



# STATE'S ATTORNEYS APPELLATE PROSECUTOR

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## FY22 AGENCY INFORMATION & ACCESS TO PUBLIC DOCUMENTS POLICY

UPDATED JANUARY 26, 2023

## **Summary**

The Legislature created the Office of the State's Attorneys Appellate Prosecutor in 1977. The Agency was given the mission to work closely with State's Attorneys in 101 counties to prepare, file, and argue cases in the appellate courts to keep convicted criminals behind bars. The Agency's responsibility has since been expanded to include serving as Special Prosecutor, providing assistance to State's Attorneys in labor cases under the Illinois Public Labor Relations Act, in drug cases, and in tax objection cases. The Agency also provides continuing legal education services which includes specialized sessions in trial advocacy and in cases involving children who are crime victims and witnesses.

The Agency's specific powers and duties are detailed in the State's Attorneys Appellate Prosecutor's Act (725 ILCS 210 et. seq).

## **Objective**

The primary objective of the Office of the State's Attorneys Appellate Prosecutor is to deliver quality professional services to all participating counties in full compliance with its legislative mandate. This includes:

- I. To represent the People of the State of Illinois on appeal in all cases which emanate from a county containing less than 3,000,000 inhabitants, when requested to do so and at the direction of the State's Attorney;
- II. To prepare, file, and argue such appellate briefs in the Illinois Appellate Court with the advice and consent of the State's Attorney and, when requested and authorized to do so by the Attorney General, in the Supreme Court;
- III. To assist State's Attorneys in the discharge of their duties under the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, the Narcotics Profit Forfeiture Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, and the Illinois Public Labor Relations Act;
- IV. To provide trial assistance to State's Attorneys and to serve as Special Prosecutor when duly appointed by a court having jurisdiction with a court order stating the statutory provisions;
- V. To assist State's Attorneys in the trial and appeal of tax objection cases;
- VI. To conduct training programs for State's Attorneys and law enforcement personnel including programs to reduce trauma for child witnesses in criminal proceedings; and
- VII. To provide a legal intern program.

## **Board of Governors**

The Office of the State's Attorneys Appellate Prosecutor has a membership of ten State's Attorneys who govern the Agency's functions. Eight State's Attorneys are elected to serve on the Board. The Cook County State's Attorney serves by statute, and one State's Attorney is appointed Member-At-Large by the other nine members. The Board members elect officers to preside during the two-year term.

The Board Officers for FY22 were the following:

**Ben Goetten, Jersey County, Chairman**  
**Brandon J. Zanotti, Williamson County, Vice-Chairman**  
**Gray Herndon Noll, Morgan County, Secretary**

The State's Attorneys serving as Board Members for FY22 were the following:

First District:

**Kimberly M. Foxx, Cook County**

Second District:

**Robert Berlin, DuPage County**  
**Eric Weis, Kendall County**

Third District:

**Colby Hathaway, Henderson County**  
**Stewart J. Umholtz, Tazewell County**

Fourth District:

**Ben Goetten, Jersey County**  
**Gray Herndon Noll, Morgan County**

Fifth District:

**Denton Aud, White County**  
**James Gomric, St. Clair County**  
**Michael M. Havera, Christian County (through December 2021)**  
**Brandon J. Zanotti, Williamson County**

## **Director's Office**

The Director's Office, or Administrative Office, is located in Springfield, Illinois. The Director is responsible for the overall supervision and coordination of the Agency and for providing all administrative services. This includes administrative and managerial functions, legal policy and other extraordinary legal concerns, budgetary and legislative matters, and Agency publications.

Patrick J. Delfino, Director  
State's Attorneys Appellate Prosecutor  
Administrative Office  
725 South Second Street  
Springfield, IL 62704

Main: 217-782-1628  
Fax: 217-782-6305  
TTY: 217-558-1605  
[www.ilsaap.org](http://www.ilsaap.org)

## **District Offices**

Four District Offices have been established in Illinois. They are located in Elgin (Second District), Ottawa (Third District), Springfield (Fourth District), and Mt. Vernon (Fifth District). Each Office is managed by a Deputy Director who supervises a staff of attorneys and clerical personnel.

Edward R. Psenicka, Deputy Director  
Second District Office  
2032 Larkin Avenue  
Elgin, IL 60123

Main: 847-697-0020  
Fax: 847-697-9824

Thomas D. Arado, Deputy Director  
Third District Office  
628 Columbus Street-Suite 300  
Ottawa, IL 61350

Main: 815-434-7010  
Fax: 815-434-7339

David J. Robinson, Chief Deputy Director  
Fourth District Office  
725 South Second Street  
Springfield, IL 62704

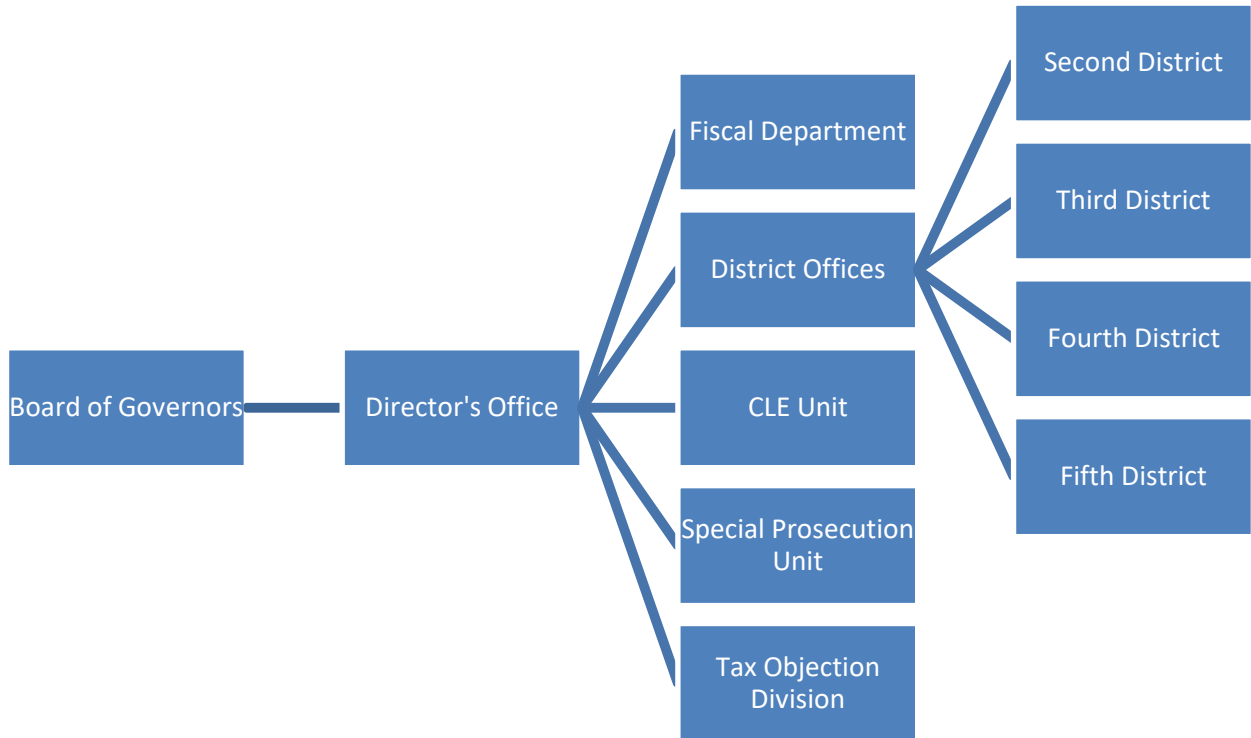
Main: 217-782-8076  
Fax: 217-782-6305

Patrick D. Daly, Deputy Director  
Fifth District Office  
4114 North Water Tower Place-Suite C  
Mt. Vernon, IL 62864

Main: 618-244-2107  
Fax: 618-244-2713

## Agency Structure

The below chart summarizes the overall structure of the Agency.



## FY22 Agency Statistics

Total Operational Budget: \$21,474,550

Full-Time Employees (as of 6/30/22) 84

Part-Time Employees (as of 6/30/22): 0

## **Access to Public Documents Policy**

Pursuant to statute (725 ILCS 210/3 et. seq.) the State's Attorneys Appellate Prosecutor is a judicial agency of state government. Pursuant to the express provisions of the Freedom of Information Act (5 ILCS 140/2 et. seq.), its mandates are applicable to a "public body" which include:

"legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code."

Despite its inapplicability to this Agency, we believe that transparency is an important goal of our Agency and, to that end, we will consistently try to disclose information which is available or which is not otherwise inconsistent with the public safety purposes of the Agency. Such information includes, but is not limited to: policies approved by the Board or the Director, reports prepared for the General Assembly or other Agency of State or Federal government, Agendas and approved minutes of the Board, contracts and other documents related to the expenditure of public monies other than personally identifying private information, or as otherwise necessary to assure the integrity of criminal investigations.

It is not our policy to disclose information which would undermine our relationship with counties or their State's Attorneys, which by its nature, demands a degree of candor and confidentiality inherent in that relationship. Nor is it our policy to disclose information when such disclosure might place our employees in jeopardy by making them readily identifiable.

Approved by the Board of Governors  
December 7, 2011

### **Public Documents Officer**

To promote transparency and accountability, Associate Director Matt Jones has been appointed as Public Documents Officer. Requests for documents may be made to the following:

State's Attorneys Appellate Prosecutor  
Matt Jones, Public Documents Officer  
725 South Second Street  
Springfield, IL 62704

[mjones@ilsaap.org](mailto:mjones@ilsaap.org)  
fax: 217-782-1628

## **Disclosure**

Items for immediate disclosure, subject to the redaction of private information:

1. Records relating to the obligation, receipt, and use of public funds by the Agency;
2. Certified payroll records;
3. Settlement agreements;
4. Final collective bargaining agreement;
5. Records related to the final outcome of employee grievances or disciplinary actions; and
6. All employee and personnel manuals.

Items which will not be routinely disclosed:

1. Preliminary research, notes, and drafts of appellate briefs and filings;
2. Case files, work product and evidence within special prosecution files during the pendency of the review or case, after which the materials will be promptly returned to the county of origin; and
3. Member's-only information from the Agency website including legislative memoranda, forum comments and personal contact information.

## **Authority to Charge Fees**

Any fees charged to the requestor as a result of fulfilling public document requests would be the same as contained in the Freedom of Information Act (5 ILCS 140 et. seq.). The Agency may waive or reduce such fees at any time.

## **Rules on Public Comment at Open Meetings**

In order to fully comply with the provisions of the Open Meetings Act, the Board of Governors of the Illinois State's Attorney's Appellate Prosecutor on June 24, 2015, adopted the following rules that govern how public comments are to occur at Board of Governors' meetings:

- The Board shall set aside a specific portion of Board meetings or Committee meetings for public comment;
- The Board shall limit the length of public comment to three minutes per speaker;
- The Board shall require public comment to be limited to subjects on the meeting's agenda; and
- The Board shall allow the Chairman of the Board of Governors or the Chair of a Board Committee to cut off a comment if it is irrelevant, repetitious, or disruptive.

# State's Attorneys Appellate Prosecutor

**Patrick J. Delfino**  
Director

**Ben Goetten**  
Chairman



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The Agency is committed to providing equal employment opportunity for all persons. In keeping with that goal, it is the express policy of the Agency to make all employment decisions regarding the recruitment, hiring, training, promotion, and layoff of and the awarding of benefits to an employee will be made without regard to factors including, but not limited to a person's actual or perceived race, sex, sexual orientation, creed, religion, color, marital status, age, ancestry, national origin, mental or physical handicap, sexual orientation, pregnancy, military status, genetic information, order of protection status, or any other status protected by law.

The Agency is committed to maintaining a work environment that is free from discrimination and harassment. In keeping with this commitment, the Agency will not tolerate harassment of Agency employees, contractors, vendors, consultants by anyone, including any supervisor, co-worker, elected official, vendor, client, intern, applicant, or apprentice of the Agency, or any third party that does business with the Agency. The Agency prohibits any such conduct in the workplace, and this policy prohibits harassment or other workplace discrimination based on an individual's protected status, even if it does not rise to the level of a legal violation. The harassment prohibited by this policy is conduct, whether verbal, physical or visual, that denigrates or shows hostility or aversion toward an individual based on that person's actual or perceived race, sex, sexual orientation, creed, religion, color, marital status, age, ancestry, national origin, mental or physical handicap, sexual orientation, pregnancy, military status, genetic information, order of protection status, or any other status protected by law.

The Agency will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits or creating an intimidating, hostile or offensive work environment.