



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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To: John P. Daley, Chairman, Finance Committee
Finance Committee
Cook County Board of Commissioners

From: Kimberly M. Foxx, State's Attorney

Re: Requested Budget Submission

Date: October 20, 2017

The Cook County State's Attorney Office is responsible for the prosecution of 30,000 felony and 260,000 misdemeanor cases referred for prosecution each year. In 2016, the Office's budget was \$123 million, approximately 3% of the County's total budget.

At the direction of the Finance Committee of the Cook County Board of Commissioners, and to address the anticipated budget shortfall resulting from the repeal of the Sweetened Beverage Tax, State's Attorney Kimberly M. Foxx, and the Office of the Cook County State's Attorney (SAO) have prepared this submission outlining potential cuts to the SAO budget and the resulting impact on operations.

In preparing this submission, the SAO has been guided by several key principles:

- It is the constitutional duty of the SAO to seek justice and protect public safety in a manner that is fair, equitable and transparent (a copy of the statutory obligations governing the SAO is enclosed with this submission).
- There are significant public safety concerns currently facing Cook County, including an unprecedented spike in gun violence and homicides, which the SAO must be equipped to address.
- Both Illinois law and the ethical rules governing lawyers mandate limits to the caseloads that the SAO can bear to allow for the responsible and attentive practice of law. "Reduction in the work force of the State's Attorney can only lead to an unmanageable backlog, a result absolutely unacceptable to the public. Such violation of the constitutional principle of speedy justice would be intolerable." *Rudman v. Grabavoy*, 42 Ill. App. 3d 176, 179 (3rd Dist 1976).

With the foregoing principles in mind, in this submission the SAO has attempted to identify efficiencies and potential cuts to service that will minimize the impact on public safety while still maintaining the SAO's operations within the bounds of its legal and ethical obligations.

The Finance Committee has requested a submission that presents a 10% cut to the budget. Based on our calculations, a 10% cut would represent \$12.3 million, or approximately 100 personnel. While the SAO wishes to comply with the Finance Committee's request, we are obligated to note that elimination of that many positions would be debilitating to the operation of our office, and to the administration of justice in Cook County.

Proposal for addressing budget shortfall

I. Opportunities for increased efficiency

The SAO undertook a comprehensive review of its operations to identify any areas of possible efficiencies that would allow for cost savings. While the budget for the SAO is overwhelmingly personnel, this review identified areas where increased operational efficiencies could result in potential savings.

a. IT consolidation

The SAO is actively pursuing a plan to consolidate IT functions with other County offices; a plan is in place to relocate SAO IT services to the County office. It is estimated that this consolidation will be complete by Q2 2018.

b. HR consolidation

Under this plan, certain SAO Human Resources functions would be absorbed into the County's Bureau of Human Resources.

c. Branch court consolidation

Closure or consolidation of the five branch courts would result in a reduction and reallocation of FTEs.

d. Attorney proportionality in suburban courthouses

The five suburban courthouses are currently staffed at levels that result in dramatically disproportionate caseloads that do not accurately reflect the volume of cases that pass through each of those courthouses. The SAO proposes to staff each suburban courthouse at a level that accurately reflects the volume (and the severity) of the cases each handles. Closure or consolidation of the five branch courts would result in a reduction and reallocation of FTEs.

e. External affairs reorganization

The SAO operates an external affairs division that is responsible for engaging with the communities we serve, interfacing with other government entities, and generally assuring a strong partnership between the SAO and the public. This proposal would condense the supervisory structure and return to regional operations of external affairs.

II. Proposed cuts to services

The SAO's budget is 93% personnel; for that reason a budget shortfall on the scale contemplated here is impossible to sustain without significant cuts to personnel. In light of these challenges, the SAO has made every possible effort to identify potential cuts that minimize the impact on public safety and utilize other resources where available.

a. Civil Actions Bureau

The Civil Actions Bureau is responsible for representing the County and its agencies in civil litigation. Increased caseloads and sustained staffing cuts over many years have left the Bureau severely understaffed already, and unable to sustain further cuts while maintaining an effective level of representation. The SAO proposes to adopt the practices of several other counties that do not operate fully-staffed civil bureaus, eliminating the Bureau except for a minimal supervisory staff to oversee and supervise any outside counsel engaged to represent County interests in civil litigation, and to provide counsel to the Board and Commissioners as mandated by State law.

b. Drug School / TASC

Since the 1970s, Drug School has operated as a diversion program for the lowest-level, lowest-risk drug offenders. Drug School functions as an educational program to warn participants of the hazards of drugs. It is not a personalized intervention. The program has resulted in tens of thousands of people being diverted from court processing. A review of the cases and the individuals processed through Drug School indicates, however, that most, if not all, of the cases referred to Drug School could instead be dismissed outright, allowing the SAO's Alternative Prosecution and Sentencing Unit to focus more effectively on higher-touch specialty courts and other diversion programs.

c. Asset Forfeiture Unit

Recently-passed state legislation appropriately curtails the use of asset forfeiture; the SAO further submits that seizing assets, which are frequently of nominal value, often from people who are in many cases not accused of criminal conduct themselves but whose property may have been used to commit a crime, is not the best use of SAO resources.

d. Consumer Fraud Unit

While Consumer Fraud is an issue of significant public importance, this already-small group has not had adequate resources to be as proactive and aggressive in the pursuit of consumer fraud as the County would expect from a fully resourced unit. Furthermore, the Office of the Illinois Attorney General does a great deal of consumer fraud work, including in Cook County, so the function of investigating and prosecuting consumer fraud would not be left undressed. It should be noted, however, that a more fully resourced Consumer Fraud Unit could easily pay for itself and generate revenue, as units have in Chicago, New York and San Francisco.

TOTAL PROJECTED SAVINGS (service cuts + operations)

\$8,000,000

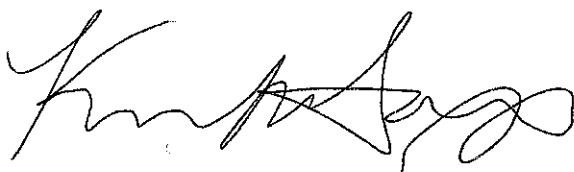
Impact of any additional cuts

This proposal represents a good-faith effort to identify opportunities for operational efficiencies and cuts to service that address the anticipated budget shortfall while minimizing the impact to public safety. In order to effectuate these cuts, the SAO must cease certain functions entirely, or jeopardize the core public safety functions in prosecuting misdemeanor and felony offenses.

Any additional cuts would require a decrease in attorneys assigned to misdemeanor and felony prosecutions, and a corresponding inability to continue prosecuting many categories of cases traditionally prosecuted by the SAO. The people of Cook County deserve a justice system that treats every case individually and prosecutors who take each case on its merits. Already, our caseloads are strained well beyond the boundaries of what is recommended by professional associations like the ABA and the APA. At the main courthouse at 26th and California, 25% of our felony courtrooms are staffed with only 2 attorneys. This causes delays that should be of concern to all of us, requiring additional court days for law enforcement personnel as cases get continued, and delaying the right to a speedy trial for criminal defendants. As we see important developments in technology that advance the mission of fair and equal justice, such as electronic recording of witness statements and the use of body-worn cameras by police personnel, the time to prepare cases continues to go up, as Assistant State's Attorney's must review all of this recorded footage in order to diligently prepare for their case.

Ceasing to prosecute cases of certain offense types would be the only alternative available to allow the SAO to absorb additional cuts. The SAO will seek guidance from the Board of Commissioners on how to prioritize among the many categories of offenses presented for prosecution every day, to identify categories of offenses of high importance, and which categories of offenses the SAO should decline to prosecute in the event of further cutbacks.

Respectfully Submitted,



Kimberly M. Foxx
State's Attorney

cc: Toni Preckwinkle, President
Board of Commissioners
Ammar Rizki, Chief Financial Officer
Tanya Anthony, Director, Budget and Management

Enclosures: 55 ILCS 5/3-9005

Powers and duties of State's attorney

(a) The duty of each State's attorney shall be:

- (1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.
- (2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his county; also, to prosecute all suits in his county against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.
- (3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.
- (4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.
- (5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.
- (6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.
- (7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned.
- (8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10-day period, then the State's attorney shall furnish such as soon as may be reasonable.
- (9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.
- (10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.
- (11) To perform such other and further duties as may, from time to time, be enjoined on him by law.
- (12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.
- (13) To notify, by first-class mail, the State Superintendent of Education, the applicable regional superintendent of schools, and the superintendent of the employing school district or the chief school administrator of the employing nonpublic school, if any, upon the conviction of any individual known to possess a certificate or license issued pursuant to Article 21 or 21B, respectively, of the School Code of any offense set forth in Section 21B-80 of the School Code or any other felony conviction, providing the name of the certificate holder, the fact of the conviction, and the name and location of the court where the conviction occurred. The certificate holder must also be contemporaneously sent a copy of the notice.