

CONTACT NBR I00278941 CASE NBR 201112120 CONTACTS 001

DIV 1 DEST 3 TYPE C OPEN DT 06/01/2011 TIME 13:18 CLOSE DT 06/01/2011

SUBJECT NAME JACOBS,MIKE, TYPE (B/I) I

STREET CAPITOL 127

CITY SPRINGFIELD

STATE IL ZIP 62706-0000

COUNTY 084 SANGAMON

ID NUMBER ID CODE SEX M RACE W DOB

JUVENILE N APPROX AGE 00 EMPLOYMENT STATE SENATOR

HOME PHONE TIME WORK PHONE 217-782-5957 TIME

COMPLAINANT MCCARTER, KYLE, TYPE (B/I) I

STREET CAPITOL 105B

CITY SPRINGFIELD

STATE IL ZIP 62706-0000 COUNTY 084

ID NUMBER ID CODE SEX M RACE W DOB

HOME PHONE TIME WORK PHONE 217-782-5755 TIME

EMPLOYEE ID 0362 HOW INITIATED 9 OFFENSE 720-5/12-4&4.2

ACTV 0410 DESC BATTERY, AGGRAVATED

NOTE:

PL@DLA

Illinois Secretary of State Police

Date 06/06/2011

Case

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CASE NBR 201112120 OPEN DT 06/01/2011 TIME 13:18

DIV 1 DIST 3 TYPE C RECEIVED DT 06/01/2011 HOW INITIATED 9 JUVENILE N

SUBJECT NAME JACOBS, MIKE, CTR 001 ORIG I  
 STREET CAPITOL 127 PHONE  
 CITY SPRINGFIELD STATE IL ZIP 62706-0000  
 COUNTY 084 SANGAMON  
 ID NUMBER ID CODE SEX M RACE W DOB

\*\*\*\*\* CASE STATUS \*\*\*\*\*

CURRENT: EMPLOYEE ID 0362 RECEIVED DT 06/01/2011 DIVISION 1 DISTRICT 3  
 1ST PREV: EMPLOYEE ID RECEIVED DT DIVISION DISTRICT  
 2ND PREV: EMPLOYEE ID RECEIVED DT DIVISION DISTRICT

NAMES 002 VINS 000 CONTACTS 001 NOTEBOOKS 011 ARRESTS 000  
 CITATIONS 000 WARNINGS 000 RECEIPTS 000 SALVAGE VEHICLES 000

CASE STATUS CODE 2 PENDING INVESTIGATION

CASE STATUS DATE 06/01/2011

OFFENSE 720-5/12-4&4.2

ACTV 0410 DESC BATTERY, AGGRAVATED

NOTE:

Illinois Secretary of State Police

Date 06/06/2011

Names

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CASE NBR 201112120 NAMED TOTAL 002

CASE DIVISION 1 DISTRICT 3 TYPE C JUVENILE N ACTIVITY 0410

ACCESS I00278941 CTR 001 NBR 001

NAME JACOBS,MIKE,  
STREET CAPITOL 127

CITY SPRINGFIELD

ID NBR

ID CODE

STATE IL

ZIP 62706-0000

SEX M

RACE W

DOB

CODE Z TYPE I ORIG I  
PHONE

COUNTY 084 SANGAMON

ACCESS I00278941 CTR 002 NBR 002

NAME MCCARTER,KYLE,  
STREET CAPITOL 105B

CITY SPRINGFIELD

ID NBR

ID CODE

STATE IL

ZIP 62706-0000

SEX M

RACE W

DOB

CODE C TYPE I ORIG I  
PHONE

COUNTY 084 SANGAMON

ACTV 0410 Aggravated Battery  
CPI Tommy D. Kennedy 362

## Subject:

Senator Jacobs, Mike  
35th District  
Capitol 127  
Springfield, IL 62706  
(217) 782-5957

606 19th St.  
Moline, IL 61265  
(309) 797-0001

## Complainant:

Senator McCarter, Kyle  
51st District  
Capitol 105B  
Springfield, IL 62706  
(217) 782-5755

112 Executive Dr.  
Highland, IL 62249  
(618) 654-4068

## Witnesses:

Senator Bivens, Tim  
45th District  
Capitol M103B  
Springfield, IL 62706  
(217) 782-0180

629 N. Galena  
Dixon, IL 61021  
(815) 284-0045

Senator LaHood, Darin  
37th District  
Capitol M103F  
Springfield, IL 62706  
(217) 782-1942

5415 N. University, Suite 105  
Peoria, IL 61614  
(309) 693-4921

Senator Sullivan, John  
47th District  
Capitol 417  
Springfield, IL 62706  
(217) 782-2479

926 Broadway Suite 6  
Quincy, IL 62301  
(217) 222-2295

## Synopsis:

Sen. McCarter alleges that Sen. Jacobs battered him on the Senate chamber floor.

## Investigation:

At approximately 8:00 p.m. on 05/31/11, I was ordered to respond to Sen. McCarter's Capitol office in reference to a battery that had occurred on the Senate chamber floor at approximately 6:30 p.m. Sen. McCarter advised that he was approached at his desk by Sen. Jacobs. Sen. McCarter advised Sen. Jacobs was upset about some comments Sen. McCarter had made during public debate of SB 1652. Sen. McCarter alleges that using his fist Sen. Jacobs struck him twice in the chest. Sens. Bivens and LaHood stepped in to break up the confrontation, and Sen. Bivens said he struck his thigh on the corner of the desk causing a large

bruise. Sen. Jacobs left the floor.

I received a call from Eric Madiar, Legal Counsel for the President of the Senate. Madiar advised the Senate would handle the incident because it occurred during session. I referred Madiar to Sgt. Scott Sheppard.

I have attached written statements from Sens. McCarter, Bivens, and LaHood supporting this chain of events. Due to the Senate being in session I was unable to interview Sen. Jacobs. Any recommendation of charges would be forwarded to the Sangamon County State's Attorney's office for further pursuit.

Investigation Continued 06/03/11 2:47 p.m.:

I traveled to Moline to interview Sen. Jacobs at his office at 11:00 a.m. Sen. Jacobs' attorney Thomas M. Benson was also present at the interview. I advised Sen. Jacobs that he was not under arrest, did not have to answer my questions and could ask me to leave at any time. Sen. Jacobs said he wanted to talk to me. Both verbally and in a typewritten statement, Sen. Jacobs stated he might have touched Sen. McCarter with his index finger but verbally denied punching Sen. McCarter.

I advised Sen. Jacobs my report and all written statements would be forwarded to the Sangamon County State's Attorney's Office for further review and any filing of charges.

I returned to the Capitol Complex and learned that Sen. John Sullivan had contacted Sgt. Brian Walter by telephone and wished to make a statement about the events that transpired on the Senate floor. Sen. Sullivan prepared a typewritten statement and e-mailed it to Sgt. Walter. A printout of the statement has been attached to this report. Sen. Sullivan's account of the chain of events generally matches Sen. Jacobs', but states that Sen. Jacobs pushed Sen. McCarter, and that Sens. Bivens and LaHood pushed Sen. Jacobs back.

Investigation Continued 06/06/11 8:30 a.m.:

I spoke with Sen. Sullivan by telephone. Sen. Sullivan advised he followed Sen. Jacobs to the Republican side of the aisle because he knew Sen. Jacobs was upset. Sen. Sullivan stood a short distance away talking to Sen. McCann while watching Sen. Jacobs. Sen. Sullivan observed Sens. Bivens and LaHood in their seats when Sen. Jacobs approached. The conversation became heated, and there was finger pointing from both Sen. McCarter and Sen. Jacobs. Sen. Sullivan advised he did not see who pushed who first, and that Sens. Bivens and LaHood appeared to push Sen. Jacobs back only to separate the parties. Sen. Sullivan grabbed Sen. Jacobs and escorted him from the chamber.

Disposition:

I, CPI Tommy D. Kennedy 362 have completed my investigation and have forwarded this case to the Sangamon County State's Attorney for further review and any filing of charges. I request this case be closed.

06/06/11 9:57 a.m.

Attachments:

Written statement from Sen. McCarter

Written statement from Sen. Bivens

Written statement from Sen. LaHood

Typewritten statement and cover sheet from Sen. Jacobs

Typewritten (e-mailed) statement from Sen. Sullivan printed out

Map of the Senate chamber floor detailing the approximate location of the incident

Secretary of State  
Department of Police

Voluntary Statement

Date 5/31/11

Case # 201112120

Time 10:20pm

Location Senate Chambers

Dist/Co/Area 6/084/CAPEZC

I, Kyle McCarter, reside at 1469 Ivy Brook Lane Lebanon  
and am 48 years old. I am making this statement freely and voluntarily to Tommy Kennedy,  
an investigator for the Secretary of State Police. I certify that no attempt was made by any law enforcement officer to  
prompt me on what to say, nor was I refused any request that this statement be stopped. I have read each page of this  
statement, which consists of 4 page(s), and which bears signature and initials on any corrections. I certify that this  
statement is true to the best of my knowledge.

On 5/31/11 at approximately 6:30pm I completed  
speaking on HJR 32. Sen. Mike Jacobs stood in  
front of my desk while I was speaking. Once I was  
done speaking I began conversing with Sen. Jacobs.  
He was angry and told me that I had broken the rules  
of the senate by what I had said in debate. I calmly  
responded without raising my voice. Sen. Jacobs  
continued to curse at me while pointing his finger in  
my face. He then punched me with his <sup>right</sup> fist in my  
chest on the left side. Sen. Lohr and Bivers then  
stood up next to me on each side to defend me.  
Sen. Jacobs then turned away and exited through  
the north rear door of the chambers.

Witness

Witness

Kyle McCarter  
Signature  
CPI T K #362  
Investigator ID #

Secretary of State  
Department of Police

Voluntary Statement

Date 5/31/11

Case # 20112120

Time 9:15pm

Location CAPITOL SPRINGFIELD, IL

Dist/Co/Area 6/084/CAPITOL

I, Tim Bivins, reside at 416 SQUIRES DIXON, IL  
and am 58 years old. I am making this statement freely and voluntarily to TOMMY KENNEDY,  
an investigator for the Secretary of State Police. I certify that no attempt was made by any law enforcement officer to  
prompt me on what to say, nor was I refused any request that this statement be stopped. I have read each page of this  
statement, which consists of \_\_\_\_\_ page(s), and which bears signature and initials on any corrections. I certify that this  
statement is true to the best of my knowledge.

AT APPROXIMATELY 6:45pm ON THE ABOVE DATE SENATOR  
KYLE McCARTER WAS PRESENTING A RESOLUTION WHEN SENATOR  
MIKE JACOBS WALKED ACROSS THE SENATE FLOOR AND STOOD TO  
THE LEFT SIDE IN FRONT OF SENATOR McCARTER'S DESK.  
WHEN SENATOR McCARTER FINISHED PRESENTING SENATOR JACOBS  
MOVED TO THE CENTER OF SENATOR McCARTER'S DESK FACING  
SENATOR McCARTER. SENATOR JACOBS THEN SAID TO SENATOR  
McCARTER "YOU CROSSED A LINE, YOU VIOLATED SENATE RULES  
IF THAT'S THE WAY YOU WANT TO PLAY YOU DON'T KNOW ME  
VERY WELL." SENATOR McCARTER RESPONDED SAYING HE DIDN'T  
THINK HE DID VIOLATE RULES. SENATOR JACOBS BECAME MORE  
AGGATATED AND CALLED SENATOR McCARTER A "MOTHER  
FUCKER". SENATOR JACOBS THEN BECAME VERY ANGRY  
AND PUNCHED SENATOR McCARTER IN THE CHEST KNOCKING  
HIM BACKWARDS. I IMMEDIATELY STOOD UP AND PUT  
MY HAND OUT TOWARD SENATOR JACOBS AND MY OTHER  
HAND OUT TOWARD SENATOR McCARTER TO PREVENT ANY

Witness

Witness

Tim Bivins

Signature

CAE T. K. [Signature]

Investigator

ID #



Secretary of State  
Department of Police

Voluntary Statement

Date 5/31/11

Case # 201112120

Time 9:15 am

Location CAPITOL SPRINGFIELD, IL.

Dist/Co/Area 6/084/CAPITOL

I, TIM BIVINS, reside at 416 SQUIRES DIXON, IL.  
and am 58 years old. I am making this statement freely and voluntarily to TOMMY KENNEDY,  
an investigator for the Secretary of State Police. I certify that no attempt was made by any law enforcement officer to  
prompt me on what to say, nor was I refused any request that this statement be stopped. I have read each page of this  
statement, which consists of 2 page(s), and which bears signature and initials on any corrections. I certify that this  
statement is true to the best of my knowledge.

FURTHER ALTERCATION. I THEN TOLD SENATOR JACOBS  
TO LEAVE THE FLOOR SEVERAL TIMES. HE CONTINUED  
TO YELL AT SENATOR MCCARTER CALLING HIM A  
"MOTHER FUCKER" AGAIN AND THEN HE LEFT.  
SENATOR LAHOOD ALSO WITNESSED SENATOR JACOBS  
PUNCH SENATOR MCCARTER. SENATOR MCCARTER DID NOT  
RETALIATE. I ALSO STRUCK MY RIGHT THIGH ON  
SENATOR MCCARTER'S DESK, WHEN I JUMPED UP TO  
PREVENT ANY FURTHER ALTERCATION, WHICH LEFT A  
LARGE BRUISE ON THE INSIDE OF MY THIGH.

Witness

Witness

Tim Bivins  
Signature

CPT T. K. Kennedy  
Investigator

ID # 367

Secretary of State  
Department of Police

Voluntary Statement

Date May 31, 2011

Case # 201112120

Time \_\_\_\_\_

Location Illinois State Senate Chamber  
at Sen. Kyle McCarter's Desk

Dist/Co/Area 6/084/CAPITOL

I, Darin LaHood, reside at 11607 N. Glenshire Dr., Dunlap, IL  
and am 42 years old. I am making this statement freely and voluntarily to Tommy Kennedy,  
an investigator for the Secretary of State Police. I certify that no attempt was made by any law enforcement officer to  
prompt me on what to say, nor was I refused any request that this statement be stopped. I have read each page of this  
statement, which consists of 1 page(s), and which bears signature and initials on any corrections. I certify that this  
statement is true to the best of my knowledge.

On May 31<sup>st</sup> at approximately 6:30 p.m., after debate and voting  
on Senate Bill 1652 (the ComEd Bill), I was in my chair on the  
Senate floor when I observed Sen. Mike Jacobs ~~come~~ over  
to Sen. McCarter's desk. Sen. Jacobs stood in front of  
my desk and waited a few minutes until Sen. McCarter  
was done speaking on ~~H.J.R. 32~~ H.J.R. 32. Once Sen. McCarter  
was done speaking on H.J.R. 32, Sen. Jacobs engaged Sen. McCarter  
in conversation regarding Sen. McCarter's public comments  
on Senate Bill 1652. It appeared that Sen. Jacobs was upset  
with Sen. McCarter's <sup>previous</sup> comments on SB 1652. I then observed  
Sen. Jacobs raise his right hand and arm and proceed to hit  
Sen. McCarter with his fist on Sen. McCarter's chest  
area. I also heard Sen. Jacobs fist hit Sen. McCarter's chest  
area. After Sen. Jacob hit Sen. McCarter, Sen. Jacobs then  
proceeded to walk away from Sen. McCarter while continuing  
to speak in a loud and angry voice. Sen. McCarter never  
physically ~~or~~ verbally provoked Sen. Jacobs.

Witness \_\_\_\_\_

Witness \_\_\_\_\_

D. LaHood, May 31, 2011

Signature

CPI T. K. 362

Investigator

ID #

Secretary of State  
Department of Police

Voluntary Statement

Date 3/03/11

Case # 20111720

Time 11:32 A.M.

Location SEN JACOBS' MOBILE OFFICE

Dist/Co/Area 6/084/SAN ANTONIO

I, Mike Jacobs, reside at 606 19th Street, E.M. IL  
and am 50 years old. I am making this statement freely and voluntarily to Investigate Kennedy,  
an investigator for the Secretary of State Police. I certify that no attempt was made by any law enforcement officer to  
prompt me on what to say, nor was I refused any request that this statement be stopped. I have read each page of this  
statement, which consists of 1 page(s), and which bears signature and initials on any corrections. I certify that this  
statement is true to the best of my knowledge.

ATTACHED TYPED STATEMENT FROM SEN. JACOBS

Witness

Witness

Mike Jacobs  
Signature

CPI T. K. #362  
Investigator

ID #

During floor debate on SB 1652, Senator McCarter made disparaging remarks toward me and my family. He was quickly admonished for violating Senate Rule number 7-3c (Senator decorum) on the Senate floor, by Senator Harmon who was the presiding officer at that time. He was directed by Senator Harmon to refrain from invoking personalities.

Afterward, I went over to the Senator and waited while he introduce and passed his bill. At that point, I asked him to refrain from making personal comments and told him that in the future he should talk to me in private regarding such matters.

At that point, he again repeated the false allegations about me and my family. I asked Sen. McCarter how he would like it if I went onto the Senate Floor and pointed out how he sponsored the workers comp legislation that directly benefits his business. Then Senator McCarter came closer to me and I put up my index finger to make a point about him violating Senate Rule 7-3c. A person I later discovered to be Senator Bivens put his hand in my face to keep us apart, and the Senator Darin LaHood started using profanities directed toward me. I swore back at him and asked Senator LaHood how he would like it if I said he was controlled by his powerful father?

Senator Bivens pushed me with the back of his hand and I left because I thought the incident was over. All of this took less than 30 seconds.

At no time did I ever close my fist and punch Sen. McCarter. I may have touched him with my index finger. There was a lot going on – Senator McCarter was visibly upset and his hands were flailing around, Senator LaHood was yelling profanities at me, Senator Bivens put his hands on me.

I regret this situation occurred and have called Sen. McCarter to apologize, but he failed to return my call.

A handwritten signature in black ink that reads "Mike Jacob". The signature is written in a cursive, flowing style with a large, looped 'M' and 'J'.

Kennedy, Tommy

CASE 20112120

From: Walter, Brian  
Sent: Friday, June 03, 2011 2:13 PM  
To: Kennedy, Tommy  
Cc: Chandler, Thomas; Sheppard, Scott  
Subject: FW: Jacobs/McCarter

6/08/11 CAPITOL

C. P. Kennedy

This is the statement I received from Senator Sullivan.



*Sgt. Brian R. Walter*  
Illinois Secretary of State Department of Police  
Region 3 District 6 Capitol Police  
501 South Second Street, Howlett Rm. 008  
Springfield, Illinois 62756  
Office: (217) 557-4081  
Cell: (217) 720-8455  
E-Mail: [bwalter1@ilsos.net](mailto:bwalter1@ilsos.net)

**From:** John Sullivan [mailto:senatorjohnsullivan@yahoo.com]  
**Sent:** Friday, June 03, 2011 2:07 PM  
**To:** Walter, Brian  
**Subject:** Jacobs/McCarter

Brian,

As you requested, here is the time-line of events for the incident involving Senators Jacobs and McCarter on the Senate floor this past Tuesday evening.

A short while after Senator Jacobs had presented his bill, he went over to Senator McCarter's desk. McCarter was presenting a resolution so Jacobs stood off to the side of McCarter's desk until he had finished presenting his resolution. I assumed Jacobs was upset because of what McCarter had said during debate so I went over and stood beside Senator McCann's desk which was 10' or so from McCarter's desk (over by the press box). I could not hear what Jacobs and McCarter were saying but after a short discussion each was pointing fingers at each other and soon poking each other in the chest. At about this time, senators Biven and LaHood stood up beside McCarter. Jacobs then pushed McCarter in the chest--he did not make a fist. Bivens and LaHood pushed Jacobs back. I got to Jacobs about then and pulled him back, escorting him out of the chambers North door. They both were yelling at each other. The Sargent at Arms ran over about this time as well. Jacobs went to the elevator and left the floor.

If you need anything else or want to discuss further please give me a call at 309-221-6700.

