

Kane County State's Attorney's Office

2009 Year-End Report

Introduction

In 2009 the Kane County State's Attorney's Office consisted of 132 employees, 56 attorneys and 76 support staff. The support staff is made up of secretaries, paralegals, investigators, advocates, computer technicians, case managers and several administrative supervisors. The office is divided into four divisions: Criminal, Civil, Child Advocacy, and Financial/Human Resources.

The office has eight locations throughout Kane County. The State's Attorney's Office prosecutes all traffic, misdemeanor and felonies written under State statutes and County ordinance violations. The State's Attorney's Office also represents every County official in matters relating to County business.

This report will delineate the accomplishments of the various units and divisions within the Kane County State's Attorney's Office. Although every unit and division operated at a very high level of efficiency, productivity and professionalism, a few stand out. The Felony Division increased its trials by thirteen percent while general felony cases dropped by six percent. More trials means less plea bargaining and more experience for young prosecutors. Still, with the increased trial numbers the Felony Division still maintained a ninety-six percent conviction rate.

2009 Overview

2009 was a year where County revenue was the important issue for all of the County government and services.

The 2009 fiscal year began with a budget which reflected a general fund budget decrease of 1.5 percent off of the 2008 budget. Obviously with a budget decrease, there would be no pay increases of any kind for the staff. The Kane County State's Attorney Office is not unionized.

This office made the cuts and proceeded forward into the 2009 fiscal year. Mid year brought more bleak financial news. All County offices and departments were instructed to cut an additional 5.5 percent from the original 2009 level. This new cut would mean in effect the 2009 budget would be 7 percent below the 2008 final level. The Kane County State's Attorney's Office through the attrition of employees came just short of reaching this goal. The Kane County State's Attorney's Office went down five employees to make these cuts. The new monetary amount of cuts was reaching \$300,000.00 total.

In the fall of 2009 I was informed the 2010 budget would need to be cut almost an additional 3 percent off the already double cut 2008 levels. Percentage wise this would be a total of 10 percent cuts within one year.

In a testament to the expertise, professionalism and commitment of the Kane County State's Attorney's staff the extra work was picked up and as one can see in the following yearly report there were no drop in services. The Kane County State's Attorney's Office

has weathered the financial storm, so far. Cuts were asked for, cuts were made. Services remained high.

The other side of the revenue coin is the generation of new revenue. 2009 saw an increase of revenue generated for the County by the Kane County State's Attorney's Office.

In 2009 the Kane County State's Attorney's Office in conjunction with the Kane County Circuit Clerk operated two new programs which generated 2 million dollars in new revenue. Both programs although begun in 2008 hit their stride in 2009.

The revenue breaks down as:

- **\$1.2 million in previously unpaid fees and fines.**

A 2004 law change by the Illinois Legislature altered the procedures that state's attorney's offices must follow as part of their statutory responsibility to collect unpaid fees and fines. The law now allows state's attorneys to hire outside collection agencies to collect the money, thereby eliminating the costly, tedious and time-consuming court proceedings from the collection process. Kane County, at no cost to taxpayers, contracted with a collection agency, which determined that more than \$25.5 million in unpaid fees and fines is owed to the county. It is unlikely, however, that all \$25.5 million will be collected, and this is not expected to be a constant or consistent source of revenue.

- **\$900,000 in forfeited bond money.**

The forfeited bond money is from felony, misdemeanor and DUI defendants who posted bond to get out of jail and never appeared for court or failed to continue to appear in court. For years, the money was collected but sat idle in an account held by the Kane County Circuit Clerk's Office. In 2008, Kane County State's Attorney John Barsanti and Kane County Circuit Court Clerk Deb Seyller collaborated to run an audit of every felony file with an outstanding warrant with bond money posted. In 2009, that audit was expanded to include DUI, traffic and misdemeanor files. Once those files were determined, the defendants were given notice of the bond forfeiture proceedings. If the defendant failed to appear in court, a judge ordered the bond money forfeited to Kane County. With the beginning of the program came a procedural change that makes the forfeiture part of the standard court process when appropriate. Much of this money is distributed among the many government and police agencies in Kane County.

The final aspect of the revenue issue is revenue saved. In late 2008 the Kane County State's Attorney's Office began a program designed to examine and hopefully help to resolve the jail overcrowding problem. This problem cost the County approximately 3.5 million dollars in 2008. The cost was incurred from the housing of Kane County Jail inmates in other county jails to alleviate overcrowding through a combination of a continual monitoring of those defendants in jail; the re-establishment of an Arraignment Court in Kane County and the building of a new jail. The overcrowding issue has disappeared and in 2009 the County of Kane spent less than \$350,000 in out of county housing costs. This is a savings of over 3 million dollars.

As stated 2009 was a challenge, but the Kane County State's Attorney's Office rose to it.

Arraignment Court

2009 saw the reopening of a concept known as Arraignment Court. The idea behind Arraignment Court is to establish a path by which certain felony cases may achieve an expedited disposition. This would allow trial courtrooms more time to deal with serious felonies, thereby shortening the time between charging and disposition, reducing case load and pre-trial jail overcrowding. Low-level non-violent felony property cases are all routed to Arraignment Court for their initial court date. At this time an attempt is made to reach an expedited plea agreement. Cases which cannot be disposed of or are too serious find their way to the trial courtrooms. The Arraignment Court opened its doors on February 1, 2009. No new staff was hired, so no new costs were incurred by the County. The Chief Judge allowed an existing felony trial courtroom to be used for Arraignment Court.

In its first ten months of operation, the Arraignment Court disposed of 1215 cases. All the other five felony courtrooms combined disposed of a total of 1221 felony cases.

Arraignment Court was an unqualified success. It allowed felony trial courtrooms to speed up the length of time cases were pending. Arraignment Court also gave the felony trial courtrooms the ability to set the more serious cases for trial sooner. Arraignment Court reduced the County jail population as those defendants sitting in jail awaiting disposition were moved through the system quicker and reduced the amount of time the defendants stayed in jail, thereby opening up more beds which helped in reducing the number of inmates housed in other counties.

Criminal Division

Criminal Division

The Criminal Division is the largest and most labor and cost intensive division in the Kane County State's Attorney's Office. Most assistants and support staff are assigned to the Criminal Division. The division is comprised of the following units: felony, misdemeanor, DUI, traffic, juvenile, abuse and neglect, Child Advocacy Center, mental health, priority prosecutions, narcotics, auto theft, elderly abuse, post convictions and child support.

Significant Accomplishments

- The Kane County State's Attorney's Office authorized 3,588 felony cases. The number of felonies decreased by 23 cases from 2008. The felony division disposed of 3,608 felonies this year with a 95 percent conviction rate.
- Attorneys for the felony division tried 120 felony cases, 51 jury trials and 69 bench trials.
- In February of 2009, the number of felony trial courtrooms was decreased with the opening of courtroom 217 as a pre-trial only courtroom. The ASA's assigned to the courtroom disposed of 1,386 cases.
- In September of 2009, Bounceback became the new vendor of the Bad Check Program. For the first seven months of the year, our previous vendor ACS collected \$194,182.34 in restitution for Kane County merchants. Bounceback has collected \$81,943.63 in restitution for Kane County merchants. The programs brought in a combined revenue of approximately \$16,000 for the office.
- The diversion program had 518 new applicants, and 367 participants completed the program. The program brought in \$236,208.00 in program fees. The program required many participants to complete community service hours with 31,011 service hours performed, an increase from 2008. The Second Chance Drug and Alcohol program accepted 236 participants and had 201 participants graduate. The program brought in \$84,043.67 in program fees.
- The division worked with the Federal Bureau of Investigations, Aurora Police Department and the Kane County Sheriff's office to prosecute the "cold cases" which were indicted by a special grand jury. In June 2007, 31 members of the Latin King Street gang were charged with 22 murders in Kane County. The cases ranged from 1989 to 2005. To date, 31 cases have been disposed of either by trial, plea or dismissal.
- The division continued to use the Grand Jury to work with law enforcement to investigate crimes in Kane County. The Grand Jury issued 485 subpoenas for evidence in 2009, a ten percent increase from 2008.
- The office continues to provide training for law enforcement and citizens of Kane County. Assistant State's Attorneys trained other lawyers by conducting seminars at the Kane County Bar Association and national seminars on various legal topics. In addition, Assistant State's Attorneys continue to keep up to date with various legal issues by attending numerous seminars.

Second Chance Program

The Second Chance Program was developed in October 1995. This year marked the 14th anniversary of the program. The Second Chance Program is designed for first-time, nonviolent offenders who have the opportunity to keep a conviction from being permanently entered on their record. A defendant must complete an intake interview with the program coordinator, meet with a panel of citizens from the community, and if accepted, complete the requirements placed upon them by the State's Attorney's Office. The requirements include completing community service hours, obtaining high school diploma or G.E.D., completing counseling, writing a letter of apology to the victim, paying restitution to the victim, and paying fees to be placed on the Second Chance Program. Upon successful completion of the Second Chance Program, the State's Attorney's Office agrees to dismiss the pending charge(s) against the defendant. If the defendant fails to successfully complete the Second Chance Program, the defendant is terminated from the program and the case is returned to court for prosecution.

To date, the Second Chance Program has proven to be beneficial to the offenders it restores to society, and to the taxpayers it offers financial relief. The Second Chance Program relieves overcrowding in the jails and caseloads in the courtrooms. The continued success of the program relies on support from the criminal justice system and the community.

Significant Accomplishments

- Screened 518 applicants with 367 graduates and 108 negative terminations in 2009.
- To date, 2,758 defendants have successfully completed the Second Chance Program and 824 have failed, giving the program an overall success rate of 77%.
- The Second Chance Program continues to be among the most successful rehabilitative programs in Illinois.
- The defendants on the program paid \$121,914 in restitution.
- \$1,849,851.30 in restitution has been collected on behalf of the victims since founding this program. Restitution is money owed to the victims of crime who suffered losses. Restitution is a mandatory requirement of the Second Chance Program and must be paid prior to the defendant being discharged from the Program.
- The Program collected \$236,208 in application and program fees from the defendants.
- Defendants on the Second Chance Program performed 31,011 hours of community service in 2009. These hours were performed at charitable organizations, and the defendants spent their time helping the less fortunate citizens of Kane County. Since 1995, defendants participating in the Second Chance Program have completed 318,869 hours of community service.
- Of the 367 graduates in 2009, 9 obtained their high school diploma or G.E.D., 6 enrolled in ESL classes, 13 completed a counseling program (substance abuse, personal, anger management, or financial), three enrolled in and completed at least one college course, 5 wrote letters of apology, and 97 completed the Life Skills Program and 49 completed the Financial Life Skills Program.

SECOND CHANCE YEAR END COMPARISON REPORT

	03-04	04-05	05-06	06-07	07-08	08-09
# Applicants	265	301	402	444	525	518
# Graduates	240	166	205	288	289	367
# Neg. Term	79	47	67	67	95	108
CRS Worked (Hours)	36,984	14,686	14620	22,673	29,204	31,011
Fees Collected	\$98,131.66	\$105,775.50	\$133,200.08	\$186,409.25	\$240,415.50	\$236,208
Restitution Collected	\$170,393.26	\$111,855.67	\$150,079.04	\$315,063.56	\$162,794.83	\$121,914
Obtained GED or Diploma	34	21	16	14	20	9
Obtained Counseling	50	27	39	66	65	20
ESL	52	18	16	20	12	6
Entered Armed Forces	1	1	2	2	0	2
Life Skills	46	72	73	66	92	146

Drug and Alcohol Program

The fourth year for the Kane County State's Attorney's Second Chance Drug and Alcohol Program was a success. The Drug and Alcohol Program was created to target first-time misdemeanor offenders: (ie: Possession of Alcohol by Minor, Possession of Cannabis, and Possession of Drug Paraphernalia). The program's goal is to place first time offenders in a more intensive drug education program than they would otherwise receive in the hopes that they will not become repeat offenders.

Significant Accomplishments

- Accepted 236 participants, had 201 graduates, and 48 negative terminations from the program.
- To date, the program has seen 595 graduates and only 182 negative terminations, giving the program an overall success rate of 77%.
- Collected \$84,043.67 in program fees in 2008-2009.
- In addition to paying fees, the participants are subject to random drug testing and must complete a drug education program developed by the State's Attorney's Office and the Renz Addiction Counseling Center. In 2008 – 2009, 229 defendants completed the Drug Education Program. The defendants are surveyed following their participation in the program. Feedback for the education program continues to be consistently positive.

Domestic Violence

The Domestic Violence unit is responsible for prosecuting all cases involving domestic abuse and violations of orders of protection. We also offer assistance to victims on criminal cases in obtaining criminal orders of protection. We also participate in training police officers as well as educating individuals in the community on domestic violence and orders of protection. There are currently three attorneys in the unit, two victim advocates and two support staff personnel.

Significant Accomplishments

- The Unit opened approximately 1694 new misdemeanor domestic violence cases.
- We had 143 new felony domestic violence cases.
- The Unit disposed of 127 felony cases and had a felony conviction rate of 82%.
- The combined misdemeanor and felony conviction rate for the unit was 67%.
- The unit currently has 77 open pre-trial felony files and 160 post sentence felony files.
- The unit has been working on and attending meetings with service providers, probation, and police regarding implementation of the new Bischoff GPS Law.
- The unit was able to assist 225 victims with obtaining criminal orders of protection.
- Worked with ICE to inform them of both misdemeanor and felony domestic battery convictions.
- One attorney participated in National Conference on Domestic Violence training at the National Association of District Attorneys in San Antonio, Texas.
- Participated in training for 911 dispatchers of Kane County on Domestic Violence calls.
- Participated in training for Elgin Police Officers on Domestic Violence calls.

Case Number Changes

- Misdemeanor cases filed went up by 194 cases which is a 12.9% increase.
- Felony cases filed went up by 43 cases which is a 43% increase.

Case Highlights

- 09CF1344 – Jesus Castillo Arrazda – cold plea to Aggravated Domestic Battery – Class 2 Felony and given 4 years in the Department of Corrections.
- 08CF3082 – Tommie Glass, Jr. – plea of guilty to Unlawful Possession of Controlled Substance and given 1 year in the Department of Corrections, 09CF224 – plea of guilty to Domestic Battery – Class 4 Felony and given 2 years in the Department of Corrections, and 09CF591 – plea of guilty to Domestic Battery – Class 4 Felony and given 3 years in the Department of Corrections.
- 09CF408 – Earl Lewis - plea of guilty to Aggravated Domestic Battery – Class 2 and given a 3 ½ year IDOC sentence.
- 09CF3398 – Christopher Whetstone – plea of guilty to Domestic Battery – Class 4 and given an IDOC sentence of 18 months.
- 09CF2858 – Walter Soto – plea of guilty to Aggravated Domestic Battery – Class 2 and given a 4 year IDOC sentence.

DUI & Traffic

The division consists of nine attorneys and ten support staff who prosecute all violations of traffic laws in Kane County, and all misdemeanors except Domestic Violence.

Significant Accomplishments

- The total number of misdemeanor DUI cases filed in 2009 was 2,069. The total number of misdemeanor DUI cases filed in 2008 was 2,173. 2,124 misdemeanor DUI cases were filed in 2007. 2,069 misdemeanor DUI cases were filed in 2006 and 1,856 misdemeanor DUI cases in 2005.
- A total of 82 misdemeanor DUI cases went to trial. Twenty-one of the trials were jury trials and the remaining 61 trials were bench trials.
- The average trial conviction rate for misdemeanor DUI cases was 68%.
- A total of 62 misdemeanors (excluding misdemeanor DUIs and Domestic Battery cases) went to trial in 2009, with a trial conviction rate of 71%.
- A total of 109 traffic cases went to trial in 2009 with a conviction rate of 74%.

Drunkbusters Program

The Kane County State's Attorney's Office implemented the Alliance Against Intoxicated Motorists Drunkbusters Program on December 31, 2007. Under the Drunkbusters Program a citizen is given a \$100 reward when they provide information to police which results in a DUI arrest. In 2009, this program resulted in the arrest of 26 impaired drivers, with \$2,600.00 being paid out to good Samaritans who reported these suspected drunken drivers to police.

Secure Continuous Remote Alcohol Monitoring (SCRAM)

The SCRAM device is a monitoring device that is placed on a defendant's leg, and can monitor whether an offender has consumed alcohol by taking a transdermal reading of the skin's perspiration. An alcohol fuel cell, nearly identical to the type of fuel cell used in portable breath tests, is used to measure the presence and level of alcohol consumed. This method of testing is far superior to the alternative hit-or-miss alcohol screening methods of the past, such as urine screens or administering portable breath tests. The SCRAM device also uses infrared and temperature measurements to ensure that the offender is not tampering with the device.

Kane County was the third county in the State of Illinois to begin using the SCRAM in 2007, and has utilized this revolutionary device more than any other Illinois county ever since. The SCRAM device is used most often in the criminal courts either as a condition or bond release, or as a condition of a sentence to enforce a judge's order that an offender refrain from alcohol consumption. In 2009, 500 offenders were monitored, and of those 81% were fully compliant. Non-compliance took the form of tampering, removal or drinking events. All 2009 drinking violations were either admitted to or proven, resulting in additional court penalties.

"No-Refusal" Weekends

In Illinois approximately 40 percent of the 50,000 drivers charged with DUI each year refuse to submit to a breath test or other chemical testing, despite the fact that there is no right to refuse chemical testing. Driving under the influence of alcohol cases which do not have chemical testing results are often more difficult to prove in court.

On Memorial Day weekend, May 23-24, 2008, Kane County State's Attorney John Barsanti implemented the first "No-refusal" weekend to be conducted in Illinois in an effort to combat the problem of suspects refusing chemical testing following an arrest for driving under the influence.

During this "no-refusal" weekend, Assistant State's Attorney's were present at the Geneva Police Station to help obtain search warrants on all defendants who refused to submit to chemical testing.

John Barsanti's successful "no-refusal" enforcement weekends continued in 2009 over three holiday periods: St. Patrick's Day, the Fourth of July weekend and Halloween weekend.

St. Patrick's Day Weekend 2009

- Conducted at the St. Charles Police Department
- 3 suspects arrested for DUI, one suspect immediately provided a breath sample, the other two suspects initially refused.
- Of the two refusals, one agreed to submit after being informed that the police would be seeking a search warrant. The other suspect agreed to chemical testing only after a search warrant was obtained.
- The overall refusal rate for St. Charles DUI arrests for the St. Patrick's Day weekend was reduced from 66% to zero, by implementing the "no-refusal" procedures.

July 4th Weekend 2009

- Conducted at the Elgin Police Department
- Eight DUI suspects arrested
- Three suspects initially refused to the breathalyzer.
- Two of those three suspects submitted to a breathalyzer after being informed that a search warrant would be sought.
- The third suspect refused despite a search warrant being obtained, and he was charged with Obstructing Justice, a Class 4 felony.
- By conducting the no-refusal weekend, the chemical testing refusal rate in Elgin for this holiday weekend was reduced from 38% to 13%.

Halloween Weekend 2009

- Largest "No-refusal" weekend to be conducted in Illinois
- Batavia Police Department, Carpentersville Police Department, East Dundee Police Department, Elburn Police Department, Elgin Police Department, Geneva Police Department, Illinois State Police, Kane County Sheriff, Montgomery Police Department, St. Charles Police Department, South Elgin Police Department, Sugar Grove Police Department, and the West Dundee Police Department participated.
- 13 suspects were arrested for DUI. Three of the 13 suspects had prior DUI convictions.
- Of the 13 suspects, two initially refused to submit to chemical testing.
- One of the two agreed to chemical testing after being told that a warrant would be sought, the other agreed to chemical after being served with a search warrant.
- By conducting the no-refusal weekend, the refusal rate for all participating county agencies was reduced from 15% to zero refusals.

Educating Prosecutors Statewide Regarding “No-refusal” Weekends

The success of John Barsanti’s “No-refusal” weekends has not gone unnoticed, and the Kane County method of conducting “no-refusal” weekends was presented to prosecutors from across the State in these presentations by Steven Sims, Deputy Chief of the Criminal Division:

“No-Refusal Weekend—The Use of Warrants for Breath Test Refusals”

The State’s Attorney Advanced DUI Seminar

August 24, 2009 – University of Illinois at Springfield, Springfield, Illinois

“Chemical Testing in DUI—Innovative Practices”

Illinois Traffic Safety “Staying Alive” Conference 2009

Illinois Department of Transportation

April 15, 2009, Crowne Plaza, Springfield Illinois

Kane County Bar Association DUI Seminar

The Kane County State’s Attorney’s Office participated in the Kane County Bar Association’s DUI Seminar, and Steven Sims gave the following presentation:

“SCRAM (Secure Continuous Remote Alcohol Monitor) – Basic Primer & Demo”

Criminal Law-DUI Seminar

Kane County Bar Association

October 14, 2009, Eagle Brook Country Club, Geneva Illinois

Illinois Department of Transportation Award

The efforts of the Kane County State’s Attorney’s Office were recognized in the fact that the supervisor of the DUI/Traffic Division, Steven Sims was awarded the title of “Prosecutor of the Year” for 2009 by the Illinois Department of Transportation.

Child Support

The Child Support Division is responsible for enforcing child support orders primarily for Healthcare and Family Services (HFS) in Illinois.

Significant Accomplishments

- According to the Healthcare & Family Services (HFS) records there were 1,229 new referrals forwarded to our Office for legal enforcement during 2009. In addition to the new referrals, our Office prepared and drafted 368 new pleadings and defended 457 cases filed by pro se litigants for a total of 2,054 new enforcement actions filed during this time frame.
- According to the Illinois State Disbursement Unit the Kane County State's Attorney collected \$14,873,267.71 during the above-listed time period. Given the state of the economy during this time period this level of collections represents an exceptional accomplishment.
- The attorneys in the child support division conducted 335 contested hearings with a success rate of 73%

Case Highlights

- During the past fiscal year, our Office has enforced 123 Petitions for Rule to Show Cause for non-payment of child support. Out of those 123 petitions, 76 proceeded to a contested hearing. Out of the 76 contested hearings, 69 were found guilty. That indicates a 91% success rate for contempt hearings. Further, in those cases where there was a contempt finding, our Office was able to collect \$118,749.38 in purge payments that were forwarded to the custodial parents.
- Also, during the past fiscal period, our Office withdrew 47 petitions for Rule to Show Cause for a number of reasons including inability to serve the Rule on the defendant, reconciliation of the parties, the defendants bringing their child support obligations current in order to avoid a hearing or loss of employment and income. Specifically, in 7 cases where the petitions were withdrawn due to the non-custodial parents bringing their past due child support current, our Office collected \$21,498.59 that was also forwarded to the custodial parents.
- During this fiscal period, our Office received and reviewed 7 petitions for Downward Modification of child support on behalf of the non-custodial parent due to loss of employment and income. Only 6 of these petitions were filed with the clerk and noticed for hearing. This was surprising in light of the current state of economy. However, our Office experienced 76% increase from last fiscal period in defending motions for Downward Modifications filed by pro-se litigants.

- During the above-listed period, through the use of specialized motions and /or methods beyond the normal everyday collection efforts of our Unit, we have collected \$88,072.52 from the non-custodial parents' workers' compensation settlements and \$21,192 from pension plans. Also, our Unit has collected \$4,100 from criminal bonds posted by non-custodial parents. These amounts collected are paid directly to the custodial parent and are not included in the State Disbursement Unit figures listed above.
- The Unit continued to work closely with the Kane County Sheriff's Offices on service and apprehension of the existing Body Writs. In fact, during this fiscal year there was a 60% increase in Body Writ apprehension compared to last year's figures.
- Our Unit has assisted other States in the registration of their orders here in Kane County by filing petitions to register foreign support orders and then enforcing said orders once the non-custodial parent is located in Kane County. Our Office has reviewed 32 case referrals for registration of foreign support order and has filed 32 of those cases with an 81% success rate for enforcement.

Screening and Charging

As you will read, 2009 was another outstanding year for the Kane County State's Attorney's Office. Our felony review unit handled a total of 3,788 felony cases. This could not have been achieved without the support and cooperative efforts of our Assistant State's Attorney's and local law enforcement throughout Kane County.

Thirty-four different police agencies called our felony hotline seeking charges. The five departments that called the most were (highest to lowest): Aurora, Elgin, Carpentersville, St. Charles, and Kane County Sheriff's Department.

The top five most charged cases were: Unlawful Possession of Controlled Substances (564 cases), Obstruction of Justice (299 cases), Retail Theft (295 cases), Burglary (202 cases), and Theft (182).

KANE COUNTY POLICE DEPARTMENTS
TOTAL NUMBER OF CHARGES BY EACH
DEPARTMENT
(MOST TO LEAST)

RANK	POLICE DEPARTMENT	# OF CF CASES FILED IN 2009
1	Aurora Police Department	1245
2	Elgin Police Department	838
3	Carpentersville Police Dept.	321
4	St. Charles Police Dept.	281
5	Kane County Sheriff's Dept.	209
6	North Aurora Police Dept.	136
7	Batavia Police Dept.	132
8	South Elgin Police Dept.	118
9	Montgomery Police Dept.	93
10	Geneva Police Dept.	66
11	West Dundee Police Dept.	63
12	East Dundee Police Dept.	28
13	Illinois State Police, District 15	27
14	Illinois State Police, North Central Narcotics Task Force	27
15	Algonquin Police Dept.	27
16	Sugar Grove Police Dept.	26
17	Hampshire Police Dept.	21
18	Illinois State Police, District 2	21
19	Elburn Police Dept.	18
20	Gilberts Police Dept.	15
21	Child Advocacy Center	14
22	Sleepy Hollow Police Dept.	10
23	Huntley Police Dept.	8
24	Pingree Grove Police Dept.	8
25	Elgin Community College	6
26	Fox Valley Park District	6
27	Maple Park Police Dept.	6
28	Bartlett Police Dept.	5
29	Campton Hills Police Dept.	5
30	Secretary of State	2
31	Illinois Gaming Board	2
32	Wayne Police Department	2
33	Kane County Forest Preserve	1
34	Kane County Administrators	1
		3,788

Investigations

Investigations

The Kane County State's Attorney's Office employs six full-time investigators. Four are assigned to the Child Advocacy Center and two are assigned to General Investigations. General Investigations conducts original investigations, assists trial attorneys in witness preparation and serves subpoenas.

Significant Accomplishments

- Initial and follow-up investigations of which 38 were worked.
- Service of 778 subpoenas and/or legal papers of some type, in Kane County as well as outlying counties including Cook.
- Service of legal papers outside Kane County related to the Child Support Division of which 121 were served. The majority being served in the City of Chicago.
- On many occasions, received requests by Assistant State's Attorney's to attempt to serve crucial subpoenas on very short notice that the Sheriff's Dept. was unable to serve. The majority of the time this unit succeeded in locating and serving those witnesses.
- Numerous requests from the Child Support Division to research respondents for recent address information to help facilitate the service of summons' and orders.
- Transportation of witnesses to court.

Civil Division

Civil Division

The Civil Division of the State's Attorney's Office is responsible for providing legal advice and counsel, and representation in the event of litigation, to Kane County elected officials, department heads and employees with respect to various legal issues, and the Kane County Officers Electoral Board. This division also responds to complaints of violations of the Illinois Open Meetings Act and the Illinois Election Code, and represents the People of the State of Illinois with respect to Article 36 Forfeitures.

Significant Accomplishments

General

- Continued to provide legal advice and representation to the County Board, various County Departments and Elected Officials.
- Assisted the Development Department in resolving potential building code violations and in evaluating and filing demolition action with respect to abandoned property.
- Researched, investigated and responded to complaints of Open Meetings Act violations by various public bodies in Kane County, as well as complaints regarding various election issues, elected officials' statutory duties, and use of public funds.
- Assisted Kane County and various Elected Officials with respect to FOIA requests.
- Assisted the Criminal Division of the State's Attorney's Office in responding to subpoenas, interpreting laws regarding drug forfeitures, and in responding to FOIA requests.
- Participated in the Boy Scouts Law Merit Badge Day regarding contracts and environmental issues.
- Authored four bills signed into law in 2009. The new bills addressed changes in the law with respect to guns and orders of protection; strengthened child pornography laws; increased penalties for certain types of disorderly conduct; and permitted assistant state's attorneys to register their personal automobiles to the SAO address.
- Assisted Sheriff in drafting reciprocal reporting agreements with all area school districts.
- Assumed responsibility of handling case call for expungements of criminal cases previously handled by criminal division.
- Resolved dispute between Kane County and Medicare regarding distribution of federal funds.
- Conducted a seminar for all Kane County officials and departments regarding changes to Illinois FOIA and Open Meetings Act effective January 1, 2010.
- Researched various financial issues pertaining to budgets and internal control.

- Provided training to Assistant State’s Attorneys in criminal division regarding drug asset forfeiture and newly enacted legislation.
- Assisted the Kane County Circuit Court Clerk in researching and analyzing issues relating to the distribution of funds authorized by the new collection statutes, use of a collection agency to collect fees owed to the Circuit Clerk, and purchasing statutes.
- Spoke at the Kane County Bar Association’s Local Government Law Committee’s fall seminar.
- Settled a dispute between the Kane County Sheriff’s Department and the Department of Commerce and Economic Opportunity regarding an \$80,000.00 grant.

Tax Opinions

- Continued citizen concern with the entire tax process, from assessment through extension to collection, resulted in an increase in the number of requests for legal assistance from the various officials involved in the property tax process. 2010 will in all likelihood see an increase in the resources devoted to tax communications from the public and government officials, concomitant with the economic downturn.

Tax Litigation

- The Civil Division continued to defend over 30 taxing districts in tax objections filed in 9 separate cases, covering hundreds of individual tax rate objections. The Division also continued to advise, and represent, the Kane County Board of Review in a year when assessment complaints are rising.
- A number of tax cases were defended successfully at trial and are on appeal in the Second District Appellate Court.

General Litigation

- Special Assistant represented PBC in complex litigation against several parties, including the manufacturer of the roof at the Kane County Judicial Center; case settled resulting in a total recovery of \$4.5 million dollars for the County, of which \$500,000 was allocated to the parallel environmental case prosecuted by several Assistants representing the People.
- Special Assistants tried and settled a number of workers’ compensation cases and had several dismissed.
- Represented the County and Elected Officials in various pending litigation.
- Represented the Kane County Officers Electoral Board on an appeal of the Electoral Board’s decision in a matter regarding competing library district annexations; the Second District Appellate Court affirmed the trial court’s decision in favor of the Kane County Officers Electoral Board.
- Handled Article 36 and Drug Asset Forfeiture cases in civil court.

- Represented Kane County and KDOT in a breach of contract lawsuit; court granted County's motion to dismiss resulting in a favorable settlement.
- Filed a motion for summary judgment in a personal injury case against Kane County where the demand was over one million dollars; Kane County's motion was granted and the trial court's decision was affirmed by the Second District Court of Appeals.
- Represented Kane County Sheriff before Merit Commission on employment matters.

Civil Rights Litigation

- The active number of civil rights cases in federal court has remained relatively stable, with the number settled being offset by roughly the same number of new cases. Throughout the year, advantageous settlements permitted the avoidance of the risk associated with proceeding to trial on any of the settled cases, and in 2010 the goal is to continue this trend, while noting that several cases appear resistant to settlement at an acceptable amount and seem likely to result in trials, with an increase in litigation preparation.
- Obtained dismissals in several civil rights cases filed in state court involving the Kane County Sheriff, State's Attorney and various employees. Several cases are on appeal in the Second District Appellate Court.

Elections

- Responded to the County Clerk in reviewing various issues and researching pertinent provisions of the Illinois Election Code.
- Assisted the Kane County Clerk in preparing for the 2009 & 2010 elections, including organizing and staffing an Election Hotline on each election day to receive and investigate inquiries concerning possible violations of Illinois election law.
- Assisted the Kane County Clerk in ensuring compliance with the filing of Statements of Economic Interests.
- Represented the Kane County Clerk with respect to issues related to a petition requesting that a public question be placed on the ballot to dissolve the Village of Campton Hills.
- Continue working with the County Clerk and representatives from the U.S. Department of Justice, Voting Rights Section ("DOJ"), to implement the terms of the Memorandum of Agreement ("MOA") between Kane County, the Kane County Clerk, and the DOJ that was entered into in 2007. This MOA is in effect until the end of 2010.
- Represented the Kane County Officers Electoral Board in several hearings on various objections to nominating petitions.

Local Government Affairs

- Continued real estate development in Kane County resulted in the need to address a number of legal issues related to competing interests in land use questions. Specifically, attempts to challenge annexation and zoning decisions by municipalities through inquiries to this Division regarding Open Meetings Act violations, Freedom of Information Act requests, Quo Warranto requests, and Election Code violations, have resulted in an increasing amount of time devoted to local government issues. In addition, political polarization in several communities has resulted in a great deal of resources being devoted to research, communications, and litigation.

Employment and Labor Matters

- Represented the County and Elected Officials in administrative cases before the Equal Employment Opportunity Commission (“EEOC”) and the Illinois Department of Human Rights involving sexual discrimination, racial discrimination, age discrimination, religious discrimination and disability discrimination claims resulting in the dismissal of several of the claims, and no adverse findings were entered against any of the clients.
- Represented the County and Elected Officials in federal and state court cases involving sexual discrimination, sexual harassment, racial discrimination, religious discrimination, retaliatory discharge, and deprivation of civil rights claims, resulting in the dismissal of several claims, and no adverse findings were entered against any of the clients.
- Provided advice to the County and Elected Officials concerning compliance with various employment and labor laws, including Title VII, Americans with Disabilities Act, Family Medical Leave Act, Age Discrimination in Employment Act, Uniform Service Employment & Reemployment Act, Illinois Human Rights Act and the Illinois Public Labor Relations Act.
- Assisted the County and Elected Officials in conducting disciplinary investigations and advised officials and supervisors concerning discipline and termination of employees.
- Provided advice to the County and Elected Officials concerning the drafting and revision of employment policies.
- Provided legal advice to County and pertinent Elected Officials concerning compliance with grant requirements for implementing Equal Employment Opportunity Plans. Worked with various offices and assisted in the drafting of the required plans.
- Represented the County and Elected Officials in grievance and arbitration proceedings under various collective bargaining agreements.
- Represented the Sheriff in disciplinary cases before the Kane County Sheriff’s Merit Commission.

- Represented the County in administrative proceedings before the Illinois Department of Employment Security.
- Represented elected officials in labor negotiations.
- Represented elected officials in proceedings before the Illinois Labor Relations Board.

Health Department Matters

- Advised the Health Department concerning court-ordered isolation of individuals with tuberculosis.
- Advised the Health Department concerning requirements of the Health Insurance Portability and Accountability Act (“HIPAA”).
- Provided legal advice to Health Department staff concerning quarantine and isolation powers and public health emergencies.
- Provided legal advice to Health Department staff concerning various liability, regulatory compliance and other issues in connection with mass vaccination clinics associated with the H1N1 vaccine.
- Provided legal advice to the County and the Health Department concerning the Illinois Emergency Management Agency Act, the federal Public Readiness and Emergency Preparedness Act and the declaration of public health emergencies.
- Provided legal advice concerning volunteer medical corps.
- Advised the Health Department on grants.
- Provided legal advice to the County and the Health Department concerning the privacy and confidentiality of health information in connection with subpoenas and FOIA requests.
- Provided legal advice concerning other miscellaneous topics.
- Assisted the Health Department in drafting Memorandums of Understanding with other health care providers.
- Advised the Health Department on implementation and enforcement of the Smoke Free Illinois Act subsequent to the revisions to the Act which became effective January 1, 2009.

Environmental

- Prosecuted and settled litigation seeking injunctive relief and statutory penalties under the Illinois Environmental Protection Act in connection with lead and copper contamination at the Kane County Judicial Center and surrounding properties resulting in a total recovery of \$4.5 million dollars for the County, of which \$500,000 was allocated to the environmental prosecution.

- Co-prosecuted with Illinois Attorney General cases involving land and water pollution.
- Collected \$40,000 in outstanding fines from Kendall County cement company for violations of the Kane County Zoning Ordinance.

Contracts

- Assisted the County and Chief Judge in negotiating and drafting a memorandum of understanding providing educational services to residents of the Juvenile Justice Center.
- Reviewed various contracts and grant agreements for several County and Elected Officials.
- Negotiated a contract whereby Court Services can utilize GPS tracking devices.
- Negotiated and drafted various agreements for several County departments.

Seniors and Persons With Disabilities

The Seniors and Persons with Disabilities Unit is comprised of two case advocates who field inquiries and referrals from other agencies, nursing homes and the general public regarding situations which may be illegally exploiting the elderly. If these are criminal in nature, they are sent to the criminal division for further action. Situations, which are not criminal in nature, are referred to other agencies. The case advocates also do initial intake and document preparation on petitions for involuntary commitments to mental health agencies.

Number of open cases at end of year	22
Number of cases closed in 2009	29

<u>Female</u>	15	<u>Male</u>	7
Seniors	13	Seniors	7
Disabled	2	Disabled	0
Deceased	0	Deceased	0

Types of Cases:

Aggravated Battery	5	Residential Burglary	3
Battery	1	Robbery	3
Financial Exploitation	6	Leaving scene of accident	0
Aggravated Sexual Abuse	1	Home repair fraud	0
Criminal Neglect	0	Arson	0
Theft / Burglary	4	Misuse of Credit Card	2
		Warrants	11

Mental Health Calls:

Telephone calls and inquiries	30
Petitions completed	7

Spoke at the following Conferences:

Kane County Extension Service
Illinois Coroners Conference (Elder Death Review Team)
Illinois Triad Conference (Elder Death Review Team)
Elder Group at First Presbyterian Church, Elgin (Elder Abuse)

Conferences / Training Attended

First Responder Training 16 th Judicial	Conducted
Illinois Triad Conference	Attended
16 th Judicial Elder Abuse Training	Attended

Monthly Meetings / Community Involvement

Chair, Kane County Elder Death Review Task Force
Senior Services Meeting
16th Judicial circuit Elder Abuse Committee
Tri-Cities Triad
WestTowns Resource Team
Member of Linda Chapa LaVia's Citizens Advisory Committee on Senior Services
Senior Services Adult Protective Services
Meet with Kane County Public Guardian, periodically
Invited to serve on the Illinois Department of Public Health Long Term Care Abuse Prevention Review Team

Child Advocacy Center

Child Advocacy Center

The Child Advocacy Center is a vertical investigative and prosecution entity charged with investigating and prosecuting crimes of physical and sexual abuse of children.

The unit operates out of its center and is divided into three investigative teams and a prosecution team. Investigations are generally assigned geographically. The investigative teams consist of a criminal investigator, Department of Children & Family Services child protective investigator and a case manager. All investigative teams have access to the team of three Assistant State's Attorney's assigned to the CAC.

The Department of Children & Family Services and local police agencies send complaints and information concerning child abuse directly to the CAC. The matters are then investigated by the teams, and decisions on whether to prosecute are made by the team in conjunction with supervisory personnel.

Because the employees assigned to the CAC must be as well versed in investigative techniques as well as litigation techniques, the assistants and support staff of the CAC are highly and specially trained. Many more matters are investigated than are charged. Lori Chassee supervises the Child Advocacy Center.

Significant Accomplishments

- CAC staff members have been elected to the board of directors of *Child Advocacy Centers of Illinois*, and to a position on the executive council of the *State of Illinois Child Death Review Team*.
- Through grant funding and scholarship opportunities CAC assigned personnel have attended the following:
 - National Children's Alliance, *Advanced Leadership*
 - Univ. of Wisc., *24th Annual Midwest Conference Child Sexual Abuse*
 - Dallas Police Department, *Crimes against Children Conference*
 - Children's Hospital, *MDT Response to Suspected Child Sexual Assault*
 - Ried School *Advanced Interview and Interrogation*
 - American Society on the Abuse of Children *Annual Symposium, Atlanta*
- Recognizing the specialized training of staff at the CAC, outside agencies have requested our assistance to conduct forensic interviews of children who have been witnesses to violent crimes as well as adult victims and witnesses with developmental disabilities. We have assisted outside agencies in **34** investigations.
- Our first digitally recorded forensic interviews were used in court. All reviewed statements have been admitted under the 115-10 hearsay exception, one of the judges commenting on the demonstrable professionalism of CAC staff. Likewise CAC investigators have prevailed in every motion to suppress statements filed regarding statements made by offenders
- The CAC referred **453** children and their families for cost free therapeutic intervention services, either on site or through our partner agencies.

- The CAC arranged and provided cost free specialized sexual abuse examinations to **16** children reporting sexual abuse, **4** children received specialized physical abuse examinations and **70** children were seen at hospital emergency rooms for issues of sexual abuse.
- The CAC was able to create and implement programs for sexually reactive children and currently have 9 young children receiving supportive mental health services in order to promote the development of healthy behavior patterns.
- Staff members assigned to the CAC have been selected to present on a variety of child abuse topics, including, Sex Offender Typology, Child Abuse Investigation, Accreditation Standards for Child Advocacy Centers, Mandated Reporting, as well as abuse recognition and prevention. CAC personnel hold training positions with the National Children's Alliance and Northeast Multiregional Police Training Unit.

Offender Accountability:

- Of the 62 criminally charged cases disposed in FY 2009, the CAC prevailed in 57 of them for a conviction rate of **92%**.
- CAC convictions resulted in Kane County sex offenders receiving **multiple life sentences** and a total of **173.6 years** in the Illinois Department of Corrections, **1007 days** of county jail time; and **1,244 months** of probation
- Some notable court accomplishments and cases:
- Charles E. Granter, 63 (d.o.b. 12-28-1945), of the 100 block of Monroe Street, North Aurora, was convicted by Associate Judge Allen M. Anderson of two counts of predatory criminal sexual assault of a child, each a Class X felony, and two counts of aggravated criminal sexual abuse, each a Class 2 felony.

Sentenced to 2 life terms

- Michael J. Jackson, 32, (d.o.b. 4-14-1977), of the 400 block of Addison Street, Elgin, was convicted by Circuit Judge Timothy Q. Sheldon of two counts of predatory criminal sexual assault, each a Class X felony, and one count of aggravated criminal sexual abuse, a Class 2 felony. Jackson had waived his right to a jury trial.

From June 2004 to December 2006, Jackson had illegal sexual contact with two boys younger than 13. Jackson knew the boys.

Sentenced to 40 years IDOC

- Jerald E. Spring, 63 (d.o.b. 3-6-1946), of the 1200 block of Orchard Road, Aurora, was convicted late Tuesday, Nov. 17, 2009, by a Kane County jury of one count of predatory criminal sexual assault, a Class X felony, and four counts of aggravated criminal sexual abuse, each a Class 2 felony.

Between Jan. 1, 2007, and March 23, 2007, Spring had sexual contact with a child younger than 13 he was babysitting.

FY 2009 CAC Report

Investigations conducted:	335
<i>I. Investigations Pending</i>	<i>27</i>
Files under Attorney Review	12
Charged cases-warrants outstanding	103
Charged/filed court actions	82
Felony charges	65
Misdemeanor charges	1
Juvenile Delinquency petitions	12
Juvenile Abuse and Neglect petitions	4
Charged cases disposed	62
Convictions/pleas (92 %)	57
Acquittals/nolle prosequi	5
Juvenile Court Diversion	1
Services for sexually reactive behaviors	11
Total files closed	
(including those initiated in prior years)	319
Investigative Interviews:	1877
Child victims under 13	225
Child victims over 13	130
Child witnesses	239
Adult witnesses	1,141
Suspects	248

* When file numbers are adjusted to remove those cases that are not prosecution eligible i.e. Jurisdictions outside of Kane County, offenders under age 10, social service referrals only, pending investigation or under review, our referred for court action rate stands at 30% of reports received, which approximates the national average.

Financial/Human Resources

Financial/Human Resources Division

The Financial Division is responsible for the preparation and administration of the State's Attorneys annual budget, as well as the review and approval of all expenditures. Other financial responsibilities include planning, forecasting and financial reporting. In addition, the Financial Division is responsible for the management of the Drug Asset Forfeiture, Bad Check Program, Second Chance Program and Restorative Justice Program Funds.

The preparation of grant applications administers all grant funding and insures compliance with all reporting and auditing requirements of various grants. The State's Attorney's Office is committed to seeking outside funding of special programs that provide services to the citizens of Kane County.

The Human Resources Division is involved in the recruitment and orientation of qualified individuals for Support Staff positions within the State's Attorney's Office. In addition, this division is responsible for the preparation and entry of all staff payroll, administration of benefit time, and administration of the State's Attorney's Office personnel policies and procedures. Sandra Chidester supervises the Finance/Human Resources Division.

Significant Accomplishments

- Updated and improved for efficiency all fiscal and personnel internal reports
- Audited for accuracy of all employee benefit time

Budgets

The Kane County State's Attorney's Office has a total budget comprised of 10 smaller budgets or funds. Each fund is given a budget amount to expend during the year. Some funds are partially or fully funded by grant funds. Per grant requirements expenditures are reported to the grant agency based on the grant fiscal year. Because grant fiscal years are different than the county fiscal year there is an overlap in expenditures in the county budget verses the grant budget. Reports illustrating the office's expenditures in county fiscal year 2008 and revenues received per grant fiscal year are following.

The total amount of money budgeted by the Kane County Board to fund all activities of the Kane County State's Attorney's Office in 2009 was \$8,385,551. The amount spent by the Kane County State's Attorney's Office in 2009 was \$8,371,955.

KANE COUNTY STATE'S ATTORNEY'S OFFICE
FINANCIAL REPORT
FISCAL YEAR 2009

GENERAL REVENUE:

Description	FY 2008	FY 2009
State's Attorney's Fines	\$397,966	\$397,035
Bond Forfeiture Fines	1,073,705	1,271,623
Collection Fines	136	0.0
Second Chance Fines	322,002	320,700
State's Attorney Prosecution Fees	416,155	337,483
Restorative Justice Program/Miscellaneous	5,720	2,862
State's Attorney's COLA	84,339	153,404
Interest Earned	17,451	8,811
TOTAL	\$2,317,474	\$2,491,918

GRANT REVENUE:

Description	Grant Fiscal Yrs. 2008	Grant Fiscal Yrs. 2009
Child Advocacy Center		
Attorney General Victim Assistance	\$19,500	\$19,500
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
CAC Fees	9,482	62,411
TOTAL	\$112,857	165,786
Child Support		
Dept. of Healthcare & Family Services	\$755,362	786,014
Victim Services		
Illinois Attorney General	\$27,000	26,400
Il. Criminal Justice Information Authority	\$83,595	60,358
TOTAL	\$110,595	86,758
Drug Prosecution		
Il Criminal Justice Information Authority	\$143,967	143,967
Auto Theft Task Force		
Auto Theft Task Force Grant	\$68,073	68,073
Investment Income	1,329	648
TOTAL	\$69,402	\$68,721
Weed & Seed		
US Department of Justice	\$175,000	150,000
TOTAL	\$1,365,854	\$1,401,426

SPECIAL ACCOUNT REVENUE:

Description	FY 08	FY 09
Bad Check Restitution	\$24,305	12,035
Drug Asset Forfeiture	25,403	28,893
Interest Earned	3,308	1,611

EXPENDITURES:

DESCRIPTION	BUDGET	ACTUAL	% SPENT
GENERAL:			
Salaries & Wages	\$3,244,084	\$3,213,782	99%
Employee Benefits	741,280	686,152	93%
Contractual Services	266,960	336,168	126%
Commodities	63,235	61,576	103%
Capital	0	0	
TOTAL	\$4,378,728	\$4,360,758	100%
CHILD ADVOCACY CENTER:			
Salaries & Wages	564,981	574,105	102%
Employee Benefits	164,319	165,427	101%
Contractual Services	82,962	81,917	99%
Commodities	10,440	4,185	40%
Capital	0	0	
TOTAL	\$822,702	\$825,633	100%
CIVIL:			
Salaries & Wages	\$447,887	\$512,571	114%
Employee Benefits	171,437	170,585	100%
Contractual Services	420,724	374,423	89%
Commodities	6,000	5,852	98%
TOTAL	\$1,046,048	\$1,063,431	102%
TITLE IV-D:			
Salaries & Wages	\$527,366	\$520,885	99%
Employee Benefits	227,599	212,085	93%
Contractual Services	32,108	27,899	87%
Commodities	1,589	2,303	145%
TOTAL	\$788,662	\$763,172	97%
DRUG PROSECUTION:			
Salaries & Wages	\$248,151	\$244,922	99%
Employee Benefits	76,898	75,220	98%
Contractual Services	12,283	12,283	100%
TOTAL	\$337,332	\$332,425	99%
VICTIM SERVICES:			
Salaries & Wages	\$109,211	\$102,960	94%
Employee Benefits	45,201	47,401	105%
Contractual	8,857	8,427	95%
TOTAL	\$163,269	\$158,788	97%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
DOMESTIC VIOLENCE:			
Salaries & Wages	\$273,072	\$285,634	105%
Employee Benefits	94,847	104,011	110%
Contractual	18,380	18,953	103%
Commodities	0	0	
TOTAL	\$386,299	\$408,598	106%
ENVIRONMENTAL:			
Salaries & Wages	\$159,804	\$161,708	101%
Employee Benefits	55,652	50,489	91%
Contractual	9,789	9,526	97%
Commodities	585	0	0%
TOTAL	\$225,830	221,723	98%
AUTO THEFT:			
Salaries & Wages	\$60,415	63,965	106%
Employee Benefits	23,275	20,702	89%
Contractual	2,991	2,991	100%
TOTAL	\$86,681	\$87,658	101%
WEED & SEED:			
Salaries & Wages	\$45,457	\$43,882	97%
Employee Benefits	19,632	16,408	84%
Contractual	63,219	66,385	105%
Commodities	1692	3,095	219%
Capital	20,000	20,000	100%
TOTAL	\$150,000	\$149,770	100%

Juvenile

Juvenile Delinquency

The Juvenile Delinquency Unit is responsible for prosecuting all crimes committed by minors under the age of 17 years old excluding traffic and ordinance violations. The Delinquency Unit had the responsibility of prosecuting a range of offenses this year from the more serious of armed violence and aggravated discharge of a firearm to the more minor offenses of truancy and curfew.

Each case is evaluated, no matter how minor or serious the offense, to determine that justice is being served in each individual case. The Delinquency Unit is charged with evaluating each case to determine services that the minor needs, the risk the minor presents to society, and the proper punishment that will work as a deterrent and suitable consequence for the minor for his or her individual actions. The ASA will also consult with additional agencies from the various police departments, probation officers, local school officials, treatment providers, and victims to obtain additional information that is necessary to determine an appropriate disposition for the case. Reaching the appropriate disposition will often require a Juvenile Delinquency ASA to assume different roles throughout the day from social worker, advocate, to protector to ensure that the goals of the Juvenile Court Act are being met.

The Delinquency Unit has status calls every morning ranging in size from 35-60 cases a day. The afternoons in the Delinquency Unit are filled with bench trials, motions, and petition to revoke probation hearings. Juvenile Drug Court meets every Thursday afternoon.

Significant Highlights

- Secured sentences of individual minors to the Illinois Department of Juvenile Justice for those that pose the highest risk to society and lifted the EJJP stay on some minors who were not successful with their juvenile sentences.
- Continued the success of the Drug Court in graduating minors from the program due in thanks to the services of the drug court team.
- Transitioned in a new judge, new Assistant State's Attorney's and new Assistant Public Defenders.
- Provided a training seminar to the local law enforcement officers regarding issues pertaining to the new juvenile law changing the age of minors committing misdemeanor offenses.
- Established a working case list for the attorneys and staff.
- Modernized and streamlined the delinquency paperwork process by creating Access programs with the help of Jamie Lobrillo.
- Weathered the permanent loss of a support staff person by eliminating time consuming practices and modernizing the processes and reassigning some duties.
- Eliminated multiple file system by charging related referrals in the same case and charging less serious referrals as petitions to revoke in the more serious probation cases – saving the office in summons expenses and paper product expenses.

Abuse & Neglect

The purpose of the Abuse Neglect Division is to protect the children of Kane County. This division refers cases to court that have been investigated by the Illinois Dept of Children and Family Services and these Children have been determined to be abused or neglected. The States Attorney Office requests the court for a Shelter Care hearing to have the minors removed from the parents. These minors are then placed in the foster home until the parents can rectify the issues that brought the minor into care. The case is then reviewed by the court every six months at a Permanency Review Hearing. At that time the court can keep the goal at return home or change the goal to substitute care pending termination of parental rights, guardianship, or independence if the court changes the goal to substitute care pending termination of parental rights or guardianship, we proceed to the appropriate hearing.

In addition the unit also does custody hearings. These hearings occur between the parents and foster parents or between two different sets of foster parents. These custody hearings occur because the foster parents want to adopt the minor and the biological parents have complied with all services so the minor is returning home. These custody hearings have gone on for months. We remain involved in these custody hearings because the State's Attorney office brought this case into court and we remain in this case until the court finds an appropriate placement for the minor.

The unit also deals with issues that arise out of probate such as a guardian who wishes to relinquish their guardianship and there is not an appropriate parent for the minor or if the minor has an estate. The overall goal of the Juvenile court is family reunification and if this can not occur then we must find permanency (adoption, guardianship or independence) for the minor.

Significant Accomplishments

- * Statistics presented do not include any cases in 005 handled by the CAC.
- * Statistics for this unit were kept from January to January instead of December to December.
- The unit currently has approximately 298 cases. This is down significantly from last year's case load of approximately 350 cases. This decrease is attributable both to the decrease in cases initiated as well as the substantial increase in cases closed because the permanency goal had been achieved
- The unit had 43 new cases come in at a shelter care hearing.
- The unit closed 130 cases compared to 109 from the year before.
- The unit did 36 Adjudicatory Hearings, 14 of which were contested.
- The unit did 35 Dispositional Hearings, 19 of which were contested.
- The unit did 337 Permanency Review Hearings.
- The unit did 38 Termination Hearings, which is up from 24 from the previous year.
- The unit also did 27 contested hearings or motions, which was another increase from the previous year.
- The unit committed to doing trial data sheets, like is done in the felony division, in order to keep track of not just the number of hearings but the nature and quality of the hearings.
- The unit participates in the quarterly Court Alliance Team Meeting
- A unit member participated in the CASA Volunteer Recognition Evening and the CASA Hands Around the Courthouse Celebration

- A unit member attended the CASA Fall Conference “Unintentional Intolerance”
- A unit member attended the Administrative Office of the Illinois Courts Conference “Joining Forces: Tackling the Challenges Attorneys Face in Juvenile Abuse and Neglect Cases”
- The unit reviewed numerous boxes of files stored at the Circuit Clerks Office and was able to shred 7-8 large storage boxes of files. This review is still ongoing. Additionally, the unit implemented a new way of designating when files in storage are eligible to be destroyed.
- The unit created a new file database in Access in an effort to better track cases and to simplify the tracking by combining multiple databases into one.
- The unit re-worked interior file structure for better file organization & uniformity
- The unit, following the lead of the criminal division, switched to electronic notification for summons & subpoenas of agency personnel, as well as creating a database for agency contacts.

Case Highlights

In Re C.Z. and H.Z.

Despite the refusal of DCFS to take protective custody, the SAO screened this DCFS intact family case and made the decision to move forward quickly in removing these minors from their home, which was done at a Shelter Care Hearing in Sept. 07. The minors were removed because of ongoing domestic violence incidents between the parents as well as the mother’s excessive alcohol abuse and the father’s refusal to acknowledge the need for services. Despite the numerous services offered neither the mother nor father successfully completed any necessary services and the domestic violence between the parents continued throughout the entire two years of the case. Moreover, the mother even tested positive for alcohol during the Termination Hearing.

In contrast to the parents’ lack of progress, the minors thrived in their relative foster placement and became secure and happy in their new environment. Both minors reported they wished to be adopted by their aunt and uncle. The safety, welfare, and best interests of these minors were served best by terminating the rights of their parents and freeing these children for adoption, which was done in October 2009, following a highly contested termination hearing.

In Re the G., V. and R. Minors

In this family case, a sibling had died of unexplained reasons while in the custody of the parents. Following the Shelter Care Hearing, the children were removed from the home and placed in foster care. The seven children could not be placed together. Consequently, the children were experiencing the loss of the brother who had just died as well as the loss of their parents and each other. DCFS, all attorneys involved in the case, and the Mexican Consulate quickly worked together to return the children home under the protection of a service plan and supervisory conditions which insured the continued safety of the children. The family continues to do well under Pre-Adjudicatory Supervision.

In Re K.R.

The minor's mother stated from the beginning she did not want K.R. and essentially abandoned the child at birth. Within weeks of the case being initiated the mother signed general consents for adoption, giving up her parental rights. No father was ever identified. The minor was placed in a wonderful loving foster home with foster parents who wanted to adopt. Within 6 months and 6 days of the case initiation, we terminated the parental rights of the father and freed K.R. for adoption. The minimum amount of time a case can be concluded is 6 months. This case is the current record for speed in providing permanency to a child.

In Re the G.M. and K.M. Minors

Parents primarily had issues of substance abuse and domestic violence. When the minors were removed they were placed with the paternal grandfather. Due to the relative placement, the parents were not motivated to address their issues and had not made progress during the case; therefore we moved towards termination. The both minors were elementary school aged and their grandfather was elderly and infirm to the point of having his own caregiver. After the goal was changed to termination, the girls were placed in a traditional foster home with foster parents who were physically able to care for the girls and provide for them into the foreseeable future. Additionally, this home was open to and encouraged continued contact between the girls and their biological family, which has been maintained despite the parental rights being terminated.