

From the office of Kane County State's Attorney Joseph H. McMahon

Legal Ease

A newsletter for the Kane County, Illinois, law-enforcement community



Kane County State's Attorney
Joseph H. McMahon

Kane major crimes task force steps in on complex crimes

By BRIAN McCARTY

Policing in the 21st Century is more advanced, more sophisticated and more complex than ever before.



Police departments and police officers are expected to respond to a variety of crimes and scenarios, from a resident who is angry about a neighbor

to an active crime scene.

Training, advanced investigative techniques and instant communication capabilities make most of these expectations reasonable.

Most of them, but not all of them. The reality is that not every department has the manpower to address the most complex crimes. But in Kane County, that does not mean that the crime will go unsolved. That's the purpose of the Kane County Major Crimes Task Force.

The task force is a county-wide organization to which representatives from multiple police agencies are assigned to assist any Kane County law-enforcement entity having jurisdiction over an incident that exceeds their resources. The task force supports these investigations by providing additional trained manpower, expertise, networking and equipment.

Member agencies can be any law-enforcement entity within Kane County, including but not limited to, the Kane County Sheriff's Office, Illinois State Police, municipalities, the Kane County State's Attorney's Office,



the Kane County Coroner's Office, and the Kane County Diagnostic Center.

Members also include federal agencies such as the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, Homeland Security, and the U.S. Marshals Service.

The Kane County Chiefs of Police Association provides supervision and administration of the task force through an appointed subcommittee, and operates under a mutual aid agreement with participating agencies pursuant to Article 7, Section 10 of the Illinois Constitution, and by the provisions of the Illinois Intergovernmental Agreement Cooperation Act 5 ILCS 220/3 and 65 ILCS 5/11-1-2.1 of the [Illinois Municipal Code](#).

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VOLUME 11, ISSUE 2

FEBRUARY/
MARCH 2017

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KANE COUNTY MAJOR CRIMES TASK FORCE

Continued from the previous page**Task force facts**

The task force operates with 42 members from 28 agencies.

Those assigned include detectives, patrol officers, evidence technicians, federal agents, and civilian support personnel.

The task force is divided into three teams:

- North
- South
- Evidence Technicians

Command Structure

- Commander Brian McCarty, Kane County Sheriff's Office
- Assistant Commander Joe DeLeo, North Aurora P.D.
- Team Leader Jack Rood, Gilberts P.D.
- Team Leader Brian Polkinghorn, South Elgin P.D.
- Team Leader Bob Reichardt, Campton Hills, P.D.

Deployment

To activate the task force, the primary administrator or designee of any member agency may request task force assistance upon the discovery of a qualified incident. The administrator or designee will contact the task force commander via the Kane County Communication's Division at **(630)-232-8400**. The task force will assist the lead agency for up to five days. Additional assistance may be requested and is subject to review.

**Types of Cases**

- Homicide (including cold cases)
- Serial sexual assault
- Serial arson
- Major bombing
- Non-parental kidnapping
- Complex violent crime
- Complex crime-scene processing
- Evidence collection
- Particularly heinous criminal acts

The requesting agency is responsible for determining if the incident is within the parameters of an authorized task-force

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KANE COUNTY MAJOR CRIMES TASK FORCE

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call-out as they can be liable for any requests for call-out made by unauthorized persons within their agency.

Recent Deployments

- East Dundee – homicide
- West Dundee – homicide
- Carpentersville – homicide
- South Elgin – apparent home invasion
- Geneva – homicide
- Montgomery – shooting with multiple victims
- Kane County Sheriff's Office – homicide
- Wayne – suspicious death

What will happen when I request task force activation?

Soon after you call requesting task force activation, the task force commander or assistant commander will reply to gather information to aid in determining qualification and the extent of task force resources that will be initially dispatched.

The commander will ask for the following:

- The nature of the incident
- The age of the incident since discovery
- The location of the event
- Person authorizing activation
- The person in charge of the scene
- Confirmed injuries and fatalities
- Any current risk factors or hazards
- Known or specific equipment needs
- Any other necessary information
- Any persons in custody

Call-out procedure

KaneComm will notify task force command staff. The task force commander (or a team leader) then will contact KaneComm via telephone after making an initial assessment of the request to determine and authorize the necessary level of response.

KaneComm then will notify either the evidence technicians, Task Force North or Task Force South as indicated by the commander or team leader.

As with any incident, the safety of all involved comes first. The next objective is scene containment and security until the appropriate staffing is on scene and responding task force members are briefed on the incident.

With task-force activation, manpower needs will be closely monitored to return members to their respective agencies as soon as possible. With long-term deployment the task force commander will provide the subcommittee an operational update within five days of deployment. A determination will be made at this time on the continued deployment of personnel.

The primary agency is always the lead agency, which maintains control and responsibility of the incident. The task force is an assisting agency; the lead agency is expected to exert maximum effort in the investigation.

Any media release should typically be the responsibility of the lead agency. The task force commander will provide support in this area as requested.

Brian McCarty is a lieutenant with the Kane County Sheriff's Office and oversees the Kane County Major Crimes Task Force. Police officers with questions about the task force should contact him at MccartyBrian@co.kane.il.us.

To activate the task force, the designee of any member agency may request task force assistance by calling the Kane County Communication's Division at (630) 232-8400.

HOTLINE 101

Remember the rules with overhears

By JODY GLEASON

The use of an eavesdropping device may be very helpful in police investigations. Typically, overhear recordings are used in drug investigations. However, Kane County officers have been successful in using overhear recordings in sex abuse/assault



cases with teenage victims, solicitation for murder cases and other crimes.

The criminal code allows for eavesdropping devices to be used in investigations if certain criteria are met. Section [725 ILCS 5/108A](#) governs the use of overhears. If an officer

wants to use an overhear device, the officer first must get approval from the state's attorney or, if the state's attorney is not available, one of the following ASAs can approve the application: First Assistant Jody Gleason, Bill Engerman, Joseph Lulves, Michele Niermann, Greg Sams, Joe Cullen, Kelly Orland, Bridget Sabbia, Andrew Whitfield, Mark Stajdohar, Sal Lopiccio, Debra Bree. If an officer needs approval after hours, the officers should call the priority hotline. Priority hotline ASAs are authorized to review applications and sign off on them electronically.

When a law-enforcement officer presents an application to a judge, he/she must have the following documents:

- Written consent by one party to a conversation to occur in the future. The consent must be in writing and signed by the consenting party. If there are concerns regarding the consenting party using his/her real name an alias may be used as long as the information has been disclosed to the judge.
- An application that includes the identity of the officer, a statement of facts and circumstances of the investigation, details as to felony that has been, is being or is about to be committed, a description of the type of communication sought, the identity of the party to the expected conversations consenting to the eavesdropping device, and the identity of the person expected to be overheard. The application should also include the time period for the overhear and a statement if any previous applications of overhears have been presented. If the application is for an extension of a previous ordered overhear, the application must include a statement setting forth the results so far obtained from the use of the eavesdropping device or an explanation of the failure to obtain results.
- An authorization approval signed by the state's attorney or designee
- An order that the judge will sign granting authorization. Once a judge signs the order, all paperwork must be returned to the state's attorney's office so copies can be made and records kept of the authorizations. (The SAO is required to submit a report annually to the Illinois State Police of the number of eavesdropping orders approved in Kane County.) The order is valid for 30 days.

Law enforcement officers should keep in mind that in certain emergency situations an eavesdropping device can be used without obtaining prior consent [725 ILCS 5/108A-6](#).

An officer should contact the priority hotline before using an eavesdropping device in an emergency situation.

As always, if you need assistance with an eavesdropping order please contact the Kane County SAO.

Mandated recording of suspects – In January 2014 a new law [725 ILCS 5/103-2.1\(b-5\)](#) took effect that requires officers to electronically record statements of suspects in custody. The law was designed to be implemented in three phases. Phase I requires police to record custodial statements of suspects being investigated for predatory sexual assault and aggravated arson. Phase II, effective June 1, 2015, requires the recording of custodial statements for aggravated kidnapping, aggravated vehicular high jacking and home invasion. Phase III, which took effect in June 2016, applies to aggravated criminal sexual assault, armed robbery and aggravated battery with a firearm.

Sealing of search warrants – If you want a search warrant or complaint sealed, you must have a judge sign an order to seal the documents at the time the judge issues the search warrant or signs the arrest warrant. If you do not get a separate order to seal the documents, once they are filed with the circuit clerk they may be viewed by the public. When you send a complaint to the circuit clerk to get a case number you need to tell the clerk that you want the complaint to be sealed.

Robbery/aggravated robbery – We have received a few calls regarding [720 ILCS 5/18-1](#), robbery and aggravated robbery cases in which there has been confusion regarding which offense should be charged. For a robbery charge we need to prove that the defendant took property from the person or presence of another by the use of force or by threatening the imminent use of force. For aggravated robbery, we need to prove the same elements but also prove that the defendant indicated either verbally or by his actions that he was presently armed with a firearm or dangerous weapon.

Drug-induced homicide – It seems, unfortunately, that the offense of drug-induced homicide [720 ILCS 5/9-3.3](#) is on the rise in Kane County. Please keep in mind when calling hotline that we probably will have to wait until the toxicology report is completed before charges can be authorized. This report is usually not done until a few weeks after the autopsy.

Complaints must be notarized – I have noticed some felony complaints filed with the Circuit Clerk's office are not notarized. Please remember that complaints must be notarized.

Jody Gleason is the first assistant state's attorney for Kane County. Police officers with questions about felony hotline may contact her at (630) 232-3500 or gleasonjody@co.kane.il.us.

40th annual
Kane County Law Enforcement
Officer of the Year
Banquet

Thursday, March 9, 2017
Cocktails / Check-in 6 p.m.
Buffet Dinner promptly at 6:30 p.m.

Pheasant Run
New Orleans Ballroom
4051 E. Main Street (Illinois Route 64)
St Charles, Ill. 60174

\$35 per person

Please complete the information below.

Name: _____

Department: _____

Attendee Names: _____

Enclosed please find \$ _____ for _____ tickets.

*Please make checks payable to **Kane County Chiefs of Police Association***

Mail ticket orders to:

Linda Hagemann
KCSAO, Suite 300
37W777 Rt. 38
St. Charles, IL 60175

Please RSVP by March 1

Join Sheriff Don Kramer Feb. 22

Bridge the Cultural Divide: Race Forward

This *Race Forward* conversation will take an intricate look at the persistence of racial disparities and divisions that exist across society and more specifically in our own community. There's a divisiveness that exists preventing us from publicly and collectively confronting our racial past, present, and future. Perspectives of "race-neutral" or "race-silent" have inundated the minds of the public, instead of a "race-conscious" mindset that allows for appreciation and acceptance of the various cultures that make up society. As a community, this *Race Forward* conversation is imperative to better understand the diverse perspectives regarding race, dispel racially-based myths and stereotypes, examine the racial inequities that exist at the institutional/societal levels and address racial tensions that exist in our own community. The objectives include:

- Expand your understanding beyond individual to systematic oppression
- Focus on actions and impact rather than attitudes and intentions
- Add a racial lens to conversations on class, gender and sexuality
- Cultivate discourse that moves Race Forward

This conversation is an opportunity for the community to hear the perspectives of those who advocate for racial change, share their voice regarding racially based issues/concerns, and bring about social change that is mutually beneficial for all people.

On Feb. 22, 2017, Kane County Sheriff Don Kramer and his Community Outreach Team will host a racial relations forum from 6 to 8 p.m. at the Aurora Public Library-Santori Library.

Speakers include:

- Dr. Adrienne Coleman, Multicultural Education Specialist, IMSA
- Pastor Tim Bailey, Living Purpose Church
- Pastor Josue Valdez, Iglesia El Camino
- Dr. Eva Serrano, Aurora University
- Chief Kristen Ziman, Aurora Police Department
- Ricky Rodgers, African American Men of Unity
- Sadia Covert, Illinois Attorney and Civil Rights Advocate
- Regina Brent, President of Unity Partnership

Come engage with Sheriff Kramer and others who are reshaping the way we talk about race and address racism in our community today and into the future!

Kane County State's Attorney's Office
Police Training

Thursday, March 2, 2017

8:30 a.m. – 3:30 p.m.

~ Lunch provided ~

Northern Illinois Food Bank
237 Dearborn Court
Geneva, IL

(630) 443-6910

(North of Route 38, between Kirk Road and Kautz Road)

Topics (subject to change):

The World of Juvenile Law in 2017

What We Learned from the Mass Shooting at the Sikh Temple in Oak Creek,
Presented by:

Chief Steven Anderson, Oak Creek (Wis.) Police Department
Capt. Michael Bolender, Oak Creek (Wis.) Police Department

Written & Audio Recorded Statements
Odyssey Update for Law Enforcement
Case Law Update for Law Enforcement

To register:

Please contact Linda Hagemann at
(630) 406-7327 or hagemannlinda@co.kane.il.us

KANE COUNTY CHIEFS OF POLICE ASSOCIATION



TOP: Circuit Judge Clint Hull (right) swears in new officers of the Kane County Chiefs of Police Association. From left, Elburn Police Chief Nick Sikora as sergeant at arms, North Aurora Police Chief Dave Summer as vice president, Sugar Grove Police Chief Pat Rollins as secretary; ABOVE LEFT: Geneva Police Chief Eric Passarelli, the association's outgoing president, presents Linda Hagemann of the Kane County State's Attorney's Office with the President's Award; ABOVE RIGHT: Linda Hagemann with Pingree Grove Police Chief Sean Bean, the association's new president.



From left, Carpentersville Police Chief Michael Kilbourne, Community Service Officer Andy Hochleutner and Deputy Chief Todd Shaver display the pink patches the department will wear as part of a national campaign to bring awareness to breast cancer.

Carpentersville P.D. joins Pink Patch Project for breast cancer

CARPENTERSVILLE POLICE DEPT.

The Carpentersville Police Department is the first law-enforcement agency in Illinois to join "The Pink Patch Project," an innovative public awareness campaign designed to bring attention to the fight against breast cancer and to support breast cancer research organizations in combating the devastating disease.

The Pink Patch Project is a collaborative effort between the Los Angeles County Police Chiefs' Association and public safety agencies across the nation. The initiative seeks to raise awareness about breast cancer and the importance of early detection and treatment, in addition to raising funds for cancer research, treatment and education through the sale of commemorative pink patches.

Nationwide, 90 agencies are participating. In 2016, participating agencies raised an estimated \$320,000, all of which will be donated to various foundations that support breast cancer research and awareness.

The project centers on a vibrant pink version of the department's police uniform patch. All of the department's police officers wear these pink patches on their regular police uniforms to stimulate conversation with the community and to encourage discussion with the public about the importance of early detection and treatment in the ongoing fight against the disease.

The Carpentersville Police Department hopes to establish a partnership with a Chicago-area breast cancer research and support foundation by March.

Once the foundation has been selected, the department will begin selling the pink patches for approximately \$10 each.

Any Illinois law-enforcement agency that wishes to join the Pink Patch Project should call Carpentersville Police Chief Michael Kilbourne at (847) 551-3481 for information.

Each agency runs its program independently and in a way that best fits its community. The agency obtain its own patches and markets, promotes and sell the patches as it sees fit. Each agency manages its own expenses and funds and maintains its own accounting and record keeping in the way that best benefits the agency and fits the governing body rules and policies.

Breast cancer facts

- Approximately 1 in 8 women will be diagnosed with invasive breast cancer in her lifetime.
- Breast cancer is the most commonly diagnosed cancer in women. Although breast cancer in men is rare, an estimated 2,600 men will be diagnosed with breast cancer and approximately 440 will die each year.
- More than 2.8 million breast cancer survivors are alive in the United States today.

Kane County State's Attorney's Office

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Phone: (630) 444-2998

E-mail: nelsonchris@co.kane.il.us

Questions and comments also can be directed to

Linda Hagemann
Phone: (630) 406-7327

E-mail: hagemannlinda@co.kane.il.us

Legal Ease is published six times yearly by the Kane County State's Attorney's Office for the benefit of Kane County law-enforcement personnel. Opinions, interpretations and recommendations about law enforcement, technique and procedure relative to prosecution contained in this publication are those of the Kane County State's Attorney and not necessarily applicable in other jurisdictions. Law enforcement outside Kane County, Ill., are welcome to read this publication, but should consult with the local prosecutor before following any advice contained herein. In addition, members of the media are asked to contact the Kane County State's Attorney's Office before reproducing or reporting on any information contained herein.



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Ill. Special Olympics gives Geneva's Kott its highest honor

Special Olympics Illinois recently presented Geneva Police Sgt. Dan Kott with its Flame of Hope Award for his 25 years of dedicated volunteer service to the organization.

The award is Special Olympics Illinois' highest honor and is presented annually to an individual and police department for their steadfast involvement in the Law Enforcement Torch Run for Special Olympics. The award is based on the nominee's ingenuity, drive, commitment and dedication to the Torch Run, which directly impacts the lives of nearly 43,000 athletes and children with and without intellectual disabilities.

"We are extremely proud of Sgt. Dan Kott for his contributions to Special Olympics," Geneva Police Chief Eric Passarelli said.

Sgt. Kott, who joined the department in 1990, has spent countless hours championing the cause of Special Olympics by facilitating many community fundraisers. He has worked tirelessly to continue a fundraising pig roast that was the creation of Geneva Officer Keith Koza and his wife, Mary. Officer Koza died in 2009.

• The Elgin P.D.'s quarterly award-winners: Manager of the Quarter – Sgt. **Todd Ramljak**; Officer of the Quarter – Officer **Teodoro Ravadan**; Special Division Officer of the Quarter – Officer **Jonathan Cox**; Civilian of the Quarter – Telecommunications Operator **Mary Wanic**

New Hires

- Pingree Grove P.D. – Officer **John Longo** (formerly of Palatine P.D.)
- Aurora P.D. – Officers **Nicholas Walters**, **Darren Pedota**, **Ariana Stone**, **Lauren R. Miller**, **Grant Weil**, **Matthew Miracle**, **Cory McCue**; Cadets **Kristin Zimbelmann**, **Alexander Lawery**, **Melvin Santiago**; Telecom Supervisor **Jaqueline Hobday**
- Elburn P.D. – Part-time Officer **Robert Smith** (Genoa P.D. chief), part-time Officer **Antonio Huerta** (formerly Rockford Park District P.D.)
- Montgomery P.D. – Officer **Kelli Smith**, **Matthew Demetral** (currently attending SLEA).
- Elgin P.D. – **Justin Gist**



Geneva Police Sgt. Dan Kott

Promotions

- South Elgin P.D. – Officer **Dan Meshenky** to sergeant
- Elgin P.D. – Sgt. **Chris Jensen** to lieutenant, Officer **Todd Pavoris** to sergeant, CSO **Mark Sopek** to lead jailer and Parking Control Officer **Sarah Manrique** to community service officer

Retirements

- Aurora P.D. – Officer **Scott Reid**, 26 years; Officer **Jeff Petersen**, 26 years; Officer **Laurie Pekich**, 26 years
- Elgin P.D. – Public Safety Communications Supervisor **Peter Sotos**, 28 years

On the Move

- Elburn P.D. – Officer **Robert Gregory** to Cortland P.D. full-time (will remain with Elburn part-time)

Information published in this space is submitted by Kane County police agencies and collected from other sources. To submit items for consideration, email hagemannlinda@co.kane.il.us. All information is published at the discretion of the Kane County State's Attorney's Office.