



Kane County  
State's Attorney's  
Office

2006

Year End Report

John A. Barsanti  
Kane County State's Attorney



January 2007

2006 was a year of progress, innovation and community mindedness in the Kane County State's Attorney's Office. With an eye on a better work environment, a better community and fiscal responsibility SAO employees formed committees, sought to create a better understanding of the office within the community and sought ways to work more efficiently. Simultaneously, they also worked to utilize laws to generate more revenue for Kane County, create a safer Kane County and most importantly, worked hard to better enforce and apply the laws of the State of Illinois

The following will give you a glimpse of the various divisions in the State's Attorney's Office i.e., their accomplishments, statistics and highlights. As always, our main goal is to serve the citizens of Kane County to the best of our ability.

John A. Barsanti  
Kane County State's Attorney

As you will read, 2006 was a great year for the Kane County State's Attorney's Office. This success could not have been achieved without the support that the office received from local law enforcement and community groups throughout the county.

Our partnerships with local law enforcement have resulted in an increased success in the areas of investigation and prosecution of criminal cases. We have prosecutors on call twenty-four hours a day, seven days a week, all year long to help answer law enforcement questions and assist in the investigation and charging of felony offenders. In 2006, we received approximately 4,000 calls which resulted in 3,370 felony cases being charged. We also started publishing a newsletter six times a year that is sent to all police officers throughout the county keeping them up to date on recent cases and answering questions they have asked us to address.

Additionally, we have partnered with advocacy groups throughout the county to address the issues of domestic violence, drinking and driving, and the mentally ill. Electronic orders of protection, a new mental health court, and the forfeiture of repeat DUI offenders' cars are just a few of the innovative programs that the office took part in as a direct result of the above partnerships.

We look forward to 2007 and continued success.

Clint Hull  
First Assistant State's Attorney

# Kane County State's Attorney's Office 2006 Year-End Report

## Introduction

In 2006 the Kane County State's Attorney's Office consisted of 136 employees, 59 assistants and 77 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 the Financial/Human Resources Division.

The Office is comprised of 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.

## Changes and Firsts

### Employee Committees

Several employee committees were formed in 2006 with the goals of improved work environment, efficiency and community. Committees were Legislative, Employee Relations, Community Outreach and Technology. The committees were made up of employee volunteers and formed their own agenda, procedures and goals.

- The Legislative Committee met personally with local legislators, drafted new legislations, and have sent the new legislation to Springfield.
- The Community Outreach Committee formed organized and conducted the Citizens Prosecutor Academy. They also have set up procedures for speaking engagements by Assistants.
- The Employee Relations Committee investigated the issue of non-salary compensation and has formulated a number of viable options which will become operational.
- The Technology Committee did an audit of existing technology assets and made recommendations for new purchases. A number of these recommendations were purchased.

## Performance Evaluations

Employee evaluations, which were instituted in 2005, were improved and utilized again in 2006. Supervisor evaluations in which all employees evaluated their supervisors were instituted and completed in 2006. All evaluation results were shared with the supervisors.

## Citizens Prosecutor Academy

A Citizen Prosecutor Academy was introduced in 2006. The academy was an eight-week seminar that explained the structure and responsibilities of the State's Attorney's Office. The students were members of the community. Many of the lectures were interactive and a mock trial was held at the end. Members of the local media also participated, which generated publicity for the program. Two more are planned for 2007.

## Collections

One of the statutory duties of every State's Attorney in Illinois is to collect all debts owed the County. In 2006 the Kane County State's Attorney's Office contracted with an attorney to collect all fees, costs and restitution owed Kane County.

A contract was also signed with Alliance One, a company specializing in collecting fines owed to Counties. These two collection avenues will establish two new income streams for the County.

## Retreat

All management staff attended a two-day retreat in 2006 to assess all current policies and plans for the future.

## Employment Law Training

Management staff attended an Employment Law Seminar in Chicago. The seminar trained the management staff in correct legal procedures and hiring, firing and disciplinary laws for employees.

## Public Information Officer

A Public Information Officer was hired to enhance the communication between the State's Attorney's Office, the public and law enforcement. The P.I.O. supervised the preparation and distribution of two separate newsletters; one to the public and staff and one for law enforcement.

## Asset Forfeiture

A new stepped up Asset Forfeiture program was instituted. New procedures and forms were devised, trainings for law enforcement were held and an increased emphasis on forfeitures was communicated to the staff. The amount of assets forfeited is reaching new heights.

## Bullet-Proof Vests

The Kane County State's Attorney's Office purchased 16 bullet-proof vests for the Kane County Sheriff's Office. These vests were purchased with the State's Attorney's Office's share of asset forfeiture funds.

## Computerized Felony Review

The State's Attorney's Office revised its Felony Review procedures to utilize modern technology. Instead of hand writing forms that contain information about authorization decisions, the forms were placed on computers, which enable the authorizing ASA to immediately e-mail the form directly to bond call and all Supervisors. This change supplied bond call employees, clerks and judges with much needed information about the case. Previously this information did not arrive at the SAO until days later.

All computerized forms are digitally stored and can be reviewed by senior staff immediately.

# DIVISION REPORTS

## 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. The following is an end-of-year report with respect to various matters addressed by employees of the Civil Division. Katherine Moran is Chief of the Civil Division.

## Significant Accomplishments

### General

- Assisted Kane County Coroner in research on several issues involving descendants' estates.
- Assisted the Development Department in resolving potential building code violations by a developer.
- Assisted the Transportation Department in research on collection of delinquent road impact fees.
- Assisted the Kane County Judiciary and Circuit Clerk in researching and analyzing authority to collect mental health court fees, policies on retention of trial exhibits, electronic pleas of guilty, and authority to review documentation for "no insurance" tickets.
- Researched, investigated and responded to several complaints of Open Meetings Act violations by public bodies in Kane County.
- Researched statutes, communicated with other counties, coordinated with the Kane County Circuit Clerks Office, and negotiated and drafted an agreement to aid in the collection of a significant amount of delinquent fees and fines in Kane County.
- Represented the Kane County Sheriff's Office with respect to FOIA requests regarding criminal investigations.
- 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.

- Presented a seminar on the Illinois Open Meetings Act, FOIA and Ethics Act to county and local elected officials.
- Revised Kane County Sheriff's Merit Commission rules, regulations, and administrative procedures to reflect current case law and statutes. Researched ordinances related to Merit Commission and authored new ordinance to correct codifiers' error from the early 1990s. In addition, advised Merit Commission with respect to two disciplinary hearings.
- Authored and submitted to Illinois State Representative Tim Schmitz a bill that would change how credit is calculated when a defendant is resentenced following a term of periodic imprisonment so that defendant only receives credit for actual time served. The goal is for this bill to pass the House in 2007, as the measure was unanimously passed by the Senate in 2006. In 2006, testified before the Illinois Legislature with the wife of a crime victim regarding this bill and will do so again in 2007.
- Assisted the State's Attorney in researching and authoring a bill sponsored by Illinois State Representative Tim Schmitz that would allow the State's Attorney's Office to use administrative fees collected under the Bad Check Restitution Program for general law enforcement purposes; goal is for this bill to pass in 2007.
- Participate in the Citizens Prosecutor Academy presented by the State's Attorney's Office.
- Participated in the Community Prosecution School presented by the State's Attorney's Office.

## Tax Opinions

- Increasing 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 officials involved in the property tax process, as well as an increasing number of communications from taxing districts, especially school districts, for input into the application of the Property Tax Limitation Law in respect to referendum questions. 2007 will in all likelihood see an increase in the resources devoted to tax communications from the public and government officials, concomitant with the growth of Kane County.

## Tax Litigation

- During 2006 this division continued managing the defense of more than 30 taxing districts in tax objections filed in 9 separate cases, representing approximately 400 distinct objections. During the course of litigation, numerous objections were dismissed without payment, as reaching advantageous settlements in a number of instances. Continuing litigation and case management in all of the filed objections in 2006 will consume an increasing amount of resources.



- Additionally, assessment complaints and appeals of assessments in 2006 increased, and appear likely to continue to do so in 2007 to the Board of Review, and beyond to the Property Tax Appeal Board and the Appellate Court, thereby demanding a greater amount of Civil Division resources.

## General Litigation

- Successfully appealed the Circuit Court's denial of Kane County's Motion to Dismiss a law division personal injury suit in *Sperandeo v. Zavitz*, 365 Ill. App. 3d 691, 850 N.E.2d 394, 2006 Ill. App. LEXIS 511, 302 Ill. Dec. 957, resulting in a published opinion that held that a plaintiff cannot avoid the one-year statute of limitations for personal injury suits against a local governmental agency by naming the employee individually.
- Assumed representation of a 2002 law division personal injury case against Kane County and took numerous depositions of treating physicians.
- Represented the Sheriff's Office in a law division personal injury case. Fourteen depositions regarding liability were conducted and we intend to file dispositive motions in 2007.
- Settled a case without litigation based upon performance and payment bonds where a company hired by Kane County failed to complete work at a forest preserve because of bankruptcy, resulting in payment of \$40,000 to Kane County.
- Assisted in the adoption of a resolution allowing Kane County to file a lawsuit seeking the demolition of a dangerous and unsafe building in Aurora Township with a goal of demolition and foreclosure of the property in 2007.
- Special Assistants tried and settled a number of workers' compensation cases and had several dismissed.
- Special Assistants handled a very complex civil lawsuit resulting in Kane County, the Sheriff's Office, and two individual deputies being voluntarily dismissed from the lawsuits. The County remains a party to the lawsuit as a plaintiff to collect workers' compensation liens.
- Represented the County and Elected Officials in various pending litigation.

## Federal 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 2007 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.

## Forfeitures

- Worked with County IT, the Kane County Sheriff's Office, and the criminal division to implement a computerized system that all Kane County law enforcement agencies will be required to use in an effort to increase the number of Article 36 vehicle forfeitures in Kane County.
- Presented a seminar on Article 36 Forfeiture law and procedure to law enforcement agencies in Kane County.
- Conducted a training session for the State's Attorney's Office on Article 36 Forfeiture law and procedure.
- Began handling Article 36 cases.

## Elections

- Established an Election Hotline and trained criminal division personnel to assist in handling telephone calls directed to the election hotline. Responded to approximately 139 calls by phone and in person and used the information to assist the Kane County Clerk in filing an emergency motion to keep the polls open for an extra two hours county wide to address technical difficulties experienced in the polling places.
- Represented the Kane County Clerk's Office in researching requests for discovery recounts and before the Illinois Supreme Court on Motions to Stay Counting of Provisional Ballots.
- Researched and coordinated the drafting and filing of all proper documentation necessary for new public officials upon taking office.
- Represented the Kane County Electoral Board in an objection to the filing of a petition alleging that a public question be placed on the ballot and a request for rehearing.
- Represented the Kane County Clerk in defending an election contest.
- Assisted the Kane County Clerk in securing court approval of election judges.
- Supported the Kane County Clerk in preparing for the 2006 elections through drafting of contracts and researching several issues.

## Local Government Affairs

- The pace of 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 Matters

- Represented Kane 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 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 Kane County and elected officials in federal and state court cases involving sexual discrimination, sexual harassment, racial discrimination, disability 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 Kane County and elected officials concerning compliance with various employment laws, including Title VII, Americans with Disabilities Act, Family Medical Leave Act, Age Discrimination in Employment Act and Illinois Human Rights Act.
- Assisted Kane County and elected officials in conducting disciplinary investigations and advised officials and supervisors concerning discipline and termination of employees.
- Provided legal advice to Kane County and pertinent elected officials concerning compliance with grant requirements for implementing Equal Employment Opportunity plans. Worked with offices and assisted in the drafting of the required plans.

## Health Department Matters

- Assisted the Health Department in drafting numerous contracts with hospitals and federally qualified community health centers in connection with the Health Department's participation in the innovative KCHAIN (Kane Community Health Access Integrated Network) program, which is funded by a federal Healthy Communities Access Program (HCAP) grant.

- Advised the Health Department concerning legal requirements of the HCAP grant.
- Advised the Health Department concerning a governance structure for KCHAIN.
- Advised the Health Department in connection with the drafting and review of several service agreements with independent contractors for the KCHAIN project.
- Advised the Health Department in connection with the drafting of various software purchase agreements, networking agreements, and technology related service agreement
- Advised the Health Department concerning requirements of the Health Insurance Portability and Accountability Act (HIPAA).
- Provided legal advice concerning quarantine powers and public health emergencies.
- Advised the health department on numerous grants.
- Provided legal advice concerning other miscellaneous topics.

## Environmental

- Prosecuted continuing litigation seeking injunctive relief and statutory penalties under the Illinois Environmental Protection Act against seven companies in connection with lead contamination at the Kane County Judicial Center and surrounding properties.

## Ordinance Violations

- Vigorously pursued petitions for the award of additional stipulated penalties in a zoning ordinance violation case involving a concrete business in Aurora. To date, more than \$200,000 in stipulated penalties has been collected in the case and paid into the County's General Fund.

## Contracts

- Assisted the Sheriff's Office in negotiating and drafting a multi-year service agreement with its food service provider for the Adults Corrections Facility.
- Assisted Kane County and Sheriff's Office in negotiating and drafting a multi-year medical services agreement for the Adult Corrections Facility
- Reviewed various contracts and grant agreements for several county and elected officials.

## Ethics Act

- Assisted Kane County in revising its ethics ordinance. Drafted procedures for complaint filing, investigation and review.
- Researched matters involving the application of the ethics ordinance to Kane County elected officials and their employees.
- Assisted the Human Resource Management Department and provided legal advice to it concerning the appointment of a County Ethics Advisor.

## 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.

Active Cases at close of December 2006

### 20 OPEN CASES

16 Female/ 14 Seniors, 2 Disabled Adults  
4 Male/ All Seniors

Types of Cases: (NF=non family F=family S=stranger PC=paid caregiver)

Aggravated Battery- 4 ( 3S, 1F)  
Financial Exploitation- 6 (2NF, 3F, 1PC)  
Aggravated Sexual Abuse- 2 (2NF)  
Home Repair Fraud- 1  
Forgery- 2 (2NF)  
Criminal Neglect- 1 (F)  
Attempted Murder- 1 (NF)  
Domestic Battery- 2 (2F)  
Attempted Robbery- 1 (NF)

Number of cases closed in 2005:

31

Pending charges:

4

Mental Health Calls:

23 telephone calls and inquiries  
9 Petitions completed

Seminars and Conferences Attended:

- Mental Health Training at Mercy Hospital
- Elder Rights Conference
- Alzheimer's Training at Mercy Hospital
- Pacemaker of Aging Conference
- National Adult Protective Services Association

Community Involvement:

- Attend West Towns monthly
- Member of the 16<sup>th</sup> Judicial Elder Abuse Committee
- Member of Linda Chapa La Via Citizens Advisory Committee on Senior Services
- Attend Geneva Triad monthly as available (Elderly)
- Meet periodically with the Kane County Public Guardian
- Meet with Senior Service Adult

Presented Elder Death Review team Presentation at the following Conferences:

- Elder Rights Conference
- 2006 Governors Conference on Aging
- Triad Conference

Presented Elder Death Review Team information to the following community groups:

- Tri-City Triad
- Kane County Senior Providers
- West Towns Community Resource Team

Presented Mental Health Involuntary Commitment Protocol:

- Police Department Training

Continued Co-Chair of the Kane County Elder Death Review Task Force

## 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. Sandi Chidester supervises the Finance/Human Resources Division.

## Significant Accomplishments

The State's Attorney's Office has developed the following reports for grant and accounting management:

- Grant Tracking Report
- Grant Reporting Schedule
- Schedule of Revenue & Expense Spreadsheet per grant fiscal year
- Quarterly Grant Revenue Reconciliation and Petty Cash Fund Reconciliation
- Second Chance & Restorative Justice receipt form
- Developed spreadsheets for Drug Asset Forfeiture Fund, Bad Check Program Fund, Second Chance Program Fund, and Restorative Justice Program Fund
- Internal Equipment Asset Printout for SAO Vehicles, Copiers, Printers, and Computers

## 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. Charts illustrating the office's expenditures and revenues are following.

In 2006 the Kane County State's Attorney's Office came in under budget in nine of the 10 funds. The only fund to be over budget was the civil division fund. The overage is due to the spending in the contractual services line item. This line item is utilized to pay the fees of attorneys who are contracted to perform legal services for the county. These attorneys are hired when legal matters arise which the Assistant State's Attorneys in the civil division are unable to represent the county due to legal or ethical conflicts. The number of matters that arise during a year which present conflicts is unpredictable and can not be controlled by the State's Attorney's Office.

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 2006 was \$7,785,802. The total amount spent by the Kane County State's Attorney's Office in 2006 was \$7,711,647.00. Taking into consideration all funds, the Kane County State's Attorney's Office spent less money than was allowed by the Kane County Board.



**KANE COUNTY STATE'S ATTORNEY'S OFFICE**  
**FINANCIAL REPORT**  
FISCAL YEAR 2006

**GENERAL REVENUE:**

<b>Description</b>	<b>FY 05</b>	<b>FY 06</b>
State's Attorney's Fine & Fees	\$341,612	\$348,218
Bond Forfeiture	941,710	700,708
Collections	199	48
Second Chance	105,776	188,262
State's Attorney Prosecution Fees	332,295	367,031
Restorative Justice Program/Miscellaneous	10,248	14,652
Bad Check Program	37,235	33,904
Drug Asset Forfeiture	51,726	34,451
State's Attorney's COLA	157,951	154,621
Interest Earned (Special Acct./Special Funds)	<u>26,103</u>	<u>37,917</u>
<b>TOTAL</b>	<b>\$2,004,855</b>	<b>\$1,879,812</b>

**GRANT REVENUE:**

<b>Description</b>	<b>FY 05</b>	<b>FY 06</b>
<b>Child Advocacy Center:</b>		
Victim Assistance	\$ 17,000	\$ 18,700
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
DECO	00	20,000
<b>Child Support:</b>		
Illinois Department Public Health	\$714,222	\$ 714,222
<b>Victim Services:</b>		
Illinois Attorney General	\$ 27,000	\$ 27,000
IL Criminal Justice Info. Authority	80,380	80,380
<b>Drug Prosecution:</b>		
IL Criminal Justice Info. Authority	\$ 179,959	\$ 179,959
<b>Auto Theft Task Force:</b>		
Kane County Auto Theft Task Force	\$ 70,573	\$ 70,573
<b>Weed &amp; Seed:</b>		
US Department of Justice	\$ <u>225,000</u>	\$ <u>225,000</u>
<b>TOTAL</b>	<b>\$1,398,009</b>	<b>\$1,419,709</b>

## EXPENDITURES

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL:</b>			
Personnel			100%
Contractual Services			92%
Commodities			105%
Capital			107%
<b>TOTAL</b>	\$4,163,590	\$4,130,349	99%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER</b>			
Personnel			100%
Contractual Services			86%
Commodities			48%
Capital			*15%
<b>TOTAL</b>	\$634,288	\$625,022	93%
<b>*Due to grant funding the balance from capital will be carried over to FY07</b>			

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL:</b>			
Personnel			95%
Contractual Services			167%
Commodities			98%
<b>TOTAL</b>	\$717,181	\$847,832	118%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>WEED &amp; SEED:</b>			
Personnel			98%
Contractual Services			64%
Commodities			226%
<b>TOTAL</b>	\$305,000	\$229,692	75%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D:</b>			
Personnel			98%
Contractual Services			68%
<b>TOTAL</b>	\$714,222	\$689,870	97%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION:</b>			
Personnel			94%
Contractual Services			101%
<b>TOTAL</b>	\$335,668	\$315,043	94%

EXPENDITURES (continued)

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES:</b>			
Personnel			91%
Contractual Services			109%
<b>TOTAL</b>	\$195,242	\$179,422	92%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DOMESTIC VIOLENCE:</b>			
Personnel			99%
Contractual Services			88%
Commodities			30%
<b>TOTAL</b>	\$400,322	\$393,231	98%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>ENVIRONMENTAL:</b>			
Personnel			99%
Contractual Services			39%
Commodities			36%
<b>TOTAL</b>	\$229,733	\$210,538	92%

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>AUTO THEFT:</b>			
Personnel			100%
Contractual Services			100%
<b>TOTAL</b>	\$90,556	\$90,648	100%

## Child Advocacy Center

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

The unit operates out of its center and is divided into teams, which generally are assigned to geographical areas. The teams consist of an Assistant State's Attorney, an investigator, a Department of Children and Family Services worker and a case manager.

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

## Significant Accomplishments

- CAC has moved into its new facility, the culmination of a nine-year effort. The move has allowed us to increase our counseling program; counseling hours have expanded to include an additional weekday providing for counseling on Wednesday and Saturday.
- The annex facility is undergoing an upgrade that includes building and security improvements. Investigative teams utilize the facility on a routine basis to conduct interviews, administer polygraph examinations and provide observable interviews on an as needed basis.
- Recognizing the special abilities 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 24 investigations.
- Every child and family seen at the CAC received referrals for cost-free therapeutic intervention services, either on site or through our partner agencies.
- Every child, whose case indicated the need, received a specialized sexual abuse medical examination with no cost to the family.

## Case Highlights

- Jose Rocha, 15 years for Predatory Criminal Sexual Assault
- Roberto Camacho, 17 years for Predatory Criminal Sexual Assault
- Raul Romero, 7.5 years for Predatory Criminal Sexual Assault
- Luis Aguilar, 17 years for Predatory Criminal Sexual Assault
- Eliodoro Duarte, 24 years for Predatory Criminal Sexual Assault
- Richard Craig, 20 years for Predatory Criminal Sexual Assault
- Thomas Cox, 20 years for Predatory Criminal Sexual Assault
- Marcus Williams, 25 years for Criminal Sexual Assault
- Heriberto Moreno, 12 years for Predatory Criminal Sexual Assault

## Statistics

Investigations		451
Joint Law Enforcement & DCFS	327	
Law Enforcement Only	124	
Investigations Pending		85
Files under Attorney Review		26
Felony charges		64
Misdemeanor charges		1
Juvenile Delinquency petition		7
Juvenile Abuse and Neglect petitions		5
Charged cases disposed		62 conv/plea 4 acquittals
Investigative Interviews:		2,325
Child victims under 13	413	
Child victims over 13	215	
Child witnesses	354	
Adult witnesses	1,066	
Adult suspects	239	
Juvenile suspects	39	

\*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, and the like, our referred for prosecution rate stands at 40 percent, which is approximately 5 percent higher than the national average (and a significant increase over the 22 percent that we posted in 2001.)

## 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, special prosecutions, priority prosecutions, narcotics, auto theft, elderly abuse, post convictions and child support. Jody Gleason is the Chief of the Criminal Division.

## Significant Accomplishments

- The Kane County State's Attorney's Office authorized 3,370 felony cases. The number of felonies increased by approximately ten percent from 2005. The felony division disposed of 2,494 felonies this year with a 95 percent conviction rate.
- Attorneys for the felony division tried 106 felony cases, 45 jury trials and 61 bench trials. Included in the numbers were 10 murder trials with a 100 percent conviction rate.
- The Bad Check program collected more than \$610,000 in restitution for Kane County merchants.
- The diversion program had 402 new applicants, and 205 individuals completed the program. The program brought in \$133,200.18 in program fees and \$150,079.04 in restitution. Individuals in the program completed more than 14,000 community service hours. A new diversion program for drugs and alcohol was created for defendants charged with misdemeanor offenses. The program accepted 270 individuals and had 55 individuals graduate. The program collected \$54,892 in program fees.
- A Citizens Prosecutor Academy was developed to educate citizens of Kane County about the court system and the prosecutor's office. The program ran for eight weeks and 22 individuals completed the program. The next session is scheduled for spring 2007.
- A new procedure to save law-enforcement officers time and money when requesting a grand jury subpoena for documents was developed. An officer requesting a grand jury subpoena sends a notarized request, to the grand jury which is presented without the officer appearing. If the grand jury grants the request, the subpoena is sent to the officer to serve.
- Attorneys for the Criminal Division and the Civil Division worked with the Kane County Sheriff's Office to develop a new procedure for Article 36 forfeitures. Once the procedure was in place, training was provided for all law enforcement offices in the county.
- The office continues to provide training for law enforcement and citizens of Kane County. In addition, in 2006 a new Supreme Court rule now requires attorneys to complete continuing legal education hours each year. Assistant State's Attorneys attended numerous seminars throughout the country. Several Assistant State's Attorneys presented at national seminars on topics from trial advocacy to child sex offenders.

- Through the financial crimes division of the Special Prosecution Unit, hundreds of thousands of dollars in restitution was collected for victims of financial crimes. In one week, more than \$225,000 was collected for victims on three separate cases. In addition, all Assistant State's Attorneys in the unit worked closely with the police on a daily basis with ongoing investigations involving financial crimes, elder and disabled abuse cases, auto theft and arson investigations.

## Case Highlights

- Armin Henderson, 180 years for first degree murder
- Jermaine Smith, 50 years for first degree murder
- George Williams, 47 years for first degree murder
- Caycee Williams, 48 years for first degree murder
- Getino Robinson, 40 years
- Miguel Maldonado, 20 years
- Faustino Dominguez, 20 years
- Robert Guyton, 56 years for first degree murder
- Jamar Simmons, 20 years for second degree murder
- Alejandro Gonzalez, 20 years for first degree murder
- David Henson, 18 years for second degree murder
- Guldelupe Alvarado, 8 years for second degree murder
- Keiotto Tennial, 5 years for involuntary manslaughter
- Angelise Sanchez, 7 years for involuntary murder

## 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 and Family Services (HFS) records as of November 2006, there are currently 12,731 open court or administrative Title IV-D cases in Kane County. Out of those cases, HFS has referred 7,178 cases to the State's Attorney's Office for enforcement.
- Attorneys for the Child Support Division conducted 1,625 hearings and had an 85 percent success rate.
- The Kane County Circuit Clerk's records show the division collected \$12,643,328.73 in child support payments for all Title IV-D cases.
- The unit collected \$54,234.55 in bond money that was forwarded onto the custodial parents for unpaid child support.
- Through the use of specialized motions and/or methods beyond the normal everyday collection efforts of the unit has seized \$24,794.32 from non-custodial parents' workers' compensation settlements and \$95,336.31 from their pension plans.
- The unit has collected almost \$13 million dollars.



## Domestic Violence

The Domestic Violence Unit prosecutes all cases involving domestic abuse, presents training on the investigation of domestic abuse and assists victims of domestic abuse in the obtaining of Orders of Protection. The unit consists of three attorneys and several case advocates.

## Significant Accomplishments

- The unit handled 1300 new misdemeanor domestic violence cases in 2006 and 114 new felony cases.
- The unit disposed of 133 felony cases and had a 92 percent conviction rate on felonies. A combined misdemeanor felony conviction rate of 72 percent.
- Attorneys attended National Conference on Domestic Violence in Houston.
- Presented a short form notification training to police agencies.
- Unit is working on developing a U-Visa protocol.
- Developed a procedure for obtaining civil no contact orders.

## Case Highlights

- Cesar Velasco, 20 years for Attempt Murder
- Jonathan Chatman, 5 years Aggravated Battery
- Ernest Esparza, 10 years
- Thiessies Clark, 12 years
- Christopher Shoemaker probation – Kane County is the first jurisdiction that has been able to hold him accountable for domestic violence. He has also been charged in Colorado and Florida.

## DUI & Traffic

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

2006 was a year in which the sections of the Illinois Vehicle Code pertaining to the offense of DUI were dramatically revised. First offenders that either had no insurance and/or no valid license at the time of their DUI arrest could now be charged as Class 4 felonies. Additionally a third offense became a Class 2 felony, a fourth offense became a Class 2 non probationable felony, and a fifth offense became a non probationable Class 1 Felony. Also the legislature created a Class X DUI charge for six-time offenders. Several Class X felony DUI cases are currently pending in Kane County.

## Significant Accomplishments

- Thirty-eight new felony DUI cases were filed in 2005. 117 new felony DUI cases were filed for 2006. This was more than triple the number of new felony DUI cases from the previous year.
- Thirty-four DUI cases went to trial in 2006 with a conviction rate of 97 percent.
- 201 non-DUI traffic citations went to trial with a conviction rate of 86 percent.
- Twenty-three repeat offenders were sent to the Illinois Department of Corrections in 2006.
- Sixty-five officers from 19 different Kane County police departments attended a seminar on a review of the three Standardized Field Sobriety tests, and “Recognizing the Drug-Impaired Driver.”
- Following last year’s success with the “Choose Your Fate!” wristbands, a Spanish language version of the wristbands was introduced, along with the introduction of “Choose Your Fate!” dog tags. These items were distributed at various locations through the county for the National Night Out Against Crime held August 1, 2006, and also at the Kane County Safe Kids Day held at the Kane County Fair Grounds on August 26, 2006.
- The DUI Division participated in Kaneland High School’s pre-prom assembly on April 13, 2006.
- Gave a presentation on the DUI laws for the Citizen’s Prosecutor Academy.