

SPECIAL MEETING

**MONDAY, OCTOBER 15, 2012
6:00 P.M.**

VILLAGE OF CAROL STREAM

**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

Village of Carol Stream
Interdepartmental Memo

TO: Joe Breinig
Via: Chief Kevin Orr
FROM: DC E. Sailer
DATE: October 10, 2012
RE: Supplemental Memo for Local Traffic Prosecution

Pursuant to questions from Board members during the special workshop held in June, I researched further information in regard to attorney fees for local traffic prosecution.

As I stated at the workshop, the two main methods of contracting with an attorney are an hourly rate or a fixed monthly rate. Preference is at the discretion of the town.

Of the towns researched, the range for a flat rate is \$40,000 to \$52,000 per year. Some towns in this range have the local prosecutor handle other legal duties.

Of the towns researched, the range for an hourly rate is \$110 to \$135 per hour. This range is for local prosecution only.

As a reminder, we have eight court dates a month. Most dates last at least two hours and some last as long as three and a half hours.

The revenue that would be generated by going forward with local prosecution would offset the cost for contracting with an attorney.

I recommend that the Village Board authorize our Village Attorney to draft an ordinance that will adopt the Illinois Vehicle Code and move forward with the process of selecting an attorney for local traffic prosecution. Should authorization be granted, local prosecution would begin on May 1, 2013.

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