

Village of Carol Stream

SPECIAL MEETING

**MONDAY, AUGUST 20, 2012
6:00 P.M.**

**GREGORY J. BIELAWSKI MUNICIPAL CENTER
500 N. GARY AVENUE
CAROL STREAM, ILLINOIS 60188**

AGENDA

1. CALL TO ORDER
2. ATTENDANCE
3. LOCAL PROSECUTION OF TRAFFIC OFFENSES
4. OTHER BUSINESS
5. ADJOURNMENT

Local Prosecution of Traffic Offenses

Village Goal #17

Current Traffic Court System

- Minor traffic offenses are heard in Glendale Heights Traffic Court
- Major traffic offenses are heard at the DuPage County Courthouse
- Assistant State's Attorney represents our interests in both courts
- We receive a portion of the fines based on Circuit Court Clerk formula

Local Prosecution

- Will mirror current traffic court prosecution
- We will have our own prosecutor instead of Assistant State's Attorney representing our interests
- Process is very similar to our DUI Local Prosecution process
- We will receive 100% of fines and approximately 60% of court costs

Survey of Local Prosecution

- Survey consisted of area towns that have local prosecution
- These towns received a higher fine revenue percentage per ticket
- Exact fine disbursement amounts are difficult to determine because of County disbursement formula

Benefits of Local Prosecution

- We do not pay County's mandatory \$25 prosecution fee, we retain it
- Consistent legal representation
- We know prosecutor and they will be available to answer questions
- Prosecutor will provide training and feedback resulting in better testimony

Benefits of Local Prosecution

- Prosecutor appears in court on our behalf
- Prosecutor does prep work with officers
- Officers will be a part of all plea deals

Prepay-No Court Appearance (Current Fee Structure)

Based on \$120 traffic citation

- \$15.00 Court automation fee
- \$15.00 Document storage fee
- \$15.00 Illinois State Police share
- \$33.38 Municipality share
- \$12.61 State share
- \$29.01 County share

Court Appearance Percentages

Fees deducted before percentages applied

- \$15.00 Court automation fee
- \$15.00 Document storage fee
- \$25.00 Prosecution fee

Percentage breakdown

- 44.5 % to Municipality
- 38.675% to County
- 16.825% to State

Court Costs

Finding of guilty for a speeding citation

- Fine is \$120
- Judge automatically imposes \$130 for court costs
- Total fine and court costs is \$250

Minor Traffic Offenses

- Cases heard in Glendale Heights traffic court
- In 2010 Carol Stream issued 11,831 citations
- 9,566 were assessed fines/court costs of \$250,225
- As of May 2011, \$219,025 has been received

Major Traffic Offenses

- Cases heard at DuPage County Courthouse
- In 2010 Carol Stream issued 1,650 citations
- 1,051 were assessed fines/court costs of \$453,016
- As of May 2011, \$123,130 has been received

2010 Citation Totals for Local Prosecution Towns

- Glen Ellyn: 4,213 citations
Revenue was \$265,151
Fine revenue per ticket = \$63
- Oak Brook: 2,795 citations
Revenue was \$213,937
Fine revenue per ticket = \$77
- Wheaton: 3,226 citations
Revenue was \$352,638
Fine revenue per ticket = \$109
- Carol Stream: 13,098 citations
Revenue was \$793,615
Fine revenue per ticket = \$61

Every town had a higher per ticket revenue than Carol Stream except for one

Attorney Selection Process

- RFP to solicit proposals from pre-qualified attorneys and firms
- Select attorneys for interview process
- Offer of employment based on Village Board approval
- Drafting of contract including costs
- Village Attorney review of contract
- Set an implementation date
- Concern will be potential conflicts of interest
- We would like to assess the possibility of combining our prosecutor/adjudicator positions

Attorney Cost

- Eight traffic court dates per month
- Each session lasts 2-3 hours
- Approximate hourly rate would be \$200, resulting in \$57,600 per year
- Cost of drafting an ordinance adopting the Illinois Vehicle Code

Transition

- Seamless transition
- Adopt an ordinance to incorporate the Illinois Vehicle Code for local prosecution
- Ordinance chapter number (8-1) is placed ahead of IVC number on citations to indicate local ordinance violation
- No additional manpower requirement
- No reprinting of citations
- No additional record keeping

Transition

- No additional overtime required
- No extra time on traffic stops
- Offenses are applied to State driving record
- No additional cost except for a local prosecutor
- Local prosecutor will act under the direction of the Traffic Sergeant with oversight by the Chief of Police