

## 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 2011.

As you will read, 2011 was a year of many successes in the office, and the beneficiaries were the people of Kane County. The office last year underwent many changes designed to improve efficiency without compromising work quality, enhance public safety, and provide our young lawyers with more resources so as to help them grow as lawyers, professionals and public servants.

You will read about our new Lawyer to Lawyer mentoring program, the successful first full year of the Domestic Violence Diversion Program, enhanced DUI enforcement, and staffing changes designed to have our most experienced prosecutors handle the most complex cases. It is notable that despite a high workload, the office continues to maintain an overall conviction rate of 95 percent of all felony dispositions, and that our budget performance was under 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 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 2012 and beyond, 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

## 2011 Year-End Report

### Introduction

In 2011 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 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.

### 2011 Overview

- Re-staffed the Priority Prosecution Unit with four experienced lawyers who have worked an average of more than 15 years each as a prosecutor
- Reassigned staff to meet needs created by the addition of new criminal courtrooms
- Budget performance was 4.4 percent under budget
- Created the Tri-County Elder Fatality Review Team to better share resources and better understand what led to the unexpected death of an elderly person, and whether the laws that protect the growing elderly population are sufficient
- Developed the Lawyer to Lawyer Mentoring Program that matches new lawyers with experienced lawyers. The program, which is in accordance with the vision of the Illinois Supreme Court and is accredited by the Illinois Supreme Court, allows new lawyers to learn from experienced lawyers in the field of education and in relationship building. This program was expanded from the court's vision to reach more lawyers within the office
- Continued No-Refusal anti-DUI initiatives

# **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 prosecution, narcotics, auto theft, elderly abuse, post convictions and child support.

## Significant Accomplishments

- The Kane County State's Attorney's office authorized 2902 felony cases in 2011. The number of felony cases decreased by 249 cases from 2010. The decrease is probably due to a change in the laws which made commonly charged felonies a misdemeanor. The felony division disposed of 2889 felony cases with a 95 percent conviction rate. Attorneys for the felony division tried 114 felony trials; 53 jury trials and 61 bench trials.
- 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 large number of felony cases. In December 2011, the Chief Judge increased the felony trial courtrooms to 7 courtrooms and closed the pre-trial only courtroom.
- In September 2009, Bounce Back became the new vendor of the Bad Check Program. In 2011 Bounce Back collected \$213,900.09 in restitution for Kane County merchants. The program generated revenue of \$ 17,670 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 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. Each Grand Jury is convened for a 3 month period of time. Kane County currently has two Grand Juries convened at the same time. The 8 Grand Juries of 2011 issued a combined 627 subpoenas for evidence and indicted 1324 felony cases.
- The office continues to provide training for law enforcement and citizens of Kane County. Assistant State's Attorney's 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.
- Re-staffed the Priority Prosecution Unit with four experienced lawyers – Bill Engerman, Pam Monaco, Greg Sams and Alice Tracy – who have worked an average of more than 15 years each as a prosecutor

## Second Chance Program

The Second Chance Program was developed in October 1995. This year marked the 16<sup>th</sup> anniversary 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 high school diploma or G.E.D., completing counseling, writing a letter of apology to the victim, paying restitution to the victim, and paying fees to be placed on the Second Chance Program. Upon successful completion of the Second Chance Program, the State's Attorney's Office agrees to dismiss the pending charge(s) against the defendant. If the defendant fails to successfully complete the Second Chance Program, the defendant is terminated from the program and the case is returned to court for prosecution.

To date, the Second Chance Program has proven to be beneficial to the offenders it restores to society, and to the taxpayers it offers financial relief. The Second Chance Program relieves overcrowding in the jails and caseloads in the courtrooms. The continued success of the program relies on support from the criminal justice system and the community.

## Significant Accomplishments

- Screened 337 applicants with 376 graduates and 60 negative terminations in 2011.
- To date, 3,511 defendants have successfully completed the Second Chance Program and 976 have failed, giving the program an overall success rate of 78%.
- The Second Chance Program continues to be among the most successful rehabilitative programs in Illinois.
- The defendants on the program paid \$138,678 in restitution during 2011.
- \$2,135,528 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 \$228,746 in application and program fees from the defendants.
- Defendants on the Second Chance Program performed 24,845 hours of community service in 2011. 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 370,213 hours of community service.
- Of the 376 graduates in 2011, 25 obtained their high school diploma or G.E.D., 10 enrolled in ESL classes, 40 completed a counseling program (substance abuse, personal, anger management, or financial), 11 wrote letters of apology, 25 completed the Life Skills Program, and 255 completed the Theft Awareness Program.

**SECOND CHANCE YEAR END COMPARISON REPORT**

	<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>10-11</b>
# Applicants	402	444	525	518	432	337
# Graduates	205	288	289	367	377	376
# Neg. Term	67	67	95	108	92	60
Success Rate	75%	81%	75%	77%	80%	86%
CRS Worked (Hours)	14,620	22,673	29,204	31,011	26,499	24,845
Fees Collected	\$133,200.08	\$186,409.25	\$240,415.50	\$236,208	\$229,001	\$228,746
Restitution Collected	\$150,079.04	\$315,063.56	\$162,794.83	\$121,914	\$147,005	\$136,672
Obtained GED or Diploma	16	14	20	9	23	25
Obtained Counseling	39	66	65	20	37	40
ESL	16	20	12	6	6	10
Entered Armed Forces	2	2	0	2	2	0
Life Skills	73	66	92	146	81	25
TAP					76	255

## Drug and Alcohol Program

The sixth year for the Kane County State's Attorney's Second Chance Drug and Alcohol Program was a success. The Drug and Alcohol Program was created to target first-time misdemeanor offenders: (ie: Possession of Alcohol by Minor, Possession of Cannabis, and Possession of Drug Paraphernalia). The program's goal is to place first time offenders in a more intensive drug education program than they would otherwise receive in the hopes that they will not become repeat offenders.

### Significant Accomplishments

- Accepted 187 participants, had 150 graduates, and 21 negative terminations from the program.
- To date, the program has seen 943 graduates and 274 negative terminations, giving the program an overall success rate of 77%.
- Collected \$79,367 in program fees in 2011.
- 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 2011, 202 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 Diversion Program

The first year of the Domestic Violence Program has come to a close. This program was developed to target those charged with first time Domestic Violence offenses, an opportunity to accept responsibility for their charges, ensure offenders are entering into counseling within a reasonable time frame after the incident, and to obtain swift justice for the victims.

### Significant Accomplishments

- Accepted 219 participants and had 2 graduates the first year.
- Collected \$21,427.65 program fees in 2011.
- In addition to paying fees, the participants are required to attend some form of counseling ranging from one time Anger Management classes to more intensive Domestic Violence Counseling.

## Solicitation/Prostitution Program

The Solicitation/Prostitution Program formed under the Community Prosecution Unit in 2002 has recently been consolidated under the Second Chance Program. 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.

### Significant Accomplishments

- Accepted 23 participants in 2011 and all 23 successfully completed the program.
- Collected \$2,600 program fees in 2011.
- In addition to paying fees, the participants are required to perform community service hours and submit to an HIV/AIDS test.

## 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 1,265 new misdemeanor domestic violence cases (this is down from 1,356 misdemeanor cases charged in 2010 – 6%).
- Opened 223 new felony domestic violence cases (this is up from 147 felony cases charged in 2010).
- The Unit disposed of 232 felony and 606 misdemeanor cases by way of negotiated plea or dismissal.
- Felony Trial Conviction rate of 73% which is similar to performance in 2010.
- Assisted 165 victims with obtaining criminal orders of protection.
- Assisted 51 victims in obtaining U-Visas.
- Worked with ICE to inform them of both 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 DC.
- Participated in training for law enforcement on Domestic Violence Issues including new laws and a DV protocol.
- Provided seminars on Cyberbullying and Teen Dating Violence to students at various High Schools throughout Kane County.



## 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 2011 was 1605. For comparison with past years, the number of misdemeanor DUI cases filed in 2010 was 1,887.

#### **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. This \$100.00 is split if multiple citizens call in about the same offender. In 2011, this program resulted in the arrest of 34 impaired drivers, with \$3,600.00 being paid out to Good Samaritans who reported these suspected drunken drivers to police

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

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. Kane County has been sending DUI offenders to the ARM program since 2007. In 2011, 274 offenders were ordered to attend the weekend program with a compliance rate of 83%.

#### **Secure Continuous Remote Alcohol Monitoring (SCRAM)**

The SCRAM device is a monitoring device that is placed on an offender, 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 2011, 751 offenders were monitored, with an 85% compliance rate meaning these offenders had zero drinking or tamper events. This was an increase from 2010 in which 620 offenders were monitored with an 84% compliance rate. With 24/7 monitoring, SCRAM has proven to be an extremely valuable tool in assisting the court system in enforcing prohibitions against alcohol consumption.

## **EtG/EtS Testing**

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. In 2011, the Kane County State's Attorney's Office continued to recommend EtG/EtS testing to the courts as a useful tool to enforce court-ordered prohibitions against consumption of alcohol.

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.

Approximately 2,340 EtG/EtS tests were administered in 2011 to ensure that court orders prohibiting alcohol consumption were being obeyed. Court ordered participant to the EtG/EtS testing maintained an 88.6% compliance rate.

## **"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.

These successful weekends were continued in 2011 as with the following results:

### **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.
- One suspect initially refused to provide a breath sample but then agreed to provide a sample when presented with a warrant

### **Halloween Weekend 2011**

- Carpentersville, East Dundee, Elgin, South Elgin, West Dundee and the Illinois State Police District 2 participated.
- Seven DUI suspects arrested.
- Two suspects initially refused to provide a breath sample. When told a warrant would be obtained, one suspect agreed to provide the breath sample and one suspect continued to refuse. When presented with the warrant, the last suspect provided the breath sample.

## Child Support

The Child Support Division is a partnership between the Illinois Department of Healthcare and Family Services and the Kane County State's Attorney's Office. The attorney's and staff are responsible for the enforcement of the child support program of the Title IV-D of the Social Security Act as created and implemented by the Illinois Department of Healthcare and Family Services. The Child Support Unit acts as a legal representative for the Department.

## Significant Accomplishments

- During this fiscal year 2011, the Kane County SAO received 1,409 new referrals for legal enforcement from the Department of Healthcare & Family Services (HFS). These new referrals represent new causes of action 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 277 new pleadings and defended 270 cases filed by pro se Respondents for a total of 1,956 new enforcement actions filed during the above-listed time frame. The total of new enforcement actions does 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 \$19,343,844 for current support and \$9,491,611 for the arrearage during 2011 fiscal year which is a 9% increase from the 2010 fiscal year of \$17,698,888. Given the current state of economy this level of collections represents an exceptional accomplishment and shows the Unit's commitment to fair enforcement of support obligations.

## Case Highlights

- During 2011 the attorneys in the Child Support Division conducted 310 contested hearings. Out of those hearings, 51 represented Petitions for Rule to Show Cause for non-payment of child support. Out of the 51 Rules that proceeded to a hearing, only seven were losses which indicate a success rate of 86%.
- Further, our Office was able to collect \$352,595.70 in payments pursuant to all pending rules on contempt filings during the 2011 fiscal year. This amount was forwarded to the custodial parents. This collection was an increase over the amount collected during the last fiscal year in the amount of \$60,157.58.
- Also, our Office collected \$53,210.00 pursuant to pending petitions for Rule to Show Cause and prior to adjudication or withdrawal of said rules due to Respondents making themselves current in payments of support prior to proceeding to a hearing.
- During this fiscal period, our Office received and reviewed 82 petitions for Downward Modification of child support on behalf of the non-custodial parent due to loss of employment and income. This number represents almost a 100% increase from 43 petitions received and reviewed during the last fiscal year 2010.
- Further, through the use of specialized motions and/or methods beyond the normal everyday collection efforts of our Unit, we have collected \$31,510.60 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 191 Writs. Out of the 191 Writs issued, only 55 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 \$65,140.00 from bonds posted on all Writs issued in this fiscal year. This money was forwarded to the custodial parents.
- During this fiscal year, our office's also was able to collect an additional \$24,353.89 from a workers' compensation settlement identified during the discovery process which was then forwarded to the custodial parent. This amount paid a total arrearage owed in the case.
- The Child Support Division has assisted other States and foreign countries in the registration of their orders here in Kane County by filing petitions to register foreign support orders. Our Office has reviewed 60 case referrals for registration of foreign support order and has filed 57 of those cases.

# Screening and Charging

As you will read, 2011 was another outstanding year for the Kane County State’s Attorney’s Office. Our felony review unit handled a total of 2,834 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, Kane County Sheriff’s Department, Carpentersville and St. Charles.

## **KANE COUNTY POLICE DEPARTMENTS FELONY CHARGES BY EACH DEPARTMENT**

<b>RANK</b>	<b>POLICE DEPARTMENT</b>	<b># OF CF CASES FILED IN 2011</b>
1.	Aurora Police Department	999
2.	Elgin Police Department	545
3.	Kane County Sheriff’s Department	223
4.	Carpentersville Police Department	210
5.	St. Charles Police Dept.	174
6.	Batavia Police Dept.	93
7.	North Aurora Police Dept.	75
8.	South Elgin Police Dept.	74
9.	Montgomery Police Dept.	68
10.	Geneva Police Dept.	47
11.	Child Advocacy Center	45
12.	West Dundee Police Dept.	38
13.	Illinois State Police District 15	32
14.	Hampshire Police Dept.	31
15.	East Dundee Police Dept.	26
16.	ISP – North Central Narcotics	24
17.	Algonquin Police Dept.	18
18.	Sugar Grove Police Dept.	17
19.	Elburn Police Dept.	15
20.	Campton Hills Police Dept.	12
21.	Gilberts Police Dept.	12
22.	Huntley Police Dept.	12
23.	Illinois Gaming Board	7
24.	Illinois State Police District 2	7
25.	Illinois Secretary of State	7
26.	Sleepy Hollow Police Dept.	6
27.	Kane County Forest Police	4
28.	Pingree Grove Police Dept.	4
29.	Elgin Community College Police Dept.	3
30.	Waubonsee Community College Police	2
		<b>2,834</b>

# Investigations

## Investigations

The Kane County State's Attorney's Office employs six full-time investigators. Four are assigned to the Child Advocacy Center and two are assigned to General Investigations. General Investigations will conduct original investigations, assists trial attorneys in witness preparation and serves subpoenas.

## Significant Accomplishments

- 18 initial and/or follow-up investigations.
- Served 654 legal papers comprised of Criminal Subpoenas; Child Support; Abuse and Neglect and Juvenile.
- Called upon often to serve criminal subpoenas on short notice to support the Kane County Sheriff's Office.
- 129 Child Support Summonses served in Cook County.
- 1 warrant arrest.
- Assisted ASAs in the transportation of witnesses when called upon.
- Assisted ASAs and Child Support staff in researching witnesses, victims and respondents.
- Collection of additional evidence when called upon by ASAs.



# **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 violations of the Environmental Protection Act.

## Significant Accomplishments

### General

- 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 action with respect to abandoned property.
- Assisted Water Resources Department in filing of Petition for Injunctive relief.
- Assisted the Kane County Property Maintenance Task Force in drafting changes to the Kane County Property Maintenance Ordinance.
- 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.
- Reviewed minutes of all closed session meetings of the county board and county board committees since 2007 and assisted in the release of minutes when appropriate.
- 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.
- Assisted the Criminal Division of the State's Attorney's Office in drafting new bylaws for the DUI Task Force.
- Provided legal advice and assistance to the County Board in redistricting and drafted ordinance to comply with redistricting obligations arising from decennial census.
- Provided legal advice to County Board at meetings of the county board and meetings of five county board committees.
- 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.

- Continued responsibility of handling case call for expungements of criminal matters.
- Continued responsibility of handling civil forfeiture hearings under the Drug Asset Forfeiture Act.
- 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 training to County Board on Robert's Rules of Order.
- Provided deposition assistance and representation to employees from various county departments.
- Continued Ethics Ordinance Analysis and assisted the Human Services Committee's effort to draft new Ethics Ordinance.
- Continued defense of a criminal post-conviction petition
- Continued prosecution of three criminal defendants charged with Class X felonies
- Prepared ordinance and referendum regarding residential Electric Aggregation Program
- Prosecuted liquor commission hearing to revoke liquor license.

### 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. The year 2012 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 in the trial court and the court of appeals.

### 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 matters and succeeded in obtaining dismissals of two cases filed in state court and one filed in federal court. Also continued defending an appeal of a case dismissed by the trial court and appealed by the plaintiff.

### 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 2012 the goal is to continue this trend.
- Obtained dismissals in several civil rights cases filed in state and federal 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 2011 elections, including organizing and staffing an Election Hotline on 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. Additionally, researched and investigated citizen complaint regarding Statement of Economic Interests.
- Represented the Kane County Officers Electoral Board in several hearings on various objections to nominating petitions.

## 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.
- Represented the County and Kane County Sheriff in hearings before the Illinois Department of Employment Security and appeals to the Board of Review concerning an employee's entitlement to unemployment compensation.
- 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 elected officials in disciplinary and discharge arbitrations.
- 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.
- Represented elected officials in appeals concerning various labor matters, including the requirements of the Illinois Public Labor relations Act.
- Represented elected officials' offices in administrative matters before the Department of Labor.

## 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.
- Defended lawsuit involving a Petition for Mandamus against the Health Department.

## Environmental

- Co-prosecuted with Illinois Attorney General cases involving land and water pollution.

- Collected \$9,500 in outstanding fines from a Kendall County cement company for violations of the Kane County Zoning Ordinance.
- Provided legal advice to the County concerning landfill matters.

## 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.
- Drafted intergovernmental agreement between Kane County and DeKalb and Kendall Counties involving multi systemic services.

## Seniors and Persons with Disabilities Unit

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	40
Number of cases closed in 2011	48
Number of cases on warrant status	13

### Active cases:

Female	Male
Seniors 17	Seniors 15
Disabled 0	Disabled 0
Deceased 0	Deceased 1

### Types of Cases:

#### Crimes against person 29

Murder 0  
Kidnapping 4  
Aggravated Battery 4  
Aggravated Sexual Abuse 1  
Domestic Battery 4  
Armed Robbery 0  
Neglect 3  
Warrants 13

#### Crimes against property 18

Residential Burglary 3  
Financial Exploitation 5  
Aggravated Home repair fraud 1  
Theft 7  
Forgery/credit card fraud 0  
Leaving scene of accident 1  
Violation of Probation 1

### Mental Health Calls:

Telephone calls and inquiries 17  
Petitions completed 2

### Spoke at the following Conferences:

Crisis Intervention Training, Elder Abuse - Aurora Police Dept. October, 2011

### Additional Speaking Engagements:

Accompanied Joseph McMahon to various Senior Meetings in county explaining our purpose

### Conferences / Training Attended

Mental Health First Aid Training 12 hours November 2011  
Self-Neglect Roundtable, November 2011, Batavia Public Library  
KCBA Elder Care, Disability and Mental Health Law Committee members  
Illinois Bankers Training (organized), October 2011

### Monthly Meetings / Community Involvement

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



# **Child Advocacy Center**

# Child Advocacy Center

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

<b>Investigations conducted:</b>	<b>247</b>
Joint Law enforcement and DCFS	184
Law enforcement only	63
<b>Investigations Pending</b>	<b>36</b>
<b>Charged cases-warrants outstanding</b>	<b>110</b>
<b>Charged/filed court actions</b>	<b>51</b>
Felony charges	45
Misdemeanor charges	0
Juvenile Delinquency petitions	5
Juvenile Abuse and Neglect petitions	1
<b>Charged cases disposed</b>	<b>33</b>
Convictions/pleas ( 70 %)	23
Acquittals/nolle prosequi	4
Juvenile adjudications	6
Abuse.Neglect findings	0
<b>Total files closed</b>	
<b>(including those initiated in prior years)</b>	<b>243</b>
<b>Investigative Interviews:</b>	<b>1478</b>
Child victims under 13	163
Child victims over 13	108
Child witnesses	244
Adult witnesses	810
Suspects	234

## Case Management Services:

### Number of Family Members:

Receiving Advocacy Services	988
Receiving Crisis Intervention	494
Referred to counseling	617

## Significant Accomplishments:

The Child Advocacy Advisory Board undertook two significant projects this year. The first was a complete review of the Kane County Protocol, and after consideration of available resources, determined to remove serious physical abuse from the primary investigative responsibilities of the Advocacy Center, returning that duty to local police agencies. The CAC will continue to provide assistance whenever requested by the agency with primary authority. The Board also participated in a strategic planning process that identified several goals for the board as we go forward in a challenging financial climate. The goals include expansion of board participation and increased marketing to and training for Kane County disciplines that utilize or interface with the CAC.

- 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:
  - Crimes against Children Conference Dallas Police Department*
  - Champions for Children, CACI, St. Charles*
  - Advanced Forensic Interviewing, Chicago*
  - Strategies for Justice, NDAA, Colorado Springs*
  - MDT Response to Suspected Child Sexual Assault Children's Hospital,*
- 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 **30** investigations.
- The CAC referred **357** 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 **13** children reporting sexual abuse, **5** children received specialized physical abuse examinations and **28** 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 **3** young children receiving supportive mental health services in order to promote the development of healthy behavior patterns.

# **Financial/Human Resources**

## FINANCIAL/HUMAN RESOURCES DIVISION

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

The preparation of grant applications administers all grant funding and insures compliance with all reporting and auditing requirements of various grants. The State's Attorney's Office is committed to seeking outside funding for 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 efficiency for 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 2011 and revenues received per grant fiscal year are following.

The total amount of money budgeted by the Kane County Board to fund all expenditures of the Kane County State's Attorney's Office in 2011 was \$8,593,050. The amount spent by the Kane County State's Attorney's Office in 2011 was \$8,213,805 or 4.4% below budget.

KANE COUNTY STATE'S ATTORNEY'S OFFICE  
**FINANCIAL REPORT**  
FISCAL YEAR 2011

**GENERAL REVENUE:**

Description	FY 2010	FY 2011
State's Attorney's Fines	\$331,897	\$227,029
Bond Forfeiture Fines	758,015	744,970
DV Diversion Fee	0.00	29,707
Second Chance Fines	319,108	307,851
State's Attorney Prosecution Fees	286,057	241,130
Restorative Justice Program/Miscellaneous	1,894	3,276
State's Attorney's COLA	238,236	113,804
Interest Earned	4,641	5,020
<b>TOTAL GENERAL REVENUE</b>	<b>1,939,878</b>	<b>1,672,787</b>

**GRANT REVENUE:**

Description	Grant Fiscal Yrs. 2010	Grant Fiscal Yrs. 2011
<b>Child Advocacy Center</b>		
Attorney General Victim Assistance	\$19,500	19,708
CAC Investigator	35,000	35,000
DCFS	48,875	48,875
CAC Fees	91,656	131,687
<b>TOTAL</b>	<b>195,031</b>	<b>235,270</b>
<b>Child Support</b>		
Dept. of Healthcare & Family Services	<b>766,813</b>	<b>766,123</b>

<b>Victim Services</b>		
Illinois Attorney General	25,800	21,850
Il. Criminal Justice Information Authority	72,430	60,841
<b>TOTAL</b>	<b>98,230</b>	<b>82,691</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	62,400
Investment Income	454	326
<b>TOTAL</b>	<b>68,527</b>	<b>62,726</b>

<b>Weed &amp; Seed</b>		
US Department of Justice	<b>142,000</b>	<b>157,000</b>
<b>TOTAL GRANT REVENUE</b>	<b>1,414,568</b>	<b>1,447,777</b>

**SPECIAL ACCOUNT REVENUE:**

Description	FY 10	FY 11
Bad Check Restitution	25,638	18,098
Drug Asset Forfeiture	33,188	36,298
Interest Earned	201.26	78
Equitable Sharing	0	23,562

**EXPENDITURES:**

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>GENERAL:</b>			
Salaries & Wages	3,227,430	3,198,334	99%
Employee Benefits	812,187	677,122	83%
Contractual Services	383,664	342,288	89%
Commodities	68,700	50,005	73%
Capital			
<b>TOTAL</b>	<b>4,491,981</b>	<b>4,267,749</b>	<b>95%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CHILD ADVOCACY CENTER:</b>			
Salaries & Wages	557,990	566,413	102%
Employee Benefits	197,070	173,895	88%
Contractual Services	129,328	98,353	76%
Commodities	10,440	2,571	25%
Capital	0		
<b>TOTAL</b>	<b>894,828</b>	<b>841,414</b>	<b>94%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>CIVIL:</b>			
Salaries & Wages	447,727	439,399	98%
Employee Benefits	167,374	127,470	76%
Contractual Services	253,376	294,604	116%
Commodities	6,000	4,389	73%
<b>TOTAL</b>	<b>874,477</b>	<b>865,862</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>TITLE IV-D:</b>			
Salaries & Wages	508,326	523,972	103%
Employee Benefits	252,728	220,637	87%
Contractual Services	32,709	28,011	86%
Commodities	2,881	1,878	65%
<b>TOTAL</b>	<b>796,644</b>	<b>744,498</b>	<b>93%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DRUG PROSECUTION:</b>			
Salaries & Wages	241,171	242,900	101%
Employee Benefits	72,439	83,834	116%
Contractual Services	11,598	11,598	100%
<b>TOTAL</b>	<b>325,208</b>	<b>338,332</b>	<b>104%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>VICTIM SERVICES:</b>			
Salaries & Wages	116,001	106,483	92%
Employee Benefits	51,266	35,657	70%
Contractual	7,720	6,480	84%
<b>TOTAL</b>	<b>174,987</b>	<b>148,620</b>	<b>85%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>DOMESTIC VIOLENCE:</b>			
Salaries & Wages	310,685	305,664	98%
Employee Benefits	145,769	119,761	82%
Contractual	21,522	18,081	84%
<b>TOTAL</b>	<b>477,976</b>	<b>443,506</b>	<b>93%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>ENVIRONMENTAL:</b>			
Salaries & Wages	160,970	160,633	100%
Employee Benefits	68,487	60,060	88%
Contractual	9,621	8,841	92%
Commodities	585	190.87	33%
<b>TOTAL</b>	<b>239,663</b>	<b>229,724</b>	<b>96%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>AUTO THEFT:</b>			
Salaries & Wages	63,001	63,466.53	101%
Employee Benefits	25,986	24,590.84	95%
Contractual	3,030	3,030	100%
<b>TOTAL</b>	<b>92,017</b>	<b>91,086</b>	<b>99%</b>

DESCRIPTION	BUDGET	ACTUAL	% SPENT
<b>WEED AND SEED:</b>			
Salaries & Wages	64,797	55,524.87	86%
Employee Benefits	22,788	16,590.42	73%
Contractual	69,415	72,797.31	105%
<b>TOTAL</b>	<b>157,000</b>	<b>144,911</b>	<b>92%</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 had the responsibility of prosecuting a range of offenses in 2011 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.

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.

## Significant Highlights

- Filed 760 petitions to adjudicate and 11 truancy petitions. Resolved approximately 700 petitions to adjudicate (including 5 truanancies) and 755 cases involving petitions to revoke a minor's probation or supervision.
- Transferred one juvenile charged with first-degree murder to adult court.
- Of 760 cases disposed of, 10 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
- Began working with the Juvenile Drug Court team, which includes the judiciary and Juvenile Court Services, to modify the Juvenile Drug Court program to enable more juveniles to benefit from the program by re-establishing the guidelines and promoting awareness of the program

## Abuse & Neglect

The purpose of the Abuse Neglect Division is to protect the children of Kane County. Generally, our cases result from an investigation by the Illinois Department of Children and Family Services in which DCFS has determined a child to be abused, neglected, or dependent

The State's Attorney Office asks the court for a Shelter Care Hearing to temporarily remove the minor from the parents. These minors are then placed in the foster home (either relative or traditional) until the parents can rectify the issues that brought the minor into care.

The case then is 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 guardianship, adoption, independence.

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

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

## Significant Accomplishments

- The ASA's assigned to the unit continue to provide training to various agencies. ASA's continued to attend training.
- Opened 217 family files, an increase from the 187 files opened in 2010.
- Of the 103 cases screened in 2011, 63 were brought in as abuse or neglect cases at shelter care and eight were initiated as dependency cases at shelter care.
- Of the 43 cases closed in 2011, 11 were closed by adoption, which meant that 17 children were adopted; 19 resulted in children returning home, 3 resulted in minors being emancipated.
- Conducted 63 Adjudicatory Hearings, 10 of which were contested.
- The unit did 47 Dispositional Hearings, 18 of which were contested.
- The unit did 17 Termination Hearings, 5 of which were contested.