

# OFFICE OF STATE'S ATTORNEYS APPELLATE PROSECUTOR

## Government Services/Judicial Agency

FY14 Headcount: 81

<http://www.ilsaap.org/>

### **Summary of Agency Operations**

The Office of the State's Attorneys Appellate Prosecutor represents the state on appeal. The agency represents state's attorneys with Illinois Controlled Substances Act, the Narcotics Profit Forfeiture Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, the Capital Crimes Litigation Act, and the Illinois Public Labor Relations Act and assists state's attorneys with criminal investigations and prosecutions, serves as special prosecutor when appointed, and conducts criminal justice training programs.

### **Internal Hiring**

**Agency positions subject to criminal history restrictions, by statute or regulation**  
Attorneys

### **Statutory/regulatory restrictions applicable to internal hiring**

**Supreme Court of Illinois, Rules on Admission and Discipline of Attorneys, Article VII, Part A Admission to the Bar, Rule 701 General Qualifications** (a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, **of good moral character** and general fitness to practice law, and have satisfactorily completed examinations on academic qualification and professional responsibility as prescribed by the Board of Admissions to the Bar or have been licensed to practice law in another jurisdiction and have met the requirements of Rule 705.

**Restriction Type:** Mandatory

**Restriction Duration:** Not specified

### **System of personnel administration**

#### **State's Attorneys Appellate Prosecutor's Act [725 ILCS 210/6]**

Sec. 6. The Office is to be organized in the following manner:

(a) The staff of the Office of the State's Attorneys Appellate Prosecutor shall consist of a Director, 4 Deputy Directors, Staff Attorneys and such other administrative, secretarial and clerical employees as may be necessary.

(b) The **Director and all Office Attorneys must be licensed to practice law in the State of Illinois**. All full-time legal personnel shall devote full time to their duties and may not engage in the private practice of law, except as provided in Section 7.02.

(c) The Director and such other employees as may be hired hereunder shall not be subject to the provisions of the Illinois Personnel Code.

**Criminal history record check procedures**

**1) Self-disclosure on application**

Not mentioned in the agency's report to the Task Force

**2) Background check review procedure**

Not mentioned in the agency's report

**Exemption, waiver, or review mechanisms**

Not mentioned in the agency's report

**Number of job applicants who were subject to a criminal history records check in 2010-2011**

Not mentioned in the agency's report

**Occupational Licensing, Certification, Regulation**

N/A

**Employment Contracting**

**Contract positions subject to criminal history restrictions**

Investigators

**Contracting restrictions based on criminal history**

**(State's Attorneys Appellate Prosecutor's Act [725 ILCS 210/7.06])**

Sec. 7.06. (a) The Director may contract for such investigators to provide investigative services in criminal cases and tax objection cases for staff counsel and county state's attorneys. Investigators may be authorized by the board to carry tear gas gun projectors or bombs, pistols, revolvers, stun guns, tasers or other firearms.

Subject to the qualifications set forth below, **investigators shall be peace officers and shall have all the powers possessed by policemen in cities and by sheriffs;** provided, that investigators shall exercise such powers anywhere in the State only after contact and in cooperation with the appropriate local law enforcement agencies.

**No investigator shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board** or such board waives the training requirement by reason of the investigator's prior law enforcement experience or training or both.

The **board shall not waive the training requirement** unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, state or federal law enforcement agency, 2 of which shall have been in an investigatory capacity.

**(50 ILCS 705/6.1) Police Training Act Sec. 6.1. Certification of full-time and part-time police officers.** (a) The Board must review police officer conduct and records to ensure that **no police officer is certified or provided a valid waiver if that police officer has been convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony.**

**Restriction Type:** Mandatory

**Restriction Duration:** Not specified

**Summary of Employment Restrictions from Agency Report**

According to the Office of the State's Attorneys Appellate Prosecutors report to the Task Force, all attorneys must be licensed to practice law in Illinois. All employees must be in compliance with the Department of Homeland Security by verifying eligibility through Form I-9.

There are no criminal records-based restrictions for employees.