

**STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD**

**COMPLIANCE EXAMINATION**

For the Two Years Ended June 30, 2012

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2012

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STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2012

**AGENCY OFFICIALS**

Board Chairperson (8/31/2011 - Current)	Ms. Alyssa Williams -Schafer
Board Chairperson (Through 8/30/2011)	Ms. Cara Smith

Board office is located at:

1301 Concordia Ct.  
P.O. Box 19277  
Springfield, IL 62794-9277



## **SEX OFFENDER MANAGEMENT BOARD**

### MANAGEMENT ASSERTION LETTER

May 2, 2013

Honorable William G. Holland  
Auditor General  
Iles Park Plaza  
740 East Ash Street  
Springfield, IL 62703  
Attention: Sara Metzger, Audit Manager

Dear Mr. Holland:

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the Sex Offender Management Board (Board). We are responsible for and we have established and maintained an effective system of internal controls over compliance requirements. We have performed an evaluation of the Board's compliance with the following assertions during the two-year period ended June 30, 2012. Based on this evaluation, we assert that during the years ended June 30, 2011 and June 30, 2012, the Board has materially complied with the assertions below.

- A. The Board has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Board has obligated, expended, received and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Board has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

Yours very truly,

Sex Offender Management Board

  
Alyssa Williams-Schafer, Board Chair

  
Bryan Glecker, Fiscal Officer

  
William Barnes, Chief Legal Counsel

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2012

**COMPLIANCE REPORT**

**SUMMARY**

The compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and in accordance with the Illinois State Auditing Act.

**ACCOUNTANTS' REPORT**

The Independent Accountants' Report on State Compliance, on Internal Control Over Compliance and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

**SUMMARY OF FINDINGS**

<u>Number of</u>	<u>Current Report</u>	<u>Prior Report</u>
Findings	1	3
Repeated findings	1	2
Prior recommendations implemented or not repeated	2	0

**SCHEDULE OF FINDINGS**

<u>Item No.</u>	<u>Page</u>	<u>Description</u>	<u>Finding Type</u>
FINDINGS (STATE COMPLIANCE)			
12-1	7	Board not fully seated	Noncompliance
PRIOR FINDINGS NOT REPEATED			
A	8	Failure to establish or plan for offender tracking system	
B	8	Failure to develop and implement measures of success	

**EXIT CONFERENCE**

The Sex Offender Management Board waived an exit conference in correspondence dated May 2, 2013. The response to the recommendation was provided by Alyssa Williams-Schafer, Chairperson, in a memo dated May 2, 2013.

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OFFICE OF THE AUDITOR GENERAL  
WILLIAM G. HOLLAND

INDEPENDENT ACCOUNTANTS' REPORT ON STATE COMPLIANCE,  
ON INTERNAL CONTROL OVER COMPLIANCE, AND ON  
SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

Honorable William G. Holland  
Auditor General  
State of Illinois

**Compliance**

We have examined the State of Illinois, Sex Offender Management Board's compliance with the requirements listed below, as more fully described in the Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide) as adopted by the Auditor General, during the two years ended June 30, 2012. The management of the State of Illinois, Sex Offender Management Board is responsible for compliance with these requirements. Our responsibility is to express an opinion on the State of Illinois, Sex Offender Management Board's compliance based on our examination.

- A. The State of Illinois, Sex Offender Management Board has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The State of Illinois, Sex Offender Management Board has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The State of Illinois, Sex Offender Management Board has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States; the Illinois State Auditing Act (Act); and the Audit Guide as adopted by the Auditor General pursuant to the Act; and, accordingly, included examining, on a test basis, evidence about the State of Illinois, Sex Offender Management Board's compliance with those requirements listed in the first paragraph of this report and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the State of Illinois, Sex

Offender Management Board's compliance with specified requirements.

In our opinion, the State of Illinois, Sex Offender Management Board complied, in all material respects, with the compliance requirements listed in the first paragraph of this report during the two years ended June 30, 2012. However, the results of our procedures disclosed an instance of noncompliance with the requirements, which is required to be reported in accordance with criteria established by the Audit Guide, issued by the Illinois Office of the Auditor General and which is described in the accompanying schedule of findings as item 12-1.

### **Internal Control**

Management of the State of Illinois, Sex Offender Management Board is responsible for establishing and maintaining effective internal control over compliance with the requirements listed in the first paragraph of this report. In planning and performing our examination, we considered the State of Illinois, Sex Offender Management Board's internal control over compliance with the requirements listed in the first paragraph of this report as a basis for designing our examination procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Audit Guide, issued by the Illinois Office of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the State of Illinois, Sex Offender Management Board's internal control over compliance.

*A deficiency in an entity's internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with the requirements listed in the first paragraph of this report on a timely basis. *A material weakness in an entity's internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

As required by the Audit Guide, immaterial findings excluded from this report have been reported in a separate letter.

The State of Illinois, Sex Offender Management Board's response to the finding identified in our examination is described in the accompanying schedule of findings. We did not examine the State of Illinois, Sex Offender Management Board's response and, accordingly, we express no opinion on the response.



### Supplementary Information for State Compliance Purposes

Our examination was conducted for the purpose of forming an opinion on compliance with the requirements listed in the first paragraph of this report. The accompanying supplementary information for the years ended June 30, 2012 and June 30, 2011 in Schedules 1 through 5 and the Analysis of Operations section is presented for the purposes of additional analysis. We have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the June 30, 2012 and June 30, 2011 accompanying supplementary information in Schedules 1 through 5. However, we do not express an opinion on the accompanying supplementary information.

We have not applied procedures to the June 30, 2010 accompanying supplementary information in Schedules 3 through 5 and in the Analysis of Operations section, and accordingly, we do not express an opinion or provide any assurance on it.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, and the Sex Offender Management Board and is not intended to be and should not be used by anyone other than these specified parties.



Bruce L. Bullard, CPA

Director of Financial and Compliance Audits

May 2, 2013



STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**SCHEDULE OF FINDINGS**  
For the Two Years Ended June 30, 2012

12-1. **FINDING** (Board not fully seated)

The Sex Offender Management Board (Board) did not consist of all required members throughout Fiscal Years 2011 and 2012 as required by the Sex Offender Management Board Act.

The Board was statutorily created to standardize the evaluation, identification, counseling, and continued monitoring of sex offenders at each stage of the criminal or juvenile justice systems or mental health systems so that those offenders will curtail recidivistic behavior and the protection of victims and potential victims will be enhanced.

The Board had four vacancies during Fiscal Years 2011 and 2012. Three of the vacancies were to be filled by appointees selected by the Governor and remained unfilled throughout the examination period. One vacancy was to be filled by an appointee selected by the Office of the Attorney General (Attorney General), and originated in July 2011.

The Sex Offender Management Board Act (Act) (20 ILCS 4026/15(a)) required the Board to be composed of 20 members as of June 30, 2012. Among its members, the Act required the Board to include two members appointed by the Governor who are representatives of the judiciary, specifically one person specializing in juvenile court matters and one person specializing in adult criminal court matters; one member appointed by the Attorney General who is a State's Attorney or assistant State's Attorney representing felony court matters; and one member appointed by the Governor who is a representative of law enforcement, specifically a juvenile officer.

Board management stated that they have continued to communicate the vacancies to the Governor's Office, but the vacancies remain unfilled. Board management also stated they have discussed the State's Attorney vacancy with the Attorney General.

Failure of the Board to be composed of all required members is noncompliance with State statute and limits the input into Board decisions by all parties intended by statute. (Finding Code No. 12-1, 10-3, 08-2)

**RECOMMENDATION**

We recommend the Board continue communications with the Governor's Office and the Attorney General's Office to request that the vacancies be filled.

**BOARD RESPONSE**

The Board concurs with this finding and the recommendation. As of the date of this response, the Board is fully seated.

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**PRIOR FINDINGS NOT REPEATED**  
For the Two Years Ended June 30, 2012

A. **FINDING** (Failure to establish or plan for offender tracking system)

During the prior engagement, the Sex Offender Management Board (Board) did not develop tracking and monitoring systems as required by the Sex Offender Management Board Act nor did the Board establish a formal planning program with specific timelines for development of those systems.

During the current engagement, the Board successfully sought statutory changes that repealed this requirement from the Board's mandated functions (Public Act 97-1098). (Finding Code No. 10-1, 08-1)

B. **FINDING** (Failure to develop and implement measures of success)

During the prior engagement, the Sex Offender Management Board (Board) did not develop and implement measure of success based upon a no-cure policy for intervention as required by the Sex Offender Management Board Act.

During the current engagement, the Board successfully sought statutory changes that repealed the mandate to implement measures of success based on a no-cure policy (Public Act 97-1098). (Finding Code No. 10-2)

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2012

**SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES**

**SUMMARY**

Supplementary Information for State Compliance Purposes presented in this section of the report includes the following:

- Fiscal Schedules and Analysis:
  - Schedule of Appropriations, Expenditures and Lapsed Balances
  - Comparative Schedule of Net Appropriations, Expenditures and Lapsed Balances
  - Schedule of Changes in State Property
  - Analysis of Significant Variations in Expenditures
  - Analysis of Significant Lapse Period Spending
  
- Analysis of Operations (Not Examined):
  - Agency Functions and Planning Program (Not Examined)
  - Average Number of Employees (Not Examined)
  - Evaluations Reimbursed (Not Examined)

The accountants' report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the auditors have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the June 30, 2012 and June 30, 2011 in Schedules 1 through 5. However, the accountants do not express an opinion on the supplementary information. The accountants' report also states that they have not applied procedures to the Analysis of Operations Section, and accordingly, they do not express an opinion or provide any assurance on it.

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
Appropriations for Fiscal Year 2012  
Fourteen Months Ended August 31, 2012

P.A.97-0056 FISCAL YEAR 2012	Appropriations	Expenditures Through June 30	Approximate Lapse Period Expenditures July 1 to August 31	Approximate Total Expenditures 14 Months Ended August 31	Approximate Balances Lapsed August 31
SEX OFFENDER MANAGEMENT BOARD FUND - 527					
Evaluation, Treatment, and Monitoring Programs and Grants	\$ 100,000	\$ 1,491	\$ 20,570	\$ 22,061	\$ 77,939
Total Fiscal Year 2012	<u>\$ 100,000</u>	<u>\$ 1,491</u>	<u>\$ 20,570</u>	<u>\$ 22,061</u>	<u>\$ 77,939</u>

Note 1: Data in the above schedule were taken directly from the records of the State Comptroller, which have been reconciled to Board records.

Note 2: Expenditure amounts are vouchers approved for payment by the Board and submitted to the State Comptroller for payment to the vendor.

Note 3: Approximate lapse period expenditures do not include interest payments approved for payment by the Board and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS  
 SEX OFFENDER MANAGEMENT BOARD  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES**  
 Appropriations for Fiscal Year 2011  
 Eighteen Months Ended December 31, 2011

P.A. 96-0956 FISCAL YEAR 2011	Appropriations	Expenditures Through June 30	Lapse Period Expenditures July 1 to December 31	Total Expenditures 18 Months Ended December 31	Balances Lapsed December 31
SEX OFFENDER MANAGEMENT BOARD FUND - 527					
Evaluation, Treatment, and Monitoring Programs and Grants	\$ 500,000	\$ 24,979	\$ 1,250	\$ 26,229	\$ 473,771
Total Fiscal Year 2011	<u>\$ 500,000</u>	<u>\$ 24,979</u>	<u>\$ 1,250</u>	<u>\$ 26,229</u>	<u>\$ 473,771</u>

Note 1: Data in the above schedule were taken directly from the records of the State Comptroller, which have been reconciled to Board records.

Note 2: Expenditure amounts are vouchers approved for payment by the Board and submitted to the State Comptroller for payment to the vendor.

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS,  
EXPENDITURES AND LAPSED BALANCES**

For the Fiscal Years Ended June 30,

	Fiscal Year		
	2012	2011	2010
Sex Offender Management Board Fund - 527	P.A. 97-0056	P.A. 96-0956	P.A. 96-0046
Appropriations	<u>\$ 100,000</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>
<u>Expenditures</u>			
Evaluation, Treatment, and Monitoring Programs and Grants	<u>22,061</u>	<u>26,229</u>	<u>21,178</u>
Lapsed Balances	<u><u>\$ 77,939</u></u>	<u><u>\$ 473,771</u></u>	<u><u>\$ 478,822</u></u>

Note: Fiscal Year 2012 and Fiscal Year 2010 expenditures and related lapsed balances do not reflect any interest payments approved by the Board and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**SCHEDULE OF CHANGES IN STATE PROPERTY**  
For the Two Years Ended June 30, 2012

Balance at July 1, 2010	\$ 3,522
Additions	0
Deletions	0
Net Transfers	<u>0</u>
Balance at June 30, 2011	<u><u>\$ 3,522</u></u>
Balance at July 1, 2011	\$ 3,522
Additions	0
Deletions	0
Net Transfers	<u>0</u>
Balance at June 30, 2012	<u><u>\$ 3,522</u></u>

This schedule has been reconciled to property reports submitted to the Office of the Comptroller.



STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**ANALYSIS OF SIGNIFICANT VARIATIONS**  
For the Two Years Ended June 30, 2012

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN  
FISCAL YEARS 2011 AND 2012**

We noted no significant variations in expenditures between Fiscal Years 2011 and 2012.

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN  
FISCAL YEARS 2010 AND 2011**

The increase of \$5,051 is attributable to the Board hosting a training seminar in Bloomington, Illinois in November 2010. No such training was held in Fiscal Year 2010.

**ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING**

**FISCAL YEAR 2012**

The fiscal responsibilities for the Board transferred from the Office of the Attorney General to the Department of Corrections during Fiscal Year 2012. The Department of Corrections was unable to obtain access to the Board's funds until August 2012. As a result, all expenditures for Fiscal Year 2012 were processed during lapse period.

**FISCAL YEAR 2011**

We noted no significant lapse period spending during Fiscal Year 2011.

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**ANALYSIS OF OPERATIONS**  
For the Two Years Ended June 30, 2012  
(Not Examined)

**AGENCY FUNCTIONS AND PLANNING PROGRAM**

**FUNCTIONS**

The Sex Offender Management Board (Board) was established by the Sex Offender Management Board Act (20 ILCS 4026/1 et seq.) on July 22, 1997 to standardize the evaluation, identification, counseling, and continued monitoring of sex offenders at each stage of the criminal or juvenile justice systems or mental health systems.

The Board's mission is "to develop and implement standards and laws to protect victims and communities and to hold offenders accountable through the identification, treatment, and monitoring of both adult and juvenile sex offenders." The Board established goals at its inception in 1997, and those goals are as follows:

- To use state-of-the-art assessment, treatment, supervision, and polygraph in the management of sex offenders;
- To establish a system of implementation and enforcement of standards across the criminal justice system, juvenile justice system, private providers, and monitoring agencies; and
- To contain all sex offenders to protect victims and increase public safety.

To improve access for indigent offenders to professional treatment and to reduce the financial burden professional treatment places on the Illinois Department of Corrections and other agencies providing supervision, the Board offers reimbursements to supervising agencies to defray the costs of juvenile and adult sex offender evaluations as required by the Sex Offender Management Board Act (20 ILCS 4026/16). The Board reimbursed supervising agencies a total of \$16,450 and \$22,061 during Fiscal Years 2011 and 2012, respectively.

The Board also maintained a list of more than 350 approved evaluators for the treatment and monitoring of felony sex offenders considered for probation. In addition, the Board maintained a list of approved facilities and individuals who can treat sex offenders sentenced to probation, conditional release, or periodic imprisonment. These lists are available on the Board's website at [www.illinoisattorneygeneral.gov/communities/somb/](http://www.illinoisattorneygeneral.gov/communities/somb/).

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**ANALYSIS OF OPERATIONS**  
For the Two Years Ended June 30, 2012  
(Not Examined)

**AGENCY FUNCTIONS AND PLANNING PROGRAM (Continued)**

**BOARD**

As a result of Public Act 97-0257, effective January 1, 2012, the Board is currently composed of 20 members, nine appointed by the Governor, six appointed by the Attorney General from various state agencies or law enforcement entities, and the remaining five appointments filled by the Cook County's State's Attorney, the Director of the State's Attorneys Appellate Prosecutor, the Cook County Public Defender, the State Appellate Defender and the Executive Director of the Criminal Justice Information Authority.

The members of the Board as of June 30, 2012 were:

Gubernatorial Appointee

Alyssa Williams-Shafer, Chairperson, Illinois Department of Corrections  
Michael Bednarz, Department of Human Services – Treatment and Detention Facility  
Steve Goytia, Kankakee County Probation  
Tracie Newton, Illinois State Police  
Dustin T. Sutton, Peoria Heights Police Department  
Richard Winkler, Department of Children and Family Services

Attorney General Appointee

Carol Corgan, Illinois Coalition Against Sexual Assault  
Sheryl Essenburg, Sangamon County State's Attorney's Office  
Mickie Owens, Counseling & Information for Sexual Assault and Abuse  
Cara Smith, Illinois Office of the Attorney General  
Abdi Tinwalla, Department of Human Services - Treatment and Detention Facility

Cook County State's Attorney

Jennifer Gonzalez, Designee

State's Attorney Appellate Prosecutor

Patrick Delfino

Cook County Public Defender

Amy Campanelli

Office of the State Appellate Defender

Verlin Mainz

Criminal Justice Information Authority

Lisa Stephens, Designee

STATE OF ILLINOIS  
SEX OFFENDER MANAGEMENT BOARD  
**ANALYSIS OF OPERATIONS**  
For the Two Years Ended June 30, 2012  
(Not Examined)

**AGENCY FUNCTIONS AND PLANNING PROGRAM (Continued)**

**SUBSEQUENT EVENTS**

On August 24, 2012, the Governor signed into law Public Act 97-1098, which made significant changes to the Sex Offender Management Board Act. Changes to the Act include increasing the number of Board members from 20 to 22; removing the requirement of the Board to recommend management monitoring and treatment of sex offenders; the Board is required to prescribe standardized procedures for the evaluation and management of the offender and is required to periodically review and modify the standardized procedures as necessary based on current best practices. The Board is no longer required to implement measures of success based upon a no cure policy or develop and implement methods of intervention for sex offenders but is now required to provide trainings no less than twice a year for agencies that provide supervision and management of sex offenders on best practices for treatment, evaluation, and supervision of sex offenders. All changes to the Act become effective July 1, 2013.

**AVERAGE NUMBER OF EMPLOYEES**

The Board did not have any employees during the examination period. The Board relied upon staff of the Office of the Attorney General through December 31, 2011 and the Department of Corrections from January 1, 2012 and thereafter to perform all administrative and fiscal functions during the audit period.

**EVALUATIONS REIMBURSED**

The following table presents the number of evaluations reimbursed for the past three fiscal years.

	<u>Fiscal Year Ending June 30,</u>		
	<u>2012</u>	<u>2011</u>	<u>2010</u>
Evaluations Reimbursed	45	32	50