

IVI-IPO 2004 STATES ATTORNEY QUESTIONNAIRE – Section 1

DATE January 16, 2004

PARTY: Democrat

NAME: Richard A. Devine

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NUMBER OF PETITION SIGNATURES FILED: We collected over 150,000 NUMBER
REQUIRED: 5105

Please use an additional sheet to complete the following background information:
IVI-IPO

BACKGROUND INFORMATION:

- 1. Elective or appointive public and/or party offices previously held including dates.**
Please see attached resume.
- 2. Other elective offices for which you have been a candidate.**
Please see attached resume.
- 3. Principal business, education, professional and civic activities of the past ten years.**
Please see attached resume.
- 4. What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek?**
Please see attached resume.
- 5. Activities for other candidates. Please be specific.**
I have campaigned through the years for numerous Democratic candidates and have appeared in recent months on behalf of many of the Democratic candidates on the county ticket.
- 6. Please list all endorsements you have received so far.**
No newspaper has yet published its endorsements. However, to date, I have been endorsed by the AFL-CIO.
- 7. As concisely as possible, state why you feel you should be endorsed over the other candidate(s). What goals for the office you seek are most important to you personally?**

I have a strong background for this office and in private practice. I have been a trial lawyer for over 35 years, handling both civil and criminal

cases. I have argued cases in the Illinois Appellate Court, the Illinois Supreme Court, the 7th Circuit U.S. Court of Appeals and twice appeared before the U. S. Supreme Court. In addition, I am a member of the American College of Trial Lawyers.

I have served as State's Attorney of Cook County for the past seven years. During my tenure, I have advanced numerous initiatives to improve the fundamental fairness of the administration of criminal justice and to ensure that the voices of crime victims are heard. To that end, upon entering the office, I established the office's first Domestic Violence Unit, now nationally acclaimed. Our victim/witness program was singled out as a model by the Attorney General's office because of its dedication and guidance to victims and witnesses of crime and their families. Our work crafting the Juvenile Justice Reform Act of 1998 led to major changes in how juveniles are treated, stressing the principals of balanced and restorative justice. This new approach has taken thousands of young people out of the court system and into the community to set accountability and support through trained mediators. Our Narcotics Bureau has clamped down both on street sales through the prosecution of street corner conspiracies and through the prosecution of major drug dealers, who are making millions of dollars off the destruction of our neighborhoods. We established a Community Prosecutions unit, and have opened five community prosecution offices in Cook County, three in the city and two in the suburbs.

In addition, we have recommended and supported a number of reforms to further safeguard the death penalty process. But even before those recommendations last summer, we had established a Capital Case Review committee composed of senior prosecutors and chaired by me, to analyze thoroughly each potential capital case before a decision is made on whether to seek the ultimate punishment. For over three years we have been videotaping murder confessions and have long supported videotaping interrogations. We established a unit dedicated to pursuing gun trafficking in Cook County, and we developed the Cold Case unit to intensify investigations of unsolved murders. In four years, the unit has reopened and examined 90 old homicide cases and has successfully investigated, solved, and prosecuted 21 cases. On our own initiative, we also established a DNA unit to review over 100 murder cases to determine the existence of any testable DNA evidence that would have significant probative value in the case. The review is being done whether or not the defendant has challenged his or her conviction.

Personally, one of my most important goals is to recruit, train and retain the finest prosecutors in the country and to build on the professionalism that we established in our first eight years. I want to intensify the attack on gangs and drug dealing including strong enforcement of gun laws through the Safe Neighborhoods Act. I hope to solidify and expand our use of diversion programs for possession drug offenses and juveniles. Expansion of the Target Abuser Call program in the area of domestic violence and the Sexual Assault Response Team (SART) program are also of particular importance to me. I have long lobbied for prompt DNA testing in all relevant cases. I also want to widen the net with respect to

protecting senior citizens against nursing home abuse and neglect. Finally, in light of the ever-increasing vulnerability of our population, particularly seniors, to crimes of identity theft and fraud, I hope to strengthen our enforcement and training efforts in these areas.

- 8. Please outline the place of patronage, personnel codes, race, gender and sexual orientation in establishing criteria for hiring and promoting public employees.**

We do not have quotas but strive to establish a diverse staff through vigorous recruiting, hiring and promotions. Indeed, a recent Chicago Sun-Times article (12/8/03) reported that, as of November 2003, for the first time in the history of the state's attorney's office, 60% of the incoming freshman class are women. Our office has over 930 attorneys and about half are women. Additionally, the Chicago Lawyer, in its 2002 Diversity Survey found that the Cook County State's Attorney's Office had a higher percentage of African American prosecutors than all other prosecutors offices surveyed, including the U.S. Attorney's Office, the Attorney General's Office and the City of Chicago's Corporation Counsel Office.

- 9. What is your campaign budget? How much have you raised to date?**

That budget is under review. I have raised \$525,000 to date.

- 10. How many people are on your campaign staff? How many volunteers are on your list?**

I have a campaign manager, a paid press secretary and a paid office manager at my campaign office.

IVI-IPO 2004 STATES ATTORNEY QUESTIONNAIRE – Section 2

Cook County State's Attorney Candidate Questionnaire - 3/21/00 Primary

- 1. What is your position on gun control?**

I favor reasonable controls on the ownership of handguns and automatic weapons, with the need to protect the rights of sportsmen and other legitimate gun owners. There are too many guns on the streets. While there is some disagreement on initiatives in this area, everyone agrees that criminals should not have weapons. Accordingly, we have moved aggressively with legislation, lawsuits and with prosecution of gun cases. We championed the Safe Neighborhoods legislation in Springfield and have sought penalty enhancements for gun offenses. We crafted a county gun ordinance to significantly strengthen the scrutiny of gun buyers and gun dealers in suburban Cook County. Among various provisions, the law raises the minimum age for gun possession from 18 to 21; revokes the license of any gun dealer shown to have knowingly sold a gun to a "straw purchaser"; limits the number of guns that may be sold to an individual to one per month; and requires that every gun sold in Cook County have a trigger lock or other safety device. In addition to legislation, we created a unit in our Special Prosecutions Bureau that deals exclusively with gun trafficking and gun violations. We have opposed anti-gun control efforts at the state and local

levels and I am strongly opposed to and will work against any proposed legislation that seeks to legalize the carrying of concealed weapons in Illinois. I favor background checks before gun show purchases.

2. What is your position on capital punishment? In what instance would you seek the death penalty? Do we need a moratorium on the death penalty?

For several years, I have been one of the only public officials who called for a public debate on whether Illinois should retain the death penalty. Indeed, when Representative Art Turner last filed legislation calling for the abolishment of the death penalty, I was the first to encourage a full debate on the issue. I outlined the views of this office on the death penalty and asked the legislature to resolve the issue once and for all. Unfortunately, the much needed debate has not yet taken place. This leaves us with the current state of affairs, a moratorium on the death penalty. The moratorium is not a solution – either temporary or permanent. It is a convenient device to avoid a difficult issue. In the meantime, it is terribly unfair to the families of murder victims to hold cases in legal limbo at a time when they are suffering the loss of a loved one.

Personally, I support the death penalty but believe that it should be reserved for the worst offenders. I believe that it is appropriate in those cases where eligibility is mandated by statute, where the evidence proves the defendant's guilt beyond a reasonable doubt and where there is insufficient mitigation to preclude the death penalty. I believe that in determining whether to seek the death penalty, each case has to be decided on its own merits. To that end, I established a Capital Case Review committee composed of our senior prosecutors and chaired by me, to review on a weekly basis any potential capital case before the decision is made whether to seek the death penalty.

We reviewed all Cook County cases on Death Row and made numerous recommendations to the governor's commission reviewing the death penalty. We recommended DNA testing be conducted in all relevant potential capital cases before any decision is made to seek the death penalty. To this end, in April of 2003, this office took the step of establishing a DNA Unit to review over 100 murder convictions to determine the existence of any testable DNA evidence that would have significant probative value in the case. The review and testing is being done at the State's Attorney's Office's initiative whether or not the defendant has challenged his or her conviction. We also supported the creation of a Capital Case Trial Bar that has mandatory standards for prosecutors, defense attorneys and judges handling capital cases. To date, we have devoted resources to qualify 197 assistant state's attorneys in Cook County to become members of the Capital Litigation Bar established by the Illinois Supreme Court in 2001. We supported and worked with legislators for over two years to enact the death penalty reform package. It is our objective that, from the initial investigation of the homicide through the trial and appellate process, every witness be interviewed, all alibis confirmed, no stone left unturned in the collection of evidence, and all legal theories reviewed, analyzed, argued and defended. To this end, we created the position of Capital Case Specialist. When a homicide case comes in, this assistant immediately reviews the case to determine whether it is eligible for

the death penalty, evaluates the sufficiency of the evidence in the case and provides input into any additional investigation. All of this occurs after arrest but prior to indictment to ensure that all available evidence is brought to light. We also established a Special Litigation Unit, which includes assistants experienced in handling post-conviction matters in death penalty cases.

3. **How quickly is the State's Attorney's Office required to turn around a Freedom of Information Request (FOIA)? What do you think the turnaround time should be? (Incumbent: how many FOIA requests has your office processed? What is the current turnaround time for FOIA requests? What should it be?)**

The law states that we must comply within seven days with a FOIA request unless more time is required. The turnaround time should be as soon as possible after receipt. We handle an average of about 60 requests a year; many more have been handled informally, (e.g. comments to reporters) and have been redirected to government agencies that had the requested information. Any generalization on the current turnaround time would be imprecise. Some requests take longer because records have to be retrieved from off-site warehouses. The vast majority of requests, however, are processed within two business days. Every office should comply as quickly as practicable within the constraints of the request.

CIVIL RIGHTS

4. **Under what circumstances should law enforcement agencies put citizens or organizations under surveillance?**

We should put citizens or groups under surveillance only when there is reliable information that a crime has been or is about to be committed. We must all respect the individual's or the group's 4th amendment rights.

5. **Would you support legislation to prohibit the use of eavesdropping and wire-tapping in criminal investigations?**

Illinois law allows the use of eavesdropping and wire-tapping in limited circumstances. This law includes numerous procedural safeguards to prevent abuse. In light of these safeguards and the fact that eavesdropping and wire-tapping have proven to be important tools in seeking to disrupt contract murder and narcotics conspiracies, I would not be in favor of prohibiting their use in these types of criminal investigations.

6. **Do present procedures adequately protect the rights of the accused?**

Illinois law and Supreme Court Rules set forth a number of procedures that are designed to protect the rights of the accused and, as prosecutors, we are all under an obligation and responsibility to respect those procedures. I also believe that we are under an ongoing responsibility to test and verify the adequacy of those procedures. Under my administration, the Cook County State's Attorney's Office has revised many procedures to assure the rights of the accused. For example, I was an early proponent for videotaped interrogations and, in fact, voluntarily instituted videotaping of statements in

murder cases. I also reviewed and revised this office's internal procedures regarding death penalty review and was first in line to work with Representative Connie Howard on her expungement legislation. I also established a DNA Unit in my office to review over 100 murder cases to determine the existence of any testable DNA evidence that would have significant probative value in the case. The review is being done whether or not the defendant has challenged his or her conviction. As reflected by these examples, we strive to strike the appropriate balance between the defendant's rights and the state's duty to protect the community.

7. Comment on the state of the law on fitness to stand trial and the insanity defense. Should any changes be made?

This office implemented the changes mandated by the Supreme Court in Atkins v. Virginia long before the Court prohibited states from executing mentally retarded defendant. That holding, combined with the reforms passed by the Illinois legislature, set clear standards for determining fitness to stand trial and the insanity defense.

8. Would you support the mandatory videotaping of all interrogations?

I was an early proponent of videotaped interrogations and argued for the establishment of a pilot program to work out the real-life issues related to videotaping. I instituted the first voluntary videotaping in Illinois when I began videotaping statements in murder cases in Cook County back in 1999. Before any legislative reforms were implemented, I also worked with local police agencies to establish a pilot project for taping on a statewide basis through the Illinois Criminal Justice Information Authority. I anticipate that, if done in the right way, videotaping will add a positive element to the criminal justice system in Illinois.

PROSECUTORIAL DISCRETION

9. What criteria will you employ in reaching decisions as to: whether or not to prosecute; recommendations as to sentences; prosecution for lesser offenses; and grants of immunity?

Whether or not to prosecute: *We only prosecute criminal charges where there is sufficient evidence to sustain the charges and where the ends of justice support prosecution of the case.*

Recommendations as to sentences: *Our criteria for sentencing recommendations include consideration of the following factors: (1) the requirements for protecting the public's safety; (2) the background of the offenders; and (3) maintaining public respect and confidence in the law. We examine the facts of the case, the defendant's background and we consult with the victim of the crime.*

Prosecution for lesser offenses: *Our criteria for the prosecution of lesser offenses rely on the same factors as recommendations as to sentences, above.*

Grants of immunity: As a policy, we disfavor grants of immunity and use it in rare circumstances, usually where there is no alternative means of disrupting and/or prosecuting a criminal conspiracy that presents a serious threat to the public's safety.

10. Comment on the felony screening process currently used by the State's Attorney's Office.

Our office has a nationally recognized felony review unit that operates twenty-four hours a day, seven days a week. The felony review unit screens every non-narcotics felony charge in Cook County. Our felony review unit examines the cases police bring to us to determine if there is sufficient evidence to bring charges. We go to the sites to interview police and the accused. I have expanded our felony screening process over the course of my administration to require re-screening of all felony cases remanded by reviewing courts for retrials. These cases receive the same thorough screening and level of review that is employed on a new case entering the system. This reform, which grew out of our review of the Ford Heights Four cases is the most aggressive screening process ever adopted for post-conviction cases in America. I have instituted more stringent review requirements in capital cases and assign only veteran trial assistants to murder cases. I have doubled the number of veteran trial assistant who work in the Felony Review Unit and now require that our assistants go through preliminary hearings before being transferred to felony review as part of their training track within the office. I have also assigned specialists to review and screen hate crimes, domestic violence crimes, sex crimes and assaults against minors. It is these cases that are the most difficult to prove and that involve a vulnerable population.

11. What do you think about the use of programs as alternatives to prosecution?

Under my administration, the Cook County State's Attorney's Office has been nationally recognized as a leader in the development of and reliance upon diversion programs. As recently as January 8, 2004, the Chicago Sun-Times reported the findings of the Washington-based Coalition for Juvenile Justice touting the Cook County juvenile justice system and its reliance upon diversion programs as an alternative to locking up delinquent children as they wait for trial. The article reported that detention of young offenders nationwide had swelled 72 percent in the last decade but that over the same period, juvenile detention in Cook County had fallen by 40 percent. Indeed, since taking office, while the number of juvenile cases being referred to the office has remained fairly constant, the number of juvenile cases we actually file has declined from approximately 22,000 cases per year to approximately 8,500 per year. This dramatic reduction is due to our development and increased reliance upon community-based diversion programs such as victim-offender mediation, mentoring programs and first-time offender retail theft program. I firmly believe that by providing non-violent juveniles who are not flight risks with an alternative to incarceration, we can ultimately save money and improve the youth's chances for positive change.

The same sort of success can be reported with respect to the narcotics cases diverted to Drug School. Drug School is available for first-time, non-violent adult offenders charged with possession of small amounts of illegal drugs. A second treatment program known as Rehabilitative Alternative Probation (“RAP”) is available to those who are arrested on simple possession charges while already on probation for a prior class 4 felony or non-trafficking drug conviction. Since 1996, the number of adult defendants registered for Drug School has increased more than three-fold – from 1,216 in that year to more than 3,757 in 2002. At the Juvenile Court level, over 4,800 youths under the age of 17 were enrolled in Drug School from 1996 to 2001. Unfortunately, funding was cut for the juvenile component of Drug School, requiring the termination of this portion of the Drug School program in 2002. Finally, recognizing that the commission of most felonies is rooted in drug addiction, I worked with TASC and others in Springfield to encourage a program for drug screening of all felony offenders and treatment for those found to be users. In addition, I supported the Cook County Sheriff’s efforts to create a “boot camp” type of program for non-violent female offenders that provided them with parenting and job skills, and other basic tools for becoming a productive member of society.

12. Should the present procedures for bail and personal recognizance bonds be changed and, if so, how?

We are always looking at ways to improve criminal procedures and have advanced legislation this year to prevent drug dealers’ use of the bail bond system to launder ill-gotten money. In the past, we supported legislation that requires any portion of bail security deposited to obtain the bailment to be forfeited to the State to pay for outstanding child support arrearages owed by the accused.

13. What is your opinion on the rights of attorneys to unionize.

Prior to my taking office, the Illinois courts ruled that prosecutors cannot be organized.

14. What changes, operational, legislative, or financial, do you believe are necessary to enable this office to be more effective?

With respect to operational and legislative changes, I refer you to the goals I set forth in response to item number 7 in the Background Section of this questionnaire. With respect to financial goals, under my administration, the Cook County State’s Attorney’s Office has had only minimal increases in its budget. We now employ fewer assistant state’s attorneys than we did four years ago. Additionally, in a national study of comparable prosecutor’s offices, the Cook County State’s Attorney’s Office had a lower cost per attorney than other jurisdictions, including New York. It is my intention to continue this high level of fiscal responsibility. I also intend to continue our aggressive pursuit of grants which, in the past, have enabled us to initiate our Cold Case Unit, expand our narcotics, domestic violence, victim-witness, community prosecution and other programs.

15. What means would you employ to encourage neighborhood outreach and citizen input into your office?

We opened the aforementioned community prosecutions offices in the past few years as a way to reach into the community and to learn what its priorities are. Our victim/witness unit also keeps us in close touch with the people we serve. I personally attend numerous community meetings each year to talk directly with citizens regarding their concerns, and I have established community based advisory boards in the areas of nuisance abatement and hate crimes as well as an Asian American Advisory Council, an African American Advisory Council, a Hispanic Advisory Council and a Gay, Lesbian, Bi-Sexual and Transgender Advisory Council. I have a Community Relations Department that has developed numerous outreach programs and crime prevention programs. We reach young children with our Puppet Patrol, teaching them how to avoid gang recruitment, drug addiction and providing them with general personal safety information. We reach teens with educational programs regarding drugs and addiction, truancy, gang prevention, domestic violence prevention and youth motivation. We have liaisons for the African American, Asian –Pacific, Hispanic and gay and lesbian communities. We also have a seniors specialist who reaches out to our senior population to educate them regarding fraud, identity theft and other criminal behavior targeted toward seniors.

16. What plans, if any, are needed to make it possible to recruit and hold long-time career personnel in this office?

When I was first elected as State’s Attorney, I sought to professionalize the office. It is only through hiring and retaining quality attorneys that we can reach the high level of professionalism we are striving for. I created a position dedicated to the recruitment, hiring of assistant state’s attorneys and training of these attorneys to make them the best prosecution team in the country. I also advocated for measures to encourage longevity in the office, including a law school loan forgiveness program for government lawyers who are paid far less than their counterparts in the private practice and an increase in assistants’ retirement benefits.

Training is a top priority for my administration to ensure that the best attorneys represent the People of Illinois in their pursuit of justice. To that end, we have devoted resources to qualify 197 assistant state’s attorneys in Cook County to become members of the Capital Litigation Bar established by the Illinois Supreme Court in 2001. Each year, we send assistants to National Trial Institute Advocacy training programs and we conduct both mandatory trial advocacy training and voluntary bi-weekly in-house training sessions for our assistants.

17. a) What is your position in regard to putting all Assistant State’s Attorneys and other employees of your office under Civil Service or other merit systems?

b) How would hiring minorities and women and retaining career personnel in your office be affected?

Prior to my taking office, the Illinois Supreme Court found it unconstitutional for assistant state’s attorneys to unionize. In Illinois, assistant state’s attorneys act in the name of the State’s Attorney. It is important that

prosecutors be responsive to the policies of the office. Nonetheless, it has been my commitment as State's Attorney to hire and promote on the basis of merit.

18. What is your position on state's attorney promotions based on convictions?

We do not promote based on convictions. To do so would encourage our prosecutors to seek convictions at the expense of seeking justice. We have never engaged in such a practice in this office and will never do so.

19. How would you address the issue of pressure on public defenders to plea bargain?

That would be better answered by the public defender.

20. How would you address the issue of prosecuting police officers for police brutality or any other crime?

A great majority of police officers are performing a vital function under very dangerous conditions and deserve our support. However, when a police officer misbehaves, violating public trust, confidence, or the law, he or she must face the consequences. To that end, we established a Professional Standards office that holds police officers accountable for excessive force and other misconduct. That unit operates distinct from the rest of the office and has a "firewall" that separates our prosecutors in this unit from police. We do not want those assistants working with police one day, then prosecuting them the next day. This unit produced the indictments against the sheriff's police officer involved in the death of the inmate at the Bridgeview lockup and the shooting involving an African American couple in the suburbs.

SENTENCING

21. Has determinate sentencing had an effect on crime prevention or the behavior of inmates?

The decrease in the crime rate is an encouraging sign that tools currently in effect are working. At the same time, it is difficult to isolate one factor and determine the impact it has or has had on the crime rate or crime prevention.

22. What is your opinion on the victim impact statements in the sentencing process?

I strongly support allowing victims to have the opportunity to have a voice on the impact that a particular crime has had on them and their families. For too long, these voices were silenced by the law. To that end, we worked to expand the law to include non-familial housemates and relations to have an opportunity to provide a victim impact statement to the court at the time of sentencing. We also supported community impact statements in the course of sentencing those who affect entire neighborhoods by their drug dealing and prostitution

PROSECUTORIAL PRIORITIES

23. **What are your priorities in prosecuting various types of crime? What is your attitude toward prosecuting victimless crimes?**

Our highest priority is to work with local law enforcement to develop strategies to thwart street gangs, narcotics dealers and those using guns while engaging in criminal activity. These offenses have proved to be the root of most crimes and those that inflict the most damage in our community. Our criminal laws are the product of our legislature having determined that these offenses undermine the safety and welfare of our community. As prosecutors it is our obligation to hold the right people accountable for these crimes and to do so with professionalism and an understanding that we seek justice and not simply a conviction.

24. **Comment on the adequacy of the State's Attorney's treatment of crimes of domestic violence.**

I established the office's first Domestic Violence unit, and our Target Abuser Call program that handles the most serious cases has been praised by U.S. Attorney General Janet Reno and held out as a national model. The unit's conviction rate is about four times the national level. We also partnered with domestic violence advocacy groups and shelters to create a Resource Center, housed in our offices, to provide job training, educational, parenting and childcare resources to victims of domestic violence.

25. **How would you address the problem of hate crimes and violence against racial minorities, gays and lesbians? How would you implement the Hate Crimes statute?**

As part of our community prosecutions unit, we have made the prosecution of hate crimes one of the priorities of our office. Indeed, U.S. Attorney Patrick Fitzgerald lauded our efforts in this area calling the Cook County State's Attorney's Office the leader in the country in the prosecution of hate crimes. I testified before Congress in support of a federal hate crime law. We responded to the killing spree of Benjamin Smith in August, 1999, by tripling the number of prosecutors we assigned to prosecute these crimes. We train both our people and the police in hate crimes, and our hate crimes manual is a model for prosecutors nationwide. We also championed Illinois' Hate Crime Conspiracy Against Civil Rights law and made it illegal to use electronic media, such as email, for hate-based harassment.

26. **Under what circumstances would you prosecute "right to life" demonstrators?**

The role of the State's Attorney's Office is prosecuting people when they violate the law. People involved in these activities should have to do so within the law.

27. **Comment on the current procedures for handling rape cases. What changes would you make, if any?**

We handle rape cases with the victim in mind as much as the perpetrator. Such assaults are dealt with severely by our office and prosecuted to the full extent of the law. We created a felony review sex crimes specialist. The specialist handles a case all the way through the preliminary hearing to the indictment. One assistant state's attorney is then assigned to the case after arraignment and follows the case through trial. This is done to cut down on the number of times a victim has to tell her story to a stranger. My office established the first SART (Sexual Assault Response Team) in Cook County. The SART consists of a forensic nurse, called a Sexual Assault Nurse Examiner ("SANE"), a prosecutor, a police officer and a victim advocate who will review sexual assault cases together and work to reduce trauma to the victim. To further the concept of the SART, we conducted a SANE training seminar for forensic nurses and included law enforcement, prosecutors and advocates in the training. The training included information on sensitivity to victims of sexual assault, cultural competency, evidence collection and sexual assault laws.

We also opened the Child Advocacy Center to provide a safe haven for child victims of sexual assault to work with prosecutors to bring perpetrators to justice. My efforts led to the enactment of a law to extend the statute of limitations in sexual assault cases in instances where the offender's DNA profile is obtained. We called for and strongly support additional funding to deal with the backlog of unprocessed rape kits. We owe it to the victims of this horrific crime to process these kits within a reasonable time so the perpetrator can be brought to justice.

28. What would you change, and what would you keep, in the present system of handling criminal housing prosecutions?

We target property owners with nuisance abatement charges if they are harboring drug dealers. We have had tremendous success abating drug nuisances in Cook County. Since taking office, the number of nuisances abated has increased from 781 abatements in 1996 to 7,807 abatements in 2003. Otherwise, routine housing matters are handled in Chicago by the Corporation Counsel's office and in the suburbs by the individual town or village.

29. Do you plan to prosecute election fraud. Please be specific.

We take complaints concerning election fraud throughout the year and investigate and prosecute those charges where sufficient evidence of fraud exists. For example, we recently indicted and successfully prosecuted a precinct captain in Cicero on absentee ballot fraud charges. We have also charged precinct workers in Chicago for their illegal actions. We also try to deter election fraud. We have assistant state's attorneys assigned to election duty throughout the county on Election Day. They are on call to advise police and election judges on possible violations. We have a hotline for citizens to call with complaints, and then we follow-up on those complaints. We are concerned with modern electronic techniques, such as solicitation of vote through the internet, and must do all we can to catch those who thwart the law.

30. What plans do you have to enhance the collection of unpaid taxes on behalf of the county when such matters come into your preview?

We serve as counsel to the County Treasurer and provide advice and support to her regarding the scavenger tax sale and annual tax sale, which results in the collection of millions of dollars in delinquent property taxes for the County. For those taxes that remain unsold through the tax sale process, we pursue actions in debt on those properties or, in some instances, claims in bankruptcy court.

CIVIL DUTIES

31. What types of cases involving law reform or civil activism (such as civil rights or environmental enforcement) would you anticipate bring to the State's Attorney's Office?

We proactively enforce all environmental laws and regulations on the state and county level including the Illinois Environmental Protection Act. We work closely with the State of Illinois, the City of Chicago and Cook County to search out environmental infractions, including infractions relating to medical waste disposal, lead abatement and mercury contamination. We successfully pursued a suit against Allied Asphalt for the emission of noxious fumes that caused the evacuation of a neighboring school. We have successfully pursued changes in Illinois' environmental laws and opposed laws that are anti-consumer, including the Exelon rate hike legislation of this past fall veto session and SBC's efforts to increase its charges to other carriers last spring. We champion consumer rights and prosecute such anti-consumer infractions as identity theft, deceptive business practices and fraud. We obtained an injunction and obtained over a \$1 million settlement for forgiveness of debts and fees against Nationwide Budget Finance for its payday loans. We conducted stings on the internet to stop the illegal sale of switchblades and such drugs as Cipro and Ephedra. We filed suit against Blue Cross Blue Shield for the improper denial of benefits for a child skull molding device, and we joined suit with the City of Chicago against the firearm industry for creating a public nuisance. These are only a sampling of the kinds of civil activism and law reform pursued by our office.

VARIOUS

32. How would you speed up the time which normally elapses between arrest and trial? Be specific.

Under the law, a defendant can seek a trial at any time that they want. It is our policy to answer ready for trial as quickly as possible. The Speedy Trial act states the prosecution must be ready in 120 days if the defendant is in jail and within 180 days if he is not in jail. We continue to answer ready for trial as we strive to balance the defendant's right to a speedy trial with the victim's and families' rights for justice.

33. Comment on the propriety of prosecutorial public criticism of judges on criminal case outcomes. Be specific.

We respect and understand that the judge's role is to make decisions on the law. As advocates we will argue what we believe to be the proper outcome of a case. We respect the final decision of the trial judge and the appellate court. Because of the nature of the process, there will be times that we may disagree with a judge's decision but, even in those instances, we respect the role of the judge to interpret the law..

34. Do you favor mandatory drug testing of: your employees? Prisoners? Probationers? Under what circumstances and standards?

We do not have mandatory drug-testing of our employees. We respect the provisions of the Fourth Amendment against unlawful searches. However, as a law enforcement agency, if we have reason to believe that an employee is involved in illegal drug use, it is proper that we seek confirmation of the drug use, if necessary, and have an opportunity to intervene and help that employee seek rehabilitation assistance. A person convicted of a felony can be subject to drug-testing if that is within the terms of his probation or work release. Drug testing of prisoners would be up to the Illinois Department of Corrections or the Sheriff's police, if the prisoner is still in the Cook County jail.