

Kane SAO  
2013



**The Office of  
Kane County State's Attorney  
Joseph H. McMahon**

## Office of the Kane County State's Attorney



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The following annual report is a review of the Kane County State's Attorney's Office's performance in 2013.

As you will read, 2013 was a year of many successes in the office, and the beneficiaries were the people of Kane County. The office operated under a new structure designed to improve efficiency without compromising work quality, enhance public safety, and provide newer lawyers with more resources to help them grow as lawyers, professionals and public servants.

The office had many successes. They include a number of important verdicts that resulted in life or lengthy prison sentences for violent offenders, an innovative resolution to a complex investigation that involved the failure of school officials to report a case of child sexual abuse, and continued high interest in its Deferred Prosecution Program. The office also celebrated the move of two senior and respected assistant state's attorneys to the bench to become judges.

It also is notable that although the workload remains high, the office continues to perform at high efficiency at all levels, and that its budget performance was within the appropriated budget.

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 unsurpassed dedication that ultimately makes Kane County a safer place to live.

This report will give you a glimpse of the office's divisions, bureaus and units, 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 2014 and beyond, and we thank you for the opportunity to serve all of the people of Kane County.

For more information about our office, please contact us at (630) 232-3500 or visit our Website at <http://saopublic.co.kane.il.us/Pages/Default.aspx>.

*Joseph H. McMahon*

Joseph H. McMahon  
Kane County State's Attorney

## Introduction

The Kane County State's Attorney's Office is comprised of attorneys, victim advocates, investigators and administrative support staff. Secretaries, paralegals, investigators, advocates, computer technicians, case managers and administrative supervisors and communications professions comprise the support staff. The office has two divisions – Criminal and Civil.



The office has six locations – at the Judicial Center, the old Third Street Courthouse, the Child Advocacy Center, Aurora Branch Court, Elgin Branch Court and Kane Branch Court. The office prosecutes all traffic, misdemeanor and felonies written under state statutes and county ordinance violations. The office also represents every county official in matters of county business.

This report highlights the office's 2013 accomplishments. Although every division, bureau and unit operated at a high level of efficiency and professionalism, a few stand out. Except where noted, this report reflects calendar year 2013.

In response to the changing face of crime, the office late in 2012 implemented a restructuring that created three bureaus and combined two units under a single leadership umbrella. The benefits of the restructuring were apparent throughout 2013.

The Criminal Division continued to successfully prosecute complex cases involving violent criminals, drug dealers, sexual offenders and predators, child abusers and drunken drivers, thieves and robbers, and those who exploit and neglect the elderly. The fruit of this labor is that Kane County is a safer place for all to live, work and play.

Notably, the office completed an inquiry into whether employees and administrators at West Aurora School District 129 knowingly failed to follow their obligations as mandated reporters of child abuse. The outcome was an innovative agreement that will protect district students.

Criminal Division attorneys screened 2,446 felony investigations from 34 police agencies.

The office worked with Kane County police departments on DUI details known as No-Refusal Weekends to reduce drunken driving. Three of these operations in 2013 netted eight DUI arrests. Further, misdemeanor DUI charges declined by 17 percent. Such initiatives have been instrumental in improving DUI awareness and reducing DUI arrests.

The Civil Division provided legal advice and counsel to Kane County and its elected officials, advising and defending in actions against county officials and employees. The division represented Kane County local government taxing districts in property tax litigation.

The office offered services to victims of violent crimes, and diversion programs to first-time non-violent offenders to help those who might have suffered from a lapse in judgment from being saddled for life with a felony conviction that would become a major impediment later in life.

Looking ahead, the SAO anticipates a busy and eventful 2014 as it will play a role in the application of ambitious and complex new laws such as the Firearm Concealed Carry Act and the Compassionate Use of Medical Cannabis Pilot Program Act.

These accomplishments were made possible by the constant hard work of our entire team. Attorneys, investigators, paralegals, administrative support staff and front desk reception all play an important role in our efforts to represent the people of Kane County and the state of Illinois.

In addition to our many successes, we operated under budget!

## 2013 Beyond the Courtroom

Many of the SAO's successes, achievements and celebrations in 2013 extended beyond the courtrooms. Here are a few:

- In early January, longtime assistant state's attorneys Alice Tracy and Betsy Flood were appointed as associate judges in the 16th Judicial Circuit by the circuit judges. Alice had been a respected and diligent felony prosecutor, having recently been named chief of the office's new Felony Trials Bureau. Betsy had earned the trust and respect of county officials with her thorough work in the civil division. Although their departures meant the office lost years of experience and institutional knowledge, being named a judge is a tremendous honor and a career goal of many lawyers. "The people of Kane County should take comfort in knowing that both have good temperament, are committed to fairness, and have the utmost respect for the law and the rights of victims and defendants, alike," Kane County State's Attorney Joe McMahon said the day he learned they'd been named judges.

- In February, the office celebrated the retirement of bond court supervisor and training supervisor Sue Norris. Sue began working for the SAO in 1967. Over the span of 45 years, Sue worked for 10 state's attorneys and witnessed the construction of the Kane County Judicial Center and two Aurora Police Departments. Sue's departure left big shoes to fill, but fortunately there were plenty of strong candidates already on staff to take on her responsibilities.

- The office continued to utilize interns, both hopeful lawyers and those with other law-related aspirations. Internships are not a requirement of law school, but the opportunity to work as an intern has extensive professional benefits for law students. The SAO also benefits from the internships in many ways from the internships it extends, including visibility, an influx of fresh perspectives, and the ability to identify potential job candidates when positions become available. Many of the more than 50 lawyers on staff worked in the office as interns, including the state's attorney.

- The SAO continued to reach directly to the public through social media by adding a Facebook page (feel free to go to the page and like us.) In 2009, the office launched its own Twitter account (follow us at @KaneSAO.) The social media presence allows us to directly communicate with the public on matters of official office business, law enforcement, public safety, public service and community awareness. More than 480 people now follow the SAO Twitter and Facebook accounts, and the numbers continue to grow.



Longtime Kane County Assistant State's Attorneys Alice Tracy (above) and Betsy Flood (below) were named associate judges in the 16th Judicial Circuit in January 2013.



Sue Norris (left), who began working for the Kane County SAO in 1967, retired in February 2013. Sue was respected in many circles for her commitment to public service.

# **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 Trials, Traffic/Misdemeanor/DUI/Domestic Violence, Juvenile, Abuse & Neglect, Child Advocacy Center, Special Prosecution, Narcotics and Post Convictions. Assistant State's Attorneys in the Criminal Division work with local, state and federal law enforcement agencies to prosecute violations of state law that occur in Kane County.

## **Kane County State's Attorney's Office**

### **General highlights**

- Authorized 2,326 felony cases, a decrease of 287 cases from 2012.
- Disposed of 1,983 felony cases with a 95 percent conviction rate.
- Staffed six felony courtrooms, five misdemeanor courtrooms including the three branch courts, two juvenile courtrooms and a courtroom for probation violations.
- Three violent offenders were convicted of crimes that carry a mandatory life sentence, and two violent offenders received sentences that will keep them imprisoned essentially for the remainder of their lives. (These convictions are highlighted in greater detail beginning on the next page.)
- Reviewed and took appropriate action on 3,091 probation violations, including 900 new criminal offenses, by offenders who were sentenced to probation.
- Completed a 10-month inquiry into whether persons employed by West Aurora School District 129 failed to report possible child abuse. The inquiry stemmed from the prosecution of former district teacher Stephen Orland, who in 2012 pleaded guilty to having engaged in sexual acts with two students. The teacher was sentenced to 12 years in prison. The Illinois Department of Children and Family Services then asked the Kane SAO to inquire into allegations that district employees and administrators knowingly failed to follow their obligations as mandated reporters of child abuse. The inquiry revealed that as many as 10 of the district's mandated reporters failed in their statutory mandated reporter duties, and that many district employees were not adequately trained to understand their mandated reporter duties. The inquiry also revealed that no one maliciously or intentionally tried to cover up the teacher's unlawful acts. As a result of the revelations, the SAO and the school district entered into an agreement in which the office agreed to defer prosecution if the district implemented a specific plan that all employees understand the lawful duties of mandated reporters under Illinois law. The agreement was an innovative and responsible alternative to what otherwise would have been a complex and prolonged prosecution that would not have guaranteed the protection of children from future abuse.
- Late in 2012, a restructuring created three bureaus in the Criminal Division: Felony Trials, Traffic/Misdemeanor/DUI/Domestic Violence, and Special Prosecution, which handles adult sexual assaults, complex financial cases, pornography and auto theft. Also, the Juvenile Delinquency and Abuse & Neglect units were combined under one leadership umbrella. Each bureau is led by an experienced prosecutor. The move was designed to streamline operations, provide veteran assistant state's attorneys more time to focus on cases and trial preparation, and to mentor newer assistant state's attorneys. Other benefits have been teambuilding, more consistent resolutions to cases, and, when appropriate, quicker case resolution.

- Continued to use the grand jury to work with law enforcement to investigate crimes. Each grand jury is convened for three months; two grand juries are convened at a time. The eight grand juries of 2013 issued 421 subpoenas for evidence and indicted 1,289 felony cases.
- Continued to provide training for Kane County law enforcement, conduct seminars at the Kane County Bar Association and make presentations at national seminars on various legal topics. In addition, assistant state's attorneys continued to keep up to date with various legal issues by attending numerous seminars.
- Continued to work with the Federal Bureau of Investigations, Aurora Police Department and the Kane County Sheriff's Office to prosecute cold cases that were indicted by a special grand jury in June 2007. Of the 31 members of the Latin King Street gang who were charged with 22 cold-case murders from 1989 to 2005, only a few have yet to be tried.
- Bounce Back, the SAO Bad Check Program vendor since 2009, collected \$129,841.76 in restitution for Kane County merchants who were victimized by bad check writers. The program generated revenue of \$10,723.00 for Kane County.

## **Felony courtroom highlights**

The office obtained dispositions on hundreds of cases by trial or by guilty plea. Some of the defendants who pleaded guilty did so with a sentencing agreement in place, and some left their sentence in the hands of the judge.

A variety of cases were disposed of, from the most serious felonies — murder, attempted murder, home invasion, aggravated battery, domestic battery, sexual assault, child sex abuse, child pornography, robbery and a variety of drug offenses, to DUI, theft, fraud and other financial crimes and property damage cases. The highlighted cases represent many of the office's courtroom victories, and also illustrate the wide variety and complexity of issues the office faces every day in keeping Kane County safe for all to live, work and play.



## **People v. Aurelio Montano**

On July 8, 1990, Aurelio Montano strangled his wife, 35-year-old Maria Guadalupe (Lupe) Montano, in Aurora, believing that she had been unfaithful to him. He then rolled up her body in a carpet and buried it. He later moved Lupe Montano's body, which has not been found. Eighteen years later, Aurora police, acting on a tip, excavated a site in Naperville and found the carpet that Lupe Montano had been buried in. Trained dogs confirmed that human remains had been in the carpet and at the site.

This case wasn't charged until 2008, when authorities finally had sufficient evidence to present the case to the grand jury. At trial, the state faced many complexities: Lupe Montano's body was never found, and a key witness who provided important information to Aurora police died while the case was pending.

Montano, 58, was convicted by a jury of first-degree murder. He already was serving a life sen-

tence for a 1996 double murder so he will spend the rest of his life behind bars. Because of Montano's criminal history, the state had planned to seek the death penalty until it was abolished in 2011.

### **People v. Jaime Diaz**

Early March 16, 1998, Diaz was in a car with 21-year-old Brandon Anderson of Geneva and 21-year-old Elias Calcano of Aurora. The car was parked in an alley off New York Street in Aurora. Diaz pulled out a semi-automatic handgun and shot Anderson and Calcano, once each in the back of the head. Diaz then beat Calcano about the head and face with the butt of the gun. Diaz pulled the bodies from the car and left the scene. Diaz returned and doused the bodies with gasoline and set them on fire. Authorities theorize that Diaz believed Anderson was having an intimate relationship with Diaz's girlfriend.

The case was uncharged for more than 10 years until credible evidence surfaced that pointed to Diaz as the killer.

Diaz was convicted by a jury and given a mandatory sentence of life in prison because he has been convicted of two murders. The state had planned to seek the death penalty for Diaz until it was abolished in 2011.

### **People v. Michael Reyes**

On March 9, 1993, 19-year-old Jesus Montoya and his brother, 18-year-old Francisco Montoya, both of Montgomery, met with Reyes on Spencer Street in Aurora, believing Reyes would help them sell nine ounces of cocaine to someone from Chicago. Instead, Reyes shot both men multiple times with a .45-caliber handgun.

The case wasn't charged until June 2007, and as part of the multi-jurisdictional Operation First-Degree Burn, in which dozens of Aurora street gang members were charged in more than 20 unsolved murders, some dating back more than a decade. The investigations involved numerous police agencies, as well as the Federal Bureau of Investigation. It was one of the last cases charged in the operation to go to trial. At the time of the trial Reyes was serving a 37-year prison sentence for his 2008 conviction on one count of attempted first-degree murder and one count of aggravated battery with a firearm.

The jury deliberated for about 2½ hours before it convicted Reyes of two counts of first-degree murder. Reyes was given a mandatory sentence of life in prison because he has been convicted twice of murder.

### **People v. David Szalonek**

On Feb. 8, 2010, 16-year-old David Szalonek, shot to death 50-year-old Brian Szalonek, his father, with a .20-gauge shotgun. They were the only ones at the family's Algonquin home at the time; three siblings and their mother were not at home. David had become very angry when his father denied him the use of a laptop computer so he could access his Facebook account. They argued for three hours, and according to David, his father struck him several times. David shot his father in the head at close range.

In 2008 David was diagnosed with mental illness but was not on medication. David previously had been hospitalized for suicide ideation and depression. In the months preceding the murder,



David made multiple alarming statements about how he felt alone and that his life was unraveling, and crying for help. He had been undergoing counseling. He and his father did not get along. A psychiatric interview conducted after the murder revealed that the mental illness had a profound impact on David's mental state at the time of the murder, and that a failure to treat the mental illness played a significant role in David's decision to murder his father.

David Szalonek agreed to a sentence of 18 years in the Illinois Department of Corrections in exchange for a plea of guilty but mentally ill to one count of second-degree murder, a Class 1 felony. He is eligible to receive treatment for mental illness in prison.

### **People v. Bernardino Hernandez Jr.**

At about 3 a.m. June 26, 2008, Hernandez went to the victim's Elgin residence. When he saw the victim through a window, Hernandez fired a .38-caliber pistol five times through a window, striking the victim in the back three times. The victim suffered serious injuries and was hospitalized in intensive care for 10 days.

Hernandez and the victim had a toddler daughter together. The victim had recently learned that he was intimately involved with another woman and threatened to deny him visitation with the child. In retaliation for the threat, Hernandez shot her.

Hernandez, 25, was convicted by a jury of one count of attempted first-degree murder and one count of aggravated battery with a firearm. Hernandez was sentenced to 35 years in prison, including a mandatory 25-year enhancement because he fired the gun.

### **People v. Lee Patterson**

Early Oct. 25, 2010, the work van Patterson was driving struck the two victims, 22-year-old Doreen Cardenas of Cicero, and a 25-year-old Pedro Navarro. Cardenas was killed and Navarro suffered serious injuries. Patterson fled the scene.

The victims, who were dating, were leaving work in North Aurora. After he fled, Patterson surrendered a few hours later at the Aurora Police Department, and was transported to the North Aurora Police Department, where Patterson told police that he had been drinking alcoholic beverages. Patterson's blood-alcohol concentration when he struck the victims was between .109 and .182. Navarro suffered a concussion and injuries to his shoulder and knee.

Patterson pleaded guilty to one count of leaving the scene of an accident involving death and one count of aggravated DUI. He was sentenced to seven years in prison.

### **People v. Daniel Happ**

On March 6, 2012, Happ, who was visiting acquaintances, stabbed a dog with a kitchen knife, beat an adult female in the head with a claw hammer and then sexually assaulted an 8-year-old girl.

Happ was socializing in a Carpentersville home. It was the home of the two victims, one of whom was the female acquaintance; she lived there with her boyfriend and his four children from a previous marriage. The boyfriend/father of the children was at work. After the woman and four children went to bed, Happ stabbed the family dog multiple times, then took a hammer upstairs and beat the woman in the face and head. Happ then got an 8-year-old girl out of bed, showed her the injured woman and injured dog, told her that he would do the same to her three siblings if she did not obey his wishes, then he sexually assaulted the child.

Happ pleaded guilty but mentally ill to one count of attempted murder, one count of predatory criminal sexual assault, and one count of aggravated animal cruelty, a Class 4 felony. He was sentenced to 66 years in prison. The guilty but mentally ill conviction allows IDOC to place Happ in a mental health facility to receive treatment. When treatment is done, Happ will finish his sentence remain in the Department of Corrections. Happ also must register for life as a sex offender in accordance with the Illinois Sex Offender Registration Act.

### **People v. Benjamin Black**

The evening of Feb. 27, 2013, Black, who was driving a Ford Expedition SUV westbound on Route 64 in western Kane County, plowed into the rear of a car that had stopped because of a crash, killing 11-year-old Matthew Ranken. Matthew was a passenger in the back seat of the car that was struck. A woman in the front seat of the car was severely injured.

Black had a heroin metabolite in his system at the time of the crash.

Black pleaded guilty to two counts of aggravated DUI. At sentencing he faces probation or between three and 14 years in prison. He also faces a fine of up to \$25,000.

### **People v. Robert D. Sperlazzo**

A dozen times between June 1, 2011, and May 1, 2012, Sperlazzo knowingly and unlawfully filed purported legal documents with the Kane County Circuit Court Clerk.

The documents purported to be court orders, and accused multiple 16<sup>th</sup> Judicial Circuit judges of misconduct and other unlawful and unethical practices, claimed judges held kangaroo court proceedings and railroaded a case, and conspired to suppress due process. Sperlazzo's documents contained language and images that are consistent with the sovereign citizen movement. Sperlazzo's actions were disruptive to the judicial system and potentially harmful to the judges he targeted. The issues were complex and unusual because it was a criminal contempt case. It was heard by a judge from another circuit because Sperlazzo's actions targeted Kane County judges.

Sperlazzo was convicted of 30 counts of direct criminal contempt of court and sentenced to 180 days in the Kane County jail, the maximum sentence allowed.

### **People v. Jorje Tejeda**

In March 2010, Tejeda traded \$40,000 cash and six kilograms of low-quality cocaine in exchange for two kilograms of high-quality cocaine. The substance Tejeda said was low-quality cocaine was not cocaine at all.

Tejeda learned shortly after transaction was complete that his trade partner was an undercover police officer.

Tejeda was convicted by a Kane County jury of unlawful possession of a controlled substance with intent to deliver, unlawful possession of a controlled substance, unlawful delivery of a look-alike substance, and unlawful possession of a firearm without a FOID card, and was sentenced to 15 years in prison. Further, two kilograms of cocaine were never put on the streets of Kane County.

### **People v. Enrique Ruiz**

On multiple occasions between June 4, 2004, and Nov. 30, 2010, Ruiz committed an act of sexual penetration with the victim, who was younger than 13 years old at the time. The victim is a relative of Ruiz, who is 85.

Family members reported Ruiz missing two weeks before the trial began. Over the objection of Ruiz's defense attorney, the judge allowed the trial to proceed as scheduled. During the trial, Ruiz's wife testified that Ruiz's Mexican passport was missing and that the family owns a house in Mexico City. Ruiz's failure to appear for trial made the issues more complex.

Ruiz was convicted in absentia by a jury of two counts of predatory criminal sexual assault of a child and one count of aggravated criminal sexual abuse. He is wanted on a warrant. Ruiz faces a sentence of between 15 and 67 years in the Illinois Department of Corrections. He also must register for life as a sexual offender in accordance with the Illinois Sex Offender Registration Act.

### **People v. Preciliano Garcia**

In November 2008, Garcia and a co-defendant went to the Aurora residence of an acquaintance and took money at gunpoint from several persons inside. When a fight ensued, a man was shot dead.

After taking the money, Garcia beat one of the victims with his handgun, which prompted the fight. Garcia's gun discharged, and 33-year-old Mario Garcia of Aurora was struck in the face with the bullet.

Preciliano Garcia was convicted of first-degree murder and home invasion and was sentenced to 80 years in prison. The sentence included a mandatory 15-year enhancement because Preciliano Garcia was armed with a gun at the time of the murder.

- **Traffic/  
Misdemeanor/DUI**
- **Domestic Violence**

## DUI, Traffic, Misdemeanor

The unit comprises nine attorneys and six support staff who prosecute all violations of traffic laws in Kane County, and all misdemeanors except Domestic Violence. Traffic and misdemeanor attorneys staff five courtrooms, including a felony DUI and domestic violence courtroom and the three branch courts.

### General highlights

- Filed 5,121 misdemeanor cases, a decrease of about 300 misdemeanor cases filed in 2012.
- Filed 1,063 misdemeanor DUI cases, a decrease of 306 misdemeanor DUI cases filed in 2012.
- **Henry Benjamin III** of Chicago was sentenced to 12 years in prison after he pleaded guilty to aggravated DUI and aggravated driving on a revoked license. Benjamin had led police on a DUI-fueled chase through northern Kane County. Benjamin, who was on parole, was stopped by Carpentersville police for a traffic violation. During the stop, Benjamin sped off, injuring an officer. Benjamin led multiple squad cars from multiple jurisdictions on a lengthy chase at speeds that exceeded the posted limits south on Route 25, west on Route 68, and west on Route 72, until, at the intersection of Routes 31 and 72 in West Dundee, he lost control of his car, which then collided with a West Dundee police car. Benjamin's blood-alcohol concentration was .160. Benjamin had four prior DUI convictions and had previously served time in prison for DUI. He also had 25 prior convictions for driving on a revoked license.
- **Linda Knotts** of Aurora was sentenced to seven years in prison after she pleaded guilty to aggravated DUI. Knotts had cocaine in her system when the pick-up truck she was driving—south in the northbound lane—struck head-on a car driven by 54-year-old William McKenzie of Marengo. McKenzie died. Knotts' truck was traveling 73 mph in a posted 53 mph zone. Shortly before the crash, motorists had called 911 to report that a yellow pick-up was driving erratically, at an excessive speed and passing numerous vehicles.
- **Michael Picon** of Silvis, Ill., who has a long history of drunken driving and other driving infractions, was sentenced to 10 years in prison after he pleaded guilty to aggravated DUI and aggravated driving on a revoked license. Picon has 11 DUI convictions and 25 convictions for driving on a suspended or revoked license over a 20-year period. All of the offenses took place in Kane, DuPage and Rock Island counties.
- **William Reece** of Carpentersville, who has a long history of drunken driving, was sentenced to eight years in prison after he pleaded guilty to aggravated DUI and driving on a revoked license. At the time of the stop, Reece's blood-alcohol concentration was .219 and his license was revoked for a prior DUI conviction. Reece had eight prior DUI convictions between June 1987 and November 2007 in Kane and Lake counties, and had served three prior prison terms on the charges.
- **Michelle Higareda** of Elgin, who has a long history of unlicensed driving, was sentenced to five years in prison after she pleaded guilty to failure to report an accident involving death and aggravated DUI. As Higareda attempted to make an unlawful left turn, an oncoming motorcycle struck her vehicle. The driver, 25-year-old Francisco Acevedo of Elgin, who was not required to stop at the intersection, was killed. Higareda fled. Higareda has been cited nine times since 1994 for driving on a suspended license.
- **"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. The office in 2008 implemented the “No-Refusal” strategy in an effort to combat the problem of suspects refusing chemical testing following an arrest for driving under the influence. It has proven to be an effective tool to collect the evidence necessary to ensure a DUI conviction and hold drivers accountable. Three “No Refusal” operations were held in 2013:

- **St. Patrick’s Weekend, March 15-16.** Three DUI arrests. South Elgin, St. Charles, Geneva, Batavia and Elburn participated.
- **Independence Day, July 3.** Three DUI arrests. Algonquin, East Dundee, Elburn, Elgin, Geneva, Huntley, Pingree Grove, South Elgin, St. Charles, West Dundee, Illinois State Police District 15, Kane County Sheriff’s Office participated.
- **Thanksgiving Eve, Nov. 27.** Two DUI arrests. Algonquin, East Dundee, Elburn, Elgin, Geneva, Huntley, Pingree Grove, South Elgin, St. Charles, West Dundee, Illinois State Police District 15, Kane County Sheriff’s Office participated.
- **Secure Continuous Remote Alcohol Monitoring (SCRAM™).** The SCRAM™ device continuously monitors offenders who have proven to have problems with alcohol. Offenders are ordered by a judge in criminal court to wear the device to ensure that they do not consume alcohol. It is used most often either as a condition of bond or as a condition of a sentence to enforce a judge’s order to refrain from alcohol consumption. In 2013, 481 offenders were monitored with a compliance rate of 99.6 percent. The number of offenders was an increase from the 454 offenders monitored in 2012. With 24-hour monitoring, SCRAM™ has proven to be an extremely valuable tool in assisting the courts in enforcing prohibitions against alcohol consumption. Kane County began using SCRAM™ in 2007.
- **EtG/EtS Testing.** Administered through Drug and Alcohol Testing Center, Inc., the testing monitors alcohol-related offenders to ensure they follow court orders to refrain from consuming alcohol. Participants cover the testing costs. The SAO began recommending EtG/EtS testing to the courts in 2010 as a tool to enforce prohibitions against alcohol consumption. In 2013, approximately 2,100 EtG/EtS tests were administered with a 91 percent compliance rate, up from an 85 percent compliance rate in 2012.
- **Accepting Responsibility is Mandatory!** The ARM weekend program is a three-day weekend program for convicted drunken drivers with a focus on alcohol abuse education, team-building initiatives and rehabilitation. In 2013, 77 convicted DUI offenders were ordered to attend the weekend program, down from 121 in 2012. Kane County prosecutors have been recommending the ARM program for certain DUI offenders since 2007.
- **Drunkbusters Program.** The office implemented the Alliance Against Intoxicated Motorists’ Drunkbusters Program in December 2007. Under the program a citizen is given a either a \$50 reward or \$100 reward when they provide to police information that results in a DUI arrest. In 2013, this program resulted in the arrest of 44 impaired drivers, with \$4,100 being paid to Good Samaritans who reported these suspected drunken drivers to police.

## Domestic Violence

The Domestic Violence Unit comprises five attorneys, two victim advocates and three support staff. The unit is responsible for prosecuting all cases involving domestic abuse and violations of orders of protection, and offers assistance to criminal case victims in obtaining criminal orders of protection. The unit helps to train police officers to better respond to and investigate domestic violence, and educates the community on domestic violence and orders of protection.

### General highlights

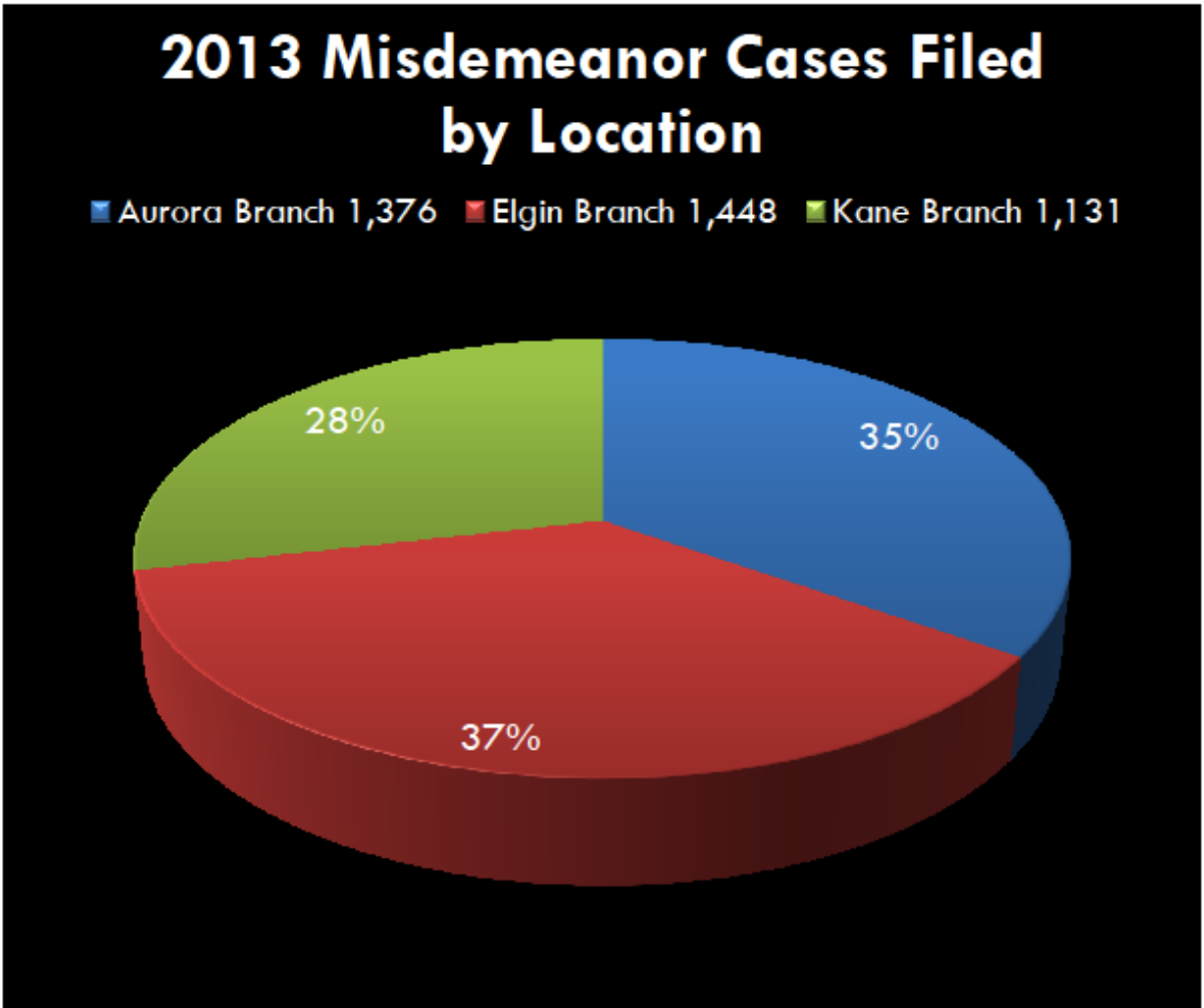
- Filed 1,166 new misdemeanor domestic violence cases, down 55 cases from 2012.
- Filed 204 new felony domestic violence cases, up from 58 felony cases handled in 2012.
- Had a felony trial conviction rate of 75 percent, up from 70 percent in 2012.
- Had a misdemeanor trial conviction rate of 54 percent, up from 46 percent in 2012.
- Assisted 204 victims in obtaining Emergency Orders of Protections.
- Assisted 32 victims in obtaining U-Visas, down from 37 in 2012.
- Trained law enforcement on Domestic Violence issues, including new laws and DV protocol.
- Worked within committees to create protocols on Domestic Violence for law enforcement and telecommunications, advocates, prosecutors and probation.

### Case Highlights

- **Frederick Hampton** was convicted of aggravated domestic battery for kicking his wife so violently that her liver was lacerated. Hampton was initially convicted in 2009 and sentenced to 14 years in prison, but the verdict was reversed by the appellate court and sent back for re-trial. The case was re-tried in 2013 without the victim present, and after the conviction, Hampton again was sentenced to 14 years in prison.
- **Nathaniel Nared** was convicted of aggravated domestic battery and sentenced to three years in prison for stabbing his girlfriend and her baby in a fit of anger. Once the girlfriend was able to call 911, she and the baby were admitted to the hospital for their injuries.
- **Joshua Bishop** was convicted of domestic battery for strangling his girlfriend. While the case was being prepared for trial, Bishop called the victim from jail and even had another inmate from the jail call her twice to tell her not to come to court. Bishop was convicted despite the absence of the victim. Bishop awaits sentencing.

## 2013 Misdemeanor charges

Misdemeanor cases, excluding DUI and domestic violence cases, originate in Aurora Branch Court, Elgin Branch Court or Kane Branch Court. In 2013, the majority of misdemeanor cases were in the Aurora, followed closely by Elgin. These numbers do not reflect the 1,166 misdemeanor domestic violence cases filed in 2013.





- **Deferred Prosecution**
- **Child Advocacy Center**
- **Juvenile**
- **Abuse & Neglect**
- **Investigations**

# Deferred Prosecution Program

The Kane County State’s Attorney’s Office has been a statewide leader in developing and implementing deferred prosecution/diversion programs for nonviolent, first-time offenders. Our programs hold offenders accountable without ignoring the needs of victims. Offenders who are prepared to accept responsibility for their actions have an opportunity to learn from their actions and are given an opportunity to keep their record clear of a criminal conviction, which can have a devastating, lifelong impact.

The office offers five Deferred Prosecution programs – Felony/Misdemeanor, Misdemeanor Drug/Alcohol, Domestic Violence, Solicitation/Prostitution, and Felony Drug.

Depending on the program, participants are required to 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 vary depending upon the program, but generally include completing community service hours, obtaining high school diploma or GED, completing substance abuse, mental health or individual counseling, writing a letter of apology to the victim, paying restitution to the victim, and paying fees to be placed on the program. Upon successful completion of the program, the State’s Attorney’s Office agrees to dismiss the pending charge(s). If the defendant fails to successfully complete the program, he or she is terminated from the program and the case is returned to court for prosecution or sentencing.

The first Deferred Prosecution Program was developed in October 1995, and 2013 marked the 18<sup>th</sup> year of the program. Overall, the Deferred Prosecution Programs have maintained a success rate of close to 75 percent, and have proven to be beneficial to the offenders they restore to society, as well as to the taxpayers by offering financial relief. The program also 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.

The program was known as Second Chance when it was started in 1995. The name was changed to Deferred Prosecution in 2013 so as not to be confused with a new and unrelated state law that uses the term Second Chance.

The program comprises the coordinator and five case managers.

## General highlights

- Admitted 847 participants to the five programs.
- Graduated 545 participants with 149 negative terminations
- Maintained a cumulative success rate of better than 75 percent
- The Kane County State’s Attorney’s Deferred Prosecution Programs continue to be among the most successful rehabilitative programs in Illinois.

## Deferred Prosecution by the Numbers

<b>Fiscal year</b>	<b><u>09-10</u></b>	<b><u>10-11*</u></b>	<b><u>11-12**</u></b>	<b><u>12-13</u></b>
Applicants	665	743	845	847
Graduates	575	528	552	545
Neg. Term	163	81	161	149

\*Addition of Domestic Violence Deferred Prosecution Program

\*\* Addition of Felony Drug Deferred Prosecution Program

## **Felony/Misdemeanor Program**

This program applies to certain first-time offenders charged with eligible nonviolent crimes. For offenders, the program can prevent the devastating long-term impediment that a criminal conviction can have on future employment or educational opportunities. It also helps make victims whole with restitution and letters of apology. This program was the first to be implemented by our office and it has proven very successful in restoring offenders to society.

### **General highlights**

- 293 applicants were accepted with 282 graduates and 66 negative terminations. Since its inception 4,098 defendants have successfully completed the Deferred Prosecution Program and 1,128 have failed, giving the program a cumulative success rate of 78 percent.
- Participants paid \$137,510 in restitution. Cumulatively, more than \$2.4 million in restitution has been collected on behalf of the victims since the inception of this program. Restitution is a requirement of the program and must be paid before the defendant is discharged.
- Collected \$222,620 in application and program fees.
- Participants performed 17,812 hours of community service work. This work was performed at charitable organizations, meaning defendants did work that benefitted the less fortunate citizens of Kane County. Since 1995, program participants have completed 408,561 hours of community service.
- In 2013, 31 obtained their high school diploma or GED, 10 enrolled in ESL classes, 33 completed an individual counseling program, 40 completed a substance abuse evaluation and subsequent treatment recommendations, 32 wrote letters of apology, 32 completed the Life Skills Program, 212 completed the Theft Awareness Program, 20 completed the Parenting Support Program, 43 completed the Anger Management Program, and 26 completed the Decisions Pathways Program.

## **Misdemeanor Drug and Alcohol Program**

The office began the Deferred Prosecution Drug and Alcohol Program in 2006 to target first-time misdemeanor offenders of violations such as 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 otherwise would receive in the hope that they will not become repeat offenders. In addition to paying fees, the participants are subject to random drug testing and must complete a drug education program developed by the office and the Renz Addiction Counseling Center.

### **General highlights**

- Accepted 241 participants, had 124 graduates, and 46 negative terminations from the program.
- To date, the program has seen 1,207 graduates and 368 negative terminations, giving the program a cumulative success rate of 77 percent.
- Collected \$111,704 in program fees.

## **Domestic Violence Program**

The Domestic Violence Program began in late 2010. This program was developed to provide those charged with first time domestic violence offenses, an opportunity to accept responsibility for their charges, ensure offenders enter into counseling within a reasonable time after the incident, and to obtain swift justice for the victims. In addition to paying fees, the participants are required to attend some form of counseling ranging from anger management classes to more intensive domestic violence counseling.

### **General highlights**

- Accepted 241 participants, had 110 graduates, and 21 negative terminations.
- To date, the program has seen 217 graduates and 45 negative terminations, giving the program a cumulative success rate of 83 percent.
- Collected \$63,184 in program fees.

## **Solicitation/Prostitution Program**

The Solicitation/Prostitution Program formed under the Community Prosecution Unit in 2002 was recently consolidated under the Deferred Prosecution Unit. The program was developed to target those who commit the act of prostitution or those who solicit a prostitute. The goal of the program is to educate the offenders about the physical risks and legal consequences of committing these acts and to remove these offenses from the neighborhoods in which they occur. In addition to paying fees, the participants are required to perform community service hours, submit to an HIV/AIDS test, and complete an educational program through Open Door Clinic

### **General highlights**

- Accepted 10 participants.
- Collected \$1,625.00 in program fees.

## **Felony Drug Program**

In May 2012, the office launched the Felony Drug Deferred Prosecution Program. This program is designed for defendants who are charged with first-time offenses of Unlawful Possession of a Controlled Substance (Class 4) up to 5 grams and Unlawful Possession of Cannabis (Class 4) up to 100 grams. If accepted into the program, the requirements include completion of substance abuse education program, random drug testing, and paying program fees, fines and court costs.

### **General highlights**

- Accepted 62 participants, had 18 graduates and 16 negative terminations.
- Collected \$48,362 in program fees.
- 52 participants completed the required Drugs of Abuse class

More information about each of the Deferred Prosecution programs is available on the office's Website at <http://saopublic.co.kane.il.us/>.

## Child Advocacy Center

The Child Advocacy Center is an investigative and prosecution entity focused on crimes of sexual assault 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 generally are assigned geographically. The investigative teams consist of a criminal investigator, Department of Children & Family Services child protective investigator and a case manager. All employees assigned to the CAC are highly trained in investigative techniques and litigation techniques.



DCFS and local police agencies send complaints and information concerning child sexual assault and abuse directly to the CAC.

### Child Advocacy Center 2013 by the Numbers

<b>Investigative referrals</b>	<b>489</b>
<b>Investigations pending at year's end</b>	<b>70</b>
<b>Charged/filed court actions</b>	
Felony charges	44
Juvenile Delinquency petitions	7
<b>Charged cases disposed</b>	
Convictions/pleas	29
Acquittals/nolle prosequi	6
Juvenile adjudications	7
<b>Total investigations closed (including carryovers)</b>	<b>308</b>
<b>Investigative interviews</b>	<b>1,661</b>
<b>Case Management Services</b>	
<b>Number of Victim and Family Members:</b>	
Receiving Advocacy Services	1,951
Receiving Crisis Intervention	796
Referred to counseling	1,327

### General highlights

- CAC staff member elected to a position with the Kane County Juvenile Officers Association
- Recognizing the specialized training of CAC staff, outside agencies have requested our assistance to conduct forensic interviews of children who have witnessed violent crimes, as well as adult victims and witnesses with developmental disabilities in 38 investigations.
- Referred 478 children and their families for cost-free therapeutic intervention services
- Arranged and provided cost-free specialized sexual-abuse examinations to 37 children reporting sexual abuse, 31 children were seen at hospital emergency rooms for issues of sexual abuse, and two children were seen at hospital emergency rooms for physical abuse.
- **Jose Rocha** agreed to a 15-year prison sentence when he pleaded guilty to one count of predatory criminal sexual assault of a child for sexually assaulting a child who was younger

than 13 years old. Rocha knew the victim. Rocha must register for life as a sex offender.

- **Darrell E. Beck** was sentenced to 10 years in prison after he was convicted of predatory criminal sexual assault of a child. Beck had sexual contact with a boy who was younger than 13. Beck was the victim's foster parent. Beck must register for life as a sex offender.
- **Federico Lopez-Ortiz** agreed to a 14-year prison sentence and pleaded guilty to predatory criminal sexual assault of a child. The sexual contact took place over five years when the victim, whom Lopez-Ortiz knew, was younger than 13. Lopez-Ortiz must register for life as a sex offender.
- **Alfredo Vidigaray** agreed to a 30-year prison sentence after he pleaded guilty to two counts of criminal sexual assault. The victim, whom Vidigaray knew, was younger than 17. Vidigaray must register for life as a sex offender.
- **Ruben Betance-Lopez** was sentenced to 12 years in prison after he was convicted of two counts of predatory criminal sexual assault of a child and one count of aggravated criminal sexual abuse. Betance-Lopez had sexual contact with a 6-year-old child he knew. Betance-Lopez must register for life as a sex offender.

## 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 unit had the responsibility of prosecuting a range of offenses in 2013 from serious offenses of aggravated discharge of a firearm to minor offenses of assault and disorderly conduct. The unit also prosecutes minors who are chronic truants. The unit comprises three attorneys and two administrative assistants.

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.



A significant change in 2014 will be that all offenders under age 18 are considered minors and will be under the jurisdiction of juvenile court. However, the new law still allows for those accused of certain violent crimes such as murder and attempted murder to be transferred adult court, either as a statutory requirement or at the discretion of the judge.

### General highlights

- Filed 586 petitions to adjudicate.
- Resolved approximately 597 petitions to adjudicate and 720 cases involving petitions to revoke a minor's probation or supervision.
- Of the cases disposed of, 14 files resulted in a juvenile being sent to the Illinois Department of Juvenile Justice, keeping with the state guidelines that mandate that a juvenile be adjudicated to IDJJ only as a last resort and 19 were sent to a residential treatment program.

## **Abuse & Neglect**

The unit protects the children of Kane County. Generally, our cases result from an investigation by the Illinois Department of Children and Family Services in which DCFS determines that a child has been abused, neglected or dependent. The unit comprises one supervisor, two attorneys and one administrative assistant.

In addition, the unit performs custody hearings. These hearings occur between the parents and foster parents or between two sets of foster parents. These custody hearings occur when foster parents want to adopt the minor and the biological parents have complied with all services. The unit remains involved in these hearings because the office brought the case into court and must 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 despite the lack of an appropriate parent for the minor or if the minor has an estate. The goal of Juvenile Court is family reunification. If this cannot occur, we must find permanency, whether adoption, guardianship or independence, for the minor.

### **General highlights**

- Opened 127 abuse & neglect files and six dependency files. Although this number represents a slight decrease from 2012, it remains consistent with recent years since a sizeable increase in filings beginning in 2010.
- Screened 90 cases; of those cases, 67 were brought in as abuse or neglect cases at shelter care and six were initiated as dependency cases at shelter care.
- Closed 41 cases; of those cases, 16 were closed by adoption, which meant 23 children were adopted; 18 cases resulted in 36 children returning home, one case was closed through guardianship, three were transferred to other counties, and three closed for other reasons
- Conducted 50 adjudicatory hearings, 15 of which were contested.
- Conducted 45 dispositional hearings, 15 of which were contested.
- Conducted 37 termination hearings, 12 of which were contested.
- Conducted 327 permanency review hearings, 50 of which were contested
- Conducted 63 shelter care hearings, 17 of which were contested.

Note: 'Files' refers to single case numbers issued by the Kane County Circuit Court Clerk's Office and 'cases' refers to families, which could include multiple children.



## **Investigations**

The Kane County State's Attorney's Office employs five 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 served subpoenas.

### **General highlights**

- Served 771 legal papers comprised of criminal subpoenas, child support, abuse & neglect and juvenile.
- Served 58 Child Support summonses or rules in Cook County.
- Conducted 26 initial or follow-up investigations.
- Assisted assistant state's attorneys in the transportation of witnesses
- Assisted assistant state's attorneys and Child Support staff in researching witness and respondent information.

# **Screening and charging**

## Screening and charging

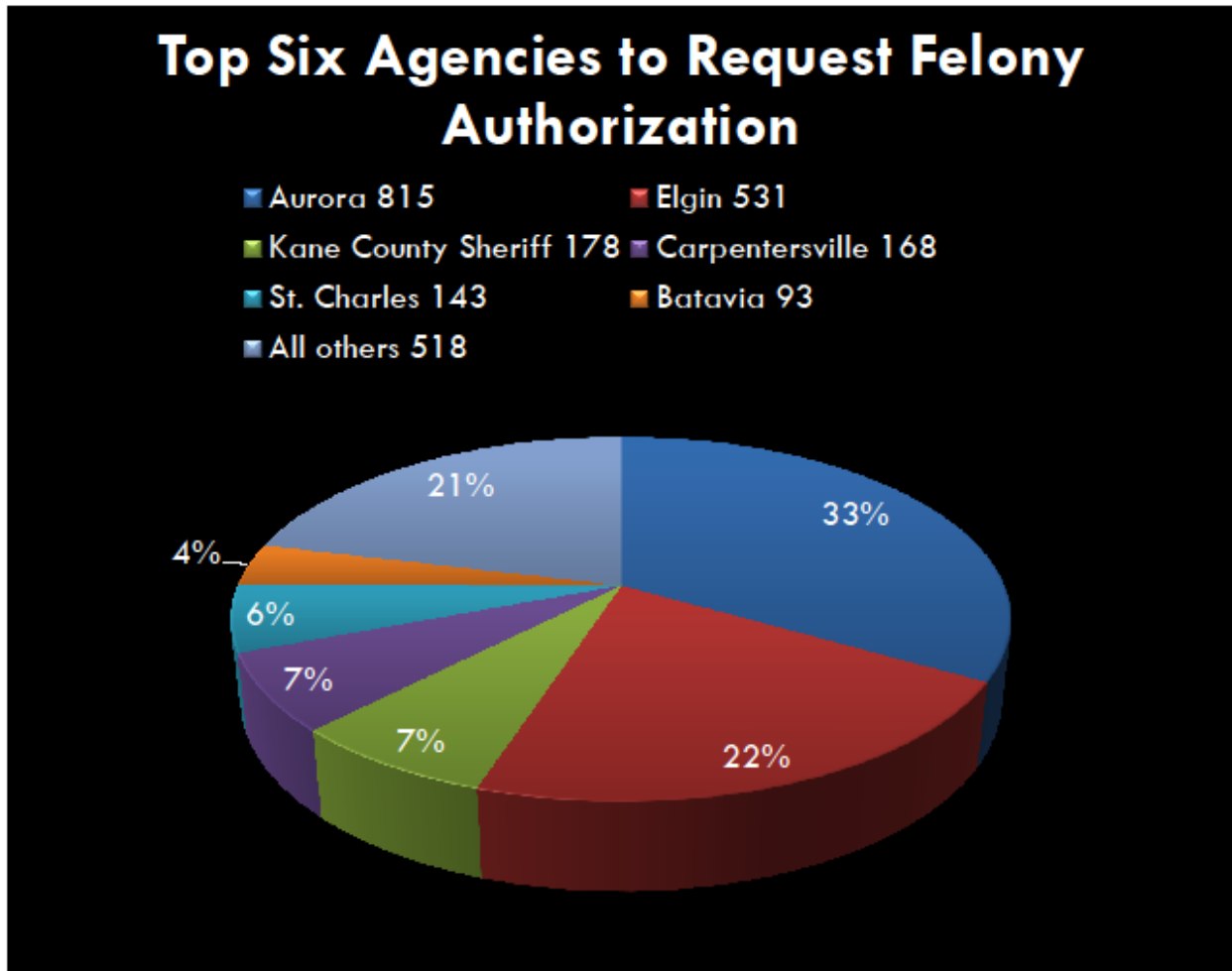
The felony hotline received 2,446 calls for review. Thirty-four agencies contacted our felony hotline seeking charges.

### FELONY CALLS BY POLICE AGENCY

<u>Agency</u>	<u>No. of felony calls</u>			
Aurora P.D.	815			
Elgin P.D.	531			
Kane County Sheriff's Office	178			
Carpentersville P.D.	168			
St. Charles P.D.	143			
Batavia P.D.	93			
South Elgin P.D.	65			
Geneva P.D.	57			
Kane County Child Advocacy Center	50			
North Aurora P.D.	49			
West Dundee P.D.	43			
Montgomery P.D.	38			
Illinois State Police District 15	24			
North Central Narcotics Task Force	24			
East Dundee P.D.	21			
Hampshire P.D.	20			
Huntley P.D.	20			
Elburn P.D.	14			
Algonquin P.D.	13			
Sugar Grove P.D.	10			
Pingree Grove P.D.	9			
Campton Hills P.D.	8			
Fox Valley Park District P.D.	8			
Illinois State Police District 2	8			
Gilberts P.D.	7			
Illinois Secretary of State Police	7			
Sleepy Hollow P.D.	7			
Other agency	4			
Kane County Forest Preserve Police	3			
Elgin Community College P.D.	2			
Maple Park P.D.	2			
Waubensee Community College P.D.	2			
Wayne P.D.	2			
<u>Illinois Gaming Board</u>	<u>1</u>			
Yearly	<u>2013</u>	<u>2012</u>	<u>2011</u>	
<b>Totals</b>	<b>2,446</b>	<b>2,781</b>	<b>2,839</b>	

### Who calls the hotline?

The vast majority, 78 percent, of the 2,446 calls made to our felony authorization hotline were made by six police agencies: Aurora, Elgin, Kane County Sheriff, Carpentersville, St. Charles and Batavia. The remaining 28 agencies made 22 percent of the requests.



# 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 violations of the Environmental Protection Act.

## General highlights

- Continued to provide legal advice and representation to the County Board, County Departments and Elected Officials.
- Assisted the Development Department in resolving potential building code violations and in evaluating and filing demolition actions 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.
- Researched various financial issues pertaining to budgets and internal control.
- Provided deposition and testimonial assistance to employees from county departments
- Prepared ordinance and referendum regarding residential Electric Aggregation Program
- Provided legal advice to the Sheriff’s Office regarding conditions of confinement issues.
- Assisted the Coroner’s Office with unclaimed body issues and requests for DNA.



## Tax litigation

- Continued to represent the Kane County Board of Review on tax matters and litigation.

## General litigation

- Represented the County and Elected Officials in various pending litigation matters in state and federal court.

## Elections

- Responded to the County Clerk in reviewing various issues and researching pertinent provisions of the Illinois Election Code.
- Represented the Kane County Officers Electoral Board in hearings on objections to nominating petitions.

## **Employment and labor**

- Represented and advised the County and Elected Officers in cases before the Equal Employment Opportunity Commission and the Illinois Department of Human Rights.
- Represented the County and Elected Officials in federal and state court cases.
- Assisted the County and Elected Officials in conducting disciplinary investigations and advised officials and supervisors concerning discipline and termination of employees.
- Advised the County and Elected Officials concerning the drafting of employment policies.
- Represented the County and Elected Officials in grievance and arbitration proceedings and before the Illinois Labor Relations Board.
- Represented elected officials in labor negotiations.

## **Environmental**

- Co-prosecuted with Illinois Attorney General cases involving land and water pollution.
- Provided legal advice to the County concerning landfill matters.

## **Contracts**

- Reviewed various contracts and grant agreements for County and Elected Officials.
- Drafted the 2013 Children's Waiting Room License Renewal Agreement.

## **Mental Health Court**

- Continued to assist the Elgin Mental Health Center facilitate the treatment or commitment of patients as required by statute.

## 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 public regarding situations that might involve the exploitation of the elderly or disabled. If an inquiry involves criminal conduct, it is sent to the Criminal Division for further action. Inquiries that 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.

### General highlights

Active cases at end of year	60
Cases opened in 2013	40
Cases closed in 2013	70 (including 14 cases opened in 2013)
Number of cases on warrant status	19

Sixty-three cases were charged in which the victim was older than 60 or disabled. Some victims had multiple defendants.

### Types of Cases

<u>Crimes against person</u>	<u>22</u>	<u>Crimes against property</u>	<u>48</u>
Aggravated Battery	11	Residential Burglary	3
Aggravated Sexual Abuse	1	Financial Exploitation	10
Domestic Battery	9	Criminal damage to property	1
Armed Robbery	1	Theft	17
		Forgery/credit card fraud/ID theft	12
		Leaving scene of accident	1
		Stolen vehicle	1
		Aggravated Home Invasion	2
		Home Repair Fraud	1

### Mental Health Calls

Responded to seven telephone calls and inquiries, and completed three petitions

### Community Involvement, Committees and Advanced Training

- Case advocates spoke at the ABA Elder Group Information meeting, the Triad Round Table and the Aurora Rotary
- Chairman, Tri-County Elder Fatality Review Team; Senior Services; 16<sup>th</sup> Judicial Circuit Elder Abuse Sub-Committee; 16<sup>th</sup> Judicial Circuit Self-Neglect Sub-Committee; Illinois Department of Public Health Long Term Care Abuse Prevention Review Team; Illinois Department on Aging Elder Abuse Fatality Review Team Advisory Committee; KCBA Elder Care, Disability and Mental Health Law Committee members; Kane-Kendall Illinois Imagines Team



# Child Support

## Child Support

The unit is responsible for the enforcement and collection of child support payments in Kane County. The unit acts as the legal representative of the Illinois Department of Healthcare and Family Services. Four assistant state's attorneys, six paralegals and two administrative assistants comprise the unit. This section reflects Kane County FY2013, Dec. 1, 2012-Nov. 30, 2013.

### Significant Highlights

- According to HFS, received 1,602 new referrals for legal enforcement from HFS, and 1,975 new enforcement actions were filed. This is an increase from 1,500 referrals from FY2012, but a decrease from the 2,037 new enforcement actions from FY2012. Of the new referrals, 1,207 were filed.
- According to the Illinois State Disbursement Unit the Kane County State's Attorney's Office collected \$23.2 million for current child support, an increase of \$1.3 million from FY2012.
- Prepared and drafted 49 new pleadings and defended 324 motions filed by pro se respondents.
- Conducted 254 contested hearings.
- Collected \$122,026 in payments pursuant to all currently pending rules. This amount was forwarded to custodial parents.
- Collected \$15,660 pursuant to pre-adjudication of contempt on pending petitions for rule to show cause where respondents made themselves current in payments of support prior to proceeding to a hearing.
- Reviewed 169 petitions for downward modification of child support on behalf of the non-custodial parent due to loss of employment and income.
- Through specialized motions or methods beyond the normal collection efforts, the unit collected \$6,993 from the noncustodial parents' pension plans. This amount was paid directly to the custodial parent and is not included in the State Disbursement Unit figures.
- Issued 233 body writs, and collected \$19,070 from bonds posted on writs issued. The money was forwarded to the custodial parents.
- Assisted other States and countries in the registration of their orders in Kane County by filing petitions to register foreign support orders. Reviewed 49 case referrals for registration of foreign support order and filed 37 of those cases.

# **Financial/ Human Resources**

## **Financial/Human Resources**

The Financial Division is responsible for the preparation and administration of the State's Attorney's annual budget, as well as the review and approval of all expenditures. Other financial responsibilities include planning, forecasting and financial reporting. In addition, the Financial Division is responsible for the management of the Drug Asset Forfeiture Fund, Money Laundering Fund, Equitable Sharing fund, Bad Check Program and Deferred Prosecution Program.

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

The Human Resources Division is involved in the recruitment of qualified individuals for Support Staff positions within the office. In addition, this division is responsible for the preparation and entry of all staff payroll, administration of benefit time, and administration of the office personnel policies and procedures.

This section reflects Kane County FY2013, Dec. 1, 2012-Nov. 30, 2013.

### **Significant Accomplishments**

- FY2013 expenditures amounted to 95 percent of the appropriated budget.
- Updated and improved efficiency for all fiscal and personnel internal reports
- Implemented participation in the Federal Equitable Sharing Fund which is a program in which federally forfeited cash is shared among law enforcement agencies. A vehicle for an investigator was able to be purchased with these funds.

### **Budgets**

Eleven smaller budgets or funds comprise the office's total budget. 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 and revenues in the county budget versus the grant budget. The following reports illustrate the office's expenditures and revenues in FY2013.

KANE COUNTY STATE'S ATTORNEY'S OFFICE  
**FINANCIAL REPORT**  
FISCAL YEAR 2013

**GENERAL REVENUE**

Description	FY 2012	FY 2013
State's Attorney's Fines	\$243,793	313,382
Bond Forfeiture Fines	749,965	613,859
Domestic Violence Diversion Fee	52,479	69,541
Deferred Prosecution Fines	310,838	331,961
State's Attorney Prosecution Fees	232,921	225,018
Default Fees	79,173	79,231
State's Attorney's COLA	258,440	193,566
Drug Diversion Program Fee	11,300	48,627
<b>TOTAL GENERAL REVENUE</b>	<b>1,938,909</b>	<b>1,875,185</b>

**GRANT/OTHER REVENUE**

Description	FY 2012	2013
<b>Child Advocacy Center</b>		
Attorney General Victim Assistance	5,794	4,992
CAC Investigator	35,000	35,000
DCFS	48,875	60,485
CAC Fees	413,544	455,750
<b>TOTAL</b>	<b>503,213</b>	<b>556,227</b>
<b>Child Support</b>		
Dept. of Healthcare & Family Services	<b>656,750</b>	<b>794,834</b>

<b>Victim Services</b>		
Illinois Attorney General	20,700	27,450
Il. Criminal Justice Information Authority	81,121	81,121
<b>TOTAL</b>	<b>101,821</b>	<b>108,571</b>

<b>Drug Prosecution</b>		
Ill. Criminal Justice Information Authority	143,967	143,967
Drug Fines	58,894	51,922
<b>TOTAL</b>	<b>202,861</b>	<b>195,889</b>

<b>Auto Theft Task Force</b>		
Auto Theft Task Force Grant	<b>38,873</b>	<b>17,000</b>

<b>TOTAL GRANT/OTHER REVENUE</b>	<b>1,503,518</b>	<b>1,672,521</b>
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**SPECIAL ACCOUNT REVENUE**

Description	FY 12	FY 13
Bad Check Restitution	13,646	8,675
Drug Asset Forfeiture & Money Laundering	66,281	49,914
Equitable Sharing	111,687	15,473

**EXPENDITURES**

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL</b>			
Salaries & Wages	3,625,113	3,441,620	95%
Employee Benefits	795,374	613,385	77%
Contractual Services	330,066	283,039	84%
Commodities	57,950	53,303	93%
<b>TOTAL</b>	<b>4,808,503</b>	<b>4,391,347</b>	<b>91%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER</b>			
Salaries & Wages	542,304	521,605	96%
Employee Benefits	190,291	187,469	99%
Contractual Services	132,634	112,348	85%
Commodities	10,440	5,775	56%
<b>TOTAL</b>	<b>875,669</b>	<b>827,197</b>	<b>94%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL</b>			
Salaries & Wages	461,159	443,534	96%
Employee Benefits	170,723	137,316	80%
Contractual Services	254,282	169,672	67%
Commodities	6,000	5,230	87%
Capital	2,830	1,203	45%
<b>TOTAL</b>	<b>894,994</b>	<b>756,955</b>	<b>85%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D (Child Support)</b>			
Salaries & Wages	495,357	517,111	104%
Employee Benefits	208,505	206,227	99%
Contractual Services	29,792	27,969	94%
Commodities	3,800	8,700	229%*
<b>TOTAL</b>	<b>737,454</b>	<b>760,007</b>	<b>103%*</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION</b>			
Salaries & Wages	247,156	239,556	97%
Employee Benefits	95,242	91,358	96%
Contractual Services	11,567	11,567	100%
<b>TOTAL</b>	<b>353,965</b>	<b>342,481</b>	<b>97%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES</b>			
Salaries & Wages	109,866	103,371	94%
Employee Benefits	38,850	34,051	88%
Contractual	6,411	6,071	95%
<b>TOTAL</b>	<b>155,127</b>	<b>143,493</b>	<b>93%</b>

\*—Because of the different reporting periods of the State of Illinois (FY July 1 to June 30) and Kane County (FY December 1 to November 30), there is a budget overlap that balances out at the end of the state's fiscal year.

<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>% SPENT</b>
<b>DOMESTIC VIOLENCE</b>			
Salaries & Wages	319,390	295,802	93%
Employee Benefits	129,114	119,146	92%
Contractual	21,910	17,645	81%
<b>TOTAL</b>	<b>470,414</b>	<b>432,593</b>	<b>92%</b>

<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>% SPENT</b>
<b>ENVIRONMENTAL</b>			
Salaries & Wages	164,498	164,982	100%
Employee Benefits	67,914	62,473	92%
Contractual	9,078	8,138.50	90%
Commodities	500	0	0%
<b>TOTAL</b>	<b>241,990</b>	<b>235,595</b>	<b>97%</b>

<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>% SPENT</b>
<b>AUTO THEFT</b>			
Salaries & Wages	40,387	39,509	98%
Employee Benefits	18,617	16,712	90%
Contractual	1,890	1,890	100%
<b>TOTAL</b>	<b>60,894</b>	<b>58,111</b>	<b>95%</b>