

## Office of the Kane County State's Attorney



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The attached annual report is a review of the Kane County State's Attorney's Office's performance in 2010.

As you will read, 2010 was a year of many successes in the office, and the beneficiaries were the citizens of Kane County. The office last year oversaw enhanced public safety, the result of collaboration with the county's numerous law enforcement agencies and new programs designed to hold offenders more accountable, better communication with the public and great change.

You will read about the civil lawsuits against members of an Elgin street gang, a new domestic violence diversion program, enhanced DUI enforcement, the office's new website, and significant personnel changes. It is notable that the office achieved a 13-percent increase in the number number of felonies trials from 2009 while maintaining an overall conviction rate of 95 percent of all felony dispositions.

These accomplishments would not have been possible without two key elements – the continued support of law enforcement in the county, and the hard work of the office's 130 employees. We have prosecutors on call 24 hours a day, 365 days a year to help answer law enforcement questions and assist in the investigation and charging of felony offenders. This is dedication that ultimately makes Kane County a safer place to live.

This report will give you a glimpse of the office's various divisions, their accomplishments, statistics and highlights. As always, our primary goal is to serve the citizens of Kane County to the best of our ability. We look forward to continued successes in 2011, and we thank you for the opportunity to serve the people of Kane County.

*Joseph H. McMahon*

Joseph H. McMahon  
Kane County State's Attorney

# Kane County State's Attorney's Office

## 2010 Year-End Report

### Introduction

In 2010 the Kane County State's Attorney's Office consisted of 130 employees' 58 attorneys and 72 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 13 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 maintained a 95 percent conviction rate.

### 2010 Overview

The year 2010 was one of innovation and change at the Kane County State's Attorney's Office. With an eye trained constantly on public safety and fiscal responsibility, the SAO continued to seek new ways to protect the public efficiently and effectively while maintaining its excellent record of courtroom success.

- Most notable in 2010 was the lawsuit the SAO filed Sept. 8 in Kane County civil court against 81 members of the Elgin Latin Kings street gang. The suit seeks to prohibit the gang members from congregating in public and addresses such behavior as the possession and use of weapons, marijuana and illicit narcotics, graffiti, violent behavior and other activities generally associated with street gangs. The end effect would be to diminish the gangs' criminal activities by impeding their members' ability to freely operate within the community among law-abiding citizens. The suit was laid out under the auspices of the 1993 Illinois Streetgang Terrorism Omnibus Prevention Act, which holds that street gangs operate to terrorize communities with repeated acts of violence. The lawsuit is a collaborative effort of the SAO, the Elgin Police Department and the Kane County Sheriff's Office.
- The year also saw the completion of the SAO's website redesign project. The new website is designed with simplicity in mind. The office sought to modernize its homepage, create easy to navigate menus and include content that answers the public's questions about the functions of the office and how it works for them.

- Some of the notable changes were in personnel. State's Attorney John Barsanti, nearly a three-decade veteran of the office and the state's attorney the last six years, resigned to become a circuit judge. He was replaced by Joe McMahan, a lifelong Kane resident and former Kane assistant state's attorney who had been successful in private practice before returning to the SAO. Katherine Moran, who had been chief of the Civil Division the last 10 years, resigned when she was appointed an associate judge.
- Other notable changes were in the form of workspace. A new criminal courtroom was added to alleviate the crush of Domestic Violence and DUI cases. Arraignment and bond court staffers who had been in that courtroom, 217, were moved to Courtroom 123. The SAO's Abuse & Neglect Unit was moved from the Judicial Center to the Civil Courthouse in Geneva after a space renovation project. And the SAO began preparation to move the Traffic and Misdemeanor Unit to new space being created on Randall Road.
- This report also touches on the SAO's new Domestic Violence Diversion program, which began in October; programs designed to curb drunken driving, such as the continuation of the successful No-Refusal program and the new Holiday Alcohol Testing program, and it shows that the SAO successfully stayed within its budget.

This report, a glimpse of the office's various divisions, and their accomplishments, statistics and highlights, marks the end of John Barsanti's six years as State's Attorney. Starting with 2011, the SAO under the leadership of Joe McMahan will continue to do great things, and continue to be serve the citizens of Kane County to the best of our ability.

# **Criminal Division**

## Criminal Division

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

## Significant Accomplishments

- The Kane County State's Attorney's office authorized 3158 felony cases. The number of felonies decreased by 430 cases from 2009. The decrease is probably due to a change in the law which made one commonly charged felony a misdemeanor.\* The felony division disposed of 3,976 felony cases with a 95 percent conviction rate. Attorneys for the felony division tried 150 felony trials; 76 jury trials and 74 bench trials. The number of trials increased by 30 cases from 2009.
- In February 2009, the number of felony trial courtrooms was decreased with the opening of courtroom 217 as a pre-trial only courtroom. The ASAs assigned to the courtroom disposed of a significant number of felony cases.
- In September 2009, Bounce Back became the new vendor of the Bad Check Program. Bounce Back has collected \$368,234 in restitution for Kane County merchants. The program generated revenue of \$ 25,813 for the office.
- The felony division continued to work 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 of 2007, 31 members of the Latin King street gang were charged with 22 murders in Kane County. The cases ranged from 1989 to 2005. Only a few of the cases have yet to be tried. Many of the cases have been tried, the defendants convicted and now the defendants are filing post-conviction petitions.
- The division continued to use the Grand Jury to work with law enforcement to investigate crimes in Kane County. The Grand Jury issued 645 subpoenas for evidence in 2010, a 33 percent increase from 2010.
- The office continues to provide training for law enforcement and citizens of Kane County. Assistant State's Attorneys also 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.

\*720 ILCS 5/31 – 4.5 Obstructing identification became a law on January 1, 2010. It is a class A misdemeanor for a person to provide a false name to a police officer if the person is detained or arrested. Prior to January 1, 2010, this offense was charged as a class 4 felony.

## Second Chance Program

The Second Chance Program was developed in October 1995. 2010 marked the 15<sup>th</sup> year of the program. The Second Chance Program is designed for first-time, nonviolent offenders who have the opportunity to keep a conviction from being permanently entered on their record. A defendant must complete an intake interview with the program coordinator, meet with a panel of citizens from the community, and if accepted, complete the requirements placed upon them by the State's Attorney's Office. The requirements include completing community service hours, obtaining a 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 will 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 432 applicants with 377 graduates and 92 negative terminations in 2010.
- To date, 3,135 defendants have successfully completed the Second Chance Program and 916 have failed, giving the program a 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 \$147,005 in restitution during 2010.
- \$1,996,856 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 \$229,001 in application and program fees from the defendants.
- Defendants on the Second Chance Program performed 26,499 hours of community service in 2010. 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 345,368 hours of community service.
- Of the 377 graduates in 2010, 23 obtained their high school diploma or G.E.D., 6 enrolled in ESL classes, 37 completed a counseling program (substance abuse, personal, anger management, or financial), 12 wrote letters of apology, and 43 completed the Life Skills Program, 38 completed the Financial Life Skills Program, and 76 completed the Theft Awareness Program.

## SECOND CHANCE YEAR END COMPARISON REPORT

	<b>04-05</b>	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>
# Applicants	301	402	444	525	518	432
# Graduates	166	205	288	289	367	377
# Neg. Term	47	67	67	95	108	92
Success Rate	78%	75%	81%	75%	77%	80%
CRS Worked (Hours)	14,686	14620	22,673	29,204	31,011	26,499
Fees Collected	\$105,775.50	\$133,200.08	\$186,409.25	\$240,415.50	\$236,208	\$229,001
Restitution Collected	\$111,855.67	\$150,079.04	\$315,063.56	\$162,794.83	\$121,914	\$147,005
Obtained GED or Diploma	21	16	14	20	9	23
Obtained Counseling	27	39	66	65	20	37
ESL	18	16	20	12	6	6
Entered Armed Forces	1	2	2	0	2	2
Life Skills	72	73	66	92	146	81
TAP						76

## Drug and Alcohol Program

The fifth 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: (i.e.: 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 233 participants, had 198 graduates, and 71 negative terminations.
- To date, the program has seen 793 graduates and 253 negative terminations, giving the program a success rate of 76%.
- Collected \$90,107 in program fees in 2010.
- In addition to paying fees, the participants are subject to random drug testing and must complete a drug education program developed by the State's Attorney's Office and the Renz Addiction Counseling Center. In 2010, 255 defendants completed the Drug Education Program. The defendants are surveyed following their participation in the program. Feedback for the education program continues to be consistently positive.



## Domestic Violence

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

## Significant Accomplishments

- Opened 1,356 new misdemeanor domestic violence cases (down from 1,697 misdemeanor cases charged in 2009).
- Opened 147 new felony domestic violence cases (up from 143 felony cases charged in 2009).
- Disposed of 1,327 felony and misdemeanor cases and had a conviction rate of 56%.
- Felony Trial Conviction rate of 73%.
- Misdemeanor Trial Conviction Rate of 43%
- Assisted 160 victims obtain criminal orders of protection.
- Worked with ICE to inform them of misdemeanor and felony domestic battery convictions.
- One attorney participated in National Conference on Domestic Violence training at the National Association of District Attorneys in Washington, D.C.
- Testified before the sub-committee for the Illinois House of Representatives in regard to the uniformity between criminal and civil orders of protections.
- Participated in training for 911 dispatchers and police officers of Kane County in regard to new Domestic Violence laws including Aggravated Domestic Battery – Strangulation, Stalking, and Cyber stalking.
- Provided seminars on Cyber bullying and Teen Dating Violence to students at Batavia High School.
- Created a Domestic Violence Diversion Program that began in October 2010. 16 people entered into the program in 2010.
- Travelled with the Illinois Coalition to Sterling, Galesburg, and Rock Island to provide training to law enforcement, prosecutors, advocates, and probation on Protective Orders.

## Case Highlights

- Kevin Cooper – 08CF3559 – Convicted at a Jury Trial of Domestic Battery – Class 4 Felony for abusing his girlfriend. Sentenced to 4 ½ years IDOC.
- Kenneth Stewart – 09CF316 – Convicted at a Bench Trial of Aggravated Domestic Battery – Class 2 Felony for causing great bodily harm to his girlfriend. Sentenced to 4 years IDOC.
- Todd Jenkins – 09CF2320 – Convicted at a Jury Trial of Aggravated Domestic Battery – Class 2 Felony for strangulation of his girlfriend. Defendant sentenced to 8 years IDOC.
- Robert Carter – 09CF2404 – Convicted at a Jury Trial of Domestic Battery – Class 4 Felony for abusing his girlfriend. Sentenced to 2 years IDOC. Defendant also charged with Harassment of a Witness – Class 2 Felony for threatening the victim as a result of her testimony. Defendant plead guilty and was sentenced to 3 years IDOC.
- Jose Salgado – 10CF401 – Convicted at a Bench Trial of Domestic Battery – Class 4 Felony for abusing his wife. Sentenced to 1 ½ years IDOC.

## DUI & Traffic

The division consists of eight attorneys and 10 support staff who prosecute all violations of traffic laws in Kane County, and all misdemeanors except Domestic Violence.

### Significant Accomplishments

- The number of misdemeanor DUI cases filed in 2010 was 1,887. The number of misdemeanor DUI cases filed in 2009 was 2,069. The number of misdemeanor DUI cases filed in 2008 was 2,173. 2,124 misdemeanor DUI cases were filed in 2007. 2,069 misdemeanor DUI cases were filed in 2006 and 1,856 misdemeanor DUI cases were filed in 2005.
- A total of 93 misdemeanor DUI cases went to trial. 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%.
- A total of 190 misdemeanors (excluding misdemeanor DUIs and Domestic Battery cases) went to trial in 2010: 21 jury trials and 169 bench trials. The average trial conviction rate for misdemeanors was 59%.
- A total of 107 traffic cases went to bench trial in 2010 with a conviction rate of 69%.

### Drunkbusters Program

The Kane County State's Attorney's Office implemented the Alliance Against Intoxicated Motorists Drunkbusters Program on December 31, 2007. Under the Drunkbusters Program a citizen is given a \$100 reward when they provide information to police which results in a DUI arrest. In 2010, this program resulted in the arrest of 36 impaired drivers, with \$3,600.00 being paid out to good Samaritans who reported these suspected drunken drivers to police. This was an increase from the 26 impaired drivers arrested as a result of the Drunkbusters Program in 2009.

### Accepting Responsibility is Mandatory! (ARM) Program

The ARM Weekend program is a three-day weekend program for drunken drivers with a focus on alcohol abuse education, team building initiatives and rehabilitation. Kane County has been sending DUI offenders to the ARM program since 2007. In 2010, 237 offenders were ordered to attend the weekend program with a compliance rate of 86%. A typical sanction for failing to successfully complete the weekend program is incarceration in the Kane County jail.

### Secure Continuous Remote Alcohol Monitoring (SCRAM)

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

Kane County was the third county in the state of Illinois to begin using the SCRAM in 2007. The SCRAM device is used most often in the criminal courts either as a condition of bond release, or as a condition of a sentence to enforce a judge's order that an offender refrain from

alcohol consumption. In 2010, 620 offenders were monitored with an 84% compliance rate, meaning these offenders had zero drinking or tamper events. Of the non-compliant, 12% had only one or two drinking or tampering events. The remaining 4% had one or more drinking or tampering events. Violations of drinking or tampering with the SCRAM bracelet typically results in a jail sentence. With 24/7 monitoring, SCRAM has proven to be extremely valuable tool in assisting the court system in enforcing prohibitions against alcohol consumption.

### **Holiday Alcohol Testing & EtG/EtS Testing**

On Labor Day Weekend 2010 the Kane County State's Attorney's Office launched Holiday Alcohol Testing. It was a new initiative to address the fact that certain holidays are statistically linked to an increase in alcohol-related traffic fatalities. Offenders who have been court ordered not to consume alcohol reported to a testing center for either a portable breath test or urine screen. Testing during these periods typically associated with increased alcohol consumption is geared toward helping an offender maintain sobriety during times when he or she would be facing a heightened temptation to consume alcohol.

The 2010 holidays in which the monitoring occurred were Labor Day weekend, Halloween, Thanksgiving Weekend, and New Year's Eve.

In addition to the Holiday Alcohol Testing Program, in 2010 the Kane County State's Attorney's Office initiated the use of EtG/EtS alcohol testing through the Drug and Alcohol Testing Center, Inc.

Ethyl Glucuronide (EtG) is a direct metabolite of alcohol (ethanol). EtG can be detected in urine after the ethanol would no longer be measurable in a portable breath test or blood test. The presence of EtG in urine is an indication that alcohol has been consumed. Ethyl Sulfate (EtS) is a second specific metabolite or biomarker of ethanol. EtS testing is used to confirm an EtG positive test. An EtG/EtS Screen can detect ethanol that was ingested within the past 3 to 4 days or approximately 80 hours after the ethanol was ingested.

Random EtG/EtS testing is often used as a follow-up to an offender's time on the SCRAM device to ensure continued compliance with court prohibitions against drinking and to aid an offender in maintaining sobriety.

Since the inception of these programs in 2010, 980 portable breath tests and 138 EtG/EtS tests were administered with alcohol consumption having been detected in 0.2% of the PBT tests and in 5.7% of the EtG/EtS tests. Sanctions for failing a portable breath test or EtG/EtS testing include a return to the higher scrutiny of the SCRAM bracelet or incarceration in the county jail.

The Drug and Alcohol Testing Center staff had received positive feedback from offenders including "this program is keeping me clean" and "the SCRAM program and continued testing has saved both me and my family."

### **"No-Refusal" Weekends**

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

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

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

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

In 2010, "no-refusal" DUI enforcement weekends were conducted over the July 4<sup>th</sup> and New Year's Eve holidays.

### **July 4<sup>th</sup> Weekend 2010**

- Carpentersville, East Dundee, Elgin, Geneva, Illinois State Police, Kane County Sheriff, Montgomery, St. Charles, South Elgin, Sugar Grove and West Dundee police agencies participated.
- Twelve DUI suspects arrested.
- Three suspects initially refused to the breathalyzer.
- One of the three suspects who initially refused subsequently submitted to a breathalyzer after being informed that a search warrant would be sought.
- The remaining two suspects persisted with their refusals despite the fact search warrants had been obtained, and both were charged with Obstructing Justice, a Class 4 felony.

### **New Year's Eve Weekend 2010-2011**

- Batavia, Elgin, Geneva, Montgomery, St. Charles police departments and the Kane County Sheriff's Office participated.
- Three DUI suspects arrested.
- Of the three, one suspect initially refused the breathalyzer, and a search warrant was obtained. That suspect then submitted to a blood sample withdrawal.

## Child Support

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

### Significant Accomplishments

- During this fiscal year 2010, the Kane County SAO received 1,149 new referrals for legal enforcement from the Department of Healthcare & Family Services (HFS). These new referrals represent new causes of actions only and do not account for the pleadings filed by parties on the already active and currently pending cases in court. In addition to the new referrals from HFS and the motions defended on the existing and pending cases in court, our Office prepared and drafted 304 new pleadings and defended 313 cases filed by pro se Respondents for a total of 1,766 new enforcement actions filed during the above-listed time frame. The total of new enforcement actions do not account for the responsive pleadings filed by our attorneys to pleadings filed by litigants on the existing cases.
- According to the Illinois State Disbursement Unit the Kane County State's Attorney collected \$17,698,888.02 during 2010 fiscal year which is a 19% increase from the 2009 fiscal year of \$14,873,267.71. Given the current state of economy this level of collections represents an exceptional accomplishment and shows the aggressive nature of our Unit's commitment to enforcement of support obligations.

### Case Highlights

- During 2010 the attorneys in the Child Support Division conducted 361 contested hearings. Out of those hearings, 64 represented Petitions for Rule to Show Cause for non-payment of child support. Out of the 64 Rules that proceeded to a hearing, only three were losses which indicate a success rate of 89%.
- Further, our Office was able to collect \$292,438.12 in purge payments pursuant to all pending contempt findings during the 2010 fiscal year and forward said purge payments to the custodial parents.
- The amount of \$292,438.12 collected in purge payments during 2010 fiscal year does not include the \$40,853.94 collected pursuant to 36 Petitions for Rule to Show Cause filed and withdrawn because the non-custodial parent brought himself/herself current on his/her support obligation or made a large lump sum payment prior to proceeding to a hearing.
- During this fiscal period, our Office received and reviewed 43 petitions for Downward Modification of child support on behalf of the non-custodial parent due to loss of employment and income. This number represents 514% increase from 7 petitions received and reviewed during the last fiscal year 2009.
- Further, through the use of specialized motions and/or methods beyond the normal everyday collection efforts of our Unit, we have collected \$21,032.00 from the non-custodial parents' pension plans. This amount was collected and paid directly to the custodial parent and is not included in the State Disbursement Unit figures listed above.
- The Unit continues to enforce and issue Body Writs on cases where appropriate. This fiscal year, we had issued 183 Writs. Out of the 183 Writs issued, only 53 are still

outstanding. This shows a collaborative effort and commitment of all law enforcement agencies to the apprehension of parents who do not live up to their support obligations. In fact, during this fiscal year our Office collected \$77,310.00 from bonds posted on all outstanding Writs. This money was forwarded to the custodial parents.

- The Child Support Division 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 66 case referrals for registration of foreign support order and has filed 57 of those cases.

# Screening and Charging

As you will read, 2010 was another outstanding year for the Kane County State's Attorney's Office. Our felony review unit handled a total of 3,440 felony cases. This could not have been achieved without the support and cooperative efforts of our Assistant State's Attorneys and local law enforcement throughout Kane County.

Thirty-four 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 Office and St. Charles.

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



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

<b>RANK</b>	<b>POLICE DEPARTMENT</b>	<b># OF CF CASES FILED IN 2010</b>
1.	Aurora Police Department	1088
2.	Elgin Police Department	727
3.	Carpentersville Police Dept.	271
4.	Kane County Sheriff's Office	200
5.	St. Charles Police Dept.	199
6.	Batavia Police Dept.	119
7.	North Aurora Police Dept.	89
8.	Montgomery Police Dept.	82
9.	South Elgin Police Dept.	82
10.	West Dundee Police Dept.	55
11.	East Dundee Police Dept.	46
12.	Geneva Police Dept.	44
13.	Child Advocacy Center	25
14.	Sugar Grove Police Dept.	22
15.	Illinois State Police North Central Narcotics Task Force	21
16.	Illinois State Police District 15	18
17.	Huntley Police Dept.	17
18.	Hampshire Police Dept.	16
19.	Algonquin Police Dept.	15
20.	Elburn Police Dept.	10
21.	Gilberts Police Dept.	10
22.	Fox Valley Park District	9
23.	Illinois Gaming Board	9
24.	Campton Hills Police Dept.	8
25.	Pingree Grove Police Dept.	8
26.	Elgin Community College Police Dept.	7
27.	Sleepy Hollow Police Dept.	7
28.	Illinois State Police District 2	6
29.	Illinois Secretary of State	5
30.	Waubensee Community College Police	3
31.	Maple Park Police Dept.	2
32.	Wayne Police Dept.	2
33.	Kane County Forest Police	1
34.	Bartlett Police Dept.	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 will conduct original investigations, assists trial attorneys in witness preparation and serves subpoenas.

## Significant Accomplishments

- Initial and follow-up investigations of which 32 were worked.
- Service of 657 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 111 were served. The majority being served in the City of Chicago.
- On many occasions, received requests by Assistant State's Attorneys to attempt to serve crucial subpoenas on very short notice that the Sheriff's Office 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 were made, on on-view arrest in Chicago and one felony warrant arrest for South Elgin Police Department case.

# **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 and violations of the Environmental Protection Act.

## Significant Accomplishments

### General

- Continued to provide legal advice and representation to the County Board, various County Departments and Elected Officials.
- Assisted the Development Department in resolving potential building code violations and in evaluating and filing demolition action with respect to abandoned property.
- Researched, investigated and responded to complaints of Open Meetings Act violations by various public bodies in Kane County, as well as complaints regarding various election issues, elected officials' statutory duties, and use of public funds.
- Assisted Kane County and various Elected Officials with respect to FOIA requests.
- Assisted the Criminal Division of the State's Attorney's Office in responding to subpoenas, interpreting laws regarding drug forfeitures, and in responding to FOIA requests.
- Participated in the Boy Scouts Law Merit Badge Day regarding contracts and environmental issues.
- Assisted Sheriff in drafting reciprocal reporting agreements with all area school districts.
- Assumed responsibility of handling case call for expungements of criminal matters.
- Researched various financial issues pertaining to budgets and internal control.
- Assisted the Kane County Circuit Court Clerk in researching and analyzing issues relating to the distribution of funds authorized by the new collection statutes, use of a collection agency to collect fees owed to the Circuit Clerk, and purchasing statutes.
- Provided presentation on the FOIA to the Illinois Procurement Professionals Association.
- Provided deposition assistance and representation to employees from various county departments.
- Negotiated and assisted in drafting a Memorandum of Agreement between the Kane County Sheriff's Office and the Aurora University Police Department for services.
- Continued Ethics Ordinance Analysis

- Continuing defense of a criminal post-conviction petition
- Continuing prosecution of three criminal defendants charged with Class X felonies

## 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. 2011 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 also continued to advise, and represent, the Kane County Board of Review in a year when assessment complaints are rising.
- A number of tax cases were defended successfully at trial and are on appeal in the Second District Appellate Court.

## General Litigation

- Special Assistants tried and settled a number of workers' compensation cases and had several dismissed.
- Represented the County and Elected Officials in various pending litigation; succeeded in obtaining voluntary withdrawals in two cases filed this year in state court.
- Represented Kane County Sheriff before Merit Commission and Arbitrators on employment matters.

## Civil Rights Litigation

- The active number of civil rights cases in federal court has remained relatively stable, with the number settled being offset by roughly the same number of new cases. Throughout the year, advantageous settlements permitted the avoidance of the risk associated with proceeding to trial on any of the settled cases, and in 2011 the goal is to continue this trend, while noting that several cases appear resistant to settlement at an acceptable amount and seem likely to result in trials, with an increase in litigation preparation.
- Obtained dismissals in several civil rights cases filed in state court involving the Kane County Sheriff, State's Attorney and various employees.

## 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 2010 elections, including organizing and staffing an Election Hotline on each election day to receive and investigate inquiries concerning possible violations of Illinois election law.
- Assisted the Kane County Clerk in ensuring compliance with the filing of Statements of Economic Interests and the Oaths, Bonds, and other required paperwork for newly elected officials.
- Successfully completed requirements under a Memorandum of Understanding between the U.S. Department of Justice, Voting Rights section (“DOJ”) and the Kane County Clerk-pending lawsuit against the County Clerk dismissed by the DOJ.
- Represented the Kane County Officers Electoral Board in several hearings on various objections to nominating petitions, and received an Appellate decision in which the Electoral Board’s ruling was upheld by the Appellate Court.

### Local Government Affairs

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.

### Employment and Labor Matters

- Represented the County and Elected Officials in administrative cases before the Equal Employment Opportunity Commission (“EEOC”) and the Illinois Department of Human Rights involving sexual discrimination, racial discrimination, age discrimination, religious discrimination and disability discrimination claims resulting in the dismissal of several of the claims, and no adverse findings were entered against any of the clients.
- Represented the County and Elected Officials in federal and state court cases involving sexual discrimination, sexual harassment, racial discrimination, religious discrimination, retaliatory discharge, and deprivation of civil rights claims, resulting in the dismissal of several claims, and no adverse findings were entered against any of the clients.
- Provided advice to the County and Elected Officials concerning compliance with various employment and labor laws, including Title VII, Americans with Disabilities Act, Family Medical Leave Act, Age Discrimination in Employment Act, Uniform Service Employment & Reemployment Act, Illinois Human Rights Act and the Illinois Public Labor Relations Act.
- Assisted the County and Elected Officials in conducting disciplinary investigations and advised officials and supervisors concerning discipline and termination of employees.
- Assisted the County in a hearing and appeal to the Board of Review concerning an employee’s entitlement to unemployment compensation.
- Assisted the County in resolving an issue regarding the designation of an employee’s beneficiary under the deferred compensation plan.

- Provided advice to the County and Elected Officials concerning the drafting and revision of employment policies.
- Provided legal advice to various Elected Officials concerning compliance with grant requirements for implementing Equal Employment Opportunity Plans. Assisted in the drafting of the required plans.
- Represented the County and Elected Officials in grievance and arbitration proceedings under various collective bargaining agreements. Assisted in successfully resolving numerous grievances at either no or minimal cost to the County.
- Represented the Sheriff in interest arbitration proceedings with the PBLC and the County.
- Represented the Sheriff in disciplinary and discharge cases before the Kane County Sheriff's Merit Commission.
- Represented the County in administrative proceedings before the Illinois Department of Employment Security.
- Represented elected officials in labor negotiations and mediations.
- Represented elected officials in proceedings before the Illinois Labor Relations Board.
- Represented elected officials in declaratory judgment actions brought by the PBLC concerning discipline, contract interpretation, requirements of the Illinois Public Labor Relations Act.

## Health Department Matters

- Advised the Health Department concerning court-ordered isolation of individuals with tuberculosis.
- Advised the Health Department concerning requirements of the Health Insurance Portability and Accountability Act ("HIPAA").
- Provided legal advice to Health Department staff concerning quarantine and isolation powers and public health emergencies.
- Provided legal advice to the County and the Health Department concerning the Illinois Emergency Management Agency Act, the federal Public Readiness and Emergency Preparedness Act and the declaration of public health emergencies.
- Provided legal advice concerning volunteer medical corps.
- Advised the Health Department on grants.
- Provided legal advice to the County and the Health Department concerning the privacy and confidentiality of health information in connection with subpoenas and FOIA requests.
- Provided legal advice concerning other miscellaneous topics.



- Assisted the Health Department in drafting Memorandums of Understanding with other health care providers.
- Advised the Health Department on implementation and enforcement of the Smoke Free Illinois Act subsequent to the revisions to the Act which became effective January 1, 2009.

## Environmental

- Co-prosecuted with Illinois Attorney General cases involving land and water pollution.
- Collected \$30,000 in outstanding fines from Kendall County cement company for violations of the Kane County Zoning Ordinance.

## Contracts

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

## Seniors and Persons With Disabilities

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

Number of open cases at end of year	31
Number of cases closed in 2010	41
Number of cases on warrant status	8

### **Active cases:**

#### **Female**

Seniors 17  
Disabled 2  
Deceased 0

#### **Male**

Seniors 11  
Disabled  
Deceased 1

### **Types of Cases:**

#### **Crimes against person 11**

Murder 1  
Kidnapping 1  
Aggravated Battery 5  
Aggravated Sexual Abuse 1  
Domestic Battery 1  
Armed Robbery 2

#### **Crimes against property 20**

Residential Burglary 4  
Financial Exploitation 3  
Aggravated Home repair fraud 2  
Theft 7  
Forgery/credit card fraud 2  
Leaving scene of accident 1  
Violation of Probation 1

Warrants 8

### **Mental Health Calls:**

Telephone calls and inquiries 15  
Petitions completed 4

### **Spoke at the following Conferences:**

Crisis Intervention Training, Elder Abuse - Aurora Police Dept. November 8, 2010  
Illinois Family Violence Coordinating Council, Elder Fatality Review Team June 9, 2010  
Illinois Coroners Association, Elder Fatality Review Team Feb. 17, 2010

### **Conferences / Training Attended**

Elder Rights/Triad Conference, July 14-16 2010

### **Monthly Meetings / Community Involvement**

Chair, Kane County Elder Death Review Task Force  
Senior Services Meeting  
16<sup>th</sup> Judicial Circuit Elder Abuse Committee  
Tri-Cities Triad  
West Towns Resource Team  
Illinois Department of Public Health Long Term Care Abuse Prevention Review Team

# **Child Advocacy Center**

## Child Advocacy Center

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

The unit operates out of the Child Advocacy Center in Geneva 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 an Assistant State's Attorney in conjunction with the investigated team.

Because the employees assigned to the CAC must be well versed in investigative techniques and litigation techniques, the assistants and staff of the CAC are highly and specially trained. Many more matters are investigated than are charged.

## Significant Accomplishments

- CAC staff members have been elected to positions with the *Kane County Juvenile Officers Association* and to a position on the executive council of the *State of Illinois Child Death Review Team*.
- Through grant funding and scholarship opportunities CAC assigned personnel have attended the following:
  - Univ. of Wisc., *25<sup>th</sup> Annual Midwest Conference Child Sexual Abuse*
  - Dallas Police Department, *Crimes against Children Conference*
  - Children's Hospital, *MDT Response to Suspected Child Sexual Assault*
- 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 31 investigations.
- Our first digitally recorded forensic interviews were used in court. All reviewed statements have been admitted under the 725 ILCS 115-10 hearsay exception.
- The CAC referred 410 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 26 children reporting sexual abuse, 4 children received specialized physical abuse examinations and 61 children were seen at hospital emergency rooms for issues of sexual abuse.
- The CAC was able to create and implement programs for sexually reactive children and currently have 5 young children receiving supportive mental health services in order to

promote the development of healthy behavior patterns.

- Staff members assigned to the CAC have been selected to present on a variety of child abuse topics, including, Sex Offender Typology, Child Abuse Investigation, Accreditation Standards for Child Advocacy Centers, Mandated Reporting, as well as abuse recognition and prevention. CAC personnel hold training positions with the National Children's Alliance and Northeast Multiregional Police Training Unit.

#### **Offender Accountability:**

- Of the 71 criminally charged cases disposed in FY 2010, the CAC prevailed in 67 of them for a conviction rate of 94%.
- CAC convictions resulted in Kane County sex offenders receiving sentences of life + 48 months and a total of 210.25 years in the Illinois Department of Corrections, 1267 days of county jail time; and 606 months of probation, offenders served 9,650 days of county jail time prior to disposition and sentencing, in some instances this time is inclusive in the ultimate sentence, those who were sentenced to probation did this time in addition to their probation period.
- Some notable court accomplishments and cases:

**Charles Granter 07CF2053** Two separate CAC investigations resulted in charges against Granter for Predatory Criminal Sexual Assault. Granter met the victims at church and befriended their families. Charles Granter was convicted and sentenced to life in prison.

**Cristian Molina 08 CF 632** : Molina pled guilty to 1 count of Agg. Domestic Battery (Cl. 2) and was sentenced to 6 years IDOC. The victim suffered a subdural hematoma. After questioning, CAC investigators were able to obtain a statement from Molina.

## FY 2010 CAC Report

<b>Investigations conducted:</b>		<b>300</b>
<b>Investigations Pending</b>		<b>35</b>
<b>Charged/filed court actions</b>		<b>53</b>
Felony charges	34	
Misdemeanor charges	1	
Juvenile Delinquency petitions	9	
Juvenile Abuse and Neglect petitions	9	
<b>Charged cases disposed</b>		<b>71</b>
Convictions/pleas (94 %)	67	
Acquittals/nolle prosequi	4	
<b>Juvenile Court Diversion</b>		<b>0</b>
<b>Services for sexually reactive behaviors</b>		<b>4</b>
<b>Total files closed</b>		
<b>(including those initiated in prior years)</b>		<b>288</b>
<b>Investigative Interviews:</b>		<b>1926</b>
Child victims under 13	211	
Child victims over 13	133	
Child witnesses	243	
Adult witnesses	1,105	
Suspects	234	

# **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.

### SIGNIFICANT ACCOMPLISHMENTS

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

### Budgets

The Kane County State's Attorney's Office has a total budget comprised of 10 smaller budgets or funds. Each fund is given a budget amount to expend during the year. Some funds are partially or fully funded by grant funds. Per grant requirements expenditures are reported to the grant agency based on the grant fiscal year. Because grant fiscal years are different than the county fiscal year there is an overlap in expenditures in the county budget verses the grant budget. Reports illustrating the office's expenditures in county fiscal year 2010 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 2010 was \$8,415,264. The amount spent by the Kane County State's Attorney's Office in 2010 was \$8,292,823.



KANE COUNTY STATE'S ATTORNEY'S OFFICE  
**FINANCIAL REPORT**  
FISCAL YEAR 2010

**GENERAL REVENUE:**

Description	FY 2009	FY 2010
State's Attorney's Fines	\$397,035	\$331,897
Bond Forfeiture Fines	1,271,623	758,015
Collection Fines	0.0	30.00
Second Chance Fines	320,700	319,108
State's Attorney Prosecution Fees	337,483	286,057
Restorative Justice Program/Miscellaneous	2,862	1,894
State's Attorney's COLA	153,404	238,236
Interest Earned	8,811	4,641
<b>TOTAL GENERAL REVENUE</b>	<b>\$2,491,918</b>	<b>1,939,878</b>

**GRANT REVENUE:**

Description	Grant Fiscal Yrs. 2009	Grant Fiscal Yrs. 2010
<b>Child Advocacy Center</b>		
Attorney General Victim Assistance	\$19,500	\$19,500
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
CAC Fees	62,411	91,656
<b>TOTAL</b>	<b>165,786</b>	<b>195,031</b>
<b>Child Support</b>		
Dept. of Healthcare & Family Services	<b>786,014</b>	<b>766,813</b>

<b>Victim Services</b>		
Illinois Attorney General	26,400	25,800
Il. Criminal Justice Information Authority	60,358	72,430
<b>TOTAL</b>	<b>86,758</b>	<b>98,230</b>

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

<b>Auto Theft Task Force</b>		
Auto Theft Task Force Grant	\$68,073	\$68,073
Investment Income	648	454
<b>TOTAL</b>	<b>\$68,721</b>	<b>68,527</b>

<b>Weed &amp; Seed</b>		
US Department of Justice	<b>142,000</b>	<b>142,000</b>
<b>TOTAL GRANT REVENUE</b>	<b>1,401,426</b>	<b>\$1,414,568</b>

**SPECIAL ACCOUNT REVENUE:**

Description	FY 09	FY 10
Bad Check Restitution	12,035	25,638
Drug Asset Forfeiture	28,893	33,188
Interest Earned	1,611	201.26

**EXPENDITURES:**

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL:</b>			
Salaries & Wages	3,101,870	3,184,789	103%
Employee Benefits	741,694	719,438	97%
Contractual Services	413,539	289,302	70%
Commodities	68,700	63,155	92%
Capital	0	0	
<b>TOTAL</b>	<b>4,388,882</b>	<b>4,319,763</b>	<b>98%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER:</b>			
Salaries & Wages	557,990	565,498	101%
Employee Benefits	165,986	180,460	109%
Contractual Services	128,323	111,098	87%
Commodities	10,440	7,569	72%
Capital	65,355	63,578	97%
<b>TOTAL</b>	<b>928,094</b>	<b>928,202</b>	<b>100%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL:</b>			
Salaries & Wages	447,727	488,735	109%
Employee Benefits	169,496	144,123	85%
Contractual Services	252,570	217,299	86%
Commodities	6,000	6,373	106%
<b>TOTAL</b>	<b>875,793</b>	<b>856,531</b>	<b>98%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D:</b>			
Salaries & Wages	508,326	526,965	104%
Employee Benefits	245,989	233,364	95%
Contractual Services	32,019	27,604	86%
Commodities	1,795	1,718	96%
<b>TOTAL</b>	<b>788,129</b>	<b>789,651</b>	<b>100%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION:</b>			
Salaries & Wages	244,621	248,645	102%
Employee Benefits	96,391	72,584	75%
Contractual Services	11,326	11,326	100%
<b>TOTAL</b>	<b>353,338</b>	<b>332,555</b>	<b>94%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES:</b>			
Salaries & Wages	107,757	104,003	97%
Employee Benefits	57,260	43,910	77%
Contractual	8,050	6,203	77%
<b>TOTAL</b>	<b>173,067</b>	<b>154,116</b>	<b>89%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DOMESTIC VIOLENCE:</b>			
Salaries & Wages	306,185	307,406	100%
Employee Benefits	124,025	127,407	103%
Contractual	20,755	18,664	90%
Commodities	0.0	0.0	
<b>TOTAL</b>	<b>450,965</b>	<b>453,477</b>	<b>101%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>ENVIRONMENTAL:</b>			
Salaries & Wages	160,969	161,804	101%
Employee Benefits	56,136	63,788	114%
Contractual	9,332	7,832	84%
Commodities	585	44.15	8%
<b>TOTAL</b>	<b>227,022</b>	<b>233,469</b>	<b>103%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>AUTO THEFT:</b>			
Salaries & Wages	62,746	63,668	101%
Employee Benefits	23,323	23,244	100%
Contractual	2,905	2,905	100%
<b>TOTAL</b>	<b>88,974</b>	<b>89,817</b>	<b>101%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>WEED &amp; SEED:</b>			
Salaries & Wages	64,905	69,128	106%
Employee Benefits	20,632	19,880	96%
Contractual	56,463	57,803	102%
Commodities			
Capital			
<b>TOTAL</b>	<b>142,000</b>	<b>146,811</b>	<b>103%</b>

# Juvenile

## Juvenile Delinquency

The Juvenile Delinquency Unit is responsible for prosecuting all felony offenses committed by minors under 17 years old and all misdemeanor offenses committed by minors under 18 years old excluding traffic and ordinance violations. The Delinquency Unit has the responsibility of prosecuting a range of offenses this year from the more serious offenses of aggravated discharge of a firearm to the more minor offenses of assault and disorderly conduct. We also file petitions and prosecute minors who are chronic truants. Because of a change in the law, 2010 marked the first year of prosecuting 17 year olds who committed misdemeanors and amid many questions from police and court services we now have a system well established.

Each case is evaluated individually no matter how minor or serious the offense. 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 course of action 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. 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 met.

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

## Significant Highlights

- Filed 840 petitions to adjudicate. Resolved approximately 625 petitions to adjudicate and 566 cases involving petitions to revoke a minor's probation or supervision.
- Secured sentences of individual minors to the Illinois Department of Juvenile Justice for those who pose the highest risk to society.
- Continued the success of the Drug Court in graduating minors from the program due in part to the services of the drug court team.
- Succeeded in extending CAST probation to the City of Elgin in an effort to help curb the gang violence.
- Transitioned in new Assistant State's Attorneys.
- Continued in our effort to streamline and modernize our paperwork process.

## 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 determined to be abused or neglected. The State's Attorney's Office asks 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.

In addition the unit also performs custody hearings. These hearings occur between the parents and foster parents or between two 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. 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 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. If this cannot occur, we strive for stability and permanency (adoption, guardianship or independence) for the minor.

## Significant Accomplishments

- Created an Access database for tracking cases and committed to documenting every screened case, as well as keeping electronic notes on the status of each file after each date. Previously, case information was dependent on the knowledge and memory of the assigned attorney and there was no mechanism to keep track of screened cases.
- The courtroom now is electronic and we utilize a laptop and printer to provide typed orders for the court.
- The unit, as part of the Court Alliance Team Training Sub-Committee, planned a day-long training session for case workers, investigators, and CASA regarding report writing, testifying in court, and client communication.
- The unit participates in the quarterly Court Alliance Team Meeting
- The unit attended the 2.5 day conference on Undoing Racism to address the disproportionality of minorities in our courtroom
- A unit member is on the Action Team, to further address the issue of disproportionality in our courtroom
- A unit member participated in the CASA Volunteer Recognition Evening and the CASA Hands Around the Courthouse Celebration
- A unit member attended the child Advocacy Centers of Illinois 2010 Champions of Children Conference.
- A unit member presented at a CASA training regarding the structural process of an Abuse & Neglect case.