorneys and administrative staff in 2020. 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 undergraduate studies, law school or both. Several of our attorneys served in the U.S. Armed Forces before attending law school. Many administrative staff served in the military, as well.

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

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

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



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FROM THE OUTGOING STATE'S ATTORNEY

November 30, 2020, was my last day as Kane County State's Attorney and marked 10 years on the job, the longest tenure of any full-time state's attorney in the history of Kane County. When I was appointed state's attorney in 2010 I promised to aggressively pursue violent criminals and to demonstrate a willingness to show compassion toward nonviolent and youthful offenders. A review of our annual reports from the last decade shows that we have done exactly that: We



Former Kane County State's Attorney
Joe McMahon

met serious, violent crime with aggressive prosecutions and lengthy prison sentences while we simultaneously expanded our diversion programs. We now have more formal prosecutor-run diversion programs than any other prosecutor office in the State of Illinois and more than most offices in the United States. I am proud that this office was ahead of the curve in identifying nontraditional solutions to criminal justice that include counseling, restitution and community service as smarter and more effective alternatives to incarceration. Our success with this dual mission would not have been possible without the dedication and commitment of the entire staff and the community who took risks on offenders who broke the social contract that exists among the people who live and work in Kane County.

We have always talked within this office about doing what is right. The responsibility to do what is right – *to seek justice* – has been a hallmark and driver of every decision we made over the past decade. Our *duty* of justice has been our guiding light from Day 1 and was the framework we followed when we agreed to vacate a murder conviction that seemed rock solid when it was charged and tried. Only after all appeals and post-conviction proceedings were complete was new information discovered that led us to a new comprehensive evaluation. Likewise, justice was our guide when we dismissed a murder case after our review confirmed lawful use of self-defense. And it was again as we put thousands of individuals into one of our diversion programs.

We demonstrated our commitment to protecting the community when offenders engaged in violence and large-scale drug dealing. Drug users have always received compassion through our diversion and specialized courts, but mid- and high-level dealers and traffickers received a different type of justice, one that our community expects and one that is necessary to address the that accompanies the illicit drug trade around the world, as well as here in Kane County. All of this work has been made possible by the cooperation and support of law enforcement and the citizenry of Kane County and has been implemented by an incredible staff of attorneys, paralegals, investigators and our dedicated administrative teams. It has been an absolute privilege to stand shoulder to shoulder with all of you and our partners to keep Kane County and northern Illinois safe.

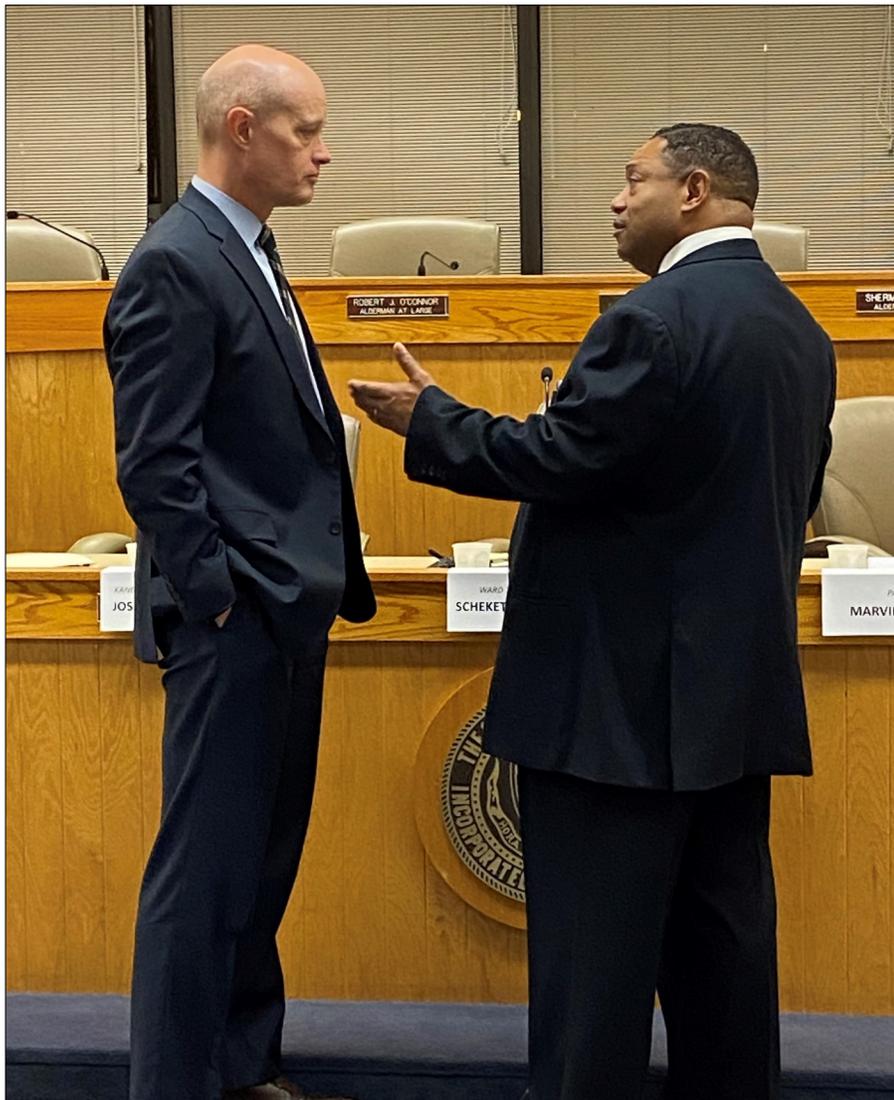
When I left the private sector 10 years ago to become the state's attorney I often was asked why I wanted to give up a private law partnership to become the state's attorney. The answer was simple: *To provide leadership*. As state's attorney I knew I would have an opportunity *every day* to help others learn and grow, take responsibility and contribute to the success of a team and the fundamental fairness of our criminal justice system for every segment of our society. That purpose was never more apparent than when I was asked and appointed to prosecute the Jason Van Dyke/Laquan McDonald case. That was – and remains today – a seminal case in the history of criminal justice in the United States. I received, before, during and after the trial, a significant amount of appreciation and criticism for accepting that appointment. No matter the reaction, the overriding factor in my decision to accept that case was my *duty, as a public prosecutor*, to uphold the rule of law, regardless of the popularity of my decision.

Continued on Page 4

Continued from Page 3

Judge Vincent Gaughan demonstrated courage in his appointment of me to take on that prosecution, and he insisted on independence, thoroughness and fairness. I promised to find the truth and to seek justice. I gave my best, and I trust that the record of history will reflect the contribution I and my team made toward our responsibility of justice for all and public integrity.

I was appointed state's attorney as an outsider. In 2010 I was not a politician, having never run for public office. The voters of Kane County elected me twice, in 2012 and 2016, to be their prosecutor. After a decade I believe it is time to step aside and give someone else the opportunity to lead. My successor,



Joe McMahon with the Rev. Marvin Hunter, Laquan McDonald's great uncle, at a February community event in Aurora that featured discussion about America's racial divide.

Jamie Mosser, will be the third woman to lead this office, and I wish her great success. The people of Kane County deserve a professional and highly competent state's attorney. I have every confidence Jamie will be a great steward of this office. She is taking over an office that has greater diversity today than it ever has had as more than 60 percent of the professional and administrative staff are women and minorities. This diverse staff has prompted robust debate and different perspectives that allowed me to make decisions I believe were the best decisions I could make based on the available information. This office, and in general terms our criminal justice system, has room to improve – at times, lots of room to improve – but day-in and day-out the people I have worked with genuinely strive to be fair, to act with integrity and be even-handed. Intelligent and thoughtful individuals have disagreed with decisions that I made. I respect their opinions, but be assured, I made decisions that I believed at the time were right and just. To the assistant state's attorneys who have had the task of prosecuting in my name and

performed so much of the heavy lifting with growing case-loads and lagging resources, I am grateful for your commitment to justice. You accepted that our goal was not victory but rather justice tempered with mercy. I know some do not believe we were merciful, but a decade sitting in this chair gives a unique perspective. I believe we made the best decisions for the community and for the individual defendants that were sometimes based on imperfect information.

Many years ago a friend and mentor shared with me four principles of life that I have tried to instill into my leadership of this office: Integrity, Commitment, Faith and Forgiveness. Integrity is one's intellectual honesty and determines what acts of commission or omission a person would choose if no other person observed nor would ever learn about that action. Integrity is our essence. Commitment is the dedication

“All of this work has been made possible by the cooperation and support of law enforcement and the citizenry of Kane County and has been implemented by an incredible staff of attorneys, paralegals, investigators and our dedicated administrative teams. It has been an absolute privilege to stand shoulder to shoulder with all of you and our partners to keep Kane County and northern Illinois safe.”

— Kane County State’s Attorney Joe McMahon

and driving force with which integrity shapes and forms our lives. When the warm glowing flames of enthusiasm, happiness and self-esteem begin to flicker, it is Commitment that is the energy to persevere. Faith shapes, forms and coheres our Integrity and Commitment. It enables us to hold on when we want to let go and to let go when we want to hold on. Forgiveness is perhaps the most important because we cannot be truly happy if our shortcomings and faults are not forgiven, nor is contentment achievable if we have not forgiven others. I know I have come up short but have done my best to live those principles.

The last 10 years have been an incredible experience for me. I have witnessed and been part of life-changing experiences – some of them incredibly positive and others painful. Thank you all for sharing a part of your life with me and allowing me to be a part of yours.

Joseph H. McMahon
Kane County State’s Attorney
November 30, 2020

“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



2020: The year of the COVID-19 pandemic, social distancing, working remotely and facemasks

2020

2020 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.

Joe McMahon led the office for the 10th and final year until his term expired on Nov. 30.

Jamie Mosser took over as State's Attorney on Dec. 1, becoming the second woman to be elected to the position. She is the 43rd person to serve as state's attorney for Kane County.

As in most years, much of our focus in 2020 was on illegal guns and drugs.

Our office authorized charges against dozens of defendants for the illegal possession of guns. (Pages 14-15.)

We had a six percent decrease in the number of new felony illegal narcotics cases compared to 2019. 46 percent of the new cases involved cocaine, which continues to have an increasing presence in Illinois in recent years, according to the Illinois State Police. 11 percent of new cases involved prescription medication, 11 percent involved methamphetamine and 8 percent involved heroin. The coroner reported 69 heroin overdose deaths and 97 deaths in which opioid metabolites were present. Methamphetamine in Kane County is a new phenomenon as it wasn't notably present in Kane County until 2019. (Pages 16-17.)

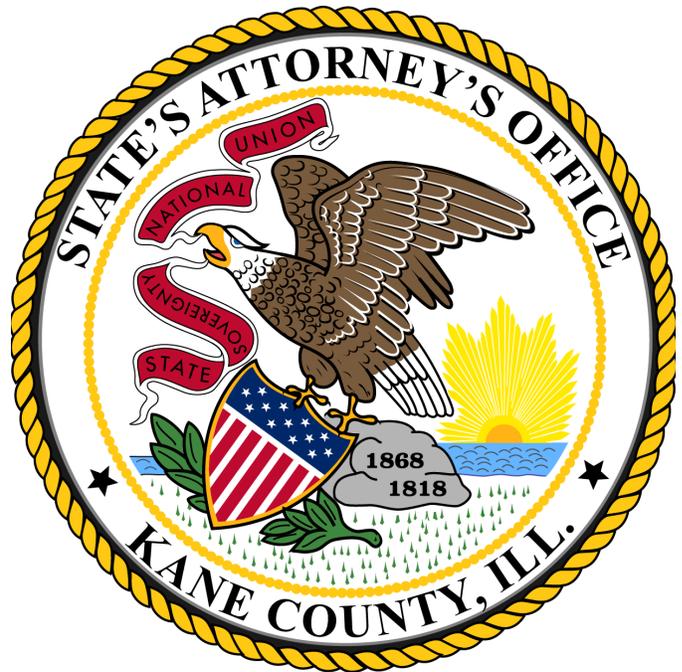
The Kane County Child Advocacy Center conducted 307 investigations and charged 79 cases. The investigations were down from 2019, but the number of cases charged was up. (Pages 22-25.)

Attorneys reviewed nearly 2,500 felony investigations from 34 police agencies (Page 36). Attorneys authorized 2,418 new felony files and 3,690 new misdemeanor cases.

The number of new felony cases is a 7.2 percent decrease from 2019.

The number of new misdemeanor cases is a 14 percent decrease from 2019. Included in the 3,690 misdemeanors were 1,026 new domestic violence cases and 1,093 new DUI cases.

There were 16 homicidal deaths in Kane County not related to drug overdoses or vehicle crashes. We filed first-degree murder charges against 12 defendants in the deaths of 7 victims, and we



filed 2 charges of involuntary manslaughter. Two people were killed in domestic murder/suicides, both in Aurora. No charges were authorized in either case. Seven homicide cases from 2020 remain under investigation.

We had resolutions in three first-degree murder cases. Two defendants were convicted of first-degree murder and a third, a juvenile, was convicted of involuntary manslaughter. (Pages 14-15)

We had 204 new Abuse & Neglect files, nearly double the number of new files from 2019 and quadruple the number of new files from 2018. (Page 31.)

We reviewed 1,081 alleged probation violations, 254 of which involved alleged new criminal conduct by offenders who had been on probation.

We addressed 202 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 5,000 to more than 16,000.

Finally, our office in FY2020 continued to work in a cost efficient manner. We accomplished our work and finished the year under budget for the ninth year in a row.

2020 in Review



75-year prison sentence

Martin Garcia

For first-degree murder.
Page 13



20-year prison sentence

Anthony Onofre

For home invasion, criminal
sexual assault. Page 13



47-year prison sentence

Mario Piñeda

For predatory criminal sexual
assault. Page 21



20-year prison sentence

Antonio Young

For armed robbery. Page 13



39-year prison sentence

Carlos Lopez

For first-degree murder.
Page 13



16-year prison sentence

Jorge Guzman

For aggravated discharge of
a firearm. Page 13



29-year prison sentence

Michael Giacomino

For first-degree murder.
Page 13



15-year prison sentence

Jose Baca

For predatory criminal sexual
abuse. Page 21



20-year prison sentence

Enrique Arce

For predatory criminal sexual
assault of a child. Page 21



15-year prison sentence

Giovanni Padilla

For armed violence. Page 13

Special Report: COVID-19 Pandemic

The Kane County State's Attorney's Office's work in 2020 largely was performed in the shadow of the **COVID-19 worldwide pandemic**. Significant operational changes began in mid-March in all areas of the county court system and continued through the year. The changes affected all areas of our office and our work.

From March 17, the date Gov. J.B. Pritzker's **stay-at-home order** took effect, through May 31, most employees worked remotely.

Hearings were limited to cases involving defendants who were in the jail. Officials determined which inmates were safe risks to be to be released while their case was pending to reduce the risk of the jail becoming a virus hotspot. Most cases were continued.

On June 1, as the infection rate was in decline, many employees returned to the office and live court hearings resumed. All who entered court buildings were screened, had their temperatures taken, required to wear masks and maintain a safe distance from others. **Remote hearings** also began.

All rules and restrictions were implemented with the **safety** of the public and courthouse employees in mind, as well as the need to keep the courts open and working each case toward a resolution.

Jury trials resumed on Aug. 3. All jury trials were held in Courtroom 201, which allowed for individual jurors to sit safe distances from one another. Trials were limited to two per week, and all parties, jurors included, cooperated to complete trials quickly yet justly.

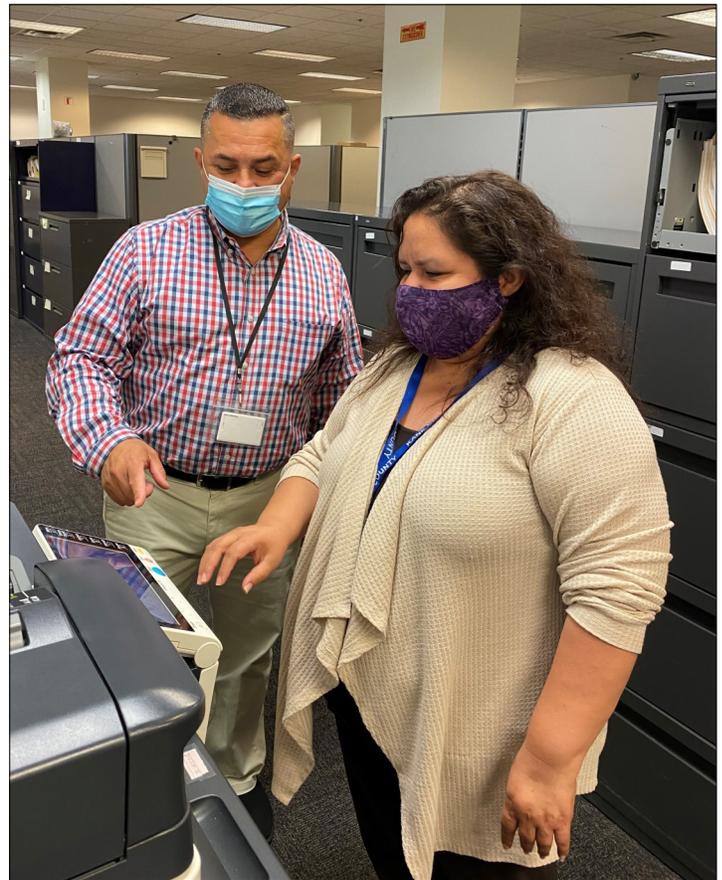
The pandemic did not slow the number of cases that prosecutors screened for felony charges, however. After an initial period in which the commission of felony cases declined, by May we were authorizing felony cases at a rate **consistent with recent years**.

Several areas of concern surfaced as a result of the pandemic: Instances of domestic



violence, as well as the abuse and neglect of children increased because victims and survivors were stuck at home with their abusers. In addition, mandated reporters of child abuse, who tend to be educators, did not have the direct ability to keep a watchful eye over children for signs of abuse or neglect.

Special Report: COVID-19 Pandemic



Facing page, top to bottom: Robert Moeller has his temperature checked by courthouse security as he enters the Judicial Center; Elevator capacity was limited to two at a time; **Above, clockwise from top left:** Signs placed around the courthouses reminded people to not get too close to others; George Garcia and Martha Martinez, and all SAO employees, wore masks in common areas of the office; In response to some public resistance to wearing masks to slow the spread of COVID-19, signs were placed around the buildings to remind people that we're in this together; ASA Tyler Cox participates in a remote hearing, a practice that became common during the pandemic.



Violent Crime & Guns

The Kane County State's Attorney's Office devotes significant resources to cases involving **violent crimes** because of their **impact on victims** and the community.

Violent crime typically is associated with **street gangs**, the **illegal narcotics** trade, **illegal guns** and **domestic violence**. (This report addresses domestic violence in greater detail on Pages 18-19.) Our prosecutors work with local, state and federal authorities to hold accountable those who endanger the community with violent behavior. Our success in prosecuting these cases is due in large part to our productive relationships law-enforcement agencies at all levels.

We consider 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.

2020 in review

Kane County police agencies during 2020 reported **16 homicidal deaths**. Of those, we charged **8 defendants** with **first-degree murder** in 6 cases. In addition we charged **involuntary manslaughter** in one 2020 homicide, two defendants with first-degree murder in a 2017 homicide, and involuntary manslaughter in a 2019 homicide. On Sept. 28, an Aurora woman was **killed in a domestic murder-suicide**. Five homicide cases from 2020 remain under investigation, and police opened a case from a previous year.

In addition, we dismissed one first-degree murder case for evidentiary reasons.

The 16 homicides were a **decrease** from the 15 homicides in 2019, and **consistent with recent years:** 7 homicides in 2018, 15 in 2017, 11 in 2016 and 10 in 2015.

Our office secured 3 convictions in 2 homicidal deaths:

- A jury found Carlos Lopez guilty of first-degree murder in the 2017 beating death of Bayron Cruz-Garcia of Elgin
- A juvenile pleaded guilty to involuntary manslaughter in the November 2019 shooting death of 15-year-old Jasmine Noble of Aurora

Overall, 23 homicide cases were pending at the end of 2020.

Violent Crime & Guns

The COVID-19 pandemic did little to quell violent crime and serious crime after Gov. J.B. Pritzker implemented the statewide stay-at-home order effective March 17,

For example, between April 1 and October 31, our office authorized approximately 80 cases involving serious gun-related felony offenses such as armed violence, home invasion, armed habitual criminal, unlawful possession of a firearm without a Firearm Owners Identification card, unlawful use of a weapon by a felon, and unlawful possession of a

firearm by a gang member. This illustrates that illegal guns remain a problem in Kane County.

Also during this period, our office authorized approximately 70 domestic-related felony cases involving offenders who strangled their victim, offenders who stalked their victim, offenders who inflicted great bodily harm and offenders who prior convictions for domestic battery. Also, our office authorized approximately 30 felony cases involving aggravated battery during that time.

2020 CASES

- Three additional people were convicted and sentenced for the August 2017 stabbing murder of Bayron Cruz-Garcia of Elgin. In June, a judge sentenced 31-year-old **Carlos F. Lopez** of Elgin to 39 years in prison after a jury convicted Lopez of first-degree murder. **Michael Giacomino** pleaded guilty to first-degree murder in the case and was sentenced to 29 years in prison. Co-defendant **Gabriel Lopez** in August 2019 pleaded guilty to first-degree murder in the case and was sentenced to 25 years in prison. Carlos Lopez believed Cruz-Garcia was having an intimate relationship with his former girlfriend, so he recruited and paid Giacomino and Gabriel Lopez to beat up Cruz-Garcia. The three, with **Ivette Rodriguez**, drove to where Cruz-Garcia was working and waited for him for nearly an hour. They beat him and then Carlos Lopez stabbed and slashed him 19 times, killing him. Rodriguez pleaded guilty to a reduced charge in 2018. A fifth defendant in the case, **Hortencia Rojas**, pleaded guilty to obstructing justice and was sentenced to 364 days in the Kane County jail. Although Rojas called 911 to report the crime, she repeatedly lied to police, hampering the investigation.
- In January, a judge sentenced 24-year-old **Jorge Guzman** of Aurora to 16 years in prison for firing three shots from a handgun at Aurora police officers who were investigating street gang activities.
- In February, a judge sentenced **Anthony Onofre** of Elgin to 20 years in prison for forcibly entering the survivor's home and sexually assaulting her. Onofre did not know the survivor.
- In March, a judge sentenced **Martin Garcia Jr.**, to 75 years in prison for the 2017 gang-motivated shooting death of 34-year-old Rodolfo Rocha of Aurora. Garcia asked Rocha to declare a gang affiliation. When Rocha said he wasn't in a gang, Garcia shot and killed him. Garcia was convicted by a jury in November 2019. The case against co-defendant Anthony Medina is pending.
- In June, a judge sentenced 26-year-old **Antonio Young** of Chicago to 20 years in prison for armed robbery at a Carpentersville gas station. Young struck the clerk in the head and face with a handgun, knocked the clerk to the floor stole cash and a bottle of liquor and fled.
- In July, a judge sentenced 24-year-old **Clayton Vaughan** of Aurora to 14 years in prison for armed robbery at an Aurora convenience store.
- In August, a judge sentenced 28-year-old **Giovanni Padilla** of Aurora to 15 years in prison for pointing a gun at police officers who were responding to reports that Padilla had just robbed a drug dealer.



Drugs & money laundering

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 accompany drug dealing, drug trafficking and money laundering, and create health and 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 addiction 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 Investigations, 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.

2020 by the numbers

It is important to note that narcotics statistics

Drugs & money laundering

reflect only known activity, which is known to law enforcement through arrests, prosecutions and seizures of illegal narcotics.

Our office in 2020 charged 492 felony narcotics cases 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 and trafficking. The number of these cases charged in 2020 represented a 6 percent decline from the 523 cases charged in 2019.

Of the new cases approximately 46 percent involved **cocaine**, 13 percent involved illegal amounts of **marijuana**, 11 percent involved **prescription medication**, 11 percent involved **methamphetamine**, 8 percent involved **heroin**, and 6 percent involved **MDMA** (ecstasy). The remaining cases involved hallucinogens, fentanyl, opiate pills and lookalike drugs.

We **resolved 135** felony narcotics cases.

Opioids such as heroin and fentanyl continue to make headlines. The coroner reported that there were **69 heroin overdose deaths** in 2020 compared to 60 in 2019. In addition, there were 97 deaths in which opioid metabolites were present, compared to 90 in 2019.

Cocaine continues to be the dominant illegal drug in Kane County. However, the popularity of **methamphetamine**, which had not had a significant presence in Kane County before 2019, is growing.

Last year, meth comprised 5 percent of all of our drug cases. In 2020 it comprised 11 percent of all drug cases.

Meth's presence around the U.S. in the early 2000s was the result of the small domestic labs and one-pot labs often associated with rural areas. Most of today's meth is manufactured in large quantities in clandestine labs run by Mexican drug cartels. According to the U.S. Centers for Disease



The popularity of crystal methamphetamine is surging across the United States. Drug Enforcement Administration officials warn that today's meth is cheap, highly addictive and easily available.

Control and Prevention, methamphetamine-related deaths have been significantly increasing across the U.S. for several years.

DEA experts believe that meth is growing in popularity because it is easily available and cheap. Further, the CDC says that users mix meth with opioids to increase the high.

Meth has been particularly popular in the Midwest, according to a 2018 study, with Michigan ranking first, Indiana third, and Illinois fourth in meth seizures by state. Federal health officials say that nearly one million Americans are addicted to methamphetamine. They also say that mental illness and the use of other drugs is common among meth users.

Experts are calling for an expansion of support services to address the increased use and related mortality, much like the expanded services made available for opioid 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 2020

- Seized **59 vehicles**; 42 of these forfeiture cases are pending

- Forfeited **53 vehicles** to the seizing police agency to be used by that agency or sold
- Returned **8 vehicles** to a lienholder
- Returned **15 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 2020

- Kane County's 34 police agencies **seized \$406,116.43 in assets** in accordance with the law
- **427,009.29** in seized assets was **forfeited** (a portion of the assets forfeited was seized in previous years)
- The bulk of the forfeited assets went to the seizing police agency to be used for the enforcement of drug laws

DUI, traffic, misdemeanor

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.

Eleven ASAs and six administrative personnel prosecuted these offenses in five courtrooms in 2020: 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: 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 developing litigation skills with guidance and supervision from veteran prosecutors.

Misdemeanors

Our office in 2020 charged 4,146 new misdemeanor cases, a 2.5 percent decline from the 4,273 new misdemeanor cases in 2019. Among the 4,146 new cases, were 1,093 new misdemeanor DUI cases, including 456 that were prosecuted by the municipality in which they were charged. We charged 1,026 new domestic violence cases, which are addressed on pages 20-21.

Most common offenses

The most common misdemeanor offenses in 2020 not involving drugs, DUI or domestic battery were resisting a peace officer, criminal trespassing, criminal damage to property, battery, disorderly conduct and retail theft.



Traffic court

We prosecuted 18,453 new traffic citations. In addition, 19,885 traffic citations were prosecuted by the municipality in which the offense occurred.

DUI prevention

Our office worked with Kane County police agencies on one No-Refusal anti-DUI initiatives, on March 14-15. Nine police agencies participated with 4 DUI arrests. It was the 25th No-Refusal initiative since 2008.

2020 cases

In March, a judge sentenced **John C. Lundy** to 5 years in prison for a DUI crash that damaged an Aurora police vehicle. Lundy's blood-alcohol concentration at the time of the crash was .360 percent, more than 4 times Illinois' limit of .080 percent.

Special prosecutions 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 2020, 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.

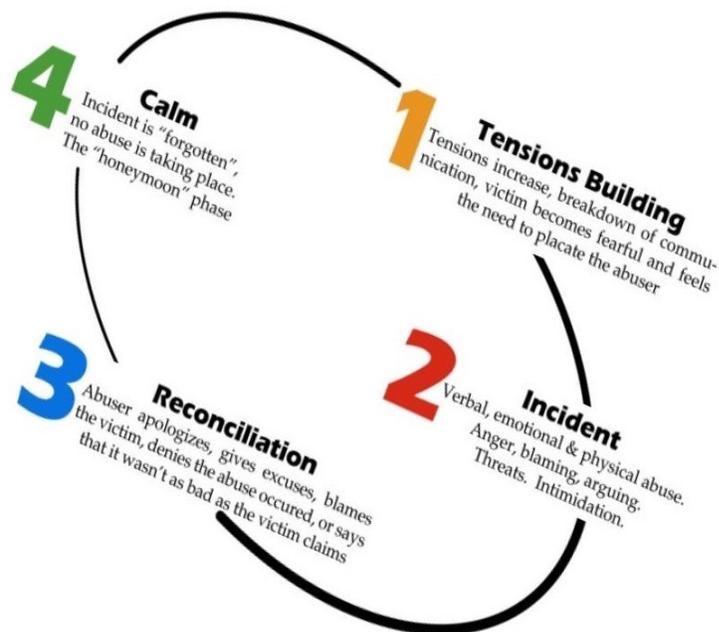
The bureau in 2020 consisted of nine assistant state's attorneys including the supervisor – three who prosecuted misdemeanor domestic violence cases and five who prosecuted felony domestic violence cases and major financial crimes. One ASA is assigned to the specialized courts. Finally, several advocates 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 and that someone is in danger, ASAs 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.

Over the last decade, the number of new domestic violence cases in this office has been declining each year, although slowly. The number of new cases jumped in 2020,

The cycle of abuse



The domestic abuse cycle of violence.

likely because of the COVID-19 pandemic.

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.

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.

If a defendant has a **prior conviction** for certain domestic violence crimes, the offender can be charged with a felony.

Special prosecutions

2020 by the numbers

Our office in 2020 charged **1,026 cases of misdemeanor domestic battery**. Averaged out over the full year, that's 1,052 cases, a **5.4 percent increase** from the 995 cases charged in 2019.

We charged **278 felony domestic** cases. This includes **144 aggravated domestic battery cases**, which involve strangulation or great bodily harm. That's an increase of about 15.5 percent from the 235 felony domestic battery cases charged in 2019. The increase is partly attributed to the COVID-19 pandemic and accompanying stressors, such as finances, employment and other uncertainties.

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.

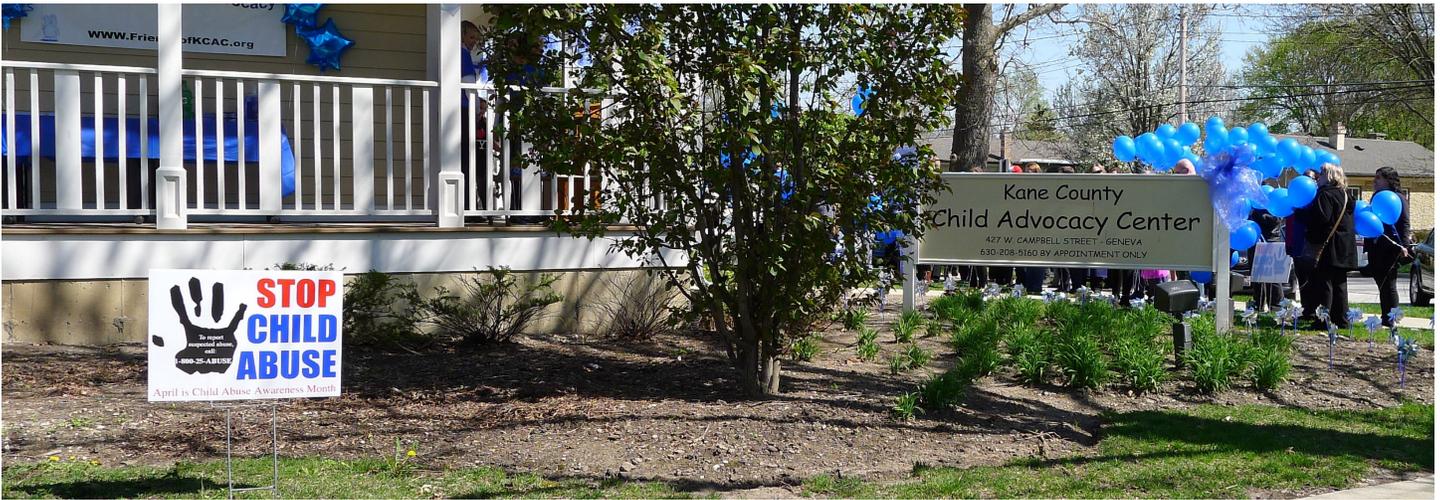
These prosecutions require a high degree of specialization because they often involve a **sophisticated pattern** of operation, which requires a skill base to prove. Prosecutors must be able to sift through what can be thousands of pages of electronic documents and spreadsheets, and understand how the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

Offenders use a variety of technologies to commit financial crimes and also to disguise and hide their activity from authorities. New technologies to commit financial crimes are developed each year, making these crimes more complex to investigate and prosecute.

Financial crimes are not victimless crimes. Offenders often target small businesses, which are vital to the community. They also target individual citizens, stealing significant portions of their savings and putting them in financial peril.

2020 CASES

- In January, a judge sentenced **Tavares Sanders** to 6 years in prison for attacking his estranged wife, first inside her home and then again outside her home. Sanders was on parole at the time for a 2015 domestic battery conviction.
- In June, a judge sentenced 50-year-old **Andre Harden** to 6 years in prison for strangling the survivor, his former girlfriend, Harden has multiple prior convictions for domestic battery in Kane County.
- In June, a judge sentenced 55-year-old **Stanley Ortega** of Aurora to 6 years in prison for multiple domestic attacks against the same survivor. Ortega attacked and injured the survivor four times between June and October 2018.
- In June, a judge sentenced 34-year-old **David A. Regal** to 4 years in prison for bilking a homeowner of more than \$95,000, agreeing to do several home improvement projects but never completing the work, and also for buying an \$18,000 pickup from a St. Charles car dealer with a bad check.
- In June, a judge sentenced 21-year-old **Jordi Nieto** to 11 years in prison for stalking and trying to kill his former girlfriend after she broke up with him. During a confrontation with her, Nieto struck her with his car and ran over her mother.



Child Advocacy Center

Many factors contribute to the complexities of child sexual assault and abuse cases. These 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.

With these factors in mind, 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 child victims and their relationships with their abusers, as well as the nature of the cases.

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

A common misconception about child sexual assault is “stranger danger,” that strangers pose the **greatest risk to children**. However, statistics show that overwhelmingly child sex assault 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**.

2020 in review

The year was challenging and emotional for all associated with the Kane County CAC. Debra Bree, the center’s executive director since 2008, died of cancer in August. Deb cared deeply about her work and the survivors of child sexual abuse and their families.

Deb was 45 years old. (Pages 24-25.)

In addition, the COVID-19 pandemic created a number of obstacles that limited the number of cases of child abuse being reported and investigated. Many in the child welfare community expressed concern that vulnerable children became even more vulnerable.

By the numbers

Four assistant state’s attorneys, three full-time and two part-time investigators, three DCFS investigators, three case managers/managers/advocates, an administrative assistant and a grant-funded certified forensic investigator staffed the CAC in 2020.

Assistant State’s Attorney Lori Schmidt, named the center’s assistant director in 2019, assumed leadership responsibilities.

The Child Advocacy Center in 2020 conducted **307 investigations** after conducting 387 investigations in 2019. The 21 percent decrease in investigations is attributed to the number of children who were confined to their homes because of the COVID-19 pandemic.

Child Advocacy Center

These children were isolated from mandated reporters of child abuse. Mandated reporters serve an important role in protecting children from abuse.

The center **charged 79 cases**, a 14 percent increase from the 68 cases charged in 2019. The center **resolved 28 cases with a finding of guilty**, either at trial or by plea.

Among the defendants convicted was **Mario Pineda**, who fled before his trial, and despite his absence was convicted and sentenced to 47 years in prison. Also, **Tony DiMaio** was convicted and sentenced after he met a Kane County teenager on Facebook, convincing her he was 17 years old. He drove from southern Florida to have sex with her.

In addition to the criminal cases, the center:

- Responded to a total of **557 children** who were referred for inquiry
- Provided advocacy and support services for **1,037 children and adults**
- Conducted **63 courtesy forensic interviews** for other law-enforcement agencies
- Provided **31 specialized child sexual abuse exams** by a board certified pediatrician's group

Although the center in recent years has had 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 recognize, respond to and report such abuse.

Much of this is because of **Erin's Law**, named for Elgin resident Erin Merryn. Erin is a child sexual assault survivor and national advocate for teaching children body safety. Through her work, schools in 37 states, including Illinois, are required by law to teach child sexual-abuse awareness and prevention programs. We are proud to work with Erin to promote **awareness** of how to recognize and report suspected child sexual abuse.

2020 CASES

- In January, a judge sentenced **Enrique Arce** of Aurora to 20 years in prison for sexually assaulting a young child he knew.
- In January, a judge sentenced **Lindsey P. Anderson** of Geneva to 10 years in prison for sexually assaulting two victims who had been her students when she taught at Carpentersville Middle School. The victims were not Anderson's student at the time of the assaults. Anderson also worked as a coach at Dundee-Crown High School.
- In February, a judge sentenced **Ricardo Ramirez** of St. Charles to 14 years in prison for sexually assaulting a child he knew. The victim was younger than 13 years old.
- In April, a judge sentenced **Jose Baca** to 15 years in prison for sexually assaulting two children he knew. Both victims were younger than 13 years old at the time.
- In June, a judge sentenced 37-year-old **Mario Pineda** to 47 years in prison for sexually assaulting a young child multiple times in 2016. A jury convicted Pineda in January despite his absence—he failed to appear in court for a January hearing and hasn't been seen since. Pineda is wanted on a warrant.
- In June, a judge sentenced 34-year-old **Tony DiMaio** to 4½ years in prison after he drove from the Florida Keys to have sex with an Aurora minor. DiMaio met the juvenile on Facebook and purported himself to be 17 years old.
- In July, a judge sentenced 50-year-old **Jamie Boots** of Freeport to 11 years in prison for sexually assaulting a child he knew.
- In August, a judge sentenced **Fernando Silva** to 7 years in prison for sexually assaulting a young child he knew.

In memoriam: ASA Debra Bree

Debra Bree, executive director of the Kane County Child Advocacy Center for eight years, died Aug. 27, 2020, after battling colon cancer for more than two years.

She was 45 years old.

Deb joined the Kane County State's Attorney's Office in April 2000, and spent most of her prosecutorial career working on behalf of children. She was first chair of the Juvenile Division before being named lead prosecutor of the Child Advocacy Center in January 2009. In December 2012 State's Attorney Joe McMahon named her the center's executive director.

Deb was respected by her co-workers, the legal community and the child welfare community for her experience, professionalism and leadership, as well as her commitment to the safety and well-being of children. Deb fiercely defended each child survivor as if the child was her own, always focused on justice and the best possible outcome.

Deb grew up in Lincoln, Ill., and was a graduate of Illinois State University and the DePaul University College of Law.

Deb's colleagues at the state's attorney's office will always remember her for her kindness and helpful, cheery nature, which belied the subject matter of her assignment at the CAC.

She will be missed forever.

Deb is survived by her husband, Joe Gay, and four children.

Kane County State's Attorney Joe McMahon said:

"We have lost a true guardian of children, and I am so sorry about Deb's passing. I and the entire state's attorney's office are saddened by the loss of our friend and colleague, and the pain and suffering that her husband, Joe Gay, and their family are going through.

"Deb was my friend and was an important member of my leadership team. I will miss her friendship and legal acumen, and the passion and perspective that she brought to the office. Deb was a committed prosecutor and a champion of children and victims' rights. For 20 years she fought against child abuse, and she brought that same tenacity, courage and determination to her health battle over the last couple of years. With her passing she has allowed peace and comfort to take over.

"Please join me in offering emotional support for her husband, Joe, her four young children, and her parents, siblings and in-laws during this incredibly difficult time."



16th Circuit Chief Judge Clint Hull said:

"Deb was an incredible prosecutor and an even better person. She made a lasting impression on the 16th Judicial Circuit.

"She was passionate about her work as the Executive Director of the Kane County Child Advocacy Center and invested countless hours on behalf of the children of Kane County. She was a force to be reckoned with in the courtroom – intelligent, prepared and charismatic. She could wow a courtroom with her passion and argument."

Kane County Public Defender Rachele Conant said:

"I had the good fortune of working with Deb for her entire career and it was always a pleasure. She was a fierce advocate but always nothing but professional. She never had an unkind thing to say and always greeted me with a smile.

Unfortunately, we do not get to say that about a lot of people in our lives and for us, in this office, we will remember her professionalism and her kindness always. I will truly miss working with her."



ABOVE: Deb Bree was an Assistant State's Attorney for 20 years, the last 11 at the Child Advocacy Center. LEFT: Deb was a passionate advocate for child sex abuse survivors, and took time during Child Abuse Awareness Month to pay tribute to those survivors. (Daily Herald photo)

Deferred Prosecution

Deferred Prosecution, formalized in 1995, observed its 25th year in 2020.

Our Deferred Prosecution program has proven beneficial to offenders by allowing them to keep a conviction off their records while holding the offender accountable and teaching life lessons.

The program relieves jail overcrowding and courtroom caseloads. Its continued success relies on support from the criminal justice system and the community.

All programs provide access to mental health, substance use disorder, and medical treatment, as well as case management, education, housing, and job training. Participants are evaluated to determine risk of recidivism and appropriate levels of supervision. Requirements vary but typically include community service, fees, drug testing and restitution, and may include substance abuse or mental health treatment, adequate employment and education.

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

By the numbers

Fiscal year	2018	2019	2020
Applicants	491	412	287
Graduates	366	320	245
Terminated	131	143	57

Felony/Misdemeanor

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

Application and program fees are assessed on a sliding scale up to \$1,500 and collected in monthly installments.

Average participation time is 6-12 months.

In 2020

- 99 applied for the program with 113 graduates and 27 negative terminations. Cumulatively 5,401 defendants have

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.

completed this program with an overall success rate of 75 percent.

- Participants paid \$44,993 in restitution. Cumulatively nearly \$2.7 million in restitution has been collected for victims. Restitution is required and must be paid before discharge.
- Collected \$81,262 in application and program fees.
- Participants performed 1,591 hours of community service work at charitable organizations. Since 1995, participants have completed 456,929 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 recommendations, 12 completed the Parenting Support Program, 9 completed the Anger Management Program, 69 completed the Theft Awareness Program and 40 com-

Deferred Prosecution

pleted the Decision Pathways Program, 21 wrote letters of apology and 9 completed the anger management 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 2020

- 3 applicants, 5 graduates, 0 negative terminations. Cumulatively the program has had 1,784 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 \$2,590 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 2020

- 115 participants, 96 graduates, 12 negative terminations. Cumulatively the program has had 1,073 graduates, with a success rate of 78 percent.
- Collected \$43,408 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.

In 2020

- 1 applicant



The Deferred Prosecution community panel held its meetings remotely for most of 2020 because of the COVID-19 pandemic. The panel, comprised of members of the community, must approve each program participant. Once approved by the panel, the state's attorney has the final approval.

- 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 2020

- 69 participants, 31 graduates and 18 negative terminations. Cumulatively, the program has had 308 graduates and a success rate of 70 percent.
- Collected \$54,017 in program fees.
- 25 participants completed the required Drugs of Abuse class

Applications, community service hours and revenue totals were affected by COVID-19

Civil Division



The Civil Division represents all county-wide elected officials and serves 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 **37 FOIA requests** in 2020. FOIA requests can require the expenditure of significant resources in terms of time and paper. Some requests that were

filled in 2020 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 2020, 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.

Division Chief Lulves retires

Assistant State's Attorney **Joseph Lulves**, who worked for the office for 20 years, the last 10 as the Civil Division's chief, retired at the end of the year.



Lulves served as an important adviser to the state's attorney during his time as chief, addressing a number of diverse issues, from FOIA requests to the county board. His leadership, knowledge, expertise in county government was highly respected by the board members and will be missed by the office and by the citizens of Kane County.

Mental Health

Mental illness represents a significant public health issue in the United States: Public health officials believe it affects **one in five adults**.

Left untreated, mental illness often results in serious consequences for the individual, their family and for society. The overall cost of untreated mental illness in the U.S. is estimated to surpass **\$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 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 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 2020, mental health facilities in Kane County filed **187 mental health petitions** were filed by . Specifically, 174 of those were for involuntary admission, 11 were for involuntary administration of psychotropic medication and 2 were for the 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.

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

The state's attorney's office reviews each 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 boost in funding raised the program participation limit to 30 from 20 in 2020.

2019 by the numbers

- 27 defendants applied, 8 were accepted
- 11 defendants successfully completed TAC with 4 discharges for failure to complete the program
- 5 applications were pending at the end of 2020
- 21 participants
- Most TAC participants carry over from one year to another



Child Support

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

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

The Kane County State's Attorney's Office is one of 13 Illinois 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.

2020 by the numbers

- The division saw a significant reduction in new cases and services provided because of the COVID-19 pandemic.
- Collected \$25,340,648 from all open Title IV-D cases, a 7 percent decrease

from the \$27,247,944 collected in 2019.

- Served 12,676 children in 11,537 families
- Reviewed 532 new cases and filed 469 new pleadings, including 171 complaints for support, 95 petitions to modify existing obligations, 76 new petitions to establish paternity, 36 petitions to intervene and 26 petitions for order to show cause.
- The number of new cases represents a 55 percent decrease from the 860 cases received in 2019 as fewer cases were referred to our office for assistance.
- Filed 46 new Uniform Interstate Family Support Act Complaints and registered 18 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. 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 in 2020 oversaw Juvenile Delinquency and juvenile Abuse & Neglect cases.

Juvenile Delinquency attorneys 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 in 2020 was comprised of five full-time assistant state's attorneys and one administrative assistant.

2020 by the numbers

The juvenile division filed **270 petitions to adjudicate** delinquency, a 22 percent decrease from the 347 new petitions to adjudicate delinquency filed in 2019. The unit **resolved 134 petitions** to adjudicate. Also, **11 new offenses** were charged as petitions to revoke probation or supervision, 2 minors were designated **violent or habitual offenders**, and 1 minor was **transferred to adult court**.

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

2020, **11 minors were sent to IDJJ**. Under Illinois law, a juvenile only can be sentenced to prison as a last resort.

The Illinois General Assembly maintains a strong commitment 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 Illinois Department of Children and Family Services investigation in which it determines that a child has been abused, neglected or is dependent on the state for care.

The division opened **204 new files** and filed **2 new dependency petitions**. That represents an 85 percent increase from the 110 new files in 2019.

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**.

Special Report: School violence

YOUTH PLEADS GUILTY FOR PLAN TO CAUSE MASS DEATHS AT BATAVIA H.S.

A Batavia High School student on May 28 pleaded guilty to the offense of possession of an explosive/incendiary device in exchange for a sentence of 48 months of probation and mental health treatment in a residential facility.

Kane County Associate Judge Salvatore LoPiccolo accepted the plea.

The youth was initially charged in juvenile court. He agreed to have the case transferred to adult court.

Kane County Assistant State's Attorney Bridget Sabbia stated in court during the plea hearing that on Nov. 26, 2019, FBI agents went to the youth's Batavia home after they were notified that a Batavia resident had made suspicious purchases of bomb-making materials. FBI agents first located suspicious social media accounts belonging to the youth that included anti-Semitic posts.

The FBI's search of the home revealed a working laboratory with numerous chemicals, compounds, laboratory equipment and other items and materials used to make bombs. Among the explosive compounds were lead azide, erythritol tetranitrate and nitroguanidine. They also found three threaded PVC pipes, three metal pipes and end caps, half with holes drilled in them, detonators, initiators and ball bearings, which are commonly used as projectiles in bombs.

A notebook found in the youth's bedroom included numerous statements of hate ideology, and detailed the youth's plan to detonate a bomb in a restroom at Batavia High School, throw a pipe bomb and Molotov cocktail into a crowd, open fire, aim for the weak, throw a pipe bomb down the mail hallway, kill at his own discretion, and use the rest of the grenades wherever possible. His plan was for him to die by suicide.

Along with the probationary term, the youth must follow additional conditions, which include:

- Cover the full cost of placement and treatment
- Remain in residential treatment for a minimum of six months to successfully complete the plan, which includes treatment for schizophrenia
- Cannot possess firearms, explosives, incendiary devices or precursor explosives or devices, including no such items allowed his home.
- Take all medications as prescribed.
- Internet access is limited to school assignments.
- Adhere to a curfew set by the probation department upon completion of residential treatment
- Cannot enter Batavia High School or be on any school grounds

State's Attorney Joe McMahon said:

"This is the right outcome for this case as it protects the community and also provides this youth with the important help that he needs.

"I cannot overstate the significance of the work that our law-enforcement and public safety partners at the federal, state and local levels, particularly of Chief Dan Eul and his team at the Batavia Police Department, undertook to prevent what would have been a horrific act of mass violence and unimaginable harm and destruction. Their cooperation and support throughout the investigation and prosecution was critical to achieving a disposition that protected the public in both the short and long term and laid out a plan to hold this youth accountable and give him access to necessary treatment. In addition, the youth's parents and his attorney, Gary Johnson, understood the complex issues at stake.

"My thanks to the Kane County Bomb Squad, who responded to the scene and immediately secured the scene and ensured the safety of the community, to the alert person who contacted authorities when he noticed the suspicious activities, and to the many employees of the Kane County State's Attorney's Office who worked hard for this just resolution."

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.

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.

2020 achievements

- Coordinated a discussion between school personnel and justice system personnel to explore perspectives, identify barriers and challenges, and propose solutions to effectively collaborate.
- Established Council operations to allow for business to be conducted in a virtual format, increasing the accessibility for community partners to collaborate.
- Submitted an article explaining considerations around adolescent development for publishing in the State's Attorney's Office police newsletter as an alternate strategy to get necessary information out to law enforcement partners.
- Convened a workgroup to proactively address inequities occurring within the juvenile justice system by examining data from the various decisions made throughout the duration of a case and identifying strategies to intervene.
- Pursued planning efforts to offer focus group opportunities as an initial step to increase voice from youth and parents impacted by the juvenile justice system.



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, as well as elder and disabled victims. Advocates also work with survivors and family members of victims of DUI crashes.

A **resource directory** is 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 is updated as new resources emerge.

2020 accomplishments

In 2020, the Victims' Services Unit assisted more than **2,000 crime victims and survivors**.

These victims and survivors are part of cases that are prosecuted by felony prosecutors as well as prosecutors assigned to the Child Advocacy Center.

They also are elder or disabled victims. The elder/disabled advocate serves victims over

age 60 and persons with disabilities. The advocate coordinates with social service agencies, nursing homes and the general public regarding situations that might involve illegal exploitation of the elderly and disabled.

The **elder/disabled advocate in 2020 handled 45 new cases**, an increase of nearly 50 percent from the number of new cases in 2019. Most of the new elder/disabled cases in 2020 involved financial exploitation and aggravated battery charges.

The elder/disabled advocate attends monthly meetings held by Senior Services Associates to review difficult cases, and quarterly meetings of the Elder Fatality Review Committee.

The COVID-19 pandemic brought new challenges to advocates who:

- Learned to be informative and supportive while maintaining safe physical distances from victims.
- Taught victims how to attend or monitor remote court hearings.
- Addressed an increased volume of requests for financial and housing resources.

Advocates were pleased they were able to innovate and adapt in response to unforeseen challenges.

Screening & charging

Felony calls by agency, 2020

<u>Agency</u>	<u>No.</u>
Aurora P.D.	760
Elgin P.D.	546
Kane County Sheriff	246
Carpentersville P.D.	180
St. Charles P.D.	165
Batavia P.D.	90
Montgomery P.D.	58
North Aurora P.D.	54
Geneva P.D.	47
South Elgin P.D.	46
West Dundee P.D.	44
Illinois State Police District 15	39
East Dundee P.D.	22
Hampshire P.D.	22
Elburn P.D.	21
Sugar Grove P.D.	20
Kane County Child Advocacy Center	17
North Central Narcotics Task Force	16
Huntley P.D.	16
Algonquin P.D.	13
Sleepy Hollow P.D.	12
Pingree Grove P.D.	9
Other agencies	7
Illinois State Police District 2	4
Gilberts P.D.	4
Campton Hills P.D.	3
Elgin Community College P.D.	2
Wayne	2
Bartlett P.D.	1
Maple Park P.D.	1
Illinois Gaming Board	1
Kane Co. Forest Preserve Police	1
Illinois Secretary of State Police	1
Fox Valley Park District	0
Waubensee Community College P.D.	0
2020 TOTAL	2,470
Previous Yearly	
<u>2019</u>	<u>2,729</u>
<u>2018</u>	<u>2,755</u>
<u>2017</u>	<u>2,646</u>



Carpentersville Officers Kevin Stankowitz (from left) and Ian Abrahamsen with Carpentersville Chief Michael Kilbourne. Stankowitz and Abrahamsen were named the Kane County Police Officers of the Year.

Our office in 2020 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 nearly 2,500 investigations for criminal charges, plus 307 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.

2020 award winners

Lifetime Achievement Award, Pursuit of Justice

Throughout her nearly 24 years as a Kane County Assistant State's Attorney, **Christine Bayer** has



always embodied the broader mission of the office, making Kane County better for everyone who lives, works and plays here.

Christine has handled a variety of difficult cases, from trafficking to sexual assault to first-degree murder. Christine particularly made her mark a few years ago, prosecuting a number of child sex trafficking cases with prosecutions that withstood the scrutiny of the higher courts.

Prosecutor of the Year

Erin Brady worked tirelessly in 2020 dealing with myriad issues related to the COVID-19 pandemic.



Erin, deputy chief of the Civil Division, provided legal support and guidance to the health department and coroner's office, as well as a number of other county offices and departments and the county board.

In addition, she helped to develop a program to distribute \$92 million to various entities in Kane County in federal CARES Act money.

Employee of the Year

Anthony Ortiz leads by example, tirelessly works long hours to get things done. He will do anything



he's asked to do. Anthony was hired as an administrative assistant and in a short time rose to become the support staff supervisor. Anthony is a U.S. Marine Corps veteran, having seen combat in Iraq.

Debra Bree Voice for Victims Award

Debra Bree is both the namesake and the first winner of this award. Deb made defending victims,



particularly child victims, her life's work, showing great compassion and passion at all times. Deb was always available to provide a kind word and motivation. She loved her job, and was never seen without her confident and friendly smile, despite her terminal illness and the subject matter of her work. We will miss her forever.

Ace of Spades, Felony

In a short time **Hillary Sadler** has made her mark in the office and in the Kane County courts as a



lawyer with a high acumen for the law and as a tireless preparer of every case she prosecutes. Hillary seeks to win every case assigned to her. Assigned to the Special Prosecution Unit, Hillary took seven cases to trial in pandemic-impeded 2020.

Ace of Spades, Misdemeanor

Hannah Thayer is always prepared for her



hearings and court calls. Her six trials in 2020 were impressive given that all were difficult domestic violence cases and they took place during a pandemic. Hannah rose to the challenge each time, earning respect for .

Most Hearings

It was not just the number of hearings that



Bridget Sabbia conducted. It was the conditions, circumstances and level of difficulty she faced. Bridget moved from Juvenile Delinquency to Abuse & Neglect because of the exorbitant increase in cases. She conducted 33 shelter care hearings, 26 adjudicatory hearings, 21 dispositional hearings and 1 hearing to terminate parental rights.

2020 in photos



2020 in photos



FACING PAGE: Aurora Alderman Scheketa Hart-Burns in February hosted an event at city hall to discuss America's racial divide. Afterward she presented State's Attorney Joe McMahon with an award in recognition of his work for a more just court system. THIS PAGE, TOP: State's Attorney McMahon, Alderman Hart-Burns and the Rev. Marvin Hunter; ABOVE: Many Aurora residents made impassioned pleas for racial equality.

2020 in photos



In July, Joe McMahon participated in an event hosted by the Rev. Marvin Hunter at Grace Memorial Baptist Church in Chicago's Lawndale neighborhood. Rev. Hunter, the church's pastor, hosted the event to discuss police brutality and reform, the 1968 Kerner Commission report, which laid out a path to racial equality in the U.S. but was never followed.

2020 in photos

Silvia Cruz (right), a former victim advocate for the Kane County State's Attorney's Office, convinced a group of friends to make pillows and facemasks for children who are interviewed at the Kane County Child Advocacy Center. They delivered 330 pillows to the CAC on Nov. 6.



2020 in photos

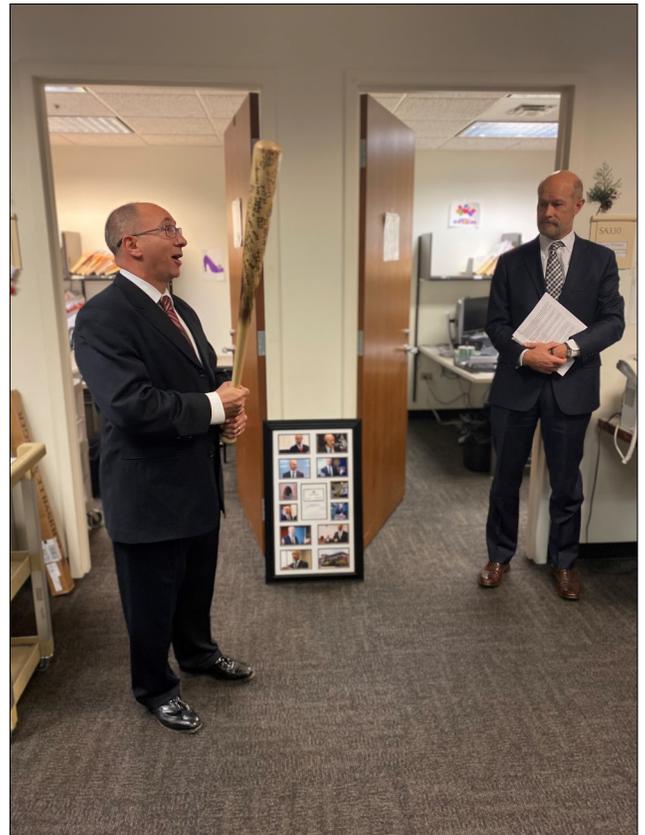


ABOVE: Assistant State's Attorney Michelle Katz argues before the Illinois Appellate Court First District via remote access. Michelle was addressing issues relative to access to documents in the Jason Van Dyke case. State's Attorney Joe McMahon was special prosecutor in the case.

RIGHT: Assistant State's Attorney Bill Engerman joined DuPage County State's Attorney Bob Berlin and other law enforcement to discuss developments in a cold case murder.

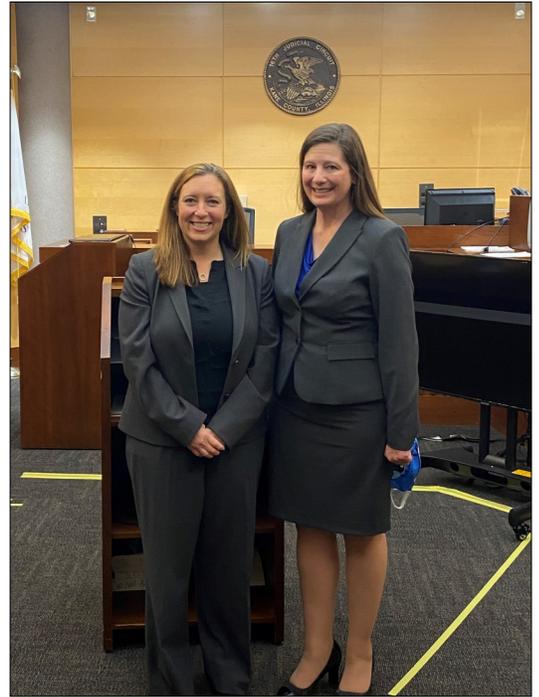


2020 in photos



CLOCKWISE FROM ABOVE: After the office scaled back operations and enacted safety protocols in response to the COVID-19 pandemic, many hears were held remotely via the application Zoom. ASAs would close their office doors for privacy during the hearings;ASA Bill Engerman presents Joe McMahon with the traditional signed baseball bat on his last day as state's attorney; Joe Lulves (left) retired at the end of November after 20 years with the office, the last 10 as the chief of the Civil Division.

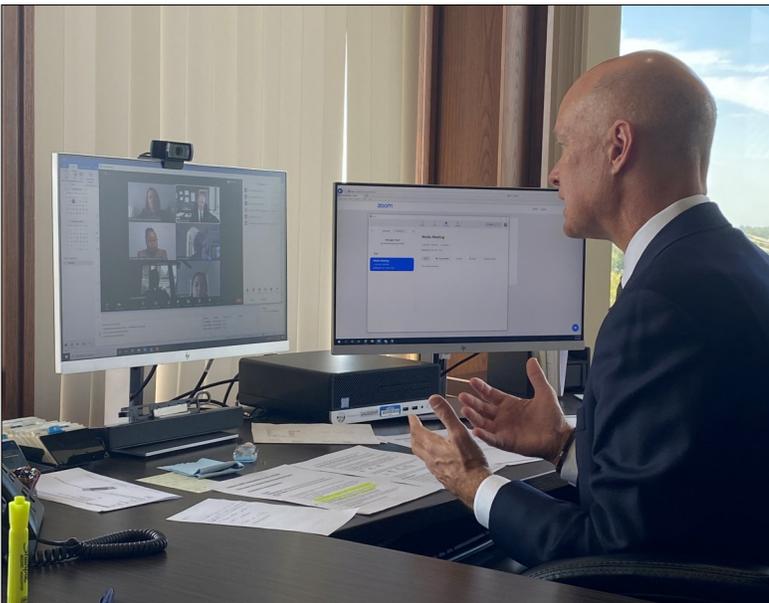
2020 in photos



CLOCKWISE FROM LEFT: Jamie Mosser's children got in on the fun after watching their mom get sworn in as state's attorney; State's Attorney Mosser with new First Assistant State's Attorney Christine Bayer; S.A. Mosser swears in new Assistant State's Attorney Anne Ghislandi.

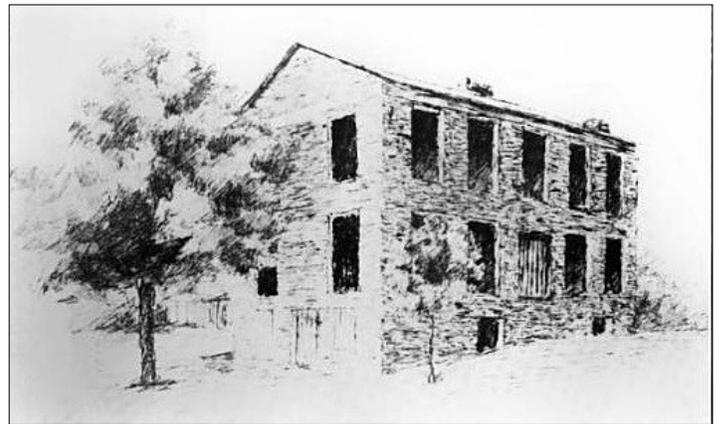


Public access & transparency



Throughout his decade as state's attorney, Joe McMahon was always accessible to news organizations. CLOCKWISE FROM TOP: Joe talks to National Public Radio's Cheryl Corley about the concerns over convicted sex offenders living at Wayside Cross Ministries in Aurora. Wayside Cross is in close proximity to a park; Joe talks to ABC7's Michelle Gallardo about the rise in child abuse and neglect cases as a result of children being isolated during the COVID-17 pandemic; Joe conducts his final monthly news briefing with Kane County reporters.

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

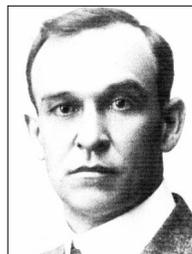
- 1837 – 1839 Alonzo Huntington
- 1839 – 1840 Norman H. Purple
- 1840 – 1841 Onslow Peters
- 1841 – 1842 Seth B. Farwell
- 1842 – 1844 Orsamus D. Day
- 1844 – 1847 Benjamin F. Fridley
- 1847 – 1851 Burton C. Cook
- 1851 – 1852 Phineas W. Pratt
- 1852 – 1853 Amos B. Coon
- 1853 – 1856 M.F. Boyce
- 1856 – 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. “Kid” 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 – 2020 Joseph H. McMahon
- 2020 – Jamie L. Mosser



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](#).

