

Public Defender

FREEDOM OF INFORMATION ACT POSTING

The purpose of the Freedom of Information Act (“FOIA”) is to ensure that all persons are entitled to full and complete information regarding the affairs of government, and the official acts and policies of those who represent them as public officials (5 ILCS 140/1).

The Illinois Freedom of Information Act (“FOIA”) only applies to the legislative and executive branches of government and does not apply to the judicial branch. *See* 5 ILCS 140/2(a). The Kendall County Public Defender is appointed by a majority vote of the Circuit Judges of the Twenty-Third Judicial Circuit. *See* 55 ILCS 5/3-4004. Thus, it is our position that the Kendall County Public Defender’s Office is part of the judicial branch of government, and the records maintained by the Kendall County Public Defender’s Office are not subject to the requirements of a FOIA request. *See Newman et al. v. Brown et al.*, 394 Ill.App.3d 602 (1st Dist. 2009) (Circuit Court clerk is a member of the judicial branch and is, therefore, not a “public body” subject to the FOIA); *Copley Press, Inc. v. Administrative Office of the Courts et al.*, 271 Ill.App.3d 548 (2nd Dist. 1995), appeal denied, 163 Ill.2d 551 (Ill.1995) (Pretrial services agency is an arm of the judicial branch and, therefore, is not subject to the FOIA); and 1999 Ill. Atty Gen. Op. 005 (Illinois Courts Commission is an arm of the judicial branch and, therefore, is not subject to the FOIA).

In the alternative, if the Illinois Attorney General’s Office and/or the circuit court finds that the Kendall County Public Defender’s Office is subject to the FOIA and in the interest of governmental transparency, the following information is made available to the general public.

Background About The Kendall County Public Defender’s Office

- Purpose** The Kendall County Public Defender’s Office represents those individuals that have been accused of a crime which carries with it the potential for jail or prison time and cannot afford to retain private counsel. This office handles all varieties of criminal matters from traffic to misdemeanors to murder. The Public Defender’s office can also be appointed in juvenile cases and abuse and neglect cases involving the rights of a parent accused of abusing or neglecting their child. The Public Defender may represent one of the child’s parents or be appointed to represent the interest of the child.
- Office** The contact information for the Kendall County Public Defender’s Office is listed above. The Kendall County Public Defender’s Office currently employs 5 full time employees. A block diagram of the Kendall County Public Defender’s Office’s functional subdivisions is attached as Exhibit 1.
- Budget** The total amount of the Kendall County Public Defender’s operating budget for this fiscal year is \$439,565.
- Boards** There are no boards, commissions, committees, or councils that operate in an advisory capacity relative to the operation of the Public Defender’s Office or that exercise control over its policies or procedures, or to which the Public Defender’s Office is required to report and be answerable for its operations.

Procedure For Requesting Information and Public Records
From the Kendall County Public Defender's Office

FOIA Requests Any person may obtain public records for inspection or copying by submitting a written request to the below designated FOIA Officer for the Kendall County Public Defender's Office. An electronic records request can be submitted through the Kendall County Public Records Portal, [here](#). The Kendall County Public Defender's Office will respond to all FOIA requests in accordance with the procedures set forth in FOIA and all other applicable federal and state laws.

FOIA Officer All FOIA requests to the Kendall County Public Defender's Office should be given to the following FOIA Officer:

Victoria Chuffo, Public Defender
The Office of the Kendall County Public Defender
807 W. John Street
Yorkville, IL 60560
Telephone: (630) 553-4215

Copy Costs Except when a fee is otherwise fixed by statute, the Kendall County Public Defender's Office will charge the following rates for copies of requested records:

| TYPE OF DOCUMENT | FEE |
|---|---|
| Black and white, letter or | No charge for the legal sized copies first 50 pages and 15 cents per page thereafter |
| Color copies and odd-sized copies | 50 cents per page for the first 500 pages and 45 cents per page thereafter |
| Computer disk, tape-cassette, compact disk, and/or any other recording medium | The actual cost for the computer disc, tape-cassette, compact disc, and/or other recording medium |

EXHIBIT 1
OFFICE ORGANIZATION CHART

