

# Kane County State's Attorney's Office

## 2008 Year-End Report

### Introduction

In 2008 the Kane County State's Attorney's Office consisted of 137 employees, 60 attorneys 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.

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

### Significant Accomplishments

#### Gang Prosecution

The Criminal Division worked with the Federal Bureau of Investigations, Aurora Police Department and the Kane County Sheriff's office to prosecute the "cold cases" which were indicted by a special grand jury. In June 2007, 31 members of the Latin King Street gang were charged with twenty-two murders that took place in Kane County from 1989 to 2005. To date, twenty-three cases have been disposed of either by trial, plea or dismissal.

The Chief of the Criminal division worked with the U.S. Attorney's office and prosecuted eight members of the Insane Deuce street gang in federal court. The defendants were all members of the Aurora Insane Deuce street gang and were charged with racketeering and drug conspiracy. The trial lasted nine weeks. Seven of the eight defendants were convicted and now await sentencing. The jury returned a hung verdict as to the eighth defendant.

#### Child Support

The Child Support Division collected \$17,268,906.32 during fiscal 2008. This money went directly to parents who were owed back child support. This was three million more than was collected in 2007.

## Civil

The Civil Division once again acquitted itself with highest levels of legal talent and professionalism over a very wide ranging spectrum of issues. On a daily basis they work on issues from election law to civil litigation to tax questions.

## Child Advocacy Center

The Child Advocacy Center while tirelessly investigating and prosecuting 348 matters involving child abuse, also took a pro-active approach on funding issues by spear heading a state wide initiative to establish legislation to improve fines on offenders to help to support Child Advocacy Centers state wide.

CAC staff members have been elected to the board of directors of *Child Advocacy Centers of Illinois*, and to a position on the executive council of the *State of Illinois Child Death Review Team*.

## DUI Prosecution

If this year had a theme though, it would be centered around traffic law. The Criminal, Civil and Traffic Divisions all played an important part in various initiatives in 2008. These initiatives were as follows:

### Drunkbuster's Program

The Kane County State's Attorney's Office implemented the Alliance Against Intoxicated Motorists Drunkbusters Program on December 31, 2007. Under the Drunkbusters Program a citizen is given a \$100.00 reward when they provide information to police which results in a DUI arrest. Since the implementation of the program, \$4,500 in rewards has been paid to citizens of Kane County, based on the arrest of 45 suspected drunken drivers. This program has successfully encouraged greater communication between the general public and police agencies and thereby helping to keep our roadways safer.

### "No-Refusal" Weekend

In Illinois approximately 40 percent of the 50,000 drivers charged with DUI each year refuse to submit to a breath test or other chemical testing. Driving under the influence of alcohol cases which do not have chemical testing results are often more difficult to prove in court. On Memorial Day weekend, May 23-24, 2008 the Kane County State's Attorney's Office conducted a "No-refusal" weekend to combat the refusal problem. During the "no-refusal" weekend, on-site Assistant State's Attorney's were present at the Geneva Police Station to help obtain search warrants on all defendants who refused to submit to chemical testing.

Over the course of the weekend 14 suspects were arrested for driving under the influence. Of the 14 arrested suspects, eight suspects initially refused chemical testing. Of the eight suspects who initially refused, either blood or breath samples were obtained from seven of the eight suspects due to the "no-refusal" warrant process. Six suspects had blood alcohol levels over .08, with blood alcohol

concentrations ranging from .123 to .208, and one suspect had cannabis in his system. The remaining suspect had a BAC of .078. Contempt proceedings are pending against the suspect who did not give a sample despite a search warrant for a blood or breath sample having been ordered by a judge. The “no-refusal” weekend resulted in the refusal rate of chemical testing decreasing from 57 percent down to 7 percent, and 14 suspected drunken drivers were removed from the roadways of Kane County.

## Operation Shadow

The Kane County State’s Attorney’s Office conducted a sting operation named “Operation Shadow” on September 24, 2008. The purpose of the sting operation was to identify and arrest suspects who chose to drive to court at the Kane County Judicial Center despite having either a suspended, revoked or otherwise invalid driver’s license. Police officers from the Illinois State Police, the Kane County Sheriff’s Office, the Carpentersville Police Department and the St. Charles Police Department took part in the operation.

Undercover police officers were present in the traffic court, court house hallways and the judicial center parking lots. Suspects, most with multiple prior offenses for driving without a driver’s license, were followed from court to determine whether or not they got into the driver’s seat of a vehicle. Of the 14 offenders followed by undercover police officers, 10 were observed getting into a vehicle and driving, and therefore were criminally charged. Of the 10 offenders, two were charged with felony driving while revoked based having committed numerous prior violations of driving without a license.

## Recognition by Mothers Against Drunk Driving

The Kane County State’s Attorney’s Office was recognized for its efforts in combating drunken driving by the organization Mother’s Against Drunk Drivers on October 18, 2008, when MADD presented the “Friend of MADD” award, the highest award issued by MADD, Illinois, to Kane County State’s Attorney John A. Barsanti. The award was created specifically because of this office’s efforts.

## Forfeitures

The Kane County State’s Attorney’s Office handled a growing case load of Article 36 Forfeitures. 245 vehicles were seized by area law enforcement in 2008. Of the 245 seizures, 151 vehicles were forfeited to the police departments by December 31, 2008. 45 of the 245 vehicles seized in 2008 were released to lien holders; 21 to innocent owners; and 11 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; and 10 vehicles were returned to owners by either the tow company or police department.

We achieved our goal of disposing of most vehicles within 60 days absent extenuating circumstances and 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.

We are handling two pending federal lawsuits related to forfeitures: one Article 36 and one Drug Asset Forfeiture Act. Awaiting the outcome of a City of Chicago forfeiture case pending before the United States Supreme Court that will determine the future of forfeitures for all Illinois counties. All vehicle seizures are suspended, as of October 1, 2008.

All in all, 2008 was a banner year for the Kane County State's Attorney's Office. All of the credit for the accomplishments contained in these pages goes to the dedicated, hard-working, underpaid men and women of the Kane County State's Attorney's Office.

# **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 3,611 felony cases. The number of felonies decreased by approximately eight percent from 2007. The felony division disposed of 2,903 felonies this year with a 95 percent conviction rate.
- Attorneys for the felony division tried 144 felony cases, 64 jury trials and 80 bench trials. The division increased its trial numbers by twelve percent from 2007.
- The Bad Check program collected \$484,061.07 in restitution for Kane County merchants. A total of 4,289 checks were submitted to the bad check program. 671 participants attended the Bad Check Restitution program class to learn how to manage their money. The program brought in \$23,037.67 in revenue to the Kane County State's Attorney's Office.
- The diversion program had 525 new applicants, and 289 participants completed the program. The program brought in \$240,415.00 in program fees. The program required many participants to complete community service hours with 29,204 service hours performed, a twenty-five percent increase from 2007. The Second Chance Drug and Alcohol program accepted 241 participants and had 167 participants graduate. The program brought in \$81,585 in program fees.
- 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 2009.
- The division continued to use the Grand Jury to work with law enforcement to investigate crimes in Kane County. The Grand Jury issued 453 subpoenas for evidence in 2008, a ten percent increase from 2007.
- The office continues to provide training for law enforcement and citizens of Kane County. Assistant State's Attorney's trained other lawyers by conducting seminars at the Kane County Bar Association and national seminars on various legal topics. In addition, Assistant State's Attorneys continue to keep up to date with various legal issues by attending numerous seminars.

## Second Chance Program

The Second Chance Program was developed in October 1995. 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 525 applicants with 289 graduates and 95 negative terminations in 2008.
- To date, 2,391 defendants have successfully completed the Second Chance Program and 716 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 \$162,794.83 in restitution.
- \$1,727,937.30 in restitution has been collected on behalf of the victims since founding this program. Restitution is money owed to the victims of crime who suffered losses. Restitution is a mandatory requirement of the Second Chance Program and must be paid prior to the defendant being discharged from the Program.
- The Program collected \$240,415.50 in application and program fees from the defendants.
- Defendants on the Second Chance Program performed 29,204 hours of community service in 2008. 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 287,858 hours of community service.
- Of the 289 graduates in 2008, 20 obtained their high school diploma or G.E.D., 12 enrolled in ESL classes, 65 completed a counseling program (substance abuse, personal, anger management, or financial), three enrolled in and completed at least one college course, 12 wrote letters of apology, three attended the Drug Education Program, and 92 completed the Life Skills Program

## Drug and Alcohol Program

The third 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 241 participants, had 167 graduates, and 60 negative terminations from the program. This resulted in an overall success rate of approximately 74%.
- Collected \$81,585.89 in program fees in 2007-2008.
- 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.



## Domestic Violence

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

## Significant Accomplishments

- The Unit opened approximately 1500 new misdemeanor domestic violence cases in 2008.
- We had 100 new felony domestic violence cases in 2008.
- The Unit disposed of 169 felony cases and had a felony conviction rate of 96%.
- The combined misdemeanor and felony conviction rate for the unit was 68%.
- The unit currently has 68 open pre-trial felony files and 275 post sentence felony files.
- Two attorneys attended the National Conference on Domestic Violence in San Diego.
- The unit has been working on and attending meetings with service providers, probation, and police regarding implementation of the new Bischoff GPS Law.
- The unit was able to assist 298 victims with obtaining criminal orders of protection.
- The unit is working on modifying and implementing a domestic violence supplemental report for police to ensure better victim safety and appropriate bond conditions.
- Worked with ICE to inform them of both misdemeanor and felony domestic battery convictions.
- Worked with ICE and the US Attorney's Office in charging a repeat domestic violence and sex offender federally with reentry.
- One attorney and two victim advocates participated in a half day training of officers at the Hampshire Police Department regarding domestic violence and order of protection arrests.
- Participated in training for 911 dispatchers of Kane County on Domestic Violence calls.
- 

## Case Highlights

- Joshua Mallie-repeat offender, 4.5 years for Aggravated Domestic Battery, Class 2
- James Drago-repeat offender 4.5 years for Aggravated Domestic Battery, Class 2
- Jaime Alcazar-Vazquez, 4.5 years for Aggravated Unlawful Restraint Class 3 and Felon in Possession of a Weapon Class 3
- Phillip Dillon 3 years for Aggravated Domestic Battery, Class 2
- Safandre Lindsay-repeat offender 3 years for Aggravated Domestic Battery, Class 2
- Juan Linares 3 Years for Unlawful Violation of an Order of Protection Class 4

## DUI & Traffic

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

### Significant Accomplishments

- The total number of misdemeanor DUI cases filed in 2008 was 2,173 an increase from the 2,124 misdemeanor DUI cases filed in 2007, the 2,069 misdemeanor DUI cases filed in 2006 and the 1,856 misdemeanor DUI cases in 2005.
- A total of 93 misdemeanor DUI cases went to trial, an increase over the 74 misdemeanor DUI trials in 2007. Nineteen of the trials were jury trials and the remaining 74 trials were bench trials.
- The average trial conviction rate for misdemeanor DUI cases was 87%, compared to an average misdemeanor DUI conviction rate of 75% in 2007.
- A total of 122 misdemeanors (excluding misdemeanor DUIs and Domestic Battery cases) went to trial in 2008, with a trial conviction rate of 84%.
- A total of 123 traffic cases went to trial in 2008.

## 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 were 1,326 new referrals forwarded to our Office for legal enforcement during the above-listed time period. In addition to the new referrals, our Office prepared and drafted 422 new pleadings and defended 490 cases filed by pro se litigants for a total of 2,238 new enforcement actions filed during this time frame. These new referrals do not include 7,042 currently open cases that were previously referred to our Office for legal enforcement.
- The Illinois State Disbursement Unit reported that the Kane County State's Attorney collected \$17,268,906.32 during the above-listed time period. This is an increase in collections from last year in the amount of \$3,224,096.55.
- Attorneys for the Child Support Division conducted 418 contested hearings with a success rate of 95%.
- 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

- During the past fiscal year, our Office has enforced 231 Petitions for Rule to Show Cause for non-payment of child support. Out of those 231 petitions, 151 proceeded to a contested hearing. Out of the 151 contested hearings, 138 were found guilty. That indicates a 91% success rate for contempt hearings. Further, in those cases where there was a contempt finding, our Office was able to collect \$133,323.16 in purge payments that were forwarded to the custodial parents.
- Also, during the past fiscal period, our Office withdrew 80 petitions for Rule to Show Cause for a number of reasons including inability to serve the rule on the defendant, reconciliation of the parties and defendants bringing their child support obligations current in order to avoid a hearing. Specifically, in 19 cases where the petitions were withdrawn due to the non-custodial parents bringing their past due child support current, our Office collected \$67,707.02 that was also forwarded to the custodial parents.
- In July of 2008 our Unit started a new initiative, in collaboration with HFS, to provide the legal enforcement services to the non-custodial parents. Therefore, a non-custodial parent residing in Kane County can apply for Title IV-D services and our Office would become involved in his or her case. Since July of 2008, our Office received and reviewed 47 petitions for Downward Modification of child support on behalf of the non-custodial parent. These petitions, if legally sufficient, were filed with the clerk and noticed for hearing. Since July of 2008, our Office filed 23 petitions on behalf of the non-custodial parents, 22 petitions were rejected as legally insufficient. Two other petitions for Downward Modification were withdrawn.

- During the above-listed period, through the use of specialized motions and /or methods beyond the normal everyday collection efforts of our Unit, we have collected \$16,563.00 from the non-custodial parents' workers' compensation settlements and \$20,952.00 from pension plans. Also, our Unit has collected \$9,500.00 from criminal bonds posted by non-custodial parents. These amounts collected are paid directly to the custodial parent and are not included in the State Disbursement Unit figures listed above.
- The Unit continues to aggressively obtain new address information for the non-custodial parents and forwards any such new information to the Sheriff or local jurisdictions in an attempt to either arrest the non-custodial parents on the existing Body Writs or to serve the non-custodial parent with summons on a newly-filed legal action.
- Our Unit has assisted other States in the registration of their orders here in Kane County by filing petitions to register foreign support orders and then enforcing said orders once the non-custodial parent is located in Kane County. Our Office has reviewed 59 case referrals for registration of foreign support order and has filed 44 of those cases with a 75% success rate for enforcement.

# Screening and Charging

As you will read, 2008 was another outstanding year for the Kane County State's Attorney's Office. Our felony review unit authorized a total of 3,547 felony cases. This could not have been achieved without the support and cooperative efforts of our Assistant State's Attorney's and local law enforcement throughout Kane County.

Thirty-four different police agencies called our felony hotline seeking charges. The five departments that called the most were (highest to lowest): Aurora, Elgin, Carpentersville, Kane County Sheriff's Department, and St. Charles. These five agencies accounted for 70% of the 3,547 cases filed.

The top five most charge cases remained the same from 2007. Unlawful Possession of Controlled Substances (373 cases), Retail Theft (286 cases), Aggravated Battery (269 cases), Obstruction of Justice (264 cases), and Delivery or Possession with the Intent to Deliver a Controlled Substance (246) accounted for a total of 1,438 felony cases. These five charges accounted for approximately 37% of the 3,547 cases charged. Additionally, in 2008, we charged 207 felony Driving Under the Influence cases as compared to 153 cases in 2007. Felony DUI's rose to the sixth most charged offense in 2008.

Felony charges are classified by their level of punishment. This classification includes (from most to least serious) Class M, Class 1, Class 2, Class 3, and Class 4 felonies. Class M felonies, the most serious, accounted for under 1% of all cases charged. Class X felonies accounted for 7% of all cases charged, Class 1 for 8% of all cases charged, Class 2 for 14% of all cases charged, Class 3 for 28% of all cases charged, and Class 4 for 42% of all cases charged. This was almost identical to 2007.

We look forward to 2009.

## HIGHLIGHTS:

1. As an office, we charged 3,547 felony offenses in 2008.
2. Five police departments accounted for 72% of all felony offenses filed in 2008. Aurora and Elgin combined accounted for 53% of all felony offenses filed in 2008..
3. The classification of the offenses broke down as follows:
  1. Class M (murder): 16 cases = Under 1% of all cases charged
  2. Class X: 246 cases = 7 % of all cases charged
  3. Class 1: 276 cases = 8 % of all cases charged
  4. Class 2: 497 cases = 14% of all cases charged
  5. Class 3: 1001 cases = 28% of all cases charged
  6. Class 4: 1497 cases = 42% of all cases charged
4. The top ten offenses charged (2169 cases) account for 51% of all cases charged. The top five offenses charged (1438 cases) accounted for 37% of all cases charged in 2008.

1.	Unlawful Possession of a Controlled Substance	373 cases
2.	Retail Theft	286 cases
3.	Aggravated Battery	269 cases
4.	Obstruction of Justice	264 cases
5.	Delivery or Possession with Intent to Deliver Controlled Substances	246 cases
6.	Driving Under the Influence of Alcohol	207 cases
7.	Theft	190 cases
8.	Forgery	128 cases
9.	Burglary	110 cases
10.	Delivery or Possession with Intent to Deliver Cannabis	96 cases

**TOTAL: 2169 cases**

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

All drug offenses combined (possession, possession with intent, and delivery) accounted for a total of 779 cases. This represents approximately 22% of all cases filed.

Drug possession charges accounted for 421 cases (11.8 % of all cases filed).

U.P.C.S. (377 charges = 10.6 % of all cases charged).

U.P.C. (44 charges = 1.2% of all cases charged).

Drug delivery charges accounted for 342 cases (9.6 % of all cases filed)

U.D.C.S. or U.D.C.S. with intent accounted for 246 cases (6.9 % of all cases filed).

U.D.C. or U.P.C. with intent accounted for 96 cases (2.7% of all cases filed)

6. **POLICE AS VICTIM OFFENSES (account for 2.5% of all cases filed)**  
 Police officers as victims accounted for 120 cases. (3.3 % of all cases filed).  
  
 Aggravated Battery to a Police Officer accounted for 94 cases.  
 Resisting a Police Officer accounted for 23 cases.  
 Intimidation of a Police Officer accounted for 3
  
7. **DOMESTIC RELATED OFFENSES**  
 Domestic violence type cases accounted for 132 cases. (3.7 % of all cases filed).  
  
 Domestic Battery accounted for 78 cases.  
 Unlawful Restraint accounted for 27 cases.  
 Order of Protection accounted for 17 cases.  
 Telephone harassment accounted for 10 cases.
  
8. **SEX OFFENSES**  
 Sex offenses accounted for 82 cases. (2.3% of all cases filed).  
  
 Sexual Abuse accounted for 38 cases.  
 Predatory Criminal Sexual Assault accounted for 20 cases.  
 Criminal sexual assault accounted for 24 cases.
  
9. **DRIVING TYPE OFFENSES**  
 Driving offenses accounted for 282 cases. (7.9 % of all cases filed).  
  
 D.U.I. accounted for 207 cases.  
 Aggravated Fleeing and Eluding accounted for 27 cases.  
 D.W.L.R. accounted for 26 cases.  
 Leaving the Scene accounted for 22 cases.
  
10. **PAPER CRIME OFFENSES**  
 Paper crime offenses accounted for 220 cases. (6.2 % of all cases filed)  
  
 Forgery accounted for 128 cases.  
 Unlawful Use of Credit Cards accounted for 53 cases.  
 Deceptive Practices accounted for 37 cases.  
 Financial Exploitation accounted for 2 cases.
  
11. **MURDER/ATTEMPT MURDER OFFENSES**  
 Murder and Attempted Murder accounted for 36 cases. (1 % of all cases filed)  
  
 Murder accounted for 16 cases.  
 Attempted Murder accounted for 20 cases.
  
12. **MISCELLENEOUS**  
 Sex Offender Registration Violations accounted for 69 cases.  
 Fraudulent Identification cards accounted for 73 cases.  
 Identity Theft accounted for 57 cases.



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

RANK	POLICE DEPARTMENT	# OF CF CASES FILED IN 2008	% OF TOTAL FILED
1	Aurora Police Department	1050	30.0 %
2	Elgin Police Department	822	23.0 %
3	Carpentersville Police Dept.	294	8.0 %
4	Kane County Sheriff's Dept.	223	6.0 %
5	St. Charles Police Dept.	191	5.0 %
6	Montgomery Police Dept.	145	4.0 %
7	North Aurora Police Dept.	117	3.0 %
8	Batavia Police Department	114	3.0 %
9	South Elgin Police Dept.	107	3.0 %
10	West Dundee Police Dept.	79	2.0 %
11	Geneva Police Department	68	2.0 %
12	Kane County State's Atty's Ofc.	54	2.0 %
13	North Central Task Force	35	> 1.0%
14	Sugar Grove Police Dept.	28	> 1.0%
15	East Dundee Police Dept.	27	> 1.0%
16	Illinois State Police Dist. #15	27	> 1.0%
17	Algonquin Police Department	19	> 1.0%
18	Elburn Police Department	17	> 1.0%
19	Gilberts Police Department	16	> 1.0%
20	Fox Valley Park District Dept.	15	> 1.0%
21	Illinois State Police Dist. #2	15	> 1.0%
22	Huntley Police Department	14	> 1.0%
23	Sleepy Hollow Police Dept.	13	> 1.0%
24	Hampshire Police Dept.	12	> 1.0%
25	Pingree Grove Police Dept.	10	> 1.0%
26	Campton Hills Police Dept.	7	> 1.0%
27	Illinois State Police Gaming Bd.- Aurora	5	> 1.0%
28	Illinois State Police Gaming Bd - Elgin	5	> 1.0%
29	West Chicago Police Department	5	> 1.0%
30	Maple Park Police Department	4	> 1.0%
31	Kane County Forest Preserve Police	3	> 1.0%
32	Bartlett Police Department	2	> 1.0%
33	Burlington Central Santa Fee Police Dept.	2	> 1.0%
34	Illinois Attorney General's Office	1	> 1.0%
35	Illinois Secretary of State Police	1	> 1.0%
		3547	

**2008 SUMMARY OF OFFENSES AND NUMBER OF CHARGES (MOST TO LEAST)**

<b>OFFENSE</b>	<b># OF CASES</b>	<b>NOTES</b>
CONTROLLED SUBSTANCE – (POSSESSION) (720 ILCS 570/402 et al)	373	All drugs included (cocaine, heroin, etc)
RETAIL THEFT (720 ILCS 5/16A-3(a) and (b))	286	All types of retail theft including over \$150 and those under \$150 with priors
AGGRAVATED BATTERY (720 ILCS 5/12-4(a) and (b))	269	All types; 1) police officer (94); 2) great bodily harm (75) 3) deadly weapon (30) and 4) public place (26) and 5) pregnant victim (35)
OBSTRUCTION OF JUSTICE (720 ILCS 5/31-4 and 31-5)	264	Almost all were charged as “prevent the prosecution of” – bad names to police.
CONTROLLED SUBSTANCE – (DELIVERY) (720 ILCS 570/401 and 404 and 407)	246	All drugs included; also includes all enhanced based on location of delivery and look alike
DRIVING UNDER THE INFLUENCE (625 ILCS 5/11-501)	207	All types. 2 Cl.X; 3 Cl.1; 49 Cl.2; 2 Cl.3; 151 Cl.4;
THEFT (720 ILCS 5/16-1(a)(1) – (4) and 16-3)	190	
FORGERY (720 ILCS 5/17-3)	128	“Makes” and “Delivers”
BURGLARY (720 ILCS 5/19-1 and 19-2)	110	Includes 2 cases of possession of burglary tools and 1 attempt
CANNABIS (DELIVERY) (720 ILCS 550/5 et al)	96	Includes all enhanced based on the location of the delivery and large amounts; 5 Cl. X and 4 Cl.1 based on amounts.
RESIDENTIAL BURGLARY (720 ILCS 5/19-3)	84	Includes 4 Attempts
DOMESTIC BATTERY (720 ILCS 5/12-3.2 and 3.3)	78	Includes those enhanced based upon priors and aggravated domestic battery
CRIMINAL DAMAGE TO PROPERTY (720 ILCS 5/21-1 and 21-4)	76	Includes both State supported and standard damage.
FRAUDULENT IDENTIFICATION CARDS; (15 ILCS 335/14A and B)	73	No distinction made between fraudulent and fictitious. Also included possession of an altered identification card (14).
SEX OFFENDER VIOLATIONS (720 ILCS 150/3 and 150/6)	69	All charges based upon sex offender registration laws;
IDENTITY THEFT (720 ILCS 5/16G)	57	All types and all amounts includes aggravated; includes one attempt
UUW (720 ILCS 5/24-1(a)(4) and 24-1.6)	55	Various offenses included in this category includes aggravated UUW (on person; in car; location; etc)
UNLAWFUL USE OF CREDIT CARD (720 ILCS 250/8)	53	All types (possession; use; mislaid; included)

MOB ACTION (720 ILCS 5/25-1)	53	
UNLAWFUL POSSESSION OF STOLEN/CONVERTED MOTOR VEHICLES; (625 ILCS 5/4-103(a))	48	Includes both stolen/converted and those aggravated offenses and all 5/4-103 offenses;
CANNABIS – (POSSESSION) (720 ILCS 550/4 et al)	44	
SEXUAL ABUSE (720 ILCS 5/12-15 and 12-16)	38	All types included (force; consent; age; aggravated) – Class 2 and 4 felonies
DECEPTIVE PRACTICE (720 ILCS 5/17-1)	37	
DISORDERLY CONDUCT (720 ILCS 5/26-1)	31	Includes all types of offenses (false report; calling 911; etc)
AGGRAVATED FLEEING (625 ILCS 5/11-204(a)(1))	27	Includes speed; traffic control devices;
UNLAWFUL RESTRAINT (720 ILCS 5/10-3)	27	Includes Aggravated Unlawful Restraint
DWLR (625 ILCS 5/6-303)	26	Revoked and/or Suspended;
WITNESS HARASSMENT (720 ILCS 5/32-4)	25	
SEXUAL ASSAULT (720 ILCS 5/12-13 and 12-14)	24	Class X and Class 1 offenses
RESISTING OFFICER (HARM) (720 ILCS 5/31-1)	23	
ROBBERY (720 ILCS 5/18-1)	23	Includes 5 attempts
HOME INVASION (720 ILCS 5/12-11)	22	
LEAVING THE SCENE (625 ILCS 5/11-401(a) and (b))	22	
PREDATORY CRIMINAL SEXUAL ASSAULT (720 ILCS 5/12-14)	20	Class X offenses
ATTEMPT MURDER (720 ILCS 5/8-4 and 5/9-1)	20	
ROBBERY - ARMED (FIREARM) (720 ILCS 5/18-2)	18	Includes 1 Attempt and 1 Conspiracy
ORDER OF PROTECTION (720 ILCS 5/12-30)	17	
MURDER (720 ILCS 5/9-1 et al)	16	All murders sections and all mental states included.
AGGRAVATED DISCHARGE (720 ILCS 5/24-1.2)	16	
UUV BY FELON (720 ILCS 5/24-1.1)	15	
CRIMINAL TRESPASS TO RESIDENCE (720 ILCS 5/19-4)	15	

ARMED VIOLENCE (720 ILCS 5/33A-)	13	Includes category I, II, and III type weapons includes 2 attempts
CAR OFFENSES (TITLE/ID #) (625 ILCS 5/4-104(a) et all)	13	This includes title, registration, etc
FOID CARD VIOLATIONS (430 ILCS 65/2(a)(1); 65/3(a))	12	
TELEPHONE HARASSMENT (720 ILCS 135/1-1)	10	
ESCAPE (720 ILCS 31-6 and 730 ILCS 5/5-8A )	10	EHM Violations
RECORDING (720 ILCS 5/16-7 and 16-8)	9	Unlawful possession and selling of music and movies
DEFRAUDING DRUG TEST (720 ILCS 5/17-28)	9	Attempts are also felony offenses
ROBBERY – ARMED (NO FIREARM) (720 ILCS 5/18-2)	8	
CHILD PORN (720 ILCS 5/11-20.1)	8	
CANNABIS PLANT PRODUCTION (720 ILCS 550/8)	7	
SEX OFFENDER IN PROTECTED ZONE (720 ILCS 5/11-9.3 and 9.4)	6	
ARSON (720 ILCS 5/20-1)	6	Includes aggravated arson
ROBBERY – AGGRAVATED (720 ILCS 5/18-5)	6	Includes 1 attempt
AGGRAVATED BATTERY – CHILD (720 ILCS 5/12-4.3)	5	
DRIVERS LICENSE OFFENSES (625 ILCS 5/6-301.1 et al)	5	Using and/or providing false information to obtain a DL
CHILD ABDUCTION (720 ILCS 5/10-5)	5	
INTIMIDATION (720 ILCS 5/12-6)	5	
CALCULATED DRUG CONSPIRACY (720 ILCS 570/405)	5	
OBTAINING DRUGS BY FRAUD (720 ILCS 570/406)	4	
METH POSSESSION/DELIVERY (720 ILCS 646/)	4	
AGGRAVATED BATTERY – FIREARM (720 ILCS 5/12-4.2)	3	
RECKLESS DISCHARGE (720 ILCS 5/24-1.5)	3	
INTIMIDATION/PEACE OFFICERS (720 ILCS 5/12-6.2)	3	
STALKING (720 ILCS 5/12-7)	3	
ANIMAL CRUELTY (510 ILCS 70/3.02)	3	Includes Aggravated and Animal Torture
RECKLESS HOMICIDE (720 ILCS 5/9-3)	3	

PUBLIC INDECENCY (720 ICLS 5/11-9 and 9.1)	3	
THREATEN PUBLIC OFFICIAL (720 ILCS 5/12-9)	3	
THEFT OF FUEL (720 ILCS 5/16J)	3	
DEFACING FIREARM (720 ILCS 5/24-5)	3	
HOME REPAIR FRAUD (815 ILCS 515)	2	
FINANCIAL EXPLOITATION OF ELDERLY (720 ICLS 5/16-1.3)	2	
PROSTITUTION (PRIORS) (720 ILCS 5/11-14)	2	
AGGRAVATED ASSAULT/CORRECTIONS (720 ILCS 5/12-2)	2	
VEHICULAR HIJACKING/INVASTION (720 ILCS 5/12-11)	2	
GAMBLING VIOLATION (230 ILCS 10/18(d)(4) and 5/28-1)	2	
ABUSE/NEGLECT- (ELDER) (FAILURE TO PERFORM) (720 ILCS 5/12-21)(L:672)	2	
PENAL INSTITUTION – (CONTRABAND) (720 ILCS 31A-1.1)	2	
CARE FACILITY RESIDENT ABUSE (720 ILCS 5/12-19)	2	
KIDNAPPING-INCLUDES AGGRAVATED (720 ILCS 5/10-1; 10-2)	2	
PANDERING (720 ILCS 5/11-16)	2	
COMPUTER HARASSMENT (735 ILCS 135/1-2)	2	
POSSESSION STOLEN FIREARMS (720 ICLS 5/16-16)	2	
PERJURY (720 ILCS 5/32-2)	2	
IMPERSONATION OF POLICE OFFICER (720 ILCS 5/32-5)	2	
SOLICITATION TO COMMIT MURDER (720 ILCS 5/8-1)	2	
DRUG PARAPHERNALIA (720 ILCS 600/3)	2	
INDECENT SOLICITATION (720 ILCS 5/11-6)	1	
FORTIFICATION OF RESIDENCE (720 ILCS 5/19-5)	1	

RECKLESS DRIVING – AGGRAVATED (625 ILCS 5/11-503)	1	
UNLAWFUL PRACTICE OF MEDICINE (225 ILCS 60/49)	1	
VENDOR FRAUD (305 ILCS 5/8A-3(a))	1	
RECKLESS CONDUCT (720 ILCS 5/12-5)	1	
CYBERSTALKING (720 ILCS 5/12-7.5)	1	
FINANCIAL INSTITUTION FRAUD (720 ILCS 5/16H)	1	
STATE BENEFIT FRAUD (720 ILCS 5/17-6)	1	
OFFICIAL MISCONDUCT (720 ILCS 5/33-3)	1	
TRANSPORTATION OF LIQUOR (625 ILCS 5/11-502)(L:349)	1	
MISC	1	Not coded
<b>TOTALS</b>	<b>3547</b>	

# 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 30 were worked.
- Service of 624 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 93 were served. The majority being served in the City of Chicago.
- 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.



# **Civil Division**

## Civil Division

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

### Significant Accomplishments

#### General

- Continued to provide legal advice and representation to the County Board, various County Departments and Elected Officials.
- Assisted the Development Department in resolving potential building code violations and in evaluating an abandoned property to determine whether to file a lawsuit for demolition.
- Researched, investigated and responded to complaints of Open Meetings Act violations by various public bodies in Kane County, as well as complaints regarding various election issues, elected officials' statutory duties, and use of public funds.
- Assisted Kane County and various Elected Officials with respect to FOIA requests.
- Assisted the Criminal Division of the State's Attorney's Office in responding to subpoenas, interpreting laws regarding drug forfeitures, and in responding to FOIA requests.
- Participated in the Citizens Prosecutor Academy presented by the State's Attorney's Office.
- Participated in the Boy Scouts Law Merit Badge Day regarding contracts and environmental issues.
- Authored two bills signed into law in 2008. One allowed broader victim notification of civil rights settlements entered into on behalf of jail facilities, and the other involved a provision enabling juvenile delinquents to be charged with the offense of escape.
- Assisted Sheriff in drafting reciprocal reporting agreements with all area school districts.
- Negotiated a long term lease for Adult Court Services.
- Assisted the Kane County Circuit Court Clerk and Kane County State's Attorney in implementing a program utilizing a private collection agency to collect delinquent monies owed to the County on criminal matters. So far, the program has collected in excess of \$200,000.

- Assisted the Kane County Circuit Court Clerk in researching and analyzing issues relating to the distribution of funds authorized by the new collection statutes and operating guidelines under a new DUI statute which was in conflict with a Supreme Court rule.
- Several civil assistants were speakers at the Kane County Bar Association's Local Government Law Committee's fall seminar.

## 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. 2009 will in all likelihood see an increase in the resources devoted to tax communications from the public and government officials, concomitant with the economic downturn.

## Tax Litigation

- The Civil Division continued to defend over 30 taxing districts in tax objections filed in 9 separate cases, covering hundreds of individual tax rate objections. The Division also continued to advise, and represent, the Kane County Board of Review in a year when assessment complaints are rising.

## General Litigation

- Special Assistant represented PBC in complex litigation against the manufacturer of the roof at the Kane County Judicial Center; includes extensive discovery, and defending appeal by manufacturer of settlement reached with five other defendants.
- Special Assistants tried and settled a number of workers' compensation cases and had several dismissed.
- Represented the County and Elected Officials in various pending litigation.
- Represented the Kane County Electoral Board in the Kane County Circuit Court and Second District Court of Appeals on an appeal of the Electoral Board's decision in a matter regarding competing library district annexations.
- Filed a motion for summary judgment in a personal injury case against Kane County where the demand was over one million dollars; Kane County's motion was granted and is presently on appeal in the Second District Court of Appeals.
- Initiated a claim on behalf of the Kane County Circuit Court Clerk for the recovery of monies unlawfully retained by a surety in a criminal case.

## 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 2009 the goal is to continue this trend, while noting that several cases appear resistant to settlement at an acceptable amount and seem likely to result in trials, with an increase in litigation preparation.
- Obtained dismissals in several civil rights cases filed in state court involving the Kane County Sheriff and several employees.
- Successfully represented the Kane County Circuit Court Clerk and State's Attorney and employees in a civil rights matter alleging malicious prosecution; case was dismissed with prejudice. Currently representing same parties on appeal in the Second District.
- Successfully defended and argued a civil rights case in the United States Court of Appeals for the Seventh Circuit.

## Elections

- Responded to the County Clerk in reviewing various issues and researching pertinent provisions of the Illinois Election Code.
- Assisted the Kane County Clerk in preparing for the 2008 & 2009 elections, including organizing and staffing an Election Hotline on each election day to receive and investigate inquiries concerning possible violations of Illinois election law.
- Assisted the Kane County Clerk in ensuring compliance with the filing of Statements of Economic Interests.
- Represented the Kane County Clerk with respect to issues related to a petition requesting that a public question be placed on the ballot to dissolve the Village of Campton Hills.
- Continue working with the County Clerk and representatives from the U.S. Department of Justice, Voting Rights Section ("DOJ"), to implement the terms of the Memorandum of Agreement ("MOA") between Kane County, the Kane County Clerk, and the DOJ that was entered into in 2007. This MOA is in effect until the end of 2010.
- Assisted the Kane County Clerk in certifying election judges for the November, 2008 election.
- Assisted the Kane County Clerk and Kane County Circuit Court Clerk in preparing oaths, bonds, and certifications necessary for newly elected public officials. Organized and filed all official forms with the required agencies as required by law.

## 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, racial discrimination, age discrimination, religious discrimination and disability discrimination claims resulting in the dismissal of several of the claims, and no adverse findings were entered against any of the clients.
- Represented the County and Elected Officials in federal and state court cases involving sexual discrimination, sexual harassment, racial discrimination, religious discrimination, retaliatory discharge, and deprivation of civil rights claims, resulting in the dismissal of several claims, and no adverse findings were entered against any of the clients.
- Provided advice to the County and Elected Officials concerning compliance with various employment 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.
- Provided advice to the County and Elected Officials concerning the drafting and revision of employment policies.
- Provided legal advice to County and pertinent Elected Officials concerning compliance with grant requirements for implementing Equal Employment Opportunity Plans. Worked with various offices and assisted in the drafting of the required plans.

## 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.
- Assisted Health Department in evaluating whether to implement a Specialty Care Network.

## Environmental

- Prosecuted continuing litigation seeking injunctive relief and statutory penalties under the Illinois Environmental Protection Act against roof manufacturer in connection with lead and copper contamination at the Kane County Judicial Center and surrounding properties. Engaged in extensive discovery in connection with the case. Defended appeal by roof manufacturer of settlement reached with five other 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.
- Co-prosecuted with Illinois Attorney General cases involving land and water pollution.
- Successfully resolved administrative violation notice which alleged client violated the IEPA.

## 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.

Number of open cases at end of year 26

**Female 11**

Seniors 8

Disabled 1

Deceased 2

**Male 13**

Seniors 9

Disabled 3

Deceased 1

### **Types of Cases**

Aggravated Battery 12

Fin. Exp/Forgery 4

Aggravated Sex Abuse 2

Criminal Neglect 1

I.D. Theft 2

Burglary 1

Robbery 3

Leaving the scene of Accident 1

Home repair Fraud 0

Arson 0

**Number of cases closed 39**

**Warrants 7**

**Mental Health Calls 21**

Contacts 16

Petitions completed 5

## **Speaking Engagements**

Kane County Extension Service

### **Conferences/Trainings**

First Responder Training 16 <sup>th</sup> Judicial	Conducted
National College of District Attorneys/Vic Advocacy	Attended
Changes in Mental Health Code	Attended
Alzheimer Disease Update	Attended
Strategic Partnership Mental Hlth Svs.	Attended

### **Monthly Meetings**

Kane County Elder Fatality Review Team  
Senior Services Meeting  
16<sup>th</sup> Judicial Circuit Elder Abuse Sub Com  
Tri-Cities Triad  
WestTowns Resource Team



# **Child Advocacy Center**

## Child Advocacy Center

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

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

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

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

## Significant Accomplishments

- Child Advocacy Center staff was able to provide leadership at the state level to insure passage of legislation that allows Kane County to seek fines from offenders to support Child Advocacy Center operations. This fine was initiated in Kane County this year and collections began in September.
- National Children's Alliance funds were awarded and utilized to complete a review and restructuring of the grant supported counseling program provided through the Advocacy Center, to insure that we are compliant with best practice standards and to insure Kane County families receive quality specialized mental health services at no cost. The program has received the approval and support of the Illinois Attorney General's Office.
- Through grant funding and scholarship opportunities CAC assigned personnel have attended the following:
  - National Children's Alliance, *Leadership Conference*
  - 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*
  - NEMRT *Laws of Arrest, Search & Seizure*
- The CAC, after receiving grants to purchase and install state of the art digital recording equipment began digitally recording Victim Sensitive Interviews of child victims on February 1, 2008; through November 30, 2008 we had recorded 243 interviews.

- 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 19 investigations.
- The CAC referred 434 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 19 children reporting sexual abuse, 2 children received specialized physical abuse examinations and 68 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 4 young children receiving supportive mental health services in order to promote the development of healthy behavior patterns. This program has attracted the interest of the children's Justice Coordinator for DCFS who will be exploring it as a pilot project.
- Staff members assigned to the CAC have been selected to present on a variety of child abuse topics, including, Sex Offender Typology, Child Abuse Investigation, Accreditation Standards for Child Advocacy Centers, Mandated Reporting, as well as abuse recognition and prevention. CAC personnel hold training positions with the National District Attorney's Association, the National Children's Alliance and Northeast Multiregional Training Unit.

#### **Offender Accountability:**

- Of the 94 criminally charged cases disposed in FY 2008, the CAC prevailed in 87 of them for a conviction rate of 92.5%.
- CAC convictions resulted in Kane County sex offenders receiving six life sentences and a total of 403 years in the Illinois Department of Corrections, 4,668 days of county jail time; and 1,128 months of probation
- CAC attorneys conducted 12 trials in FY 2008, 7 bench trials and 5 jury trials; winning convictions in 7 of them.

#### **Case Highlights**

- Chester Mc Kinney; 05 CF550, found guilty at trial of 5 counts Predatory Criminal Sexual Assault and 8 counts of Aggravated Criminal Sexual Abuse and received 5 life terms in IDOC
- Andres Velasquez; 06 CF50, found guilty at trial, Murder 1<sup>st</sup> degree of a child, received a life sentence. This investigation began at the CAC as the child was originally coded a serious physical abuse, and CAC investigators and prosecutors were involved through disposition.

- 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.
- Salvador Vargas; 06CF2499, plead guilty to 1 count Predatory Criminal Sexual Assault and 2 counts Aggravated Criminal Sexual Abuse for a total of 35 years IDOC
- Guillermo Guerrero; 07 CF 1778, Defendant plead guilty to 4 counts of Criminal Sexual Assault and 2 counts Aggravated Criminal Sexual Abuse for a total of 22 years IDOC.
- Steve Captain; 06 CF2371, plead guilty to 1 county Predatory Criminal Sexual Assault and 1 count Aggravated Criminal Sexual Abuse, sentenced to 10 years IDOC

### Statistics

<b>Investigations conducted:</b>		<b>348</b>
<b><i>I.    Investigations Pending</i></b>		<b>21</b>
<b>Files under Attorney Review</b>		<b>11</b>
<b>Charged cases-warrants outstanding</b>		<b>105</b>
<b>Charged/filed court actions</b>		<b>109</b>
Felony charges	98	
Misdemeanor charges	1	
Juvenile Delinquency petitions	9	
Juvenile Abuse and Neglect petitions	1	
 <b>Charged cases disposed</b>		 <b>94</b>
Convictions/pleas	( 92.5 %) 87	
Acquittals/nolle prosequi	7	
 <b>Juvenile Court Diversion</b>		 <b>1</b>
<b>Services for sexually reactive behaviors</b>		<b>4</b>
 <b>Total files closed</b>		 <b>399</b>
<b>(including those initiated in prior years)</b>		
 <b>Investigative Interviews:</b>		 <b>1762</b>
Child victims under 13	237	
Child victims over 13	166	
Child witnesses	196	
Adult witnesses	958	
Suspects	251	

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

# **Financial/Human Resources**

## Financial/Human Resources Division

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

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

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

### Significant Accomplishments

- Updated and improved for efficiency all fiscal and personnel internal reports
- Completed and updated all job descriptions

### Budgets

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

The total amount of money budgeted by the Kane County Board to fund all activities of the Kane County State's Attorney's Office in 2008 was \$8,327,963. The amount spent by the Kane County State's Attorney's Office in 2008 was \$8,397,272.

KANE COUNTY STATE'S ATTORNEY'S OFFICE  
**FINANCIAL REPORT**  
FISCAL YEAR 2008

**GENERAL REVENUE:**

Description	FY 2007	FY 2008
State's Attorney's Fines	\$362,422	\$397,966
Bond Forfeiture Fines	875,205	1,073,705
Collection Fines	45	136
Second Chance Fines	259,179	322,002
State's Attorney Prosecution Fees	383,270	416,155
Restorative Justice Program/Miscellaneous	4,323	5,720
State's Attorney's COLA	129,820	84,339
Interest Earned	29,065	17,451
<b>TOTAL</b>	<b>\$2,043,329</b>	<b>\$2,317,474</b>

**GRANT REVENUE:**

Description	Grant Fiscal Yrs. 2007	Grant Fiscal Yrs. 2008
<b>Child Advocacy Center</b>		
Attorney General Victim Assistance	\$18,700	\$19,500
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
CAC Fees	N/A	9,482
<b>TOTAL</b>	<b>\$102,575</b>	<b>\$112,857</b>
<b>Child Support</b>		
Dept. of Healthcare & Family Services	<b>\$749,382</b>	<b>\$755,362</b>

<b>Victim Services</b>		
Illinois Attorney General	\$27,000	\$27,000
Il. Criminal Justice Information Authority	80,380	\$83,595
<b>TOTAL</b>	<b>\$107,380</b>	<b>\$110,595</b>

<b>Drug Prosecution</b>		
Il Criminal Justice Information Authority	\$143,967	<b>\$143,967</b>

<b>Auto Theft Task Force</b>		
Auto Theft Task Force Grant	\$64,692	\$68,073
Investment Income	2,285	1,329
<b>TOTAL</b>	<b>\$66,977</b>	<b>\$69,402</b>

<b>Weed &amp; Seed</b>		
US Department of Justice	\$200,000	<b>\$175,000</b>
<b>TOTAL</b>	<b>\$1,367,996</b>	<b>\$1,365,854</b>

**SPECIAL ACCOUNT REVENUE:**

Description	FY 07	FY 08
Bad Check Restitution	\$34,637	\$24,305
Drug Asset Forfeiture	30,470	25,403
Interest Earned	5,816	3,308

**EXPENDITURES:**

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL:</b>			
Salaries & Wages	\$3,383,018	\$3,389,895	100%
Employee Benefits	674,872	666,616	99%
Contractual Services	366,538	434,827	119%
Commodities	78,089	86,293	113%
Capital	34,794	34,794	100%
<b>TOTAL</b>	<b>\$4,621,574</b>	<b>\$4,696,689</b>	<b>102%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER:</b>			
Salaries & Wages	\$535,917	\$538,200	100%
Employee Benefits	65,911	67,688	103%
Contractual Services	81,687	50,360	62%
Commodities	7,650	4,649	67%
Capital	1,205	580	48%
<b>TOTAL</b>	<b>\$695,627</b>	<b>\$664,734</b>	<b>96%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL:</b>			
Salaries & Wages	\$446,754	\$451,420	101%
Employee Benefits	147,151	147,996	101%
Contractual Services	242,273	285,360	118%
Commodities	6,510	6,453	99%
<b>TOTAL</b>	<b>\$842,688</b>	<b>\$891,230</b>	<b>106%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D:</b>			
Salaries & Wages	\$512,222	\$524,961	102%
Employee Benefits	233,050	211,364	91%
Contractual Services	30,449	28,854	95%
<b>TOTAL</b>	<b>\$775,721</b>	<b>\$765,179</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION:</b>			
Salaries & Wages	\$244,731	\$248,428	102%
Employee Benefits	70,560	69,404	98%
Contractual Services	11,404	11,404	100%
<b>TOTAL</b>	<b>\$326,695</b>	<b>\$329,236</b>	<b>101%</b>



DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES:</b>			
Salaries & Wages	\$135,233	\$129,981	96%
Employee Benefits	43,426	50,261	116%
Contractual	9,637	10,250	106%
<b>TOTAL</b>	<b>\$188,296</b>	<b>\$190,492</b>	<b>101%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DOMESTIC VIOLENCE:</b>			
Salaries & Wages	\$272,008	\$268,287	99%
Employee Benefits	88,835	82,978	93%
Contractual	25,316	22,363	88%
Commodities	140	140	100%
<b>TOTAL</b>	<b>\$386,299</b>	<b>\$373,767</b>	<b>97%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>ENVIRONMENTAL:</b>			
Salaries & Wages	\$162,500	\$164,502	101%
Employee Benefits	48,431	48,765	101%
Contractual	14,702	17,376	118%
Commodities	3,636	470	13%
<b>TOTAL</b>	<b>\$229,269</b>	<b>\$231,112</b>	<b>101%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>AUTO THEFT:</b>			
Salaries & Wages	\$64,983	\$61,385	94%
Employee Benefits	18,783	21,499	114%
Contractual	3,028	3,028	100%
<b>TOTAL</b>	<b>\$86,794</b>	<b>85,912</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>WEED &amp; SEED:</b>			
Salaries & Wages	\$72,390	\$66,993	93%
Employee Benefits	30,227	23,235	77%
Contractual	70,840	77,490	109%
Commodities	1,543	1,202	78%
<b>TOTAL</b>	<b>\$175,000</b>	<b>\$168,921</b>	<b>97%</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 had the responsibility of prosecuting a range of offenses this year from the more serious of armed violence and aggravated discharge of a firearm to the more minor offenses of truancy and curfew.

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

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

## Significant Highlights

- Transferring several minors to adult court for the more serious offenses after it was decided that the individuals posed too great a risk to public safety to be treated as juveniles under the Juvenile Court Act. These minors that are then transferred to adult court face stricter penalties. The minors whose cases were transferred had committed serious offenses that endangered the safety of others in the community and who had prior criminal history.
- Securing sentences of individual minors to the Illinois Department of Juvenile Justice for those that pose the highest risk to society.
- The continued success of our Drug Court in graduating minors successfully from the program due in thanks to the services of the drug court team.
- Successfully enacting change to legislation regarding the offenses of escape from penal institutions and from electronic home monitoring to include the language to reflect adjudicated minors and not just persons convicted of offenses thanks to the SAO Legislative Committee's hard work.
- Welcoming Judge Karen Simpson to the bench in Juvenile Court after Judge Wiley Edmondson retired in July.

- Provided a training seminar to the local law enforcement officers regarding issues pertaining to juveniles such as interrogation, detention, and updates as to statutes and case law.

## Abuse & Neglect

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

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

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

## Significant Accomplishments

- The Abuse and Neglect unit case load has increased by 10.5% over the past year. This unit currently is assigned approximately 350 cases compared to this time last year when it had 332 cases. In addition to the increase in the case load, hearings have also increased over the past year. The unit conducted 71 Shelter Care hearings compared to 51 in 2007; this is an increase of 28%. The unit also conducted 27 Adjudicatory Hearings compared to 13 in 2007; this is an increase of 52%. (Note: this number does not include any Adjudicatory Hearings that were set for trial and the parents admitted the petition). In addition, the unit conducted 386 Permanency Review Hearings as compared to 2007 in which 349 Permanency Review Hearings were held, this is an increase of 10%. As for Termination Hearings, the Abuse/Neglect Unit remains essentially the same, with 25 hearings held in 2007 compared to 24 hearings in 2008.
- In addition to the increase in the case load, the courtroom experienced a change in Judges. This is important because Abuse/Neglect law is quasi-criminal and quasi-civil in nature and the Judge determines how to proceed with notice, discovery, motions and hearings. The Judge has remained fairly consistent with the procedural aspects, but occasionally the Judge conducts the courtroom in a civil atmosphere. As such, it has been a learning experience. In addition, the unit

experienced a change in Assistant State's Attorney and everyone in the unit worked together to keep the unit running smoothly. This includes the support staff who organized the assistant's files so the newly assigned assistant could take over the cases in an orderly fashion. The new assistant jumped in with both feet and handled the Termination Hearings, Adjudicatory Hearings, and Shelter Care Hearings efficiently. Because she handled these hearings as if she never left the unit, it helped to keep the unit running smoothly and with less stress. This is important because the Judge wanted the State's Attorney's Office to proceed on the numerous Termination Hearings that were scheduled. For instance, after being in the unit for only one day, the Assistant State's Attorney conducted the hearing of In re M.G. These three children have been in the system since 2004. After a hearing that was scheduled for three days, the court terminated the parental rights of the parents and all three children are free for adoption. A week later the Assistant conducted an Adjudicatory Hearing on In re K.B.M.

- In addition to the newly assigned assistant stepping up to the plate, the support staff did not lose a beat when helping the first chair prepare for a Termination Hearing within a week's notice. That case proceeded to a hearing and the State was successful in proving the termination petition and the minors are free for adoption.

## Case Highlights

One of the most significant cases is In re A.B. This minor has been in the system since 2004. The minor came in as a dependency as the mother and father left the minor with a relative and no safety plan. Mother and father signed specific consents to the relative/foster caregiver. (herein after "RFCG") The agency worked with this "RFCG" for approximately a year. During this time the agency put two corrective action plans in place. In addition, the court ordered the "RFCG" to undergo a psychological evaluation. The "RFCG" is a highly intelligent individual as she holds an RN and JD degree. Prior to the psychological evaluation, a Permanency Review Hearing was held and the court found that the minor was in danger if she remained with the "RFCG". It was very difficult to find a placement for the minor, who had her own diagnosis of preliminary reactive attachment disorder. In the meanwhile, the specific consents signed by the parents failed. Pursuant to statute, the agency had to locate the biological parents and bring them back into the court system. The mother signed general surrenders and her parental rights were terminated. On the other hand, the father did not want to sign and he was then offered services. In the meanwhile, the "RFCG" filed a motion for custody under the Illinois Marriage and Dissolution act. The agency found a home for the minor who was willing to educate themselves on preliminary reactive attachment disorder, attend family counseling with the minor, attend individual counseling and made sure that the minor attended her own counseling sessions. Just prior to the custody hearing the relative foster caregiver filed motions for discovery. The custody hearing was set for two days and the court ruled prior to the hearing that this custody hearing would be combined with the Permanency Review Hearing. Because the court made those findings, it shifted the burden to the State and the State was obligated to take lead in presenting the evidence. Evidence was presented over the two day period and the court found that it was not in the best interest of the child to be returned back to the "RFCG". Father signed Surrenders and on December 2, 2008 the minor, with all of her special needs, was adopted and the juvenile case closed.