

**Office of the Kane County State's Attorney**



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January 2008

The year 2007 was a year of cold cases, new responses to drunk driving problems and new revenue streams for Kane County. Continuing from 2006, 2007 saw new highs in cases tried and defendants convicted, a continued adherence to budget, and a continued search for new ideas to old problems. The high level of success in recent years was continued and in some situations, improved upon.

The following will give you a glimpse of the various divisions in the State's Attorney's Office 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*

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# Kane County State's Attorney's Office

## 2007 Year-End Report

### Introduction

In 2007 the Kane County State's Attorney's Office consisted of 137 employees, 60 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 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.

### Changes and Firsts

#### Collection of Forfeited Bonds

The State's Attorney's Office began a new program in 2007 of collecting bond money forfeited to the County. When a defendant posts bail money and is released he or she is warned that if he or she does not appear in court when required, the posted bond money will be taken by the County and a warrant will be issued. In previous years, the warrants have been issued the posted bond money has not been seized by the County. For the first time a systemized approach to seizing the money was begun. The State's Attorney's Office is now seizing this money and giving it to Kane County. We will go back as far as possible to collect every cent due to the County.

#### Felony Review Database

In 2006, we first introduced a computer based system of screening felony charges. This allowed us to keep track of and archive a great deal of statistical information about the felony cases we prosecute. In 2007 we had an entire year of data to review and a great deal of useful information was gathered. This information will be discussed further in this report. Future manpower and budget decisions will utilize this information to better serve our community.

#### Cold Cases

The State's Attorney's Office worked with the Federal Bureau of Investigations, Aurora Police Department and the Kane County Sheriff's Department to investigate and review many cold case homicides involving members of the Latin King Street gang in Kane County. A special grand jury was convened in spring 2007. 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. The oldest defendant, Angel "Doc" Luciano, who at one time was the leader of the Latin Kings in Aurora, was convicted of the 1989 murder of Willie Arce. Members of the felony division received the Stars of Distinction Award from the Chicago Crime Commission for their work on the cold case investigations.

## Secure Continuous Remote Alcohol Monitor (SCRAM) Utilized

In April 2007 the Kane County State's Attorney's Office began utilizing the SCRAM bracelet. The bracelet worn on an offender's leg, uses transdermal readings of the skin perspiration to not only detect the presence of alcohol but also to give a BAC level. The bracelet is used to help enforce court orders that prohibit the consumption of alcohol by defendants. It is far superior to random monthly urine screens which were less effective because the tests were administered only once a month and because alcohol is eliminated rapidly from the human body. The SCRAM device provides 24 hour continuous monitoring.

Since the launch of the program, 136 defendants have been put on the SCRAM bracelet and that number is growing. There have been 12 violations to date. Overall, there has been 91% compliance with the defendants on SCRAM. Of the violators, 3% have been for alcohol consumption, 4 ½ % for tampering with the SCRAM device, and 1 ½ % for not following instructions/court orders.

Kane County was the third county in Illinois to utilize this SCRAM technology. And in less than a year Kane County became the leading user of the SCRAM bracelet in Illinois, surpassing Cook, DuPage, McHenry and Will Counties combined.

## A.R.M. Program Utilized in DUI Court

In 2007 the Kane County DUI Division began sentencing DUI offenders to the "Accepting Responsibility is Mandatory!" (A.R.M.) program in Oregon, Illinois. This weekend long treatment program tackles alcohol addiction through a combination of counseling, education aimed at making better choices, and team building exercises.

## Community Intervention: Personal Accountability through Intervention (Pati) Pre-trial Diversion Program

In April 2007 the Kane County State's Attorney's Office in partnership with the Community Intervention office, launched the PATI pre-trial diversion program. This program is aimed at younger defendants who are dealing with alcohol or drug dependency issues. To date 74 offenders have enrolled in the program.

# **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, 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 3,846 felony cases. The number of felonies increased by approximately thirteen percent from 2006. The felony division disposed of 2,898 felonies this year with a 95 percent conviction rate. The division increased the number of cases disposed of by 14 percent.
- Attorneys for the felony division tried 124 felony cases, 51 jury trials and 73 bench trials. The division increased its trial numbers by 17 percent from 2006.
- The Bad Check program collected \$656,195.47 in restitution for Kane County merchants. A total of 5,612 checks were submitted. 862 participants attended the Bad Check Restitution program class to learn how to manage their money. The program brought in \$34,502.14 in revenue to the Kane County State's Attorney's Office.
- The diversion program had 444 new applicants, and 288 individuals completed the program. The program brought in \$186,409.25 in program fees and \$315,063.56 in restitution. Individuals in the program completed more than 22,673 community service hours. The Second Chance Drug and Alcohol program accepted 230 participants and had 172 participants graduate. The program brought in \$78,651 in program fees. Thirty participants completed an inpatient or outpatient substance abuse program.
- The Kane County State's Attorney's Office continued the Citizens Prosecutor Academy which began in 2006. The program was developed to teach citizens of Kane County about the court system and the prosecutor's office. Fifty participants completed the program. Assistant State's Attorney's taught on various legal topics. The program will continue in 2008.
- A division continued to use the Grand Jury to work with law enforcement to investigate crimes in Kane County. The Grand Jury issued 398 subpoenas for evidence in 2007.
- The office continues to provide training for law enforcement and citizens of Kane County. Assistant State's Attorney's trained law enforcement officers on search warrants, evidence collection and storage, and various other topics. Assistant State's Attorney's also trained other lawyers by conducting seminars at the Kane County Bar Association 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. 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 444 applicants with 288 graduates and 67 negative terminations in 2007.
- To date, 2,102 defendants have successfully completed the Second Chance Program and 621 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 \$315,063.56 in restitution.
- \$1,565,142.50 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 \$186,409.25 in application and program fees from the defendants.
- Defendants on the Second Chance Program performed 22,673 hours of community service in 2007. 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 258,654 hours of community service.
- Of the 288 graduates in 2007, 14 obtained their high school diploma or G.E.D., 20 enrolled in ESL classes, 66 completed a counseling program (substance abuse, personal, anger management, or financial), seven enrolled in and completed at least one college course, 14 wrote letters of apology, three completed a parenting class, two enlisted in the military and 66 completed the Life Skills Program.

## Drug and Alcohol Program

The second 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 230 participants, had 172 graduates, and 60 negative terminations from the program. This resulted in an overall success rate of approximately 75%.
- Collected \$78,651.00 in program fees in 2006-2007.
- 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. All defendants are surveyed following their participation in the program. Feedback for the education program continues to be consistently positive.
- More than 30 program participants completed either inpatient or outpatient treatment for substance abuse.

## Domestic Violence

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

## Significant Accomplishments

- The unit opened 1,500 new misdemeanor domestic violence cases in 2007.
- The unit had 216 new felony domestic violence cases in 2007.
- The unit disposed of 147 felony cases and had a 97 percent conviction rate.
- The combined misdemeanor and felony conviction rate for the unit was 72 percent.
- The unit currently has 144 open felony files.
- The attorneys as well as a victim advocate attended the National Conference on Domestic Violence in Florida.
- The U-Visa protocol was developed and put into place, with eight applications being submitted.
- The unit was able to assist 262 victims with obtaining criminal orders of protection.
- Began serving the northern end of the county by offering assistance to victims in obtaining orders of protection in our Elgin branch office.
- Worked with the clerk's office to move from paper orders of protection to paperless orders, which speeds up the time in which victim's orders are processed and respondents are served.
- Attorneys participated in a bilingual presentation on domestic violence and orders of protection in conjunction with Mutual Ground shelter to a parents group within the community.
- Participated in training of officers at Elgin Police Department through the Law Enforcement Training Subcommittee of the FVCC.

## Case Highlights

- Bobby Gusman, 4 years for Robbery, 2 years for Domestic Battery
- Lawrence Madden, 3 years for Failure to Register as Sex Offender and for 3 violations of an order of protection
- Christopher Terry, 3 years for Aggravated Domestic Battery consecutive to 1 year for Domestic Battery
- Mario Watson, 3 years for Aggravated Domestic Battery
- Paul Watson, 2 years for violation of an order of protection consecutive to 2 years for violation of an order of protection. Convicted on four violations of order of protection.



## DUI & Traffic

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

The year 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

- A total of 77 misdemeanor DUI cases went to trial in 2007, a significant increase from the 34 DUI trials in 2006. Eleven of those trials were jury trials and remaining 66 were bench trials.
- The average conviction rate for misdemeanor DUI cases was 75 %.
- In the traffic division a total of 407 traffic cases went to trial, 3 jury trials and 404 bench trials with a conviction rate of 80%.
- A total of 168 misdemeanor cases were tried; 153 bench trials and 15 jury trials.
- The conviction rate for misdemeanor cases was 61%.
- The total number of misdemeanor DUI cases filed in 2007 was 2,124, an increase from the 2,069 misdemeanor DUI cases filed in 2006 and 1,856 misdemeanor DUI cases in 2005.
- The total number of misdemeanor cases (excluding DUIs and Domestic Battery misdemeanors) filed increased to 7,818 cases in 2007. There were 7,712 misdemeanor cases filed in 2006.
- The Kane County State's Attorney's Office DUI Division organized, for police officers, a training seminar that was funded by the Kane County DUI Task Force. The training was a three-day course entitled "Drugged Driver Detection for Patrol Officers," held April 10 – 12, 2007.

## 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 there are currently 11,176 open court or administrative Title IV-D cases in Kane County. Out of those cases, HFS has referred 7,619 cases to the State's Attorney's Office for enforcement.
- Attorneys for the Child Support Division conducted 1,832 hearings (up from last year) and had a 97 percent success rate.
- The Kane County Circuit Clerk's records show the division collected \$14,024,809.68 in child support payments for all Title IV-D cases.
- The Kane County State's Attorney's Office has increased collections by one million dollars during this last fiscal year.

### Case Highlights

- In October 2007, a new initiative was started to identify noncustodial parents who have posted bond in criminal cases. When verified that funds have been posted, a motion is filed to seize the criminal bond and apply the bond posted to the child support arrearage. Since October 2007 (a six week period) we filed 7 motions and collected \$7,275.00 from posted criminal bonds. We have received permission from Commander Keaty of the Kane County Jail to access their database to create a report that will easily identify these cases and increase our collection of bond money.
- This year our Office filed 337 petitions for Rule to Show Cause. Of those, 293 were prepared by our Office and 43 by Healthcare and Family Services. We went to hearing on 141 cases and 129 were found guilty. This is a 91% success rate and we collected \$122,521.86 in purge payments money that was forwarded to the custodial parents for unpaid child support. We also had ten noncustodial parents bring their child support obligations current and avoid a hearing by paying a total of \$15,198.62. These payments were forwarded to the custodial parents for unpaid child support.
- Our paralegals aggressively obtained new address information for the noncustodial parents and requested on a monthly basis that the Sheriff or local jurisdictions attempt the arrest of noncustodial parents. By serving outstanding Body Writs (civil warrants) on the noncustodial parents, who reside in the State of Illinois, we collected \$20,400.00 (this is in addition to the purge payment collected) that we also forwarded to 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, we seized \$20,606.25 from noncustodial parents' worker's compensation settlements and \$15,208.00 from pension plans. Specifically, the pension plans will make monthly payments totaling \$193,115.00 directly to the custodial parent until each child reaches his or her eighteenth birthday. These amounts are all paid directly to the custodial parent and are not included in the Circuit Clerk's figures listed above.

# **Screening and Charging**

As you will read, 2007 was an outstanding year for the Kane County State's Attorney's Office. Our felony review unit approved a record 3,801 felony cases. This could not have been achieved without the support and cooperative efforts from the Kane County law enforcement agencies throughout the county.

More than thirty-six different police agencies called our felony hotline seeking charges. The five departments which had the most contact were in order, Aurora Elgin Carpentersville Kane County Sheriff's Department and St. Charles Police Department. These five agencies accounted for almost 70% of the 3,801 charges filed.

The top five most charged offenses were Unlawful Possession of a Controlled Substance (471 cases) Retail Theft (289 cases) Aggravated Battery (241 cases) 4) Obstruction of Justice (217 cases) and Delivery or Possession with the Intent to Deliver a Controlled Substance (214 cases). These five offenses accounted for more than 38% of the 3,801 cases charged. As you can see, possession and delivery of a controlled substance were both found in the top five.

Felony charges are classified according to their level of punishment. This classification system includes (from most to least serious) class M, class X, class 1, class 2, class 3, and class four felonies. Class M felonies, the most serious, accounted for just over 1% of all cases charged. Class X felonies accounted for 7% of all cases charged, class 1 felonies accounted for 7% of all cases charged, class 2 felonies accounted for 15%, class 3 felonies accounted for 26%, and class 4 accounted for 41% of all cases charged.

## HIGHLIGHTS

1. As an office, we charged 3,801 felony offenses in 2007.
2. The classification of the offenses broke down as follows:
  1. Class M (murder): 55 cases = 1.4% of all cases charged
  2. Class X: 264 cases = 7 % of all cases charged
  3. Class 1: 265 cases = 7 % of all cases charged
  4. Class 2: 565 cases = 15% of all cases charged
  5. Class 3: 1000 cases = 26% of all cases charged
  6. Class 4: 1575 cases = 41% of all cases charged
3. The top ten offenses charged (2253 cases) account for 59% of all cases charged.

The top five offenses charged (1432 cases) accounted for 38% of all cases charged in 2007. The six-10 offenses charged (821) accounted for 21% of all cases charged in 2007.

1.	Unlawful Possession of a Controlled Substance	471 cases
2.	Retail Theft	289 cases
3.	Aggravated Battery	241 cases
4.	Obstruction of Justice	217 cases
5.	Delivery or Possession with Intent to Deliver Controlled Substances	214 cases
6.	Theft	186 cases
7.	Burglary	182 cases
8.	Forgery	181 cases
9.	D.U.I.	153 cases
10.	Criminal Damage to Property	119 cases
	<b>TOTAL:</b>	<b>2,253 cases</b>

### 4. **DRUG OFFENSES (account for 22% of cases filed)**

Drug offenses (possession, possession with intent, and delivery) accounted for 838 cases. This represents just more than 22% of all cases filed.

Drug possession charges accounted for 512 cases (13.4% of all cases filed).

U.P.C.S. (471 charges = 12.3% of all cases charged).

U.P.C. (41 charges = 1.1% of all cases charged).

Drug delivery charges accounted for 326 cases (8.5% of all cases filed)

U.D.C.S. or U.D.C.S. with intent accounted for 214 cases (5.6% of all cases filed).

U.D.C. or U.P.C. with intent accounted for 112 cases (2.9% of all cases filed)

5. **POLICE AS VICTIM OFFENSES (account for 2.5% of all cases filed)**

Police officers as victims accounted for 95 cases. (2.5% of all cases filed).

Aggravated Battery to a Police Officer accounted for 68 cases.

Resisting a Police Officer accounted for 25 cases.

Disarming a Police Officer accounted for 2 cases.

6 **DOMESTIC RELATED OFFENSES**

Domestic violence type cases accounted for 159 cases. (4% of all cases filed).

Domestic Battery accounted for 94 cases.

Unlawful Restraint accounted for 28 cases.

Order of Protection accounted for 21 cases.

Telephone harassment accounted for 16 cases.

7. **SEX OFFENSES**

Sex offenses accounted for 101 cases. (3.5% of all cases filed).

Sexual Abuse accounted for 41 cases.

Predatory Criminal Sexual Assault accounted for 30 cases.

Criminal sexual assault accounted for 30 cases.

8. **DRIVING TYPE OFFENSES**

Driving offenses accounted for 225 cases. (6% of all cases filed).

D.U.I. accounted for 153 cases.

Aggravated Fleeing and Eluding accounted for 29 cases.

D.W.L.R. accounted for 28 cases.

Leaving the Scene accounted for 15 cases.

9. **PAPER CRIME OFFENSES**

Paper crime offenses accounted for 274 cases. (7% of all cases filed)

Forgery accounted for 181 cases.

Unlawful Use of Credit Cards accounted for 62 cases.

Deceptive Practices accounted for 25 cases.

Financial Exploitation accounted for 6 cases.

10. **MISCELLANEOUS**

Sex Offender Registration Violations accounted for 82 cases.

Fraudulent Identification cards accounted for 71 cases.

Identity Theft accounted for 47 cases.

**SUMMARY OF OFFENSES AND NUMBER OF CHARGES**  
(MOST TO LEAST)

<b>OFFENSE</b>	<b>#</b>	<b>NOTES</b>
CONTROLLED SUBSTANCE – (POSSESSION)	471	All drugs included (cocaine, heroin, etc)
RETAIL THEFT	289	All types of retail theft including over \$150 and those under \$150 with priors
AGGRAVATED BATTERY	241	All types; three most were 1) police officer (67); 2) deadly weapon (40) and 3) pregnant victim (35)
OBSTRUCTION OF JUSTICE	217	Almost all were charged as “prevent the prosecution of” – bad names to police.
CONTROLLED SUBSTANCE – (DELIVERY)	214	All drugs included; also includes all enhanced based on location of delivery.
THEFT	186	
BURGLARY	182	Includes 2 cases of possession of burglary tools.
FORGERY	181	“Makes” and “Delivers”
DRIVING UNDER THE INFLUENCE	153	All types.
CRIMINAL DAMAGE TO PROPERTY	119	Includes both State supported and standard damage.
CANNABIS (DELIVERY)	112	Includes all enhanced based on the location of the delivery.
DOMESTIC BATTERY	94	Includes those enhanced based upon priors.
SEX OFFENDER VIOLATIONS	82	All charges based upon sex offender registration laws;
UNLAWFUL POSSESSION OF STOLEN/CONVERTED MOTOR VEHICLES	73	Includes both stolen/converted and those aggravated offenses.
FRAUDULENT IDENTIFICATION CARDS	71	No distinction made between fraudulent and fictitious. Also included possession of an altered identification card (14).
RESIDENTIAL BURGLARY	70	
UNLAWFUL USE OF CREDIT CARD	62	All types (possession; use; mislaid; included)
UUW	62	Various offenses included in this category (on person; in car; location; etc)
MURDER	56	All murders sections and all mental states included.
MOB ACTION	54	
IDENTITY THEFT	47	All types and all amounts included

CANNABIS – (POSSESSION)	41	
SEXUAL ABUSE	41	All types included (force; consent; age)
ROBBERY	31	
PREDATORY CRIMINAL SEXUAL ASSAULT	30	
SEXUAL ASSAULT	30	
AGGRAVATED FLEEING	29	
HOME INVASION	29	
CAR OFFENSES (TITLE/ID #)	28	This includes title, registration, etc
DWLR	28	
UNLAWFUL RESTRAINT	28	
ARMED VIOLENCE	25	Includes category I, II, and III type weapons.
DECEPTIVE PRACTICE	25	
RESISTING OFFICER (HARM)	25	
ORDER OF PROTECTION	21	
UUV BY FELON	17	
TELEPHONE HARASSMENT	16	
ATTEMPT MURDER	16	
DISORDERLY CONDUCT	15	Includes all types of offenses (false report; calling 911; etc)
LEAVING THE SCENE	15	
AGGRAVATED DISCHARGE	14	



ESCAPE	13	
RECKLESS DISCHARGE	13	
ROBBERY – AGGRAVATED	11	
FOID CARD VIOLATIONS	10	
ROBBERY - ARMED (FIREARM)	10	
RECORDING	9	Unlawful possession and selling of music and movies
ROBBERY – ARMED (NO FIREARM)	9	
CHILD PORN	8	
DEFRAUDING DRUG TEST	8	Attempts are also felony offenses
DRIVERS LICENSE OFFENSES	8	Using and/or providing false information
HOME REPAIR FRAUD	8	
PRESCRIPTION FORMS	8	
CHILD ABDUCTION	6	
FINANCIAL EXPLOITATION	6	
INTIMIDATION	6	
PROSTITUTION (PRIORS)	6	
AGGRAVATED ASSAULT	5	
ARSON	5	
IMPERSONATING A POLICE OFFICER	5	
EAVESDROPPING	4	
VEHICULAR HIJACKING	4	
CONCEALMENT HOMICIDE	3	
GAMBLING – ATTEMPT	3	
INDECENT SOLICITATION	3	
MISC	3	Not coded

OFFICIAL MISCONDUCT	3	
STALKING	3	
ABUSE/NEGLECT- (ELDER) (FAILURE TO PERFORM)	2	
CHILD EXPLOITATION	2	
DISARMING PEACE OFFICER	2	
HEINOUS BATTERY	2	
INSURANCE FRAUD	2	
PENAL INSTITUTION – (CONTRABAND)	2	
AIDING FUGITIVE	1	
ANIMAL CRUELTY	1	
BRIBERY	1	
CARE FACILITY RESIDENT ABUSE	1	
CHILD SUPPORT (\$20,000)	1	
COMPUTER HARASSMENT (THREAT)	1	
FORTIFICATION OF RESIDENCE	1	
HYPODERMIC NEEDLES – POSSESSION	1	
KIDNAPPING (VIC UNDER 13)	1	
PANDERING	1	
RECKLESS DRIVING – AGGRAVATED	1	
RECKLESS HOMICIDE	1	

# **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 37 were worked.
- Service of 592 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 84 were served. The majority being served in the City of Chicago.
- Service of Notices of Pending Forfeitures at the Kane County Correctional Center of which 64 were served.
- On many occasions, received requests by ASAs 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.
- Two arrests in 2007. One stemming from a request by the Abuse and Neglect Division to locate a mother in a pending adjudication hearing who was wanted on two warrants. Also, an arrest of a witness in a murder case for contempt of court who had not complied with a subpoena.
- Assisted by Ofc. Ray Bober of the Kane County Sheriff's Dept. Civil Division. Ofc. Bober handled the service of numerous legal papers in Kane County.

# **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 by a developer.
- Assisted the Transportation Division in reviewing Red Light Running policy.
- Researched, investigated and responded to several complaints of Open Meetings Act violations by various public bodies in Kane County.
- Researched statutes, coordinated with the Kane County Circuit Clerks Office, and finalized an agreement to aid in the collection of a significant amount of delinquent fees, fines, costs and restitution in Kane County.
- Assisted Kane County Circuit Clerk in researching and analyzing issues relating to publication requirements and collection of court fees.
- Represented the Kane County Sheriff's Department with respect to FOIA requests regarding criminal investigations.
- 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.
- Presented a seminar on the Illinois Open Meetings Act, FOIA and Ethics Act to various county and local elected officials.
- Participated in the Citizens Prosecutor Academy presented by the State's Attorney's Office.
- Presented speech at Kane County Bar Association concerning employer obligations in connection with military leaves of absence.

- Presented at Boy Scouts Law Merit Badge Day regarding contracts and environmental issues.
- Assistants and a Special Assistant advised the Kane County Sheriff's Merit Commission in disciplinary hearings and other Merit Commission matters.
- Several bills authored by the State's Attorney's Office were signed into law in 2007. Testimony was offered before the legislature by Assistant State's Attorneys. One law addresses the use of bad check restitution program money by the State's Attorney's Office for law enforcement purposes. Another new law changes how credit is calculated when a defendant is resentenced following a term of periodic imprisonment so that defendants will only receive credit for actual time served. The Criminal Code was amended to reflect a change in the luring statute. Finally, a collective effort with several agencies resulted in establishing the Elder Death Review Team.
- One Civil Division Assistant State's Attorney tried two criminal cases, each ending in first degree murder convictions. One case involved a shaken baby and the other was a gang shooting.

## 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, 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 various referendum issues. 2008 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 2007, the Civil Division won two significant tax cases in the 2<sup>nd</sup> District Court of Appeals:

- First, a real estate developer wants the Kane County Collector to accept partial payments for taxes on property index numbers, which would significantly add to the workload of the County Collector. The appeals court upheld the trial court's decision blocking this attempt.
- Second, Commonwealth Edison wants transmission corridors to be valued at acquisition cost for property tax purposes, which would significantly lessen their tax payments. The appeals court upheld the Kane County Board of Review, and the Illinois Property Tax Appeals Board's, decisions rejecting Commonwealth Edison's position.

- Additionally, 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.

## General Litigation

- 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 2008.
- 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.
- Assumed representation of a 2007 property damage case against a Kane County employee.
- Continued vigorous representation of Kane County in a 2002 law division personal injury case, including deposing experts in engineering and accident reconstruction, and filing a comprehensive Motion for Summary Judgment.

## 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 2008 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.
- The Civil Division in 2007 faced an unprecedented increase in inmate conditions of confinement complaints, when over 25 cases were filed against the Kane County Sheriff, his employees, and contractors, over a 4 month period. These cases represent a new level of civil litigation by inmates against county officers, in addition to those cases pending at the beginning of 2007 which were not resolved by dismissal or settlement in 2007.



## Forfeitures

- Handled a growing case load of Article 36 Forfeitures. 199 vehicles were seized by area law enforcement in 2007. Of the 199 seizures, 76 vehicles were forfeited to the police departments by December 31, 2007. In addition, vehicles seized in 2006 also were forfeited to police agencies in 2007. 43 of the 199 vehicles seized in 2007 were released to lien holders; 11 to innocent owners; and 7 to a family member in cases of hardship. In addition, 7 vehicles were returned to their owners because the offense committed was not covered by Article 36; 3 vehicles were referred to other counties because the vehicles were not seized in Kane County; and 6 vehicles were returned to owners by either the tow company or police department.
- Achieved goal of disposing of most vehicles within 60 days absent extenuating circumstances.
- Continued to field inquiries and meet with police departments about improving Article 36 Forfeitures. Met with officials from another county to assist in their efforts to develop and implement a computer system to improve the handling of that county's Article 36 Forfeitures.

## Elections

- Represented the Kane County Clerk in obtaining judicial relief in the U.S. District Court regarding an abbreviated election calendar due to the resignation of Congressman Dennis Hastert.
- 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 2008 elections.
- Assisted the Kane County Clerk in ensuring compliance with the filing of Statements of Economic Interest.
- Represented the Kane County Electoral Board in four (4) election objections.
- Represented the Kane County Electoral Board after it was appointed by the Circuit Court to hear an objection to a petition requesting that a public question be placed on the ballot to dissolve the Village of Campton Hills.
- Negotiated a Memorandum of Agreement between Kane County, the Kane County Clerk and the Department of Justice, Voting Rights Section. As a result, the County and County Clerk avoided a lawsuit alleging violations of the Federal Voting Rights Act. The Civil Division is currently working with the County Clerk and representatives from DOJ to implement the terms of the agreement.

## 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 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 and racial 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, 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 laws, including Title VII, Americans with Disabilities Act, Family Medical Leave Act, Age Discrimination in Employment Act and Illinois Human Rights Act.
- Assisted the County and Elected Officials in conducting disciplinary investigations and advised officials and supervisors concerning discipline and termination of employees.
- Provide 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.

## Health Department Matters

- Advised the Health Department concerning court-ordered isolation of individuals with tuberculosis and represented the Health Department in court in connection with the Department’s intervention in an eviction proceeding involving a tuberculosis patient.

- 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 and provided formal comments to Illinois Department of Public Health concerning proposed quarantine and isolation regulations.
- Advised the Health Department on numerous grants.
- 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.
- Presented speech concerning liability issues for County Governments in connection with the mobilization and distribution of the Strategic National [pharmaceutical] Stockpile at the Illinois Bioterrorism Summit sponsored by the Illinois Department of Public Health.

## 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. Reached settlement with five of the Defendants, in which the Defendants agreed to pay \$250,000 in civil penalties to the County and pay the PBC \$1,250,000 in damages.

## Ordinance Violations

- Vigorously pursued petitions for the award of additional stipulated penalties in a zoning ordinance violation case involving a concrete business in Aurora and was awarded \$90,000 in penalties for continuing violations. To date, over \$200,000 in stipulated penalties has been collected in the case and paid into the County’s General Fund.

## Contracts

- Assisted the County and Chief Judge in negotiating and drafting a multi-year medical services agreement for the Juvenile Justice Center.
- Reviewed various contracts and grant agreements for several County and Elected Officials.
- Negotiated and drafted various agreements for several County departments.

## Ethics Act

- Researched matters involving the application of the County's Ethics Ordinance to County Elected Officials and their employees.

## 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 2007

### 26 OPEN CASES

17 Female: 15 Seniors, 2 disabled adults

9 Male: 8 Seniors, 1 disabled adult

#### Types of Cases:

Aggravated Battery- 12 (4 in 2006)

Financial Exploitation- 4 (6 in 2006)

Aggravated Sexual Abuse- 2 (2 in 2006)

Home Repair Fraud- (1 in 2006)

Forgery- 2 (2 in 2006)

Criminal Neglect- 1 (1 in 2006))

Theft - 1

Leaving the scene of an accident - 3

Arson - 1

Number of cases closed in 2007:

36 (31 in 2006)

Warrants: 9

Mental Health Calls:

26 telephone calls and inquiries

4 Petitions completed

### Speaking Engagements

Pigeon Hill Community Group, Aurora  
Making a Difference Community Group, Aurora  
Illinois Elder Rights Conference, Chicago  
St. Peter Church, Geneva

### Conference/Training Attended

Elder Self Neglect Seminar, Kane County  
Federal Benefits for Veterans, Kane County  
Medicare Part D, Geneva  
Awareness of Special Needs of Elderly, Kane County  
Elder Abuse Investigator Training, Dept. of Aging  
Legislative Forum Elder Issues, Kane County

### Monthly Meetings

Kane County Elder Fatality Review Team  
Senior Services Meeting  
16<sup>th</sup> Judicial Circuit Elder Abuse Subcommittee  
Tri-Cities Triad  
Continued Co-chair of the Kane County Elder Death Review Task Force

# **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, 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. Each team consists 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 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

- National Children's Alliance funds were awarded and utilized to complete 100% participation of CAC assigned personnel at forensic interview training through *Finding Words Illinois* or *Corner House*.
- Through grant funding and scholarship opportunities CAC assigned personnel also attended the following:
  - National District Attorney's Association, *Prosecution of Child Abuse*
  - National Children's Alliance, *Advanced Management Training*
  - Univ. of Wisc., *23<sup>rd</sup> Annual Midwest Conference Child Sexual Abuse*
  - Dallas Police Department, *Crimes Against Children Conference*
  - Children's Hospital, *MDT Response to Suspected Child Sexual Assault*
- The CAC received grants to purchase and install state of the art digital recording equipment in two forensic interview rooms in the CAC facility. Prosecutors have the capacity to observe interviews either in real time or historically through off site monitoring equipment installed at the State's Attorney's Office. All members of the CAC teams have received training with the equipment and forensic interview recording will commence February 1, 2008.
- 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 **25** investigations.
- The CAC referred **517** 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 **25** children reporting sexual abuse, **4** children received specialized physical abuse examinations and **111** children were seen at hospital emergency rooms for issues of sexual abuse.
- Through community partnerships, and the *Friends of Child Advocacy*, the CAC was able to create and implement programs for sexually reactive children and currently have 12 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 Internet Crime, 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 District Attorney's Association, the National Children's Alliance and Northeast Multiregional Training Unit. Program personnel have been called upon to testify regarding sex abuse legislation before three legislative hearing committees and at the Loyola University School of Law - Public Interest Law Symposium.

#### **Offender Accountability:**

- Of the 94 criminally charged cases disposed in FY 2007, the CAC prevailed in 86 of them for a conviction rate of **92%**.
- CAC attorneys conducted 7 trials in FY 2007, 5 bench trials and 2 jury trials; winning convictions in 5 of them.

#### **Case Highlights**

- Mark Kimbrough, 05 CF2568, found guilty at trial, 7 counts of Predatory Criminal Sexual Assault, 8 counts of Criminal Sexual Abuse and 1 count Aggravated Criminal Sexual abuse, sentenced to 99 years Ill. Department of Corrections (IDOC). \*\*FY07 conviction / FY 08 sentencing.
- Todd Clodfelter, 06 CF 2376, Defendant plead guilty to Criminal Sexual Assault and Aggravated Criminal Sexual Abuse for a total of 24 years IDOC.
- Steven, plead guilty to Predatory Criminal Sexual Assault for 20 years IDOC
- Jose Rocha, plead guilty to Predatory Criminal Sexual Assault for 15 years IDOC
- Martin Martinez, cold plea to Predatory Criminal Sexual Assault for 15 years IDOC



## Statistics

<b>Investigations conducted:</b>		<b>393</b>
Joint Law Enforcement & DCFS	296	
Law Enforcement Only	97	
<b><i>I.    Investigations Pending</i></b>		<b>82</b>
<b>Files under Attorney Review</b>		<b>18</b>
<b>Charged/filed court actions</b>		<b>82</b>
Felony charges	69	
Misdemeanor charges	1	
Juvenile Delinquency petitions	6	
Juvenile Abuse and Neglect petitions	6	
<b>Charged cases disposed</b>		<b>94</b>
Convictions/pleas    ( 92%)	86	
Acquittals/nolle prosequi	8	
<b>Charged cases-warrants outstanding</b>		<b>101</b>
<b>Investigative Interviews:</b>		<b>1891</b>
Child victims under 13	278	
Child victims over 13	166	
Child witnesses	249	
Adult witnesses	916	
Suspects	282	

\* 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 Attorney's 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:

- The fiscal division of the State's Attorney's Office has been trained and has implemented the New World Finance system for all accounts payable and revenue receipts.

## 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 2007 the Kane County State's Attorney's Office came in under budget in nine of the 10 funds. The only fund to be significantly over budget was the Victim Services Fund by one percent; this was due to the cost of weekend and holiday bond call. Because employees rotate scheduled when working weekends or holidays it is not always predictable what impact it will have to a fund within that year.

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 2007 was \$8,509,532. The total amount spent by the Kane County State's Attorney's Office in 2007 was \$8,303,327. Taking into consideration all funds, the Kane County State's Attorney's Office spent less money than was budgeted by the Kane County Board.

KANE COUNTY STATE'S ATTORNEY'S OFFICE  
**FINANCIAL REPORT**  
FISCAL YEAR 2007

**GENERAL REVENUE:**

Description	FY 06	FY 07
State's Attorney's Fine & Fees	\$348,218	\$362,422
Bond Forfeiture	700,708	875,205
Collections	48	45
Second Chance	188,262	259,179
State's Attorney Prosecution Fees	367,031	383,270
Restorative Justice Program/Miscellaneous	14,652	4,323
Bad Check Program	33,904	34,637
Drug Asset Forfeiture	34,451	30,470
State's Attorney's COLA	154,621	129,820
Interest Earned (Special Acct./Special Funds)	37,917	38,420
<b>TOTAL</b>	<b>\$1,879,812</b>	<b>\$2,117,791</b>

**GRANT REVENUE:**

Description	FY 06	FY 07
<b>Child Advocacy Center:</b>		
Attorney General Victim Assistance	\$ 18,700	\$ 18,700
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
DECO	20,000	grant ended
<b>Child Support:</b>		
Dept. of Healthcare & Family Services	\$714,222	\$ 749,382
<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	Gr. Reduced \$ 143,967
<b>Auto Theft Task Force:</b>		
Kane County Auto Theft Task Force	\$ 70,573	\$ 64,692
<b>Weed &amp; Seed:</b>		
US Department of Justice	\$ 225,000	Gr. Reduced \$ 200,000
<b>TOTAL</b>	<b>\$1,419,709</b>	<b>\$1,367,996</b>

## EXPENDITURES

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL:</b>			
Personnel			99%
Contractual Services			112%
Commodities			93%
Capital			0%
<b>TOTAL</b>	<b>\$4,375,192</b>	<b>\$4,381,438</b>	<b>100%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER</b>			
Personnel			98%
Contractual Services			108%
Commodities			90%
Capital			100%
<b>TOTAL</b>	<b>\$734,901</b>	<b>\$730,860</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL:</b>			
Personnel			96%
Contractual Services			78%
Commodities			85%
<b>TOTAL</b>	<b>\$1,174,102</b>	<b>\$1,020,898</b>	<b>87%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D:</b>			
Personnel			98%
Contractual Services			87%
<b>TOTAL</b>	<b>\$749,710</b>	<b>\$741,388</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION:</b>			
Personnel			98%
Contractual Services			100%
<b>TOTAL</b>	<b>\$336,820</b>	<b>\$331,117</b>	<b>98%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES:</b>			
Personnel			102%
Contractual Services			88%
<b>TOTAL</b>	<b>\$185,438</b>	<b>\$188,119</b>	<b>101%</b>

EXPENDITURES (continued)

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DOMESTIC VIOLENCE:</b>			
Personnel			96%
Contractual Services			82%
Commodities			9%
<b>TOTAL</b>	<b>\$434,771</b>	<b>\$412,732</b>	<b>95%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>ENVIRONMENTAL:</b>			
Personnel			98%
Contractual Services			83%
Commodities			41%
<b>TOTAL</b>	<b>\$224,246</b>	<b>\$215,551</b>	<b>96%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>AUTO THEFT:</b>			
Personnel			88%
Contractual Services			100%
<b>TOTAL</b>	<b>\$92,162</b>	<b>\$81,253</b>	<b>88%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>WEED &amp; SEED:</b>			
Personnel			94%
Contractual Services			106%
Commodities			92%
<b>TOTAL</b>	<b>\$200,000</b>	<b>\$199,971</b>	<b>100%</b>

**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 has been responsible for prosecuting cases this year ranging from the very serious offenses of armed violence, home invasion, aggravated discharge of a firearm to the more minor offenses of truancy and curfew.

The Delinquency Unit must evaluate each case to determine the services a minor needs, the risk to society the minor presents, and the punishment that will work as a proper deterrent and consequence for that minor. The ASA must then attempt to achieve the best possible disposition looking at those factors and others. The ASAs often wear many hats in Delinquency court from social worker, advocate, and protector.

The daily routine of a delinquency ASA often includes talking with parents, victims, members of the Juvenile Justice Center, probation officers, school officials, treatment providers, police officers, and attorneys. The Delinquency unit has status calls every morning ranging in size from 30 to 90 cases with the average being about 60 cases a day. The Delinquency Unit then has petition to revoke hearings and bench trials set three days a week.

## Significant Highlights

- Placing several disturbed minors in residential placement where they are receiving the proper care and assistance they need.
- Graduating several minors from juvenile drug court successfully including a young girl whose baby was born free of drugs thanks to the services of the drug court team.
- Placing several individuals into the Illinois Department of Juvenile Justice who pose the highest risk to society.



## 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 Highlights

- 2003 case in which the current goal for the remaining five minors is either adoption or termination of parental rights. These minors have had a very difficult five years. In 2003, the minors remained home with mother after being made wards of the court. In 2005, the State filed a Motion for Change of Custody and Guardianship after the mother had failed to comply with the tasks and services of the Client Service Plan. The minors were then placed in the custody and guardianship of DCFS. By December 2005, the permanency goal for the five minors changed to guardianship as a result of parents failing to make reasonable efforts or progress towards return home. In August 2007, the State argued to change the permanency goal for these minors to substitute care pending Termination of Parental Rights in order that each minor could achieve permanency through adoption. In September 2007, the mother signed Final and Irrevocable Consents to adopt as to the three oldest minors and Specific Consent as to the youngest two minors. The father of four of the five minors signed Final and Irrevocable Consents to Adopt in October 2007. And, the court has terminated the parental rights of the oldest minor's father pursuant to the State's Petition for Termination of Parental Rights. The most recent activity in this matter resulted from the State's Motion to Remove Minors from Current Foster Placement (filed as to the two youngest minors). This motion was filed in October 2007 due to the circumstances and conditions of the children in their foster placement. The State's witnesses in support of this motion were the three older minors. Each minor testified as to letters of concern which had been

directed to the Judge's attention. On the basis of the testimony of these minors, the Judge temporarily removed the two younger minors from their foster placement on October 31, 2007. This motion was continued for further hearing dates. This matter was successfully resolved in February 2008 when the former foster parent and the Agency decided to no longer contest the State's Motion to Remove the Minors from their Foster Placement. Today, the five minors are placed together with foster parents who wish to adopt all five minors! This may have been a long and difficult journey for these brave children; but, I believe that they will all live the lives they deserve. Most importantly, they are together at last with two wonderful parents.

- This matter involved a minor of Indian heritage. Therefore, at the Adjudicatory Hearing the burden was clear and convincing rather than preponderance. The major issue at the trial was the mother's long standing and severe mental health issues and developmental delays. Mother's history of mental health diagnosis and treatment included at least four psychiatric hospitalizations since May, 2006. Immediately prior to the minor's birth mother was hospitalized because she was experiencing hallucinations and was hearing voices which warned her that she would not be a good mother. Secondary issues as to mother's ability to safely parent the minor included a history of domestic violence and aggressive behavior towards others. The evidence also documented that the mother was unable to care for herself, particularly during her pregnancy. The father of the minor was unknown at the time of the Adjudicatory Hearing. However, two putative fathers were named, served, and defaulted. The minor was adjudicated neglected on August 15, 2007. As of December 12, 2007, the mother has not complied with agency services and has not made reasonable efforts or progress towards return home.
- The cases involving the J & J minors came to the attention of DCFS in May 2007. The presenting issue in these cases was physical abuse to one of the J minors by the mother's husband who was not the biological father of either minor. This matter involved working closely with the Domestic Violence Unit due to criminal charges as to the mother's husband. The Petitions for Adjudication filed by the State alleged that the J minor who sustained injuries due to the physical abuse was both an abused and neglected minor. The State alleged the other J minor was neglected on the basis of the abuse to the sibling. The basis for these allegations was that the environment of these minors was injurious to their welfare in that the mother and biological father of each minor failed to protect each minor from the abuse inflicted on the one minor by the mother's husband. At Adjudication, these cases took different directions. The minor who was abused by the mother's husband was adjudicated and made a ward of the court. The case involving the sibling of this minor was continued under an Order of "Continuance of Adjudication under Supervision" and was allowed to remain in the physical custody of the biological father. The difference in the outcome of these sibling cases was the result of one of the biological fathers stepping forward to care for the minor under a specified Order of Protection. This order is drafted to include very specific conditions for cooperating with DCFS and full compliance with all court orders.

- Permanency for abused, neglected, and dependent minors is impacted by the circumstances of each case. When a minor does not have a parent who is actively and successfully working towards return home, the Abuse / Neglect Unit moves quickly to achieve permanency through adoption or guardianship. The case involving the W minor demonstrates how the State will expedite a termination of parental rights when necessary. The W minor was born testing positive for cocaine in July 2007. The mother and putative father each signed Final & Irrevocable Consents to Adopt in October 2007, terminating their parental rights. The biological father of the minor remained unknown. The State then filed an Amended Petition for Adjudication and Petition for Termination of Parental Rights in order to adjudicate the minor neglected and terminate the parental rights of all unknown fathers. Thus in one hearing in December, the State presented evidence which proved the allegations as to neglect and which also freed the minor for adoption. The Adjudicatory Hearing, Dispositional Hearing, Termination of Parental Rights Hearing, and Permanency Review Hearing were all completed on the same day. Soon this minor will be adopted by the only parents the minor has known since birth.
- This matter went to a termination hearing after being in the system for over five years. This was a difficult case due to the fact that the mother had mental health issues. In addition to the mother's mental health issues the minor had emotional issues that prevented her from remaining in a foster home for any extended period of time. This case got to a point where mother's mental health issues and the minor's emotional issues were stabilized. The mother was allowed unsupervised overnight visits with the minor and the goal of the court was return home. However, everything fell apart when the mother threw a knife at the minor. After this incident, because the minor was not in a stable foster home the goal was changed to guardianship. Eventually a home was found that the foster parents were willing to work with this minor's emotional needs and wanted to adopt. This case was difficult into two aspects first, mother's ability to parent. There were conflicting reports from counselors and psychologists of the mother's ability to parent. The second aspect was the minor's ability to become emotional stable to remain in a home that was willing to adopt this minor with special needs and was adoption within the minors best interest to be adopted. In addition, this case went to legal screening three times before it proceeded to a Termination Hearing. The parental rights were terminated and the minor is in a home willing to adopt.

In addition to the specific cases as stated above, the Abuse Neglect Unit also deals with a wide variety of issues such as fetal alcohol syndrome, cocaine exposed infants, mental health issues, domestic violence issues the Hague Treaty, and the Indian Child Welfare act. We deal with numerous doctors in a variety of areas.