

# The law says, Towne says

| Section               | Text  | What Happened in LaSalle County   | Towne's Response  |
|-----------------------|---|---|---|
| 55 ILCS 5/3-9005 (b)  | "The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas, summonses, make return of process, and conduct investigations which assist the State's Attorney in the performance of his duties."   | Towne's special investigators pulled over vehicles, made arrests and seized cash. The 3rd District Appellate Court ruled it unconstitutional: "With the SAFE unit, the state's attorney created yet another branch of law enforcement, the conduct of which falls well outside the duties contemplated by Section 3-9005(b) for special investigators."   | Towne has fought the ruling in an appeal to the Illinois Supreme Court. He argues another section of the statute allows state's attorneys to bestow their investigators "police powers."  |
| 720 ILCS 550/12 (g)   | "Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if: (I) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services; (II) the intergovernmental agreement for police services provides for consideration in an amount of not less than \$1,000,000 per year; (III) the seizure took place within the geographical limits of the municipality." | The city of Spring Valley received shared funds from the SAFE Unit. Spring Valley is a municipality with a population less than 20,000. The memorandum of understanding between the SAFE Unit and Spring Valley does not say Spring Valley will provide \$1 million of police services annually. None of the seizures took place within Spring Valley, which is in Bureau County. The SAFE Unit operated in LaSalle County.   | "I'm not sure if the section you just read to me was completely applicable to SAFE when we created the unit."   |
| 725 ILCS 150/2        | "While forfeiture may secure for State and local units of government some resources for deterring drug abuse and drug trafficking, forfeiture is not intended to be an alternative means of funding the administration of criminal justice."  | The SAFE Unit used money from seizures made during drug arrests to pay for its officers' salaries, cars, equipment, guns, ammunition, office furniture and traveling for education conferences Towne said were necessary to make highway traffic stops. In an interview, Towne was asked if the SAFE Unit was self-funding. He replied, "It is, to some degree. ... We're (close) to breaking even because initially we had to buy squad cars, in-car computers, in-car cameras, salaries and things of that nature." | "I appreciate and respect what the statute says, although one could argue that that is somewhat vague or ambiguous language. And what it boils down to for me is that with a state that's running out of money ... everything I can do consistent with my goals to support law enforcement, drug prevention and drug awareness, I will continue to do to the best of my knowledge and ability." |
| 720 ILCS 550/10.2 (c) | "The proceeds of all drug fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis."  | Money collected from drug fines was spent on donations to high schools; for the creation of scholarships; on softball league T-shirts; sponsoring baseball tournaments; weight-lifting equipment for the sheriff's office; etc.   | "I guess you can't go by the adage of it's right because it's always been done that way. I can certainly tell you that all of my predecessors have utilized drug fund money at their discretion to improve the quality of life in LaSalle County. And that's kind of the motto that I adhere to."   |
| 720 ILCS 550/12(g)    | "12.5% (of civil forfeiture funds) shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances, or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses."  | Funds from an account filled by money from civil forfeitures were used to pay for Towne and his employees to take trips to educational conferences costing nearly \$100,000 — including \$17,000 in per diem payments.  | "I have no problem sending officers anywhere. I have no problem buying equipment for police departments. I think that's what the money is there for, quite frankly, to be able to educate anybody, including myself, on things we need to be aware of."   |